



Regular City Commission Meeting Agenda

150 NE 2nd Avenue | Deerfield Beach, FL, 33441 | 954-480-4200

Mayor Bill Ganz

Vice Mayor Todd Drosky

District 1 Commissioner Michael Hudak

District 2 Commissioner Ben Preston

District 3 Commissioner Bernie Parness

**Tuesday
May 21, 2024
7:00 PM**

CALL TO ORDER & ROLL CALL

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

APPROVAL OF CITY COMMISSION MINUTES

ULI Workshop Minutes

Attachment: April 17, 2024

Lunchtime Workshop Minutes

Attachment: April 26, 2024

Regular City Commission Meeting Minutes

Attachment: May 7, 2024

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Planning & Zoning Board Meeting Minutes

Attachment: March 7, 2024

Code Compliance Meeting Minutes

Attachment: March 29, 2024

Community Appearance Board Meeting Minutes

Attachment: April 24, 2024

APPROVAL OF THE AGENDA

May 21, 2024

ZOOM INFORMATION

Join Zoom Meeting by clicking the below link:

<https://deerfield-beach.zoom.us/j/85453225952?pwd=aTlwV1VwL2oyandpTi9QNUFWd0NhZz09>

Join Zoom Meeting via telephone by dialing:

Call-in Number: (301) 715-8592

Meeting ID: 854 5322 5952#

Participant ID: #

Passcode: 328055#

For complete instructions on joining and/or participating during Public Comment, please click the following link or attend in person in the City Commission Chambers:

Attachment: Zoom Instructions

AWARDS & RECOGNITION

1. Certificate of Recognition presented to Mrs. Deborah Rothberger on her retirement from Deerfield Beach Elementary.

Sponsor: Department of Community Services

2. Certificate of Recognition presented by Captain Hofstein to BSO Law Enforcement staff.

Sponsor: BSO - Law Enforcement

3. **Presentation by Joshua Niemann, Assistant Director of Environmental Services, regarding the Environmental Protection Agencies final compliance ruling on P.F.A.S. and P.F.O.S.**

Sponsor: Department of Environmental Services

4. **Presentation and summary regarding the City's Commercial Brokers Breakfast held on May 2, 2024.**

Sponsor: Department of Economic Development

PUBLIC HEARINGS

5. **P.N. 2024-061: Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and adopting a substantial amendment to the Fiscal Year 2023-2024 Community Development Block Grant Annual Action Plan to reallocate \$426,482.05 of unexpended Community Block Grant CV-1 and CV-3 Program Funds from rental and utilities assistance, and planning administrative assistance to sidewalk projects in eligible areas; authorizing the City Manager to execute all applicable documents relating to the substantial amendment; providing for implementation and an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Community Services

Attachment: CDBG Annual Action Plan Amendment

PUBLIC HEARINGS – FIRST READING

6. **P.H. 2024-069: ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE CITY OF DEERFIELD BEACH LAND USE PLAN DESIGNATION FOR THE CITY-OWNED PARCEL CONSISTING OF**

APPROXIMATELY 1.52 GROSS ACRES LOCATED AT 555 SW 3RD AVENUE FROM CITY CONSERVATION TO RESIDENTIAL MEDIUM 16 DWELLING UNITS PER ACRE (LUPA #66A); PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN ACCORDINGLY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance and transmit to County

Voting Requirement: Adoption requires a 4/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Land Use Plan Amendment

PUBLIC HEARINGS – SECOND READING

- 7. P.H. 2024-067: ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; APPROVING SUPPLEMENTAL APPROPRIATIONS AND BUDGET TRANSFERS TO AND WITHIN VARIOUS CITY FUNDS, AND REDUCING APPROPRIATIONS TO THE 2018 CONSTRUCTION REVENUE BOND FUND BY \$7,794,885, AS SET FORTH IN THE ATTACHED EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Financial Services

Attachment: Budget Amendment

PUBLIC COMMENT

Persons addressing the Commission shall state his/her name and address and may speak for three (3) minutes unless extended for one (1) additional minute by the Mayor. All remarks made by the public at a Commission meeting on an agenda item shall be addressed to the Commission as a body and limited to the subject matter before the Commission at that particular time. No comments shall be made related to the personal life or personal qualities of any person and no language which would offend persons of ordinary sensibilities shall be permitted. The public shall be given an opportunity to speak on any substantive agenda item, subject to the aforementioned restrictions, prior to a vote on the matter by the

City Commission. The Commission shall determine the appropriate time, prior to the vote, for the public to speak. For consent agenda items, the public shall be given an opportunity to speak prior to the approval of the consent agenda. The Commission may, by majority vote, determine that public input on an agenda item be tabled to a future meeting so long as the vote on the agenda item take place at the future meeting and that the public input take place prior to the Commission making any decision.

CONSENT - BOARD APPOINTMENT

- 8. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Jason Leet as a regular member to the Community Appearance Board to fulfill an unexpired term; and providing for an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Commissioner Michael Hudak

Attachment: CAB Appointment

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

- 9. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, amending the 2023/2024 schedule of City Commission meetings; providing for implementation and an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Office of the City Clerk

Attachment: Meeting Schedule Amendment

- 10. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Amended and Restated ARPA Subrecipient Agreement with the Boys and Girls Club of Broward County, Inc. to extend the project completion date to June 30, 2024; authorizing execution of the Amended and Restated ARPA Subrecipient Agreement; providing for implementation and an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Community Services

Attachment: Boys and Girls Club of Broward County, Inc.

- 11. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Award of ITB #24-15-VP for structural related vehicle equipment repairs on an as-needed basis to ASR Services, Inc.; authorizing the execution of a contract with ASR Services, Inc., the sole responsive and responsible bidder, for a five-year term, with two additional two-year optional renewal periods; and providing for an effective date. (Funds from Account #450-4551-534-38-06 - Sustainable Management/Material to Maintain Equipment)**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Sustainable Management

Attachment: ASR Services, Inc.

- 12. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Second Amendment to the Agreement with Broward County for the maintenance of bus shelters to update the current list of bus shelters maintained by the City and add seven additional bus shelter installation locations; authorizing execution of the Second Amendment; providing for implementation and an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Environmental Services

Attachment: Bus Shelters

- 13. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting a drainage, flowage, and utility easement from Sandpiper Pointe Community Association, Inc., pursuant to the Development Agreement between the City and Toll Southeast, Inc. related to Sandpiper Pointe Development; providing for implementation and an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Environmental Services

Attachment: Sandpiper Pointe Development

- 14. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with McKim and Creed, Inc. to provide professional engineering services related to the upgrade of Wells 17 and 18 in an amount not to exceed \$149,659.00; providing for execution and an effective date. (Fund from Account #413-5020-533-65-30 - C.I.P. Infrastructure)**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Environmental Services

Attachment: McKim and Creed, Inc.

- 15. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with Hazen and Sawyer, P.C. to provide professional engineering services related to the NF and RO sand strainer modifications located at the West Water Treatment Plant in an amount not to exceed \$342,110.00; providing for execution and an effective date. (Fund from Account #413-5020-533-65-30 - CIP Infrastructure)**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Environmental Services

Attachment: Hazen and Sawyer, P.C.

DEPARTMENTAL BUSINESS

- 16. ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 78, "COMMUNITY APPEARANCE BOARD," SECTION 78-5 "POWERS AND DUTIES; APPEALS", SECTION 78-6 "SUBMISSION OF PLANS AND SPECIFICATIONS", AND SECTION 78-7 "EVALUATION CRITERIA; MINIMUM DESIGN CRITERIA PREREQUISITE TO ISSUANCE OF DEVELOPMENT PERMIT" TO UPDATE THE PROVISIONS AND CROSS-REFERENCES CONSISTENT WITH THE SIGN CODE UPDATE;**

AMENDING CHAPTER 98, "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING DISTRICT REGULATIONS", AND ARTICLE VI, "SUPPLEMENTARY REGULATIONS" TO REMOVE SIGNAGE REGULATIONS FROM CHAPTER 98 THAT ARE ADDRESSED IN THE NEW SIGN CODE; REPEALING EXISTING CHAPTER 102, "SIGN CODE" IN ITS ENTIRETY; REPLACING THE EXISTING SIGN CODE WITH THE NEW CHAPTER 102 "SIGN CODE" SET FORTH IN THIS ORDINANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance and set public hearing for June 4, 2024

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Sign Code Amendment

COMMENTS BY ADMINISTRATION & LEGAL

CITY COMMISSION BUSINESS

- 17. Presentation by Dr. Ronald Shultz and potential action by the City Commission regarding redistricting for the City's Municipal Election pursuant to City Charter.**

Suggested Action: Motion on decision of Commission

Sponsor: Office of the City Clerk

Attachment: Redistricting

- 18. ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE III, "OFFICIALS, OFFICERS AND EMPLOYEES, DIVISION 2 "TRAVEL EXPENDITURE POLICY," SECTIONS 2-221 "GENERALLY" AND SECTION 2-222 "PROOF OF EXPENDITURES; PER DIEM RATES; SETTLEMENT" TO PROVIDE FOR A \$200.00 MONTHLY ALLOWANCE TO THE MAYOR AND EACH COMMISSIONER TO ADDRESS TRAVEL, MEAL AND PARKING EXPENSES INCURRED IN THE TRI-COUNTY AREA IN CONNECTION WITH THEIR DUTIES OF OFFICE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

Suggested Action: Commission to vote on Ordinance and set public hearing for June 4, 2024

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Commissioner Bernie Parness

Attachment: Monthly Allowance

COMMENTS BY MAYOR & CITY COMMISSION
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ADJOURNMENT

FUTURE CITY COMMISSION MEETINGS

Lunchtime Workshop - Friday, May 31, 2024

Regular City Commission Meeting - Tuesday, June 4, 2024

Any person wishing to appeal any decision made by the City Commission with respect to any matter considered at such meetings or hearings will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and the evidence upon which the appeal is made. The above notice is required by State Law (F.S. 286.0105). Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the presence of a certified court reporter at the hearing.



URBAN LAND INSTITUTE WORKSHOP MEETING MINUTES

Wednesday, April 17, 2024

6:00 PM

Hillsboro Community Center

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by David Santucci, at 6:20 p.m., at the Hillsboro Community Center, Deerfield Beach, Florida.

Present:

Commissioner Michael Hudak - *Tardy*
Commissioner Ben Preston
Vice Mayor Todd Drosky - *Tardy*
Mayor Bill Ganz

Also Present:

City Manager David Santucci
City Clerk Heather Montemayor

Absent:

Commissioner Bernie Parness

I. Welcome

David Santucci, City Manager, provided a brief overview of the workshop, which included an Urban Land Institute panel discussion regarding visualizing density. He explained that the workshop is an educational opportunity, whereby, no decisions will be made, nor is the workshop specific to any one project. Thereafter, he thanked city staff for their efforts in putting the workshop together, and introduced the moderator, Margina Demmer, Director of Architecture, [STRANG] Design.

Commissioner Hudak arrived at 6:28 p.m.

II. Overview & Introductions

Margina Demmer, Director of Architecture, [STRANG] Design, provided a brief overview of her experience with the Urban Land Institute (ULI). Thereafter, she introduced the ULI panel, which included Juan Mullerat, Principal of Plusurbia Design, Anthony Graziano, CEO of Integra Realty Resources, Pedro Gassant, Partner at Holland & Knight, LLP, Marc Schmulian, Founder & President of S2 Development, and Jeff Perlman, Executive Vice President of CDS International Holdings, Inc.

Vice Mayor Drosky arrived at 6:30 p.m.

III. Presentation

The ULI highlighted a brief presentation. Juan Mullerat, Principal of Plusurbia Design, explained that there is a limited amount of land in Florida, so as cities continue to grow, considerations are needed, i.e. how are you working with your neighbor and what strengths and weaknesses do you and your region have. As more and more people move to Florida, cities must figure out a way to accommodate them and understand how to grow and how to remain competitive. Visualizing density and growth patterns allows cities to effectively communicate change and growth. He stated that visualizing density and understanding how different

III. Presentation - Continued

metrics affect our building and city form is critical to the City's future; whereas, density can be measured through population, building configuration, and building density. Mr. Mullerat explained that individuals want to see mixed uses, as they want a 24-hour downtown area and a reduction in traffic. He stated that density is inherently tied to transportation and the provision of mobility alternatives; therefore, encouraging higher, transit-supportive densities is necessary to reduce traffic congestion and mitigate development pressures in smaller-scale neighborhoods.

Anthony Graziano, CEA of Integra Realty Resources, stated that visioning and planning is a risky and difficult proposition but necessary, as growth is coming. He explained that as the City evolves and reaches a point where the old planning concept has been maximized, the City will become economically stagnant. He said density does not have to be bad, as long as it's addressed through planning; notwithstanding, all land value is driven by the density of the land, whereby, the higher the density, the higher the land value. He stated that higher density does not always attract new development, as it depends on demand, competition, and business conditions in the local market. He explained that lower cost markets with older building inventory will stabilize and incremental new investment will follow, if a city increases the density in a portion of the community that is highly fragmented. Increased land values without true feasible demand can create stagnation and cause abandonment. Mr. Graziano stated that the City, as a community, can decide what is preferable in terms of scale; notwithstanding, bigger developments create a critical mass and can center a revitalization but cannot solve the problems of weak demand market. Thereafter, he outlined the density drivers, i.e. nightlife, collateral retail benefits, etc.

Pedro Gassant, Partner at Holland & Knight, LLP, said there are different needs in different communities, i.e. live, work play, or affordability. Further, he said in some areas they are essentially abolishing single family residential communities and mandating multi-family developments in order to drive issues of affordability and create more inventory. In other areas they are creating a framework in a paradigm by which they are incentivizing more accessory dwelling units and incentivizing people and local governments to locate developments near rapid transit stations and more employment centers. Further, he said South Florida is dealing with an inventory issue that is creating a variety of affordability crisis throughout the tri-county area. Thereafter, he briefly commented on the Live Local Act.

Marc Schmulian, Founder & President of S2 Development, said developers look at what the City has to offer them, and what they have to offer the City. Developers also look at what type of reception they receive, as the relationship eventually becomes a partnership until a project is completed. He explained that in any development, it is a simple transactional deal, whereby, there are costs and revenues; nonetheless, the City can dictate the mass of the project. Furthermore, every time a project is brought forward to a political board, arguments are made regarding traffic and affordability, but density can actually help with affordability, whereas, the lower the density, the bigger the units have to be. Additionally, he said there are many ways to use density as a tool, while at the same time utilizing other factors and tools available to the Commission. The goal is to work with developers to get creative on how to maximize affordability but keep the character of the City.

Jeff Perlman, Executive Vice President of CDS International Holdings, Inc., commented on the Worthing Place development in Delray Beach, price increases throughout the years, and the various changes and improvements that have occurred in Delray over the years, whereby, Delray is both a success story and a cautionary tale; nonetheless, succession was due to the revitalization of the downtown area. Further, he said risks must be taken in order to move the needle, and the community must be involved every step of the way as their buy in is essential. Lastly, he said density done well, creates an ecosystem that provides an attractive place for people to live, work and play.

IV. Q&A by City Commission

The ULI Panel entertained various questions posed by the City Commission.

ADJOURNMENT

There was no additional business to discuss, and the meeting adjourned at 8:39 p.m.

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk



Lunchtime Workshop

Friday, April 26, 2024

12:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 12:01 p.m., in the City Commission Chambers, City Hall, Deerfield Beach and via electronic meeting communication.

Present:

Commissioner Michael Hudak - via Zoom
Commissioner Ben Preston - via Zoom
Vice Mayor Todd Drosky - via Zoom
Mayor Bill Ganz - via Zoom

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Heather Montemayor

Absent:

Commissioner Bernie Parness

UPDATES AND PRESENTATIONS

David Santucci, City Manager, provided a brief overview of the agenda.

A. Sign Code Revisions - Planning & Development Services

Eric Power, Director of Planning & Development Services, provided a brief overview of the sign code revisions, which will be coming before the City Commission at a later date.

Commissioner Hudak said although the appearance and aesthetics of signs are important, the City must do everything possible to assist the business community and not make it difficult for them to thrive.

Mr. Power said the manual should provide businesses with a better understanding of the requirements.

In response to Commissioner Hudak's question, Mr. Power replied that feather flag signs are extremely dangerous because they don't meet the wind codes and are very difficult to regulate.

Vice Mayor Drosky spoke in support of the grand opening signs, as it is needed for the business community.

In response to Vice Mayor Drosky's question, Mr. Power replied that the changes will also include an amendment to allow one drive-thru sign per lane.

Commissioner Preston said the implementations should not just be restrictive, but promotional for businesses.

Mr. Power agreed, whereby, the sign book will provide a better understanding and explanation of the Code. Thereafter, he commented on a conversation he had with a business regarding signage, which was well received by the business.

UPDATES AND PRESENTATIONS - CONTINUED

B. Advisory Board Update - Office of the City Clerk

Heather Montemayor, City Clerk, provided a brief update on the City Advisory Boards/Committees.

Vice Mayor Drosky stated that it's very difficult finding members to fill these advisory boards. Furthermore, many of them are not meeting due to lack of quorum; therefore, he recommended consolidating some of the boards and their duties, as it may make them more efficient.

Commissioner Hudak agreed, whereby, it's very difficult finding volunteers. Further, he stated that some of the boards are not accomplishing anything, which may be due to a lack of direction and some members joining for their own personal motives. He recommended reviewing each of the boards to see how they can be consolidated, and see how better leadership and direction can be provided.

David Santucci, City Manager, said the required boards are doing very well with the exception of the Community Appearance Board, which new membership can be sought to provide new energy. The discretionary boards are very difficult due to various reasons, which he outlined; nevertheless, staff will look into and see what can be done.

C. PFAS Compliance - Department of Environmental Services

Josh Niemann, Assistant Director of Environmental Services, briefly outlined the Environmental Protection Agency's (EPA) PFAS compound ruling, which will be presented at the next commission meeting.

In response to Commissioner Hudak's question, David Santucci, City Manager, replied that this will not affect fluoride, as fluoride is regulated and required by the County.

In response to Commissioner Hudak's question, Mr. Niemann replied that although there are unincorporated areas within the City, all water plants within the State of Florida will have to abide by the EPA rulings.

Mr. Santucci said the County has indicated that in order to meet these EPA requirements, they will have to double or triple their customers water bills in order to build the necessary infrastructure to comply with the 2029 regulation. Further, he explained that the City is not anticipating, at this time, any additional increases other than what was already approved by the City Commission in the five-year plan.

Commissioner Hudak expressed concerns with the unincorporated areas being affected.

In response to Commissioner Hudak's question, Mr. Niemann replied that all three of the different treatment processes go into one tank and are then blended; therefore, each one of those processes provides benefits.

Vice Mayor Drosky commended Mr. Niemann and his staff for a job well done.

Mr. Santucci stated that Waste Management will be providing a presentation at the May 7th Regular City Commission Meeting. Thereafter, he provided a brief overview of their proposal.

Commissioner Preston expressed concerns with consolidating the boards, as it may not remedy the situation; therefore, he suggested looking at each and every board to see how to promote recruitment.

Mayor Ganz stated that he has been working with the Mayor of Coconut Creek to ensure they are on the same page when it comes to Waste Management's proposal. Further, he thanked city staff for their efforts but stated that the City must get aggressive, as it may be a losing battle in many ways. He stated that Vice Mayor Drosky has been making advances at a county-level with regard to waste solutions for the County, but wants to ensure the City is putting pressure on the County to not push Waste Management's plan forward.

ADJOURNMENT

There being no additional business to discuss, the Mayor adjourned the meeting at 1:00 p.m.

Yeas: 4 - Commissioner Hudak, Commission Preston, Vice Mayor Drosky, and Mayor Ganz

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk



Meeting Minutes City Commission

Tuesday, May 7, 2024

7:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:01 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

Present:

Commissioner Michael Hudak
Commissioner Ben Preston
Vice Mayor Todd Drosky
Mayor Bill Ganz

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Heather Montemayor

Absent:

Commissioner Bernie Parness - *excused*

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

There was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Lunchtime Workshop Minutes - April 5, 2024
Regular City Commission Meeting Minutes - April 16, 2024

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve the meeting minutes as submitted. Voice Vote:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky, and Mayor Ganz
Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Firemen's Pension Board Meeting Minutes - February 6, 2024
Education Advisory Board Meeting Minutes - March 6, 2024
Hillsboro Inlet District Meeting Minutes - March 11, 2024
Code Compliance Meeting Minutes - March 12, 2024
Community Redevelopment Agency Meeting Minutes - March 12, 2024
Community Appearance Board Meeting Minutes - March 27 & April 10, 2024

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to acknowledge the board minutes. Voice Vote:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky, and Mayor Ganz
Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

May 7, 2024

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve the agenda as amended. Voice Vote:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky, and Mayor Ganz

Nays: 0

AWARDS & RECOGNITION

1. Proclamation presented to the Broward State Attorney's Office in support of the S.A.F.E. initiative to fight human trafficking.

Mayor Ganz presented a proclamation to Honorable Harold Pryor, Broward State Attorney, in support of the S.A.F.E initiative to fight human trafficking.

Honorable Harold Pryor thanked the City Commission for their support. Thereafter, he briefly explained S.A.F.E initiative.

2. Proclamation presented to Filthy Organics in recognition of International Compost Awareness Week.

Mayor Ganz presented a proclamation to April DuBois, Filthy Organics, in recognition of International Compost Awareness Week.

Ms. DuBois thanked the City Commission for their support. Thereafter, she briefly outlined the benefits of composting.

3. Presentation by Waste Management regarding the County Land Use Plan Amendment (LUPA) and variance request to increase the size and height of the landfill at Monarch Hill.

Chris Carey, Waste Management, highlighted a brief presentation. He explained that the Monarch Hill site is 382 acres, permitted to a final height of 225 feet, and as of January 2024, has only an estimated six years left. Currently, the site takes in 5,000 tons per day, six days a week, whereby, 90% of the material is construction and demolition (C&D) debris and bulk waste and 10% is municipal solid waste (MSW)/household garbage. He explained that there are only two centers that receive C&D material, Deerfield Beach and Davie; the C&D material is processed, reducing the volume by 50% - 60%, and the residual goes to the landfill. Mr. Carey stated that Waste Management is proposing to increase the capacity at Monarch Hill for C&D debris and bulky waste by developing the 24-acre site along Wiles Road where the former waste to energy project operated; increasing the height of the Monarch Hill site to 325 feet; and ceasing acceptance of household waste or MSW and transporting it to another landfill. The combination of these initiatives will provide 16 years of life at the current volume rates. Thereafter, a pie chart was displayed outlining Broward County's waste stream, whereby, C&D material accounted for the highest at 43%.

Moreover, Mr. Carey said Monarch Hill has been the local solution for hurricane and storm debris, whereby, after Hurricane Irma, Monarch Hill received one year of volume in four months. Currently, the 24-acre parcel is zoned for electrical generation; therefore, Waste Management is requesting to change the land use and zoning to finish the landfill. He explained that this is the last acreage that can be developed at the landfill, as it cannot go beyond the current borders. Further, he said the current height is 210 feet, whereby, the permitted height is 225 feet. The landfill is constructed like a pyramid, so for every one-foot increase, the grade slopes back three feet; therefore, the only area that reaches 325 feet would be at the center of the site. Thereafter, various photographs of the proposed height were displayed.

Continuing, Mr. Carey said if Waste Management's proposal is denied, storm debris disposal will be unavailable at Monarch Hill. Furthermore, later this year, waste diversions will begin, which will increase costs and traffic congestion; and removal of the existing landfill gas-to-energy facility. If Waste Management's proposal is approved storm debris disposal will be available at Monarch Hill; no future MSW disposal; continued safe, economical disposal of post-recycled C&D and bulky waste; ongoing operations

AWARDS & RECOGNITION - CONTINUED

of the landfill gas-to-energy facility powering 9,000 homes; and it is the most environmental and fiscally responsible decision. Lastly, he urged all to come and tour the facility.

Commissioner Hudak said he has toured the facility and commended Waste Management for their efforts; however, he asked where their foresight is and if a long-range plan is in place, as what will happen in 2040 when there is no space available.

Mr. Carey said Waste Management just broke ground on an \$80 million renewable energy facility; therefore, the household waste will be pulled out, transported and placed into that landfill, as the waste decomposes, methane gas will be generated, the methane gas will then be collected and purified to pipeline quality methane gas, and will then be injected back into the pipeline to fuel the natural gas trucks. Furthermore, he said a new state of the art recycling facility is being built in Pembroke Pines, which will increase the recycling rates. Lastly, he said over the next 25 - 30 years, recycling rates will increase, technology will continue to advance, and people will continue to change their behavior, so there will be less of a need for landfill disposal.

In response to Commissioner Preston's question, Mr. Carey replied that the landfill is constructed with a double liner system, three layers each, whereby, the center is monitored to ensure nothing gets through the first liner and then the perimeter of the landfill is monitored by a series of ground water wells, which are shallow, medium, and deep to ensure nothing escapes the landfill. Further, he said any rain water that gets into the landfill is collected in the leachate system and then pumped off for treatment. Thereafter, he provided a brief overview of how air omissions and gas escaping is monitored. Mr. Carey said the surface of the landfill is monitored in different ways; nevertheless, every quarter, per permit, they must have someone monitor the entire surface of the landfill to ensure there are no leaks, etc.

Vice Mayor Drosky said the landfill has been around a long time, and as the County has grown, the developments have grown around the landfill with the expectation of the 225-height limit, not 325; and what will happen after this height increase request, will another one be requested in the future. Further, he agreed that a long-range plan should have been thought of, as the residents should not be penalized for this. Commissioner Drosky stated that Waste Management's proposal should come after the Solid Waste Authority makes its findings on a county-wide solution and the County itself updates its solid waste element.

In response to Commissioner Drosky's questions, Mr. Carey replied that Waste Management began this process five years ago; however, due to COVID and other factors, the process was delayed, which is causing Waste Management to make tough decisions. Further, he said the geometry of the pyramid dictates that it will not be any higher than 325 feet.

Commissioner Drosky said the City was previously told that the height wouldn't go past 225 feet, and expressed concerns with the increase to 325, as it is not fair to the residents.

In response to Mayor Ganz's questions, Mr. Carey replied that 150,000 to 175,000 tons of MSW is disposed in the landfill each year, whereby, it is capped at 175,000 tons; nevertheless, should the proposal be approved, it will be eliminated.

Mayor Ganz reiterated that Broward County is working on a Master Plan, and is unsure why there is an urgency to expand now, with there still being six years left until it's at capacity.

In response to Mayor Ganz's questions, Mr. Carey replied that the math shows that six years remain, but it cannot be run at full capacity until then; therefore, Waste Management will begin reducing the volume this fall by transporting the material, which will be a cost to the residents. Although he understands there is a Solid Waste Working Group, the waste being disposed in the landfill is waste that has already been through the recycling facilities. Further, this landfill is the only private landfill that will take in storm debris, which is not considered MSW. Mr. Carey explained that Waste Management's agreement with Coconut Creek stated that there would be no municipal solid waste above 225 feet.

Mayor Ganz expressed frustration with the MSW not currently being removed and asked why can't it be done without the expansion, as there is clearly a solution, otherwise it would not be offered. Further, he said

AWARDS & RECOGNITION - CONTINUED

if Waste Management has the ability to remove it now, it would probably provide longevity, which is currently unavailable.

Mr. Carey said he would ask the City the same question, why isn't the City supporting Waste Management's proposal, as it is a two-way street.

Mayor Ganz agreed that it is a two-way street, but unfortunately the City has been run over during this two-way street negotiation. Thereafter, he provided a brief overview of the City's history with Waste Management and their tipping fees. Furthermore, he has been down this road with Waste Management before, and as previously mentioned the height continues to be increased, which is a complicated issue that he believes is intentionally being done. Mayor Ganz said Waste Management bought out the competition, closed out the plant, and let it rot, which has limited what is trying to be accomplished in an overall master plan; nonetheless, the plant is now unusable, which is Waste Management's argument. Thereafter, he expressed frustration with listening to the everchanging promises. He stated that eventually the height increase will come to an end because it will be too expensive for Waste Management to get the waste up, at an angle, whereby, it has nothing to do with the residents. Thereafter, Mayor Ganz continued to express frustrations with Waste Management's proposal and the now defunct wasted energy plant. He hopes that all involved speak in opposition to this proposal, and stated that moving forward he hopes everyone can get rid of this past history, and work together, in cooperation, for a new future to solve the problem. Lastly, Mayor Ganz said he is opposed to the proposal.

Mr. Carey understands the frustrations but stated that there are distinctly different waste streams, whereby, the waste energy plant is designed to process household waste. Furthermore, he stated that the material being proposed for Monarch Hill has already been recycled and is not suitable for a waste energy project, so although a new waste energy project could be built here, there still would not be a solution for the post recycled C&D, bulky waste, and storm debris.

CITY COMMISSION BUSINESS

Item 13 was moved up under the approval of the agenda.

13. Resolution 2024/066 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, opposing and urging Broward County to deny the proposed land use plan amendment to the Broward County Comprehensive Plan, Broward County Municipal Service District Future Land Use Element Map Series, changing the future land use designation of the former Wheelabrator North Resource Recovery Facility from Electrical Generation Facility to an industrial future land use designation; opposing and urging denial of any request for a height increase to the facilities located at the Monarch Hill Site; directing the City Clerk to transmit a certified copy of this resolution to the Broward County Commission and Broward Municipalities; providing for an effective date. (Addendum)

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

The following individuals spoke in support of the Resolution:

- **Elizabeth Roberts, 524 NW 38th Terrace, Deerfield Beach.**
- **Katy Freitag, 418 SE 2nd Street, Deerfield Beach.**
- **Joe Hines, 559 NW 47th Terrace, Deerfield Beach.**
- **Daniel Shanetzky, 34 Keswick, B, Deerfield Beach.**
- **Roger Freitag, 418 SE 2nd Street, Deerfield Beach.**
- **Lucia Delgenio, 707 N. Shore Drive, Deerfield Beach.**
- **Pattabhi Nanduri, 1430 SW 45th Way, Deerfield Beach.**
- **Dean Kallan, 3250 SW 2nd Court, Deerfield Beach.**

CITY COMMISSION BUSINESS

Mayor Ganz closed the public hearing.

MOTION was made by Vice Mayor Drosky, seconded by Commissioner Hudak, to approve Item 13, adopted Resolution 2024/044. Roll Call:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

PUBLIC COMMENT

Commissioner Hudak left the meeting temporarily at 8:09 p.m. and returned at 8:11 p.m.

Roger Freitag, 418 2nd Street, Deerfield Beach, asked if any decisions were made on the amnesty program that was discussed during the Code Compliance Workshop. Further, he asked what is being done with the outstanding funds that are owed to the City.

Sandy Coyman, 602 SE 8th Avenue, Deerfield Beach, thanked the Commission for the informational session that was held on April 23rd regarding the SE 8th Avenue Drainage Improvement Project. Further, he asked that the City follow the policies that are in place for stormwater management and streetscape design.

Karen Shelly, 190 Durham D, Deerfield Beach, read aloud a proclamation regarding the 7th Annual Ocean Brews & Blues Beer Festival.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, provided a brief overview of the Christmas in July project that the Kiwanis Club is involved in, and asked if collection bins could be placed at city facilities. Further, she said for every tree that is removed, five more need to replace it. Lastly, she asked for more tree giveaway events.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, commented on the ULI Workshop that took place on April 17th. Thereafter, he asked what the timeline is for Pioneer Park Grove.

Lucia Delgenio, 707 N. Shore Drive, Deerfield Beach, spoke in support of more trees, but suggested shade trees in lieu of palm trees. Further, she requested that the inventory list be updated to include the main beach parking lot.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commended the Mayor for speaking in support of providing tax breaks for developers to incentivize them to bring projects to the Pioneer Grove area. Thereafter, he briefly commented on the possible elimination of city advisory boards, Level II Background checks for advisory board members, the ULI Workshop, and various developments within the City.

Glenn Sullivan, 162 Rushing Water Lane, Troutman, North Carolina, commented on the Braithwaite Center for Active Aging.

Mayor Ganz addressed comments/questions/concerns posed by the public. He stated there has not been a resolution for the amnesty program, nor the monies owed to the City. Further, he asked that staff get with Ms. Freitag on the collection boxes. Thereafter, he provided a brief overview of the ULI and their purpose. He said Deerfield Beach does have a vision and this commission has an understanding of what the residents want, whereby, progression has to occur without destroying the overall feel of the City. He said the main beach parking lot is not vacant and serves a purpose; therefore, it cannot be added to the inventory list. Lastly, he said the two self-service storage facilities have been built for years, whereby, one is located in an industrial area and was granted because the developer did everything right.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

Mayor Ganz opened the public hearing on Items 4 - 5 & 7 - 8.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

James McGeary, 1442 SE 6th Street, Deerfield Beach, commented on Item 7. He asked if any surrounding streets will be closed.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, stated that the entrance to the Cove in front of the Cove Brewery will be closed, whereby, no other roadway closures will occur.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Items 4 - 5 & 7 - 8. Roll Call:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

- 4. Resolution 2024/058 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of Master Services Agreement No. 19680 and Addendum No. 1 to the Agreement with MCCi, LLC, utilizing the National Cooperative Purchasing Alliance Contract No. 01-162 for the purchase and development of a repository in the Laserfiche Software Application for electronic storage of building permit documentation in an amount not to exceed \$50,000.00; providing for execution and an effective date. (Funds from Account #010-1166-524-30-03 - Building Fund/Programming & Software)**
- 5. Resolution 2024/059 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the submission of a grant application to the U.S. Department of Transportation for safe streets and roads for all grant program funding in the estimated amount of \$3,617,460.00 for the implementation of permanent improvements to NE 3rd Avenue from NE 38th Street to NE 44th Street; authorizing the City expenditure of 20% matching funds, if the grant is awarded to the City; and providing for an effective date. (Funds from Account #399-5050-541-65-30 - CIP Infrastructure)**
- 6. Resolution 2024/060 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of Request for Proposal No. #24-11-VP for beach amenity rental services to Oceanside Beach Service, Inc.; authorizing the City Manager or his designee to negotiate and execute an agreement with the sole responsive and responsible proposer, Oceanside Beach Service, Inc. for a two-year term with two additional two-year renewal options with a minimum annual revenue to the City of \$200,000.00; providing for implementation and an effective date. (Funds from Account #001-0000-323-91-00 - Cabana)**

The Resolution was read by title only.

Greg Warner, Director of Parks & Recreation, highlighted a brief presentation. Thereafter, he provided a brief overview of the RFP process, whereby, one proposal was received, which was from Oceanside Beach Service, Inc., who were established in 1979. Their first beach services were provided to Singer Island, and they currently provide services to Singer Island, Lake Worth, Boynton Beach, Delray Beach, and Boca Raton. Oceanside has been serving Deerfield Beach since 2018, and are seeking to enter into a new agreement for a two-year initial term with two, two-year renewals. He stated that Oceanside has been a good partner and all reference checks have been cleared. The setup under the scope of work is defined as one umbrella with one cabana or one umbrella with one or two chairs or recliners; there are six setup locations along the beach, with 25 setups per location; operating hours are September - March from 9:00 a.m. to 5:00 p.m. and April - August from 9:00 a.m. to 7:00 p.m.; and onsite staff and all resources for setups, breakdowns, and all related operations are provided. Thereafter, the locations were displayed.

Continuing, Mr. Warner explained that the contractor shall pay the City the greater of either \$200,000 annually or 30% of their gross revenues, whereby, the \$200,000 minimum is an increase from the previous payment of \$136,308. Further, he said the City Manager shall have the authority to increase or decrease the number of locations at the discretion of the City and the City Manager shall also have the authority to approve or disapprove all locations, and limit the number of advanced equipment setups in designated locations. Lastly, he said staff recommends approval of the item.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Anthony Soroka, City Attorney, stated that pursuant to Section 7.09 of the City Charter, approval of contract execution requires a 4/5 affirmative vote of the City Commission.

In response to Commissioner Hudak's questions, Mr. Warner replied that there are vacant areas for others to set up their own equipment. Further, he said Oceanside does pre-setup, and as the demand increases throughout the day, more equipment is setup.

In response to Mayor Ganz's questions, David Santucci, City Manager, replied that the zones Oceanside currently has are the same ones being proposed; therefore, they will be receiving the same number of setups, but the City is seeking additional revenue based on historical revenues over the last two years. Further, the public is allowed to setup their own equipment in the zones. Lastly, the zones have changed slightly, which he outlined.

Commissioner Preston wants assurance that those setting up their own equipment in these particular zones are not bullied out of the areas; although the City receives revenues, the residents must be considered.

In response to Commissioner Preston's question, Mr. Warner replied that customer service comes first, whereby, city staff is in constant communication with Oceanside, advising them that they must be treating all beach goers with the utmost respect.

Commissioner Preston said if there was an issue, staff would only be notified if the individual came forward.

Mr. Warner urged individuals to bring their concerns forward, not just with beach amenity services, but with all programs offered by the City.

Commissioner Preston said if this is approved, he will not be happy if he is approached with an issue that has occurred.

In response to Commissioner Hudak's question, Mr. Santucci replied that the current contract is four years, whereby, the City has been with Oceanside since 2018. Thereafter, he continued outlining the history of beach amenity services.

In response to Commissioner Hudak's question, Mr. Warner replied that since he's been with the City he has been notified of 2 - 3 incidents.

In response to Commissioner Hudak's question, Mr. Santucci replied that he has the authority to reduce the number of setups.

Vice Mayor Drosky agreed that the focus must be on the residents; nevertheless, he has never received a complaint from a resident not being able to find a spot on the beach and was never aware of these type issues until tonight, but hopes to be notified should one occur. Furthermore, he has only received phone calls from people who thought the service was free.

Mayor Ganz said at one point the City provided beach amenity services and ended up losing money; therefore, outsourcing this service is the best option. He reiterated that the zones and setups remain the same, the only difference with the contract is the City will be receiving more revenue. Furthermore, he is also unaware of any issues, but if they arise, the City has the ability to reduce the number of setups and locations.

Commissioner Preston said although this commission is unaware of current issues, he just wants to ensure that it is a smooth-running process.

Mayor Ganz opened the public hearing.

Tom Connick, 411 E. Hillsboro Blvd, Deerfield Beach, expressed concerns with Oceanside's pre-setup, as he agreed the residents should come first; therefore, he stated that the pre-setups should be negotiated prior to entering into a contract.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Commissioner Hudak left the meeting temporarily at 8:59 p.m. and returned at 9:00 p.m.

James McGeary, 1442 SE 6th Street, Deerfield Beach, said the City is not receiving any complaints because the equipment is set up first thing in the morning, which he is opposed too.

The following individuals spoke in support of the Item:

- **Maria Brandwein, 191 SE 20th Avenue, Deerfield Beach.**
- **Dan Radison, 116 SE 20th Avenue, Deerfield Beach.**
- **Neil Janoff, Boca Raton.**
- **Jeff Fisher, 333 N. Ocean Blvd., Deerfield Beach.**

Marty McGeary, 1442 SE 6th Street, Deerfield Beach, said although the service is needed, there is not enough beach to service a high volume of people. Furthermore, she expressed concerns with the equipment being setup even when they are not being utilized; therefore, she asked if all the equipment has to be setup and also if some of the equipment can be pushed down toward Tiara East. Lastly, she said the beach is for all beach goers, not just those renting the equipment.

Joe Angel, 602 SE 7th Avenue, Deerfield Beach, said he consistently brings his own equipment to the beach and never has had any issues with finding a spot, nor has he seen any issues occur.

Robin Yonis, 191 SE Ocean Drive, Deerfield Beach, spoke in support of the Item.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commented on the agenda backup, the allowable zones and number of setups, and the contract Oceanside just entered into with Delray Beach.

Ellyn Bogdanoff, representing Oceanside Beach Service, Inc., said Oceanside works very closely with city staff and has a wonderful relationship with them, which she thanked them for. Further, the few complaints that have been received since 2010 have been immediately addressed. Thereafter, she clarified the misinformation that was provided regarding the contract with the City of Delray Beach. Ms. Bogenoff said Oceanside staff ensures that the setups are in the correct zones and no one is bullied, as it is bad for business. She said Oceanside not only services tourists, but residents, who receive a resident rate. Lastly, Ms. Bogenoff stated that the City is paid off gross revenue, so any additions will create more revenue for the City.

Sandy Coyman, 602 SE 8th Avenue, Deerfield Beach, spoke in support of the item.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said if the contract specifies a certain number of setups, it should not change. Thereafter, she asked who is regulating and mandating the number of setups.

The following individuals spoke in support of the Item:

- **Mary (inaudible) & Colleen Louis, Boca Raton.**
- **Linda Caswell, 3854 Lyons Road, Coconut Creek.**
- **Donna Biase, 1228 Hillsboro Mile, Hillsboro Beach.**
- **Eugene Cizynski, 136 Oakridge J, Deerfield Beach.**

Mayor Ganz closed the public hearing.

Thereafter, Mr. Santucci answered various questions posed by the public.

Thereafter, discussion ensued amongst the Commission regarding the usage of beach amenity services not only by visitors, but residents, and should issues arise, the City Manager has the authority to reduce the number of setups and zones.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

MOTION was made by Commissioner Hudak, seconded by Commissioner Drosky, to approve Item 6, adopted Resolution 2024/060. Roll Call:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

7. Resolution 2024/061 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the special event permit application submitted by Cove Brewery, LLC, for the Covechella Event taking place at 1500 SE 3rd Court within the Cove Shopping Plaza on July 20, 2024, from 1:00 pm to 10:00 pm; approving use of the southwest side of the Cove Shopping Plaza and a road closure on the southwest side of the plaza on July 20, 2024, from 5:00 am to 12:00 am for the event; and providing for an effective date.
8. Resolution 2024/062 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the special event permit application submitted by Christian Skaters, Inc. dba Sea the Reef/Surf Skate Science for World Ocean Day at 200 NE 21st Avenue on the beach just north of the International Fishing Pier on June 1, 2024, from 9:00 am to 2:00 pm; denying a waiver of fees; and providing for an effective date. (Funds from Account #001-0000-347-21-01 - Program Activity Fees Taxable & 001-0000-344-50-00 - Parking Meter Fees)

DEPARTMENTAL BUSINESS

9. ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; APPROVING SUPPLEMENTAL APPROPRIATIONS AND BUDGET TRANSFERS TO AND WITHIN VARIOUS CITY FUNDS, AND REDUCING APPROPRIATIONS TO THE 2018 CONSTRUCTION REVENUE BOND FUND BY \$7,794,885, AS SET FORTH IN THE ATTACHED EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

There was a brief recess at 9:55 p.m. and the meeting reconvened at 9:59 p.m.

The Ordinance was read by title only.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Hudak, seconded by Commissioner Drosky, to approve Item 9 on first reading. Roll Call:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

10. Resolution 2024/063 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Second Amendment to the Interlocal Agreement with Broward County for Community Shuttle Services to reflect a reduction in the hourly rate funding and in the annual funding from Broward County; authorizing execution of the Second Amendment; providing for implementation and an effective date. (Funds from Account #001-0000-344-31-00 - General Fund Deerfield Express)

The Resolution was read by title only.

David Santucci, City Manager, said this amendment will reduce the cost share that Broward County provides to the City on a per-unit basis for Community Bus Shuttle Services. He explained that when the County passed the transportation surtax, they promised to fund the Community Bus Shuttle Program. Furthermore, the reduction is due to ridership decreasing, which is happening county-wide.

DEPARTMENTAL BUSINESS - CONTINUED

There was no discussion amongst the Commission.

Mayor Ganz opened the public hearing; however, there was none to speak and the public hearing was closed.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve Item 10, adopted Resolution 2024/063. Roll Call:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

11. Resolution 2024/064 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, repealing Resolution No. 2020/115; adopting guidelines for Community Participation Grant Program funding administered by the Department of Community Services to charitable and public purpose non-profit organizations serving the Deerfield Beach Community; providing for conflicts and an effective date.

The Resolution was read by title only.

12. Resolution 2024/065 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting policy guidelines for donation of funds administered by city departments other than the Department of Community Services to charitable and public purpose non-profit organizations serving the Deerfield Beach Community; providing for conflicts, implementation, and an effective date.

The Resolution was read by title only.

Items 11 & 12 were discussed simultaneously but voted on separately.

Jon Salas, provided a brief overview of each item, whereby, staff is making recommendations to the Community participation Grant Program to provide more transparency, as well as manageable from a grant perspective. Thereafter, he outlined the various changes. Further, the changes to Item 11 triggers changes to Item 12, which affects the City's donation policy, whereby, community participation differs from other programs, so staff would like them separated.

Vice Mayor Drosky spoke in support of the Items, whereby, staff is more familiar with the organizations and can fully vet them prior to them being brought forward to the Commission. Further, he asked if there is way to streamline or consolidate the timing of the grant programs across all departments, as it would be easier for the Commission and would provide more transparency to the residents.

David Santucci, City Manager, said staff will find ways to accomplish that request.

In response to Mayor Ganz's question, Mr. Salas replied that these type policies are similar to other cities.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, asked if the maximum charitable contribution to any organization is capped at \$25,000.

Mayor Ganz closed the public hearing.

Mr. Santucci stated that the Community Participation Grant Program ranges from \$2,500 to \$25,000. Item 12 recognizes other organizations that align with the goals and objectives of the City in different ways outside of providing charitable assistance; therefore, they would fall outside of the Community Participation Grant Program.

DEPARTMENTAL BUSINESS - CONTINUED

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 11, adopted Resolution 2024/064. Voice Vote:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 12, adopted Resolution 2024/065. Voice Vote:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - NONE

CITY MANAGER - NONE

COMMENTS BY MAYOR & CITY COMMISSION

VICE MAYOR DROSKY

DISTRICT 4

Broward County School Board - Vice Mayor Drosky said a letter was sent to Dr. Licata regarding the school grades and asked that it be resent to Dr. Hepburn.

David Santucci, City Manager, said he would be happy too; nevertheless, Dr. Licata's response was to reimagine the school's initiative.

COMMISSIONER PRESTON

DISTRICT 2

Summer Food Program - Commissioner Preston said the Florida Legislature recently rejected \$248 million for the program; therefore, he asked that staff reach out to Joel Smith, Community Cares, to see how they can assist.

Braithwaite Center for Active Aging - Commissioner Preston said the ribbon cutting will take place on May 11th at 9:00 a.m. and urged all to attend. Thereafter, he thanked the Commission, as well as all involved for their efforts throughout this wonderful project.

COMMISSIONER HUDAK

DISTRICT 1

Upcoming Events - Commissioner Hudak said the Dune Master Plan Workshop will be held on May 9th and the District 1 Commission Meeting will be held on May 15th; both meetings will be held at 7:00 p.m. in the City Commission Chambers. Additionally, he said there is a Habitat for Humanity dedication in District 2 on May 9th.

MAYOR GANZ

Commissioner Parness - Mayor Ganz asked that he be given an excused absence.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to extend an excused absence to Commissioner Parness. Voice Vote:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky and Mayor Ganz
Nays: 0

Congratulations - Mayor Ganz congratulated Vice Mayor Drosky for concluding his year as the President of the Broward League of Cities and bringing the idea of innovation to Broward.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

Braithwaite Center for Active Aging - Mayor Ganz said projects take a long time to come to fruition and he is happy to be here for this grand opening, as it is important. He said everyone has had a unique hand throughout the development of this project, and renaming it is a wonderful way of preserving the legacy of the school and history of the facility.

ULI Workshop - Mayor Ganz said this commission knows the identity of Deerfield Beach, but clarification and clear messaging must be given when projects are rejected, so it does not become convoluted. Further, he said whatever the stance, we must ensure to be clear and for people to understand why, so it does send a message out to the development community and provide them with a better understanding of what the City is looking for.

Accolades - Mayor Ganz thanked Chief Hofstein and his staff for a job well done. He also applauded Rodney Brimlow, Director of Public Safety, for his recent efforts.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to adjourn the meeting at 10:27 p.m. Voice Vote:

Yeas: 4 - Commissioner Hudak, Commissioner Preston, Vice Mayor Drosky, and Mayor Ganz
Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk

**PLANNING AND ZONING BOARD
CITY OF DEERFIELD BEACH, FLORIDA
March 7, 2024
MEETING MINUTES**

A regular meeting of the Planning and Zoning Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:00 p.m. in the City Commission Chambers by Chair Plaut.

ROLL CALL

Present: Thomas Plaut, Chair
Brian Bennett, Vice Chair
Michelle Balaun
Bridget Beckford
Kanthiah Easwara Chandran, Alternate
William Lane
Daniel Shanetzky, Alternate

Also Present: Chris Suneson, Assistant Director of Planning & Development Services
Anthony Soroka, City Attorney
Samantha Charlemont, Assistant City Clerk

Absent: Joe Chancy, Alternate
David Kurlander, Alternate

PLEDGE OF ALLEGIANCE

SEATING OF ALTERNATES

None.

APPROVAL OF MINUTES

Ms. Beckford made a motion, seconded by Ms. Balaun to approve the January 4, 2024 minutes as submitted. The motion CARRIED by unanimous vote.

NEW BUSINESS

P.H. 2024-049: PROPOSED LAND DEVELOPMENT CODE AMENDMENT - COMMUNITY FACILITIES

Applicant: **City of Deerfield Beach**

Proposal: Proposed amendment to Chapter 98, Article III “Zoning District Regulations”, Section 98-60 “CF Community Facilities” of the City’s Land Development Code to permit adult day care and child day care within the CF, Community Facility zoning district as a conditional use.

SUMMARY BACKGROUND/EXPLANATION

The Planning and Development Services Department has received an application to locate a child day-care on a vacant parcel of land currently zoned as CF, Community Facility. The purpose of this district is “to provide for those areas identified in the land use element of the

comprehensive plan as suitable for use by community facilities”. The City’s Comprehensive Plan indicates community facilities include, “educational, medical, governmental, religious, civic, cultural, judicial, and correctional facilities.”

Currently, adult and child day-care facilities are not enumerated as a permitted or conditional use in the CF, Community Facility zoning district. A large portion of the service provided by child day-cares is educational preparation to enter kindergarten. By their nature, child day-care facilities fall under the broad use of “educational facilities” described in the Comprehensive Plan. The application mentioned above is precluded from being constructed only by the fact that the City Land Development Code defines a school as a facility that serves grades K-12. While not necessarily educational in nature, adult day-care facilities serve a similar civic purpose as child day-care facilities.

Other districts in the Land Development Code allow child and adult day-care facilities as a conditional use. The RS-7, Residence Single-Family district allows only child day-care facilities as a conditional use, subject to them being located 1,000 feet away from another child day-care facility. The RM-10, Residence Multifamily; RM-15, Residence Multifamily; and RM-25 Residence Multifamily allow adult and child day-care facilities as a conditional use with no restrictions. Finally, both the B-1, Community Business and B-2, Highway Business zoning districts allow adult and child-day care facilities as conditional uses with no restrictions.

The Deerfield Beach Business Tax Office reports that there are only ten (10) nursery/child day-care facilities with an active business tax receipt.

Due to these reasons, the addition of adult and child day-care facilities warrants being included among the conditional uses in the CF zoning district.

Summary of proposed changes:

Add “Adult and child day-care facilities” as a conditional use in Section 98-60 of the Land Development Code.

Recommendation to the City Commission on the proposed code amendment.

Christopher Suneson, Assistant Director of Planning & Development Services, displayed the submitted application, which consists of making an amendment to the Community Facilities Zoning District to allow Adult and Child Daycare as a conditional use. During the review of the application, staff found that the definition outlined in the Code for educational facilities was geared towards grades K-12, not Pre-K. In reviewing the Code, there are a number of districts that allow daycare facilities as a use by right. In looking at some of the residential facilities, depending on the level of care, a lot of those districts from RS-5 through RM-25 allow, as use by right with some conditions or as a conditional use. In the commercial districts, a conditional use is allowed with no conditions. When looking at other institutions in the Community Facilities District (CFD), such as schools, churches, places of worship, and governmental facilities, daycare’s are allowed as an ancillary use; therefore staff is recommending to amend the Code.

In response to board member questions, Mr. Suneson replied that adult daycares may not be allowed in a residential district, but under this code amendment they would be allowed as a conditional use with another level of review in the CFD. The plan is to have all daycares as a conditional use. The City does run the Braithwaite Center for Active Aging which essentially is an adult daycare in a Community Facility Zoning District. The adult daycare and child care facilities that are combined together, are a great model.

In response to board member questions, Anthony Soroka, City Attorney, replied that the City signed an agreement with the Bezos Academy, which is a Montessori preschool for children ages 3 - 5, that will be next to the Braithwaite Center for Active Aging once construction is complete.

Chair Plaut spoke highly of the Braithwaite Center for Active Aging and the many activities that are offered.

Mr. Suneson commended Jonathan Salas, Director of Community Services, and his staff for a job well done.

In response to board member questions, Mr. Soroka provided the definition for permitted use in a zoning district. A conditional use is only permitted if you meet the conditions that are set forth in the Code for such use.

In response to board member questions, Mr. Suneson replied that the language proposed would add a tag line "Adult and Child Daycare Facilities" under the list of conditional uses allowed in that district. When looking at the Code, a lot of the other districts listed the Adult and Child Daycare Facilities as a conditional use. A certain level of review maybe needed to approve a particular area and site.

Mr. Soroka said making the Adult and Child Daycare Facilities a conditional use allows review for other considerations, which the applicant must prove they meet those conditions. Further, he said additional conditions can be added to add restrictions.

Mr. Suneson stated that only ten child daycare facilities are registered in the City; therefore, these types of facilities are needed and part of the reason behind the amendment.

Mr. Chandran suggested adding language pertaining to the distance from one facility to the next and line of sight limitation.

Mr. Shanetzky spoke in support of the item.

Chair Plaut opened the public hearing.

Charles Putman, Land Planner, 621 NW 53rd Street, Suite 125, Boca Raton, spoke in support of the proposed code change.

Scott & Caterina Freeland, 10855 Canyon Bay Lane, Boynton Beach, provided a brief overview of the history behind them wanting to open a daycare. They stated that they love what they do and believe getting a good education is important.

Vice Chair Bennett made a motion, seconded by Ms. Beckford to close the public hearing. The motion CARRIED by unanimous vote.

Thereafter, staff and the City Attorney entertained questions posed by the Board.

Vice Chair Bennet spoke in support of the Code amendment and provided a brief overview of the difficulties he endured when looking for childcare.

Vice Chair Bennett made a motion, seconded by Ms. Beckford to approve P.H. 2024-049 as submitted. The motion CARRIED by unanimous vote.

CHAIRMAN'S REPORT

Retirement Party - Chair Plaut commented on the celebration that took place at Muddy Waters.

STAFF REPORT

Next Meeting - Christopher Suneson, Assistant Director of Planning & Development Services, said currently there are no items for April 4, 2024, but should any come forward, the Board will be notified accordingly.

Background Check - Anthony Soroka, City Attorney, provided a brief overview of the Level II background check ordinance.

Legislative Session and Live Local Act - Anthony Soroka, City Attorney, advised that an update will be provided at the next meeting.

MEMBERS' REPORTS

None.

ADJOURNMENT

Vice Chair Bennett made a motion, seconded by Ms. Beckford to adjourn the meeting at 7:49 p.m. The motion CARRIED by unanimous vote.

Thomas Plaut, Chair
Planning and Zoning Board

CODE COMPLIANCE OF DEERFIELD BEACH

MINUTES OF A CODE COMPLIANCE HEARING

March 29, 2024

Special Magistrate Douglas Gonzalez, City Commission Room called the meeting to order at 9:30 AM.

PRESENT: Roy Davis, Code Compliance Manger
Patesha Johnson, Senior Code Compliance Inspector
Victor Padilla, Code Compliance Inspector
Thomas Braga, Code Compliance Inspector
Katherine Delva, Code Compliance Inspector
Caleb Gomez, Code Compliance Inspector
Dominique Ash, Code Compliance Inspector
Tiffany Fortune, Code Compliance Inspector
Maritza Martinez, Special Magistrate Clerk

For the record Winlett Jordan-Banton, Special Magistrate Clerk swore the attendees.

<u>Tab#</u>	<u>Case Nr.</u>	<u>Owner Name</u>	<u>Property Address</u>	<u>Violation</u>	<u>Disposition</u>
1	23080122	LEGUNN,LINDA /BTR	40 FAIRWAY DR, DEERFIELD BEACH, FL 33441	Chapter 38 - FINANCE AND TAXATION Section 38-263. - Local business tax receipt required.	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-22-2024 FOR \$250 PER DAY
6	24010205	SHARON PRASHKOVSKY LLC / Mt. of Development	550 NE 44 ST, UNIT A- M,DEERFIELD BEACH, FL 33064 A-M	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT NOT PRESENT CONTINUED TO 4-26-2024
7	23120025	PRATT, GEORGE C & CYNTHIA S & PRATT, LILLIAN E/Landscape and parking proh. b.	106 NE 7 CT, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 66 - TRAFFIC AND VEHICLES Section 66-117. (b) - Parking prohibitions; enforcement.	RESPONDENT NOT PRESENT CONTINUED TO 4-26-2024
8	24010005	MAGAR,GABRIELLE MAGAR,RYAN/Building Permits	3921 NE 4 AVE, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-22-2024 FOR \$150 PER DAY
9	24010080	KARTEL,ALLA /Landscape	410 NE 6 AVE, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas.	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-22-2024 FOR \$135 PER DAY
10	24010122	GAIDRY,CHRISTIAN W	1111 SE 15 ST, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas.	RESPONDENT NOT PRESENT

				Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Sec. 98-88. (b) - Off-street parking and loading. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	FINES IMPOSED AS OF 3-16-2024 FOR \$250 PER DAY PER VIOLATION
11	24010104	DESBIENS,ERIC	364 SE 18 AVE, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT CONTINUED TO 4-26-2024
13	23120020	CARRIAGE HOUSE RESORT	250 SE 20 AVE, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-22-2024 FOR \$150 PER DAY
14	24020008	EVERGREEN REAL SOLUTIONS LLC	531 SW 3 AVE, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$175 PER DAY \$80 PROSECUTION COST
15	24020077/post	AGUILAR,EMILIA	264 NE 46 ST, DEERFIELD BEACH, FL 33064	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section	RESPONDENT NOT PRESENT CONTINUED TO 4-26-2024

				14-106(b) - Minimum standards for yard and landscape areas. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Sec. 98-88. (b) - Off-street parking and loading.	FINDING OF FACT ORDER FOR 98-88(B) COST WAIVED
17	24020104	THOMPSON,VERNON L THOMPSON,ALEXANDER G	235 SW 3 CT, DEERFIELD BEACH, FL 33441	Chapter 94 MIN HOUSECHAPTER 94 HOUSING; Sec. 94-9 (c) (3) - Minimum standards for exterior of structures.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$150 PER DAY \$80 PROSECUTION COST
20	24020212	SCHOOL BOARD OF BROWARD COUNTY ATTN:FACILITY MANAGEMENT/Building permits	910 SW 15 ST, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT CONTINUED TO 4-26-2024
21	24020103	RESIDENCE DE PROVENCE HOMEOWNERS ASSN INC/ Prop. maintenance	884 SE 19 AVE, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98 -88(j) (1) Off-street parking and loading.	RESPONDENT NOT PRESENT FINDING OF FACT ORDER ISSUED COST WAIVED
24	24020106	WEINGARTEN REALTY INVESTORS %KIMCO REALTY CORPORATION/Fire code	3650 W HILLSBORO BLVD, DEERFIELD BEACH, FL 33442	FIRE PREVENTION CODE 1.1 Fire extinguisher(s) need service.	RESPONDENT NOT PRESENT

				FIRE PREVENTION CODE 14.9 Required ceiling tiles missing. FIRE PREVENTION CODE 17.15 Broward County Amendments to the Florida Fire Prevention Code 7th Edition F-103.2.5 Right of Entry FIRE PREVENTION CODE 2.1 Exit sign(s) needs service. FIRE PREVENTION CODE 2.6 Emergency light(s) needs service. FIRE PREVENTION CODE 20.1 Other deficiency. FIRE PREVENTION CODE 20.6 Per the Broward County Amendments to the Florida Fire Prevention Code 7th edition section F-121, Automated External Defibrillators (AED) are required to be installed by June 8, 2024 in the following occupancies: FIRE PREVENTION CODE 3.15 Remove permanent door stop from self-closing door(s) FIRE PREVENTION CODE 3.31 Door needs service or repair. FIRE PREVENTION CODE 3.32 Aisle width not to code. FIRE PREVENTION CODE 4.1 Electrical outlet cover(s) required.	FINES IMPOSED AS OF 3-22-2024 FOR \$175 PER DAY PER VIOLATION
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				FIRE PREVENTION CODE 4.2 Electrical switch cover(s) required. FIRE PREVENTION CODE 4.5 Electrical wiring not to code. FIRE PREVENTION CODE 5.25 Fire alarm device in need of service or repair. FIRE PREVENTION CODE 5.4 Fire alarm system in need of service or repair. FIRE PREVENTION CODE 5.6 Breaker lock required for fire alarm breaker. FIRE PREVENTION CODE 6.37 Fire sprinkler system is in need of service or repair. FIRE PREVENTION CODE 6.39 Back flow certification required.	
26	24010116	BLANC,CERAMANT H/E BLANC,IFOCIA	4740 NE 1 TER, DEERFIELD BEACH, FL 33064	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. - PROPERTY EXTERIOR MAINTENANCE CODE; Section 14-105(8) - Exterior building and structure standards. Chapter 38 - FINANCE AND TAXATION Section 38-263. - Local business tax receipt required.	RESPONDENT WAS PRESENT-CERMANT BLANC FINES IMPOSED AS OF 3-22-2024 FOR \$135 PER DAY PER VIOLATION

				Chapter 66 - TRAFFIC AND VEHICLES Section 66-117. (A) - Parking prohibitions; enforcement.	
27	23100062	ARCHDIOCESE OF MIAMI ST AMBROSE CHURCH	380 S FEDERAL HWY, DEERFIELD BEACH, FL 33441	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-22-2024 FOR \$250 PER DAY
28	23110049	DENHOLTZ DEERFIELD LLC %DENHOLTZ PROPERTIES/CU/BTR	602 S MILITARY TRL, DEERFIELD BEACH, FL 33442	Chapter 38 - FINANCE AND TAXATION Section 38-263. - Local business tax receipt required. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IX. - CERTIFICATES OF USE Section 98-167 - Penalty provisions.	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-22-2024 FOR \$175 PER DAY
29	23090019	YING,SEM PO % RAE FRANKS PA	164 SW 3 CT, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT CONTINUED TO 4-26-2024
32	24030014	LASTER,WANDA A	120 NE 5 ST, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Sec. 98-88. (b) - Off- street parking and loading.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$175 PER DAY \$80 PROSECUTION COST

33	24020050	DAVENPORT,FRANCES D /Landscape and parking prohibition	748 N DEERFIELD AVE, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 66 - TRAFFIC AND VEHICLES Section 66-117. (A) - Parking prohibitions; enforcement. Chapter 66 - TRAFFIC AND VEHICLES Section 66-117. (b) - Parking prohibitions; enforcement.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 5-24-2024 \$125 PER DAY \$80 PROSECUTION COST
34	23110039	NELSON, AMANDA/Attorney Jeffrey Lynne.	1325 SE 7 CT, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IX. - CERTIFICATES OF USE Section 98-161(b) - Certificate of use permit requirements. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENTS WERE PRESENT- ATTORNEY JEFFERY LYNNE ERIC MARTINE FINAL ORDER ISSUED FOR 98-113(a) COMPLY BY 5-24-2024 \$225 PER DAY \$80 PROSECUTION COST 98-161(b) CONTINUED TO 5-31-2024
35	24020137	FLBAE LLC	10 NE 20 AVE, DEERFIELD BEACH, FL 33441	Chapter 102 - SIGNS Section 102-14. (A) - Maintenance, violations, enforcement and remedies. Chapter 102 - SIGNS Section 102-14. (b) - Maintenance, violations, enforcement and remedies. Chapter 102 - SIGNS Section 102-14. (c) - Maintenance, violations, enforcement and remedies.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 5-24-2024 \$225 PER DAY PER VIOLATION \$80 PROSECUTION COST

				Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(5) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(6) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(7) - Exterior building and structure standards. Chapter 94 MIN HOUSE Chapter 94 - HOUSING; Sec. 94-5. - Responsibility of owners. Chapter 94 MIN HOUSE CHAPTER 94 HOUSING; Sec. 94-7. (d)- Minimum standards for maintenance of premises. Chapter 94 MIN HOUSE CHAPTER 94 HOUSING; Sec. 94-9 (c) (3) - Minimum standards for exterior of structures. Chapter 94 MIN HOUSE CHAPTER 94 HOUSING; Sec. 94-9 (c) (4) - Minimum standards for exterior of structures.	
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				Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	
36	24030013	TM INDUSTRIAL PARK II LLC	292 NW ELLER ST, DEERFIELD BEACH, FL 33441	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VI. - NUISANCE ABATEMENT PROPERTY CODE DIVISION 1. - GENERALLY Section 34-121 - Declaration of nuisance. .	RESPONDENT WAS PRESENT - ZAREH TIRINKIAN FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$225 PER DAY \$80 PROSECUTION COST
37	23080094	KARIA GLOBAL LLC	845 S FEDERAL HWY, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-22-2024 FOR \$250 PER DAY
38	23100039	PONASA LLC	160 SE 3 ST, DEERFIELD BEACH, FL 33441	Chapter 10 - ANIMALS Section 10-9(3)(a) - Animals defecating on private and public property Chapter 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. - PROPERTY EXTERIOR	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-11-2024 FOR \$250 PER DAY PER VIOLATION

				MAINTENANCE CODE; Section 14-105(8) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(1) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(4) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(8) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(a) - Minimum standards for yard and landscape areas. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(e) - Minimum standards for yard and landscape areas. Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VI. - NUISANCE ABATEMENT	
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				PROPERTY CODE DIVISION 1. - GENERALLY Section 34-121 - Declaration of nuisance. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-81(L) (1) (a-g) - Tree preservation. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS; Sec. 98-92(b) - Nonconforming building, structures or land and uses. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(N) (1) - Landscape Requirements. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND	
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				ENFORCEMENT; Sec. 98-114 (1-5). - Certificate of occupancy.	
39	23110024	RST SPORTS LLC	3650 SW 10 ST, DEERFIELD BEACH, FL 33442	Chapter 102 - SIGNS Section 102-7. (4)- Certain sign or sign structures prohibited.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$200 PER DAY \$80 PROSECUTION COST
40	23080107	BLANTON,DANA	474 NE 9 AVE, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS Article IV Supplementary Regulations Sec. 98-87(d)(4) - Docking and mooring facilities Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-87(d) (1) - Docking and mooring facilities. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-87(d) (3) - Docking and mooring facilities. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-87.(5) - Docking and mooring facilities	RESPONDENT NOT PRESENT FINAL CONTINUANCE TO 5-31- 2024

42	24020044	SFR 2012-1 FLORIDA LLC /Min. Housing Standards	300 SW 32 AVE, DEERFIELD BEACH, FL 33442	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(4) - Exterior building and structure standards. Chapter 94 MIN HOUSE CHAPTER 94 HOUSING; Sec. 94-8 (b) (10) - Minimum standards for interior of structures. Chapter 94 MIN HOUSECHAPTER 94 HOUSING; Sec. 94-9 (b) (1) - Minimum standards for exterior of structures. Chapter 94 MIN HOUSECHAPTER 94 HOUSING; Sec. 94-9 (c) (1) - Minimum standards for exterior of structures.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$225 PER DAY \$80 PROSECUTION COST
44	24020081/post	HO,DUC HO,JENA P	3271 SW 4 ST, DEERFIELD BEACH, FL 33442	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. - PROPERTY EXTERIOR MAINTENANCE CODE; Section 14-105(8) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 66 - TRAFFIC AND VEHICLES Section 66-117. (b) - Parking prohibitions; enforcement.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$250 PER DAY PER VIOLATION \$80 PROSECUTION COST

45	24020084/post	SP DEERFIELD BEACH I LLC	1900 SW 43 TER, DEERFIELD BEACH, FL 33442	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VII. - ABANDONED REAL PROPERTY Section 34-144 - Maintenance requirements. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-94(2) - Growth of plants and placement of objects in the right-of-way.	
49	23120028	PHILPART,BARBARA H/E BUTTS,WILMA PHILPART ETAL	433 NW 2 WAY, DEERFIELD BEACH, FL 33441	Chapter 34 - ENVIRONMENT - ARTICLE III. - NUISANCES ARTICLE IV. - JUNKED VEHICLES AND ABANDONED PROPERTY- Section 34-160 -Parking or storage for over 72 hours restricted.	RESPONDENT NOT PRESENT EXTENDED TO 5-19-2024
50	24010024	D&M CARGO SHIPPING INC	3840 NW 3 TER, DEERFIELD BEACH, FL 33064	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(3) - Exterior building and structure standards. Chapter 66 - TRAFFIC AND VEHICLES DIVISION 3. BSO ENFORCED - REGULATIONS, GENERALLY Section 66-59. (c)(1)(b)- Parking on residentially zoned lots.	RESPONDENT NOT PRESENT CERTIFIED WITH \$80 PROSECUTION COST

				Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Sec. 98-88. (b) - Off-street parking and loading.	
51	24010120	INCIPIENT FIRE LLC	150 VENTNOR J, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT EXTENDED TO 4-19-2024
52	24010204	SCHABES,MAURICIO	9 WESTBURY A, UNIT 9,DEERFIELD BEACH, FL 33442 9	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT EXTENDED TO 4-19-2024
53	24010187	SAHADEO,DEODAT H/E SAHADEO,ZALIMA/Landscape and Building Permits	4030 NE 5 TER, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(K) (4) - Landscape Requirements. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT EXTENDED TO 4-19-2024
54	24010201	FKH SFR C1 LP %FIRST KEY HOMES LLC/Landscape	2703 SW 14 DR, DEERFIELD BEACH, FL 33442	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas.	RESPONDENT WAS PRESENT- ATTORNEY ALEXIS BATAMOUNT

				Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(C) (3) - Landscape Requirements.	CONTINUED 4-26-2024
56	24010206	SILVA,GEOVANY PEREIRA	661 NW 38 PL, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT- GEOVANY SILVA FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$115 PER DAY \$80 PROSECUTION COST
83	24030048	FEASTER,RICHARD H MITCHELL,THOMAS B	1543 SE 10 ST, DEERFIELD BEACH, FL 33441	Chapter 66 - TRAFFIC AND VEHICLES Section 66-117. (A) - Parking prohibitions; enforcement.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-19-2024 \$225 PER DAY \$80 PROSECUTION COST
84	24030053	PIERRE,JOSEPH & CLAUTILDE	4310 NE 7 AVE, DEERFIELD BEACH, FL 33064	Chapter 58 - SOLID WASTE DIVISION 3. - RESIDENTIAL COLLECTION Section 58-70. (f) - Preparation of bulky yard and vegetative wastes.	RESPONDENT NOT PRESENT FINAL ORDER AND IMPOSITION OF LIEN AND CLAIM OF LIEN WAS IMPOSED FOR ONE DAY AT \$250 PLUS \$80 PROSECUTION COST A CEASE AND DESIST ORDER WAS ISSUED IF THE VIOLATION IS REPEATED THE FIRST TIME \$200, SECOND 350 AND BEYOND \$500

85	24010040	LEIBOWITZ, CAMRYN OLIVIA	1101 CRYSTAL LAKE DR, UNIT 307,DEERFIELD BEACH, FL 33064 307	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 3-8-2024 FOR \$250 PER DAY
86	24030052	LAINÉ,MASHA LAINE,SHOLOM & POPACK,C S/SOLID WASTE NAB	1109 SE 12 ST, DEERFIELD BEACH, FL 33441	Chapter 58 - SOLID WASTE DIVISION 3. - RESIDENTIAL COLLECTION Section 58-70. (f) - Preparation of bulky yard and vegetative wastes.	RESPONDENT NOT PRESENT FINDING OF FACT ORDER ISSUED' COST WAIVED
87	24030127	DICKENS,EDDIE JR	609 NE 2 TER, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. - PROPERTY EXTERIOR MAINTENANCE CODE; Section 14-105(8) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-74 - Display of street numbers on buildings.	RESPONDENT NOT PRESENT REPEAT FINAL ORDER AND IMPOSITION ORDER ISSUED FOR 12 DAYS AT \$350 PER DAY UNTIL COMPLIED \$80 PROSECUTION COST
88	24030123	DICKENS,EDDIE JR	609 NE 2 TER, DEERFIELD BEACH, FL 33441	.Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(4) - Exterior building and structure standards. Chapter 66 - TRAFFIC AND VEHICLES ARTICLE II. BSO ENFORCED- STOPPING, STANDING, PARKING; DIVISION 3. -	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 4-7-2024 \$250 PER DAY PER VIOLATION \$80 PROSECUTION COST

				REGULATIONS, GENERALLY Section 66-59. (b) - Parking on residentially zoned lots. FIRE PREVENTION CODE F- 103.2.9.5 Hurricane Protection Devices - Shutters Up After Storms	
89	24030147	MARTIN,KLINE GLYNN & RAMONA	1271 SW 8 AVE, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. - PROPERTY EXTERIOR MAINTENANCE CODE; Section 14-105(8) - Exterior building and structure standards Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14- 105(1) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14- 106(b) - Minimum standards for yard and landscape areas. Chapter 34 - ENVIRONMENT - ARTICLE III. - NUISANCES Section 34-160 (b) (1) (2), (c), (d) and (e). Public property or public right-of-way:- Abandoned, junk or inoperative vehicles. Chapter 66 - TRAFFIC AND VEHICLES ARTICLE II. BSO ENFORCED-	RESPONDENT WAS PRESENT- KLINE MARTIN FINDING OF FACT ORDER ISSUED COST WAIVED

				STOPPING, STANDING, PARKING; DIVISION 3. - REGULATIONS, GENERALLY · Section 66-56(1) (L). - Prohibitions relative to stopping, standing or parking in specific places. Chapter 66 - TRAFFIC AND VEHICLES DIVISION 3. BSO ENFORCED- REGULATIONS, GENERALLY Section 66-59. (c)(1)(a)- Parking on residentially zoned lots. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Sec. 98-88. (b) - Off- street parking and loading. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(N) (1) - Landscape Requirements.	
A	17090001	RIVERS,E & VIOLA	285 SW 3 ST, DEERFIELD BEACH, FL 33441	Chapter 66 - TRAFFIC AND VEHICLES ARTICLE II. - STOPPING, STANDING, PARKING; DIVISION 3. - REGULATIONS, GENERALLY Section 66-59. (b) - Parking on residentially zoned lots.	RESPONDENT NOT PRESENT CERTIFIED SETTLEMENT FOR \$35,000 TO BE PAID BY 5-31-2024

B	19070109	RIVERS,E & VIOLA	285 SW 3 ST, DEERFIELD BEACH, FL 33441	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VII. - ABANDONED REAL PROPERTY Section 34-144 - Maintenance requirements.	RESPONDENT NOT PRESENT CERTIFIED SETTLEMENT FOR \$35,000 TO BE PAID BY 5-31-2024
C	22080117	CRYSTAL HILLS VI CONDO UNIT 1 PER PLUS 7 OTHER UNITS	1061 NW 45 ST, DEERFIELD BEACH, FL 33064	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WERE PRESENT- SHLOMO SHOCK ERNIE WILLIS FINES MITIGATED FOR \$4,750 FOR ALL CASES TO BE PAID BY 5-31-2024
D	23060079	CRYSTAL HILLS VI CONDO UNIT 2 PER/PLUS 7 OTHER UNITS	1061 NW 45 ST, DEERFIELD BEACH, FL 33064	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WERE PRESENT- SHLOMO SHOCK ERNIE WILLIS RESPONDENTS WERE PRESENT- FINES MITIGATED FOR \$4,750 FOR ALL CASES TO BE PAID BY 5-31-2024
E	23080096	MURE,JOSEPH JR	500 SE 21 AVE, UNIT 610,DEERFIELD BEACH, FL 33441 610	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENTS WERE PRESENT- ATTORNEY JOSEPH MURE ALBERTO CHUECOS FINES MITIGATED FOR \$35,000 TO BE PAID BY 4-26-2024

F	23020017	ALZATE, RAMON	720 NE 43 CT, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENTS WERE PRESENT- RAMON ALZATE ALBERTO CHUECOS FINES MITIGATED FOR \$1,600 TO BE PAID BY 5-31-2024
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SPECIAL MAGISTRATE MINUTES
CITY OF DEERFIELD BEACH, FLORIDA

Douglas Gonzales, Special Magistrate

Date

**COMMUNITY APPEARANCE BOARD
MEETING MINUTES
CITY OF DEERFIELD BEACH, FLORIDA
April 24, 2024**

A regular meeting of the Community Appearance Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:00 p.m. in the City Commission Chambers, Deerfield Beach, by Vice Chair Cummings.

Roll Call:

Present: Jack Hugentugler
Janelle Richards, Alternate
Joseph Cummings, Vice Chair

Also Present: Daniel Mantell, Planning and Zoning Manager
Emily Cortez, Planner I
Eric Power, Director of Planning and Development Services
Anthony Soroka, City Attorney
Samantha Charlemont, Assistant City Clerk

Absent: Tinka Ellington
Harry Belton, Chair

APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Hugentugler made a motion, seconded by Ms. Richards to approve the April 10, 2024 meeting minutes as submitted. The motion CARRIED by unanimous vote.

NEW & DEFERRED ITEMS

Crystal Palms
#7135 1401, 1421, 1441, 1461 NW 45th Street
Reroof

Daniel Mantell, Planning and Zoning Manager, displayed plans and images submitted by the applicant.

Charles Seitz, applicant, provided renderings of the proposed changes, which include a reroof shingle and flat with the color estate grey.

Mr. Hugentugler made a motion, seconded by Ms. Richards to approve Item #7135 as submitted. The motion CARRIED by unanimous vote.

Campbell Corner
#7127 447 – 451 S Federal Highway
Master Sign Plan

Daniel Mantell, Planning and Zoning Manager, displayed plans and images submitted by the applicant.

Marco Gomez, applicant, provided renderings of the proposed changes to the Master Sign Plan, which will provide a uniform set of standards for all tenants to follow.

Thereafter, there was a brief discussion regarding the current sign, the number of tenants, and color, which will remain the same.

Mr. Hugentugler made a motion, seconded by Ms. Richards to approve Item #7127 as submitted. The motion CARRIED by unanimous vote.

Sign Code Ordinance
150 NE 2nd Avenue
Draft Sign Code Compliance

Eric Power, Director of Planning and Development Services, provided a brief presentation regarding the sign code amendment.

Thereafter, there was a brief discussion amongst the board members and staff regarding the sign code amendment.

Comments by Deerfield Beach City Attorney

None.

Comments by Deerfield Beach Planning and Development Services Department

Next Meeting - Daniel Mantell, Planning and Zoning Manager, said there will be a meeting on May 8, 2024.

ADJOURNMENT

Mr. Hugentugler made a motion, seconded by Ms. Richards to adjourn the meeting at 7:47 p.m. The motion CARRIED by unanimous vote.

Harry Belton, Chair
Community Appearance Board



Regular City Commission Meeting - May 21, 2024

DEERFIELD BEACH - YOU ARE HEREBY NOTIFIED that the **Regular City Commission** meeting will be held on **Tuesday, May 21, 2024, at 7:00 PM in the City Commission Chambers located at the City Hall Complex, 150 NE 2nd Avenue, Deerfield Beach, Florida.** A quorum of the City Commission will be physically present at the meeting and the City will be utilizing communications media technology with most City staff participating through video conferencing.

The May 21, 2024, Regular City Commission meeting will proceed utilizing communications media technology; **however, the City Commission Chambers located at the City Hall Complex, 150 NE 2nd Avenue, Deerfield Beach, will be open to the public as an additional method** for speakers wishing to speak on items. A copy of the agenda for the May 21, 2024 meeting will be available at <http://www.deerfield-beach.com/1554/Meetings-Agendas>.

Attending and Viewing the City Commission Meeting:

This meeting will be broadcast live for members of the public. There are several options available to the public to attend/view the meeting:

- 1. In Person Attendance.** Attend in person in the City Commission Chambers.
- 2. Zoom**
 - a. Via Zoom Online** - Access to the meeting will begin at 6:45 PM on May 21, 2024.
 - i. Use the following link below to access the meeting via Zoom:
<https://deerfield-beach.zoom.us/j/85453225952?pwd=aTlwV1VwL2oyandpTi9QNUFWd0NhZz09>
 - ii. The video camera display feature is disabled for public use.
 - b. Via Zoom Telephone** - Join the meeting via telephone (audio only) using the Call-in number below, followed by the Meeting ID when prompted. No computer or access code is required.

Call-in Number: (301) 715-8592, Meeting ID: 854 5322 5952#, Participant ID: #, Passcode: 328055#

For more information on using Zoom, please visit Zoom Support at the following link:
<https://support.zoom.us/hc/en-us>.

3. YouTube

The meeting will also be available to the public via YouTube for audio and video access; however, public participation, i.e. comments are not possible. The link to watch the meeting via YouTube will be active no later than 6:45 PM on May 21, 2024, and can be found by clicking the camera icon in the Media column at <http://www.deerfield-beach.com/1554/Meetings-Agendas>.

Providing Public Comment:

Public participation is strongly encouraged. Your comments will be limited to three minutes per person. To participate, please choose the option best for you and remember to include your name and address for the record.

1. **In person** - Public comment may be given in the Commission Chambers during the applicable public comment portion of the meeting.
2. **Live Zoom Video Participation** - If attending via Zoom online, at the appropriate public comment period, click “raise hand” which is located at the bottom of the screen under the “reactions” tab, and your audio will be unmuted when you are recognized.
3. **Live Zoom Telephone Participation** - If attending via Zoom by telephone, at the appropriate public comment period, press *9 to “raise your hand” and your audio will be unmuted when you are recognized.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK NO LATER THAN 3 DAYS PRIOR TO THE MEETING AT (954) 480-4213 FOR ASSISTANCE.

Should you have any questions, please feel free to contact the City Clerk’s Office at 954.480.4213. For additional information on the agenda items for the Commission meeting, please visit www.dfb.city.



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2024-247

Agenda Date: 5/21/2024

Status: PUBLIC HEARINGS

In Control: City Commission

Title

P.N. 2024-061: Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and adopting a substantial amendment to the Fiscal Year 2023-2024 Community Development Block Grant Annual Action Plan to reallocate \$426,482.05 of unexpended Community Block Grant CV-1 and CV-3 Program Funds from rental and utilities assistance, and planning administrative assistance to sidewalk projects in eligible areas; authorizing the City Manager to execute all applicable documents relating to the substantial amendment; providing for implementation and an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The City of Deerfield Beach is an entitlement recipient of Federal formula grants from the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) and CDBG Coronavirus (CDBG-CV) 1 and 3 Programs. HUD awarded the City **\$989,121** in FY 2019/2020 and 2020/2021 as supplemental funds to prevent, prepare for, and respond to the Coronavirus Pandemic. The City elected to assign funding to residents by supporting rental and utility bill assistance in response to the pandemic and administrative use for monitoring and compliance with federal funds as stipulated by federal regulations. Uncommitted funds shall be encumbered by no later than September 2024.

Current Activity

The City identified \$426,482 in uncommitted FY 2019/20 CDBG-CV 1 (\$66,328.06) and FY 2020/21 CDBG-CV 3 (\$360,153.99) funds for rental and utilities assistance, and planning and administrative assistance. Funding will be re-appropriated to provide sidewalks in eligible areas identified throughout the City. Reallocating these funds is necessary to realign final activity expenditures with the existing Action Plan allocations and repurpose unexpended funds from pre-approved activities.

A copy of the FY 2023-2024 Annual Action Plan Substantial Amendment was made available to the public for input. In accordance with the City's Citizen Participation Plan, the 30-day comment period commenced on April 20, 2024, and ends on May 20, 2024. Upon approval, the City's FY 2023/24 amended Action Plan will be updated to reflect the activity proposed herein and then submitted to HUD for approval.

Recommendation

The City Commission is recommended to approve the FY 2023/24 Annual Action Plan Substantial Amendment, authorize submission and for the City Manager to execute all applicable documents

related to reallocating these funds.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING AND ADOPTING A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN TO REALLOCATE \$426,482.05 OF UNEXPENDED COMMUNITY BLOCK GRANT CV-1 AND CV-3 PROGRAM FUNDS FROM RENTAL AND UTILITIES ASSISTANCE, AND PLANNING ADMINISTRATIVE ASSISTANCE TO SIDEWALK PROJECTS IN ELIGIBLE AREAS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS RELATING TO THE SUBSTANTIAL AMENDMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

WHEREAS, the City of Deerfield Beach (“City”) participates in the U.S. Department of Housing and Urban Development (“HUD”) entitlement allocation formula as a recipient of federal funds; and

WHEREAS, on June 16, 2020, the City Commission passed and adopted Resolution No. 2020/058, which adopted a five-year consolidated plan for Fiscal Years 2020/2021 through 2024/2025; and

WHEREAS, on August 1, 2023, pursuant to Resolution 2023-118, the City Commission approved the Action Plan for Fiscal Year 2023-2024 with an estimated allocation of \$695,734.00; and

WHEREAS, in reviewing the funding allocations for 2019-2020 through 2023-2024, City staff identified unexpended funding in the designated activities of rental and utilities assistance and administrative services as follows: (1) FY 2019/2020 CDBG-CV 1- \$66,328.06; and (2) FY 2020/2021 CDBG-CV3 - \$360,153.99 for a total uncommitted funds of \$426,482.05 (collectively, the “Funds”); and

WHEREAS, the City advertised a Notice of a 30-day public comment period (April 20, 2024 to May 20, 2024), with a public hearing on May 21, 2024, for a substantial amendment to the Fiscal Year 2023-2024 Annual Action Plan to reallocate the uncommitted Funds to the designated sidewalk activity program for eligible areas within the City (the “Substantial Amendment”); and

WHEREAS, on May 6, 2024, the Affordable Housing Advisory Committee reviewed the proposed Substantial Amendment and forwarded a recommendation of approval to the City Commission; and

WHEREAS, staff recommends the City Commission approve the Substantial Amendment, attached as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby approves the Substantial Amendment to the Fiscal Year 2023-2024 Annual Action Plan, attached as Exhibit “A,” and authorizes the appropriate City officials to submit the Substantial Amendment to HUD.

Section 3. The City Manager or designee is authorized to execute the Substantial Amendment to the Fiscal Year 2023-2024 Annual Action Plan submission, and all necessary certifications and funding agreements and documents to effectuate the Substantial Amendment, and the City Manager is hereby designated to be the authorized representative of the City to act in connection with the Action Plan and to provide any additional information as may be required.

Section 4. The appropriate City officials are authorized to do all things necessary to carry out the aims of this Resolution.

Section 5. The Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

EXHIBIT A

FY 2023/2024 – Substantial Amendment

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The City of Deerfield Beach is located in northeast Broward County, Florida. Incorporated in 1925, the City is approximately 16.3 square miles and has an estimated population of 86,772, according to the U.S. Census.

The City of Deerfield Beach is a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program entitlement community grantee, receiving an annual grant award since Fiscal Year 2000 to provide decent housing, a suitable living environment, and expand economic opportunities, principally for low and moderate-income persons. The City is also a recipient of an annual grant award through HUD's Home Investment Partnership Program, as a member of the Broward County HOME Consortium, and an annual allocation from the Florida State Housing Initiatives Partnership (SHIP) Program to create and preserve affordable housing.

The Annual Action Plan outlines the City's CDBG housing and community development activities and funding sources for Fiscal Year (FY) 2023-2024, which covers the period beginning October 1, 2023 and ending September 30, 2024. The Action Plan aligns with the community development strategies and priorities in the City's Five-Year Consolidated Plan. The FY 2023-2024 Action Plan represents the fourth program year of the City's FY 2020-2024 Consolidated Plan.

SUBSTANTIAL AMENDMENT

The City updated the FY 2023/2024 Annual Action Plan on or around May 24, 2024. The plan proposes to reallocate approximately \$556,000 in CDBG and CDBG-CV funding from various activities, allowing the City to improve public facilities in eligible areas. Assisted activities are improvements to parks and sidewalks.

2. Summarize the objectives and outcomes identified in the Plan

Annual Action Plan
2023

1

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The City of Deerfield Beach has identified three priorities for the FY 2023-2024 Community Development Block Grant program year which aligns with the City's FY 2020-2024 Consolidated Plan. The priorities are as follows:

Priority 1 – Increase Access to Affordable Housing

The City of Deerfield Beach has been impacted by the housing affordability crisis. Median home sales and residential rent have drastically increased. To that end, the City will continue to support the preservation of affordable housing and prioritize development of locally owned public land, suitable for affordable housing.

Priority II – Provide for Infrastructure Improvements

The City of Deerfield Beach will construct water and sewer improvements to locally owned public land that, upon development, the housing will be occupied by low and moderate-income households.

Priority III – Increase Access to Public Services

The City of Deerfield Beach senior population exceeds 23%, according to the U.S. Census. As such, the City will continue to prioritize public service programs for seniors in the community, including transportation services.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Annually, the City of Deerfield Beach prepares and submits a Consolidated Annual Performance & Evaluation Report (CAPER) to HUD to account for the accomplishments and progress of the housing and community development activities and goals outlined in the Consolidated Plan and prior year Annual Action Plan. The City's FY 2021-2022 CAPER, submitted to HUD in December 2022, includes a detailed evaluation of the activities, goals and objectives in the FY 2021-2022 Action Plan and the FY 2020-2024 Consolidated Plan.

Key highlights include the following:

- Assisted two (2) households with the purchase of a home
- Assisted 14 households with home rehabilitation assistance
- Assisted 52 seniors with transportation services
- Assisted three (3) households with Rental and Utility Assistance
- Provided health and wellness services to 22 seniors
- Suspended services at Alzheimer’s Adult Daycare due to impacts from COVID-19

The City’s Fiscal Year 2022-2023 CAPER is due to HUD December 2023.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The Citizen Participation Process is vital to the success of the City’s U.S. Department of Housing and Urban Development entitlement funded programs and activities. Citizens were provided with the opportunity to participate in the planning, development, and adoption of the City’s FY 2023-2024 Annual Action Plan, in accordance with the City’s Citizen Participation Plan.

The City held a pre-development meeting to assess the City’s housing and community development needs and priorities, and two public hearings to obtain input about the City’s draft FY 2023-2024 Annual Action Plan. Citizens were provided with an opportunity to review and comment on the Annual Action Plan for a 30-day public comment period that began on July 3, 2023 and ended on August 1, 2023. The public hearings and 30-day comment period were noticed via the local newspaper, City website and social media.

Additional Citizen Participation was required to accurately represent the City’s FY 2023-2024 CDBG allocation which was understated. As such, a second 30-day public comment period was initiated on August 17, 2023 and ended on September 16, 2023.

SUBSTANTIAL AMENDMENT

The City identified a need to reallocation CDBG and CDBG-CV funds during FY 2023/2024. The City consulted citizens during the quarterly Local Housing Advisory Committee meeting on May 6, 2024. In addition, citizens were allowed to review and comment on the Annual Action Plan for a

30-day comment period from April 20, 2024, to May 20, 2023. The City placed the applicable public notices in the local newspaper, the City’s website, and social media. The public hearing was held during a regular commission meeting on May 21, 2024.

Refer to table below for the Citizen Participation Process timeline.

Table 1 – Citizen Participation Schedule

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The City received public input/comments during the development of the FY 2023-2024 Annual Action Plan. Please see Exhibit A for summary of citizens’ comments and City responses.

6. Summary of comments or views not accepted and the reasons for not accepting them

All public input was considered during development of the FY 2023-2024 Annual Action Plan.

SUBSTANTIAL AMENDMENT

The City did not receive any comments for consideration.

7. Summary

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	DEERFIELD BEACH	Aneisha Nicholas

Table 1 – Responsible Agencies

Narrative

The City of Deerfield Beach Community Services Department serves as the City's administrator of entitlement funding from the U.S. Department of Housing and Urban Development and State of Florida, for housing and community development activities designed to serve low- and moderate-income persons.

Consolidated Plan Public Contact Information

Aneisha Nicholas, Assistant Director of Community Services

City of Deerfield Beach

227 NW 2nd Street

Deerfield Beach, FL 33441

Telephone #: (954) 422-5810

Email: ANicholas@deerfield-beach.com

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AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

As part of the Citizen Participation process, the City consulted with a variety of agencies, organizations and associations to develop the Fiscal Year 2023-2024 Annual Action Plan. The City consulted with City staff, City Commission, government agencies that support LMI households, non-profit agencies and civic associations comprised of community members that engage in affordable housing, residential construction, real estate, urban planning, LMI advocacy, for-profit businesses and banking. The City is actively assessing its broadband needs to serve the LMI and business community, and consults with staff within the Information Technology Department and Economic Development Department.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City is coordinating with the Deerfield Beach Housing Authority to utilize their network of resources to increase the impact of federal and state funding on the LMI community. The City has partnered with public agencies such as the Area Agency of Broward County, Broward County School Board, the nonprofit organization Deerfield Beach Cares to provide social services and health and mental services to the City's senior population and LMI households. The City also partners with the local hospital, Broward Health North, on initiatives that support health and wellness and economic development in neighborhoods within the LMI community.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Deerfield Beach is a municipality in Broward County and coordinates with Broward County's Homeless Continuum of Care to administer services to address the needs of individuals and families that are homeless or at risk of homelessness. The City consults with the Continuum of Care to determine the state of homelessness in its community, methods to combat homelessness and identify services and programs available to citizens in need of their services.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction’s area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

N/A- The City of Deerfield Beach is not a recipient of ESG funding.

2. Agencies, groups, organizations and others who participated in the process and consultations

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Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Deerfield Beach Affordable Housing Advisory Committee
	Agency/Group/Organization Type	Housing Civic Leaders

	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Consulted with the Affordable Housing Advisory Committee regarding the City's housing and community development needs and priorities. The Board provided input towards the priorities and activities outlined in the Annual Action Plan.
2	Agency/Group/Organization	Deerfield Beach Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Services-Elderly Persons Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Consulted with staff at the Deerfield Beach Housing Authority about the City's housing and community development needs and priorities. Staff discussed how the ongoing housing crisis has impacted housing in the City of Deerfield Beach to include public housing. Staff recommended resources and strategies to increase the impact of federal and state funding.
3	Agency/Group/Organization	Deerfield Beach Family Empowerment, Inc.
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Deerfield Beach has partnered with Deerfield Beach Family Empowerment, Inc. to implement affordable housing programs designed for the City's LMI population. Consulted DBFE staff to determine the effectiveness of existing programs and activities and develop strategies to increase the impact of CDBG funding. Discussed strategic marketing, inclusive of workshops and partnerships to increase programmatic impact.
--	--	---

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not exclude any agency types from the Citizen Participation process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Broward County Homeless Initiative Partnership	Addresses issues pertaining to homelessness, and outlines programs and services available to assist the City's homeless population and households at risk of becoming homeless.
Deerfield Beach Comprehensive Plan - Housing	City of Deerfield Beach Planning & Development Services Department	Outlines the City's policies and goals for the preservation and expansion of the City's housing stock.
Deerfield Beach State Housing Initiatives Partners	City of Deerfield Beach Community Services Department	Details the City's strategies to produce and preserve affordable housing. Designed to serve very low, low- and moderate-income families.

Table 3 - Other local / regional / federal planning efforts

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AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The Citizen Participation process was integral in developing the Fiscal Year 2023-2024 Annual Action Plan as it supported the identification of housing and community development needs to effectively serve low- and moderate-income persons and neighborhoods in the City. Public input from the Citizen Participation process supports the activities, programs and goals outlined in the Action Plan.

In accordance with 24 CFR 91.105, the City of Deerfield Beach provided citizens with reasonable notice to public meetings and an opportunity to comment on the Draft Annual Action Plan prior to adoption. Refer to Table 1 - Citizen Participation Schedule on page four (4). The Citizen Participation process involved the following:

- Pre-Development public meeting in coordination with the City's Affordable Housing Advisory Committee;
- Public Hearings to obtain public input about the draft Annual Action Plan;
- Draft Annual Action Plan 30-day Public Comment Period; and
- Draft Substantial Amendment 30-day Public Comment Period.

The public hearings and 30-day comment period were noticed via the Sun Sentinel, a newspaper of general circulation, and the City's website. The City made available to citizens, public agencies, and other interested parties a copy of the draft Fiscal Year 2023-2024 Annual Action Plan and proposed Substantial Amendment with summaries of the proposed projects with their respective funding allocation.

The Community Services Department also consulted with City staff, the local public housing authority and a non-profit organization that supports the implementation of affordable housing assistance programs for input on the activities, strategies and goals outlined in the Fiscal Year 2023-2024 Annual Action Plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Newspaper Ad	Non-targeted/broad community	N/A	N/A	N/A	
2	Internet Outreach	Non-targeted/broad community	N/A	N/A	N/A	
3	Public Hearing	Non-targeted/broad community	City Staff provided information about programs and discussed plans to address citizens recommendations and concerns.	Refer to Exhibit A	All public input were considered	
4	Public Meeting	Non-targeted/broad community City Residents; LMI agencies	City Staff provided information about programs and discussed plans to address citizens recommendations and concerns.	Refer to Exhibit A	All public input were considered.	
5	30-Day Public Comment Period	Non-targeted/broad community	N/A	None	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

The City receives annual federal funding from the U.S. Department of Housing and Urban Development (HUD) as an entitlement community through the Community Development Block Grant (CDBG) Program and a HOME Investment Partnerships Program (HOME) consortium member. The City is also a recipient of annual funding from the State of Florida through the State Housing Initiatives Partnership Program (SHIP) to

produce and preserve affordable housing in the Deerfield Beach community.

The table below provides a breakdown of the City's anticipated funding allocation from CDBG, HOME and SHIP in Fiscal Year 2023-2024.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	703,973	0	0	703,973	0	Entitlement grantee estimated FY 23/24 annual allocation
Other	public - federal	Housing	244,451	0	0	244,451	0	Broward County HOME Consortium member estimated FY 23/24 allocation
Other	public - state	Housing	1,003,022	0	0	1,003,022	0	Florida SHIP grantee estimated FY 23/24 allocation.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how

matching requirements will be satisfied

The City of Deerfield Beach utilizes federal and state funding to implement the City's affordable housing programs. Federal funding is leveraged with state funding to increase the impact of activities benefitting low- and moderate-income persons in Deerfield Beach. Matching funds are not a requirement for any of the initiatives outlined in the Annual Action Plan.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City has an inventory of locally owned public land suitable for affordable housing. Two such parcels require water and sewer improvements. The City intends to fund the improvements with CDBG funding and partner with non-profit developers to build affordable housing for low- and moderate-income persons.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public Improvements	2020	2024	Non-Housing Community Development	Target Area Street Infrastructure	Increase Access to Affordable Housing Provide for Infrastructure Improvements	CDBG: \$528,178	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 2 Households Assisted
2	Public Service Senior Transportation	2020	2024	Non-Housing Community Development	SENIOR PUBLIC SERVICES CityWide	Increase Access to Public Services	CDBG: \$35,000	Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted
3	Planning and Administration	2020	2024	Non-Housing Community Development	CityWide	Increase Access to Affordable Housing Provide for Infrastructure Improvements Increase Access to Public Services	CDBG: \$140,795	Other: 0 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Public Improvements
	Goal Description	To facilitate public improvement and infrastructure projects within LMI neighborhoods (CDBG target areas) in Deerfield Beach.
2	Goal Name	Public Service Senior Transportation
	Goal Description	To provide transportation services to seniors in the Deerfield Beach community.
3	Goal Name	Planning and Administration
	Goal Description	Oversee the administration, development and implementation of the program

AP-35 Projects - 91.420, 91.220(d)

Introduction

The Fiscal Year 2023-2024 Annual Action Plan is the fourth program year plan under the City's Fiscal Year 2020-2024 Consolidated Plan. The projects and activities which are recommended for funding in Fiscal Year 2023-2024 are in alignment with the priorities of the Consolidated Plan.

Table 8 – Project Information

#	Project Name
1	Water and Sewer Improvements
2	Senior Transportation
3	Planning and Administration
4	Public Infrastructure Improvements

Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Deerfield Beach is committed to improving the quality of life for low- and moderate-income persons in the community. Decent housing and a suitable living environment are products of the public infrastructure and public service activities prioritized for implementation in Fiscal Year 2023-2024 to serve the City's LMI population.

Grant funding is the City's primary source of funding to implement the prioritized projects and activities. Consequently, the main obstacle is limited or decreased grant funding. The City's federal and state funding allocations fluctuate annually which makes planning for and meeting the needs of the City's LMI population challenging. This obstacle is compounded by the ongoing housing crisis and inflation. Home prices have significantly increased in the City of Deerfield Beach.

The median sale price for a home in Broward County has been increasing annually over the last three years. According to the Broward Property Appraiser, the median sale price for a single-family home increased by more than 47% between December 2019 and December 2022. Additionally, the increased cost of goods and services due to inflation is expected to negatively impact the level of assistance the City can provide to LMI persons.

AP-38 Project Summary
Project Summary Information

1	Project Name	Water and Sewer Improvements
	Target Area	Target Area Street Infrastructure
	Goals Supported	Public Improvements
	Needs Addressed	Increase Access to Affordable Housing Provide for Infrastructure Improvements
	Funding	:
	Description	Water and sewer installations in LMI community
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 2 LMI households will benefit from the proposed activity.
	Location Description	City of Deerfield Beach
	Planned Activities	Water and Sewer Improvements
2	Project Name	Senior Transportation
	Target Area	SENIOR PUBLIC SERVICES CityWide
	Goals Supported	Public Service Senior Transportation
	Needs Addressed	Increase Access to Public Services
	Funding	:
	Description	Senior Transportation services for persons 62 years and older to and from various locations in the City inclusive of the Senior Center, medical appointments, pharmacies, grocery and department stores, local malls, libraries, post offices, local parks, beaches and local restaurants.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 50 seniors will benefit from the Senior Transportation program.
	Location Description	City of Deerfield Beach, Florida
	Planned Activities	Transportation Services
	Project Name	Planning and Administration

3	Target Area	CityWide
	Goals Supported	Planning and Administration
	Needs Addressed	Increase Access to Affordable Housing Provide for Infrastructure Improvements Increase Access to Public Services
	Funding	:
	Description	Administration of the Programs
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	City of Deerfield Beach
	Planned Activities	Administration of the Programs
4	Project Name	Public Facilities Improvements
	Target Area	Citywide
	Goals Supported	Public Improvements
	Needs Addressed	Provide for Infrastructure Improvements
	Funding	:
	Description	Water and sewer installations in LMI community
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	An estimated TBD LMI households will benefit from the proposed activity.
	Location Description	City of Deerfield Beach
	Planned Activities	Public Infrastructure Improvements

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Deerfield Beach is located in northeastern Broward County, Florida. According to the U.S. Census, the City's population is 86,772. The median household income in the City is \$49,650, according to the U.S. Census American Community Survey (ACS) 2017-2021 and the percent of persons in poverty is 15.6%.

The public infrastructure and public service activities outlined in the Fiscal Year 2023-2024 Annual Action Plan are designed to serve low- and moderate-income persons citywide. The public infrastructure project which involves water and sewer improvements will benefit areas in the City where at least 51% of the residents are low- and moderate-income persons.

The attached CDBG Target Area Map shows Census Block Groups citywide and outlines areas in the City with 51% and greater low- and moderate-income residents.

Geographic Distribution

Target Area	Percentage of Funds
Target Area Street Infrastructure	75
FIRST TIME HOMEBUYERS PROGRAM	
HILLSBORO BLVD	
CITY-WIDE PUBLIC SERVICE, INCOME ELIGIBLE	
SENIOR PUBLIC SERVICES	
HOMEOWNERSHIP/REHAB/BARRIER REMOVAL	
FAIR HOUSING ACTIVITY	
SENIOR CITIZENS	
ANONYMOUS URGENT NEED/HELP REFFERAL	
Census Tract/Block Group 102.00 (2-6)	
Census Tract/Block Group 103.04 (1)	
Census Tract/Block Group 103.05 (1,2,3)	
Census Tract/Block Group 103.06 (1,2)	
Census Tract/Block Group 103.07 (1,2,3)	
Census Tract/Block Group 104.03 (1,2,3)	
Census Tract/Block Group 104.05 (2,3)	
Census Tract/Block Group 107.01 (1,2)	
Census Tract/Block Group 107.02 (1,2,3,4)	
CityWide	25

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The City of Deerfield Beach housing market poses significant barriers to affordable housing. Housing costs in Deerfield Beach has increased. Like much of America, the City has been experiencing a housing crisis due to a dramatic increase in the cost of homes, land, construction materials, labor, gas, etc. Additionally, about 60 percent of the housing inventory in Deerfield Beach is more than 40 years of age, according to the U.S. Census. The age of housing stock presents the challenge of maintaining quality housing so that inventory does not shrink as units fall into disrepair.

Housing conditions are an important aspect of the Deerfield Beach community quality of life, particularly for low- and moderate-income residents, of which the City has a relatively high LMI percentage. Considering rising housing costs and the age of existing housing stock, the City is committed to producing and preserving affordable housing in Deerfield Beach.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The Housing Element of the City's Comprehensive Plan provides guidance to develop appropriate plans and policies to meet identified or projected deficits in the supply of housing for moderate income, low income, and very low-income households, group homes, foster care facilities, and households with special housing needs, including rural and farm worker housing. The related goals and objectives listed in the Housing Element of the Comprehensive Plan include the following:

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: Provide for adequate and affordable housing for the existing population, anticipated population growth, and households with special housing needs.

Objective HS 1.2: Continue to employ existing housing implementation programs and revise existing and formulate new housing implementation programs when the City determines such programs will better provide for adequate and affordable housing in compliance with State and

Federal relocation housing regulations.

Objective HS 1.3: Assist in the elimination of substandard housing conditions, and for the structural and aesthetic improvement of existing housing while guiding the conservation, rehabilitation or demolition of housing as needed.

Objective HS 1.5: Provide adequate housing sites and distribution of housing for workforce, moderate, low, and very low-income households.

Discussion

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

This section addresses the City of Deerfield Beach's planned actions to foster and maintain quality affordable housing, continue the mitigation of lead-based paint hazards in homes occupied by low- and moderate-income individuals, reduce the number of households in poverty through various services, programs and coordination of service providers. The City will continue to undertake an educational campaign on fair housing to ensure that Deerfield Beach residents have the widest range of housing choices.

Actions planned to address obstacles to meeting underserved needs

The City of Deerfield Beach is committed to identifying opportunities to produce and preserve affordable housing, improve housing conditions and expand economic opportunities for its low- and moderate-income population. The City shall keep apprised of and shall consider implementation of all federal, state, and local housing subsidy programs in which the City is eligible to participate. The City shall also increase marketing efforts through targeted promotion and creative campaigns to increase public awareness of the affordable housing programs designed to serve low- and moderate-income persons.

Actions planned to foster and maintain affordable housing

The City intends to foster and maintain affordable housing in the City with the support of federal and state resources and coordinated efforts with public and private agencies and organizations. Public and private efforts will include coordination with 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.

The City has also established an Affordable Housing Advisory Committee who reviews the City's established policies, ordinances, land development regulations and comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing in Deerfield Beach.

Actions planned to reduce lead-based paint hazards

The City will continue to ensure that its affordable housing programs and projects comply with lead paint regulations. All appropriate lead hazard disclosures, brochures and testing will be communicated, distributed and performed, respectively, in compliance with Federal regulations for homes built prior to 1978. If abatement is required, specifications by a certified lead contractor will be incorporated into the housing activity/project work write up. These actions will prevent lead poisoning and hazards in the

community.

Actions planned to reduce the number of poverty-level families

The poverty rate in Deerfield Beach is 15.6 percent, according to the U.S. Census. The City will continue to prioritize federal and state funding for affordable housing programs and activities and economic development opportunities. Grant management is centralized in the City of Deerfield Beach Community Services Department. The Community Services Department will continue to work closely with the City's Economic Development Department to identify, provide and fund initiatives that promote job readiness and career opportunities for low- and moderate-income persons and economic expansion in the City of Deerfield Beach. The City also collaborates with the Broward County Continuum of Care, Deerfield Beach Housing Authority and other Broward County agencies to support projects and programs designed to reduce poverty in the City.

Actions planned to develop institutional structure

The City of Deerfield Beach Community Services Department oversees the administration of entitlement and competitive grants citywide pre and post award. This centralized structure enables the City to strengthen relationships with departments within the City and foster collaboration with residents, public and private agencies, organizations and grant funders to aid in identifying housing and community development needs, and opportunities to leverage federal, state and local resources to provide decent housing, a suitable living environment and expand economic opportunities for low- and moderate-income persons in the City.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Deerfield Beach housing stock has historically been constructed by the private sector. As such, the City is committed to strengthening relationships with public and private housing and social service agencies. The City works closely with the Deerfield Beach Public Housing Authority and utilizes their network of social service agencies to increase the impact of the City's affordable housing and public service programs, projects and activities. The City participates in interagency committees created to coordinate public, private and community-based efforts to expand affordable housing and economic development initiatives. Staff in the Community Services Department will continue attending affordable housing workshops to keep abreast of initiatives and regulations, identify best practices that can be implemented in the City and build on existing public and private collaborations to better serve the Deerfield Beach community.

Discussion

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

Introduction

The City may generate Program Income from its federal and state grant funded Homeowner Rehabilitation and Purchase Assistance programs. Program Income is recaptured if an LMI recipient of funding through the aforementioned programs defaults on the terms of their award amount, which is structured as a 0% deferred loan that converts to a grant at the end of the loan term (i.e. affordability period). In accordance with the loan terms, the City requires repayment of the award amount based on an annual prorated amount.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

City of Deerfield Beach, Florida

FY 2023/2024 HUD Annual Action Plan Substantial Amendment

CDBG, CDBG CV 1, and CV 3, Reallocation

(Public Comment Period: April 20, 2024 through May 20, 2024)

CONTENT OF THE PROPOSED SUBSTANTIAL AMENDMENT

This Substantial Amendment will also reprogram approximately \$426,482.05 in CDBG – CV 1 funds, \$66,328.06 in CDBG- CV 3, and \$360,153.99 in CDBG-CV funds to a new activity that will allow the City to provide sidewalks through the City in eligible areas.

Reallocation of these funds is necessary to realign final activity expenditures with existing Annual Action Plan allocations and repurpose unexpended funding from completed or cancelled activities. The following table outline the changes to the PY 2023/2024 Annual Action Plan by funding type, organization, activity name, and funding to be reallocated.

	Funding Year	Activity Name	Current Remaining Allocation	Reallocation
CDBG CV-1	2020	General Admin	20,364.00	
	2020	Rental Assistance	3,854.85	
	2020	Utilities Assistance	42,109.21	
	2023	Public Facilities Improvements - Sidewalks		66,328.06
	Total CV-1 Funding to Reallocate:		\$ 66,328.06	\$ 66,328.06
CDBG CV-3	2020	Utilities Assistance	250,000.00	
	2020	Rental Assistance	66,694.29	
	2020	General Admin	43,459.70	
	2023	Public Facilities Improvements - Sidewalks		360,153.99
	Total CV-3 Funding to Reallocate:		\$ 360,153.99	\$ 360,153.99
	CDBG EN and CV Total Reallocation:		426,482.05	426,482.05



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-156

Agenda Date: 5/21/2024

Status: PUBLIC HEARINGS – FIRST
READING

In Control: City Commission

Title

P.H. 2024-069: ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE CITY OF DEERFIELD BEACH LAND USE PLAN DESIGNATION FOR THE CITY-OWNED PARCEL CONSISTING OF APPROXIMATELY 1.52 GROSS ACRES LOCATED AT 555 SW 3RD AVENUE FROM CITY CONSERVATION TO RESIDENTIAL MEDIUM 16 DWELLING UNITS PER ACRE (LUPA #66A); PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN ACCORDINGLY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance and transmit to County

Voting Requirement

Adoption requires a 4/5 vote of the City Commission

Background/History

The City of Deerfield Beach is the owner of this property and has identified this approximately 1.36 acre parcel (1.52 gross acres) 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 Open Space under the County Future Land Use Map. The property is not part of the Tivoli Sand Pine Preserve. This property was dedicated to the City in 1974 and has been maintained as open space since that time. In order to amend the Land Use, the City is required to submit an application to Broward County with the request.

Upon approval of the Land Use Change, the City will also be required to amend the Zoning from S, (Open Space) to RM-15, (Residence, Multi-Family). Upon sale, donation or lease of property, a developer will need to obtain a plat from Broward County.

At the January 10, 2023 City Commission Meeting, the City Commission approved the Planning & Development Services Department to submit an application to Broward County for review. Staff has been informed by County Staff that no outstanding comments exist for the application. In order for the item to be placed on a County agenda, the City Commission must approve an Ordinance to amend the land use.

Upon the completion of the Land Use and Zoning amendments, the City will be able to offer this property through the Property Disposition Policy for affordable housing. There is no cost to submit the application to the County as the site is proposed for Affordable Housing.

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the site.

ORDINANCE NO. 2024/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE CITY OF DEERFIELD BEACH LAND USE PLAN MAP DESIGNATION FOR THE CITY-OWNED PARCEL CONSISTING OF APPROXIMATELY 1.52 GROSS ACRES LOCATED AT 555 SW 3RD AVENUE FROM CITY CONSERVATION TO RESIDENTIAL MEDIUM 16 DWELLING UNITS PER ACRE (LUPA #66A); PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN ACCORDINGLY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Deerfield Beach (the “Applicant”) is seeking a Small Scale Land Use Plan Amendment Application #66A (the “LUPA Application”) to amend the City’s Future Land Use Plan map designation of +/- 1.52 gross acres from City Conservation to Residential Medium (16) (16 Dwelling Units/Acre) for the City-owned parcel located at 555 SW 3rd Avenue, Deerfield Beach, FL, and more particularly described in the file (collectively, the “Property”); and

WHEREAS, pursuant to state law, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, held a duly noticed public hearing on May 2, 2024, to review the LUPA Application for the Property, and voted to recommend approval of the LUPA Application; and

WHEREAS, pursuant to Florida Statutes, City staff has conducted the necessary planning review required for amendments to the Land Use Plan and the City Commission has conducted the required duly advertised public hearing; and

WHEREAS, the City Commission, after review of the recommendations of the Director of Planning and Development Services, the Local Planning Agency, comments made at a public hearing, and careful consideration of the issues, finds that there is sufficient data, analysis and support for the LUPA Application and finds that the proposed Land Use Plan Amendment is consistent with the goals, objectives and policies of the Future Land Use Element and the Comprehensive Plan and is compatible with surrounding development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above “Whereas” clauses are true and correct and are made a part of this Ordinance.

Section 2. The City of Deerfield Beach hereby approves the LUPA Application for the Property and hereby amends the Future Land Use Map designation of +/- 1.52 gross acres from City Conservation to Residential Medium (16) (16 Dwelling Units/Acre) for the City-owned parcel located at 555 SW 3rd Avenue, Deerfield Beach, FL (the “LUPA Amendment”).

Section 3. The LUPA Amendment shall be effective upon certification by the Broward County Planning Council, at which time the Future Land Use Plan of the City of Deerfield Beach shall be revised accordingly.

Section 4. The appropriate City officials are authorized to do all things necessary and expedient to effectuate the LUPA Amendment and the corresponding amendment to the County's Future Land Use Map.

Section 5. All sections or parts of the City Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. If any word, phrase, clause, sentence, or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 7. This Ordinance shall take effective immediately upon adoption on Second Reading.

PASSED AND ADOPTED ON FIRST READING THIS ____ DAY OF _____, 2024.

PASSED AND ADOPTED ON SECOND READING THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

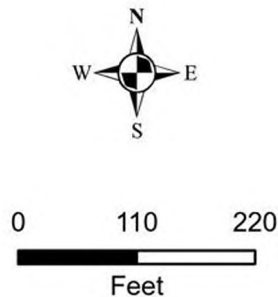


Public Hearing Notice Map

Land Use Plan Amendment LUPA#66A

555 SW 3 AVE

For additional information
call the Planning Department at 954-480-4206
or visit www.deerfield-beach/boardagendas





PUBLIC NOTICE

APPLICATIONS LUPA #66A

April 19, 2023

Dear Property Owner:

This is to notify you that the **PLANNING AND ZONING BOARD** of the City of Deerfield Beach, a municipal corporation of Florida, shall hear applications for:

City of Deerfield Beach

Seeking s Small Scale Land Use Amendment to change the Deerfield Beach Future Land Use Designation and the Broward County Land Land Use designation from City Conservation and County S, Open Space to Residential Medium 16 Dwelling Units Per Acre.

The property is generally described as a 1-48-42 N 177.70 OF S3/4 OF E1/2 OF E1/2 OF W1/2 OF SE1/4, and located at 555 SW 3rd Avenue., more particularly described in the file, and located at **555 SW 3 Avenue.**

A public hearing will be held on **THURSDAY, May 2, 2024, at 7:00 P.M.** in the **City Hall Commission Chambers, located at 150 NE 2nd Avenue, Deerfield Beach, FL 33441.** All interested parties may appear in person to offer evidence in support of or against the proposal. Further information may be obtained at www.deerfield-beach.com/boardagendas or you may contact the Planning Office during business hours in City Hall, 150 N.E. 2nd Avenue, Deerfield Beach, FL 33441, phone: (954) 480-4206.

Any person wishing to appeal any decision made by the Planning and Zoning Board with respect to any of the above, will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The above notice is required by State Law (FS 286.0105.) **Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the presence at the hearing of a certified court reporter.** A full transcript of the proceedings will be needed in order to appeal any decision of the Board. If anyone requires auxiliary aids for communication, please call (954) 480-4206.

Eric M. Power
Director of Planning & Development Services

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

Agent Information:

Eric Power, Director Planning & Development Services
150 NE 2nd Avenue, Deerfield Beach FL 33441
954-480-4206 epower@deerfield-beach.com

Originally Prepared by:

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& Associates, Inc.**

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Established 1985

TABLE OF CONTENTS

CONTENTS

I. TRANSMITTAL INFORMATION	1
II. APPLICANT INFORMATION	2
III. AMENDMENT SITE DESCRIPTION	3
IV. EXISTING AND PROPOSED USES	3
V. ANALYSIS OF PUBLIC FACILITIES AND SERVICES.....	5
VI. PUBLIC EDUCATION ANALYSIS.....	17
VII. ANALYSIS OF NATURAL AND HISTORIC RESOURCES	18
VIII. AFFORDABLE HOUSING	20
IX. LAND USE COMPATIBILITY.....	20
X. HURRICANE EVACUATION ANALYSIS.....	21
XI. REDEVELOPMENT ANALYSIS.....	21
XII. INTERGOVERNMENTAL COORDINATION	22
XIII. CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES/GOPs OF COUNTY LAND USE PLAN	22
XIV. CONSISTENCY WITH GOALS, OBJECTIVES, AND POLICIES OF THE CITY LAND USE PLAN	23
XVI. ADDITIONAL SUPPORT DOCUMENTS	27
XVII. PLAN AMENDMENT COPIES.....	27

TABLES

TABLE 1 SUBJECT SITE LAND USE DESIGNATION	3
TABLE 2 ADJACENT SITES LAND USE DESIGNATION	4
TABLE 3 ADJACENT AND SITE USES.....	4
TABLE 4 POTABLE WATER PLANT CAPACITY AND DEMAND	6
TABLE 5 WELLFIELDS.....	7
TABLE 6 POTABLE WATER IMPACT	7
TABLE 7 SANITARY SEWER DEMAND AND CAPACITY	8
TABLE 8 SANITARY SEWER IMPACT	8
TABLE 9 SOLID WASTE IMPACT	10
TABLE 10 RECREATION & OPEN SPACE IMPACT	13
TABLE 11 PARK NEEDS	13
TABLE 12 ROADWAY CONDITIONS – SHORT TERM	15

TABLE 13 ROADWAY CONDITIONS – LONG TERM.....	15
TABLE 14 TRAFFIC IMPACT.....	16
TABLE 15 MASS TRANSIT ROUTES	16

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.
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. 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.

3. 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	

4. 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	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

5. 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.
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 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
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 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
-----------------	---

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 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
Source: City Comprehensive Plan			
change			+ 0.13 ac

**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 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.

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 22 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, TMarin, 1,2

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
	AERIAL TARGET
	BENCH MARK
	IRON PIPE
	IRON ROD
	NAIL & DISC
	IRON ROD AND CAP
	ELECTRIC MANHOLE
	ELECTRICAL OUTLET
	GROUND LIGHT
	ELECTRIC JUNCTION BOX
	ELECTRIC METER
	TRAFFIC CONTROL BOX
	ELECTRICAL RISER
	TRANSFORMER
	CROSSWALK POST
	GUY WIRE
	LIGHT POLE
	CONCRETE UTILITY POLE
	WOOD UTILITY POLE
	CLEAN OUT
	SANITARY MANHOLE
	STUB OUT
	STAND PIPE
	SEWER VALVE
	CATCH BASIN
	STORM DRAIN MANHOLE
	YARD DRAIN
	CURB INLET
	CURB INLET W/ MANHOLE
	CURB INLET W/ GRATE
	CI W/ MANHOLE & GRATE
	GAS METER
	GAS MANHOLE
	GAS VALVE
	MONITORING WELL
	GAS MARKER
	VENT PIPE

SYM.	DESCRIPTION
	TELEPHONE JUNCTION BOX
	TELEPHONE RISER
	TELEPHONE MANHOLE
	FIBER OPTIC CABLE MARKER
	CATV RISER
	TELEPHONE MARKER
	BACKFLOW PREVENTOR
	FIRE HYDRANT
	SIAMESE CONNECTION
	WATER METER
	WATER VALVE
	WATER SPIGOT
	IRRIGATION CONTROL VALVE
	IRRIGATION METER
	GENERIC TREE (TRG)
	OAK TREE (TRO)
	PINE TREE (TRP)
	PALM TREE (TRPL)
	BORING HOLE
	METER (UNKNOWN)
	BOLLARD
	COLUMN
	MAIL BOX
	FLAG POLE
	MANHOLE (UNKNOWN)
	SATELLITE DISH
	SIGN
	PARKING METER
	POST
	HAND HOLE
	GATE POST
	TRASH CAN
	BIKE RACK
	CONCRETE
	BRICK PAVERS
	STONE
	ASPHALT
	DIRT/SAND

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 $\frac{3}{4}$ OF THE EAST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ 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 UNK	UNKNOWN UTILITY	WLC	WATER LINE CHILLED
	ABANDONED UTILITY	WS	WATER SERVICE
NFVU NFVU	NON FIELD VERIFIED UTILITY	IRR	IRRIGATION LINE
BCTV BCTV	BURIED CABLE TV	GAS	GAS LINE ABOVE GROUND
BCL BCL	BURIED COMMUNICATIONS LINE	BG	BURIED GAS LINE
FOC FOC	FIBER OPTIC CABLE	GS	BURIED GAS SERVICE LINE
BT BT	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: _____

2	03/21/23	1947/83	JBF	ADD R/W PER CLIENT	RDK
1	03/10/23	1947/83	JBF	MAP OF BOUNDARY SURVEY	RDK
NO.	DATE	FB / PG	DWN	REVISION	CKD

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

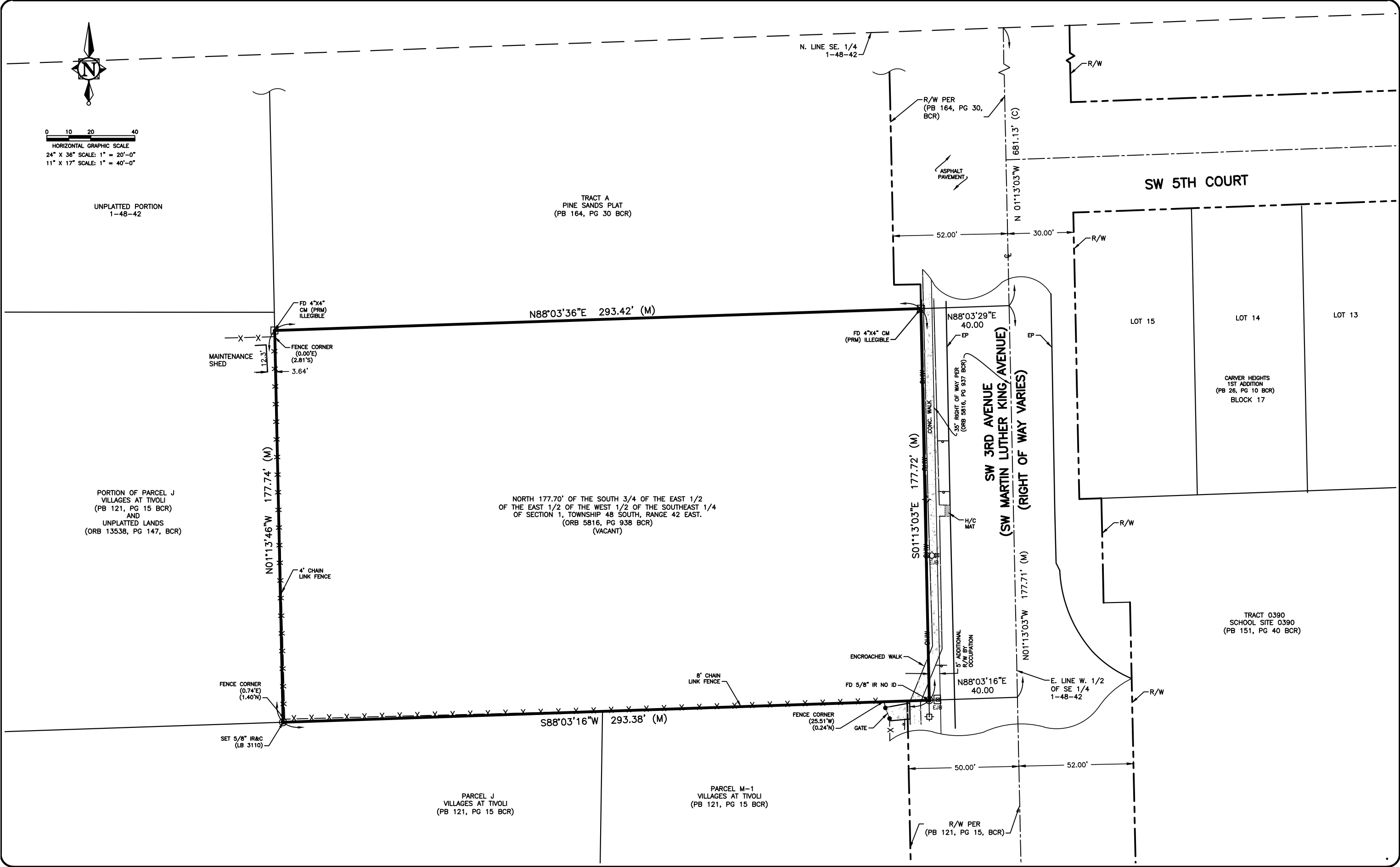
LEGEND

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

CAS PROJECT NUMBER
08-23-017

SHEET
V-01
OF
02

\\cae-file\Projects\Cities_Villages_Towns\Deerfield_Beach\08-23-017-555-SW-3RD\PLAN5\08-23-017-V-02-SRVY.dwg, 3/22/2025 12:59:34 PM, WkAbach, 1:2



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
CAS PROJECT NUMBER
08-23-017

SHEET
V-02
OF
02



**555 SW 3rd AVENUE
LOCATION**

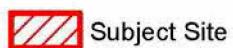


EXHIBIT B



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



EXHIBIT C1
CITY OF DEERFIELD BEACH
CURRENT FUTURE LAND USE



SUBJECT SITE



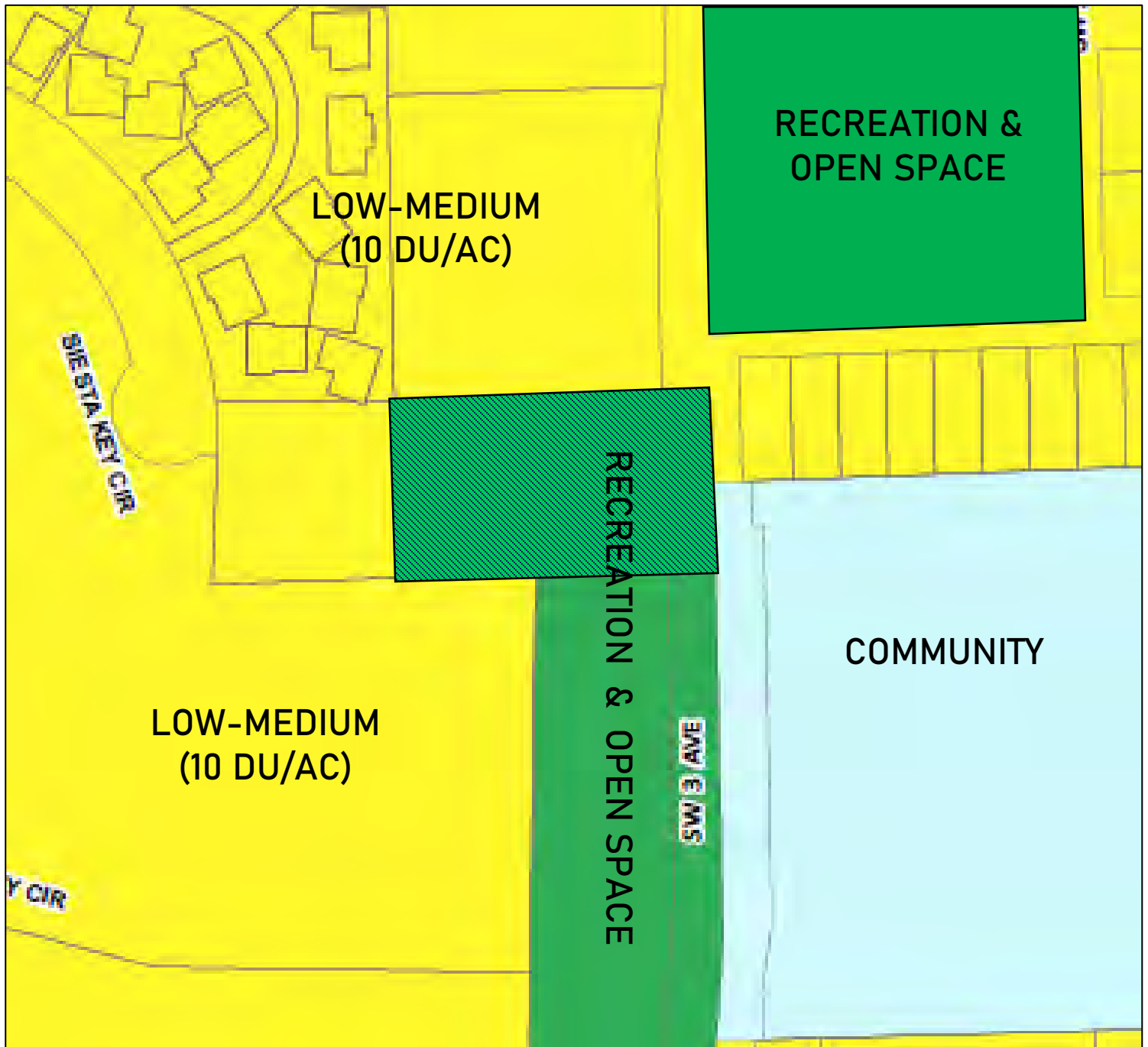


EXHIBIT C2
BROWARD COUNTY
CURRENT FUTURE LAND USE



SUBJECT SITE



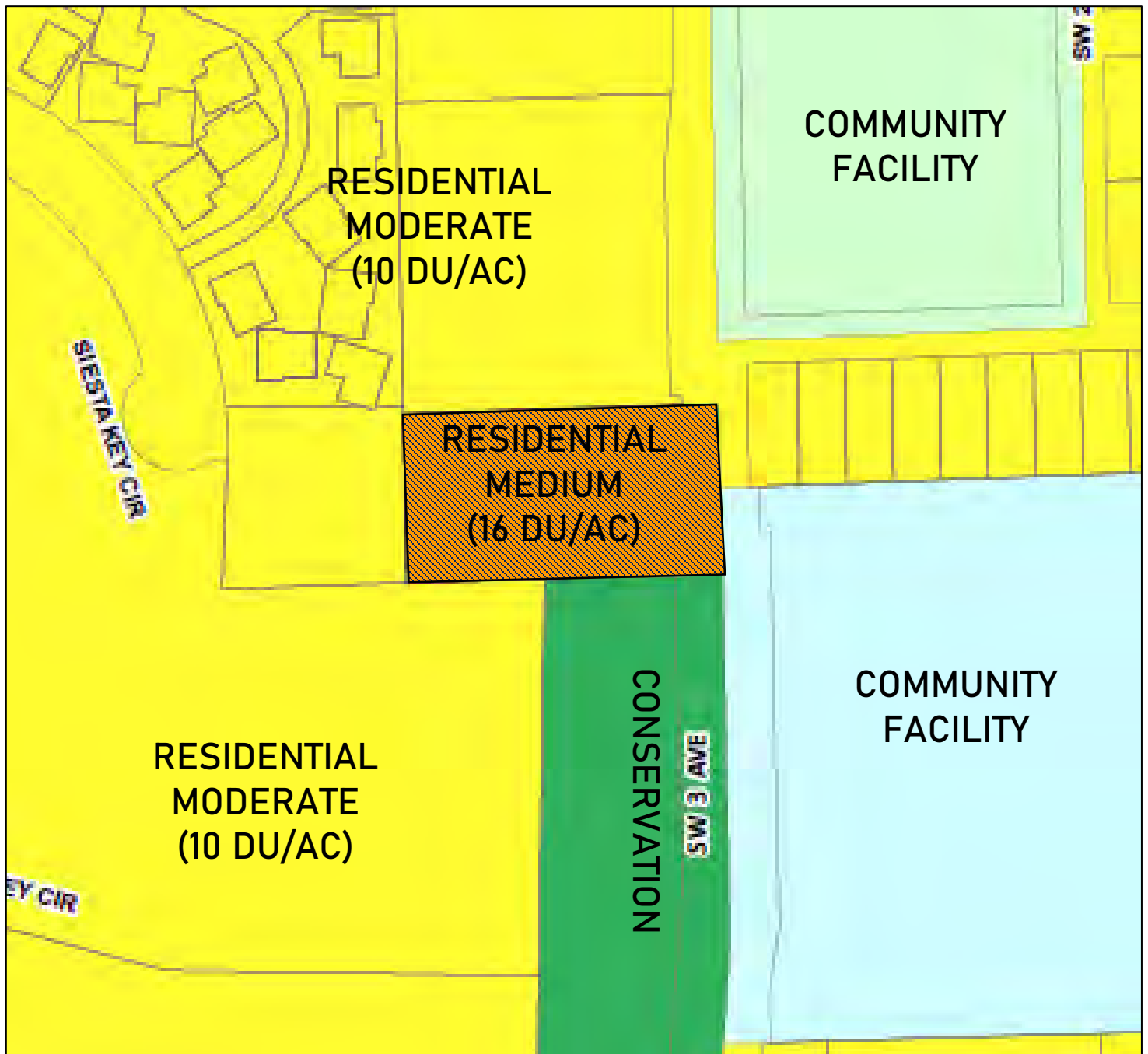


EXHIBIT D1
CITY OF DEERFIELD BEACH
PROPOSED FUTURE LAND USE



SUBJECT SITE



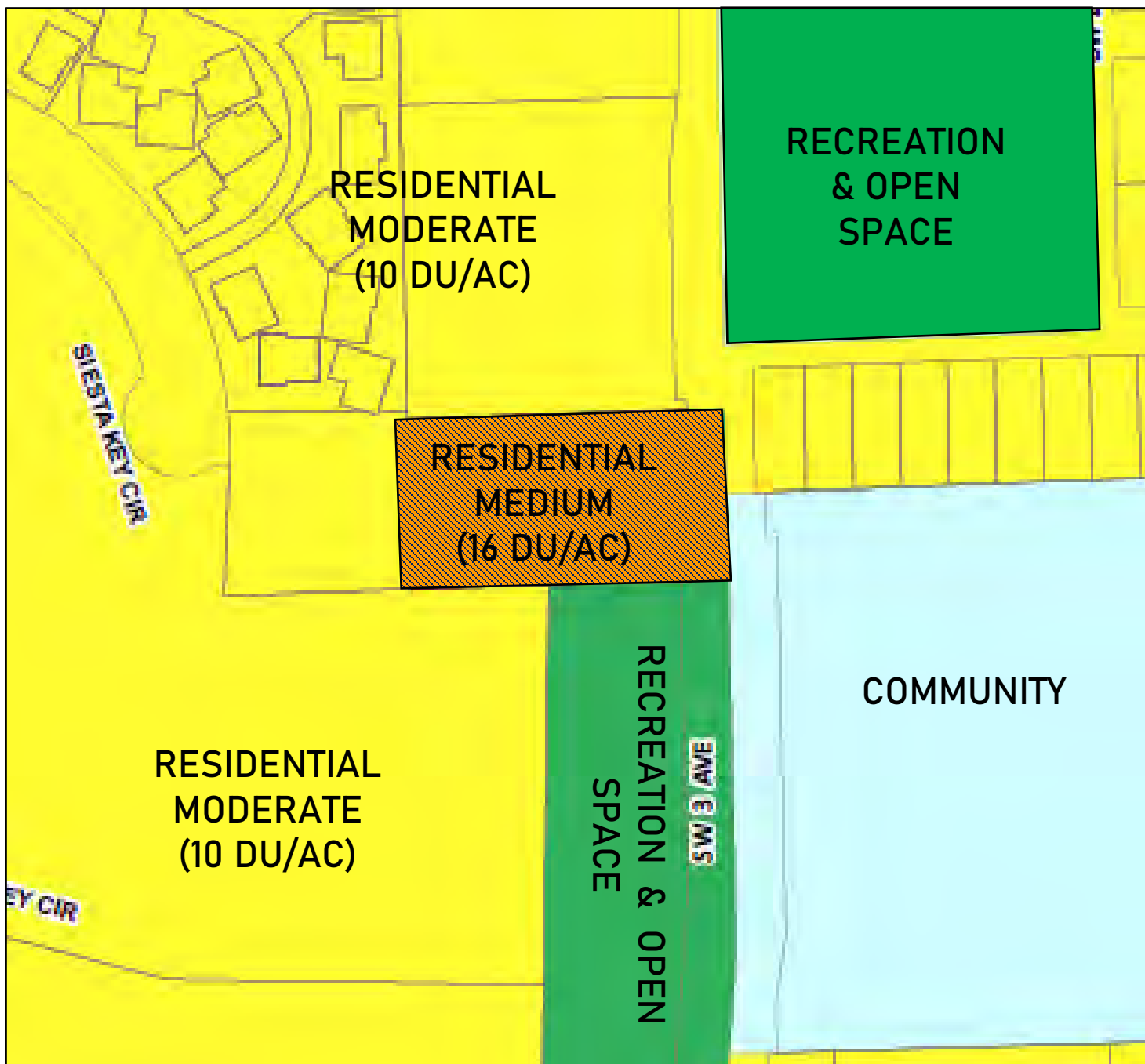


EXHIBIT D2
BROWARD COUNTY
PROPOSED FUTURE LAND USE



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,

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

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.

3. 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)	
<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	

4. 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

5. 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 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 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: Lkerr808@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



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	
Ecdar 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: lkerr808@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

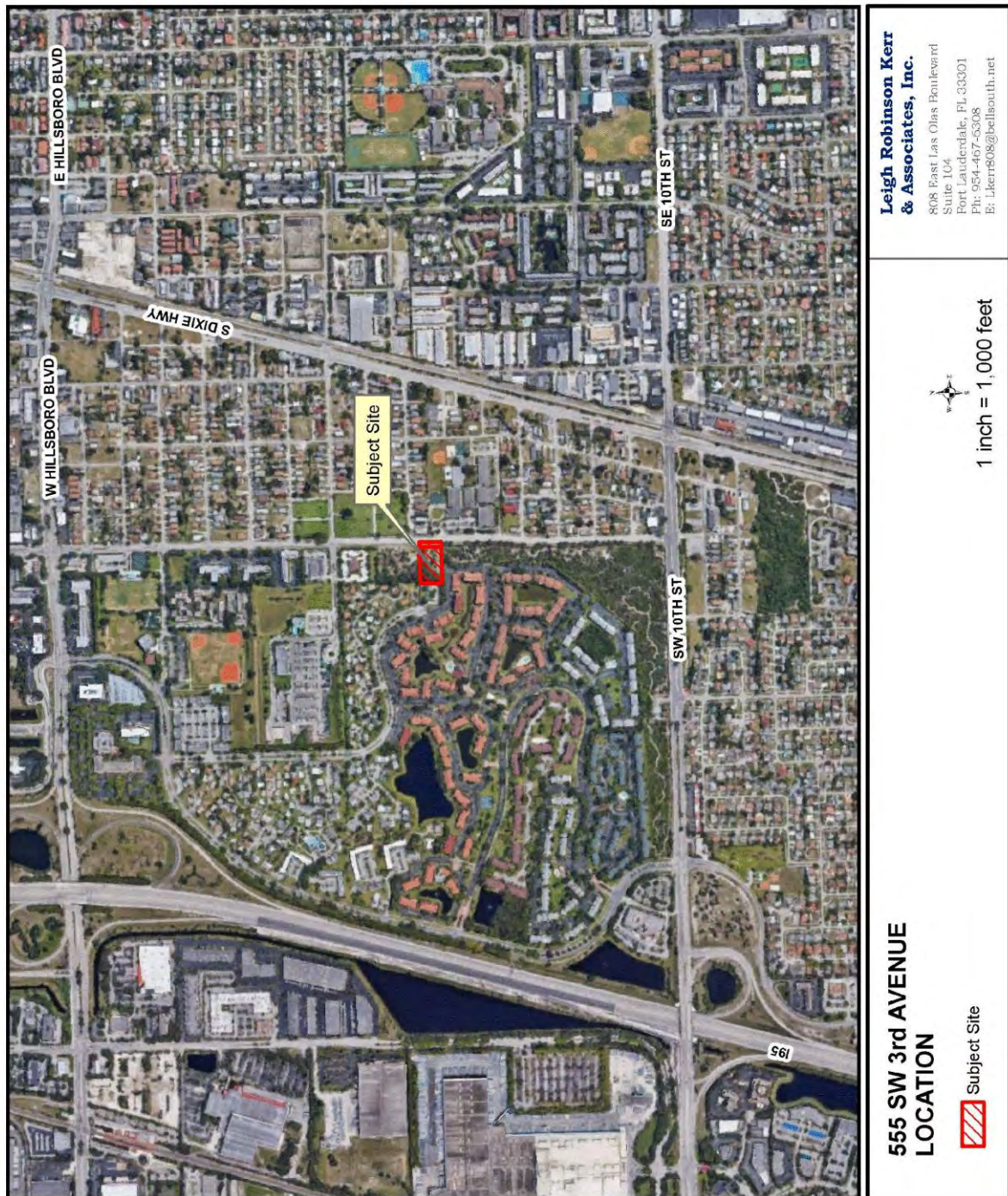




EXHIBIT I

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.

DRAFT

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-two (22) dwelling units on the City of Deerfield Beach Land Use Plan and up to twenty-four (24) 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 City/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.

Printed Name:_____

By:_____

Printed Name:_____

STATE OF _____)

COUNTY OF _____) SS
)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, by _____, as _____ of CITY OF DEERFIELD BEACH, Inc., a public entity, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2023.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBIT A
Map of Subject Property

EXHIBIT B

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

SPACE ABOVE THIS LINE FOR PROCESSING DATA

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__

Printed Name: _____

Printed Name: _____

STATE OF _____)
) SS
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, by _____, as _____ of _____, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 20__.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

APPENDIX 1

BROWARD COUNTY PLANNING COUNCIL PLAN AMENDMENT REQUIREMENTS AND PROCEDURES

Broward County Land Use Plan Amendment Requirements

Amendments which are not within the rules of flexibility or more restrictive require amending the Broward County Land Use Plan. Amendments to the Broward County Land Use Plan must be approved by the Broward County Commission. Article 1 of the Administrative Rules Document: Broward County Land Use Plan details the procedures local governments must follow to amend the Broward County Land Use Plan. The following Exhibit identifies the materials which must be submitted to satisfy the Planning Council's application requirements for amendments to the Broward County Land Use Plan.

Exhibit "Application Checklist for Amendments to the Broward County Land Use Plan"

EXHIBIT

APPLICATION CHECKLIST FOR AMENDMENTS TO THE BROWARD COUNTY LAND USE PLAN

This application identifies the information required by the Broward County Planning Council and/or Florida Department of Economic Opportunity (DEO) Chapter 163, Florida Statutes, for processing amendments to the Broward County Land Use Plan.

All amendment requests must be accompanied by the appropriate fee and the materials identified on the attached application. Local governments must submit 3 hard copies and 3 digital copies (6 copies total) of the amendment application for the Broward County Planning Council. Complete applications must be submitted in accordance with the Planning Council's established submittal deadlines, as well as the County Commission requirements. The applicant shall be responsible for providing accurate information and sufficient data and analysis to enable the Planning Council staff to process the application. However, the acceptance of the application for processing shall not constitute an affirmation of the accuracy or completeness of the application.

Following each item on the checklist, identify the page/exhibit number where the item can be found. Please package the Broward County Planning Council and Department of Economic Opportunity submissions separately.

1. TRANSMITTAL INFORMATION

PAGE OR EXHIBIT #

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, including the date that the local governing body held the transmittal public hearing. 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.

EXHIBIT K

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

Pg. 1

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

EXHIBIT L

D. Description of public notification procedures followed for the amendment by the local government, including notices to surrounding property owners, advertisements in local publications, signage at proposed site, etc.

Pg. 25

E. Whether the amendment is one of the following:

*Development of Regional Impact

*Small-scale development (Per Chapter 163.3187 Florida Statutes)

*Emergency (Please describe on separate page)

* Small- scale development

2. APPLICANT INFORMATION

A. Name, title, address, telephone number and e-mail address of the applicant.

Pg. 2

B. Name, title, address, telephone number and e-mail address of the agent.

Pg. 2

	<u>PAGE OR EXHIBIT #</u>
C. Name, title, address, telephone number and e-mail address of the property owner(s).	Pg. 2
D. Applicant's rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs).	Pg. 2
Planning Council staff may accept greater than two paragraphs, if submitted in an electronic format.	
3. <u>AMENDMENT SITE DESCRIPTION</u>	
A. Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.	Pg. 3
B. Sealed survey, including legal description of the area proposed to be amended.	Exhibit A
C. Map at a scale clearly indicating the amendment's location, boundaries and proposed land uses.	Exhibit B
4. <u>EXISTING AND PROPOSED USES</u>	
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. For Activity Center amendments, the proposed text indicating the maximum residential and non-residential uses must be included.	Exhibits C1 & C2 and page 3/4
B. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for the amendment site or adjacent areas.	Pg. 4
C. Existing use of amendment site and adjacent areas.	Pg. 4
D. Proposed use of the amendment site including proposed square footage (for analytical purposes only) for each non-residential use and/or dwelling unit count. For Activity Center amendments, also provide the existing square footage for each non-residential use and existing dwelling unit count within the amendment area.	Pg. 4
E. Maximum allowable development per adopted and certified municipal land use plans under existing designation for the site, including square footage/floor area ratio/lot coverage/height limitations for each non-residential use and/or dwelling unit count.	Pg. 5

5. **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.

A. **Potable Water Analysis**

1. Provide the potable water level of service per the adopted and certified local land use plan.
2. Provide the adoption date of the local government's 10 Year Water Supply Facilities Plan.
3. Identify the potable water facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources. Identify the wellfield serving the area in which the amendment is located including the South Florida Water Management District (SFWMD) permitted withdrawal and expiration date of the SFWMD permit.
4. Identify the net impact on potable water demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit.
5. Correspondence from potable water provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

Pg. 6

Pg. 6

Pg. 6

Pg. 6

Exhibit E

B. **Sanitary Sewer Analysis**

1. Provide the sanitary sewer level of service per the adopted and certified local land use plan.
2. Identify the sanitary sewer facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources.

Pg. 8

Pg. 8

PAGE OR EXHIBIT #

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

Pg. 8

4. Correspondence from sanitary sewer provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

Exhibit F

C. Solid Waste Analysis

1. Provide the solid waste level of service per the adopted and certified local land use plan.

Pg. 9

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

Pg. 9

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

Pg. 10

4. Correspondence from the solid waste provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

Exhibit E

D. Drainage Analysis

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

Pg. 10

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

Pg. 11

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

Pg. 11

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.

Pg. 11

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.

Pg. 11

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 demonstrates how the site will be drained and the impact on the surrounding properties.

Pg. 11

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 of 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.

Pg. 11

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

Exhibit E

E. Recreation and Open Space Analysis

1. Provide the recreation and open space level of service per the adopted and certified local land use plan.

Pg. 13

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.

Pg. 13

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

Pg. 13

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

Pg. 13

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.

Pg. 14

F. Traffic Circulation Analysis

Please be advised, if required, that the Planning Council staff will request from the Broward Metropolitan Planning Organization (MPO), as per Policy 2.14.6 of the BCLUP, an analysis of the impacts of the amendment to the regional transportation network. The MPO will charge a separate cost-recovery fee directly to applicants for technical assistance requested by the Planning Council for the preparation and review of the land use plan amendment transportation analysis. Please contact the MPO for additional information regarding this fee.

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.

Pg. 15

2. Identify the projected level of service for the roadways impacted by the proposed amendment for the long-range planning horizon. Please utilize average daily and p.m. peak hour traffic volumes per Broward Metropolitan Planning Organization (MPO) plans and projections.

Pg. 15

3. Planning Council staff will analyze traffic impacts resulting from the amendment. The applicant may provide a traffic impact analysis for the 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 for the long-range planning horizon.

Pg. 16

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

Pg. 16

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.
2. Describe how the proposed amendment furthers or supports mass transit use.
3. Correspondence from transit provider verifying the information submitted in items 1-2 above. Correspondence must contain name, position and contact information of party providing verification.

Pg. 16

Pg. 16

Exhibit H

H. Public Education Analysis

Please be advised that the Planning Council staff will request from The School Board of Broward County (SBBC), as per Policy 2.15.2 of the BCLUP, an analysis of the impacts of the amendment on public education facilities. Per SBBC Policy 1161, the applicant will be subject to a fee for the analysis and review of the land use plan application. The applicant should contact the Growth Management Section of the SBBC to facilitate this review and determine the associated fees.

Pg. 17

1. Public School Impact Application.
2. The associated fee in the form of a check made payable to the SBBC.

Pg. 17

6. 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.
- B. Archaeological sites listed on the Florida Master Site File.
- C. Wetlands.

Pg. 18

Pg. 18

Pg. 18

	<u>PAGE OR EXHIBIT #</u>
D. Local Areas of Particular Concern as identified within the Broward County Land Use Plan.	Pg. 19
E. Priority Planning Area map and Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.	Pg. 20
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.	Pg. 19
G. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.	Pg. 19
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 affected zone and any provisions which will be made to protect the wellfield.	Pg. 19
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 protect or mitigate the area’s natural features.	Pg. 20
J. Beach Access – Indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.	Pg. 20
7. <u>AFFORDABLE HOUSING</u>	
Describe how the local government is addressing Broward County Land Use Plan Policy 2.16.2, consistent with Article 5 of this Document.	Pg. 20
8. <u>LAND USE COMPATIBILITY</u>	
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.	Pg. 20

9. HURRICANE EVACUATION ANALYSIS

(Required for those land use plan amendments located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division).

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 Division.

Pg. 21

10. REDEVELOPMENT ANALYSIS

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

Pg. 21

11. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments.

Pg. 22

12. PUBLIC OUTREACH

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

Pg. 25

13. DESCRIBE CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN

Pg. 23

14. ADDITIONAL SUPPORT DOCUMENTS

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

Pg. 27

B. Any proposed voluntary mitigation or draft agreements.

Exhibit J

15. **PLAN AMENDMENT COPIES**

Provide 3 hard copies and 3 digital copies (6 copies total) of the amendment application.

Exhibit F

From: Grant Smith <gsmith@strategysmith.com>
Sent: Thursday, February 1, 2024 9:52 AM
To: Eric Power <EPower@deerfield-beach.com>
Cc: jason.pepitone@wasteconnections.com
Subject: Re: City of Deerfield Beach - 555 LUPA

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, 2026, 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 J. Smith, Esq.
StrategySmith, P.A.
401 East Las Olas Boulevard
Suite 130-120
Fort Lauderdale, FL 33301
Phone - 954.328.9064

From: Eric Power
Sent: Tuesday, January 16, 2024 4:39 PM
To: gsmith@strategysmith.com
Subject: City of Deerfield Beach - 555 LUPA

Mr. Smith,
My name is Eric Power and I am the Director of Planning & Development Services for the City of Deerfield Beach. Last year, you provided correspondence to Kelly Ray-Sosnowski on behalf of the City regarding the solid waste analysis for a city owned parcel located at 555 SW 3rd Avenue (attached). The City is currently in the processing on amending the land use for the property and the County has asked for your email to be updated as your email stated that the contract could have expired by December 27, 2023. I am asking for you to provide me a new email with the new contract date.

Thanks,

Eric



Eric M. Power, AICP, LIAF
Planning & Development Services Director
City of Deerfield Beach
150 NE 2nd Avenue
Deerfield Beach, FL 33441
P: 954.480.4211

EXHIBIT K

RESOLUTION

RESOLUTION NO. 2023/012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AUTHORIZING CITY STAFF TO PROCEED WITH PROCESSING A LAND USE AMENDMENT FOR THE CITY OWNED PROPERTY LOCATED AT 555 SW 3RD AVENUE TO AMEND THE LAND USE FROM CITY CONSERVATION AND COUNTY OPEN SPACE TO RESIDENTIAL MEDIUM 16 DWELLING UNITS PER ACRE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Deerfield Beach is the owner of the property located at 555 SW 3rd Avenue, Deerfield Beach, FL, (the "Property") and has identified this approximately 1.36 acre parcel as an area of opportunity for affordable housing development; and

WHEREAS, the Property was dedicated to the City in 1974 and has been maintained as open space since that time, and it is not part of the Tivoli Sand Pine Preserve; and

WHEREAS, the current Land Use for the Property is Conservation under the City Future Land Use Map and Open Space under the County Future Land Use Map; and

WHEREAS, in light of the limited housing stock in the City for affordable housing development, staff believes this Property presents an opportunity to further the City's goal of increasing affordable housing options within the City; and

WHEREAS, in order for the City to be able to make this Property available under the property disposition process, the land use must be amended, and the City is required to submit an application to Broward County in order to amend the land use; and

WHEREAS, staff is proposing to amend the land use for the Property from Conservation under the City Future Land Use Map and Open Space under the County Future Land Use Map to Residential Medium 16 dwelling units per acre (the "Land Use Amendment"); and

WHEREAS, on December 1, 2022, the Planning and Zoning Board recommended approval of this item; and

WHEREAS, staff recommends the City Commission authorize staff to proceed with processing the proposed Land Use Amendment for the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced "Whereas" clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby authorizes City staff to proceed with processing the proposed Land Use Amendment for the Property. Staff is directed to proceed with preparing a Land Use Amendment Ordinance consistent with the proposed Land Use Amendment.

Section 3. The appropriate City officials are authorized to do all things necessary to carry out the aims and intent of this Resolution.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 10TH DAY OF JANUARY, 2023.

CITY OF DEERFIELD BEACH



BILL GANZ, MAYOR

ATTEST:



SAMANTHA GILLYARD, CITY CLERK



EXHIBIT L MEETING MINUTES

Meeting Minutes City Commission

Tuesday, January 10, 2023

7:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:00 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

Present:

Commissioner Todd Drosky
Commissioner Bernie Parness
Commissioner Ben Preston
Vice Mayor Michael Hudak
Mayor Bill Ganz

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
Assistant City Clerk Heather Montemayor

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

There was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - November 15 & December 6, 2022
Enterprise Funds Workshop Meeting Minutes - October 27, 2022

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve the meeting minutes as submitted. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak and Mayor Ganz

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Education Advisory Board Meeting Minutes - September 7, October 11, & November 2, 2022
Affordable Housing Advisory Committee Meeting Minutes - August 8, 2022
Planning & Zoning Board Meeting Minutes - October 6, 2022
Firefighters Pension Fund Meeting Minutes - August 29, 2022
Code Compliance Meeting Minutes - October 31, 2022

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to acknowledge the board minutes. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak and Mayor Ganz

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

January 10, 2023

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve the agenda as amended. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak and Mayor Ganz

Nays: 0

AWARDS & RECOGNITION**1. Certificates of Recognition presented to Environmental Services Staff for the repairs made to the International Fishing Pier due to damage sustained by Hurricane Nicole.**

Mayor Ganz commended staff from the Facilities Division for their exemplary service to the City and residents on the International Fishing Pier after Hurricane Nicole.

Item 3 was presented prior to Item 2.

2. Presentation by the Turnpike Authority regarding the PD&E Study for the Sawgrass Expressway from west of US 441 to Powerline Road.

Jacquelyn Hayward, Project Manager, said Florida's Turnpike Enterprise will be making improvements to the Sawgrass Expressway and a portion of the Florida Turnpike. Thereafter, a presentation was displayed. She said widening the Sawgrass Expressway and Florida's Turnpike, and improving existing interchanges on 441, Lyons Road and Sawgrass Expressway will improve regional connectivity, accommodate travel demands in 2045, enhance safety along two corridors, improve travel time reliability, and enhance emergency response and evacuation. Further, she stated that there is a missing link into the expressway network between Sawgrass and I-95, but it's being addressed by FDOT District 4, and will improve regional linkage. An illustration of the regional daily trips between Broward and Palm Beach counties was displayed, whereby, drivers currently use local roads for east-west travel; however, the direct turnpike access to/from the SW 10th Street connector lanes will relieve the local east-west roadway network. Ms. Hayward said there will be a 47% - 89% increase in average annual daily traffic (AADT) from 2021 to 2045; Sawgrass, west of Florida's Turnpike - 48% increase; SW 10th Street - 60% increase; Florida's Turnpike, south of Sawgrass - 89% increase; and north of Sawgrass and Florida's Turnpike - 78% increase.

Moreover, Ms. Hayward outlined the proposed improvements for the Sawgrass Expressway, US 441 interchange, and Lyons Road Interchange. The Sawgrass Expressway between 441 and Lyons Road will be widened to four travel lanes with an auxiliary lane in each direction and barrier separated roads to reduce lane changes, weaving maneuvers, speed differentials, turbulence, improve safety along the Sawgrass Expressway. The US 441 interchange will include the travel lanes, west bound and east bound C-D roads, and new overpass bridges to accommodate the C-D roads on the Sawgrass Expressway. Additional left turn lanes will be added on 441 to make it easier to enter the Sawgrass Expressway and improvements will be made to the Winston Park Blvd. and Regency Lakes Blvd. intersections. The Lyons Road interchange will include the travel lanes on Sawgrass Expressway, the west bound and east bound C-D roads, and new overpass bridges for the C-D roads. Currently, the interchange has displaced lefts, so it will be reconfigured to a traditional diamond interchange, improvements will be made to the Serko Blvd.

AWARDS & RECOGNITION - CONTINUED

and Winston Park Blvd. intersections, and a Texas U-turn will be constructed. Thereafter, a photograph was displayed of the existing and proposed conditions. Currently, drivers must travel through two signalized intersections on Lyons Road for a mainline toll of \$2.14. The proposed conditions, with the Texas U-turn, will remove vehicles from the intersection, revise the toll sites, and decrease the toll to \$0.52. Ms. Hayward said the Texas U-turn will be separated by a barrier wall, and sidewalks and extended bike lanes will be installed.

Furthermore, Ms. Hayward outlined the proposed improvements for Florida's Turnpike and the Turnpike/Sawgrass interchange. The Florida's Turnpike will be widened to ten lanes in each direction with some auxiliary lanes as you approach the interchanges and the existing ramps will remain but will be improved. Currently, there are no direct connections between SW 10th Street and Florida's Turnpike; nevertheless, there are two alternatives being proposed with eight possible connections, one provides four of the eight and the other, six. Alternative one consists of turnpike southbound to local SW 10th Street eastbound; local SW 10th Street westbound to turnpike northbound; turnpike northbound to SW 10th Street connector eastbound; and SW 10th Street connector westbound to turnpike southbound. Alternative two consists of alternative one plus turnpike northbound to local SW 10th Street eastbound and SW 10th Street connector westbound to turnpike northbound, which will impact Quiet Waters Park right-of-way. Ms. Hayward said alternative one will have a 4% reduction in the morning peak hours, and a 27% reduction in the evening. Alternative two will have a 59% reduction in the morning peak hours, and an 81% reduction in the evening.

Lastly, Ms. Hayward said both alternatives show significant traffic benefits over the no-build alternative, whereby, alternative one has a slightly better overall traffic benefit compared to alternative two, which has lower U-turns and better traffic operations at the Lyons Road interchange. She stated that a public information meeting will be held virtually on Monday, January 30, 2023, and in-person on January 31, 2023. Thereafter, a preferred alternative will be identified, followed by a public hearing at the end of 2023.

In response to Mayor Ganz's question, Ms. Hayward replied that once an alternative is identified, a noise analysis will be performed.

Mayor Ganz said the Turnpike Authority made a commitment to the City years ago regarding the installation of sound walls when this project was first being constructed and wants assurance that will happen. Further, he commented on a bald eagle's nest, and asked if widening the area just east of the turnpike on the south portion of SW 10th Street will impact the residents.

Ms. Hayward said a bald eagle has not been spotted in quite some time; nevertheless, they are aware of the nest and it will not be impacted. Further, she said the street widening will not impact the residents but will impact Quiet Waters Park. Lastly, she reiterated that sound walls will be installed based on the noise analysis.

Commissioner Drosky said although the Lyons Road intersection will decrease traffic, it will increase traffic in Deerfield Beach. Thereafter, he provided various scenarios how the proposed alternatives will increase traffic within the nearby communities. He also expressed concerns with residents now seeing ramps instead of the lake at Quiet Waters Park. Lastly, Commissioner Drosky asked that public outreach be continued throughout the entirety of this project.

Ms. Hayward said improving operations on Lyons Road will not push traffic into Deerfield Beach, but will accommodate all the traffic at the interchange; nevertheless, the proposed visualizations outlined in this presentation will be available online for public inspection. Further, she said the view will not change, as residents in the Waterways will still be able to see the park. Lastly, she said public outreach will continue throughout the project.

ADDENDUM

3. Certificate of Recognition presented to Deshaun Sands for his actions related to the tragic shooting of Rickey Ferguson, Jr.

ADDENDUM - CONTINUED

Commissioner Preston commented on the tragedy that took place on December 28, 2022 at Oveta McKeithen Park. Thereafter, he thanked Deshaun Sands for his quick actions related to the tragedy.

QUASI-JUDICIAL PUBLIC HEARINGS**4. P.H. 2023-029: Application: 21-P-230**

Applicant: **B'nai B'rith Deerfield Beach II, Inc.**

Proposal: Request to amend the plat note restriction to restrict residents to a minimum of 62 years in age with a total family income of 80% of median Broward County income.

Location: The property is generally described as a portion of Tract "A" of Plat 128 Page 46 and **located at 255 SW 3rd Avenue.**

Anthony Soroka, City Attorney, advised that staff is requesting to defer Items 4 & 5 to the January 24, 2023 commission meeting.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to defer Item 4 to January 24, 2023. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

5. P.H. 2023-030: Application: 21-RM15-65

Applicant: **B'nai B'rith Deerfield Beach II, Inc.**

Proposal: Major Site Plan application seeking approval for 62 multi-family dwelling units (apartments) with a revision to the existing parking lot seeking a variance for setbacks and parking reduction.

Location: The property is generally described as a portion of Tract "A" of Plat 128 Page 46 and **located at 255 SW 3rd Avenue.**

Mayor Ganz opened the public hearing.

Richard Rosenzweig, 97 Farnham E, Deerfield Beach, spoke in support of the proposed project.

Commissioner Parness thanked the Department of Planning & Development Services, as low-income housing is essential to senior citizens.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to defer Item 4 to January 24, 2023. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED**6. P.H. 2023-031: Application: 87-B1-74**

Applicant: **7-Eleven, Inc.**

Proposal: Major Site Plan application seeking approval to demolish an existing convenience store and construct a new 3,205 square foot convenience store and associated site improvements.

Location: The property is generally described as OCEAN VUE 3-34 B LOT 33 E 37 1/2, LOT 34 W1/2 BLK 11, and located at **1991 NE 2nd Street**.

Anthony Soroka, City Attorney, explained the quasi-judicial process and asked whether the applicant will proceed or waive.

Heidi Davis, Gunster Law Firm, representing the applicant, waived the quasi-judicial proceedings. Thereafter, a brief PowerPoint presentation was displayed. She explained that the property is 9,000 square feet and contains an existing 7-Eleven convenience store that is approximately 2,700 square feet and only 62 feet wide, which poses several challenges for redevelopment. The current 7-Eleven has been on the property since the 1960s, which was before the Land Development Code; whereas, the property and current 7-Eleven are non-conforming. The property has a commercial land use designation and is zoned B-1 and includes convenience stores as a permitted use. Thereafter, photographs of the current development were displayed. She said the existing structure contains a dumpster in front of the store, near the sidewalk, which will be torn down during redevelopment.

Continuing, Ms. Davis said the applicant is requesting major site plan approval for a new 3,205 square foot convenience store, technical deviation for minimum parking spaces, variances from landscape requirements and sign setback, and shared dumpster agreement. Thereafter, the proposed site plan was displayed which highlighted a one-story convenience store, 12 parking spaces, with one being handicapped, bicycle rack, and pedestrian walkways. A six-foot masonry wall will be located at the rear of the structure and 7-Eleven will complete the wall to the eastern property line. Further, she explained that the project orients the convenience store to the rear of the property due to the five-foot requirement dedicated to the right-of-way along A1A.

Moreover, Ms. Davis said the proposed architecture incorporates a metal standing seam roof, which is consistent with neighboring businesses, i.e. Island Water Sports, lap siding bead patterns at the base of the structure, large glass windows and doors, and additional landscaping and parking spaces. The applicant performed a parking and pedestrian study which showed that the current parking, 8, was sufficient; nevertheless, a technical deviation is being requested for the proposed parking spaces, as 22 are required by Code. If approved, 7-Eleven will contribute \$60,000 to the City's parking fund in lieu of the ten spaces. Further, the variances are for landscaping the side buffer yards, landscape islands, and palm trees in lieu of shade trees. The sign setback variance includes replacement of the current 15-foot sign to a five-foot, ground sign, which will be one foot from the property line in lieu of two feet required by code. Lastly, Ms. Davis said the applicant has entered into a mutually shared dumpster agreement with Island Water Sports, which will be located on their property.

In response to Mayor Ganz's question, Ms. Davis replied that the sign setback will not create any visual impairments.

In response to Vice Mayor Hudak's question, Eric Power, Director of Planning & Development Services, replied that the business to the west of Island Water Sports removed parking spaces to add outdoor seating; therefore, they do not meet the requirements for a technical deviation. Further, he said properties along the barrier island have the option to enter into an agreement with the parking garage to offset parking spaces.

In response to Commissioner Preston's question, Eric LaBoyer, 7-Eleven, replied that if additional garbage pickup services are needed, 7-Eleven will incur the expenses for the services.

In response to Commissioner Drosky's comment, Ms. Davis explained that the property is 9,000 square feet, which creates a severe hardship with development and complying with the current code. Further, she reiterated that the property can remain, as it is legally non-conforming, or variances can be requested to

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

redevelop the property. Lastly, she stated the property was designed and developed prior to Land Development Code regulations.

Commissioner Drosky spoke in support of the proposed project.

Commissioner Parness said the variances are not overbearing and redevelopment is necessary; therefore, he spoke in support of the project.

Mayor Ganz opened the public hearing.

Jeff Goldman, 1950 NE 3rd Street, Deerfield Beach, commented on the construction hours, as 7:00 a.m. to 8:00 p.m. is unacceptable and asked if they can be amended. Further, he asked when the project will begin and the completion date. He also commented on previous variances being given to Bru's Room, noise restrictions not being adhered too, and the lack of police enforcement for drag racing. Further, he has no issues with the proposed variances for this project but asked for clarification on the dumpster location.

Mayor Ganz stated that 7-Eleven will be sharing the dumpster with Island Water Sports, which is already located behind the building.

Sheila Fox, 1950 NE 3rd Street, Deerfield Beach, expressed concerns with the construction noise, replacing the current shade trees with palm trees, and lighting.

Peggy Ross, 103 19th Avenue, Deerfield Beach, spoke in support of the proposed project, as the current convenience store is an eyesore.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, stated that per the City's Code construction hours are Monday to Friday from 7:00 a.m. to 7:00 p.m., Saturday - 9:00 a.m. to 5:00 p.m., and no construction on Sunday.

Kenny Tharrington, Creighton Construction, said the only noise will be from demolition of the building which can be done at 8:00 a.m. Further, he said the construction of the store will take between 4-6 months.

Mayor Ganz spoke in support of the proposed project; whereby, the variances are warranted due to the limitations that have been created by pre-existing buildings. Thereafter, he asked for clarification on the shade trees as well as the wall in the rear of the property.

Ms. Davis said there are no shade trees on the 7-Eleven property, so the shade tree located in the rear, on the neighbor's property, will remain; however, palm trees will be added in front of the six-foot wall, which is on 7-Eleven's property. Further, she stated that the wall begins on the northwest corner and will extend to the northeast corner.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 6, adopted Resolution 2023/001. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

PUBLIC COMMENT

Michael Lubin, 16 Little Harbor Way, Deerfield Beach, asked if the construction hours can be amended to end at 5:00 p.m., Monday - Friday, as the current hours of operation are a nuisance to residents' everyday life.

Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, commented on a missing fire hydrant near Johnnie McKeithen Park and accidents that have occurred on NE 2nd Avenue and Eller Street due to the

PUBLIC COMMENT - CONTINUED

installation of the road barrier and downed sign.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, wished everyone a happy new year. Further, he commented on two projects that were developed and owned by MBA. Thereafter, he spoke in support of the March referendum.

Bill Galsterer, 1102 Little Harbor Drive, Deerfield Beach, expressed concerns with an Airbnb located at 6 Little Harbor Way, who is falsifying the maximum occupancy of the single-family home and using his backyard to access the waterways. Thereafter, he commented on discussions he's had with code compliance.

Peggy Ross, 103 19th Avenue, Deerfield Beach, said there are light bulbs out on NE 2nd Street and along the Hillsboro bridge.

Vice Mayor Hudak expressed his frustrations regarding the Airbnb located at 6 Little Harbor, whereby, he has been in contact with BSO, Code Compliance and State Representative Chip LaMarca. Further, he said Airbnb's are regulated by the State and urged residents to reach out to their state representatives to express their frustrations. Thereafter, he commented on the regulations, i.e. increased fines for repeat offenders, this Commission has implemented.

Commissioners Parness and Preston expressed their frustrations with Airbnb's and urged residents to contact their state representatives.

Mayor Ganz said shortening the hours of construction will prolong the construction process; nevertheless, he would be open to adjusting the early morning hours, not evening. Further, he said Airbnb is changing their rules and prohibiting false advertisement but asked for clarification.

Anthony Soroka, City Attorney, said he's heard the same, but needs to do additional fact-finding research. Further, he said local governments are significantly limited on their ability to regulate vacation rentals within their jurisdiction; however, if they are violating City codes, it can be enforced.

Mayor Ganz urged residents to contact their state representatives as these vacation rentals are damaging our neighborhoods. He also encouraged residents to continue contacting city elected officials, as well as staff. Further, he commented on the citywide light bulb issue, whereby, people are stealing the wiring.

CONSENT - BOARD APPOINTMENTS

- 7. Resolution 2023/002 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Judith Stanich as a member of the Historic Preservation Board; providing for conflicts and an effective date.**
- 8. Resolution 2023/003 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Paula Ferrara as a member of the Public Art Program Committee; and providing for an effective date.**

Mayor Ganz opened the public hearing; however, there was none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Items 7 & 8. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

After a brief discussion, Items 12 & 13 were pulled for discussion; all others were approved in concert.

Mayor Ganz opened the public hearing for Items 9 - 11 and 14 - 16; however, there were none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Items 9-11, 14-16 of the Consent Agenda. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

- 9. Resolution 2023/004 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Administrative and Consulting Services Agreement with GovTemps USA, LLC, to provide interim human resources consulting services through June 2, 2023, at a hourly rate of \$126/hour and in a maximum contract amount not to exceed \$100,000; ratifying execution of the Agreement; providing an effective date. (Funds from Account #001-0800-513-32-99 - Human Resources/Other Contractual Services)**
- 10. Resolution 2023/005 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of the First Amendment to the Work Authorization with Stantec Consulting Services, Inc. to provide additional services for Phase 2 of the NW Area Improvement Plan relating to design guidelines and catalyst site studies in an additional amount not to exceed \$16,500.00, for a total work authorization aggregate amount of \$72,300.00; providing for implementation and an effective date. (Funds from Account #001-1100-515-32-99 - Other Contractual Services/Miscellaneous Planning Consulting)**
- 11. Resolution 2023/006 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of the Amendment to the Memorandum of Understanding and Construction Agreement with Florida Power & Light Company ("FPL") for the City to grant two (2) additional easements to FPL for the construction of overhead and underground transmission lines; providing for implementation and an effective date.**
- 12. Resolution 2023/007 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a Locally Funded Agreement with the Florida Department of Transportation ("FDOT") to fund the construction of a 12-inch reclaimed water main along SW 10th Street from SW 24th Avenue to SW Natura Boulevard, with the City contribution in a lump sum amount of \$3,871,010.00; providing for implementation and an effective date. (Funds from Account #413-5020-533-60-31 - Improvements Other than Building)**
- 13. Resolution 2023/008 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a Locally Funded Agreement with the Florida Department of Transportation ("FDOT") to fund the construction of a 12-inch reclaimed water main along SW 10th Street from Waterways Boulevard to SW 24th Avenue, with the City contribution in a lump sum amount of \$1,727,824.00; providing for implementation and an effective date. (Funds from Account #413-5020-533-60-31 - Improvements Other than Building)**

Items 12 & 13 were discussed together but voted on separately. Thereafter, the Resolution titles were read

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

into the record.

Commissioner Drosky said these two projects, which he previously requested, now relate to the SW 10th Street Connector Project. Originally, these projects were projected to be over \$750 million, and are now around \$500 million, which is a \$250 million savings to FDOT; therefore, he believes some of those savings should be given back to Deerfield Beach. Commissioner Drosky said although he appreciates what FDOT has done and knows that these projects are needed and the City has money for them, he feels more can be done along the way; therefore, he will be voting against these projects.

In response to Vice Mayor Hudak's question, David Santucci, City Manager, replied that the City has the option to not install the pipe at this time, but a later installation date could be more expensive.

In response to Mayor Ganz's question, Mr. Santucci replied that these projects will benefit areas beyond the 10th Street corridor, whereby, as the infrastructure is built out, the City will have the ability to run the reclaimed water for non-potable purposes throughout the City.

Mayor Ganz said getting FDOT to this point is a success and the fact that it will benefit the entire city is a plus; nevertheless, there will be other issues the City encounters during the construction of the SW 10th Street Connector Project, and although he believes these projects are a small victory to the City, he understands Commissioner Drosky's stance.

In response to Commissioner Parness' questions, Mr. Santucci replied that FDOT will pay 50% of the cost, and if the cost increases, FDOT has committed to pay the additional costs. Further, the proposed construction will be in conjunction with the rest of the utility work being done as part of the SW 10th Street Connector Project.

Mayor Ganz opened the public hearing for Items 12 & 13; however, there were none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to approve Item 12, adopted Resolution 2023/007. Roll Call:

Yeas: 3 - Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 2 - Commissioner Drosky & Commissioner Parness

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to approve Item 13, adopted Resolution 2023/008. Roll Call:

Yeas: 3 - Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 2 - Commissioner Drosky & Commissioner Parness

14. Resolution 2023/009 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Amendment 1 to the Maintenance Memorandum of Agreement with the Florida Department of Transportation for the maintenance of improvements associated with the S.W. 10th Street Connector Project; authorizing execution of the Amendment; providing for implementation and an effective date.

15. Resolution 2023/010 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the First Amended and Restated Interlocal Agreement with the Broward Metropolitan Planning Organization and the Cities of Hollywood, Pompano Beach and Plantation for the creation of the Metro Transportation Engineering and Construction Cooperative; authorizing execution; providing for implementation and an effective date.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

- 16. Resolution 2023/011 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting a 12 foot wide utility easement to access and maintain water and sewer utilities related to the property located at 825 South Federal Highway in Deerfield Beach; providing for implementation and an effective date.**

DEPARTMENTAL BUSINESS

- 17. Resolution 2023/012 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing city staff to proceed with processing a land use amendment for the city-owned property located at 555 SW 3rd Avenue to amend the land use from city conservation and county open space to residential medium 16 dwelling units per acre; and providing for an effective date.**
- 18. Resolution 2023/013 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of an amendment to the Contract with Leigh Robinson Kerr & Associates, Inc. to provide additional services to facilitate the Land Use Plan Amendment for 555 SW 3rd Avenue in an additional amount not to exceed \$11,500.00; providing for implementation and an effective date. *(Funds from Account #001-1100-515-32-99 - Other Contractual Services/Miscellaneous Planning Consulting)***

Items 17 & 18 were discussed together but voted on separately. Thereafter, the Resolution titles were read into the record.

Eric Power, Director of Planning & Development Services, said the City has owned the 1.36-acre parcel located at 555 SW 3rd Avenue since 1974. The current land use designation is conservation, which is recognized by Broward County as open space. He stated that the site is not a conservation site but is adjacent to the Tivoli Sand Pine Preserve which occurred in 1984. Further, the City intends to amend the land use and once approved, the City will request approval to rezone the property. The proposed land use designation will be residential medium, 16 dwelling units per acre, and the site will most likely be townhomes or villas, not apartments, and could potentially house 25-30 units with the addition of flex units. Mr. Power said if this change occurs, the property will be available for a developer or nonprofit to go through the City's property disposition application process, which allows for the sale or lease of city property. Lastly, Mr. Power said the land use amendment must go to the County for approval, which could take six months and if approved, the property will go through a rezoning process. Thereafter, he displayed an aerial map of the property location.

Continuing, Mr. Power said approval allows planning staff and the consultant to begin work on the County application. Once completed, the item will return to City Commission for 1st Reading, and upon approval, the application will go to Broward County for approval, then will return for 2nd Reading, as well as rezoning. Lastly, upon conversion of the property, the site would be available for property disposition which allows for the sale or lease of city property.

In response to questions posed by the Commission, Mr. Power replied that only the submission of the application to the County is being voted on this evening. Further, he said this item will go before the Planning Council.

Vice Mayor Hudak said affordable housing is essential to the City; therefore, he supports it.

Commissioner Drosky said he is not committed to what is proposed to be built as he wants to hear from the community but will support the submittal of the application.

Mayor Ganz opened the public hearing.

DEPARTMENTAL BUSINESS - CONTINUED

Richard Rosenzweig, 97 Farnham E, Deerfield Beach, spoke in support of affordable housing.

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Item 17, adopted Resolution 2023/012. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

Mayor Ganz reopened the public hearing for Items 17 & 18.

Irish Abram, 240 SW 3rd Court, Deerfield Beach, asked for clarification on the notice she received from the City.

Mr. Power advised that Ms. Abram is referring to the B'nai B'rith applications, which were deferred to January 24th.

Mayor Ganz advised Ms. Abram that staff would provide an explanation to her after the meeting; therefore, he closed the public hearing.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Item 18, adopted Resolution 2023/013. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL**CITY ATTORNEY**

Happy New Year - Anthony Soroka, City Attorney, wished everyone a happy new year.

CITY MANAGER

Audio/Visual Upgrades - David Santucci, City Manager, stated that staff will be performing audio/visual system upgrades to the Commission Chambers, which he will discuss with each elected official individually.

19. Update regarding beach nourishment.

David Santucci, City Manager, reminded the Commission that the City is obligated to perform a joint beach renourishment project with the Town of Hillsboro Beach ("Town") as a result of the settlement agreement. Further, he said staff has been working with the Town, as well as the City of Boca Raton ("Boca") on new ways to look at beach renourishment moving forward. Boca has an ebb shoal that collects sand, causing the inlet to get shallow; therefore, dredging is regularly required to assist with boat navigation. During discussions, it was determined that Boca has more sand than what they are able to put into a beach template; therefore, Boca put out a bid for mobilization of the dredge and a pipeline project that will place sand on their beach, Deerfield's beach, and the Town's beach. Mr. Santucci said the line items within the bid will meet the needs of the settlement agreement and the Town is also looking into an extension of the area to go further south.

Continuing, Mr. Santucci said the mobilization cost is approximately \$4 million, and the sand cost is \$13.55/cubic yard; however, to ensure Boca's proposed costs met the City's needs, the City did a separate bid for a truck haul project, which would include the Town, and only one response was received at a total

COMMENTS BY ADMINISTRATION & LEGAL - CONTINUED

cost of \$22 million, which is extremely cost prohibitive. Thereafter, Mr. Santucci provided a brief explanation of the pipeline project and truck haul project, whereby, the pipeline project would be completed quicker, as this must be done by March 31st, at the latest, due to turtle season. Further, he stated that the City would need to enter into an interlocal agreement with Boca to determine how the mobilization costs would be distributed; whereby, each municipality would be looking at a proportional cost share on mobilization as it relates to the amount of sand each municipality places on their beach. Mr. Santucci said the City would also enter into a memorandum of understanding with the Town to accommodate the relationship the City has with Boca. He said these documents will outline how payment will be done; nonetheless, staff has had very positive conversations with both Boca and the Town. Thereafter, he provided a brief overview of the items that will be forthcoming regarding these beach renourishment efforts. Lastly, he stated that the City's estimated total cost will be between \$1 million to \$1.2 million, whereby, \$2.5 million was estimated in the ARP expenditure plan and there may be potential reimbursement from state and federal grants.

In response to Vice Mayor Hudak's question, Mr. Santucci replied that he is unsure how long the pipe will be on Deerfield's beach, but estimated construction time should be established by the next commission meeting.

COMMENTS BY MAYOR & CITY COMMISSION**VICE MAYOR HUDAK****DISTRICT 1**

Credit Card Fees - Vice Mayor Hudak said the credit card fee will be initiated on February 1st and asked for clarification on how it would be applied.

David Santucci, City Manager, stated that the fee would not be applied to in person credit card transactions, but will be applied to payments made through the online system. Further, he said it is a flat fee and encouraged residents to contact customer service for assistance on how to avoid the fees.

COMMISSIONER PRESTON**DISTRICT 2**

Accolades - Commissioner Preston thanked city staff for the outreach and support they provided after the tragedy that occurred at Oveta McKeithen Park on December 28, 2022. Additionally, he thanked BSO for their efforts during the meeting at Johnnie McKeithen Park.

MLK Event - Commissioner Preston invited the community to the Martin Luther King festivities that are taking place on January 14th and 16th.

COMMISSIONER PARNES**DISTRICT 3**

MLK Event - Commissioner Parnes said he will be attending the event on January 14th.

COMMISSIONER DROSKY**DISTRICT 4**

Happy New Year - Commissioner Drosky wished everyone a happy new year.

Villages of Hillsboro Park - Commissioner Drosky said there will be a Brazilian concert on January 28th at noon; thereafter, he thanked the Cultural Committee for the event.

Nina's Place - Commissioner Drosky said he attended the grand opening of Nina's Place at Zion Lutheran on December 7th, which is a food shelter set up to serve families in need. Thereafter, he commented on the efforts they've made to set up this food shelter, and suggested the City showcase those efforts.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED**MAYOR GANZ**

Underwater Camera - Mayor Ganz said although staff was unable to get the new camera up and running, they were able to get the older one up in the meantime.

BSO Substation - Mayor Ganz asked when the facility will be operational to allow for HOA's to host meetings.

Mr. Santucci replied that he is unsure, whereas, during the environmental testing, asbestos was found which must be remediated; nevertheless, he will provide an update once available.

Airbnb's - Mayor Ganz advised that Airbnb is cracking down, whereby, there is a new technology on their app that looks at how long a person is renting, etc. and suggested that when places are being cited or complaints are made, the vacation rental sites need to be made aware.

Migrants - Mayor Ganz commented on the recent event that took place in Fort Lauderdale, and asked that staff have a plan in place, should migrants come ashore.

Speeding - Mayor Ganz said due to issues with speeding, BSO performed a traffic enforcement operation in December, whereby, Tamarac had 145 citations; Oakland Park - 148; North Lauderdale - 282; Parkland - 65; and Deerfield Beach - 741. He commended BSO, but unfortunately, the issuance of citations is not stopping it.

Rickey Ferguson, Jr. - Mayor Ganz said his death is an absolute tragedy and is devastating to his family and those who knew him. Unfortunately, he does not know what can be put in place to prevent that type of tragedy and it should not be reflective of what that park is, what District 2 is or what Deerfield Beach is, as this can happen anywhere.

Apology - Mayor Ganz apologized to staff for the way he handled his frustrations during the December 6th commission meeting.

Happy New Year - Mayor Ganz wished everyone a happy new year.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to adjourn the meeting at 9:37 p.m. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk



February 8, 2024

Eric M. Power, AICP, Director
Planning and Development Services
City of Deerfield Beach
150 Northeast 2 Avenue
Deerfield Beach, FL 33441

Via Email Only

Dear Mr. Power:

Re: Comprehensive Plan Amendment Submittal – City of Deerfield Beach Land Use Plan Amendment – 555 Southwest 3 Avenue

Enclosed are agency comments received thus far by our office regarding the referenced Broward County Land Use Plan amendment PC 24-2, in the City of Deerfield Beach.

Review Agency Comments:

Broward County Parks and Recreation Division
Broward County Resilient Environment Department
Broward County Transit Division
Broward County Water Management Division
Broward County Urban Planning Division

The School Board of Broward County's comments will be provided upon receipt by our office.

In addition, the Broward County Planning Council Draft Traffic Analysis is enclosed for your information.

We are available to meet with you if you wish to discuss the amendment proposal. Please keep in mind that distribution of staff's recommendation to the Planning Council is tentatively scheduled for April 16, 2024.

Should you have any questions, please contact Huda Ashwas at (954) 357-6687.

Respectfully,

A handwritten signature in blue ink, appearing to read "BBB", written over a faint, larger signature.

Barbara Blake Boy
Executive Director

BBB:HHA

Enclosures

cc/email: David Santucci, City Manager
City of Deerfield Beach



PARKS AND RECREATION DIVISION • Administrative Offices
950 N.W. 38th St. • Oakland Park, FL 33309-5982 • 954-357-8100 • TTY 954-537-2844 • FAX 954-357-5991

*Winner of the National Gold Medal Award for Excellence in Park and Recreation Management
Accredited by the Commission for Accreditation of Park and Recreation Agencies (CAPRA)*



MEMORANDUM

January 25, 2024

To: Huda Ashwas, Planner Trainee
Broward County Planning Council

Thru: Dan West, Director
Parks and Recreation Division **West, Dan** Digitally signed by West,
Dan
Date: 2024.01.25
14:06:04 -05'00'

From: Linda Briggs Thompson, Environmental Program Manager **Briggs, Linda** Digitally signed by Briggs,
Linda
Date: 2024.01.25
15:49:32 -05'00'

Re: **Land Use Plan Amendment Comments**
Proposed Amendment PC 24-2 555 SW 3 Avenue, Deerfield Beach

Broward County Parks and Recreation Division has reviewed the proposed amendment to the Broward County Land Use Plan 555 SW 3 Avenue LUPA (Deerfield Beach). Our comment is as follows:

PC 24-2 Regional park impact fees will be required for the additional 22 dwelling units planned for this project. While we are cognizant of the pressure to construct more housing, it is continually concerning to see land designated as Recreation and Open space developed for other purposes. The intent of the development code was for more recreation and open space to be designated as more housing units are developed, not less.

If you or your staff has any questions about our comments, please call me at 954-357-8120.



**RESILIENT ENVIRONMENT DEPARTMENT (RED)
REVIEW AND COMMENTS ON
PROPOSED BROWARD COUNTY LAND USE PLAN MAP
AMENDMENT**

For: Broward Planning Council

Applicant: City of Deerfield Beach

Amendment No.: PC 24-2

Jurisdiction: City of Deerfield Beach

Size: Approximately 1.4 acres

Existing Use: Vacant

Current Land Use Designation: Recreation and Open Space

Proposed Land Use Designation: Medium (16) Residential

Estimated Net Effect: Addition of 22 dwelling units
[Zero (0) dwelling units currently permitted by the Broward County Land Use Plan]
Reduction of 1.4 acres of recreation and open space use

Location: In Section 1, Township 48 South, Range 42 East; generally located on the west side of Martin Luther King Avenue/Southwest 3 Avenue, between Southwest 5 Court and Southwest 7 Court.

Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

ANALYSIS AND FINDINGS

ENVIRONMENTAL PERMITTING DIVISION

Contaminated Sites - [CP Policies C1.6, C2.1, C2.4, C2.5, C2.7, WM3.6; BCLUP Strategy EP-3 and Policy 2.5.5]

The list of known contaminated sites (from RED's GIS Database of Contaminated Locations in Broward County) has been reviewed. There **are no (0)** listed contaminated sites that were found within one-quarter mile of the proposed amendment location. See attached map and database for further information as it relates to the land use amendment site.

The interactive map of contaminated sites in Broward County can be found on the internet at <https://www.broward.org/Environment/ContaminatedSites/Pages/Default.aspx>. Any questions can be directed can be directed to (954) 519-1483 or EAR@broward.org. (AR 1/18/24)

Solid Waste - [CP Policies (SW) 6.1.2, 6.1.3, 6.2.6, 6.2.7, 6.2.10, WM3.18; BCLUP Policies 2.11.8, 2.20.3, 2.20.13, 2.34.1, 3.4.3 and Implementation Regulations and Procedures – 1. Development Review Requirements]

There **are no (0)** active or inactive solid waste facilities located within one mile of the proposed amendment location. (AR 1/18/24)

Wetlands - [CP: Objectives C8 and C9 Policies; BCLUP Strategy EP-2 and Policies 2.22.1, 2.22.2, 2.22.3]

Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Permitting Division determined that, at this time, there are no indications of wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License.

The Water and Environmental Licensing Section of the Environmental Permitting Division encourages all invasive exotic vegetation including Melaleuca, Brazilian pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of South Florida's native plant communities. The Florida Exotic Pest Plant Council's List of Florida's Most Invasive Species is available at [Florida Exotic Pest Plant Council \(invasive.org\)](http://FloridaExoticPestPlantCouncil.invasive.org).

Other activities regulated under Chapter 27, Article XI of the Natural Resource Protection Code (e.g., lake or canal excavation, installation of headwalls, end walls, or outfalls) may require an Environmental Resource License. Prior to undertaking surface disturbing activities, contact the Environmental Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

Surface Water Management - [CP Policies BMSD1.2.2, BMSD1.1.3, BMSD1.2.3, IC7.4, WM2.4, WM2.5, WM3.4, WM3.5, WM3.9, WM3.10, WM3.15, WM3.23, WM3.34, WM4.6, CM6; BCLUP Strategy CCR-2, EP-2, DP-2, and Policies 2.12.5, 2.21.1, 2.21.3, 2.21.5, 2.21.7, 2.24.1, 2.24.2, 2.24.4, 2.24.5, 2.26.5]

The proposed project will be required a Broward County Surface Water Management License. The applicant can apply for the SWM through Broward County [Epermits](#).

Some requirements that need to be met when applying for a Surface Water Management License:

1. Meet the permitted criteria or Pre-vs-Post analysis including:
 - a. Broward County Parking Lot Protection - 5-yr, 1-day
 - b. Attenuation Requirement - 25-yr, 3-day
 - c. Flood Protection - 100-yr, 3-day (zero discharge)
2. FFE requirements – FEMA, Broward County 100-yr, 3-day flood map elevation, Broward County Future Conditions 100 yr flood map and site specific 100-yr, 3-day (zero discharge) peak stage.
3. Water table requirements - Broward County Current Wet Season Water Table and Future Groundwater Table Elevation.
4. This property is in a wellfield zone.

Upland Resources (including Tree Preservation and Greenways) - [CP Objective C6 and Policies C6.1, C6.7, C6.10, C6.11; BCLUP Strategy CCR-2 and EP-3 and Policies 2.5.5, 2.23.3, 3.3.1]

Review of aerial photographs indicates that the subject site contains mature tree canopy. Development of the site must comply with the tree preservation regulations of the City of Deerfield Beach. The applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced. If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources.

Hazardous Material Facilities - [CP Policies C2.2, (SW) 6.2.6, 6.2.7, WM3.18; BCLUP Strategy EP-3 and Policy 2.26.21]

The list of known hazardous material facilities and storage tank facilities (from EPD's GIS Database of hazardous material facilities in Broward County) has been reviewed. There are five (5) known hazardous material/storage tank facilities on, adjacent to, or within ¼ mile of the amendment site. Of the five (5) facilities, four (4) are hazardous material facilities, zero (0) storage tank facility, and one (1) facility that have both hazardous materials and storage tanks. (VP 01/02/2024)

Wellfield Protection - [CP Policies (SW) 6.2.7, WM3.6, WM3.8, WM3.18; BCLUP Policies 2.26.1, 2.26.2, 2.26.3]

The proposed amendment site is currently adjacent to, or within ¼ mile of a wellfield zone of influence. Special restrictions apply under Broward County's Wellfield Protection regulations. (VP 01/02/2024)

SARA TITLE III (Community Right to Know) - [CP Policy C2.5, (SW) 6.2.10, 6.2.12, WM3.18; BCLUP Strategy EP-3 and Policy 2.5.5, 2.26.1]

The list of known SARA Title III Facilities in Broward County has been reviewed. There is no known SARA Title III Facility on, adjacent to, or within ¼ mile of the proposed amendment site. (VP 01/02/2024)

NATURAL RESOURCES DIVISION

Air Quality - [CP Objective C1 and C2, and Policy C2.5, C2.6, C2.9, C2.10, (SW) 6.2.10; BCLUP Strategy EP-3 and Policies 2.9.2, 2.25.1]

The preliminary traffic analysis indicates that the proposed amendment would result in a change of **0 PM peak hour trips** per day compared to trips associated with the current designation. Based upon the trips generated and the projected levels of service on surrounding roadways, an amendment to the proposed land use designation can reasonably be assumed to have a **moderate impact** on air quality.

The Air Quality Program recommends pro-active long-term planning methods that will result in the prevention of any further deterioration of our air quality and quality of life. The Air Quality Program recommends that the plan for development includes air quality measures or provisions that will support alternative methods of transportation. These measures include promoting the use of transit, promoting the use of ridesharing, promoting the use of alternative fuel vehicles (AFV) where appropriate and AFV infrastructure, bikeways and bike storage facilities, and the use of pedestrian friendly designs which will include native tree shaded areas.

There are no air permitted facility located within half a mile of the proposed amendment site, meaning that there are no nearby facilities with any air quality complaints nor any facilities in the area with existing or potential odor or noise problems. (AR 1/18/24)

Specially Designated Areas - [CP Objective C6 and policies C6.1, C6.3, C6.5, C6.6, C7.2, C7.4; BCLUP Strategies EP-3, IG-3 and Policies 2.5., 2.12.4, 2.23.1, 2.23.2, 2.23.3, 2.29.1, 3.3.7, 3.3.9, 3.3.10, Implementation Regulations and Procedures - 7. Criteria and Procedures For Environmentally Sensitive Lands And Local Areas of Particular Concern]

This project site is adjacent, along the southern boundary to Tivoli Sand Pine Preserve a City of Deerfield owned and managed Preserve. It is listed as a Designated Urban Wilderness and included in the Urban Wilderness Inventory.

<https://www.broward.org/PlanningCouncil/Documents/EnvironmentallySensitiveLands.pdf>

Protected Natural Lands – Project site is adjacent to Tivoli Sand Pine Preserve along the southern boundary. Tivoli Sand Pine Preserve is an approximately twenty-one acre sand pine included in the Protected Natural Lands Inventory.

The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The Inventory provides information regarding the ownership and management for each of the Protected Natural Lands and may be accessed at: <http://www.broward.org/NaturalResources/LandStewardship/Pages/NaturalLands.aspx>

Marine and Riverine Resources - [CP Objectives CM1, CM4 and Policies C.7.7 C7.6, C7.8; BCLUP Strategy EP-1 and Policies 2.7.1, 2.11.7, 2.20.3, 2.24.2, 2.27.1, 2.27.2, 2.27.3, 2.27.4, 2.27.5, 2.28.1, 3.3.4, 3.3.7, 3.3.9, 3.3.12]

While the County encourages applicants to consider the listed objectives, strategies, and policies during the site planning process, the proposed amendment site does not contain, fall within, or overlap with a coastal area. Therefore, Broward County Comprehensive Plan Objective CM4 and Policies C.7.6, C.7.7 and C.7.8 and Land Use Plan Strategy EP-1 and Policies 2.7.1, 2.11.7, 2.20.3, 2.27.1, 2.27.2, 2.27.3, 2.27.4, 2.27.5, 3.3.4, 3.3.9, 3.3.12 do not apply to the review of this project.

The proposed land use designation is not expected to have an impact on marine or riverine resources related to CP Objective CM4 and Policies C.7.6, C.7.7, C.7.8; BCLUP Strategy EP-1 and Policies 2.7.1, 2.11.7, 2.20.3, 2.24.2, 2.27.1, 2.27.2, 2.27.3, 2.27.4, 2.27.5, 2.28.1, 3.3.4, 3.3.9, 3.3.12.

Regarding Comprehensive Plan Objective CM1 and Land Use Plan Policy 3.3.7, please see the Analysis and Findings from the Environmental Permitting Division concerning wetlands impact from the proposed land use designation. Impacts to resources require review and licensing under Article XI of Chapter 27, Broward County Code of Ordinances.

The Division strongly encourages the applicant to review the Broward County Outdoor Lighting Ordinance (Chapter 27, Article IX, Sec. 39-112) to become familiar with preferred lighting standards to minimize sky glow and ways to minimize lighting disturbance of wildlife as it relates to Comprehensive Plan Policy C.7.6 and Broward County Land Use Plan Policy 2.28.1, recognizing that the proposed amendment area is not along the coast.

Climate Resiliency, Adaptation Action Areas, and Priority Planning Areas [CP Policies CC1.7, CC2.1, CC2.9, CC2.10, CC2.12, CC2.14, CC2.15, CC3.6, CM2.6; BCLUP Strategy CCR-2 and Policies 2.21.1, 2.21.2, 2.21.3, 2.21.5, 2.21.6, 2.21.7]

The Priority Planning Areas for Sea Level Rise Map identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2070. In review of land use plan amendments, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or areawide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities. The County also strongly discourages those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. The County will take into consideration sea level rise and flood protection mitigation strategies and requirements included within the city's local comprehensive plans and/or development regulations, or improvements committed to by the applicant which would mitigate or enhance flood protection and adaptation from rising sea levels.

While the County encourages applicants to consider these and other impacts from climate change during the site planning process, the proposed amendment site does not contain, fall within, or overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. Therefore, Broward County Land Use Plan Policies 2.21.1, 2.21.5, and Comprehensive Plan Policies CC2.1, CC2.12 and CC2.14, do not apply to the review of this project.

However, Policy 2.21.6 is not limited to areas only covered by the PPA and states that Broward County shall support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Climate Action Plan, as approved by the Broward County Climate Change Task Force, and adopted by the Broward County Board of County Commissioners. The Resilient Environment Department asks that the applicant take those actions into consideration through the application, design, permitting and construction process, but specifically calls out the following Regional Climate Action Plan Recommendations related to natural areas and urban forests: NS-4.1, NS-15.5, ST-5.1, ST-5.2, ST-5.3, as this site is directly adjacent to the Tivoli Sand Pines Preserve which has been established as a wilderness area in Broward County; and recommendations related to heat islands: NS-15.4, PH-3.1, PH-3.3, and ST-14.3 for consideration.

The Resilient Environment Department also recommends review of the Future Conditions Map Series (Plate WM 2.1 – Future Conditions Average Wet Season Groundwater Elevation Map, and Plate WM 13.1 – Future Conditions 100-Year Flood Elevation Map), and their use as required by Broward County Code of Ordinances for permitting and design of the proposed site. The reviewer notes that Plate WM 13.1 – Future Conditions 100-Year Flood Elevation Map was not mentioned in the application.

NatureScape Program – [CP Policies C6.8, CC3.9, WM3.33, WM4.17; BCLUP 2.20.14, 2.20.17]

NatureScape is about creating Florida-friendly landscapes that conserve water, protect water quality, and create wildlife habitat. Development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans. Information regarding Naturescape can be accessed at: <http://www.broward.org/NatureScape/Pages/Default.aspx>

Water Recharge - [CP Policies WM1.15, WM2.2, WM3.8, WM3.9, WM3.32, WM4.3; BCLUP Policies 2.5.5, 2.26.1]

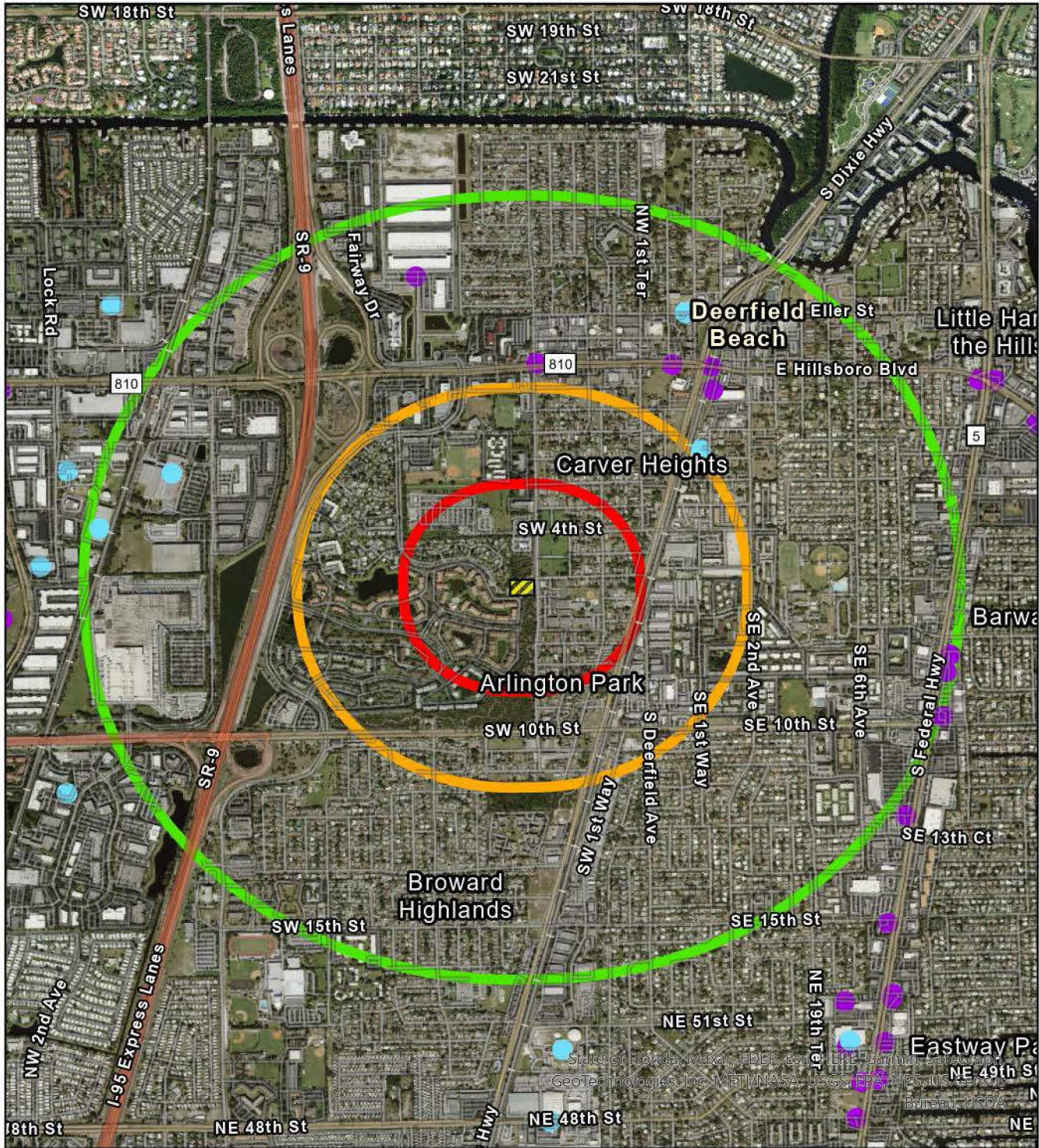
The purpose of this review is to consider County policies regarding water recharge. Aquifer recharge is one of several significant methods that will aid in the protection and conservation of the Surficial Aquifer System. Therefore, the County will continue to promote the development of alternative water supply strategies, including Aquifer recharge, and protect the quality of our potable water supply sources. [Applicable County Policies include: CP WM1.15, WM2.2, WM3.8, WM3.9, WM3.32, WM4.3; BCLUP Strategy CCR-3; Policies 2.5.5, 2.26.1, 2.26.2]

The proposed land use designation allows 75 percentage of impervious area on the property. Based on current and proposed land use designations, the development resulting from the proposed land use designation could potentially result in an increase of 65% impervious surface on the property. The change in recharge capacity resulting from development under the proposed designation is expected to be insignificant.

The impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

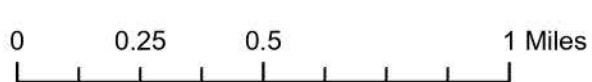
Staff suggests that the design of the new residential project seek to maximize open space or provide other alternatives to offset negative impacts on recharge capacity on the property. Open space can include but not be limited to parks and open space, stormwater retention, ponds, rain gardens, drainage easements, landscaped areas and other pervious areas fulfilling the goal of water recharge into the aquifer.

Broward County Land Use Plan Proposed Amendment 24-2



Legend

- Air Sites
- Contaminated Sites
- Proposed Site
- Quarter Mile Buffer
- Half Mile Buffer
- One Mile Buffer



Generated for location purposes only. Marker size is a visual aid, and neither represents exact location nor area of designated facility.
Prepared by: Ashley Robins on 12/28/23
Natural Resources Division



0 0.1 0.2 Miles

Date Prepared: 1/2/2024 1:22 PM
Prepared by: VPHIPPS

Land Use Amendment Legend

- Wellfield Zone 1
- Wellfield Zone 2
- Wellfield Zone 3
- SARA_Title_III_Facility
- Hazardous_Materials_Facility
- BufferHMIntersect
- 0.25 Mile Buffer
- Proposed Amendment Site

Environmental Permitting Division review of Land Use Amendments for presence of hazardous materials and community right-to-know sites within Broward County. Review includes the location of Wellfield Protection Zones. The display is generated for location purposes only. Marker, if present, is a visual aid and neither represents exact location nor distance to project site. If data are associated, data are provided "as is". The division does not accept responsibility for damages suffered as a result of using, modifying, contributing or distributing the materials.

Hazardous Materials Facilities within, adjacent to, or in close proximity (0.25 miles) of Land Use Amendment			
Name of Facility	Address	Type of Facility based on SIC	Type of License
B'Nai B'Rith Apartments	299 SW 3RD AVE, Deerfield Beach, FL 33441	6513 - Multi-Family Residential Facility with Diesel Generator(s) or Pool Chemicals	Hazardous Material
City of Deerfield Beach Public Works and Garage	401 SW 4TH ST, Deerfield Beach, FL 33441	7538 - Municipal Equipment or Vehicle Maintenance	Hazardous Material and Storage Tank
Vector Fleet Management LLC	401 SW 4TH ST, #B Deerfield Beach, FL 33441	7538 - Fleet Service	Hazardous Material
Youth Automotive Training Center of Broward, Inc.	399 SW 3RD AVE, Deerfield Beach, FL 33441	7538 - Automotive Repair School	Hazardous Material
R.J. Trucking & Bulldozing Incorporated	231 SW 8TH ST, Deerfield Beach, FL 33441	7538 - Automotive Repair	Hazardous Material

BROWARD COUNTY PLANNING COUNCIL
WETLAND RESOURCE QUESTIONNAIRE
as completed by the
RESILIENT ENVIRONMENT DEPARTMENT

I. Description of the Site and Proposed Amendment

For: Broward Planning Council

Applicant: City of Deerfield Beach

Amendment No.: PC 24-2

Jurisdiction: City of Deerfield Beach

Size: Approximately 1.4 acres

Existing Use: Vacant

Current Land Use Designation: Recreation and Open Space

Proposed Land Use Designation: Medium (16) Residential

Estimated Net Effect: Addition of 22 dwelling units

[Zero (0) dwelling units currently permitted by the Broward County
Land Use Plan]

Reduction of 1.4 acres of recreation and open space use

Location: In Section 1, Township 48 South, Range 42 East; generally located on the west side of Martin Luther King Avenue/Southwest 3 Avenue, between Southwest 5 Court and Southwest 7 Court.

Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

II. Wetland Review

A. Are wetlands present on subject property? No.

B. Describe extent (i.e. percent) of wetlands present on subject property.

C. Describe the characteristics and quality of wetlands present on subject property.

D. Is the property under review for an Environmental Resource License?

E. Has the applicant demonstrated that should the proposed Land Use designation be approved, the proposed project will be consistent with the requirements of Article XI, Chapter 27 of the Broward County Code of Ordinances?

III. Comments:

Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Permitting Division determined that, at this time, there are no indications of wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License.

The Water and Environmental Licensing Section of the Environmental Permitting Division encourages all invasive exotic vegetation including Melaleuca, Brazilian pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of South Florida's native plant communities. The Florida Exotic Pest Plant Council's List of Florida's Most Invasive Species is available at [Florida Exotic Pest Plant Council \(invasive.org\)](https://www.invasive.org).

Other activities regulated under Chapter 27, Article XI of the Natural Resource Protection Code (e.g., lake or canal excavation, installation of headwalls, end walls, or outfalls) may require an Environmental Resource License. Prior to undertaking surface disturbing activities, contact the Environmental Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

Completed by: L. Sunderland 1/23/2024

**BROWARD COUNTY
WATER RECHARGE QUESTIONNAIRE
as completed by
RESILIENT ENVIRONMENT DEPARTMENT**

I. Information about the Proposed Amendment

For: Broward Planning Council
Applicant: City of Deerfield Beach
Amendment No.: PC 24-2
Jurisdiction: City of Deerfield Beach
Size: Approximately 1.4 acres
Existing Use: Vacant
Current Land Use Designation: Recreation and Open Space
Proposed Land Use Designation: Medium (16) Residential
Estimated Net Effect: Addition of 22 dwelling units
[Zero (0) dwelling units currently permitted by the Broward
County Land Use Plan]
Reduction of 1.4 acres of recreation and open space use

Location: In Section 1, Township 48 South, Range 42 East; generally located on the west
side of Martin Luther King Avenue/Southwest 3 Avenue, between Southwest 5
Court and Southwest 7 Court.

Note: Findings and Recommendations do not constitute waivers from any federal, state, or local law.

II. Water Recharge Review based on Broward County Land Use Plan Designations

A. Impacts of the current land use designation on water recharge:

A typical value for an impervious area produced by this type of development is approximately 10 percent or equivalent to 0.14 acres.

B. Impacts of the proposed land use designation on water recharge:

A typical value for an impervious area produced by this type of development is potentially 75 percent or the equivalent of 1.05 acres.

C. General impacts of the proposed land use change on water recharge:

The change in land use (current to proposed) could potentially result in a increase of 65 percent impervious surface on the property, which is the equivalent of 0.91 acres of impervious surface and a loss in recharge capacity.

III. Analysis of Impact of Change in Land Use Designation

The purpose of this review is to consider County policies regarding water recharge. Aquifer recharge is one of several significant methods that will aid in the protection and conservation of the Surficial Aquifer System. Therefore, the County will continue to promote the development of alternative water supply strategies, including Aquifer recharge, and protect the quality of our potable water supply sources. [Applicable County Policies include: CP WM1.15, WM2.2, WM3.8, WM3.9, WM3.32, WM4.3; BCLUP Strategy CCR-3; Policies 2.5.5, 2.26.1, 2.26.2]

The proposed land use designation allows 75 percentage of impervious area on the property. Based on current and proposed land use designations, the development resulting from the proposed land use designation could potentially result in an increase of 65% impervious surface on the property. The change in recharge capacity resulting from development under the proposed designation is expected to be insignificant.

The impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

IV. Comments

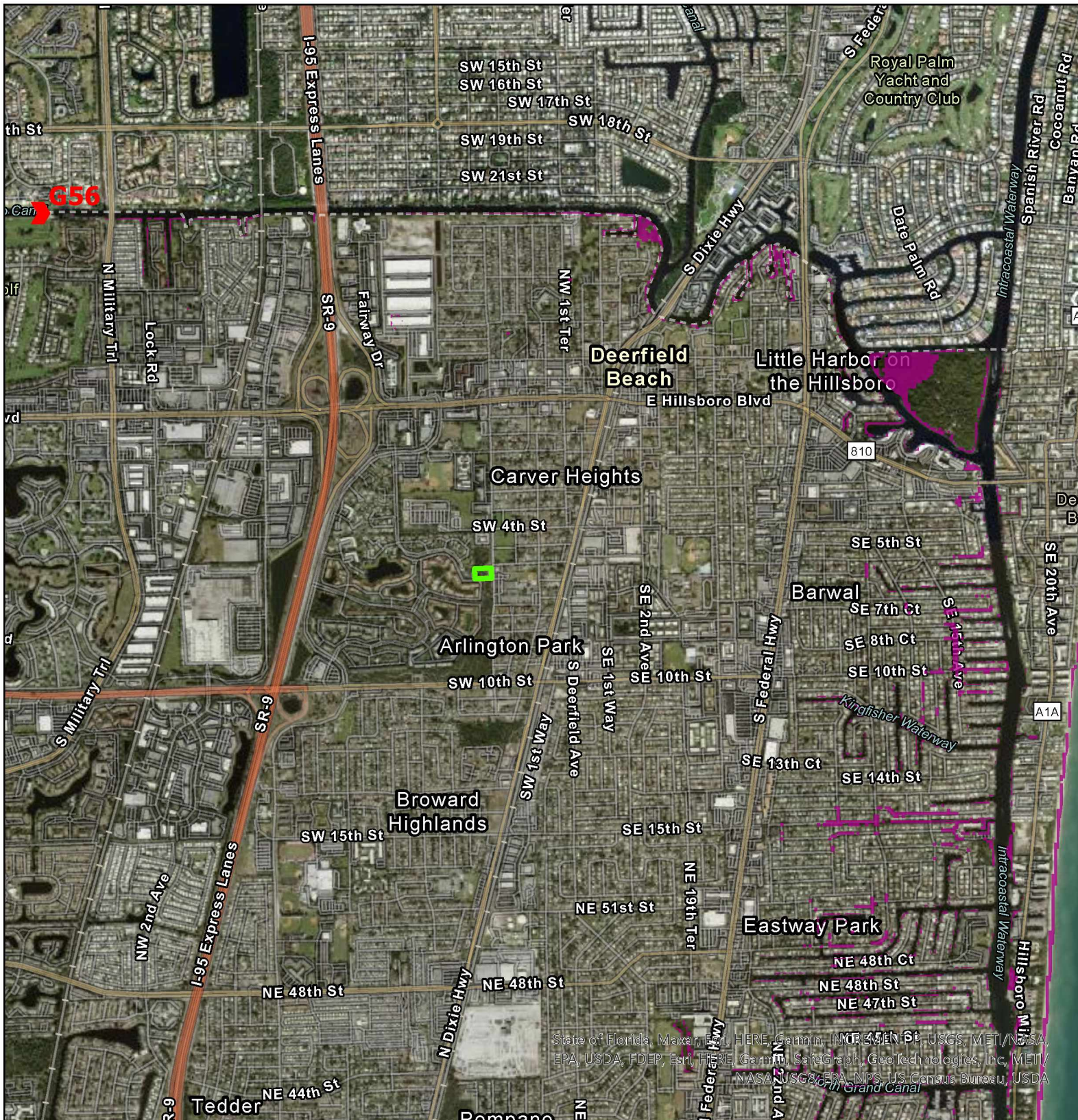
Staff suggests that the design of the new residential project seek to maximize open space or provide other alternatives to offset negative impacts on recharge capacity on the property. Open space can include but not be limited to parks and open space, stormwater retention, ponds, rain gardens, drainage easements, landscaped areas and other pervious areas fulfilling the goal of water recharge into the aquifer.

Prepared by: Monica Pognon, Broward County Natural Resources Division (1/23/2024).

Broward County Land Use Plan

Proposed Amendment

PCNRM 24-2



Proposed Land Use Plan Amendment

Priority Planning Areas for Sea Level Rise near tidal water bodies at an increased risk of inundation under a 40 inch sea level rise scenario projected to occur by 2070 (PC 24-2 is located outside of a Priority Planning Area)

0 0.5 1 Miles



Transportation Department

TRANSIT DIVISION- Service and Capital Planning

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8300 • FAX 954-357-8382



VIA EMAIL

January 23, 2024

Huda Ashwas, Planner Trainee
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301

RE: Land Use Plan Amendment (LUPA) – PC 24-2 555 SW 3rd Ave (Deerfield Beach) -
Transit Verification Letter

Dear Ms. Ashwas,

Broward County Transit (BCT) has reviewed your correspondence dated December 26, 2023, regarding the proposed Land Use Plan Amendment (LUPA) for PC 24-2, 555 SW 3rd Avenue, Deerfield Beach FL 33441 (Folio ID 484201000570), for current and planned transit service. The transit service provided within a quarter mile of the amendment site is limited to Community Shuttle Routes 728, 729 and BCT Fixed Route 50. Please refer to the following table for detailed information.

The first row details the service for BCT Route 50 on weekdays, Saturdays, and Sundays line by line. For example, on weekdays it runs 5:00 a.m. - 12:09 a.m. with a frequency of 33 minutes. The second and third rows detail the service for BCT Routes 728 and 729 respectively, both of which run on weekdays and Saturdays from 8:00 a.m. - 4:00 p.m. and have a frequency of 60 minutes.

BUS ROUTE	DAYS OF SERVICE	SERVICE SPAN A.M. – P.M	SERVICE FREQUENCY
50	WEEKDAY SATURDAY SUNDAY	5:00 A.M. – 12:09 A.M. 5:00 A.M. – 10:55 P.M. 7:38 A.M. – 9:30 P.M.	33 Minutes 40 Minutes 50 Minutes
728 Deerfield Beach Express I	WEEKDAY SATURDAY	8:00 A.M. – 4:00 P.M. 8:00 A.M. – 4:00 P.M.	60 Minutes 60 Minutes
729 Deerfield Beach Express II	WEEKDAY SATURDAY	8:00 A.M. – 4:00 P.M. 8:00 A.M. – 4:00 P.M.	60 Minutes 60 Minutes

BCT can accommodate additional transit demand, as described in the Mass Transit Analysis, with planned fixed route bus service to the amendment site.



Transportation Department

TRANSIT DIVISION- Service and Capital Planning

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8300 • FAX 954-357-8382

As part of the Transportation Surtax, BCT will be implementing fixed route bus improvements, including shorter headways and increased span of service on weekdays and weekends, in addition to new service types like demand-response. The development of subject property will support the utilization of mass transit by increasing the residential opportunities along an existing transit route. The proposed development will provide safe circulation routes for pedestrians and bicycles including transit connectivity between existing sidewalks and proposed future bus stops.

Please be advised that the needs of any existing or future bus stops located adjacent or within the amendment site will be addressed during the project's development review process.

Please feel free to call me at 954-357-5481 or email me at dacohen@broward.org if you require any additional information or clarification on this matter.

Sincerely,

Daniel Cohen

Daniel Cohen

Service Planner

Service and Strategic Planning – Broward County Transit

Broward County Board of County Commissioners

Torey Alston • Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Jared E. Moskowitz • Nan H. Rich • Tim Ryan • Michael Udine
www.broward.org



WATER MANAGEMENT DIVISION / PUBLIC WORKS
2555 West Copans Road, Pompano Beach, Florida (954) 831-0751



December 27, 2023

Huda Ashwas, Planner Trainee
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301

via email: hashwas@broward.org

SUBJECT: 555 Southwest 3 Avenue, Deerfield Beach
Land Use Plan Amendment PC 24-2– Drainage Analysis

Dear Ms. Ashwas:

The information in the above-captioned proposed land use plan amendment (LUPA) for drainage is essentially correct. Our office has no objection to this LUPA.

As noted in the application, the future development will require a Broward County Surface Water Management License. Broward County Environmental Engineering – Surface Water Section should be contacted for more information.

It does appear that the application incorrectly identifies the site location relative to a wellfield. Section H states the site is within Wellfield Zone 1. However, Broward County GIS maps show the site as being within Zone 3 (<https://geohub-bcgis.opendata.arcgis.com/documents/99a45ea5580344fdb5fee03ecd4ebf77/explore>).

Sincerely,

A handwritten signature in blue ink that reads "Susan Juncosa".

Susan Juncosa, Natural Resources Specialist
Water and Wastewater Services/**WATER MANAGEMENT DIVISION**
2555 West Copans Road, Pompano Beach FL 33069
OFFICE: (954) 831-0778 MOBILE: (954) – 551-3506
E-MAIL: sjuncosa@broward.org FAX: (954) 831-3285



Resilient Environment Department
URBAN PLANNING DIVISION

1 N. University Drive, Box 1021 Plantation, FL 33324 | 954-357-6634 | Fax 954-357-6521



DATE: January 19, 2024

TO: Barbara Blake Boy, Executive Director
Broward County Planning Council

FROM: Josie P. Sesodia, AICP, Director
Urban Planning Division

Digitally signed by Josie
P. Sesodia
Date: 2024.01.25
09:28:42 -05'00'

SUBJECT: *PC 24-2: City of Deerfield Beach (555 SW 3rd Ave)*

The Broward County Urban Planning Division (UPD) staff reviewed proposed amendment PC 24-2. The subject site is in Deerfield Beach involving approximately 1.4 acres. The amendment proposes:

Current Designations: Recreation and Open Space

Proposed Designation: Medium (16) Residential

Estimated Net Effect: *Addition of 22 dwelling units [Zero (0) dwelling units currently permitted by the Broward County Land Use Plan]*
Reduction of 1.4 acres of Recreation and Open Space Use

Analysis of Natural and Historic Resources

A. The County's archaeological consultant reviewed the application and based on the available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), determined that the proposed project will have no adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

B. Comments and recommendations pertaining to this land use plan amendment for historic/archaeological resources:

1. The subject property is located within the City of Deerfield Beach. Archaeological resources in the city are included in the jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32). Historical resources in the city are outside the jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32). The property owner/ agent is advised to contact the municipality to seek project review for compliance with municipal historic preservation regulations.

Contact: Attn: Director
Planning & Development Services

City of Deerfield Beach
150 NE 2nd Ave.
Deerfield Beach, Florida 33441
Tel.: (954) 480-4200

2. If, in the event that unmarked burials are discovered, then, pursuant to Florida Statutes, Chapter 872.05, "all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist."

Contact: Broward County Medical Examiner
5301 S.W. 31st Avenue
Fort Lauderdale, Florida 33312
Telephone: (954) 357-5200
Fax: (954) 327-6580
Email: Med_Exam_Trauma@broward.org
Website: <http://www.broward.org/MedicalExaminer>

Affordable Housing.

The Urban Planning Division (UPD) staff reviewed the application and determined that it is not subject the requirements of BCLUP Policy 2.16.2 and Article 5 of the Administrative Rules Document as the proposed amendment will add less than 100 units to the BCLUP.

The proposed amendment will add less than 100 units to the Broward County Land Use Plan (BCLUP). Amendments that propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP are subject to the requirements of BCLUP Policy 2.16.2 and Article 5 of the Administrative Rules Document. Policy 2.16.2 requires the involved municipality to estimate its supply of affordable housing utilizing the data and methodology referenced within the "Broward County Affordable Housing Needs Assessment," 2018, prepared by the Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after January 7, 2021. A total of zero (0) residential units are currently permitted under the existing Land Use Plan. This request is for an increase of 22 dwelling units.

Although Policy 2.16.2 does not apply to this project, the applicant states that the subject site will be utilized for a future affordable housing project. A draft Declaration of Restrictive Covenants is attached to the application as EXHIBIT J. The applicant is advised that the voluntary commitment to provide affordable housing units is subject to the execution and recordation of a separate agreement with Broward County, acceptable to the County Attorney's Office, which restricts the additional 22 dwelling units as affordable housing units for a period of 30 years.

Redevelopment Analysis

The amendment site is not located within a Community Redevelopment Area.

Intergovernmental Coordination

The proposed amendment site is not adjacent to or in close proximity to any Broward County Unincorporated Area lands or County-owned facilities/property and is not adjacent to another municipality. However, the Tivoli Sand Pine Preserve (Preserve) is adjacent to the south of the amendment site. The 23-acre Preserve was dedicated by Broward County to the City of Deerfield Beach in 1985, which then entered into an agreement with Broward County to maintain the preserve as a wilderness park in perpetuity. The Preserve is designated by the City of Deerfield Beach as an Urban Wilderness Site by Policy 7.46. (Natural Resource Areas) of the City's Comprehensive Plan Natural Resources Element.

Complete Streets

The BCLUP contains policies to promote complete streets that integrate all modes and facilities for all users based on the context. The following apply to this proposed land use plan amendment:

Policy 3.6.2 Ample and secure bicycle parking should be incorporated into non-residential and mixed use redevelopments. The bicycle parking should be consistent with the Broward County "End- of-Trips Facilities" guidelines.

Policy 3.6.5 Development designs should be context-sensitive and consider existing and planned adjacent land uses. Development projects should be considered both separately and as part of a connected network with integrated pedestrian, bicycle and transit facilities generally consistent with the [Broward Complete Streets Guidelines](#) or equivalent principles.

The proposed amendment will potentially generate 100 additional daily trips, including nine PM Peak Trips. Broward County Transit Route 50 on Dixie Highway, near the subject site, has 20-30 minute headways on weekdays and 40-50 minute headways on weekends. The City of Deerfield Beach Community Shuttle Express Routes I and II run along SW 3rd Avenue adjacent to the subject site. The application states that 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.

Staff suggests the following:

- Incorporate complete streets enhancements on-site along adjacent streets and connecting to site entrances. For example, consider providing:
 - o sidewalks along the property perimeter on street frontages;
 - o "end-of-trips facilities" consistent with the Broward Complete Streets Master Plan [Design Guidelines 2.0](#) and BrowardNEXT Policy 3.6.2;

- o sidewalks connecting from building entrances to perimeter sidewalks and safe transitions across onsite circulation lanes or parking areas;
 - o covered drop off areas for on demand mobility services and deliveries; and,
 - o awnings or covered areas at building entrances or along sidewalks.
- Consider providing electric vehicle charging stations, bike parking and lockers, and shared mobility opportunities (such as bike or scooter rentals).
- Enhance bicycle and pedestrian connections to bus stops and provide safe circulation routes for pedestrians and bicycles.
- Pedestrian-scale lighting that protects the adjacent pineland preserve from glare.

cc: Darby Delsalle, AICP, Assistant Director, Urban Planning Division
Heather Cuniff, AICP, Planning Section Supervisor, Urban Planning Division
Richard Ferrer, Historic Preservation Officer, Urban Planning Division
Susanne Carrano, Senior Planner, Urban Planning Division
Sara L. Forelle, AICP, Senior Planner, Urban Planning Division
Ralph Stone, Director, Housing Finance Division
Leonard Vialpando, Director, Resilient Environment Department

ATTACHMENT 2
DRAFT
TRAFFIC ANALYSIS - Peak
PC 24-2

Prepared: January 3, 2024

INTRODUCTORY INFORMATION

Jurisdiction:	City of Deerfield Beach
Size:	Approximately 1.4 acres

TRIPS ANALYSIS

Potential Trips – Current Land Use Designation

Current Designation:	Recreation and Open Space
Potential Development:	1.4 acres of recreation and open space
Trip Generation Rate:	“ITE Equation (411) Public Park”*
Total P.M. Peak Hour Trips:	23 peak hour trips

Potential Trips – Proposed Land Use Designation

Proposed Designation:	Medium (16) Residential
Potential Development:	22 multi-family dwelling units
Trip Generation Rate:	“ITE Equation (221) Multifamily Housing (Mid-Rise)”
Total P.M. Peak Hour Trips:	23 peak hour trips

<u>Net P.M. Peak Hour Trips</u>	<u>0 peak hour trips</u>
--	---------------------------------

PLANNING COMMENTS

The proposed amendment is projected to have no net impact on traffic volume on the regional transportation network at the long-range planning horizon.

*Institute of Transportation Engineers (ITE) traffic generation equations from “Trip Generation – 11th Edition,” the professionally accepted methodology for estimating the number of vehicle trips likely to be generated by a particular land use.

The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT



LAND USE
SBBC-3759-2024
County No: PC24-2
Folio #: 484201000570
555 SW 3rd Avenue
February 9, 2024



Growth Management
Facility Planning and Real Estate Department
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Tel: (754) 321-2177 Fax: (754) 321-2179
www.browardschools.com

ATTACHMENT 5

SCHOOL CONSISTENCY REVIEW REPORT - LAND USE

PROJECT INFORMATION		IMPACT OF PROPOSED CHANGE		PROPERTY INFORMATION	
Date: February 9, 2024		Units Permitted	0	Units Proposed	22
Name: 555 SW 3rd Avenue		NET CHANGE (UNITS):		Existing Land Use:	Recreation and Open
SBBC Project Number: SBBC-3759-2024				Proposed Land Use:	Medium (16) Residential
County Project Number: PC24-2		Students	Permitted	Proposed	NET CHANGE
Municipality Project Number: LUPA 66A		Elem	0	3	3
Owner/Developer: City of Deerfield Beach		Mid	0	1	1
Jurisdiction: Deerfield Beach		High	0	2	2
		Total	0	6	6
				Current Zoning	S-Open Space
				Proposed Zoning:	RM-15 Residence,
				Section:	1
				Township:	48 S
				Range:	42 E

SHORT RANGE - 5-YEAR IMPACT

Currently Assigned Schools	Gross Capacity	LOS* Capacity	Benchmark** Enrollment	Over/Under LOS	Classroom Equivalent Needed to Meet LOS	% of LOS*** Capacity	
Deerfield Park Elementary	751	826	460	-366	-20	55.7%	
Deerfield Beach Middle	1,491	1,553	1,139	-414	-18	73.3%	
Deerfield Beach High	2,848	2,848	2,094	-754	-30	73.5%	
	</						

* See comments for additional Impacted Planning Area information

LONG RANGE - TEN-YEAR IMPACT

Impacted Planning Area	School District's Planning Area Data			Aggregate Projected Enrollment				
	Aggregate School Capacity	Aggregate Enrollment	Aggregate Over/(Under) Enrollment	29/30	30/31	31/32	32/33	33/34
Area 7 - Elementary	17,526	11,746	-5,780	10,994	10,884	10,773	10,660	10,549
Area 7 - Middle	7,931	5,747	-2,184	5,325	5,274	5,223	5,170	5,119
Area 7 - High	11,160	8,389	-2,771	7,753	7,663	7,570	7,479	7,386

* See comments for additional Impacted Planning Area information

CHARTER SCHOOL INFORMATION

Charter Schools within 2-mile radius	2023-24 Contract Permanent Capacity	2023-24 Benchmark** Enrollment	Over/(Under)	Projected Enrollment		
				24/25	25/26	26/27
Somerset Academy Key Middle	495	423	-72	423	423	423

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark school enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

**The first Monday following Labor Day
 INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

PLANNED AND FUNDED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
(Years 1 - 5)

School(s)	Description of Capacity Additions
Deerfield Park Elementary	There are no capacity additions scheduled in the ADEFP that will increase the reflected FISH capacity of the school.
Deerfield Beach Middle	There are no capacity additions scheduled in the ADEFP that will increase the reflected FISH capacity of the school.
Deerfield Beach High	There are no capacity additions scheduled in the ADEFP that will increase the reflected FISH capacity of the school.

PLANNED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
(Years 6 - 10)

Capacity Additions for Planning Area 7	
School Level	Comments
Elementary	None
Middle	None
High	None

INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

Comments

Information contained in the application indicates that the approximately 1.36-acre site is generally located west of Martin Luther King /SW 3rd Avenue between Hillsboro Blvd and SW 10th Street in the City of Deerfield Beach. The current land use designation for the site is Recreation and Open Space, which allows no residential units. The applicant proposes to change the land use designation to Medium (16) Residential to allow 22 townhouse (all three or more bedroom) residential units, which is anticipated to generate an additional 6 students (3 elementary, 1 middle, and 2 high) into Broward County Public Schools.

This application was reviewed based on its location in the School District's Long Range Seven Planning Areas, and Ten-Year Long Range Plan contained in the Adopted District Educational Facilities Plan. However, the statistical data regarding the Level of Service (LOS) standard status of the actual schools impacted by this land use application in the initial five years of the ten-year period is depicted herein for informational purposes only.

Schools served the amendment site in the 2023/24 school year were Deerfield Park Elementary, Deerfield Beach Middle, and Deerfield Beach High. Based on the District's Public School Concurrency Planning Document, all the schools are operating below the adopted LOS of the higher of 100% gross capacities or 110% permanent capacities in the 2023/24 school year. Incorporating the cumulative students anticipated from approved and vested developments anticipated to be built within the next three years (2023/24- 2025/26), all the schools are expected to operate below the adopted LOS of the higher of 100% gross capacities or 110% permanent capacities through the 2025/26 school year. It should be noted that the permanent school capacity or Florida Inventory of School Housing (FISH) for the impacted schools reflects compliance with the class size constitutional amendment and the permanent capacity additions that are planned for the schools within the first three years of the Five-Year Adopted DEFP FY 2023/24 to 2027/28. Also, to ensure maximum utilization of the impacted Concurrency Service Areas, the Board may utilize other options such as school boundary changes to accommodate students generated from developments in the County. Charter schools located within a two-mile radius of the site in the 2023-24 school year are depicted herein.

Capital Improvements scheduled in the long-range section of the currently Five-Year Adopted DEFP FY 2023/24 to 2027/28 regarding pertinent impacted schools are depicted above. Based on the School District's Seven Long Range Planning Areas, the amendment site is located within School District Planning Area "7". The elementary, middle, and high schools currently serving Planning Area "7" and their cumulative student enrollments, cumulative capacities, and pertinent student enrollment projections are depicted herein.

Therefore, Planning Area "7" is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area.

Please be advised that if approved, the units from this project will be subject to a public school concurrency review at the plat, site plan (or functional equivalent) phase of development review, whichever comes first.

The School Board of Broward County, Florida

SCHOOL CONSISTENCY REVIEW REPORT

PROJECT NUMBER: SBBC-3759-2024

2/9/2024

Date

Reviewed By:

Glennika D. Gordon

Signature

Glennika D. Gordon, AICP

Name

Planner

Title



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-239

Agenda Date: 5/21/2024

Status: PUBLIC HEARINGS –
SECOND READING

In Control: City Commission

Title

P.H. 2024-067: ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; APPROVING SUPPLEMENTAL APPROPRIATIONS AND BUDGET TRANSFERS TO AND WITHIN VARIOUS CITY FUNDS, AND REDUCING APPROPRIATIONS TO THE 2018 CONSTRUCTION REVENUE BOND FUND BY \$7,794,885, AS SET FORTH IN THE ATTACHED EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

In accordance with Section 166.241(8)(c), Florida Statutes, the governing body of each municipality at any time within a fiscal year or within 60 day after the end of the fiscal year, may amend the budget for a purpose not specifically authorized in paragraph 166.241(8)(a) or paragraph (b), in the same manner as the original budget. This proposed amendment to the budget meets this requirement.

Article 5 of the City Charter provides that if there are revenues in excess of those estimated in the budget, the Commission by ordinance may make supplemental appropriations for the year up to the amount of such excess revenues.

Current Activity

As outlined in Exhibit A, supplemental budget appropriations and budget transfers are requested primarily for revenue recognition, interfund transfers between operating funds and capital project funds, and carryforward adjustments for construction projects:

General Funds

- General Fund revenue recognition in the amount of \$410,164 for the Fire Pension State Contribution passed through the City from the State.
- General Fund revenue recognition in the amount of \$604,087 for Charges for Services related to Boat Ramp Parking Fees and Fire Inspection Fees.
- General Fund revenue recognition in the amount of \$146,118 of Other Financial Sources related to Interest on Ad Valorem Taxes, Opioids Litigation Proceeds and Community Contributions.
- Community Services Department expenditure increased by \$2,500 related to community contributions.

- Office of Public Safety Department expenditure increased by \$94,618 for Opioids prevention, outreach, and education.
- Interfund transfer from the General Operating Fund to the General Capital Fund in the amount of \$1,063,251 for the Beach Lot acquisition (\$913,000) and the West Community Center renovation project (\$150,251).
- General Capital Fund expenditure increased by \$1,063,251 for the Beach Lot acquisition (\$913,000) and the West Community Center renovation project (\$150,251).

2018 Construction Revenue Bond Fund

- Reduction of bond proceeds by \$7,794,885 of the 2018 Construction Revenue Bond Fund to reflect prior fiscal year's actual carryforward balance.
- This carryforward was anticipated to be expended in FY24; however, the portion of work related to these expenses were completed by the close of FY23:
 1. City Hall Renovations - \$100
 2. Street Resurfacing - \$91,861
 3. Braithwaite City of Active Aging - \$5,512,010
 4. Tigner Center - \$2,190,914

Energy Performance Project Fund

- Energy Performance Project Fund revenue recognition in the amount of \$36,479 for investment interest earned from capital lease proceeds.
- Energy Performance Project Fund expenditure increased by \$36,479 to acquire Solid Waste capital equipment.

Solid Waste Funds

- Solid Waste Fund revenue recognition of \$1,359,274 related to the Siemens closeout agreement.
- Interfund transfers from the Solid Waste Operating Fund to the Solid Waste Capital Fund in the amount of \$1,359,274 related to the Siemens' closeout agreement and release to acquire Solid Waste capital equipment.
- Solid Waste Capital Fund expenditure increased by \$1,359,274 to acquire Solid Waste capital equipment.

Stormwater Funds

- Reappropriation of the Stormwater Fund capital expenditures to recognize the interfund transfer to the Stormwater Capital Fund for the West Deerfield Drainage Improvement project (\$64,897) and the Stormwater Improvements project (\$359,019).
- Interfund transfers from the Stormwater Operating Fund to the Stormwater Capital Fund in the amount of \$423,916 for the West Deerfield Drainage Improvement project (\$64,897) and the Stormwater Improvements project (\$359,019).
- Stormwater Capital Fund expenditure increased by \$423,916 for the West Deerfield Drainage Improvement project (\$64,897) and the Stormwater Improvements project (\$359,019).

Recommendation

Staff recommends adoption of the ordinance and setting the public hearing for May 21, 2024.

ORDINANCE NO. 2024/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; APPROVING SUPPLEMENTAL APPROPRIATIONS AND BUDGET TRANSFERS TO AND WITHIN VARIOUS CITY FUNDS, AND REDUCING APPROPRIATIONS TO THE 2018 CONSTRUCTION REVENUE BOND FUND BY \$7,794,885, AS SET FORTH IN THE ATTACHED EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, pursuant to Section 166.241(8), Florida Statutes, "the governing body of each municipality at any time within the fiscal year or within 60 days following the end of the fiscal year may amend a budget for that year"; and

WHEREAS, the City Manager has certified that there are revenues or unappropriated fund balance available for appropriation in excess of those originally estimated in the budget for the fiscal year ending September 30, 2024; and

WHEREAS, pursuant to Section 5.05(1) of the City Charter, the City Commission may, by Ordinance, make supplemental appropriations for the fiscal year, up to the amount of such excess revenues and unappropriated fund balance; and

WHEREAS, pursuant to Section 5.05(2) of the City Charter, the City Commission may, by Ordinance, reduce appropriations to a fund for the fiscal year when it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated to such fund; and

WHEREAS, pursuant to Section 5.05(3) of the City Charter, upon written request approved by the City Commission, the City Manager may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another; and

WHEREAS, the proposed budget amendment, attached and incorporated herein as Exhibit "A", authorizes Fiscal Year 2024 budget transfers and appropriations as follows: (i) supplemental appropriations and budget transfers to and within various City Funds, as reflected in Exhibit "A", and (ii) the reduction of appropriations to the 2018 Construction Revenue Bond Fund by \$7,794,885, as reflected in Exhibit "A" (collectively, the "Amendments"); and

WHEREAS, City staff recommends approving the Amendments to the City's budget for the fiscal year ending September 30, 2024, as set forth in the attached Exhibit "A", (the "Budget Amendment").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the above “WHEREAS” clauses are true and correct and are made a part of this Ordinance.

Section 2. That the Budget Amendment, as set forth in the attached Exhibit “A”, is hereby approved.

Section 3. That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Ordinance.

Section 4. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. This Ordinance shall take effect immediately upon its passage and adoption on Second Reading.

PASSED 1ST READING ON THIS ____ DAY OF _____, 2024.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

"EXHIBIT A"
CITY OF DEERFIELD BEACH, FLORIDA
BUDGET AMENDMENT
FISCAL YEAR ENDING SEPTEMBER 30, 2024

GENERAL FUND	ORIGINAL	BUDGET	AMENDED
REVENUES:	BUDGET	AMENDMENT	BUDGET
Property Taxes	60,318,310	-	60,318,310
Sales and Use Taxes	-	410,164	410,164
Communication Service Taxes	2,400,000	-	2,400,000
Public Service Taxes	9,305,000	-	9,305,000
Licenses and Permits	770,000	-	770,000
Franchise Fees	6,170,000	-	6,170,000
Local Option Gas Tax	6,700,000	-	6,700,000
Fire Assessment Fees	17,462,511	-	17,462,511
Intergovernmental	2,894,000	-	2,894,000
Charges for Services	9,933,251	604,087	10,537,338
Fines and Forfeits	1,477,500	-	1,477,500
Grants and Contributions	1,055,380	-	1,055,380
Administration Fees	8,079,662	-	8,079,662
Other Financing Sources	4,936,300	146,118	5,082,418
TOTAL SOURCES	131,501,914	1,160,369	132,662,283
Transfers In	9,673,289	-	9,673,289
Fund Balances/Reserves	14,789,051	-	14,789,051
TOTAL REVENUES, TRANSFERS & BALANCES	155,964,254	1,160,369	157,124,623
EXPENDITURES:			
City Commission	564,241	-	564,241
City Manager	892,629	-	892,629
City Clerk	623,103	-	623,103
City Attorney	585,500	-	585,500
Financial Services	3,958,325	-	3,958,325
Human Resources	12,571,025	-	12,571,025
Planning & Development Services	1,793,460	-	1,793,460
Information Technology Services	3,568,944	-	3,568,944
Economic Development	747,122	-	747,122
Community Services	5,056,063	2,500	5,058,563
Public Affairs & Marketing	692,314	-	692,314
Office of Public Safety	80,112,922	94,618	80,207,540
Sustainable Management	1,826,832	-	1,826,832
Environmental Services	5,277,770	-	5,277,770
Parks & Recreation	18,417,494	-	18,417,494
Debt Service	6,460,257	-	6,460,257
Additional Considerations	(679,440)	-	(679,440)
TOTAL EXPENDITURES	142,468,561	97,118	142,565,679
Transfers Out	13,495,693	1,063,251	14,558,944
TOTAL APPROPRIATED EXPENDITURES			
TRANSFERS, RESERVES & BALANCES	155,964,254	1,160,369	157,124,623

GENERAL CAPITAL FUND REVENUES:	ORIGINAL BUDGET	BUDGET AMENDMENT	AMENDED BUDGET
Loan Proceeds	13,991,274	-	13,991,274
TOTAL SOURCES	13,991,274	-	13,991,274
Transfers In	12,164,127	1,063,251	13,227,378
Fund Balances/Reserves	750,000	-	750,000
TOTAL REVENUES, TRANSFERS & BALANCES	26,905,401	1,063,251	27,968,652
EXPENDITURES:			
Capital Project Expenditures	26,905,401	1,063,251	27,968,652
TOTAL EXPENDITURES	26,905,401	1,063,251	27,968,652
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	26,905,401	1,063,251	27,968,652
2018 CONSTRUCTION REVENUE BOND FUND REVENUES:	ORIGINAL BUDGET	BUDGET AMENDMENT	AMENDED BUDGET
Federal Grant Funding	1,399,796	-	1,399,796
Capital Lease Proceeds	21,234,963	(7,794,885)	13,440,078
TOTAL SOURCES	22,634,759	(7,794,885)	14,839,874
Fund Balances/Reserves	250,000	-	250,000
TOTAL REVENUES, TRANSFERS & BALANCES	22,884,759	(7,794,885)	15,089,874
EXPENDITURES:			
Capital Project Expenditures	22,884,759	(7,794,885)	15,089,874
TOTAL EXPENDITURES	22,884,759	(7,794,885)	15,089,874
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	22,884,759	(7,794,885)	15,089,874
ENERGY PERFORMANCE PROJECT FUND REVENUES:	ORIGINAL BUDGET	BUDGET AMENDMENT	AMENDED BUDGET
Capital Lease Proceeds	560,726	36,479	597,205
TOTAL SOURCES	560,726	36,479	597,205
TOTAL REVENUES, TRANSFERS & BALANCES	560,726	36,479	597,205
EXPENDITURES:			
Capital Expenditures	560,726	36,479	597,205
TOTAL EXPENDITURES	560,726	36,479	597,205
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	560,726	36,479	597,205

SOLID WASTE FUND	ORIGINAL	BUDGET	AMENDED
REVENUES:	BUDGET	AMENDMENT	BUDGET
Operating Revenues	24,070,750	1,359,274	25,430,024
Loan Proceeds	386,660	-	386,660
TOTAL SOURCES	24,457,410	1,359,274	25,816,684
Transfers In	300,000	-	300,000
Fund Balances/Reserves	178,900	-	178,900
TOTAL REVENUES, TRANSFERS & BALANCES	24,936,310	1,359,274	26,295,584
EXPENDITURES:			
Operating Expenditures	22,262,975	-	22,262,975
Additional Consideration	1,685,354	-	1,685,354
TOTAL EXPENDITURES	23,948,329	-	23,948,329
Transfers Out	987,981	1,359,274	2,347,255
TOTAL APPROPRIATED EXPENDITURES			
TRANSFERS, RESERVES & BALANCES	24,936,310	1,359,274	26,295,584

SOLID WASTE CAPITAL FUND	ORIGINAL	BUDGET	AMENDED
REVENUES:	BUDGET	AMENDMENT	BUDGET
Loan Proceeds	438,070	-	438,070
Capital Lease Proceeds	2,139,501	-	2,139,501
TOTAL SOURCES	2,577,571	-	2,577,571
Transfers In	-	1,359,274	1,359,274
TOTAL REVENUES, TRANSFERS & BALANCES	2,577,571	1,359,274	3,936,845
EXPENDITURES:			
Capital Expenditures	2,577,571	1,359,274	3,936,845
TOTAL EXPENDITURES	2,577,571	1,359,274	3,936,845
TOTAL APPROPRIATED EXPENDITURES			
TRANSFERS, RESERVES & BALANCES	2,577,571	1,359,274	3,936,845

STORMWATER FUND REVENUES:	ORIGINAL BUDGET	BUDGET AMENDMENT	AMENDED BUDGET
Operating Revenues	2,368,993	-	2,368,993
TOTAL SOURCES	2,368,993	-	2,368,993
Fund Balances/Reserves	2,869,899	-	2,869,899
TOTAL REVENUES, TRANSFERS & BALANCES	5,238,892	-	5,238,892
EXPENDITURES:			
Operating Expenditures	2,629,346	-	2,629,346
Capital Expenditures	423,916	(423,916)	-
TOTAL EXPENDITURES	3,053,262	(423,916)	2,629,346
Transfers Out	2,185,630	423,916	2,609,546
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	5,238,892	-	5,238,892

STORMWATER CAPITAL FUND REVENUES:	ORIGINAL BUDGET	BUDGET AMENDMENT	AMENDED BUDGET
Loan Proceeds	916,517	-	916,517
TOTAL SOURCES	916,517	-	916,517
Transfers In	10,644,277	423,916	11,068,193
TOTAL REVENUES, TRANSFERS & BALANCES	11,560,794	423,916	11,984,710
EXPENDITURES:			
Capital Expenditures	11,560,794	423,916	11,984,710
TOTAL EXPENDITURES	11,560,794	423,916	11,984,710
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	11,560,794	423,916	11,984,710



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-257

Agenda Date: 5/21/2024

Status: CONSENT - BOARD
APPOINTMENT

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Jason Leet as a regular member to the Community Appearance Board to fulfill an unexpired term; and providing for an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

On October 23, 2023, Terrance Glunt resigned from the Community Appearance Board ("Board"), creating a vacancy. Jason Leet has expressed an interest in serving on the Board and has been nominated by Commissioner Michael Hudak to serve as a regular member to fill the unexpired term, which ends May 15, 2027.

Current Activity

Upon appointment, the Board will have four regular members, with one vacancy and two alternates, with three vacancies.

Recommendation

Approval is recommended.

RESOLUTION NO. 2024/

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
DEERFIELD BEACH, FLORIDA, APPOINTING JASON LEET AS A
REGULAR MEMBER TO THE COMMUNITY APPEARANCE BOARD TO
FULFILL AN UNEXPIRED TERM; AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, the City of Deerfield Beach (“City”) created a Community Appearance Board (“Board”) pursuant to Section 78-1 of the City’s Land Development Code (“Code”) in recognition that community aesthetics can be achieved through thoughtful design of the built environment to enhance community character, promote urban beautification, require that new projects and development enhance that which already exists, and to provide the Planning and Development Services Department with design consultation when requested; and

WHEREAS, pursuant to Section 78-3 of the Code, the Board shall be composed of five regular members and five alternate members with each Commissioner appointing one regular and one alternate member; and

WHEREAS, the members of the Board are appointed by and serve at the pleasure of the City Commission for terms that expire on May 15th of the year that the term of the appointing Commissioner expires; and

WHEREAS, Jason Leet has expressed an interest in serving on the Board as a regular member, and Commissioner Hudak has nominated Mr. Leet to serve as a regular member of the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. Jason Leet is hereby appointed to serve as a regular member of the Board for a term commencing on May 21, 2024, and expiring on May 15, 2027.

Section 3. Jason Leet shall serve without compensation and is required to file a financial statement in accordance with applicable law.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



Nominating Form

Application for Appointment to Board or Committee

Date: May 7, 2024

The attached application from Jason Leet for the Community Appearance Board has been received.

The board's liaison has verified that the applicant is qualified and that all prerequisites have been met.

- ☒ Regular Member
☐ Alternate Member

Please place this application on an upcoming agenda for consideration for appointment.

 05/06/24

Signature:

Date:

Appointing
Elected Official:

- ☐ Mayor Bill Ganz
☐ Vice Mayor Todd Drosky
☒ Commissioner Michael Hudak
☐ Commissioner Ben Preston
☐ Commissioner Bernie Parness

Please return to City Administration for processing.



City of Deerfield Beach
Application for Advisory Board or Committee

Advisory Board or Committee you are applying for: Community Appearance Advisory Board

Please be advised that a Level II background check is required for the African American Heritage Board, Cultural Committee, Education Advisory Board, and Planning and Zoning Board.

Are you willing to be considered for an alternate Board or Committee? Yes ☒ No ☐

Name Jason Leet

Address 1545 SE 14th Street

City Deerfield Beach

State FL

Zip 33441

I reside in District # (can be found on back of your Voter Registration Card) 1

Year- Round Resident? Yes ☒ No ☐

If No, what months are you away?

Home Phone 305-360-1779

Work/Mobile Phone 305-360-1779

E-mail jleet@jasonleetrealestate.com

Employer Owner - Jason Leet Real Estate

Address 1545 SE 14th St Deerfield Beach, FL 33441

Occupation (if retired, please indicate and list former occupation)

Please list any governmental Advisory Boards or Committees on which you currently serve:

Complete the following. Please describe those facets of your background/experience which you feel may be useful for membership on this Board/Committee.

Academic: Degrees, Diplomas

BA Political Science

Professional: Certification(s)

Real Estate Broker, Luxury Home Institute

Knowledge: Training, interest or experience

Over 10 years in real estate in the South Florida area, South Florida resident for over 20 years, intrested in real estate, community affairs, boating

Community Involvement: List organizations/positions

Organizations: Memberships

Florida Association of Realtors, National Association of Realtors, Luxury Home Institute

I understand that in accordance with the Florida Sunshine Law, this information may be made public. I understand that the appointment is for voluntary, uncompensated service. If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws and ordinances of the City, County and State of Florida, particularly those pertaining to the conduct of public officials and the financial disclosure requirements, if applicable to my position.

Signature:



Date: 5/6/2024

Print Name: Jason Leet

Return completed application to:

City Clerk's Office

150 NE 2nd Avenue, Deerfield Beach, FL 33441

Phone: 954-480-4213

Website: www.deerfield-beach.com

Fax: 954-480-4323

E-mail: web.clerk@deerfield-beach.com

PLEASE NOTE: Resumes/Additional information may be included; however, the application MUST be completed.



COMMUNITY APPEARANCE BOARD

Creating Authority:

City Charter-Section 3.12

Method of Appointment:

Ordinance No. 1990/001 - Seven (7) Regular Members; Two (2) Alternate Members; Two (2) year Terms

Ordinance No. 2011/017 - Five (5) Regular Members; Five (5) Alternate Members

Ordinance No. 2013/015 - Disband Beautification Authority and transfer duties to CAB

Ordinance No. 2015/034 – Allows board to meet once monthly; quorum of three (3)

Qualifications:

One (1) Florida Registered Architect

One (1) Florida Registered Landscape Architect

One (1) Sign contractor

Remaining members shall be a Florida Registered Professional Engineer, a Florida Licensed General contractor, an Urban Planner, have a Fine Arts Degree, or own Business or possess a similar related background.

Financial Disclosure:

Required (per letter from Commission of Ethics - 11/30/90)

Compensation:

None

Liaison:

Eric Power, Department of Planning & Development Services, (954) 480-4206

Meeting Dates:

2nd & 4th Wednesday, 7:00 p.m. in City Commission Chambers

Functions and Responsibilities:

The Community Appearance Board shall meet at least twice per month, on a regularly scheduled basis, or more often as may be required in order to consider pending applications without unnecessary delay.

Three (3) members of the board shall constitute a quorum and the affirmative vote of at least three (3) members of the board shall be necessary for any action.

The task of the Board is to preserve various elements of urban beauty and require that new projects enhance that which already exists.

Name <i>Regular Members</i>	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
Tinka Ellington (Mayor)	1517 SE 6th Street Deerfield Beach, FL 33441	954-448-5226	NEW	2021/156	11/16/2021	05/15/25
VACANT Engineer (District 1)			GLUNT			05/15/27
VACANT (District 2)			NEW			05/15/25
Jack Hugentugler II (District 3)	3809 NW 7th Place Deerfield Beach, FL 33442	427-7917 695-5826 (C)	SELF	2021/064	05/04/21	05/15/25
Harry L. Belton Landscape Architect (District 4)	P.O. Box 4161 Deerfield Beach, FL 33442	232-5398 (H) 733-7233 (W)	SELF	2021/064	05/04/21	05/15/25

Name <i>Alternate Members</i>	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
Janelle Richards (Mayor)	785 Crystal Lake Drive Deerfield Beach, FL 33064	954-937-1248	NEW	2024/009	01/24/24	5/15/25
VACANT (District 1)			DAMIANO			05/15/27
VACANT (District 2)			TRANCHIDA			05/15/25
Joseph Cummings (District 3)	267 Oakridge P Deerfield Beach, FL 33442	305-465-1877	BROWN	2023/046	03/28/23	05/15/25
VACANT (District 4)			NEW			



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-253

Agenda Date: 5/21/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, amending the 2023/2024 schedule of City Commission meetings; providing for implementation and an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Section 200.065(2)(e)2, Florida Statutes, provides that "hearing dates scheduled by the County Commission and School Board shall not be utilized by any other Taxing Authority within the County for its public hearings." The City's regularly scheduled September 17, 2024 Commission Meeting conflicts with Broward County's second budget hearing; therefore, staff is proposing to reschedule the September 17, 2024 meeting to September 23, 2024. Furthermore, Section 200.065(2)(d), Florida Statutes, provides that "within 15 days after the meeting adopting the tentative budget, the taxing authority shall advertise in a newspaper of general circulation in the County as provided in Subsection (3), its intent to finally adopt a millage rate and budget"; therefore, staff is proposing to reschedule the City's September 3, 2024 Commission Meeting to Monday, September 9, 2024.

Recommendation

Approval is recommended.

RESOLUTION NO. 2024/

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
DEERFIELD BEACH, FLORIDA, AMENDING THE 2023/2024
SCHEDULE OF CITY COMMISSION MEETINGS; PROVIDING FOR
IMPLEMENTATION AND AN EFFECTIVE DATE**

WHEREAS, on September 5, 2024, the City Commission approved the Fiscal Year 2023/2024 City Commission meeting schedule through October 1, 2024; and

WHEREAS, Section 200.065(2)(e)2., Florida Statutes, regarding the adoption of millage rates and fiscal year budgets provides that “hearing dates scheduled by the County Commission and School Board shall not be utilized by any other Taxing Authority within the County for its public hearings”; and

WHEREAS, due to conflicts with the Broward County budget hearings, the City Commission wishes to amend the schedule of regular City Commission meetings for 2023/2024 to reschedule the September 3, 2024 and September 17, 2024 Regular City Commission Meetings to Monday, September 9, 2024 and Monday September 23, 2024, respectively.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby amends the City Commission Meetings Schedule for Fiscal Year 2023/2024 to reschedule the September 3, 2024 and September 17, 2024 Regular City Commission Meetings to Monday, September 9, 2024 and Monday, September 23, 2024, respectively.

Section 3. The City Commission reserves the right to reschedule meetings, schedule special meetings, or take such other actions as it deems appropriate.

Section 4. The appropriate City officials are authorized to do all things necessary and expedient to accomplish the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



FY24 City Commission Meeting Schedule

Tuesday, October 3, 2023

Tuesday, October 17, 2023

Tuesday, November 14, 2023

Tuesday, December 12, 2023

Tuesday, January 9, 2024

Tuesday, January 23, 2024

Tuesday, February 6, 2024

Tuesday, February 20, 2024

Tuesday, March 5, 2024

Tuesday, March 19, 2024

Tuesday, April 2, 2024

Tuesday, April 16, 2024

Tuesday, May 7, 2024

Tuesday, May 21, 2024

Tuesday, June 4, 2024

Tuesday, June 18, 2024

Tuesday, July 9, 2024

Tuesday, August 6, 2024

Tuesday, August 20, 2024

~~Tuesday, September 3, 2024~~ Monday, September 9, 2024

~~Tuesday, September 17, 2024~~ Monday, September 23, 2024

Tuesday, October 1, 2024

*subject to change based on budget hearing scheduling requirements



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-249

Agenda Date: 5/21/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Amended and Restated ARPA Subrecipient Agreement with the Boys and Girls Club of Broward County, Inc. to extend the project completion date to June 30, 2024; authorizing execution of the Amended and Restated ARPA Subrecipient Agreement; providing for implementation and an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The City of Deerfield Beach has allocated \$300,000 of its American Rescue Plan Act (ARPA) funding to provide grants to local nonprofit organizations to address the negative impacts of the COVID-19 pandemic on populations that have been disproportionately impacted by its effects. The Boys and Girls Club of Broward County was awarded \$200,000 in ARPA grant funds to expand on its Youth Education Success (Y.E.S.) Program. As of today, the Boys and Girls Club has expended \$150,000.00 of the Grant funds allocated, with a remaining balance of \$50,000.00.

Pursuant to Resolution 2022/177, the City entered into an agreement with the Boys & Girls Club of Broward County which outlined the grant's terms and conditions. The agreement provided for a Term effective October 18, 2022 and an expiring on December 31, 2023. This information is on file in the City Clerk's Office.

Current Activity

The Boys and Girls Club of Broward County has requested a period of performance extension to complete grant deliverables due to staff and capacity challenges. This amendment will allow this agreement to extend **to June 30, 2024**.

Recommendation

It is recommended that the City Commission approve the reinstatement and extension of the grant agreement between the Boys & Girls Club of Broward County and the City of Deerfield Beach to June 30, 2024.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING AN AMENDED AND RESTATED ARPA SUBRECIPIENT AGREEMENT WITH THE BOYS AND GIRLS CLUB OF BROWARD COUNTY, INC. TO EXTEND THE PROJECT COMPLETION DATE TO JUNE 30, 2024; AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED ARPA SUBRECIPIENT AGREEMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

WHEREAS, on October 18, 2022, the City Commission passed and adopted Resolution No. 2022/177 approving the rankings and fund allocations to local non-profit organizations for the City's Fiscal Year 2023 American Rescue Plan Act ("ARPA") Grant Program; and

WHEREAS, in accordance with Resolution No. 2022/177, on February 9, 2023, the City entered into an ARPA Subrecipient Agreement (the "Agreement") with the Boys and Girls Club of Broward County, Inc. (the "Club") allocating \$200,000.00 of grant funds for the expansion of the Club's Youth Education Success Program; and

WHEREAS, the initial term of the Agreement commenced on October 1, 2022 and expired on December 1, 2023; and

WHEREAS, due to staffing and capacity challenges, the Club has not completed the Project's deliverables and has requested an extension of the Agreement to June 30, 2024, in order to complete the Project; and

WHEREAS, the Agreement allows for a Performance Term Extension based upon justifiable circumstances beyond the control of the Club, and City staff Has reviewed the documentation provided by the Club, and has determined that such request meets the Performance Extension requirements; and

WHEREAS, due to the expiration of the Agreement, the parties must execute an amended and restated ARPA Subrecipient Agreement, attached as Exhibit "1" (the "Restated Agreement"), which continues to allocate the remaining funds of \$50,000.00 to the Club and extends the term FOR Project Completion to June 30, 2024; and

WHEREAS, the City Commission deems it to be in the best interest of the City to approve and authorize the execution of the Restated Agreement, attached as Exhibit "1".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced "Whereas" clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby approves the Restated Agreement between the City and the Boy and Girls Club of Broward County, Inc., attached as Exhibit “1.”

Section 3. The City Commission hereby authorizes the City Manager to execute the Restated Agreement, attached as Exhibit “1,” together with such non-substantial changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4. The appropriate City officials are authorized to do all things necessary to carry out the aims of this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

**CITY OF DEERFIELD BEACH AMENDED AND RESTATED ARPA SUBRECIPIENT
AGREEMENT**

**Between
CITY OF DEERFIELD BEACH, FLORIDA
And
BOYS & GIRLS CLUB OF BROWARD COUNTY, INC.**

This Amendment and Restatement (the “ARPA Restated Agreement”) of the ARPA Subrecipient Agreement, dated February 3, 2023, is made and entered into this _____ day of _____, 2024, between the City of Deerfield Beach, Florida (the “CITY”) and Boys & Girls Club of Broward County, Inc. (the “SUBRECIPIENT”), a non-profit organization.

WHEREAS, on March 11, 2021, President Joseph R. Biden signed into law the American Rescue Plan Act of 2021 (“ARPA”); and

WHEREAS, in May 2021, the United States Department of the Treasury published guidance regarding the allowable usage of the Coronavirus State and Local Fiscal Recovery Funds (hereinafter “SLFRF”) to be disseminated to local governments in accordance with the ARPA; and

WHEREAS, the CITY has allocated \$300,000.00 of funding to be provided to non-profit agencies for the purpose of carrying out projects/programs to mitigate and stop the spread of COVID-19 and its negative economic impacts; and

WHEREAS, the SUBRECIPIENT submitted to the CITY a community participation grant application in compliance with Resolution No.2020/115; and

WHEREAS, on October 18, 2022, the Deerfield Beach City Commission passed Resolution No.2022/177, awarding \$200,000.00 in ARPA grant funds (the “Grant Funds”) to the SUBRECIPIENT; and

WHEREAS, the Agreement was executed on February 9, 2023, and the Project deliverables were to be completed by December 31, 2023; and

WHEREAS, the SUBRECIPIENT has expended \$150,000 toward the Project and due to staff and capacity challenges, has requested a performance term extension to complete the Project utilizing the remaining \$50,000.00 in Grant Funds; and

WHEREAS, the SUBRECIPIENT continues to comply with the terms and conditions of the Agreement even though expired, and it is necessary to execute this ARPA Restated Agreement.

NOW, THEREFORE, in consideration of the covenants and conditions hereinafter set forth, the CITY and the SUBRECIPIENT agree as follows:

1. The above recitations are true and accurate and are hereby made a part of this ARPA Restated Agreement.
2. Paragraph 2 of the ARPA Agreement dated February 3, 2023 entitled "Term" is deleted in its entirety and replaced with the following:

This ARPA Restated Agreement shall be effective retroactive to December 31, 2023 and shall expire on June 30, 2024, unless terminated earlier as provided in the Agreement (the "Term"). At the expiration of the Term, any unexpended Grant Funds paid shall be returned to the CITY within ten (10) business days from the Term's expiration.

3. SUBRECIPIENT acknowledges and agrees that the Grant Funds remaining for the Project is \$50,000.00.
4. Except as otherwise expressly provided by this ARPA Restated Agreement, all terms of the ARPA Agreement dated February 3, 2023, which are hereby incorporated into this ARPA Restated Agreement, shall remain in full force and effect, and SUBRECIPIENT agrees to comply with all such terms.
5. This ARPA Restated Agreement shall bind the parties and shall be fully effective as though the extension of the Term of the Agreement through June 30, 2024 had been originally included in the February 3, 2023 ARPA Subrecipient Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed.

FOR CITY

ATTEST:

CITY OF DEERFIELD BEACH,
FLORIDA, a municipal
corporation of the
State of Florida.

City Clerk

David Santucci, City Manager

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE OF AND
RELIANCE BY THE CITY OF DEERFIELD
BEACH, FLORIDA:

Anthony Soroka, City Attorney

**CITY OF DEERFIELD BEACH AMENDED AND RESTATED ARPA SUBRECIPIENT
AGREEMENT**

SUBRECIPIENT

(CORPORATE SEAL)

BOYS & GIRLS CLUB OF
BROWARD COUNTY, INC.

ATTEST:

By:

Chris Gentile, Co-CEO

(CORPORATE SEAL)

BOYS & GIRLS CLUB OF
BROWARD COUNTY, INC.

ATTEST:

By:

Matt Organ, Co-CEO



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-220

Agenda Date: 5/21/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Award of ITB #24-15-VP for structural related vehicle equipment repairs on an as-needed basis to ASR Services, Inc.; authorizing the execution of a contract with ASR Services, Inc., the sole responsive and responsible bidder, for a five-year term, with two additional two-year optional renewal periods; and providing for an effective date. (Funds from Account #450-4551-534-38-06 - Sustainable Management/Material to Maintain Equipment)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: Estimated Annual costs \$150,000.00 based upon an hourly rate of \$115.00.

Account Name: Sustainable Management/Material to Maintain Equipment

Account Number: 450-4551-534-38-06

Background/History

Maintenance and repair of City of Deerfield Beach, Florida (City) vehicles is necessary to keep them in good working order and safe for operations. As such, the City requires the services of a qualified Contractor(s) to provide specialized body structural welding, fabrication, repair, and installation on vehicles specifically related to the waste industry. These vehicles include front loaders (FEL), rear loaders (REL), automated side loaders (ASL), roll off trucks, grapple trucks, and heavy-duty construction equipment. The purpose of this solicitation is to engage a Contractor(s) that specializes in these repair services.

The City's solid waste collection vehicles have a useful life of between 7 and 8 years. The ASL and FEL vehicles service over 1,000 homes and businesses 4 times per week, 52 weeks per year. As a result of the wear and tear on the trucks' body, the hopper floor, and compaction-ejection panel need to be refurbished at about a 3 ½ - 4-year point. These specialized services are outsourced due to the resources and skills required for the repair.

The division currently has 6 ASL trash trucks, whose manufacturing dates range between 2016 - 2021, requiring hopper floor and blade rebuild. The division also has 3 FEL trash trucks requiring cab protector fabrication and paint. The Rolloff and bulk trucks may also require occasional booms, structure repairs, and fabrication. However, they do not have a hopper floor and compaction-ejection panel.

With an expected delivery of approximately 2 ½ years to receive a replacement trash truck, it is vital

that the department maintain our existing fleet and keep them in working condition. The maintenance not only provides for a safer operation but can also eliminate hopper leaks and spillage on the City's streets and neighborhoods.

Current Activity

The City issued ITB #24-15-VP for body structural welding, fabrication, repair, and installation on vehicles on an as-needed basis. (See the attached purchasing memo and bid results). The sole responder was ASR Services, Inc. and deemed to be a responsive and responsible bidder. It is recommended that the Commission approve an award of ITB #24-15-VP to ASR Services, Inc. for a five-year term with two additional two year optional renewal terms, for services on an as needed basis based upon an hourly rate of \$115.00. The annual budgeted amount is \$150,000.00, which is the estimated annual amount that staff does not anticipate exceeding.

Recommendation

Commission to approve the Resolution to award ASR Services, Inc. a contract.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE AWARD OF ITB #24-15-VP FOR STRUCTURAL RELATED VEHICLE EQUIPMENT REPAIRS ON AN AS-NEEDED BASIS TO ASR SERVICES, INC.; AUTHORIZING THE EXECUTION OF A CONTRACT WITH ASR SERVICES, INC., THE SOLE RESPONSIVE AND RESPONSIBLE BIDDER, FOR A FIVE-YEAR TERM, WITH TWO ADDITIONAL TWO-YEAR OPTIONAL RENEWAL PERIODS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City issued Invitation to Bid #24-09-BA seeking a qualified vendor for body structural welding, fabrication, repair, and installation on the City's waste collection vehicles on an as-needed basis (the "ITB"); and

WHEREAS, the ITB was advertised in the legal notices section of the Sun-Sentinel on April 12, 2024, and the notice was sent to 29 prospective vendors via the e-Procurement Marketplace with two (2) vendors viewing the ITB documents; and

WHEREAS, on April 24, 2024, at 2:00 p.m., the ITB due date and time, the Purchasing and Contract Division (the "Division") opened the one bid that was timely received, and reviewed the bid to ensure that it met the ITB requirements; and

WHEREAS, the Division reviewed the bid submitted by ASR Services, Inc., ("ASR") the apparent sole bidder and low bidder, discussed it with the Department of Sustainable Management staff, and concluded that ASR met all the requirements of the ITB; and

WHEREAS, the Division recommends that the City Commission approve the award of the ITB to ASR, the sole responsive and responsible bidder to the ITB, and authorize the execution of a contract with ASR to provide structural related vehicle equipment repairs on an as-needed basis based upon the hourly rate of \$115.00 (the "Contract").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced "Whereas" clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby approves the award of ITB #24-15-VP to ASR Services, Inc. to provide structural related vehicle equipment repairs on an as-needed basis.

Section 3. The City Manager is hereby authorized to execute a Contract with ASR for a five year term, with two additional two year optional renewal periods, to provide structural related vehicle equipment repairs on an as-needed basis based upon the hourly rate of \$115.00, and consistent with the terms and conditions of the ITB, together with such non-substantial changes as

are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney

Section 4. The appropriate City officials are authorized to do all things necessary to carry out the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



Memorandum

TO: Chad Grecsek, Director of Sustainable Management

FROM: Vanessa Pierre-Pajotte, Buyer

THRU: Theresa Webb, Acting Purchasing Manager

DATE: April 24, 2024

RE: **Structural Related Vehicle Equipment Repairs, ITB #24-15-VP**

The Purchasing and Contract Administration Division issued an Invitation to Bid for the Structural Related Vehicle Equipment Repairs, ITB #24-15-VP. This formal competitive solicitation process complies with the City of Deerfield Beach procurement requirements. Details of the competitive solicitation process are as follows:

- On April 12, 2024 the ITB was advertised in the legal notices section of the Broward County website. The notice was sent to one twenty-nine (29) prospective Bidders via the e-Procurement Marketplace.
- Two (2) vendors viewed the documents of the ITB.
- On April 24, 2024 at 2:00 p.m. EST, the Purchasing and Contract Administration Division closed and unsealed one (1) response. The responses were reviewed by the Purchasing and Contract Administration Division to ensure the response met the ITB requirements.
- The apparent bidder ASR Services, Inc. has met all the requirements of the ITB.
- The Purchasing and Contract Administration Division discussed the responses with Sustainable Management Director and concluded that ASR Services Inc. indeed meets all the requirements of the ITB.
- This is a continuing services contract with an Initial Term of five (5) years with the option to renew for two (2) additional two (2) years periods.
- Documentation related to this solicitation may be obtained by e-mailing sfrancis@deerfield-beach.com. You may contact the Purchasing and Contract Administration Division at 954-480-4381 with any questions.

In summary, ASR Services Inc. is the responsive and responsible Bidder able to meet the ITB requirements; therefore, the award recommendation of this ITB is to ASR Services, Inc.

Please use this memorandum and all attachments as your backup for the next available Commission meeting.

Att. Bid Tabulation by Line Item, Bid Tabulation Summary, Scope of Work.

c: David Eberlin, Assistant Director of Sustainable Management
Chad Grecsek, Director of Sustainable Management

SECTION VI – SCOPE OF WORK

1. Background

Maintenance and repairs of City of Deerfield Beach, Florida (City) vehicles is necessary to keep them in good working order and safe for operations. As such, the City requires the services of a qualified Contractor(s) to provide specialized body structural welding, fabrication, repair, and installation on vehicles specifically related to the waste industry. These vehicles include front loaders, rear loaders, side loaders, roll off trucks, grapple trucks, and heavy-duty construction equipment. The purpose of this solicitation is to engage a Contractor(s) that specializes in these repair services.

2. Agreement Term

The resulting contract shall commence upon execution by the City and will be a continuing services contract for the term of five (5) years, unless terminated earlier by the City under the terms and conditions of the contract, with the option to renew for two (2), two (2) year periods.

3. Scope of Work

Contractor shall provide all labor, supervision, parts and material, equipment, tools, supervision, service shop facilities, travel, insurances, permits and incidentals necessary to provide full repair service, including installations, inspections, adjustments, and testing. The services will be provided for non-warranty vehicle maintenance and repairs.

4. General Requirements

Contractor shall:

- (a) Maintain a service shop facility(s) in Broward County, Palm Beach County or Dade County specializing in specialized body structural welding, fabrication, repair, and installation on vehicles.
- (b) Provide mobile repair services.
- (c) Only utilize technicians who have at least two years of experience in body structural welding, fabrication, repair, and installation on vehicles.
- (d) Only utilize technicians who are trained and certified to complete the work specified herein.
- (a) Provide repair services for City heavy duty refuse collection vehicles and heavy-duty construction equipment which includes, but is not limited to those manufactured by Heil, McNelius, New Way, Galbrath, Labrie, EZ Pack, Vacon, Schweizer.
- (e) At no cost to the City, submit a detailed, written quotation estimate on each job based on labor hours, parts, material, and all other requirements for the specific repair job with the understanding the City, at its sole discretion, will make the determination whether to move forward with the work.
- (f) Ensure the written quotation estimate is itemized with separate line items for hours, parts, materials, and the date of completion of the repairs. Lump sum estimates shall not be accepted.
- (g) If requested by the City, include with the written quotation estimate the cost of new equipment versus the repair of the unit.
- (h) Guarantee the written quotation estimate for a minimum of ninety (90) days.
- (i) Invoice the City for actual time spent and work completed for repairs of equipment.

- (j) Ensure the hourly rate per call, whether at the site or at Contractor's shop, shall remain fixed throughout the initial term of the contract.
- (k) Ensure all mileage and travel time is included in the hourly rate. Time will be pro-rated for actual time spent at the job site.
- (l) In the event that a repair takes more than forty (40) hours to complete, provide a daily progress report to the City contract administrator or designee.
- (m) Make status calls to the contract administrator or his/her designee on the expected completion time for each job. If the job completion extends beyond twelve (12) days without the approval from the contract administrator or his/her designee, the City reserves the right to secure three (3) competitive quotes and award the job to another vendor.
- (n) The Contractor shall continuously employ technicians trained and certified to complete the work specified herein.
- (o) Invoices shall provide the following documentation for each maintenance and repair service.
 - Description of the vehicle and the City vehicle number
 - Description of the maintenance and repairs performed
 - Number of labor hours
 - Description of parts and equipment with the percentage of markup
 - Total cost of the services.
- (p) Ensure the labor hours and percentage of markup for parts and equipment are invoiced at the hourly rates in Exhibit A - Fee Schedule

5. Specifications

Contractor shall:

- (a) Perform all in a manner that returns mechanical equipment to original equipment specifications and performance.
- (b) All equipment shall be serviced in a manner which meets or exceeds the requirements of the original manufacturer and their specifications.
- (c) Provide replacement parts as required. Only
- (d) Only utilize original equipment manufacturer (OEM) parts or aftermarket parts that meet OEM specifications unless authorized by the City contract administrator or designee.
- (e) Ensure all repairs include diagnosis, removal, and replacement of defective structural, electrical and mechanical components, as required.
- (f) Ensure structural related removal and repairs strictly following OEM standards.
- (g) As directed by the City, perform service requirements on heavy duty refuse collection vehicles (e.g., front end loaders, auto-side loaders, rear loaders, roll-offs, boom trucks) and heavy construction equipment to include, but not limited to:
 - i. Perform troubleshooting to accurately diagnose
 - ii. Remove and replace eject blade and telescopic cylinder
 - iii. Replace eject blade upper and lower wear plate with AR400 flat metal material
 - iv. Replace body side eject blade track wear strips with AR400 metal material
 - v. Replace loading floor 1/4" AR400 material flat metal
 - vi. Remove and replace eject blade and telescopic cylinder
 - vii. Remove and replace cable sheaves for roll-off vehicles

- viii. Removed and replace cable for roll-off vehicles
- ix. Remove and replace rear fenders
- x. Remove and replace tarp net and spring tensioned roller
- xi. Repair any structural tarp system frame

[END]

Event Number	24-15-VP Addendum 1	Organization	City of Deerfield Beach
Event Title	Structural Related Vehicle Equipment Repair	Workgroup	Purchasing Dept.
Event Description	The City of Deerfield Beach invites qualified	Event Owner	Vanessa Pierre-Pajotte
Event Type	ITB (Commodity)	Email	vpajotte@deerfield-beach.com
Issue Date	4/12/2024 10:54:55 PM (ET)	Phone	(954) 480-4415
Close Date	4/24/2024 02:00:00 PM (ET)	Fax	

Responding Supplier	City	State	Response Submitted	Lines Responded	Response Total
ASR Services, Inc	Atlantis	FL	4/23/2024 01:13:42 PM (ET)	2	\$115.00

Please note: Lines Responded and Response Total only includes responses to specification. No alternate response data is included.

1	Offeror shall provide their hourly rate to service and repair the vehicles as per ITB documents.						
	Supplier	QTY	UOM	Estimated	Price	Extended	Supplier Notes
	ASR Services, Inc	1			\$115.00	\$115.00	

2	Offeror shall provide their cost-plus percentage mark-up for parts, material and equipment to service and repair the vehicles as per ITB documents.						
	Supplier	QTY	UOM	Estimated	Percentage	Extended	Supplier Notes
	ASR Services, Inc				25.0%		



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-234

Agenda Date: 5/21/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Second Amendment to the Agreement with Broward County for the maintenance of bus shelters to update the current list of bus shelters maintained by the City and add seven additional bus shelter installation locations; authorizing execution of the Second Amendment; providing for implementation and an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

On December 13, 2011, the City executed an agreement with Broward County for the maintenance of 21 bus shelters within the City's jurisdiction. There are 131 existing fixed route bus stops in the City of Deerfield Beach. On December 4, 2019, the parties entered into the first amendment to install new bus shelters at an additional 25 bus stop locations. The County acquired and installed the bus shelters within the city limits, and the City agreed to provide for the maintenance of these additional bus shelters.

Current Activity

Installation of bus shelters promotes the City's strategic goals to promote sustainability, modernization of transportation infrastructure, and promotes the City's commitment to Vision Zero to create safe and equitable mobility for all.

Broward County Transit concurs that the transit shelters can be manufactured and powder-coated with the same seating arrangement and color scheme as the current transit shelters in the City.

This item is a proposed Second Amendment, in which Broward County would procure and install 7 additional bus shelters within the City's jurisdiction.

Recommendation

It is recommended that the City Commission of the City of Deerfield Beach approve the proposed Second Amendment to the Agreement between Broward County and the City of Deerfield Beach for the Maintenance of Bus Shelters to include the installation of 7 additional bus shelters within the City's jurisdiction.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH BROWARD COUNTY FOR THE MAINTENANCE OF BUS SHELTERS TO UPDATE THE CURRENT LIST OF BUS SHELTERS MAINTAINED BY THE CITY AND ADD SEVEN ADDITIONAL BUS SHELTER INSTALLATION LOCATIONS; AUTHORIZING EXECUTION OF THE SECOND AMENDMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

WHEREAS, on December 13, 2011, the City and Broward County (the “County”) entered into an agreement for the maintenance of 21 bus shelters within the City (the “Agreement”); and

WHEREAS, on December 4, 2019, the City and the County entered into a First Amendment to the Agreement whereby the County agreed to acquire and install an additional 25 bus shelters in the City and the City would maintain the additional bus shelters at the City’s cost (the “First Amendment”); and

WHEREAS, the County is proposing a Second Amendment to the Agreement, attached as Exhibit “1”, to provide for a current list of all bus shelters within the City that the City is obligated to maintain and to provide for the procurement and installation of seven (7) additional bus shelter locations by the County, which the City agrees to maintain (the “Second Amendment”); and

WHEREAS, staff recommends approval of the Second Amendment, attached as Exhibit “A”, for the continued maintenance of the existing bus shelters, the County’s procurement and installation of bus shelters at 7 additional locations within the City, and providing for the City’s obligation to maintain the 7 additional bus shelters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The Second Amendment to the Agreement with Broward County, attached as Exhibit “1”, is hereby approved.

Section 3. The City Manager is authorized to execute the Second Amendment, attached as Exhibit “1,” together with such non-substantial changes as may be acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4. The appropriate City officials are authorized to take all necessary steps to implement the aims of this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



**SECOND AMENDMENT TO AGREEMENT BETWEEN
BROWARD COUNTY AND THE CITY OF DEERFIELD BEACH
FOR MAINTENANCE OF BUS SHELTERS**

This Second Amendment ("Second Amendment") modifies the agreement between Broward County (the "County") and the City of Deerfield Beach, a municipal corporation (the "Municipality") (each a "Party" and collectively referred to as the "Parties").

RECITALS

A. On December 13, 2011, the Parties entered into an agreement ("Original Agreement"), wherein County agreed to install certain bus shelters within the jurisdictional limits of Municipality and, in consideration for County incurring the costs associated with the acquisition and installation of the bus shelters, Municipality agreed to provide perpetual maintenance of the bus shelters at Municipality's sole cost and expense.

B. On December 4, 2019, the Parties entered into a First Amendment to the Original Agreement, whereby County agreed to acquire and install an additional twenty-five (25) bus shelters within the jurisdictional limits of the Municipality, and Municipality agreed to provide for the perpetual maintenance of these additional bus shelters at Municipality's sole cost and expense. The Original Agreement and First Amendment are collectively referred to as the "Agreement."

C. The Parties desire to further modify the Agreement to provide a current list of all bus shelters that Municipality has obligated itself to provide perpetual maintenance at its sole cost and expense pursuant to the Agreement and to identify additional bus shelters to be procured and installed by County, subject to Municipality's agreement to maintain these additional shelters at its sole cost and expense.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. The above Recitals are true and correct and are incorporated herein by reference. All capitalized terms not expressly defined in this Second Amendment retain their meanings as defined in the Agreement.

2. Except as modified in this Second Amendment, all remaining provisions in the Agreement shall remain in full force and effect.

3. Exhibit A to the Agreement is hereby deleted and replaced with Exhibit A to this Second Amendment, which identifies all bus shelters within Municipality (whether procured by County or others) that Municipality has agreed to perpetually maintain at its sole cost and expense in accordance with the terms of the Agreement.

4. County agrees to procure and install additional bus shelters within the jurisdictional limits of Municipality as shown in Exhibit B to this Second Amendment. Upon installation of each such additional bus shelter, Municipality agrees to perpetually maintain it at its sole cost and expense in accordance with the terms of the Agreement.

6. If there is any conflict or ambiguity between this Second Amendment and the Agreement, the Parties agree that this Second Amendment shall control. The Agreement, as amended herein by this Second Amendment, incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the Parties agree that there are no commitments, agreements, or understandings concerning the subject matter hereof that are not contained in the Agreement as amended in this Second Amendment. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

7. Preparation of this Second Amendment has been a joint effort of the Parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than any other.

8. The Parties agree and acknowledge that through the effective date of this Second Amendment, Municipality has no claims against County with respect to any of the matters covered by the Agreement.

9. The effective date of this Second Amendment shall be the date of complete execution by the Parties.

10. This Second Amendment may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

[Remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, the Parties hereto have made and executed this Second Amendment to Agreement: Broward County through its Board of County Commissioners, signing by and through its County Administrator, authorized to execute same by Board action on April 6, 2021 (Agenda Item 16), and the City of Deerfield Beach, signing by and through its Mayor, duly authorized to execute same.

BROWARD COUNTY

BROWARD COUNTY, by and through
its County Administrator

By _____
Monica Cepero

____ day of _____, 2024

Approved as to form by
Andrew J. Meyers
Broward County Attorney
115 South Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600

By _____ (Date)
Gavin P. Rynard
Assistant County Attorney

By _____ (Date)
Nathaniel A. Klitsberg
Transportation Surtax General Counsel

NK/gpr
Deerfield Beach Maintenance Agreement – Second Amendment
04/24/2024
#1099961.1

**SECOND AMENDMENT TO AGREEMENT BETWEEN
BROWARD COUNTY AND THE CITY OF DEERFIELD BEACH
FOR MAINTENANCE OF BUS SHELTERS**

MUNICIPALITY

CITY OF DEERFIELD BEACH

WITNESS:

(Signature)

(Print Name of Witness)

(Signature)

(Print Name of Witness)

By _____
MAYOR

____ day of _____, 20__

Approved as to form:

By _____
City Attorney

EXHIBIT A
List of Existing Bus Shelters

Summary of Work

Exhibit A is a replacement showing all existing bus shelters with current components.

STOPID	MAIN_STREET	CROSS_STREET	DIRECTION	LOCATION	SHELTERTYPE	BENCHTYPE	TRASHBIN	REALTIME	BIKERACK	ROW	MUNICIPALITY
827	HILLSBORO BLVD	US1	WB	N	M	N	Y	N	N	STATE	DEERFIELD BEACH
828	US1	HILLSBORO BLVD	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
829	US1	SE 2 CT	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2292	SAMPLE RD	NW 5 TERR	WB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2300	HILLSBORO BLVD	NE 9 AVE	WB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2964	POWERLINE RD	HILLSBORO BLVD	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2968	POWERLINE RD	SW 10 ST	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2976	POWERLINE RD	SAMPLE RD	NB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
3096	US1	HILLSBORO BLVD	NB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
3114	DIXIE HWY	SAMPLE RD	NB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
3118	SW 3 AVE	HILLSBORO BLVD	SB	F	M	Y	Y	N	Y	LOCAL	DEERFIELD BEACH
3125	DIXIE HWY	SW 15 ST	SB	F	S	Y	Y	N	N	STATE	DEERFIELD BEACH
3127	DIXIE HWY	NE 48 ST	SB	F	S	Y	Y	N	N	STATE	DEERFIELD BEACH
3990	SW 3 AVE	#255	SB	INFR	M	Y	Y	N	Y	LOCAL	DEERFIELD BEACH
4121	SAMPLE RD	NE 3 AVE	WB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH

STOPID	MAIN_STREET	CROSS_STREET	DIRECTION	LOCATION	SHELTERTYPE	BENCHTYPE	TRASHBIN	REALTIME	BIKERACK	ROW	MUNICIPALITY
812	US 1	SE 10 TH ST	NB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
818	HILLSBORO BLVD	SW 1 ST TERR	EB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
822	HILLSBORO BLVD	US 1	EB	F	M	Y	Y	N	N	STATE	DEERFIELD BEACH
823	HILLSBORO BLVD	SW 12 AVE	EB	F	M	Y	Y	N	N	STATE	DEERFIELD BEACH
830	US 1	SE 4 TH CT	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
831	US 1	SE 7 TH ST	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
832	US 1	SW 10 th ST	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
833	US 1	SE 13 TH CT	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2281	HILLSBORO BLVD	CENTURY BLVD	EB	F	Y	Y	Y	N	N	STATE	DEERFIELD BEACH
2283	HILLSBORO BLVD	SW 12 TH AVE	EB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2284	NE 3 RD AVE	SAMPLE RD	NB	F	M	Y	Y	N	Y	COUNTY	DEERFIELD BEACH
2955	US 1	SE 10 TH ST	BB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2959	N BROWARD MED CTR	N BROWARD MED CTR	SB	INFR	M	Y	Y	N	N	PRIVATE	DEERFIELD BEACH
2965	POWERLINE RD	SW 2 ND CT	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2966	POWERLINE RD	SW 4 ST	SB	F	N	N	Y	N	N	STATE	DEERFIELD BEACH
2967	POWERLINE RD	WEST DR	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2969	POWERLINE RD	SW 15 TH ST	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
2979	POWERLINE RD	SW 10 TH ST	NB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH

STOPID	MAIN_STREET	CROSS_STREET	DIRECTION	LOCATION	SHELTERTYPE	BENCHTYPE	TRASHBIN	REALTIME	BIKERACK	ROW	MUNICIPALITY
2980	POWERLINE RD	WEST DR	NB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
3095	US 1	SE 2 ND CT	NB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
3119	SW 3 RD AVE	SW 2 ND ST	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
3121	DIXIE HWY	SW 5 TH CT	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
3123	DIXIE HWY	SW 10 th ST	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4123	SAMPLE RD	MILITARY TR	WB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4133	HILLSBORO BLVD	SE 1 ST	EB	F	M	Y	Y	N	N	STATE	DEERFIELD BEACH
4134	HILLSBORO BLVD	SW 15 TERR	EB	N	M	Y	Y	N	N	STATE	DEERFIELD BEACH
4135	NE 1 ST	NE 21 AVE	EB	F	M	Y	Y	N	N	LOCAL	DEERFIELD BEACH
4136	HILLSBORO BLVD	RIVERVIEW RD	WB	F	M	Y	Y	N	N	STATE	DEERFIELD BEACH
4182	DIXIE HWY	SW 13 TH PL	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4214	US 1	SE 9 TH ST	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4408	DIXIE HWY	NE 44 TH ST	SB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4409	DIXIE HWY	SAMPLE RD	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4800	HILLSBORO BLVD	POWERLINE RD	WB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4801	HILLSBORO BLVD	DEERFIELD MALL	WB	INFR	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4823	HILLSBORO BLVD	DEERFIELD MALL	EB	INFR	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4850	SAMPLE RD	DIXIE HWY	WB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
4853	SAMPLE RD	POWERLINE RD	WB	F	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
5362	POWERLINE RD	SW 2 ND CT	NB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH

5390	POWERLINE RD	SAMPLE RD	SB	N	M	Y	Y	N	Y	STATE	DEERFIELD BEACH
5616	HILLSBORO BLVD	LITTLE HARBOR	WB	N	M	Y	Y	N	N	STATE	DEERFIELD BEACH

Fields Key

Direction – SB = Southbound, NB = Northbound, EB = Eastbound, WB = Westbound

Location - F = Farside, N= Nearside, INFR – In front

Shelter Type – M = Medium size prefabricated, S= Small size prefabricated

Furniture – Y= Yes, N=No

EXHIBIT B

Additional Bus Shelters to be Procured and Installed by County

The bus shelters identified below shall be procured and installed by County at the described location.

STOPID	MAIN_STREET	CROSS_STREET	DIRECTION	LOCATION	SHELTERTYPE	BENCHTYPE	TRASHBIN	BIKERACK	REALTIME	ROW	MUNICIPALITY
1036	SAMPLE RD	#2301 SOCIAL SECURITY	WB	INFR	L	Y	Y	N	Y	STATE	DEERFIELD BEACH
3180	US 1	SE 13 CT	SB	N	S	Y	Y	N	Y	STATE	DEERFIELD BEACH
3685	US 1	ELLER ST (NE 2 ST)	SB	F	S	Y	Y	N	Y	STATE	DEERFIELD BEACH
4130	HILLSBORO BLVD	FAIRWAY DR	EB	F	S	Y	Y	N	Y	STATE	DEERFIELD BEACH
4407	SW 4 ST	SW 2 TERR	EB	N	S	Y	Y	N	Y	LOCAL	DEERFIELD BEACH
4822	HILLSBORO BLVD	NW 4A WAY	EB	F	L	Y	Y	N	Y	STATE	DEERFIELD BEACH
4851	SAMPLE RD	NE 5 AVE	WB	F	L	Y	Y	N	Y	STATE	DEERFIELD BEACH

Fields Key

Direction – SB = Southbound, NB = Northbound, EB = Eastbound, WB = Westbound

Location - F = Farside, N= Nearside, INFR – In front

Shelter Type – M = Medium size prefabricated, S= Small size prefabricated

Furniture – Y= Yes, N=No



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-235

Agenda Date: 5/21/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting a drainage, flowage, and utility easement from Sandpiper Pointe Community Association, Inc., pursuant to the Development Agreement between the City and Toll Southeast, Inc. related to Sandpiper Pointe Development; providing for implementation and an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

In accordance with the Developer's Agreement recorded on May 28, 2019 between Toll Southeast, Inc. and the City of Deerfield Beach, for Site Plan Application Number 17-RM10-46 to the City in order to develop the Property with 201 townhouse dwelling units and associated recreation areas, landscaping and site work at the property then located at 450 Century Blvd. (collectively the "Project"), the City requested a flowage easement through the Property in order to access the lake on the Southern portion of the Property for drainage purposes. The Developer secured separate drainage rights from Century Village to accommodate the Project.

Current Activity

Per the Development Agreement, the Developer, which is defined to include the Developer's successors and assigns, shall grant a flowage easement to the City for the specific purposes set forth above with such flowage easement subject to the conditions in Section 9. The City shall be responsible for the cost of preparation of the flowage easement documentation. The City prepared the flowage easement documentation, which has been executed by the Sandpiper Pointe Community Association, Inc., which is the successor in interest to Toll Southeast, Inc.

Recommendation

It is recommended that the City Commission of the City of Deerfield Beach accept a flowage easement from Toll Southeast, Inc. in accordance with the terms in the Development Agreement for future use for flowage and drainage purposes by the City of Deerfield Beach.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ACCEPTING A DRAINAGE, FLOWAGE, AND UTILITY EASEMENT FROM SANDPIPER POINTE COMMUNITY ASSOCIATION, INC., PURSUANT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND TOLL SOUTHEAST, INC. RELATED TO SANDPIPER POINTE DEVELOPMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

WHEREAS, on May 28, 2019, Toll Southeast, Inc. (the “Developer”) and the City entered into a Development Agreement (the “Agreement”) related to Site Plan Application Number 17-RM10-46 for the development of 201 townhouse dwelling units and associated recreation areas, landscaping and site work at the property then located at 450 Century Blvd., Deerfield Beach, FL (the “Project”); and

WHEREAS, in accordance Paragraph 9 of the Agreement, the Developer, which is defined in the Agreement to include the Developer’s successors and assigns, is required to grant a flowage easement to the City for the specific purposes set forth in Paragraph 9; and

WHEREAS, the flowage easement is necessary in order for the City to access the lake on the southern portion of the property for drainage purposes; and

WHEREAS, the Developer secured separate drainage rights from Century Village to accommodate the Project, and in accordance with Paragraph 9, the City agreed to obtain rights from Century Village and any applicable permits to utilize the lake on the Project property for drainage purposes; and

WHEREAS, as the Project is completed, the Developer transferred ownership of the common areas, including the lake on the southern portion of the Project property, to Sandpiper Pointe Community Association, Inc. pursuant to a Quit Claim Deed dated March 15, 2023; and

WHEREAS, Sandpiper Pointe Community Association, Inc., as successor to the Developer, (“Grantor”) is the owner of Association Property defined in the Declaration of Covenants, Restrictions and Easements for Sandpiper Pointed, dated July 7, 2020 (“Property”); and

WHEREAS, in order to satisfy the requirement set forth in the Agreement, Grantor has provided the City with a drainage, flowage and utility easement, attached as Exhibit “1” (the “Flowage Easement”) which will enable the City to utilize the easement property for future use for drainage purposes; and

WHEREAS, in order to ensure the dedication of the Easement Property to the City, it is necessary for the City to accept the Flowage Easement, attached as Exhibit “1”, which will be recorded in the Public Records of Broward County; and

WHEREAS, the City Commission finds that accepting the Flowage Easement depicted on Exhibit “1” serves a municipal purpose; and

WHEREAS, the City Commission finds that acceptance of the Flowage Easement is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby accepts the Flowage Easement, attached as Exhibit “1”.

Section 3. The appropriate City officials are hereby authorized and directed to record the necessary documents in the public records of Broward County, and to take all other necessary and expedient actions to effectuate the purpose and intent of this Resolution.

Section 4. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

Debra -Ann Reese, Esq.
Weiss Serota Helfman Cole + Bierman, P.L.
2255 Glades Road, Suite 200-E
Boca Raton, FL 33431

Return to: City Clerk
City of Deerfield Beach, FL
150 NE 2nd Avenue
Deerfield Beach, FL 33441
Property appraiser's PIN(s):

DRAINAGE, FLOWAGE
AND UTILITY EASEMENT
(Water, Wastewater, and General
Utilities)

THIS DRAINAGE, FLOWAGE AND UTILITY EASEMENT (the "Easement") is made on April 24, 2024, by and between SANDPIPER POINTE COMMUNITY ASSOCIATION, INC., a Florida Not-For-Profit Corporation, organized under Chapters 617 and 720, Florida Statutes, with a principal address of **1215 E Hillsboro Boulevard, Deerfield Beach, Florida**, hereinafter called the Grantor, and the **CITY OF DEERFIELD BEACH**, a Florida municipal corporation, which has a post office address of 150 NE 2nd Avenue, Deerfield Beach, Florida 33441, hereinafter referred to as Grantee.

WITNESSETH:

1. Grantor is the owner of fee simple title to a parcel of real property located in Broward County, Florida, as more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter the "Property") and is in possession thereof. Grantor warrants that this Easement does not violate any Homeowner Association Documents, including but not limited to its Declaration of Covenants, and Bylaws.
2. That, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor hereby grants unto the Grantee, its successors and assigns, forever, a perpetual and permanent easement for drainage, flowage and utility purposes, granting unto Grantee full and free right and authority to install, construct, operate, inspect, maintain, repair, replace and reconstruct any drainage as Grantee may deem necessary as well as ingress and egress in, over, across, through, and under the Property situate, lying and being in Broward County, Florida.
3. This Easement, and all terms, conditions, and undertakings created by this Easement will run with the Easement Property, and will be binding upon Grantor's heirs, successors, and assigns, and future Boards.

**DRAINAGE, FLOWAGE
AND UTILITY EASEMENT**

(Water, Wastewater, and General
Utilities)

IN WITNESS WHEREOF, GRANTOR, has caused this Utility Easement to be executed in its name and its corporate seal to be affixed, by its duly authorized officer(s), this 24 day of, 2024.

April

Sandpiper Community Association, Inc.

Attest: _____

By: _____

Secretary Michelle Greeney

Signature Julia Cohen

Michelle Greeney

Print Name: Julia Cohen

Title: President

STATE OF FLORIDA COUNTY
OF BROWARD

The foregoing instrument was acknowledged before me by means of ☐ **physical presence or**
☒ **online notarization**, this 24 day of April, 2024, (year), by
Julia Cohen, Inc. (name of person acknowledging).

Notary Public

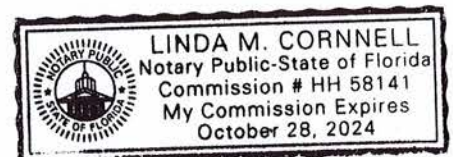
Print Name

Commission No. 10.24.2024

My commission expires:

Personally Known ☒ OR Produced Identification _____

Type of Identification Produced _____



Note: If there is a mortgage encumbering subject property then a joinder and consent of mortgage is needed, and the required joinder and consent is attached as the next page of the easement. Use the appropriate joinder and consent easement form.

EXHIBIT "A"

DESCRIPTION:

A PORTION OF TRACT OS-1, TRACT OS-6, TRACT R, AND TRACT W, DEERFIELD CROSSING, AS RECORDED IN PLAT BOOK 183 PAGES 335 THROUGH 341, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID DEERFIELD CROSSING; THENCE NORTH 28°22'36" EAST ALONG THE EASTERLY LINE OF SAID DEERFIELD CROSSING, A DISTANCE OF 202.87 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 28°22'36" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 15.00 FEET; THENCE NORTH 61°41'28" WEST, A DISTANCE OF 115.96 FEET; THENCE NORTH 28°40'29" EAST, A DISTANCE OF 23.58 FEET; THENCE NORTH 61°38'40" WEST, A DISTANCE OF 152.39 FEET; THENCE SOUTH 28°21'20" WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 61°38'40" EAST, A DISTANCE OF 137.06 FEET; THENCE SOUTH 28°40'29" WEST, A DISTANCE OF 23.59 FEET; THENCE SOUTH 61°41'28" EAST, A DISTANCE OF 131.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,375 SQUARE FEET OR 0.1004 ACRES, MORE OR LESS.

NOTES:

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO THE CENTERLINE OF PARSONS WAY, DEERFIELD CROSSING, PLAT BOOK 183, PAGES 335 THROUGH 341, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEARING NORTH 28°22'20" EAST, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT) AND BASED ON FIELD MEASUREMENT.
5. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON APRIL 16, 2024. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

THIS IS NOT A SURVEY

SHEET 1 OF 2



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991

DAVID P. LINDLEY
PROFESSIONAL LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
LB 3591

DATE 4/16/2024

DRAWN BY dd

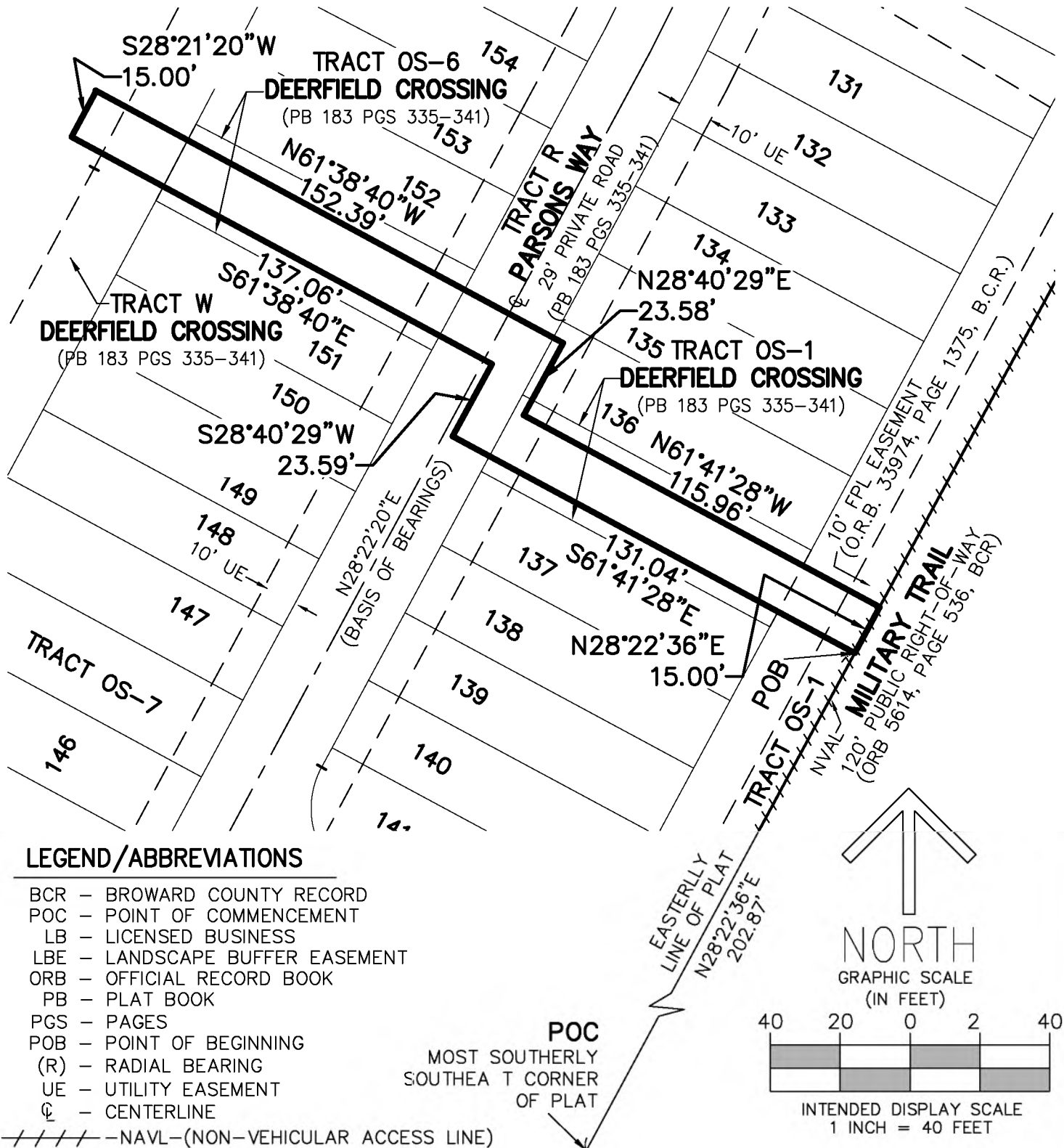
F.B./ PG. N/A

SCALE AS SHOWN

JOB NO. 7729

**DEERFIELD CROSSING
15' WIDE DRAINAGE EASEMENT
SKETCH AND DESCRIPTION**

EXHIBIT "A"



SHEET 2 OF 2



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991

DEERFIELD CROSSING
15' WIDE DRAINAGE EASEMENT
SKETCH AND DESCRIPTION

DATE	4/16/2024
DRAWN BY	dd
F.B./ PG.	N/A
SCALE	1"=40'
JOB NO.	7729

Return to: (enclose self-addressed stamped envelope)

Name: Scott Backman, Esq.

Address:
Dunay, Miskel & Backman, LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432

This Instrument Prepared by:
Scott Backman, Esq.
Dunay, Miskel & Backman, LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 28th day of ~~May~~, 2019, by and between TOLL SOUTHEAST INC., a Delaware corporation, with an address at 250 Gibraltar Street, Horsham, PA 19044, and its heirs, successors, grantees and assigns (collectively, the "Developer"), and the CITY OF DEERFIELD BEACH, a municipal corporation of the State of Florida, with an address at 150 NE 2nd Avenue, Deerfield Beach, Florida, 33441("City") (hereinafter collectively referred to as the "Parties").

WITNESSETH:

WHEREAS, Developer is the owner of approximately 25.1 gross acres, legally described on the attached **Exhibit "A"** (the "Property"); and

WHEREAS, Developer has submitted Site Plan Application Number 17-RM10-46 to the City in order to develop the Property with two hundred and one (201) townhouse dwelling units and associated recreation areas, landscaping and site work (collectively the "Project"). A copy of the proposed Site Plan for the Project is attached hereto as **Exhibit "B"**; and

WHEREAS, during the development review process, Developer has agreed to certain measures which are necessary to assure that the Project is compatible with the surrounding area, and which are necessary to mitigate the impacts of the Project; and

WHEREAS, this Agreement seeks to memorialize said measures and commitments as well as to provide for the specific times when said measures must be implemented; and

WHEREAS, Developer concurs that the obligations it has agreed to herein are reasonably related to the impact of its development and are lawfully imposed; and

NOW, THEREFORE, for and in consideration of mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The foregoing recitations are true and correct and are hereby incorporated herein by reference. All exhibits to this Agreement are hereby deemed a part hereof.

2. Sidewalk Improvements and Maintenance. Developer and City agree that sidewalks should be installed along Goolsby Boulevard east of Military Trail where sidewalk connections are missing. The missing sidewalk connections are further identified on the plan attached hereto as **Exhibit "C"** ("Sidewalk Connections"). Notwithstanding whether Developer is ultimately required to construct or pay for sidewalks adjacent to the Property, Developer voluntarily covenants and agrees to contribute, prior to issuance of the first building permit, twenty-eight thousand nine dollars (\$28,009.00) to the City to be used by the City for the construction of the Sidewalk Connections and any necessary related striping on Goolsby Blvd.

3. Traffic Improvements. There currently exists a turn lane on Military Trail approximately seven hundred fifty feet (750') north of SW 10th Street that is used for u-turn movements as further identified on the aerial attached hereto as **Exhibit "D"**. This existing u-turn

lane impacts traffic traveling southbound on Military Trail. Developer and City agree this turn lane should be closed to northbound traffic in order to create safer vehicular movements. Developer voluntarily covenants and agrees to contribute \$25,000.00 to the City to be used by the City for the closure of the existing turn lane and other traffic improvements desired by the City as determined by the City in its sole discretion. The contribution shall be paid prior to the issuance of the first building permit for the Project, excluding building permits for the model units identified on the Site Plan attached as Exhibit "B" (the "Model Units").

4. Fire Station 111 Contribution. The City has adopted fire and rescue impact fees required for all new development within the City. Based on the current impact fee schedule, Developer is required to pay Forty Six Thousand Eight Hundred Six Dollars Eighty Seven Cents (\$46,806.87) in fire and rescue impact fees for the Project. Developer acknowledges that Developer is also responsible for police impact fees for the Project, and that both fire and rescue and police impact fees are payable with each residential building permit issuance and may differ from the fee specified herein, as dictated by the most current impact fee schedule. Developer recognizes that these impact fees do not adequately mitigate the impact of the Project on fire and EMS services and hereby agrees to contribute an additional Eighty Six Thousand Two Hundred Twenty Six Dollars (\$86,226.00) as a fair share contribution from the Project to fund the expected improvements required for Fire Station 111, which will serve the Project. The fair share contribution for the expected improvements for Fire Station 111 shall be paid at the time of issuance of the first building permit for the Project, excluding building permits for the model units identified on the Site Plan attached as Exhibit "B".

5. Off Site Improvements. Developer agrees, at its sole cost and expense, to design, permit and construct the following off-site improvements as further identified on **Exhibit “E”** (in compliance with the regulations and requirements of all government agencies with jurisdiction) including securing all necessary permits for the off-site improvements from all applicable jurisdictions:

- a. Prior to issuance of the first residential building permit for the Project (excluding building permits for the Model Units, provided that Developer provides City with a Maintenance of Traffic Plan approved by the County and City), Developer shall provide a full intersection layout of the intersection of Military Trail and Goolsby Boulevard/project access, demonstrating all lane alignment between all sides of the intersection meet lane shift standards.
- b. At the project access driveway, the following roadway improvements are required:
 - i. Prior to issuance of the first residential building permit for the Project (excluding building permits for the Model Units, provided that Developer provides City with a Maintenance of Traffic Plan approved by the County and City), Developer shall permit and complete construction of a new west leg of the intersection, excluding installation of the traffic signal modifications and mast arms required by Broward County that are to be completed pursuant to Section 5(b)(ii) below.
 - ii. Developer shall permit and complete the traffic signal modifications required by Broward County prior to the issuance of the first Certificate of Occupancy for the Project. In the event such signal modifications are not completed prior

to the issuance of the first building permit for the Project (excluding building permits for the Model Units), as a condition precedent to the City issuing the first building permit (excluding the Model Units) Developer shall prepare and submit a Maintenance of Traffic plan satisfactory to the County and the City that adequately addresses the temporary lack of completed County required traffic signal modifications and restricts egress from the Property to right-turns only for southbound travel on Military Trail until the required signal modifications are completed . Developer further agrees to coordinate timing of the signal at Military Trail and Goolsby Boulevard in relation to the signals at Hillsboro Boulevard and SW 10th Street with Broward County, and shall complete the County required signal timing coordination prior the issuance of the building permit authorizing the construction of the one hundredth (100th) residential unit on the Property;

- iii. Developer shall permit and complete construction of a new northbound left-turn lane with 200 feet of full lane width, plus 50 feet of taper length, prior to issuance of the first building permit for the Project, excluding building permits for the Model Units. Notwithstanding the foregoing, if Developer is unable to complete construction of the northbound left-turn lane prior to issuance of the first building permit for the Project, Developer may pull permits for the Model Units provided that Developer (a) shall require and direct all contractors and equipment for the Project to travel to the Property from the north and make a right turn into the Property from Military Trail until the northbound lane is complete, (b) shall be subject to a \$1,000 fine per occurrence where such travel

restriction is violated and photo documented by the City, (c) shall provide the City with a letter of credit, in a form acceptable to the City Attorney, in the amount of \$50,000 to secure such obligation and fines (which security shall be replenished in the event the amount is drawn down to or below \$20,000.00), (d) shall be required to pay for and provide temporary signage restricting northbound Military Trail traffic from turning left into the Property until the northbound lane is completed. Notwithstanding Developer's ability to pull permits for Model Units as provided by this Section, Developer shall continue to be required to complete construction of the northbound lane prior to issuance of the first building permit for the Project, excluding building permits for the Model Units;

- iv. Prior to issuance of the first certificate of occupancy for a residential unit (excluding certificates of occupancy for the model homes identified in the Site Plan), Developer shall permit and complete construction of a new southbound right-turn lane with 200 feet of full lane width plus 50 feet of taper length; and
- v. Developer acknowledges that, prior to Developer's completion of the improvements set forth in this Section (5)(b), the general public is not permitted to have vehicular or pedestrian access to the Property and Developer shall take the necessary actions and provide for the necessary safeguards in accordance with applicable laws and regulations and industry standards to deter and prevent such access. Developer agrees to indemnify and hold the City harmless from any and all claims against the City arising from Developer's failure to comply with this Section.

6. Lift station and utilities. Developer agrees, at its sole cost and expense, to design, permit and construct a lift station on the Property as identified on **Exhibit "F"** in compliance with all applicable law. The plans for the lift station and water and wastewater systems shall be subject to review and approval by the City prior to any permitting or construction. Developer agrees to prepare and submit all utility related legal documents intended for conveyance of the lift station to the City of Deerfield Beach, including easement documents, bonds and bills of sale for the 30' x 30' lift station compound, water and wastewater systems and all other water and sewer related easements as deemed necessary by the City, immediately upon or prior to commencement of construction for review and approval to avoid delays and shall provide the executed conveyance documents to the City upon completion of the lift station and utility systems. In connection with such documents, Developer shall provide the City with a title opinion in a form acceptable to the City Attorney.

Developer shall use best efforts to complete construction of the lift station prior to the City's issuance of the first building permit for the Project and, in any event, shall complete construction of the lift station prior to the City's issuance of the first building permit excluding building permits for the model units identified on the Site Plan attached as Exhibit "B". In the event Developer is unable to complete construction prior to issuance of the first building permit (including a building permit for the model units), Developer shall be required to submit an Environmental Plan satisfactory to the City that addresses how wastewater operations will be addressed at the Property prior to completion of the lift station. For all work to be done in the public rights-of-way that requires a bond, the bond shall be obtained at the sole cost and expense of Developer and shall be in a form approved by the City Attorney.

7. Trash Collection. Developer agrees to restrict vehicular parking within streets internal to the Property in order to ensure trash collection vehicles can safely circulate the site. Developer agrees to include such a restriction within the homeowners association documents ("Association Documents") that will govern the future owners of units within the Project. Developer further agrees to include provisions within the Association Documents to restrict placement of trash receptacles within the curbside and in a manner consistent with the City's waste collection guidelines and the approved solid waste collection plan for the Project attached as **Exhibit "G"**. Should the City's Department of Sustainable Management ("Department") determine units cannot be serviced at any time, Developer, or the successor Association, and Department will designate a mutually agreed upon area for placement of curbside carts for those units. In the event the Developer/Association and City cannot mutually agree on a designated area, the City's determination of such designated area shall be final. Developer and Association shall include in the Association Documents an acknowledgement and requirement that any missed pickups due to inability to service will result in a return service charge for all containers that were not serviceable. Developer further agrees to provide the City with (i) a draft of the Association Documents prior to the City's issuance of the first building permit for the Project and (ii) a copy of the final recorded Association Documents prior to issuance of the first certificate of occupancy for the Project to demonstrate compliance with the provisions herein requiring inclusion of certain provisions within the Association Documents.

8. Amenities. Developer shall complete the entrance gate and related structures, the clubhouse, recreational amenities and recreational areas, lake landscaping, and entrance feature and gate as identified on **Exhibit "H"** prior to the issuance of the building permit authorizing the construction of the one hundredth (100th) residential unit. Developer shall complete the perimeter

landscaping, fencing and wall identified on **Exhibit "I"** (collectively, the "Perimeter Landscaping") prior to the issuance of the building permit authorizing the construction of the fiftieth (50th) residential unit. The Developer agrees that Developer, including its successors and assigns, is required to maintain the Perimeter Landscaping in accordance with Exhibit "I" and the City of Deerfield Beach Code of Ordinances, as amended from time and time, and Developer agrees to include such maintenance obligation and responsibility in the Association Documents.

9. **Flowage Easement.** City desires a flowage easement for drainage overflow through the Property in order to access the lake on the Southern portion of the Property. Developer secured separate drainage rights from Century Village to accommodate the Project. City acknowledges that Developer has no other drainage rights other than those granted to it by Century Village and that Developer will be further subject to a permit issued by the South Florida Water Management District. City acknowledges and agrees that it is required to obtain rights from Century Village and any permits necessary to utilize the lake on the Property for drainage purposes. City further acknowledges and agrees that it will adhere to National Pollutant Discharge Elimination System (NPDES) requirements that may be applicable to the Property. Developer shall grant a flowage easement to City for the specific purposes set forth above with such flowage easement subject to the conditions in this Section 9. The City shall be responsible for the cost of preparation of the flowage easement documentation.

10. **Construction Hours.** Notwithstanding the reference in Section 34-35(2) of the City of Deerfield Beach Code of Ordinances regarding requests for variances for permitted construction hours, Developer hereby acknowledges and agrees that Developer shall not make, nor will the City grant, any requests for a variance or extension of the construction hours for the Project that are expressly permitted by such City Code.

11. Remedies. The City shall have the right to withhold building or other permits for failure of the Developer to satisfy the requirements of this Agreement. In addition, the City shall have the right to seek injunctive relief to enforce any provision hereof, it being agreed by the Developer that the failure to comply with this Agreement shall irrevocably harm the City. Failure to comply with this Agreement shall also be deemed a violation of the City Code. The remedies provided herein are not exclusive.

12. Recording. This Agreement shall be recorded in the Public Records of Broward County within fourteen (14) days after execution by the Parties.

13. Effective Date. This Agreement shall become effective upon full execution by the Parties.

14. Miscellaneous.

(1) Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. The City shall not request any additional improvements or contributions except for those expressly set forth in this Agreement.

(2) Modification. No modification of this Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by the parties hereto, or their respective successors in interest.

(3) Pronouns. All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine and neuter, singular or plural, as the identity of the party or parties, personal representatives, successor or assigns may require.

(4) Severability. The invalidity of any provision hereof shall in no way affect or invalidate the remainder of the Agreement.

(5) Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall together constitute one in the same instrument.

(6) Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida, and any proceeding arising between the parties in any manner pertaining to this Agreement shall, to the extent permitted by law, be held in Broward County, Florida.

(7) Binding Effect. The obligations imposed pursuant to this Agreement upon Developer and/or upon the Property run with and bind the Property and all future owners of any portion thereof and any Homeowner's Association as covenants running with the Property and this Agreement shall be binding upon and enforceable by and against all such persons and entities, their personal representatives, heirs, successors, grantees and assigns.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK WITH
SIGNATURES AND NOTARIES TO FOLLOW.]

DEVELOPMENT AGREEMENT

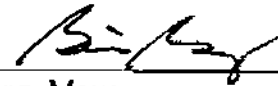
CITY:



Tracy Britten
WITNESS - PRINT NAME



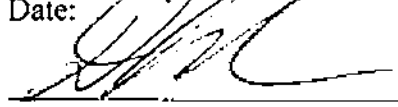
Erica Satz
WITNESS - PRINT NAME



Bill Ganz, Mayor

May 28, 2019

Date:

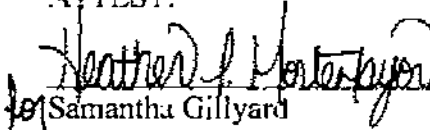


, City Manager

5/29/19

Date:

ATTEST:

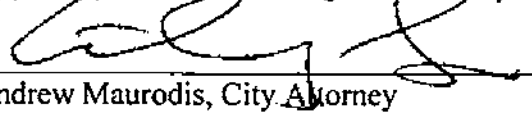


Samantha Gillyard
City Clerk

5/30/19

Date:

Approved as to form and legal sufficiency:


for Andrew Maurodis, City Attorney

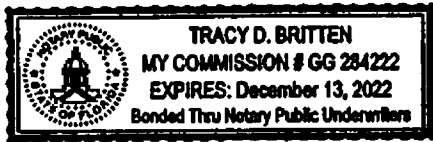
May 23, 2019

Date:

STATE OF FLORIDA)
) ss:
 COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Bill Ganz, as Mayor of the City of Deerfield Beach, a Florida municipal corporation, on behalf of the City, freely and voluntarily under authority duly vested in him by said municipal corporation and that the seal affixed thereto is the true corporate seal of said municipal corporation. She is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of May, 2019.



[Handwritten Signature]

Notary Public, State of Florida

My Commission Expires:

Typed, printed or stamped name of Notary Public

STATE OF FLORIDA)
) ss:
 COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Burgess Hanson, as City Manager of the City of Deerfield Beach, a Florida municipal corporation, on behalf of the City, freely and voluntarily under authority duly vested in him by said municipal corporation and that the seal affixed thereto is the true corporate seal of said municipal corporation. He is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of May, 2019.



[Handwritten Signature]

Notary Public, State of Florida

My Commission Expires:

Typed, printed or stamped name of Notary Public

WITNESSES:

Print name: Stuart Gordon
 Print name: Charlene Anderson

DEVELOPER:

Toll Southeast Inc., a Delaware Corporation
 By: _____

By: _____
 Print Name: Donald Barnes
 Title: Sr. VP

16 day of April, 2019

STATE OF FLORIDA)
) SS:
 COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Donald Barnes, the Sr. VP of DEVELOPER, freely and voluntarily under authority duly vested in him/her by said company. He/She is personally known to me or who has produced personally known as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of April, 2019.



CHARLENE ANDERSON
 MY COMMISSION # FF 997180
 EXPIRES September 28, 2020
 Bonded thru Budget Notary Services

Charlene Anderson
 Notary Public

Charlene Anderson

Typed, printed or stamped name of Notary Public

My Commission Expires:

IN WITNESS WHEREOF, this Mortgage Joinder, Consent and Subordination is made this 28 day of MAY, 2019.

By: Randall Bast
(Signature)

FAIRWAY INVESTORS LLC
(Mortgagee)

Name: RANDALL BAST

Title: PRESIDENT
(Print)

WITNESSES:

By: Ling Parson
(Signature)

Name: Lindsay Parson
(Print)

By: David Hutcherson
(Signature)

Name: DAVID HUTCHERSON
(Print)

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 28 day of May, 2019, by Randall Bast (print name), as President (title) of Fairway Investors LLC (Grantor of Mortgage). ☒ She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

Julie Bechtel
(Signature)

Julie Bechtel
(Name)

My Commission Expires: August 8, 2019



EXHIBIT LIST

EXHIBIT "A"	LEGAL DESCRIPTION OF DEVELOPER'S PROPERTY
EXHIBIT "B"	SITE PLAN
EXHIBIT "C"	SIDEWALK CONNECTIONS
EXHIBIT "D"	TURN LANE CLOSURE
EXHIBIT "E"	OFF SITE IMPROVEMENTS
EXHIBIT "F"	LIFT STATION
EXHIBIT "G"	SOLID WASTE COLLECTION PLAN
EXHIBIT "H"	AMENITIES
EXHIBIT "I"	PERIMETER LANDSCAPING

EXHIBIT "A"

DESCRIPTION

A PARCEL OF LAND IN SECTION 2, TOWNSHIP 48 SOUTH, RANGE 42 EAST, CITY OF DEERFIELD BEACH, BROWARD COUNTY, FLORIDA, SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS

FROM THE SOUTHWEST CORNER OF SAID SECTION 2, BEAR NORTH 0115'00" WEST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2057.54 FEET; THENCE DUE EAST, A DISTANCE OF 2004.66 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1590.00 FEET, A CENTRAL ANGLE OF 1314'33", A CHORD BEARING OF NORTH 05'27'46" WEST AND A CHORD DISTANCE OF 366.66 FEET; SAID CURVE BEING THE EAST RIGHT-OF-WAY LINE OF CENTURY BOULEVARD SOUTH; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 367.49 FEET TO THE END OF SAID CURVE; THENCE DUE EAST, A DISTANCE OF 157.02 FEET; THENCE NORTH 53'41'57" EAST, A DISTANCE OF 261.81 FEET; THENCE DUE EAST, A DISTANCE OF 195.00 FEET; THENCE SOUTH 49'56'00" EAST, A DISTANCE OF 337.12 FEET; THENCE NORTH 73'45'31" EAST, A DISTANCE OF 108.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 16'14'29" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200.76 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1160.00 FEET, A CENTRAL ANGLE OF 44'36'39" AND A CHORD BEARING OF SOUTH 06'03'50" WEST, SAID CURVE BEING ON SAID RIGHT-OF-WAY LINE, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 903.18 THE POINT OF TANGENCY; THENCE SOUTH 28'22'10" WEST, A DISTANCE OF 542.02 FEET; THENCE NORTH 88'00'00" WEST, A DISTANCE OF 145.40 FEET; THENCE NORTH 59'48'59" WEST, A DISTANCE OF 113.37 FEET; THENCE NORTH 25'21'25" WEST, A DISTANCE OF 254.52 FEET; THENCE NORTH 05'11'40" EAST, A DISTANCE OF 110.45 FEET; THENCE NORTH 34'49'28" EAST, A DISTANCE OF 140.09 FEET; THENCE NORTH 07'04'35" EAST, A DISTANCE OF 146.11 FEET; THENCE NORTH 38'14'47" EAST, A DISTANCE OF 108.23 FEET; THENCE NORTH 66'08'58" EAST, A DISTANCE OF 103.87 FEET; THENCE NORTH 00'23'18" WEST, A DISTANCE OF 295.01 FEET; THENCE NORTH 25'50'12" WEST, A DISTANCE OF 105.55 FEET; THENCE SOUTH 75'52'44" WEST, A DISTANCE OF 163.95 FEET; THENCE NORTH 67'42'03" WEST, A DISTANCE OF 192.39 FEET; THENCE DUE WEST, A DISTANCE OF 128.11 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CENTURY BOULEVARD SOUTH AND THE POINT OF BEGINNING.

SAID LANDS CONTAINING NET 992,330 SQUARE FEET OR 22.78 ACRES, MORE OR LESS.

OR GROSS 1,092,485 SQUARE FEET OR 25.1 ACRES. MORE OR LESS. (INCLUDING THE HALF (1/2) RIGHT-OF-WAY OF MILITARY TRAIL (STATE ROAD 809) AND THE HALF (1/2) RIGHT-OF-WAY OF SOUTH CENTURY BOULEVARD).

EXHIBIT "B"

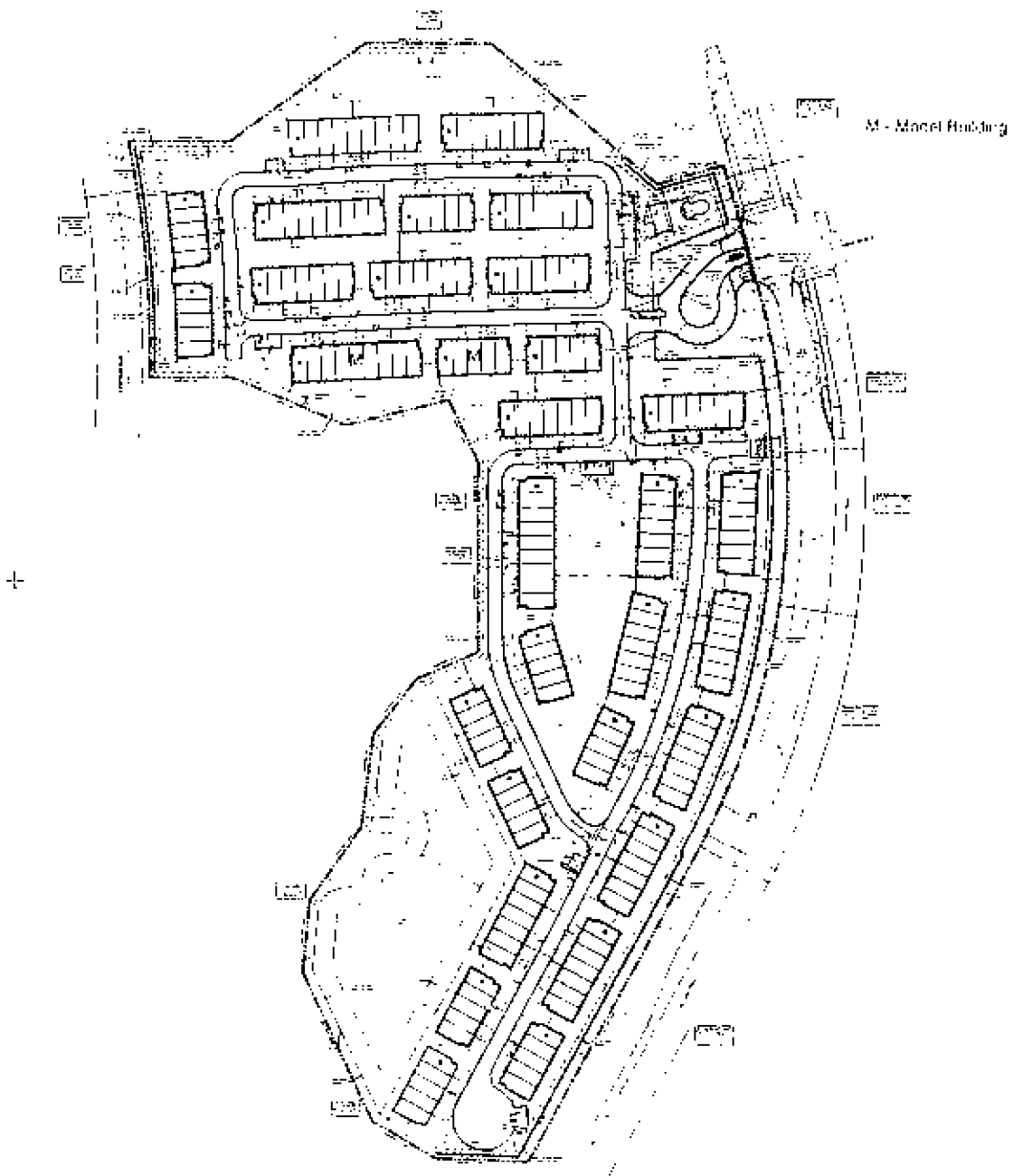


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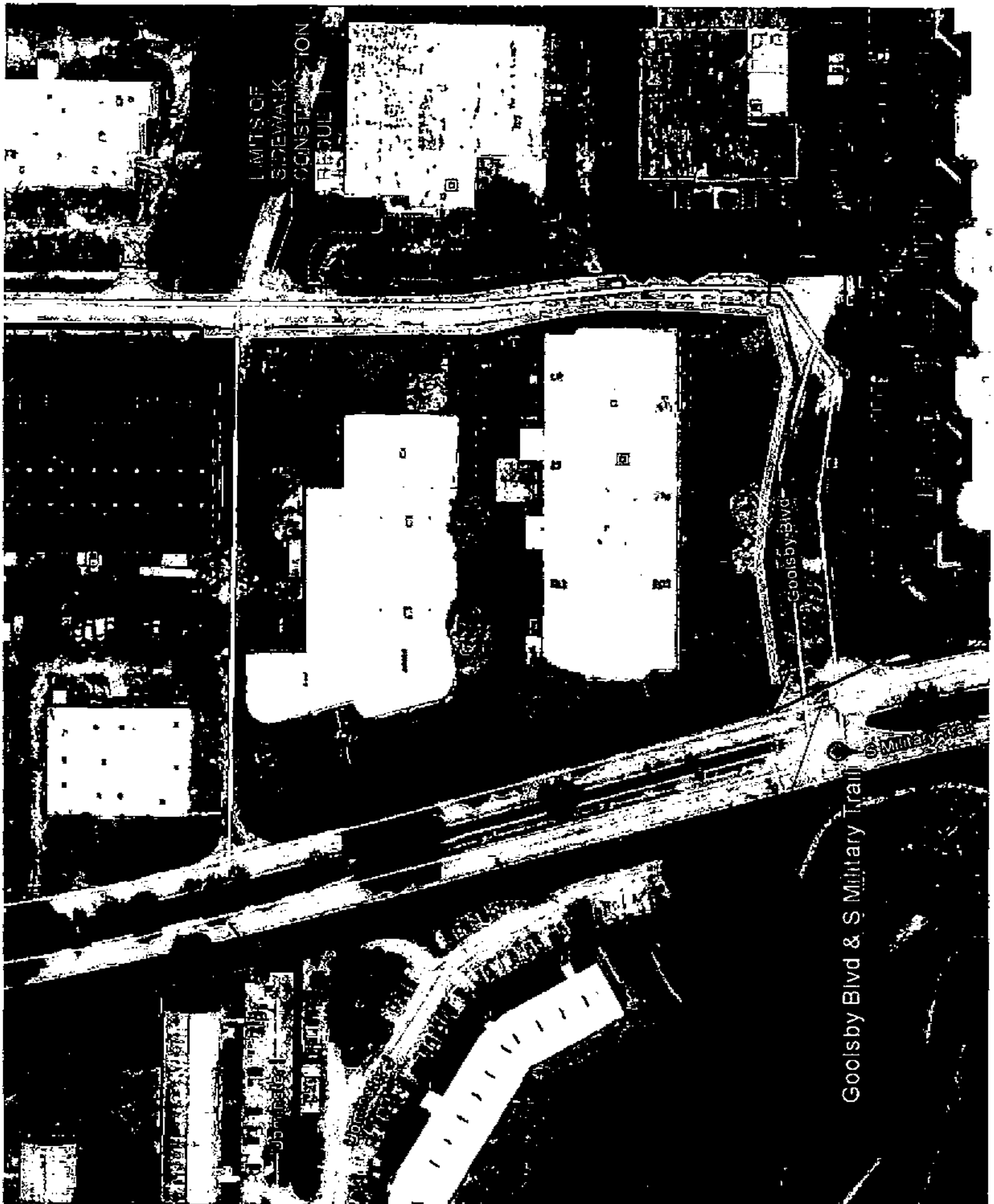


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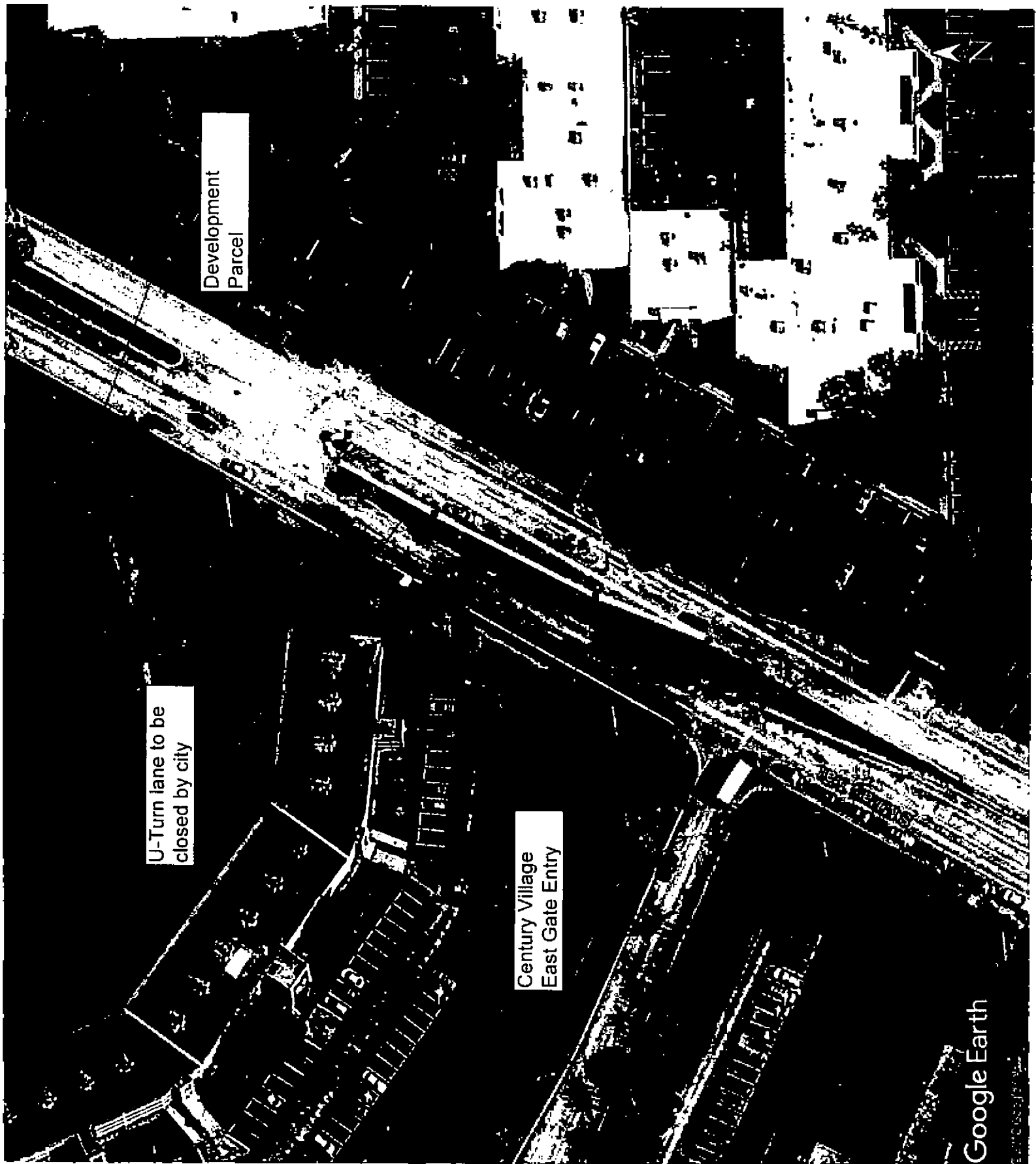


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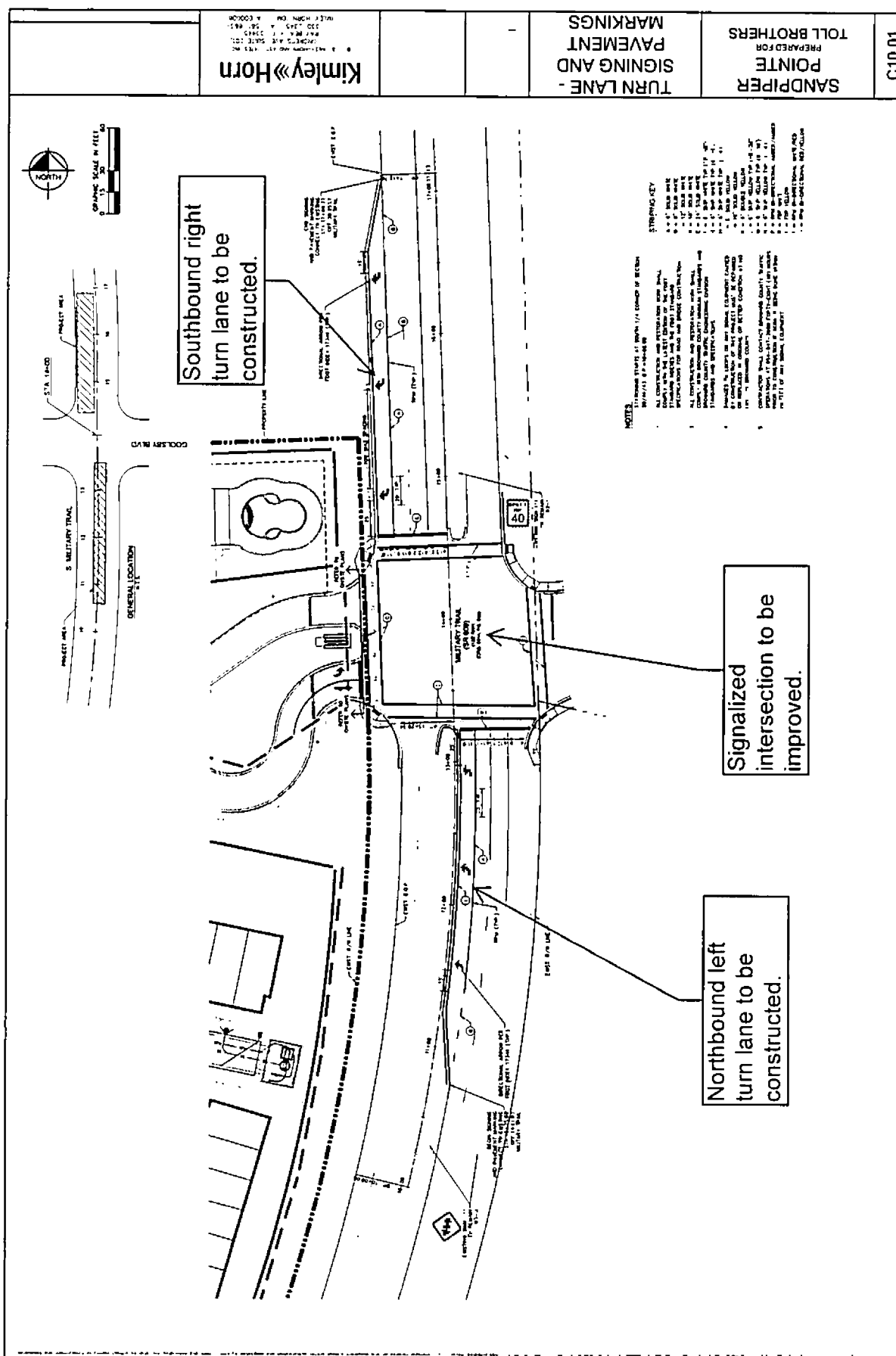


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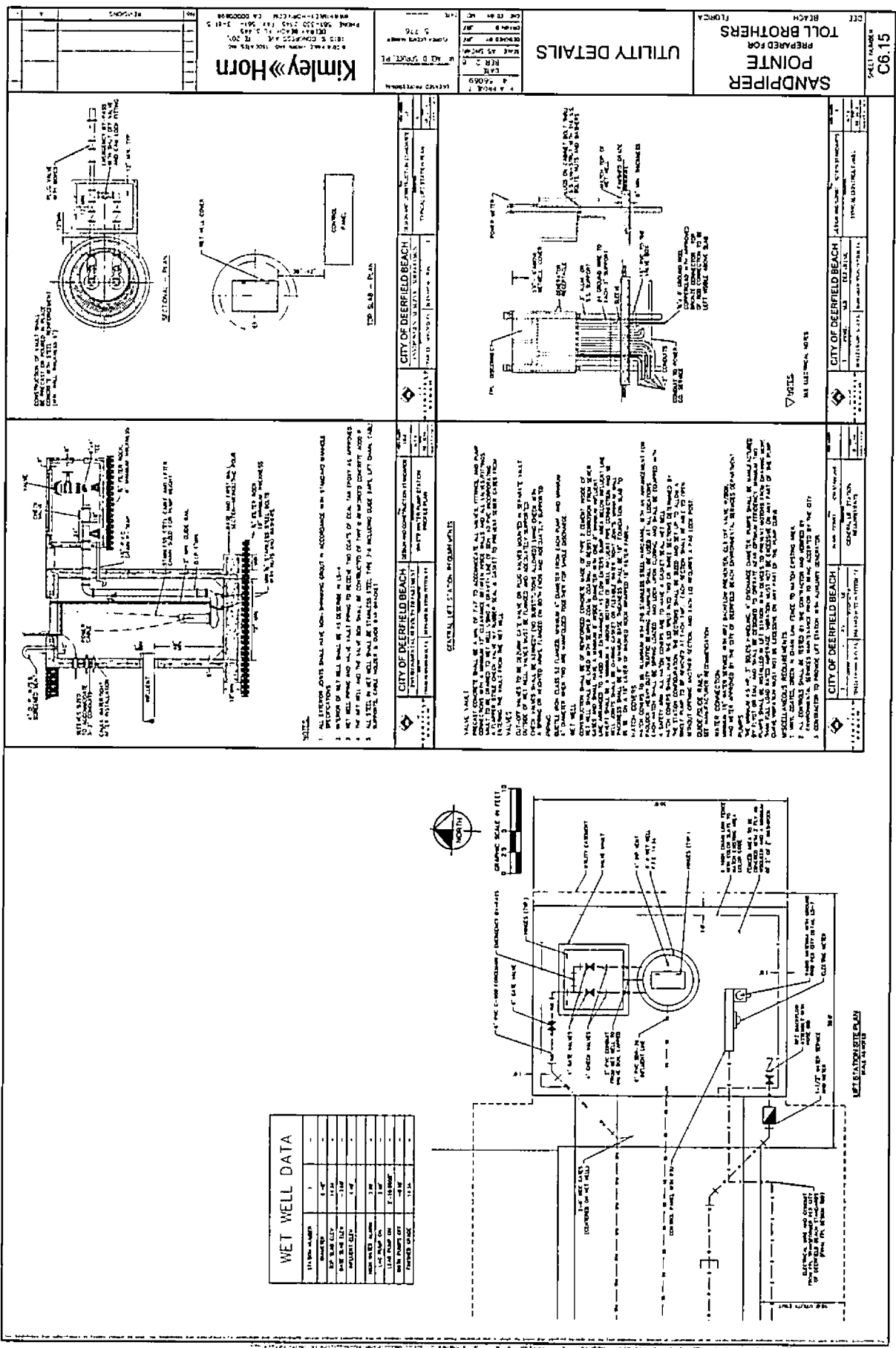
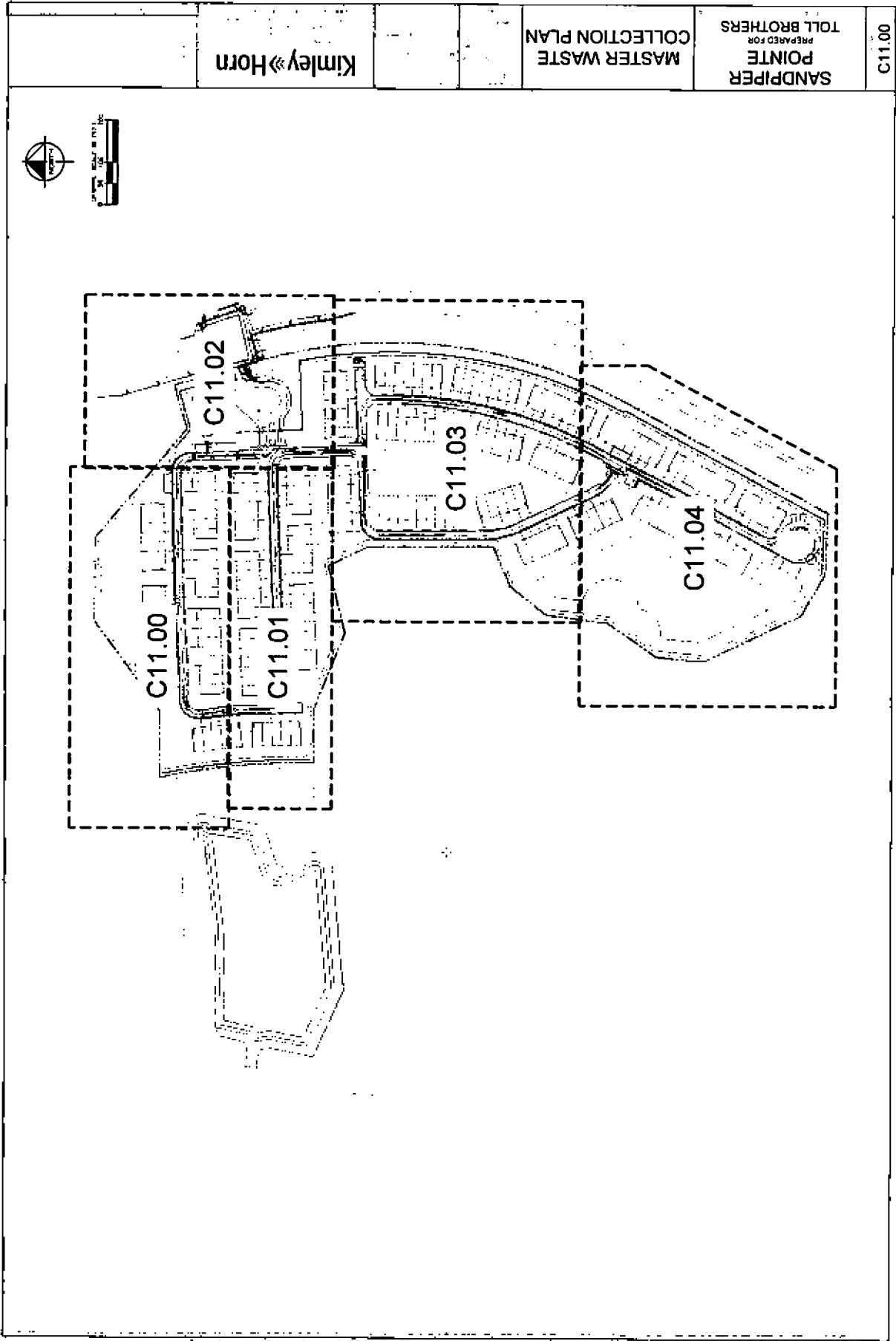
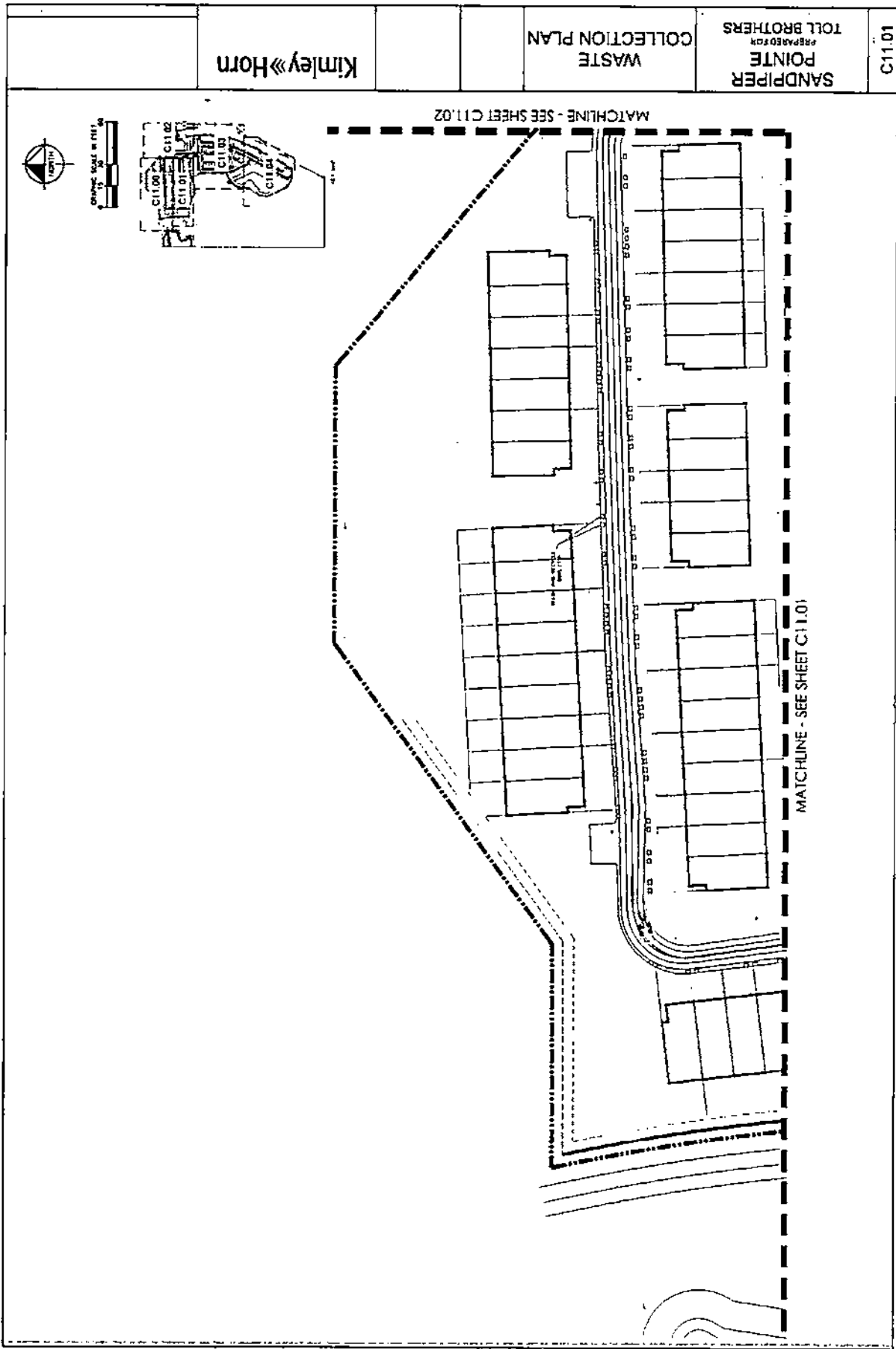
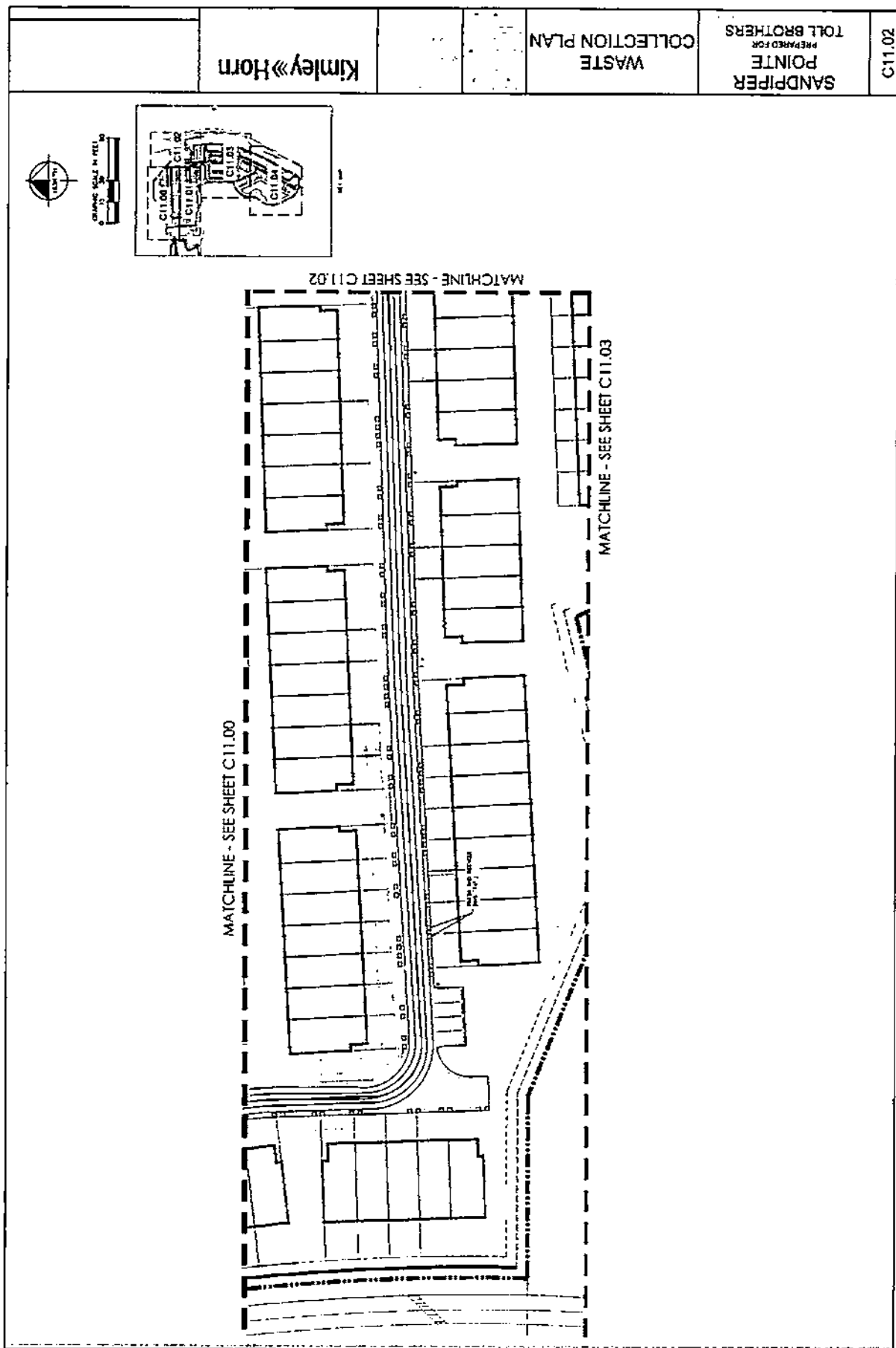
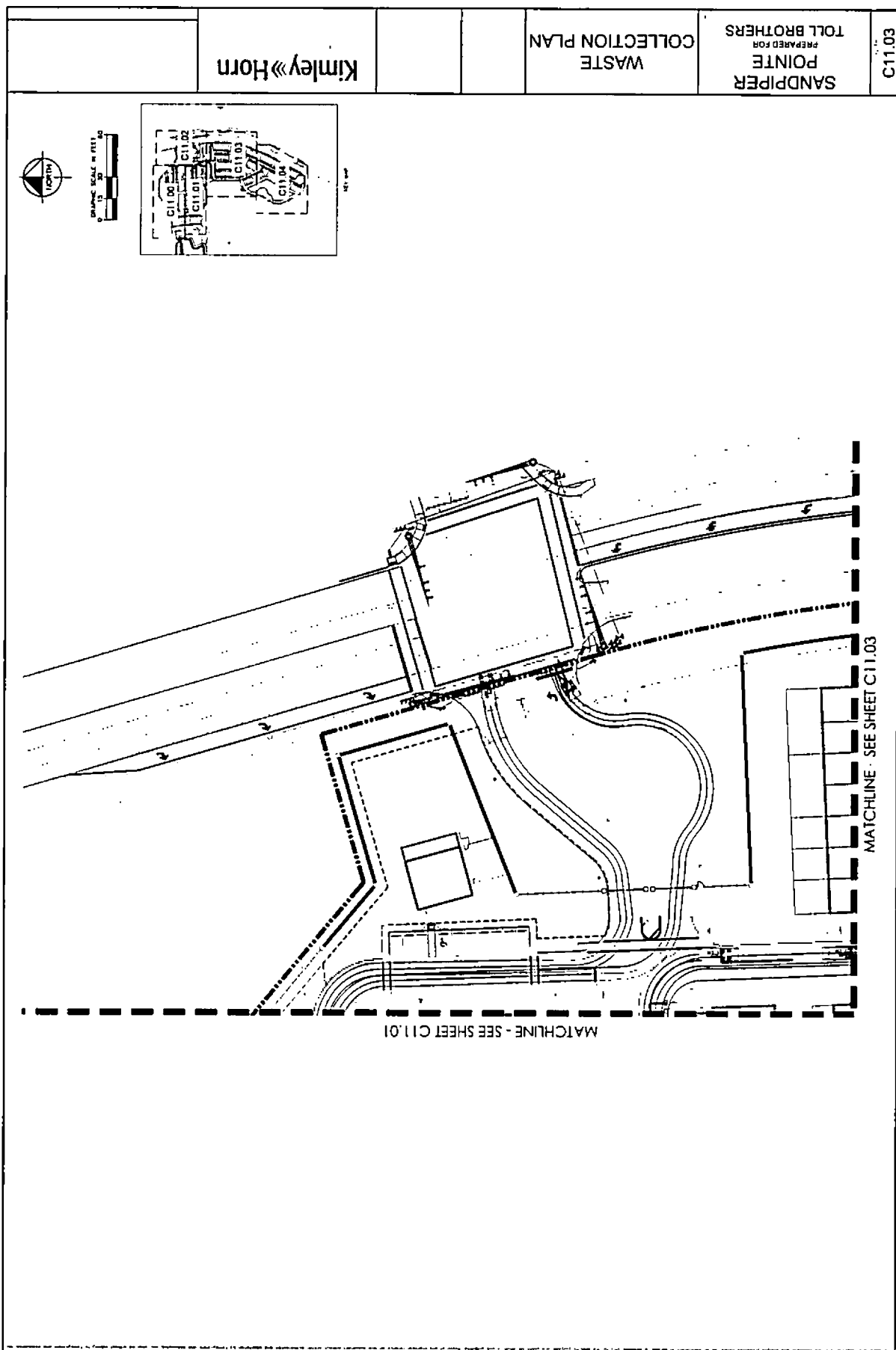


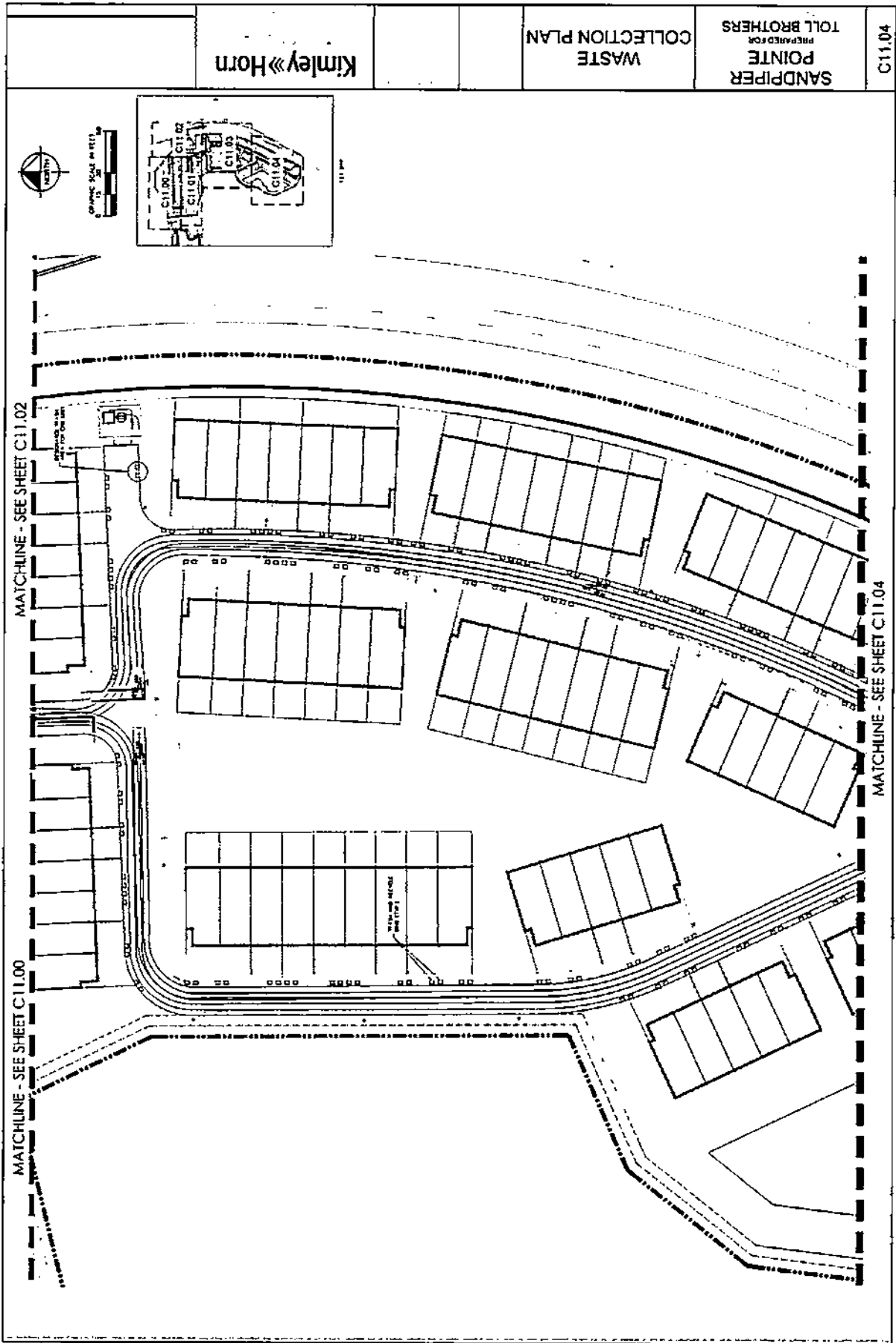
EXHIBIT "G"











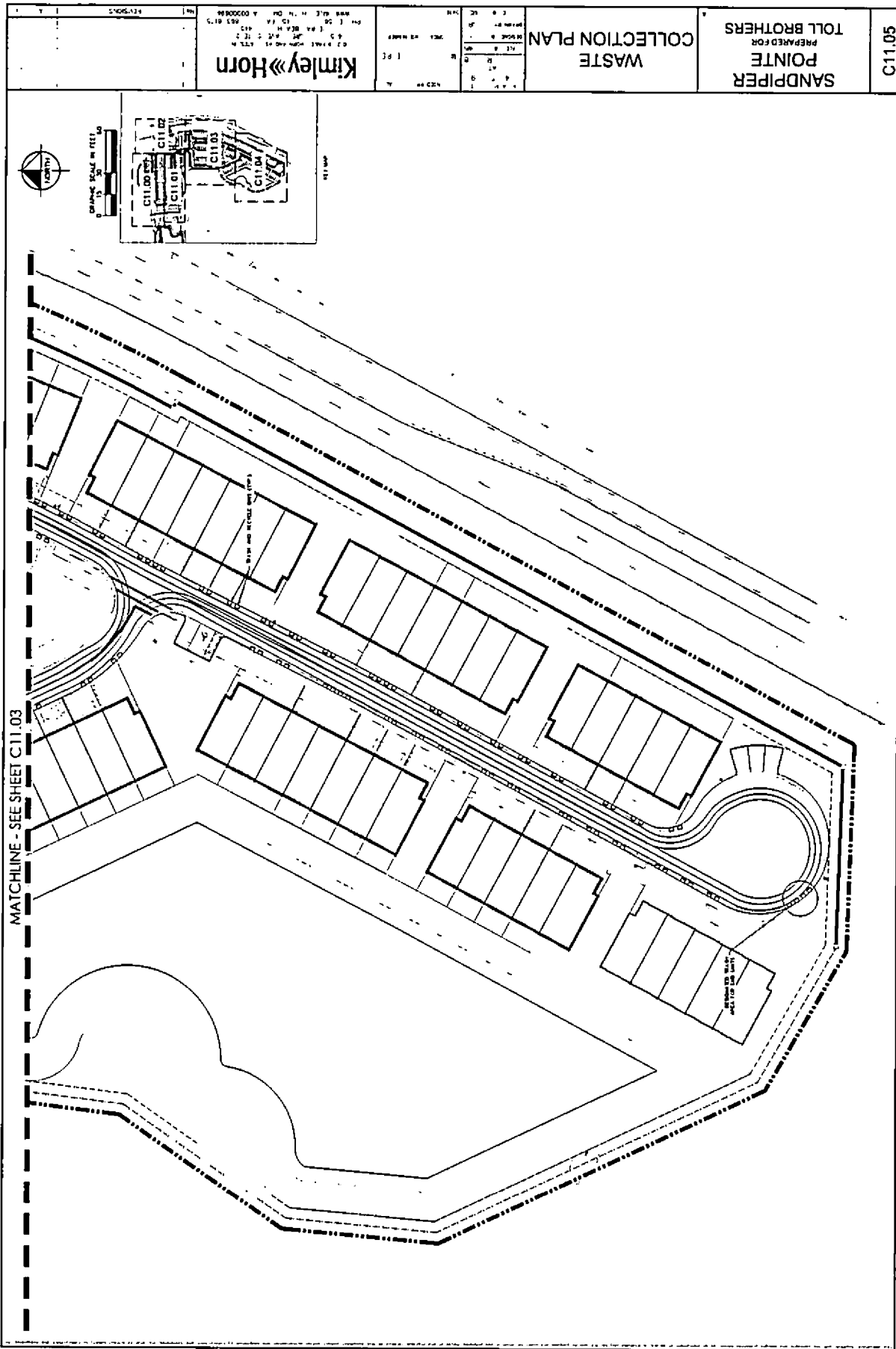
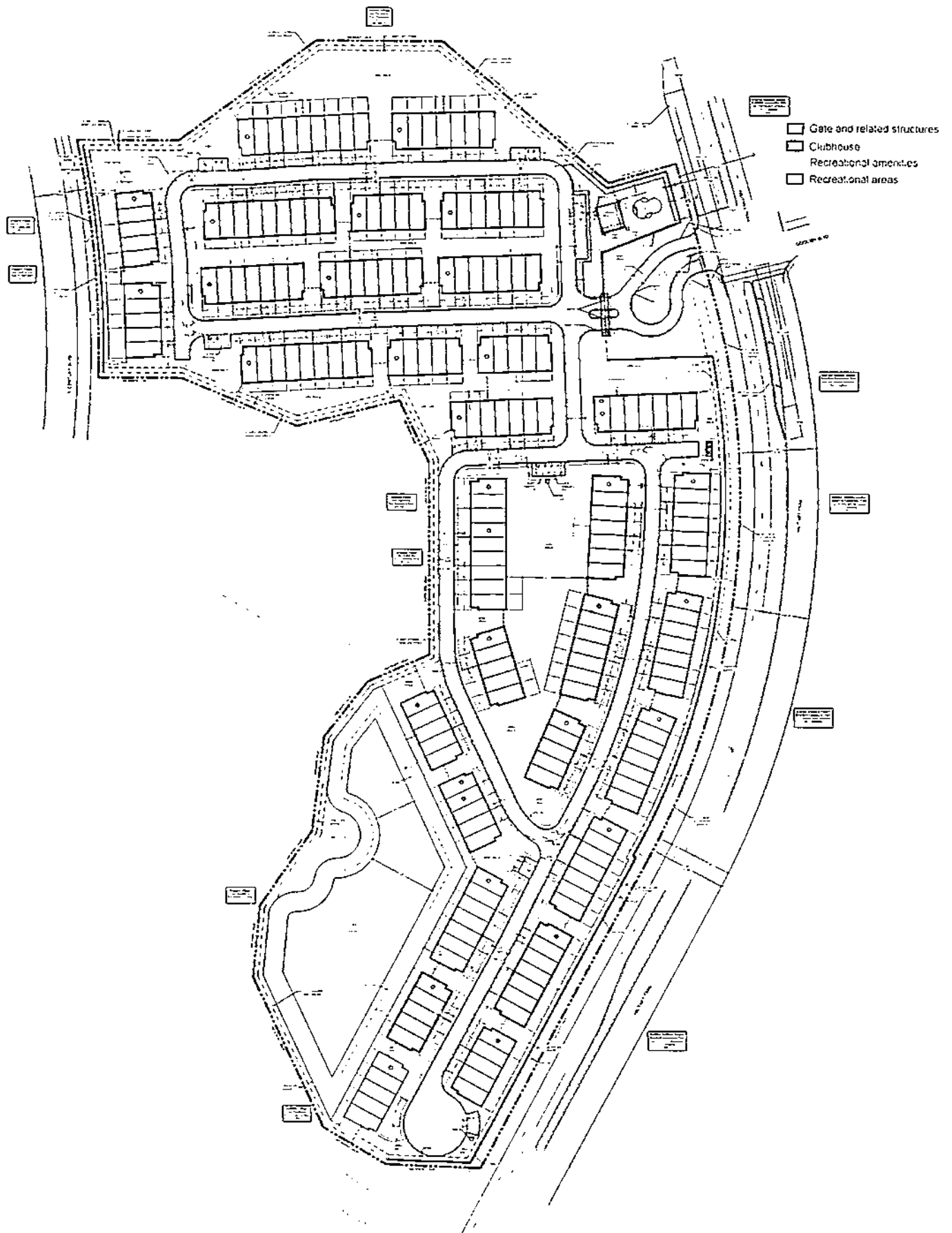


EXHIBIT "H"



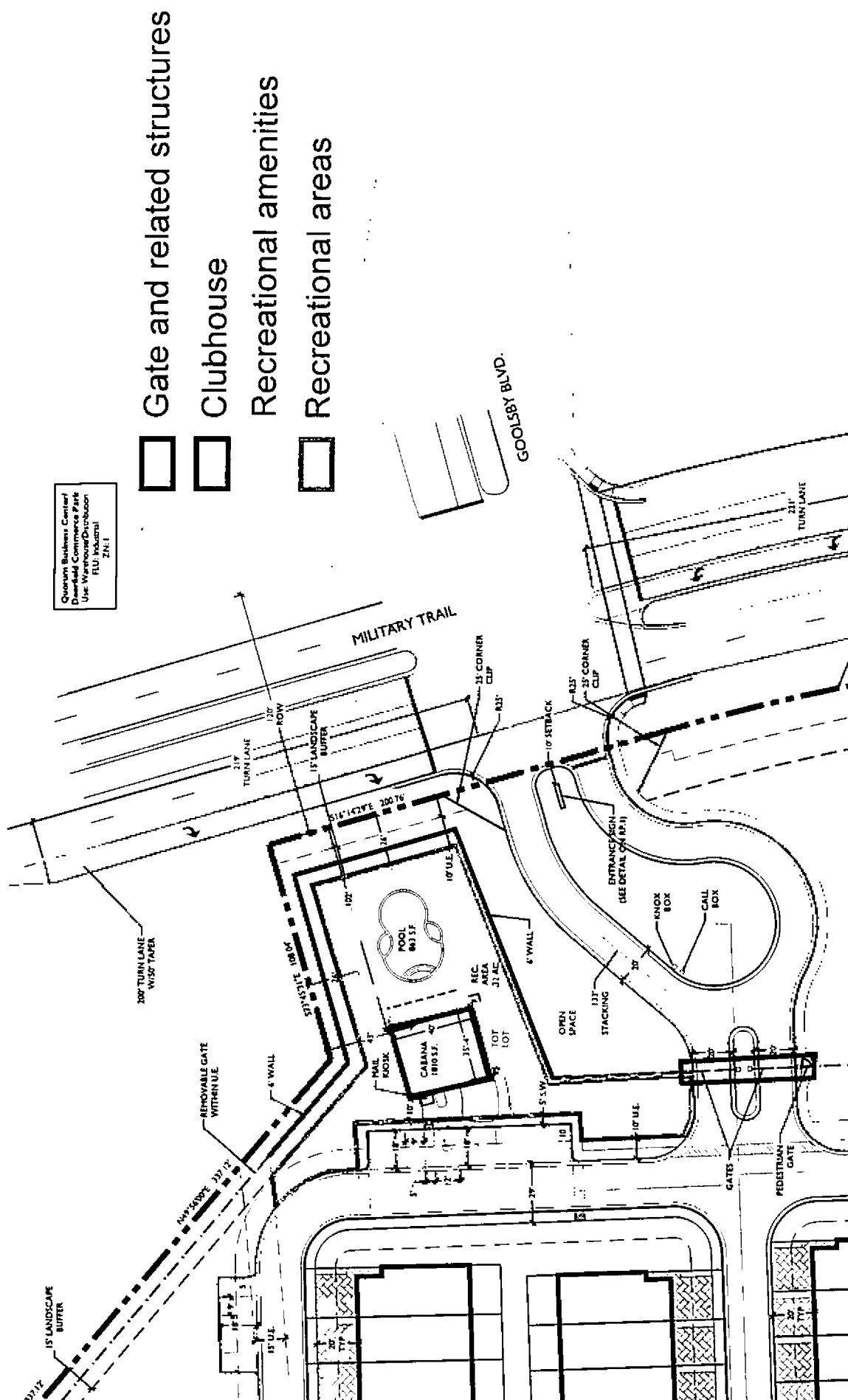
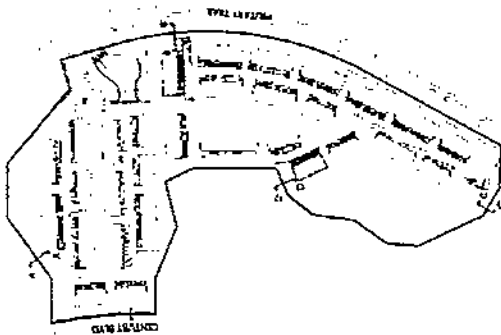


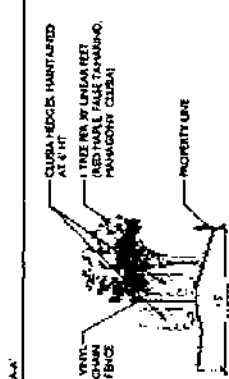
EXHIBIT "I"

BUFFER SECTION KEY



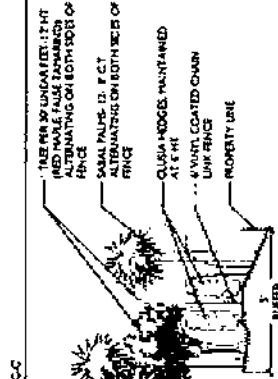
A 15' BUFFER

NOTES: MINIMUM TREE QUALIFICATIONS 12 FT. x 6" DBH. TREES PLANTED IN GROUPS OF THREE OR MORE. TREES PLANTED IN GROUPS OF THREE OR MORE MAY BE COUNTED AS ONE REQUIRED CANOPY TREE.



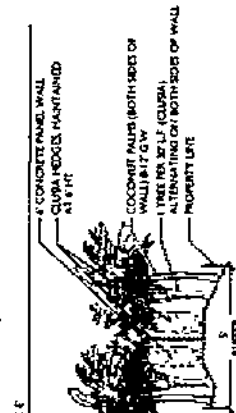
C 15' BUFFER

NOTES: MINIMUM TREE QUALIFICATIONS 12 FT. x 6" DBH. TREES PLANTED IN GROUPS OF THREE OR MORE. TREES PLANTED IN GROUPS OF THREE OR MORE MAY BE COUNTED AS ONE REQUIRED CANOPY TREE.



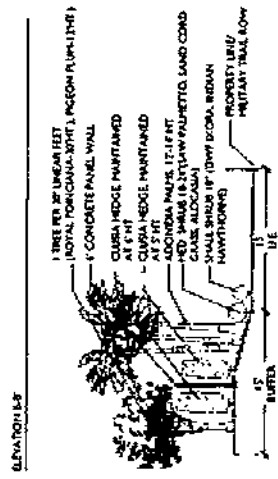
E 15' BUFFER

NOTES: MINIMUM TREE QUALIFICATIONS 12 FT. x 6" DBH. TREES PLANTED IN GROUPS OF THREE OR MORE. TREES PLANTED IN GROUPS OF THREE OR MORE MAY BE COUNTED AS ONE REQUIRED CANOPY TREE.



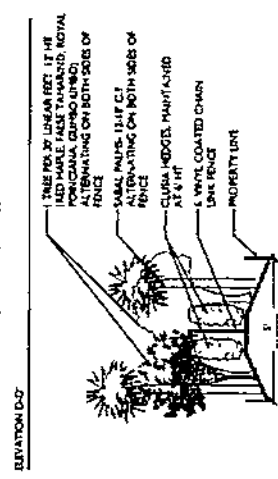
B 15' BUFFER

NOTES: MINIMUM TREE QUALIFICATIONS 12 FT. x 6" DBH. TREES PLANTED IN GROUPS OF THREE OR MORE. TREES PLANTED IN GROUPS OF THREE OR MORE MAY BE COUNTED AS ONE REQUIRED CANOPY TREE.

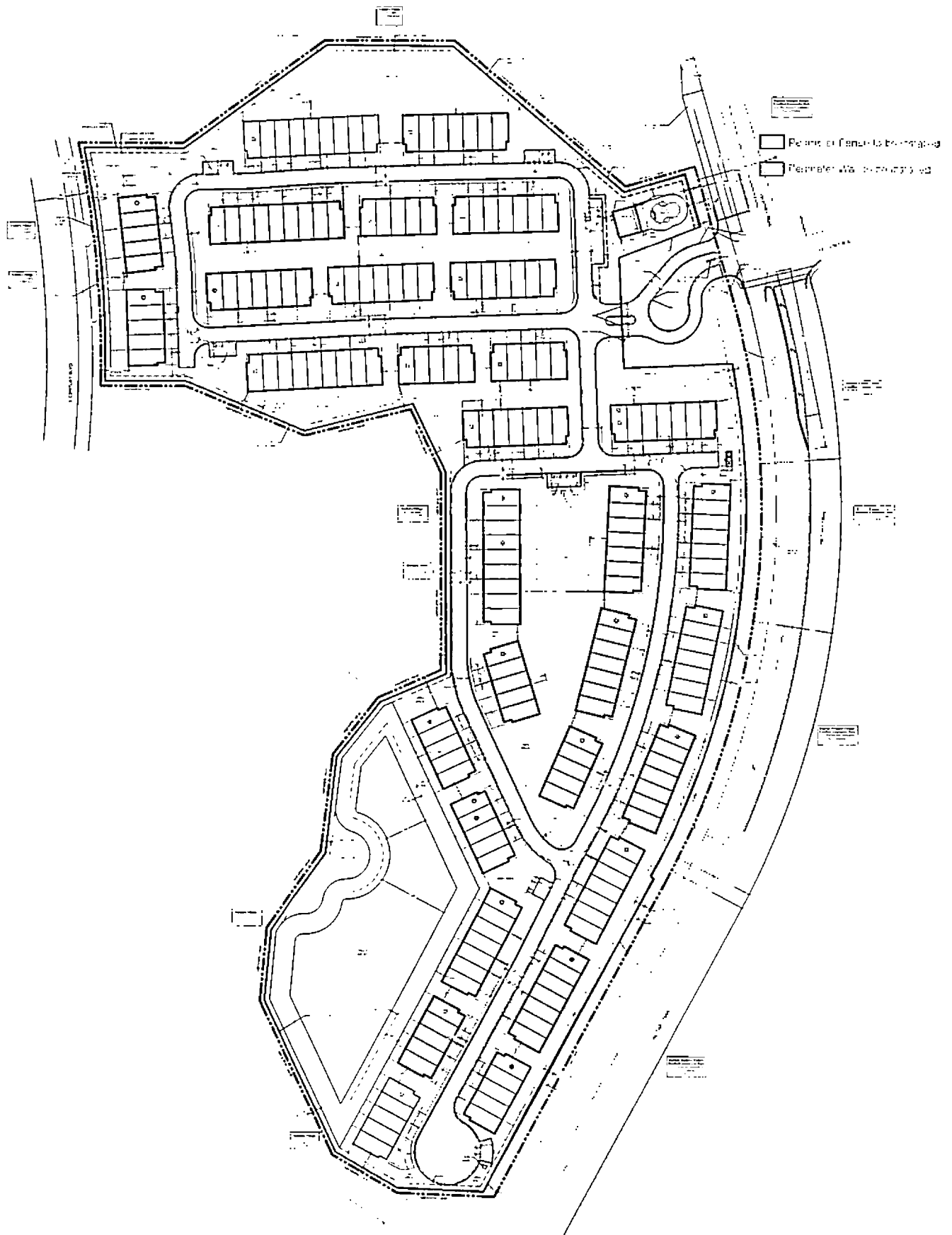


D 15' BUFFER

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		SHEET LP-0	
SANDPIPER BEACH, FLORIDA BUFFER SECTIONS		DATE: 11/18/11 PROJECT: 115888792 DRAWN BY: J. B. BROWN CHECKED BY: J. B. BROWN SCALE: AS SHOWN	





City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-206

Agenda Date: 5/21/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with McKim and Creed, Inc. to provide professional engineering services related to the upgrade of Wells 17 and 18 in an amount not to exceed \$149,659.00; providing for execution and an effective date. (Fund from Account #413-5020-533-65-30 - C.I.P. Infrastructure)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$149,659.00

Account Name: C.I.P.- Infrastructure

Account Number: 413-5020-533-65-30

Background/History

Western Well numbers 17 and 18 were constructed in the early 2000s as part of the Nano Filtration Upgrade Project. Each site includes a well assembly, an emergency generator, a transfer switch, a variable frequency drive, and assorted instrumentation. These components are now at the end of their expected service life, maintenance intensive, and becoming unreliable. To maintain normal operations and system reliability, these components are in need of replacement.

Current Activity

In accordance to the City's Master CCNA Continuing Services Contract dated April 12, 2021, and based upon RFQ ranking, city staff considered the City's continuing contractor firms and determined that McKim and Creed is the highest qualified firm for this project. As such, staff requested and received a scope of services proposal from McKim and Creed for consulting services for the Well 17 and 18 generators, transfer switch, and variable frequency drive replacement project.

Recommendation

It is recommended that the City Commission approve the Work Authorization for professional engineering with McKim and Creed, Inc. for the well 17 and 18 generators, transfer switch and variable frequency drive replacement project, in an amount not to exceed \$149,659.00 in accordance with the Master CCNA Continuing Services Contract, dated April 12, 2021.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING A WORK AUTHORIZATION WITH MCKIM AND CREED, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RELATED TO THE UPGRADE OF WELLS 17 AND 18 IN AN AMOUNT NOT TO EXCEED \$149,659.00; PROVIDING FOR EXECUTION AND AN EFFECTIVE DATE

WHEREAS, Western Well Nos. 17 and 18 (the “Wells”) were constructed in the early 2000’s as part of the Nano Filtration Upgrade Project; and

WHEREAS, each of the Wells includes a well assembly, an emergency generator, a transfer switch, a variable frequency drive, and assorted instrumentation (collectively, the “Components”); and

WHEREAS, the Components are now at the end of their expected service life, are maintenance intensive and are becoming unreliable, and it is necessary to replace these Components in order to maintain normal operations and systems reliability; and

WHEREAS, pursuant to Request for Qualifications #2021-11-IG (the “RFQ”) and Section 287.055, Florida Statutes, the City entered into multiple continuing contracts with qualified firms for the provision of professional architectural and engineering consulting services on an as needed basis, including a continuing contract with McKim and Creed, Inc. (“McKim”) dated April 12, 2021 and renewed on April 12, 2024 (the “Continuing Contract”); and

WHEREAS, the Department of Environmental Services (the “Department”) reviewed and considered the qualifications and experience of the firms under continuing contracts with the City and determined that McKim was the most qualified to perform the needed services; and

WHEREAS, staff requested a proposal from McKim for to provide engineering services consisting of project management, design, data and technical services required for the upgrading of the Wells (collectively the “Services”); and

WHEREAS, McKim submitted its proposal to the Department and the Department negotiated the project scope and fee in the amount of \$149,659.00 with McKim, which staff has determined to be fair and reasonable and in accordance with industry standards; and

WHEREAS, the Department desires to issue a Work Authorization to McKim under the terms and conditions of the existing Continuing Contract, in an amount not to exceed \$149,659.00 for the Services; and

WHEREAS, staff recommends the City Commission approve and authorize execution of the Work Authorization with McKim, attached as Exhibit "1", for the Services in an amount not to exceed \$149,659.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced "Whereas" clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby approves the Work Authorization with McKim, attached as Exhibit "1", for the Services in an amount not to exceed \$149,659.00.

Section 3. The City Manager is hereby authorized to execute the Work Authorization with McKim, attached as Exhibit "1", consistent with the terms of the Continuing Contract, together with such additional terms as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4. The appropriate City officials are authorized to take all necessary steps to implement the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

WORK AUTHORIZATION BETWEEN THE CITY OF DEERFIELD BEACH AND MCKIM AND CREED, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE UPGRADE OF WELLS 17 AND 18

This Work Authorization is entered into this ____ day of _____, 2024, by and between City of Deerfield Beach, Florida, a municipal corporation of the State of Florida, (the "City") and McKim & Creed, a Florida corporation authorized to do business in the State of Florida, (the "Consultant").

RECITALS

WHEREAS, the City and the Consultant entered into a master CCNA continuing services contract dated April 12, 2021 pursuant to RFQ #21-11-IG, (the "Continuing Contract") and Consultant has been approved to provide the services contemplated herein; and,

WHEREAS, the Continuing Services Agreement has been renewed by the City and Consultant for another one-year period effective April 6, 2024 through April 5, 2025; and

WHEREAS, the City and the Consultant desire to enter into this Work Authorization for the Consultant to perform professional engineering services as more specifically set forth in Exhibit "A" of this Work Authorization .

NOW, THEREFORE, in consideration of the mutual terms and conditions, promises, and covenants, hereinafter set forth, City and Consultant agree as follows:

SECTION 1
RECITALS

The above recitals are acknowledged and incorporated herein to this Work Authorization.

SECTION 2
SCOPE OF SERVICES

Consultant agrees to perform certain professional engineering services for the City, as more specifically described in the Scope of Services attached as Exhibit "A" to this Work Authorization (the "Services"), and in accordance with the terms and conditions set forth herein and in the Continuing Contract, of which by this reference are incorporated into this Work Authorization in its entirety during the Term and within the timeline provided for in this Work Authorization.

SECTION 3
COMPENSATION

In consideration for the Services to be performed by Consultant, the City agrees to pay Consultant an amount not-to-exceed \$149,659.00 as further detailed in Exhibit "A".

Work Authorization April 2023

Compensation due to the Consultant shall be payable within 30 calendar days following submission of a proper invoice by the Consultant to the City. In the event of City's termination of this Work Authorization prior to the end of the Work Authorization Term pursuant to Section 5, City shall pay Consultant on a pro-rata basis for the Services performed by Consultant prior to the City's termination of this Work Authorization.

SECTION 4

TERM OF WORK AUTHORIZATION

The term of this Work Authorization shall commence upon the date of execution hereof and shall remain in effect until the Services are completed to the City's satisfaction (the "Term"), unless terminated earlier pursuant to Section 5 of this Work Authorization.

SECTION 5

TERMINATION OF WORK AUTHORIZATION

City may terminate this Work Authorization for convenience by giving the Consultant 30 days' advance written notice. The termination of this Work Authorization shall not relieve either party of any liability that accrued prior to such termination and any such accrued liability shall survive the termination of this Work Authorization.

SECTION 6

CONTINUING CONTRACT

The Services to be provided by Consultant pursuant to this Work Authorization shall comply with all of the terms and conditions set forth in the Continuing Contract between City and Consultant, which by this reference is incorporated into this Work Authorization in its entirety. In the event there is a conflict between the terms of this Work Authorization and the Continuing Contract, the terms of the Continuing Contract shall prevail.

SECTION 7

INDEPENDENT CONSULTANT

Consultant is an independent Consultant under this Work Authorization. Services provided by Consultant shall be by employees or sub-consultants of Consultant and subject to supervision by Consultant, and not as officers, employees or agents of the City. Personnel policies, tax responsibilities, social security, health insurance, employee benefits, travel, per diem policy, and purchasing policies under the Work Authorization shall be the sole responsibility of Consultant. Consultant shall have no rights under the City's worker's compensation, employment, insurance benefits or similar laws or benefits.

SECTION 8

INDEMNIFICATION / HOLD HARMLESS CLAUSE

Consultant shall indemnify and hold harmless City, its officers and employees from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the

Work Authorization April 2023

extent caused by the negligence, recklessness or intentionally wrongful conduct of Consultant, and other persons employed or utilized by Consultant in the performance of this Work Authorization. The provisions of this section shall survive the expiration or earlier termination of this Work Authorization. To the extent considered necessary by Contract Administrator and City Manager, any sums due Consultant under this Work Authorization may be retained by City until all of City's claims for indemnification pursuant to this Work Authorization and the Services provided have been settled or otherwise resolved, and any amount withheld shall not be subject to payment of interest by City. Nothing in this Work Authorization or the Continuing Contract shall be deemed or treated as a waiver by the City of any immunity which it is entitled by law, including but not limited to the City's sovereign immunity as set forth in Section 768.28, Florida Statutes.

SECTION 9 **INSURANCE**

9.1 The CONSULTANT shall satisfy the insurance requirements stated herein. The CONSULTANT shall not commence the work or otherwise perform the work as required by the applicable Work Authorization and/or Notice to Proceed until the requirements stated herein are met and the Certificate(s) of Insurance is approved by the CITY. The CONSULTANT shall assume full responsibility and expense to obtain all necessary insurance.

9.2 General

9.2.1 The CONSULTANT shall furnish to the Contract Administrator a Certificate of Insurance or endorsements evidencing the insurance coverage specified herein within fifteen (15) calendar days after the effective date of this Agreement. The required Certificates of Insurance shall name the types of policies provided, refer specifically to the Agreement, and state that such insurance is as required by this Contract. CONSULTANT's failure to provide to CITY the Certificates of Insurance or endorsements evidencing the insurance coverage within fifteen (15) calendar days shall provide the basis for the termination of the Agreement.

9.2.2 Such policy or policies shall be without any deductible amount unless otherwise noted in this Agreement and shall be issued by approved companies authorized to do business in the State of Florida, and having agents upon whom service of process may be made in Broward County, Florida. CONSULTANT shall pay all deductible amounts, if any. CONSULTANT shall specifically protect CITY and the Deerfield Beach City Commission by naming CITY and the Deerfield Beach City Commission as additional insured under the Commercial Liability Policy, Business Automobile Liability policy as well as on any Excess Liability Policy coverage.

9.2.3 Coverage is not to cease and is to remain in force (subject to cancellation notice) until all performance required of CONSULTANT is complete including

all renewal terms. All policies must be endorsed to provide CITY with at least thirty (30) days' notice of expiration, cancellation and/or restriction. If any of the insurance coverages will expire prior to the completion of any Project, copies of renewal policies shall be furnished at least thirty (30) days prior to the date of their expiration.

9.2.4 CITY reserves the right to review and revise any insurance requirements at the time of renewal or amendment of this Contract, including, but not limited to, deductibles, limits, coverage, and endorsements based on insurance market conditions affecting the availability or affordability of coverage, or changes in the scope of work or specifications that affect the applicability of coverage. If CONSULTANT uses a Subconsultant, CONSULTANT shall ensure that Subconsultant names CITY and the Deerfield Beach City Commission as additional insured under the Commercial Liability Policy as well as on any Excess Liability Policy coverage.

9.3 CONSULTANT shall, at a minimum, provide, pay for, and maintain in force at all times during the term of this Agreement the following insurance:

Commercial Liability Insurance - A Commercial Liability Insurance Policy shall be provided which shall contain limits of no less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury liability, personal injury liability and property damage liability on a per project basis, and shall contain limits of no less than a Two Million Dollars(\$2,000,000.00) aggregate. Coverage must be afforded on a form no more restrictive than CG 20 10 10 01 and CG 20 37 10 01 Commercial Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office and must include: premises and operations, independent contractors, products and/or completed operations for contracts, broad form contractual coverage applicable to this specific Contract including any hold harmless and/or indemnification Contract, personal injury coverage with employee and contractual exclusions removed and policy limits shall be applied on a primary and non-contributory basis.

Professional Liability (Errors & Omissions) Insurance - Professional Liability Insurance with the limits of liability provided by such policy for each claim and on a claim made basis or on an occurrence basis to be no less than one million Dollars (\$1,000,000) per occurrence with a limit of no less than two million dollars (\$2,000,000) aggregate with a deductible per claim not to exceed ten percent (10%) of the limit of liability. CONSULTANT shall notify the CITY in writing within thirty (30) days of any claim filed or made against its Professional Liability Insurance Policy. CONSULTANT acknowledges that the CITY is relying on the competence of the CONSULTANT to design a project to meet its functional intent. If it is determined during construction of a project that changes must be made due to CONSULTANT's negligent errors and omissions, CONSULTANT shall promptly rectify them at no cost to CITY and shall be responsible for additional costs, if

any, of a project to the proportional extent caused by such negligent errors or omissions.

Business Automobile Liability - Business Automobile Liability shall be provided with minimum limits of One Million Dollars (\$1,000,000.00) per occurrence or combined single limit for Bodily Injury Liability and Property Damage Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Services Office, and must at a minimum include liability coverage symbols: 2 (owned vehicles), 8 (hired vehicles) and 9 (non-owned vehicles).

Workers Compensation Insurance - Workers' Compensation insurance to apply for all employees in compliance with Chapter 440, Florida Statutes, as may be amended from time to time, the "Workers' Compensation Law" of the State of Florida, and all applicable Federal laws. In addition, the policy(ies) must include employers' liability with a limit of One Million Dollars (\$1,000,000.00) each accident, One Million Dollars (\$1,000,000.00) aggregate limit by disease and One Million Dollars (\$1,000,000.00) each employee by disease. Additionally, if there will be operations undertaken on, about or over navigable waterways, evidence of a coverage endorsement for U.S. Longshoremen and Harbor Workers Act (USL&H), and/or Jones Act, for maritime laws coverage shall be included. The Policy shall include a waiver of subrogation for all liability arising out of this contract. If exempt for Worker's Compensation, proper documentation shall be provided.

SECTION 10

NON-APPROPRIATION OF FUNDS

In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal year for payments due under this Work Authorization, then the City, upon written notice to Consultant of such occurrence, shall have the unqualified right to terminate this Work Authorization without any penalty or expense to the City.

SECTION 11

MISCELLANEOUS

Consultant shall, without additional expense to the City, be responsible for paying any taxes, obtaining any necessary licenses and for complying with all applicable federal, state, county, and municipal laws, ordinances and regulations in connection with the performance of the Services specified herein.

SECTION 12
AUDIT AND INSPECTION RIGHTS

- 12.1 The City may, at reasonable times, and for a period of up to three (3) years following the date of final performance of Services by Consultant under this Work Authorization, audit, or cause to be audited, those books and records of Consultant that are related to Consultant's performance under this Work Authorization. Consultant agrees to maintain all such books and records at its principal place of business for a period of three (3) years after final payment is made under this Work Authorization.
- 12.2 The City may, at reasonable times during the term hereof, perform such inspections, as the City deems reasonably necessary, to determine whether the services required to be provided by Consultant under this Work Authorization conform to the terms of this Work Authorization. Consultant shall make available to the City all reasonable assistance to facilitate the performance of inspections by the City's representatives.

SECTION 13
AMENDMENTS AND ASSIGNMENT

- 13.1 This Work Authorization together with Exhibit "A" and all negotiations and oral understandings between the parties are merged herein. The terms and conditions set forth in this Work Authorization supersede any and all previous agreements, promises, negotiations or representations, except as otherwise provided in Section 6 . Any other agreements, promises, negotiations or representations not expressly set forth in this Work Authorization are of no force and effect.
- 13.2 No modification, amendment or alteration of the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality as this Work Authorization.
- 13.3 Consultant shall not transfer or assign the performance of Services called for in the Work Authorization without the prior written consent of the City, which may be withheld or conditioned in the City's sole discretion.

SECTION 14
NOTICES

Whenever either party desires to give notice to the other, it must be given by written notice in accordance with the requirements of Notices section of the Continuing Contract.

SECTION 15
GOVERNING LAW AND VENUE

This Work Authorization shall be construed in accordance with, and governed by, the laws of the State of Florida. Venue for any action arising out of, or relating to this Work Authorization shall be in Broward County, Florida.

Work Authorization April 2023

SECTION 16
HEADINGS, CONFLICT OF PROVISIONS,
WAIVER OR BREACH OF PROVISIONS

Headings are for convenience of reference only and shall not be considered in any interpretation of this Work Authorization. In the event of conflict between the terms of this Work Authorization and any terms or conditions contained in any attached documents, the terms in this Work Authorization shall prevail. No waiver or breach of any provision of this Work Authorization shall constitute a waiver of any subsequent breach of the same or any other provision, and no waiver shall be effective unless made in writing.

SECTION 17
NON-DISCRIMINATION

Consultant represents and warrants to the City that Consultant does not and will not engage in discriminatory practices and that there shall be no discrimination in connection with Consultant's performance under this Work Authorization on account of race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for delivery of services. Consultant further covenants that no otherwise qualified individual shall, solely by reason of his/her race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for delivery of services, be excluded from participation in, be denied services, or be subject to discrimination under any provision of this Work Authorization.

SECTION 18
PUBLIC RECORDS

Consultant understands that the public shall have access, at all reasonable times, to all documents and information pertaining to City contracts, subject to the provisions of Chapter 119, Florida Statutes, and agrees to allow access by the City and the public to all documents subject to disclosure under applicable law. Consultant's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Work Authorization by the City.

SECTION 19
SEVERABILITY

If any provision of this Work Authorization or the application thereof to any person or situation shall to any extent, be held invalid or unenforceable, the remainder of this Work Authorization, and the application of such provisions to persons or situations other than those as to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

SECTION 20
SURVIVAL

All representations and other relevant provisions herein shall survive and thereby continue in full force and effect, upon termination of this Work Authorization.

SECTION 21
JOINT PREPARATION

The parties hereto acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein, including the Continuing Contract, and that the preparation of this Work Authorization has been a joint effort of the parties, the language has been agreed to by parties to express their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

IN WITNESS WHEREOF, the parties hereto have made and executed this Work Authorization on the respective dates under each signature.

CITY

CITY OF DEERFIELD BEACH, a municipal
corporation of the State of Florida

ATTEST:

Heather Montemayor, City Clerk

By: _____
David Santucci, City Manager

This ____ day of _____, 2024.

Approved as to form and legal sufficiency
for the use of and reliance by the City of
Deerfield Beach only:

Anthony C. Soroka, City Attorney

CONSULTANT

By: Mike Stoup
Signature

Name: Mike Stoup, P.E.

Title: Vice President

This 10 day of May, 2024.

Work Authorization April 2023

EXHIBIT A SCOPE OF SERVICES

Consultant shall provide professional engineering services for the upgrade of Well 17 & 18 Project as follows:

TASK 1 – Project Management Consultant shall provide project management throughout the duration of the project including the following.

- a. Provide project management for the project. This will include project setup and coordination as well as QA/QC for project deliverables.
- b. Participate in a project kick-off meeting with the City to review the scope, schedule and budget of the project as well as identify the goals of the project.
- c. Conduct project status update meetings as necessary throughout the duration of the project to review the current project status and maintain a positive project execution.
- d. Monthly invoicing summarizing the work completed during the invoice period.

TASK 2 – Data Collection and Technical Memorandum

- a. Collect information from the City related to the electrical and I&C systems currently in operation. Items collected will include drawings, specifications, standards, and vendor manuals.
- b. Participate in site walk-throughs of each site to observe and record the existing electrical and I&C systems. The focus of the walk-throughs will be to relate the current conditions to the new project's scope.
- c. Prepare a Technical Memorandum detailing the findings and options for equipment. Options will include power distribution methods and generator installation locations, among others.
- d. Review the Technical Memo with the City and determine which options presented will be used on the project.

TASK 3 – 60% Design Services

I&C Engineering Services

- a. Prepare an I/O list including new generator installation
- b. Prepare an RTU panel design including electrical schematics, bill of materials and panel layout
- c. Develop a draft control narrative for the process
- d. Prepare the preliminary sections of the technical specifications
- e. Develop an Opinion of Probable Construction Cost (OPCC)

Work Authorization April 2023

- f. Participate in a design review meeting with the City
- g. Modify the 60% design drawings per the comments received in the design review meeting
- h. Issue the 60% design drawings to the City

Electrical Engineering Services

- a. Develop electrical site and building plans
- b. Develop power and control riser diagrams
- c. Prepare panel schedules
- d. Prepare standard details
- e. Prepare the Division 16 specifications
- f. Develop an Opinion of Probable Construction Cost (OPCC)
- g. Participate in a design review meeting with the City
- h. Modify the 60% design drawings per the comments received in the design review meeting
- i. Issue the 60% design drawings to the City

TASK 4 – 100% / IFB Design Services

I&C Engineering Services

- a. Finalize electrical schematics
- b. Finalize panel layouts
- c. Finalize control narrative for the process.
- d. Finalize the sections of the technical specifications
- e. Finalize the Opinion of Probable Construction Cost (OPCC)
- f. Participate in a design review meeting with the City
- g. Modify the 100% / IFB design drawings per the comments received in the design review meeting
- h. Issue the 100% / IFB design drawings to the City

Electrical Engineering Services

- a. Develop lighting and grounding plans
- b. Develop interconnection diagrams
- c. Develop control schematics
- d. Finalize the Division 16 specifications

- e. Finalize the Opinion of Probable Construction Cost (OPCC)
- f. Participate in a design review meeting with the City
- g. Modify the 100% / IFB design drawings per the comments received in the design review meeting
- h. Issue the 100% / IFB design drawings to the City

III. ASSUMPTIONS and CLARIFICATIONS

- a. This proposal is valid for 60 days from the date of issue.
- b. Bidding, construction administration and programming are not included in this scope of work.
- c. Existing motor horsepowers will remain the same.
- d. Existing instrumentation is in proper working order and will remain.
- e. Material procurement and construction is not included.
- f. Permits are not included.
- g. The design will specify all power and instrument wiring will be replaced. Existing conduits will remain.

	Project Manager \$218.00	Project Engineer III \$213.00	I&C Specialist II \$192.00	Designer II \$135.00	Senior Project Admin \$109.00
Task 1 Project Management	44				6
Task 2 Data Collection and TM		80	24		
Task 3 60% Design		134	36	242	8
Task 4 100% / IFB Design		92	18	140	8
TOTAL HOURS	44	306	78	382	22
EXPENSES		\$4,675	\$1,270		
SUBTOTAL COST	\$9,592	\$69,853	\$16,246	\$51,570	\$2,398

TOTAL COST \$149,659.00

Work Authorization April 2023



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-209

Agenda Date: 5/21/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with Hazen and Sawyer, P.C. to provide professional engineering services related to the NF and RO sand strainer modifications located at the West Water Treatment Plant in an amount not to exceed \$342,110.00; providing for execution and an effective date. (Fund from Account #413-5020-533-65-30 - CIP Infrastructure)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$342,110.00

Account Name: CIP Infrastructure

Account Number: 413-5020-533-65-30

Background/History

The existing sand strainer was installed in 2003, is 21 years old, and currently causes operational issues and system failures. The unit was originally designed to accommodate the maximum flow rate of the nano-filtration treatment process. The current water treatment method used to maximize water quality does not use the nano-filtration process at its maximum flow rate, which has resulted in it being oversized for current operations. Therefore, an excessive amount of water is required when performing a backwash which often triggers a shut-down due to low flow/pressure to the nano filtration plant. Replacement of the current sand strainer with smaller multiple units will correct this issue and was recommended in the Carollo Integrated Utilities Master Plan, Technical Memorandum 3.

Current Activity

In accordance with the City's Master CCNA Continuing Services Contract dated April 12, 2021, pursuant to RFQ # 21-11-IG, City staff reviewed the qualifications of the following three firms on the RFQ List: Kimberly Horn, Hazen-Sawyer, and Rummel, Klepper & Kahl. After reviewing the firms qualifications for the specific project, City staff determined Hazen and Sawyer was the most qualified firm. As such, staff requested and received a scope of service proposal from Hazen and Sawyer for the West Water Plant Sand Strainer Replacement Project, which staff determined to be reasonable and consistent with industry standards.

Recommendation

It is recommended that the City Commission approve the Work Authorization for professional engineering and consulting services with Hazen and Sawyer for the West Water Treatment Plant

Sand Strainer Replacement Project in accordance with the Master CCNA Continuing Services Contract, dated April 12, 2021, and Hazen and Sawyer's Proposal for the Project.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING A WORK AUTHORIZATION WITH HAZEN AND SAWYER, P.C. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RELATED TO NF AND RO SAND STRAINER MODIFICATIONS LOCATED AT THE WEST WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$342,110.00; PROVIDING FOR EXECUTION AND AN EFFECTIVE DATE

WHEREAS, the current sand strainer at the West Water Treatment Plant was installed in 2003 and is 21 years old; and

WHEREAS, although the sand strainer has not exceeded its anticipated service life, it has been causing operational difficulties and system failures; and

WHEREAS, the design of the sand strainer was to accommodate the maximum rated flow of the nano filtration plant, which has resulted in it being oversized for normal operations whereby the excessive amount of water required during normal backwash evolutions often triggers a system shutdown due to low flow/pressure to the nano filtration plant; and

WHEREAS, the Carollo Integrated Utilities Master Plan, Technical Memorandum 3 recommended replacement of the current sand strainer with smaller multiple units; and

WHEREAS, pursuant to Request for Qualifications #2021-11-IG (the “RFQ”) and Section 287.055, Florida Statutes, the City entered into multiple continuing contracts with qualified firms for the provision of professional architectural and engineering consulting services on an as needed basis, including a continuing contract with Hazen and Sawyer, P.C. (“Hazen”) dated April 12, 2021 and renewed on April 12, 2024 for another year (the “Continuing Contract”); and

WHEREAS, the Department of Environmental Services (the “Department”) reviewed the qualifications and experience of the City’s continuing contractors and determined that Hazen is the most qualified firm for this type of project; and

WHEREAS, the Department requested a proposal from Hazen to provide engineering and programming services related to preliminary design, detailed design, and permitting and bidding consultation as required for implementing improvements to the sand strainer facilities at the West Water Treatment Plant (collectively the “Services”); and

WHEREAS, the City desires to issue a Work Authorization to Hazen under the terms and conditions of the existing Continuing Contract, in an amount not to exceed \$342,110.00; and

WHEREAS, staff recommends the City Commission approve and authorize execution of the Work Authorization with Hazen, attached as Exhibit “1”, for the Services in an amount not to exceed \$342,110.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby approves the Work Authorization with Hazen, attached as Exhibit “1”, for the Services in an amount not to exceed \$342,110.00.

Section 3. The City Manager is hereby authorized to execute the Work Authorization with Hazen, attached as Exhibit “1”, consistent with the terms of the Continuing Contract, together with such additional terms as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4. The appropriate City officials are authorized to take all necessary steps to implement the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

**WORK AUTHORIZATION
BETWEEN
CITY OF DEERFIELD BEACH AND
HAZEN AND SAWYER
FOR PROFESSIONAL ENGINEERING SERVICES FOR NF AND RO STRAINER
MODIFICATIONS PROJECT LOCATED AT THE WEST WATER TREATMENT PLANT**

This Work Authorization is entered into this ____day of _____, 2024, by and between the City of Deerfield Beach, Florida, a municipal corporation of the State of Florida, (the "City") and Hazen and Sawyer, P.C., a Florida corporation authorized to do business in the State of Florida, (the "Consultant").

RECITALS

WHEREAS, the City and the Consultant entered into a master CCNA continuing services contract dated April 12, 2021 pursuant to RFQ # 21-11-IG, (the "Continuing Contract") and Consultant has been approved to provide the services contemplated herein; and

WHEREAS, on February 23, 2024, the Continuing Contract was renewed for the first of two renewals, commencing on April 12, 2024 and expiring on April 11, 2025; and

WHEREAS, the City and the Consultant desire to enter into this Work Authorization for the Consultant to perform professional engineering services as more specifically set forth in Exhibit "A" of this Work Authorization .

NOW, THEREFORE, in consideration of the mutual terms and conditions, promises, and covenants, hereinafter set forth, City and Consultant agree as follows:

SECTION 1
RECITALS

The above recitals are acknowledged and incorporated herein to this Work Authorization.

SECTION 2
SCOPE OF SERVICES

Consultant agrees to perform certain professional engineering services for the City, as more specifically described in the Scope of Services attached as Exhibit "A" to this Work Authorization (the "Services"), and in accordance with the terms and conditions set forth herein and in the Continuing Contract, of which by this reference are incorporated into this Work Authorization in its entirety, during the Term and within the timeline provided for in this Work Authorization.

SECTION 3

COMPENSATION

In consideration for the Services to be performed by Consultant, the City agrees to pay Consultant an amount not-to-exceed \$342,110.00 as further detailed in Exhibit " B". Compensation due to the Consultant shall be payable within 30 calendar days following submission of a proper invoice by the Consultant to the City. In the event of City's termination of this Work Authorization prior to the end of the Work Authorization Term pursuant to Section 5, City shall pay Consultant on a pro-rata basis for the Services performed by Consultant prior to the City's termination of this Work Authorization.

SECTION 4

TERM OF WORK AUTHORIZATION

The term of this Work Authorization shall commence upon the date of execution hereof and shall remain in effect until the Services are completed to the City's satisfaction (the "Term"), unless terminated earlier pursuant to Section 5 of this Work Authorization.

SECTION 5

TERMINATION OF WORK AUTHORIZATION

City may terminate this Work Authorization for convenience by giving the Consultant 30 days' advance written notice. The termination of this Work Authorization shall not relieve either party of any liability that accrued prior to such termination and any such accrued liability shall survive the termination of this Work Authorization.

SECTION 6

CONTINUING CONTRACT

The Services to be provided by Consultant pursuant to this Work Authorization shall comply with all of the terms and conditions set forth in the Continuing Contract between City and Consultant, which by this reference is incorporated into this Work Authorization in its entirety. In the event there is a conflict between the terms of this Work Authorization and the Continuing Contract, the terms of the Continuing Contract shall prevail.

SECTION 7

INDEPENDENT CONSULTANT

Consultant is an independent Consultant under this Work Authorization. Services provided by Consultant shall be by employees or sub-consultants of Consultant and subject to supervision by Consultant, and not as officers, employees or agents of the City. Personnel policies, tax responsibilities, social security, health insurance, employee benefits, travel, per diem policy, and purchasing policies under the Work Authorization shall be the sole responsibility of Consultant. Consultant shall have no rights under the City's worker's compensation, employment, insurance benefits or similar laws or benefits.

SECTION 8
INDEMNIFICATION / HOLD HARMLESS CLAUSE

Consultant shall indemnify and hold harmless City, its officers and employees from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness or intentionally wrongful conduct of Consultant, and other persons employed or utilized by Consultant in the performance of this Work Authorization. The provisions of this section shall survive the expiration or earlier termination of this Work Authorization. To the extent considered necessary by Contract Administrator and City Manager, any sums due Consultant under this Work Authorization may be retained by City until all of City's claims for indemnification pursuant to this Work Authorization and the Services provided have been settled or otherwise resolved, and any amount withheld shall not be subject to payment of interest by City. Nothing in this Work Authorization or the Continuing Contract shall be deemed or treated as a waiver by the City of any immunity which it is entitled by law, including but not limited to the City's sovereign immunity as set forth in Section 768.28, Florida Statutes.

SECTION 9
INSURANCE

9.1 The CONSULTANT shall satisfy the insurance requirements stated herein. The CONSULTANT shall not commence the work or otherwise perform the work as required by the applicable Work Authorization and/or Notice to Proceed until the requirements stated herein are met and the Certificate(s) of Insurance is approved by the CITY. The CONSULTANT shall assume full responsibility and expense to obtain all necessary insurance.

9.2 General

9.2.1 The CONSULTANT shall furnish to the Contract Administrator a Certificate of Insurance or endorsements evidencing the insurance coverage specified herein within fifteen (15) calendar days after the effective date of this Agreement. The required Certificates of Insurance shall name the types of policies provided, refer specifically to the Agreement, and state that such insurance is as required by this Contract. CONSULTANT's failure to provide to CITY the Certificates of Insurance or endorsements evidencing the insurance coverage within fifteen (15) calendar days shall provide the basis for the termination of the Agreement.

9.2.2 Such policy or policies shall be without any deductible amount unless otherwise noted in this Agreement and shall be issued by approved companies authorized to do business in the State of Florida, and having agents upon whom service of process may be made in Broward County, Florida. CONSULTANT shall pay all deductible amounts, if any. CONSULTANT shall specifically protect CITY and the Deerfield Beach City Commission by naming CITY and the Deerfield Beach City Commission as additional insured under the Commercial Liability Policy, Business Automobile Liability policy as well as on any Excess Liability Policy coverage.

9.2.3 Coverage is not to cease and is to remain in force (subject to cancellation notice) until all performance required of CONSULTANT is complete including all renewal terms. All policies must be endorsed to provide CITY with at least thirty (30) days' notice of expiration, cancellation and/or restriction. If any of the insurance coverages will expire prior to the completion of any Project, copies of renewal policies shall be furnished at least thirty (30) days prior to the date of their expiration.

9.2.4 CITY reserves the right to review and revise any insurance requirements at the time of renewal or amendment of this Contract, including, but not limited to, deductibles, limits, coverage, and endorsements based on insurance market conditions affecting the availability or affordability of coverage, or changes in the scope of work or specifications that affect the applicability of coverage. If CONSULTANT uses a Subconsultant, CONSULTANT shall ensure that Subconsultant names CITY and the Deerfield Beach City Commission as additional insured under the Commercial Liability Policy as well as on any Excess Liability Policy coverage.

9.3 CONSULTANT shall, at a minimum, provide, pay for, and maintain in force at all times during the term of this Agreement the following insurance:

Commercial Liability Insurance - A Commercial Liability Insurance Policy shall be provided which shall contain limits of no less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury liability, personal injury liability and property damage liability on a per project basis, and shall contain limits of no less than a Two Million Dollars (\$2,000,000.00) aggregate. Coverage must be afforded on a form no more restrictive than CG 20 10 10 01 and CG 20 37 10 01 Commercial Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office and must include: premises and operations, independent contractors, products and/or completed operations for contracts, broad form contractual coverage applicable to this specific Contract including any hold harmless and/or indemnification Contract, personal injury coverage with employee and contractual exclusions removed and policy limits shall be applied on a primary and non-contributory basis.

Professional Liability (Errors & Omissions) Insurance - Professional Liability Insurance with the limits of liability provided by such policy for each claim and on a claim made basis or on an occurrence basis to be no less than one million Dollars (\$1,000,000) per occurrence with a limit of no less than two million dollars (\$2,000,000) aggregate with a deductible per claim not to exceed ten percent (10%) of the limit of liability. CONSULTANT shall notify the CITY in writing within thirty (30) days of any claim filed or made against its Professional Liability Insurance Policy. CONSULTANT acknowledges that the CITY is relying on the competence of the CONSULTANT to design a project to meet its functional intent. If it is determined during construction of a project that changes must be made due to CONSULTANT's negligent errors and omissions, CONSULTANT shall promptly rectify them at no cost to CITY and shall be responsible for additional costs, if

any, of a project to the proportional extent caused by such negligent errors or omissions.

Business Automobile Liability - Business Automobile Liability shall be provided with minimum limits of One Million Dollars (\$1,000,000.00) per occurrence or combined single limit for Bodily Injury Liability and Property Damage Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Services Office, and must at a minimum include liability coverage symbols: 2 (owned vehicles), 8 (hired vehicles) and 9 (non-owned vehicles).

Workers Compensation Insurance - Workers' Compensation insurance to apply for all employees in compliance with Chapter 440, Florida Statutes, as may be amended from time to time, the "Workers' Compensation Law" of the State of Florida, and all applicable Federal laws. In addition, the policy(ies) must include employers' liability with a limit of One Million Dollars (\$1,000,000.00) each accident, One Million Dollars (\$1,000,000.00) aggregate limit by disease and One Million Dollars (\$1,000,000.00) each employee by disease. Additionally, if there will be operations undertaken on, about or over navigable waterways, evidence of a coverage endorsement for U.S. Longshoremen and Harbor Workers Act (USL&H), and/or Jones Act, for maritime laws coverage shall be included. The Policy shall include a waiver of subrogation for all liability arising out of this contract. If exempt for Worker's Compensation, proper documentation shall be provided.

SECTION 10 **NON-APPROPRIATION OF FUNDS**

In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal year for payments due under this Work Authorization, then the City, upon written notice to Consultant of such occurrence, shall have the unqualified right to terminate this Work Authorization without any penalty or expense to the City.

SECTION 11 **MISCELLANEOUS**

Consultant shall, without additional expense to the City, be responsible for paying any taxes, obtaining any necessary licenses and for complying with all applicable federal, state, county, and municipal laws, ordinances and regulations in connection with the performance of the Services specified herein.

SECTION 12 **AUDIT AND INSPECTION RIGHTS**

- 12.1 The City may, at reasonable times, and for a period of up to three (3) years following the date of final performance of Services by Consultant under this Work Authorization, audit, or cause to be audited, those books and records of Consultant that are related to Consultant's performance under this Work Authorization. Consultant agrees to

maintain all such books and records at its principal place of business for a period of three (3) years after final payment is made under this Work Authorization.

- 12.2 The City may, at reasonable times during the term hereof, perform such inspections, as the City deems reasonably necessary, to determine whether the services required to be provided by Consultant under this Work Authorization conform to the terms of this Work Authorization. Consultant shall make available to the City all reasonable assistance to facilitate the performance of inspections by the City's representatives.

SECTION 13 **AMENDMENTS AND ASSIGNMENT**

- 13.1 This Work Authorization together with Exhibits "A" and "B", and all negotiations and oral understandings between the parties are merged herein. The terms and conditions set forth in this Work Authorization supersede any and all previous agreements, promises, negotiations or representations, except as otherwise provided in Section 6. Any other agreements, promises, negotiations or representations not expressly set forth in this Work Authorization are of no force and effect.
- 13.2 No modification, amendment or alteration of the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality as this Work Authorization.
- 13.3 Consultant shall not transfer or assign the performance of Services called for in the Work Authorization without the prior written consent of the City, which may be withheld or conditioned in the City's sole discretion.

SECTION 14 **NOTICES**

Whenever either party desires to give notice to the other, it must be given by written notice in accordance with the requirements of Notices section of the Continuing Contract.

SECTION 15 **GOVERNING LAW AND VENUE**

This Work Authorization shall be construed in accordance with, and governed by, the laws of the State of Florida. Venue for any action arising out of, or relating to this Work Authorization shall be in Broward County, Florida.

SECTION 16 **HEADINGS, CONFLICT OF PROVISIONS,** **WAIVER OR BREACH OF PROVISIONS**

Headings are for convenience of reference only and shall not be considered in any interpretation of this Work Authorization. In the event of conflict between the terms of this Work Authorization and any terms or conditions contained in any attached documents, the

terms in this Work Authorization shall prevail. No waiver or breach of any provision of this Work Authorization shall constitute a waiver of any subsequent breach of the same or any other provision, and no waiver shall be effective unless made in writing.

SECTION 17 **NON-DISCRIMINATION**

Consultant represents and warrants to the City that Consultant does not and will not engage in discriminatory practices and that there shall be no discrimination in connection with Consultant's performance under this Work Authorization on account of race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for delivery of services. Consultant further covenants that no otherwise qualified individual shall, solely by reason of his/her race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for delivery of services, be excluded from participation in, be denied services, or be subject to discrimination under any provision of this Work Authorization.

SECTION 18 **PUBLIC RECORDS**

Consultant understands that the public shall have access, at all reasonable times, to all documents and information pertaining to City contracts, subject to the provisions of Chapter 119, Florida Statutes, and agrees to allow access by the City and the public to all documents subject to disclosure under applicable law. Consultant's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Work Authorization by the City.

SECTION 19 **SEVERABILITY**

If any provision of this Work Authorization or the application thereof to any person or situation shall to any extent, be held invalid or unenforceable, the remainder of this Work Authorization, and the application of such provisions to persons or situations other than those as to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

SECTION 20 **SURVIVAL**

All representations and other relevant provisions herein shall survive and thereby continue in full force and effect, upon termination of this Work Authorization.

SECTION 21
JOINT PREPARATION

The parties hereto acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein, including the Continuing Contract, and that the preparation of this Work Authorization has been a joint effort of the parties, the language has been agreed to by parties to express their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

IN WITNESS WHEREOF, the parties hereto have made and executed this Work Authorization on the respective dates under each signature.

CITY

CITY OF DEERFIELD BEACH, a municipal
corporation of the State of Florida

ATTEST:

Heather Montemayor, City Clerk

By: _____
David Santucci, City Manager

Approved as to form and legal sufficiency
for the use of and reliance by the City of
Deerfield Beach only:

Anthony C. Soroka, City Attorney

This ____ day of _____, 2024

CONSULTANT

By: _____
Signature

Name: _____

Title: _____

This ____ day of _____, 2024

EXHIBIT A SCOPE OF SERVICES

Consultant shall provide professional engineering services for the City of Deerfield Beach West Water Treatment Plant NF and RO Strainer Modifications Project as follows:

1. PROJECT BACKGROUND

The City owns and operates the West Water Treatment Plant (WTP). Raw water from the Biscayne and Floridan aquifers is pretreated before it goes through nanofiltration (NF) and reverse osmosis (RO) treatment processes, respectively, to protect the membranes from fouling and damage. Pretreatment consists of a strainer system and cartridge filters for particle removal and chemical conditioning. For the NF system, a sand strainer removes the bulk of the suspended solids (primarily gravel and sand), turbidity, and organic matter from the raw feed water.

A single automatic self-cleaning sand strainer is currently utilized in the NF pretreatment process. The current NF sand strainer system is oversized and has caused problems for the City in terms of overall plant operation and maintenance, specifically with regards to the strainer backwash needs. The RO treatment process, which is currently out of service, does not utilize a sand strainer system.

2. SCOPE OF SERVICES:

A. **General.** The City has selected Consultant to provide engineering services necessary for preliminary design, detailed design, permitting and bidding as required for implementing improvements to the sand strainer facilities at the West WTP.

Consultant will design replacement of the NF single automatic self-cleaning sand strainer with multiple new sand strainers for additional system flexibility and the addition of a new single RO sand strainer system along with all piping, valves, accessories, electrical and controls. Sand strainers will be adequately sized to strain both the Biscayne and Floridan aquifers for the NF and RO plants, respectively. To minimize disruption to the West WTP Nanofiltration operations, this project will be constructed as follows:

- Existing NF sand strainer will remain in operation until new NF sand strainers are operational; Installation and startup of new NF sand strainer system and demolition of existing NF sand strainer system.
- Installation and startup of the new RO sand strainer system will occur in parallel with the NF sand strainer installation.

The major components anticipated to be incorporated into the design are as follows:

Nanofiltration Sand Strainer System

- Design removal of the existing sand strainer system for the NF treatment process.
- Design new replacement sand strainers, piping, supports and valves. The single 15.8 mgd sand strainer will be replaced with multiple adequately sized sand strainers.

- Structural modifications will include the concrete equipment pads for the sand strainers.

Design will consider alternative NF strainer backwash waste disposal options, including new piping and valves to injection well disposal and waste to gravity sewer, to the extent practicable. NF strainer backwash water is currently being disposed and stored in the onsite backwash storage basin. City

staff noted that the backwash storage basin may be repurposed in the future if the lime softening treatment plant is demolished.

- Design electrical and controls for the new sand strainer system.

Reverse Osmosis Sand Strainer System

- Design civil site improvements for the proposed RO strainer system.
- Design new RO sand strainer, piping, supports and valves.
- Structural modifications will include the concrete equipment pads for the sand strainer.
- Design will consider alternative RO strainer backwash waste disposal options, including new piping and valves to injection well disposal and waste to gravity sewer, to the extent practicable. City staff noted that the existing backwash storage basin may be repurposed in the future if the lime softening treatment plant is demolished.
- Design electrical and controls for the new RO sand strainer system.

B. **Tasks.** The following tasks provide professional services for design of the above-described improvements to the West WTP sand strainer systems. Services will include the following tasks:

Task 1 – Site Visit and Information Review

Task 2 – Design

Task 3 – Pre-Bid Permitting

Task 4 – Project Management

Task 5 – Bidding

Task 1 – Site Visit and Information Review: Project Kick-Off Meeting and Information Review

Consultant will conduct a combined kickoff meeting and site visit with City staff within two weeks after receiving the Notice to Proceed. The purpose of this task is to identify project protocols, establish coordination between Consultant and City staff, and collect any additional available documents (existing drawings, specifications, operating data, and O&M manuals) from the City on the existing sand strainer system and the functional requirements for the proposed facilities.

Following the kickoff meeting, the Consultant and City staff will perform a preliminary site survey assessment via visual inspection to confirm key information defined on the documentation of the existing site conditions previously provided to Consultant by City.

Consultant will prepare an agenda prior to the meeting and electronically distribute meeting minutes following the meeting.

Task 2 – Design

Subtask 2.1 - Prepare Preliminary Design Report

Consultant will prepare a preliminary design report (PDR) which conceptualizes the design approach for the sand strainer system improvements. The PDR will provide detailed recommendations for improvements to address reliability and redundancy, operation and maintenance, health and safety, and compliance with Florida Administrative Code (FAC) 62-555.520(4)(a) requirements (to be detailed in Subtask 2.3). Items to be addressed will include, as applicable:

- Brief description of the project and its purpose.
- Preliminary site plans including locations for the proposed sand strainers.
- Evaluate historical plant flow, feed water quality, pressure and temperature requirements to establish strainer equipment sizing and selection for the NF and RO system.
- Evaluate alternate options for disposal of the strainer backwash flows for both the NF and the RO system. The feasibility of utilizing the existing deep injection well system and gravity sewer will be evaluated. The NF strainer backwash flow is currently being disposed of in the backwash water storage basin.
- Develop detailed description of the proposed NF and RO strainer system components, including discussion on appropriate type, material, size and configuration of the sand strainers based on the feed water characteristics, the membrane specifications, and the plant operational requirements.
- Develop description of ancillary systems including electrical systems, operation and control strategies, monitoring requirements and security.
- Evaluate MOPO requirements for project, including temporary sand strainer system.
- Develop preliminary budgetary opinion of construction cost estimate for the project.
- Assist City with recommendations on equipment that can be pre-purchased, as required to meet budget limitations.

Consultant will provide the City with one electronic copy (MS Word and PDF format) of the draft preliminary PDR. Consultant shall meet with City staff to review the draft PDR and receive comments. Consultant will then incorporate comments and finalize the PDR. Fourteen calendar days of review time for City have been provided for in Consultant's time of performance.

Subtask 2.2 - Preliminary Design

During preliminary design, CONSULTANT shall obtain existing condition information including:

2.2.1 Topographic Survey

Consultant will retain a surveyor to perform a topographic survey of the area that shall be impacted by construction activities under the Scope of this project as identified in the PDR under subtask 2.1. The survey will become part of the Contract Documents submittals for the building permit application.

2.2.2 Geotechnical Investigation

If required, Consultant will retain a geotechnical engineer to prepare a geotechnical report to determine subsurface soil conditions in the finalized location of the concrete slab on grade for the RO

sand strainer system, as identified in PDR under subtask 2.1. This task includes up to three (3) soil borings. If borings are not required proposed geotechnical services will be adjusted accordingly.

Subtask 2.3 - Detailed Design

Based on the information and recommendations approved within the PDR, Consultant will prepare detailed design drawings and technical specifications that detail the character and extent of the project. The design documents will be prepared as one set of contract documents for bidding to a single contractor.

At each design milestone as described below, Consultant will provide City with five hard copies and one electronic copy (PDF format) of construction contract documents (drawings and technical specifications) for that milestone. Consultant will meet with City to receive and discuss City's review comments. Consultant will incorporate into the construction contract documents the review comments of City as required.

50% Design

The 50% design milestone submittal will consist of preliminary general, civil, mechanical, structural, instrumentation and electrical disciplines. Drawings will include plan views and schematic diagrams. Drawings will be 11-inch by 17-inch. Draft technical specifications plans (Divisions 2 – 17) will also be included in the submittal. Fourteen calendar days of review time for City have been provided for in Consultant's time of performance.

95% Design

The 95% design milestone submittal will consist of the entire contract document set including, technical specifications and construction drawings for all work proposed. Drawings will be 11-inch by 17-inch. Fourteen calendar days of review time for the City have been provided for in Consultant's time of performance.

100% Design

Consultant will provide City with 100% design documents (technical specifications and construction drawings) that incorporate comments received from city during the 95% design review meeting. Consultant will provide City with three hard copies (additional copies will be provided if needed) and one electronic copy (PDF format) of 100% design documents. Hard copy drawings will be 11-inch by 17-inch.

Subtask 2.4 - Preparation of Probable Construction Cost Estimates

Consultant will develop an opinion of probable construction cost (OPCC) based on the 50% and 100% design milestone stages of the project. At the 50% design milestone, Consultant will provide a Class 3 level OPCC as defined by the Association for Advancement of Cost Engineering International (AACE International). An OPCC of this type is normally expected to be accurate within +30% and - 15%. At the 100% design milestone, Consultant will update the OPCC provided at 50% design milestone.

Task 3 - Pre-Bid Permitting

At the 100% stage of design, Consultant will submit the 100% design documents with the appropriate application/forms to the permitting agencies listed below for review or permit issuance as noted.

State of Florida Department of Environmental Protection (FDEP):

- Application For a Specific Permit to Construct PWS Components

City of Deerfield Beach Building Department Preliminary Plan Review:

Consultant will submit the contract documents to the City of Deerfield Beach Building Department for a preliminary “dry run” review. Consultant will provide responses associated with meeting with the City’s Building Department and responding to its request for additional information. Consultant will participate in one meeting with the Building Department to resolve outstanding issues.

Task 4 – Project Management

Consultant will attend meetings identified under other tasks and as otherwise requested by City. Meeting notes will be prepared by Consultant and distributed electronically to attendees. Consultant’s compensation is based on six (6) meetings at intervals suitable to discuss project progress and submittals.

Consultant will develop project management plan that includes task breakdown with staff planning quality management plan and project schedule. Consultant will submit documents electronically to City for review.

Task 5 – Bidding and Award

The purpose of this task is to provide bidding and award services as follows:

Preparation of Final Bid Documents

Consultant shall submit one electronic PDF copy of the Proposal Set to the City Purchasing Department. Consultant shall make final revisions to the documents based on review comments received by the City Purchasing Department. Consultant shall prepare updated Bid Schedule and provide to City for incorporation into the Front-End documentation. City will provide information for update of Front-End documentation by Consultant and for incorporation into Final Bid Documents.

Consultant shall provide City with one electronic PDF copy of the Final Bid Documents including, City’s Front End and technical specifications.

Consultant shall provide City with two electronic PDF copies of the drawings. PDF copies of drawings shall be one full size (22-inch x 34-inch) and one-half size (11-inch by 17-inch).

Issue Bid Documents and Addenda

Consultant, in collaboration with the City, shall prepare timely responses to inquiries by potential bidders through written addenda. These queries shall be transmitted to the Consultant by City. Consultant shall prepare responses to technical inquiries deemed appropriate. Responses to non-technical inquiries shall be provided by City. Consultant shall prepare addenda and provide one

electronic copy to City for distribution. Consultant's compensation has been based on issuing two addenda.

Bid Evaluation

City shall forward the lowest responsive bid to Consultant. Consultant shall evaluate bids for technical compliance. Non-technical bid requirements shall be evaluated by City. This Scope of Services does not include time for Consultant to assist City in the event of a bid protest.

Preparation of Contract Documents for Execution

Consultant shall provide four sets of reproducible bid documents and addenda for execution by City and Construction Contractor within seven calendar days of request by City. Drawings shall be full size (22-inch x 34-inch).

3.TIME OF PERFORMANCE:

The estimated schedule for activities to be performed under this scope of services is presented below.

Task	Task Duration (Calendar Days)	Estimated Total Days from NTP
Task 1 – Site Visit and Information Review	30	30
Task 2 – Design	270	300
Prepare Preliminary Design Report Preliminary Design Detailed Design • 50% Design • 90% Design • 100% Design Preparation of Cost Estimate		
Task 3 – Pre-Bid Permitting	60	360
Task 4 – Project Management	360	360
Task 5 –Bidding and Award	45	405
Total (all Tasks Complete)		405 days

ASSUMPTION(S):

Consultant's level of effort for Task 1 through 5 is based on the following key assumptions:

- City will provide CONSULTANT with copies of all current permits for the West WTP.
- City will provide adequate historical data including: The minimum, maximum, and average daily raw water flow and pressure, the existing backwash frequency, and required minimum and maximum pressure.
- A detailed sequence of construction specification will be developed to ensure minimal disruption to the NF treatment operations.
- City will enter into an agreement with an experienced Florida licensed Contractor to complete the work. No prequalification of Contractors will be performed by Consultant.
- All deliverables will be electronic (unless otherwise noted in the scope of services).
- The City will pay for all permit application fees.
- One bid package for electronic solicitation will be prepared.
- City will electronically provide front end documents applicable to the project.
- A stormwater permit application with South Florida Water Management District (SFWMD) is not anticipated for the proposed site modifications. This assumption has not been confirmed with the SFWMD. If deemed necessary, City will pay for additional services through a separate change order to the project.
- Performance of a topographic survey and geotechnical report has been budgeted and will be performed if necessary for submittal to City of Deerfield Beach Building Department. It is likely that required services will exceed the budgeted amount. If necessary, City will pay for these services under a separate CCNA Consultant agreement.
- Performance of a boundary site survey has not been budgeted for this project. Should this service be deemed necessary for City of Deerfield Beach Building Department permit application, City will pay for the services under a separate CCNA Consultant agreement.
- Previous plans and specifications in their present format will be used to the extent possible.
- Base AutoCAD drawings for the NF system will be developed from the existing CAD files (City of Deerfield Beach West WTP Expansion - Phase II March 1999).
- Base AutoCAD drawings for the RO system will be developed from existing PDF drawings (City of Deerfield Beach West R.O. Improvements, April 2007).
- Owner-furnished / pre-purchasing of equipment is anticipated.
- Preparation of Final Contract Bid Documents, including Front-End documents and Bid Schedule, not included under this scope of services.

EXHIBIT “B” Compensation

1. BASIS OF COMPENSATION:

Consultant will be compensated in accordance with Section 3 of this Work Authorization. Consultant may reallocate labor budgets between tasks provided the total budget is not exceeded. Consultant believes the not to exceed amount is sufficient to complete the Services and will use its best efforts to complete all necessary Services within the not-to-exceed amount.

Additional services over and beyond those defined in the Exhibit “A” will be subject to additional compensation to be mutually agreed upon by both City and Consultant. Any additional services will require a written authorization by City in accordance with the City's Procurement Code.

The not-to-exceed amount of \$342,110.00 is broken down below.

CITY OF DEERFIELD BEACH WEST WATER TREATMENT PLANT NF and RO SAND STRAINER MODIFICATIONS FEE ESTIMATE - DESIGN, PERMITTING, BIDDING PHASE									
Work Element	Associate Vice President	Senior Associate	Associate	Principal Engineer	Principal Scientist	Assistant Engineer II	Senior Principal CAD Designer	Total Hours	Total Fee
Task 1 - Project Kick-Off Meeting and Information Review	1	12	10	0	0	2	8	25	\$5,510
Task 2 - Design									
Subtask 2.1 - Prepare Preliminary Design Report	2	32	86	0	14	35	32	171	\$31,280
Subtask 2.2 - Preliminary Design	0	4	4	0	0	20	2	30	\$4,448
Subtask 2.3 - Detailed Design	2	136	167	151	96	108	748	1408	\$241,530
Subtask 2.4 - Preparation of Probable Construction Cost Estimate	0	8	0	20	4	20	8	52	\$7,628
Task 3 - Pre-Bid Permitting	0	8	12	4	4	40	32	100	\$18,580
Task 4 - Project Management	0	20	24	12	0	16	8	72	\$13,280
Task 5 - Bidding and Award	0	20	18	0	12	12	12	74	\$13,800
Direct Costs Subconsultants									\$333,110
Sub-Consultant - Geotechnical Investigation									\$4,000
Sub-Consultant - Topographical Survey									\$5,000
Total Subconsultants									\$9,000
Total Labor								1,932	
TOTAL FEE									\$342,110
HOURLY RATE	\$278.50	\$250.00	\$200.00	\$136.00	\$149.00	\$115.00	\$169.00		



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-251

Agenda Date: 5/21/2024

Status: DEPARTMENTAL BUSINESS

In Control: City Commission

Title

ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 78, "COMMUNITY APPEARANCE BOARD," SECTION 78-5 "POWERS AND DUTIES; APPEALS", SECTION 78-6 "SUBMISSION OF PLANS AND SPECIFICATIONS", AND SECTION 78-7 "EVALUATION CRITERIA; MINIMUM DESIGN CRITERIA PREREQUISITE TO ISSUANCE OF DEVELOPMENT PERMIT" TO UPDATE THE PROVISIONS AND CROSS-REFERENCES CONSISTENT WITH THE SIGN CODE UPDATE; AMENDING CHAPTER 98, "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING DISTRICT REGULATIONS", AND ARTICLE VI, "SUPPLEMENTARY REGULATIONS" TO REMOVE SIGNAGE REGULATIONS FROM CHAPTER 98 THAT ARE ADDRESSED IN THE NEW SIGN CODE; REPEALING EXISTING CHAPTER 102, "SIGN CODE" IN ITS ENTIRETY; REPLACING THE EXISTING SIGN CODE WITH THE NEW CHAPTER 102 "SIGN CODE" SET FORTH IN THIS ORDINANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance and set public hearing for June 4, 2024

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The Planning & Development Services Department is proposing changes to the Land Development Code as it relates to the regulations related to signage. The proposed changes are comprehensive; the current Sign Code is being repealed in its entirety, and re-written. Below are the proposed major changes:

- **Reorganization:** The current code is organized in a manner that can be difficult to navigate. Several different sections and subsections determine allowable signage. There is also a significant amount of redundancy among the different sections of code. The re-organization of the proposed sign code allows for easier navigation and removes the redundancy. Several redundant sections have been stricken from the Code.
- **Clarification of Terms & Regulations:** There are both terms and regulations in the current code that are either confusing, inconsistent or are not defined. The proposed amendment adds definitions, clarifies confusing language, and corrects inconsistent language.

- Updating the Code: The proposed code changes address new types of signs, new materials used for signage, and new laws that affect sign regulations. Examples include: Adding parking identification and building identification signs to the Code, regulation for new types of signs such as pan signs, push-through letter signs, and LED lit signs; and updating the Code to address new case law with regard to signs.
- Improving the Aesthetics of Signs: The proposed regulations include a myriad of changes designed to improve the aesthetic of signs in the City. Examples include: Expanding regulations on lighting of signs, clarifying language on signs that are prohibited, adding aesthetic considerations to sign variance requests, and allowing for vacant storefronts to be decorated on a short-term basis, with Community Appearance Board approval.
- Improving Signage for Businesses & Community: The proposed amendment includes changes to the regulations that will allow more flexibility in the sign regulations that will improve signs for businesses. Examples include allowing more flexibility to window signs, additional rear wall signs for out parcels, increasing the size of directional signs, and allowing for temporary banners and window signs for new businesses. Additional clarification was included for signs in the Community Facilities and Open Space districts that better meet the needs for those types of uses.

The proposed sign code reorganization was drafted with the goal of creating a more user-friendly document that is easier to follow for business owners, sign contractors, staff, and the general public. Staff is also drafting a new guidebook for the sign code that provides a graphic representation and summarizes pertinent code sections, to assist new business owners and developers in creating their signs.

At the April 24, 2024 Community Appearance Board meeting, the Board recommended approval of the proposed amendments.

At the May 2, 2024 meeting of the Planning and Zoning Board, the Board recommended approval of the proposed amendments.

ORDINANCE NO. 2024/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 78, "COMMUNITY APPEARANCE BOARD," SECTIONS 78-5 "POWERS AND DUTIES; APPEALS", SECTION 78-6 "SUBMISSION OF PLANS AND SPECIFICATIONS", AND SECTION 78-7 "EVALUATION CRITERIA; MINIMUM DESIGN CRITERIA PREREQUISITE TO ISSUANCE OF DEVELOPMENT PERMIT" TO UPDATE THE PROVISIONS AND CROSS-REFERENCES CONSISTENT WITH THE SIGN CODE UPDATE; AMENDING CHAPTER 98, "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING DISTRICT REGULATIONS", AND ARTICLE VI, "SUPPLEMENTARY REGULATIONS" TO REMOVE SIGNAGE REGULATIONS FROM CHAPTER 98 THAT ARE ADDRESSED IN THE NEW SIGN CODE; REPEALING EXISTING CHAPTER 102, "SIGN CODE" IN ITS ENTIRETY; REPLACING THE EXISTING SIGN CODE WITH THE NEW CHAPTER 102 "SIGN CODE" SET FORTH IN THIS ORDINANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, City staff reviewed the existing Sign Code and other land development regulations in the City Code related to signage and determined that certain revisions were necessary to implement municipal goals and objectives, reorganize the sign regulations to make them more user friendly, and to respond to signage trends in the City; and

WHEREAS, the City Commission wishes to update the regulatory requirements in the City's Land Development Code and City Code relating to signage; and

WHEREAS, the City Commission held a duly noticed public hearing on June 4, 2024, after considering the recommendations made by the Planning and Zoning Board at the Board's duly noticed public hearing on May 2, 2024, and the recommendations made by the Community Appearance Board ("CAB") at the CAB's April 24, 2024 Meeting; and

WHEREAS, the City Commission finds that the regulations in this Ordinance are reasonably related to the health, safety, and general welfare of the citizens, property owners and visitors of the City, and that it is in the best interest of the City of Deerfield Beach to enact this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above "WHEREAS" clauses are true and correct and are made a part of this Ordinance.

Section 2. Chapter 78, "Community Appearance Board", Sections 78-5, "Powers and duties; appeals", 78-6, "Submission of plans and specifications" and 78-7, "Evaluation criteria;

minimum design criteria prerequisite to issuance of development permit” of the City of Deerfield Beach Land Development Code are hereby amended to read as follows¹:

Chapter 78 COMMUNITY APPEARANCE BOARD

Sec.78-5- Powers and duties; appeals

- (b) Any person aggrieved by a decision of the board may file a letter of appeal in a form prescribed by the city (together with the applicable fee) with the city commission by filing same with the city manager, or designee, within ten business days of the decision. Such letter of appeal shall identify the application and the action which is the subject of the appeal and shall set forth the grounds for appeal with specificity and the requested relief. The city commission shall sit, in open session, as an appeal board and shall hear the appeal at either the first, second or third regularly scheduled city commission meeting after the notice of appeal being filed, but not more than 45 days after the notice has been filed (unless the parties agree to an extension), and shall either affirm the action of the board, affirm it with modifications, reverse it or remand it for further consideration. The members of the board shall be notified of the date on which the appeal is to be heard. The hearing before the city commission shall be a de novo hearing and shall be held pursuant to the quasi-judicial procedures of the city unless waived by the applicant. No building or development permit may be issued for a structure or building which has been denied by the board or which is the subject of an active appeal. The ruling shall be issued within three calendar days of the hearing on the appeal. If the appeal is from a denial, there shall be no presumption that the original denial is correct. The appeal shall be heard de novo at a publicly noticed quasi-judicial hearing. If the appeal is not finally determined within three calendar days after the hearing, or within 45 days after the filing of the appeal (unless the parties agree to an extension), whichever event occurs first, the sign permit shall be issued.

Sec. 78-6. Submission of plans and specifications.

- (a) Development plans and development plan modifications.
1. In addition to community appearance review, all development plans are required to go through a development review committee (DRC) pursuant to section 98-12 through 98-15.
 2. For major development plans, the board review shall be conducted after all code related DRC review comments are addressed and prior to, or in conjunction with planning and zoning board and city commission review.
 3. For minor development plans this review shall be conducted after all code related DRC review comments are addressed and prior to, or in conjunction with building and/or engineering permit applications.
- (b) Signs.

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~strikethrough~~.

1. ~~Master Sign Plans. Pursuant to Section 102-5(c)(2) all master sign plans for multi-tenant structures~~ Permit applications for the following signs shall be reviewed by and must obtain approval by the community appearance board prior to owner/tenant obtaining building permits for signs; ~~and shall be accompanied by a master sign application.~~
 - a) Master sign plans pursuant to Section 102;
 - b) Signs where a sign variance is requested, with the variance request subject to a recommendation by the board, prior to City Commission review, pursuant to Section 102-15(d).
 - c) Designer Signs pursuant to the criteria in Section 102-6(c)(6).
 - d) Residential Neighborhood and Commercial Complex Entry Signs pursuant to Sections 102-9(c) and 102-11(f)g.
 - e) Temporary Window Signage that covers 100% of the window, for vacant tenant spaces, pursuant to Section 102-12(c)(5).
2. ~~Submittal requirements~~ The submittal requirements for the Signs above are set forth in ~~shall be pursuant to section 102-6(a)(b), Submission for all sign permits.~~
3. The Community Appearance Board shall consider the criteria and standards set forth in Section 102-5(c)(2) and Section 78-7(c) in its review and approval of Signs.

(c) Submittals ~~which that~~ do not require development plan modifications, or are not signs pursuant to the above, shall be required to comply with the requirements in section 78-7. Examples of such submittals include the following: ~~as deemed necessary by the Director of Planning and Development Services.~~

1. Building paint changes for commercial and multi-family residential properties.
2. Changes to roof color, material or type for commercial and multi-family residential properties.
3. Other modifications as deemed necessary by the Director of Planning and Development Services.

Sec. 78-7. - Evaluation criteria; minimum design criteria prerequisite to issuance of development permit.

(c) *Signs.* The aesthetic quality of a building, or an entire neighborhood, is materially affected by achieving visual context of the signs on or about a structure as they relate to the architecture of the building or the adjacent surroundings. In addition to the limitations on signs imposed by the ~~section~~ Chapter 102 of Land Development Code, there are certain aesthetic considerations which shall be met.

3. Signs in multiple-tenant buildings should complement or enhance each other. Multiple-tenant sites shall have coordinated signage, that is incorporated into a master sign program pursuant to ~~section~~ Chapter 102-6(c)(2).

Section 3. Chapter 98, “Land Development Regulations”, Article III, “Zoning District Regulations”, and Article IV, “Supplementary Regulations” of the City of Deerfield Beach Land Development Code is hereby amended to read as follows:

CHAPTER 98 LAND DEVELOPMENT REGULATIONS

ARTICLE III. – ZONING DISTRICT REGULATIONS

Sec. 98-50. - RP-10 residence, mobile home park.

~~(j) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-51. - PUD, planned unit development.

~~(h) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-52. - RSO, residential/office.

~~(k) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-52A. - DBR, Dixie Business/Residential District.

~~(q) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-53. - B-1 business, community.

~~(g) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-53A. - B-1A business-flex district.

~~(g) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-54. - B-2 highway business.

- ~~(h) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-55. - B-3 general business.

- ~~(f) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-55A. - OP, office park.

- ~~(f) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-56. - I industrial.

- ~~(h) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-56B. - I-2 limited heavy industrial.

- ~~(g) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-57. - PID, planned industrial district.

- ~~(h) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-58. - A, agriculture, limited.

- ~~(g) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-59. - S, open space.

- ~~(g)(2) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-60. - CF community facilities.

- ~~(g) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-62. - GF government facilities.

- ~~(i) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

Sec. 98-63. - TOD, transit-oriented development.

- ~~(h) No sign shall be constructed or erected which exceeds the height of the tallest building on the lot upon which the sign is to be erected, or the maximum height as permitted in section 98-101 of the Land Development Code, whichever is less.~~

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

Sec. 98-91. - Miscellaneous uses.

- ~~(d) [Garage sales.] Garage sale shall be permitted in residentially zoned areas and shall be regulated as follows:~~

- ~~(3) A single garage sale may continue for two consecutive days but shall only be conducted between the hours of 8:00 a.m. and 6:00 p.m. Garage sale signs are temporary signs and are regulated pursuant to Section-Chapter 102-40 of the City of Deerfield Beach Sign Land Development Code.~~

~~Sec. 98-101. Sign size limitations.~~

- ~~(a) Unless specifically provided herein to the contrary, it shall be unlawful to erect, attach, or place on any premises within the City of Deerfield Beach any freestanding sign in excess of 80 square feet for the sign structure, or 40 square feet sign face within the sign structure, or any free-standing sign structure in excess of ten feet in height is prohibited.~~
- ~~(b) It shall be unlawful for any person or business, or the person in charge of the business, to erect, attach or place, or cause to be erected, attached or placed, or permit or suffer to be erected,~~

~~attached, or placed, or permit or suffer to continue to be as created, attached, or placed with the City of Deerfield Beach, any sign in violation of this section.~~

Section 4. Chapter 102, “Sign Code” of the City of Deerfield Beach Land Development Code is hereby repealed in its entirety, as reflected on Exhibit “A” to this Ordinance.

Section 5. New Chapter 102, “Sign Code” of the City of Deerfield Beach Land Development Code is hereby created to read as follows:

CHAPTER 102. SIGN CODE

Sec. 102-1. - Purpose, intent and scope.

- (a) Purpose. It is the purpose of this Chapter to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the City as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being.
- (b) Intent. The sign regulations in this Chapter are intended to:
- (1) Encourage the effective use of signs as a means of communication in the City;
 - (2) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
 - (3) Ensure pedestrian and traffic safety;
 - (4) Minimize the possible adverse effect of signs on nearby public and private property;
 - (5) Foster the integration of signage with architectural and landscape designs;
 - (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
 - (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
 - (8) Encourage and allow signs that are appropriate to the zoning district in which they are located consistent with and serve the needs of the land uses, activities and functions to which they pertain;
 - (9) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location and the nature of any such use, and to allow smooth navigation to these locations;

- (10) Establish dimensional limits and placement criteria for signs that are legible and proportional;
- (11) Regulate signs so that they are effective in performing the function of identifying, indexing and safely directing pedestrian and vehicular traffic to a destination;
- (12) Preclude signs from conflicting with the principal permitted use of the lot and adjoining lots;
- (13) Regulate signs in a manner so as to not interfere with, obstruct the vision of, or decrease the safety of motorists, bicyclists or pedestrians;
- (14) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (15) Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all zoning districts of the city;
- (16) Allow for traffic control devices without city regulation consistent with national standards because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (17) Protect property values by precluding to the maximum extent possible signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;
- (18) Protect property values by ensuring that the size, number and appearance of signs, are in harmony with buildings, neighborhoods, structures and conforming signs in the area;
- (19) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts as a source of economic advantage for its resort community, as well as for its major office and industrial parks;
- (20) Streamline the approval process and encourage creative and aesthetic standards for signage with all large scaled developments by requiring master signage plans;
- (21) Enable the fair and consistent enforcement of these sign regulations;
- (22) Not regulate sign more than necessary to accomplish the compelling and substantial governmental objectives described herein.

(c) Scope.

- (1) The provisions of this Chapter shall govern the number, size, location and other similar aspects of signs and sign structures which may be permitted either as a main or accessory use under the terms of this Chapter. No signs shall be permitted on a lot or parcel either as a main or accessory use except in accordance with the provisions of this Chapter.
- (2) This Chapter does not regulate signs on government property, including but not limited to, signs on property owned by the City of Deerfield Beach, Broward County or the State of Florida, and this Chapter does not regulate traffic control devices.
- (3) No provision of this Chapter shall be intended to regulate the posting on private property of official signs and notices required by law, such as notices of zoning, etc.

- (4) In the event of any conflict between this Chapter and any declaration of covenants, bylaws, or other restrictions applying to any property within the City, the language affording the more restrictive interpretation shall apply.
 - (5) The City specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the City to further these interests.
 - (6) Nothing in the City's sign code shall be construed or deemed to prevent the City from entering into a sign relocation and reconstruction agreement with a sign owner in accordance with F.S. § 70.20, provided that the relocation and reconstruction agreement provides for the reduction of the amount of signs and is approved by the City Commission. Notwithstanding anything in the City Code to the contrary, sign relocation or reconstruction pursuant to an approved sign relocation and reconstruction agreement shall not require an amendment to the City Code or the approval of any variance. The City may adopt a sign relocation program by resolution to provide guidelines for sign relocation and reconstruction agreements.
- (d) *Impact of sign clutter.* Excessive signage and sign clutter impairs the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and other required signs (such as nameplate sign, noncommercial onsite directional sign, identification sign, onsite or on premises wayfinding sign, and warning sign) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the City, ensure that City residents and visitors can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this Chapter to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City through reasonable, consistent and non-discriminatory standards for the posting, displaying, erection, use, and maintenance of signs that are no more restrictive than necessary to achieve these governmental interests.
- (e) *Case law.* In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this Chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:
- (1) *Reed v. Town of Gilbert, Ariz.* -U.S.- 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;
 - (2) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and off premise signs;
 - (3) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
 - (4) *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;
 - (5) *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;
 - (6) *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of regulation of commercial speech; and

(7) *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property.

(8) *City of Austin v. Reagan Nat. Advertising of Austin, LLC*. 142 S. Ct. 1464 (2022) on the topic of off-premise signs.

Sec. 102-2. - Applicability and effect.

(a) A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this Chapter.

(b) The effect of this Chapter is more specifically set forth herein:

(1) To establish a permit system for signs in community facilities, open space, institutional, commercial, industrial, and residential zones and areas of special interest, subject to the standards and the permit procedures of this Chapter;

(2) To provide for certain exemptions from permitting;

(3) To expressly prohibit certain signs;

(4) To provide sign code regulations applicable to all properties within the City Limits including all annexed properties from Broward County into the City of Deerfield Beach; and

(5) To provide for the enforcement and maintenance of the provisions of this Chapter.

Sec. 102-3. – Definitions

Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of 180 days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (2) a sign which is blank.

Address sign. A building sign having the letters and street name of the premises on which it is attached.

Advertising. Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property. *Advertising vehicle sign or signs.* A sign affixed to or painted on a transportation vehicle including, but not limited to automobiles, trucks, boats, trailers, and recreational vehicles for the purpose of identification or advertisement, whether stationary or in motion, if the primary purpose of the vehicle sign is to call attention to a business establishment, production or event.

Animated sign. A sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Artwork , photographs, paintings, murals, mosaics and other no-textual material on any type on any structure, public or private, or any other property, real or personal, that has been made without the consent of the owner of the property or the approval of a public artwork application.

Ascending letter: The up-stroke part of the lower-case letters b, d, f, h, k, l and t that extends above the height of the lower-case x. The part of an uppercase letter that extends above the capital letter height of an upper-case x as in a flourish or swash.

Awning: A shelter extending from the exterior wall of a building and composed of non-rigid materials, except as a supportive frame work.

Awning sign: Any sign painted on or attached to or supported by an awning.

Backplate: A plate or panel, which is placed between the sign and the wall to either enhance the size of the sign or to provide an additional color or design to make the sign more noticeable.

Banner. Any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

Bare bulb illumination: A visible exposed light source where the light source itself is visible to the viewer and where the light source is used as a visual element within the window.

Beacon. A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Bench sign. An off-premises sign placed on a seating bench for the purpose of advertising.

Billboard. A structure, including signs located in the public right-of-way, utilized for advertising an establishment, activity, product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located.

Building sign. A sign whose entire portion is displayed upon or attached to any part of the exterior of a building, including walls, parapets and marquees. A building sign does not include a window sign.

Building identification sign: A Sign, necessary for pedestrian and traffic safety, regulation, control, wayfinding, and circulation, in which the copy is limited to the name and address of a building or institution.

Cabinet sign. Any sign, the face of which is enclosed, bordered or contained within a box-like single structure, and may or may not be illuminated. Types of cabinet signs include cloud signs, pan signs and push-through letters that are mounted on panel where the components and images are all connected.

Capital letter height: Is the height of the letter measured on the capital letter "X" of any alphabet.

Canopy sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign. A sign on which the message copy is changed either manually, electronically, or by any other method through the utilization of attachable letters, numbers, or symbols, and other similar characters, or internal rotating or moveable parts which change the visual message.

Channel letter: A fabricated metal letter whose face is customarily a translucent white or colored acrylic and which has internal illumination within each individual letter to illuminate the face of each individual letter permitted on a wall.

Cloud Sign a type of sign which encloses the shapes of all letters and/or graphics into one single structure.

Commercial Complex- a series of business, industrial, retail and/or hotel uses located within a single development in a contiguous geographic area.

Commercial message. Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Contractor sign: A sign designating the name of the general contractor or subcontractor or both undertaking real property improvements.

Copy. The linguistic or graphic content of a sign.

Descending letter: The down stroke part of the lower-case letters g,j,p,q,y (f in italic fonts) and that extends below the height of the lower case x. The part of an uppercase letter that extends below the capital letter height of an upper-case x as in a flourish or swash.

Designer sign. A building or freestanding sign that exhibits unique, dimensional, creative and innovative methods of design, lighting, materials of construction that are above the typical sign industry standards.

Directional sign: A sign which conveys only wayfinding information or direction and is designed to direct pedestrians or motorists to destinations within the site or adjacent sites.

Directory sign. A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

Double-faced sign. Means a sign with two faces, which are parallel to each other, back to back with the same copy. A double-faced sign is not sandwich board sign.

Entry feature(s): A combination of elements including signs, landscaping, and other architectural elements placed adjacent to one (1) or both sides of a roadway entering a development.

Entry feature sign. A sign that is part of an entry feature.

Electronic message changeable copy sign: An electronic digital sign, controlled by a computer capable of illuminating from within either changeable digital text messages, photos, and/or video images static or in full motion.

Facade: Shall mean the entire building wall including wall face, parapet, fascia, windows, door, canopy, and roof on any complete elevation of the building.

Feather banner: A vertical portable sign of lightweight fabric, or similar material, which contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.

Flag. Any fabric, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a governmental entity, political subdivision, or non-commercial speech, and complies with federal guidelines.

Flourish letter: A fancy stroke or swash replacing the serif or terminal end of a letter stroke and often extending above or below the base line of a line of text.

Flashing sign. A sign which permits lights to be turned on or off intermittently more frequently than once per minute.

Foam signs: Signs made entirely of various foams or types of rigid high-density polyurethane foams (sign foam), consisting of letters, backgrounds and/or decorative elements or frames.

Freestanding sign. A sign supported by a sign structure secured to the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Freestanding monument sign. A freestanding sign whose ratio of width of sign to width of support is less than 3 to 1.

Freestanding pole sign. A freestanding sign where the ratio of width of sign to width of support is greater than 3 to 1.

Frontage wall face. The building façade, fascia, soffit, mansard and roof, which faces a frontage of the premises.

Frontage. The distance along the property line which abuts the public right-of-way line.

Governmental Entity means any federal, state or local government, administrative agency or commission with jurisdictional authority.

Grade (finish) means the finished elevation of a site after all fill, land balancing, or site preparations have been completed.

Graffiti. Any writing, drawing, painting, inscription, figure, or mark of any type on any structure, public or private, or any other property, real or personal, that has been made without the consent of the owner of the property or the approval of a public artwork application.

Graphics: The use of illustrations, photos, logos, typography, etc. as a wall treatment and/or sign used as part of the interior and/or exterior design of a building, either illuminated and/or non-illuminated.

Groundcover for freestanding signs. A dense, low-growing plant, other than sod, that by the nature of its growth characteristics completely covers the ground and does not usually exceed two feet in height

Height of sign. The height shall be measured from the existing average finished grade level of the premises where the sign is located.

Human commercial signs. A person wearing a costume or holding a sign or other display while outside for the purpose of advertising or promoting a business, product or service.

Identification and informational sign. Any sign of an identification or informational nature bearing no advertising.

Illuminated sign. Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.

Illumination, external. A light source which illuminates the sign area located separate from the sign.

Illumination, internal. A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

Inflatable sign. Any sign that is inflated with gas or air that does or does not create movement, including hot or cold air balloon signs, waving signs, and inflated objects or logos.

Linear Footage The length of a building or lot measured in one-foot increments.

Logo. A distinctive graphic symbol, wholly separated and individual from the alphabetical and/or numerical lettering.

Logotype a logo centered around a company's name or initials.

Master signage plan. A set of aesthetic and creative standards for all the components of signage within the project which must be submitted to the City for approval prior to adoption.

Marquee. Any permanent roof-like structure projecting up or beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign. Any sign attached to, in any manner, or made a part of a marquee.

Multi-tenant center. Any shopping center, office center or business center in which two or more occupancies abut each other, share common parking facilities and drives, have individual entries from the main thoroughfare or internal drive aisles, or have individually demised areas.

Multi-story structure: A building or structure or portion thereof with two (2) or more stories measured from the surface of any floor and the surface of the floor directly above it not including basements or underground parking garages.

Nameplate sign. A flat, thin piece of material inscribed with the name, and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

Neighborhood identification sign: A sign that is permitted to be installed only around the perimeter of a development or neighborhood to identify the name only, of the development or neighborhood.

Neon sign. Any sign formed by luminous or gaseous tubes in any configuration.

Noncommercial message. A noncommercial message is any message which is not a commercial message.

Nonconforming sign. Any sign that does not conform to the provisions of this chapter.

Occupancy. Any one business, activity or professional office, including the act or state or living in, working in or using a particular place.”.

Off-premises sign. A sign which advertises merchandise, services, activities, or entertainment that is not sold, produced, manufactured, or furnished on the premises where the sign is located.

Pan sign or Shoebox sign. A sign fabricated out of flat aluminum with 90 degree returns on four sides typically one to two inches deep, created as a single unit that may or may not be a push-thru sign.

Panel Sign- A sign that is affixed to a flat panel or board which is then affixed to the wall or sign structure.

Parapet. A vertical false front or wall extension above the roof line.

Parapet sign: A sign erected over or above the top parapet line which is dependent upon the parapet or roof of the building for support.

Parking space identification signs. Non-commercial directional signs which specifically identify parking spaces to be reserved for a specific purpose such as “drive-up customers only ” or “Electric Vehicle charging.”

Perimeter wall sign. A sign mounted to a wall at the entry of a residential neighborhood or commercial complex, where the wall to which the sign is affixed, is part of a surrounding wall for the development or incorporated into an Entry Feature.

Permanent sign. Any sign which, when installed, is intended for permanent use. For the purposes of this chapter, any sign with an intended use in excess of six months from the date of installation shall be deemed a permanent sign.

Pole Sign: A sign erected upon a pole or poles that is wholly independent of any building or other structure for support.

Portable sign. Any mobile or portable sign or sign structure that is not permanently attached to the ground or to any other structure. This definition shall include, but not be limited to, trailer signs, A-frame signs, sandwich signs and vehicles whose primary purpose is advertising

Projecting sign. Any sign which is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.

Push thru signs. A sign where the lettering and graphics of a sign are pushed through the flat face of the sign to create three-dimensional depth.

Pylon sign: see Pole sign.

Raceway. A box upon which letters for signs are mounted, and containing all of the electrical components powering the sign, and for the purposes of this code include wireways.

Reverse channel letters: Opaque individual letters or numbers that are individually mounted directly on the wall with no backplate, having lighting within the letter or number so that they reflect off the wall (i.e. reverse lighting), creating a "halo" effect.

Real estate sign. A temporary sign erected by the owner, or his agent, indicating property, which is for rent, sale or lease.

Relocation and reconstruction agreement. A consensual, contractual agreement between a sign owner and the city for either the reconstruction of an existing sign or the removal of a sign and construction of a new sign to substitute for the sign removed.

Revolving or rotating sign. A sign that revolves or rotates.

Roof line. Highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof, the roof line is the highest continuous line of the roof or parapet, whichever is higher.

Roof sign. A sign erected over or on the roof, or extending above the roof or parapet line, which is dependent upon the roof, parapet or upper walls of any building, or portion thereof, for support.

Sandwich board sign. Any self-supporting A-shaped freestanding sign with only two visible sides.

Safety Sign a Sign which provides information and/or easily recognizable graphics that represent the general protocol and safety instructions in either public or private spaces, for the warning, guidance and protection of the public.

Searchlight: A device designed to project a beam of light for the purpose of advertisement during hours of darkness, utilized for grand openings or special events.

Setback of sign: The distance between the closest adjacent right-of-way line to the front part of the Sign.

Sign. The term "sign" shall mean and include every device, frame, letter, figure, character, mark, symbol, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. In addition, any of the above which is not placed out of

doors, but which is illuminated with artificial or reflected light, when inside a building or structure but seen within a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information from outside the building. This term shall not be interpreted to include traffic control device signs.

Sign, area of. The square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, logos, figures, illustrations, messages, forms or panels, "sign area" is the sum of the individual areas of the smallest contiguous rectangle, capable of containing such symbol(s), letter(s), illustration(s), message(s), forms(s) or panels.

Sign Background- The background for a sign is the immediate area that is within the confines of where a sign is to be located

Sign face. The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation, which attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign structure. Any structure which supports, has supported or is capable of supporting a sign, including covering of structural components.

Snipe sign. Shall mean a sign of any material, including paper, cardboard, wood and metal, when tacked, nailed or attached in any way to trees, telephone poles, utility poles, stakes, fences, the ground or other objects.-

Strip Lighting. (also known as LED tape or ribbon light). A method of lighting which uses long tubes rather than lightbulbs often used to create borders or a continuous ribbon of light.

Swash letter: A fancy flourish or stroke replacing the serif or terminal end of a letter and often extending above or below the base line of a line of text.

Symbol: A graphic device used to signify a use or activity, rather than an organization or corporation.

Temporary sign. Any sign intended for a use not permanent in nature.-

Text- Letters and/or words used to signify a use or activity.

Towing sign. A sign posted on private property in accordance with the provisions of Section 715.07, F.S. for the purpose of informing users that unauthorized vehicles will be towed away.

Traffic control device sign or traffic control device. Any sign located within the right-of-way and that is used as a traffic control device and described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information). These devices are not regulated as signs under this chapter.

Typeface a set of design features for letters and other characters, including a letter's font, weight, balance and spacing and the height difference between upper and lowercase letters.

U-Channel Sign Post – a type of sign post that is made of metal designed in a U-shape that is typically used for parking signs.

Visibility triangle or (sight) triangle. A triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle shall include the area on each right-of-way or accessway corner that is bounded by the line that connects the sight or "connecting" points located on each of the right-of-way locations or property lines of intersecting rights-of-way or accessways.

Warning sign a Sign that indicates a potential hazard, danger, obstacle, or condition requiring special attention.

Wall sign. A sign installed or erected parallel to the facade of any building upon which it is attached and designed to be in proportion to the architectural facade or wall upon which it is fastened and not projecting or extending above the buildings' roof or parapet line (flat sign).

Wayfinding: The experience of orientation and choosing a path to a destination through the built environment by using visual clues and tools such as landmarks, signs and other forms of visual graphic communication.

Window area. The window area of a storefront shall be the total square footage of all glass areas of a storefront. This would include all areas of glass windows, doors, side lights and transoms, fixed or operable, located on the elevation of the building or storefront on which the front door or primary entrance to the establishment is located.

Window banding. a band of color, which is placed along the entire perimeter of a window or window pane.

Window open/closed sign. A small sign, either illuminated or non-illuminated announcing a place of business is open or closed for business, usually hung in storefront windows.

Window sign. A sign located on a window or inside a building or other enclosed structure, which is visible from the exterior through a window or other opening intended to attract the attention of the general public.

Window sign area. The entire area within a contiguous perimeter, enclosing each word, picture, logo, logotype, symbol, banding or graphic.

Wind sign. A sign that uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, including but not be limited to, pennants, ribbons, spinners, streamers, balloons, or any animated, rotating and/or fluttering device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention.

Wireway. A type of mounting for a sign which are small aluminum boxes which contain all of the electrical wiring for the sign, except for the transformers.

Sec. 102-4. - General.

- (a) Substitution of noncommercial speech for commercial speech. Notwithstanding anything contained herein to the contrary, any sign erected pursuant to the provisions of this Code may, at the option of the owner, contain either a noncommercial message unrelated to the business located on the premises where the sign is erected or a commercial message. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the size, design criteria, setbacks, etc. contained in this chapter have been satisfied.

- (b) Content neutrality as to sign message. Notwithstanding anything to the contrary contained in this Chapter, no sign or sign structure shall be subject to any limitation based solely upon the content of the message contained on such sign or displayed on such sign structure.

Sec. 102-5. - Permits.

Generally, signs are classified as either (i) "prohibited signs" that cannot be erected or displayed in the City, or (ii) "allowed signs" that can be erected and displayed in the City subject to certain conditions or limitations, including content-neutral conditions or limitations that apply to the number, size, height, setback, or function of Signs. All signs require a sign permit and a building permit, unless the sign is exempt from the building permit requirement pursuant to Section 102-5(d) below. The application for the building permit must demonstrate that the sign meets the City's land development regulations and the statewide Florida Building Code. The following provisions describe those permit requirements as applicable to signs and sign structures in the City.

- (a) Building permits. Except as provided herein, it shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter, or maintain an outdoor advertising display sign, as defined in the Florida Building Code, without first obtaining a building permit from the City in accordance with provisions of the Florida Building Code. Fees shall be paid in accordance with City fee schedules.
- (b) Sign permit review. All applications for sign permits shall be submitted to the City's building division, and then reviewed by the planning & zoning division. Individual signs that are not subject to a master sign plan and are determined by the planning and zoning division to be consistent with an approved master signage plan or with the standards and criteria of this Chapter may be approved by the department without review by the Community Appearance Board. The director of planning and development services, or designee shall consider the following criteria and standards in its review and approval of signs:
- (1) The signs comply with the applicable regulations in Chapter 102 of the Code.
 - (2) That the signage for the project is consistent with the overall architecture and character of the building development, including color and materials;.
 - (3) That the signage for the project is designed to meet the directional needs of the project for communication, identification, way finding, regulatory and informational messages in keeping with the overall architectural theme of the development or project;
 - (4) That the signage proposed is legible and conspicuous;
 - (5) That the visibility and impact of the type of signs, number of signs, design, size, method of construction, illumination and location of the proposed signs do not adversely impact adjoining properties;
 - (6) That the sign location is coordinated with the landscape design to avoid present and future tree/sign conflicts;
 - (7) That the proposed signage is consistent and not in conflict with the intent of this Chapter. The signs comply with the applicable regulations in Chapter 192 of the Code.
- (c) Community Appearance Board. The following signs require Community Appearance Board review and approval, prior to obtaining a building permit. All other signs are exempt from CAB review or as determined by the director of planning & development services:
- (1) The following signs shall require the submission of an application to the planning & zoning division for review by the Community Appearance Board.

- a. Master sign plans pursuant to Section 102-6(c).
 - b. Sign variances for a recommendation prior to City Commission review, pursuant to Section 102-15(d).
 - c. Designer Signs based on the criteria in Section 102-6(c)(6).
 - d. Residential Neighborhood Commercial Complex Entry signs.
 - e. Temporary Window Signage that covers 100% of the window, for vacant tenant spaces, per Section 102-12(c)(5).
- (2) The Community Appearance Board shall consider the following criteria and standards in its review and approval of signs:
- a. That the signage for the project complies with the pertinent design criteria in Section 102-5(b) of the Code.
 - b. That the signage for the project complies with the pertinent design criteria in Section 78-7(c) of the City Code.
- (d) Compliance Requirements. The following signs are exempt from obtaining a building permit, provided however that compliance with all other applicable provisions and regulations in this Code must be met:
- (1) Traffic control device signs.
 - (2) Address signs, less than 12 inches in height.
 - (3) Temporary signs.
 - (4) Bench signs (as regulated in Code Section 102-11(g)).
 - (5) Towing signs where required to tow vehicles under Florida Law (715.07, F.S.), provided that the necessary permits have been obtained in accordance with Section 66-147 of the Deerfield Beach Code of Ordinances.
 - (6) No trespassing signs provided they are in compliance with Section 810.011, Fla. Stat., as may be amended.
 - (7) Advertising vehicle signs, as restricted by Code Section 102-8(f).
 - (8) Warning and safety signs.
 - (9) All window signs.
- (e) Inspections. The following inspections by the building official or designee shall be required before permits are final:
- (1) On freestanding signs, an inspection is required prior to the pouring of concrete, the enclosure or framing of any assembled structure;
 - (2) Rough and final electrical inspections on all signs requiring an electrical permit;
 - (3) On certain signs that are inaccessible for inspection because of height or location, the building official may require either a shop inspection, special access or an on-site inspection of the sign prior to the installation of such sign. Such conditions shall be so stated on the permit when it is issued;
 - (4) Final inspection on all signs that require a permit for:

- a. Compliance to construction specifications;
- b. Conformity to setbacks, design, color, height and materials, as approved
- (f) Appeals. Appeals shall be handled in accordance with Section 102-15 of this Chapter. The time periods for review of permit applications and the appeal procedures governing denials or the failure to act upon permit applications for a sign or sign structure by the Community Appearance Board are addressed in Section 102-15.

Sec. 102-6 – Submission requirements for all sign permits.

- (a) Building permit application. Sign permits required by this chapter shall be filed with the building division and shall contain two sets of the following information for zoning compliance:

- (1) Drawings. The drawings shall include:

- a. Dimensions
- b. Font
- c. Color
- d. Material
- e. Mounting details, and
- f. Illumination details.

- (2) For freestanding monument signs, submit a copy of a survey which includes utility easements that shows all existing buildings and all existing free-standing monument signs on the property. Show the setbacks from the property line abutting the public right-of-way to the proposed sign and show the dimensions between any existing monument sign.

- (3) Landscape plan for freestanding monument signs. In all instances, the sign location shall be coordinated with the landscape design to avoid present and future tree/sign conflicts.

- (4) For building signs, submit elevations for all building signs illustrating dimensioned location. Show height, length and width of the sign structure, sign background and sign copy.

- (5) Written permission to erect the proposed sign from owner and/or owners of property where the sign is to be erected.

- (6) All building permit plans for signs shall be signed and sealed and comply with all applicable provisions of the Florida Building Code.

- (b) Community appearance board application. All sign applications that require Community Appearance Board review shall provide the following:

- (1) Completed Development Application and Community Appearance Board Application (Attachment B);

- (2) Processing fee;

- (3) Agent Authorization letter if applicant will be represented by an agent;

- (4) Additional application(s) for sign application requested (Master signage plan, sign variance) and accompanying documents; and

- (5) Five (5) paper sets and one (1) electronic set of all submittals.

- (c) Master signage plan.

(1) Master signage plan requirements. No permit shall be issued for an individual sign requiring a permit in a commercial or industrial multiple occupancy complex or multi-tenant complex unless and until a master signage plan has been submitted by the property owner and approved as being in conformance with this section. The purpose of the master signage plan is to encourage and promote re-development and new construction diversity and creativity for signage within all large scaled developments. Additionally, the intent is to encourage improvements in existing signage and to set higher and more creative and aesthetic standards. A master signage plan shall be required for the following type of projects:

- a. Mixed use developments.
- b. Residential neighborhoods and multi-family developments.
- c. Commercial or industrial complexes and multi-tenant buildings with three or more tenants

(2) Master signage plan application. A master signage plan application shall contain the following information:

a. Design criteria, which shall include the following:

- 1. Sign location;
- 2. Number of signs;
- 3. Sign height (sign structure and sign text);
- 4. Sign structure area;
- 5. Sign face area;
- 6. Sign type;
- 7. Font type; (up to two standard font types);
- 8. Colors: Face, return, trim cap, frame; (up to three sign colors for signs
- 9. Sign material;
- 10. Method of illumination;
- 11. Illumination color; and
- 12. Mounting details.

b. Five (5) sets of drawings shall be provided and include the following:

- 1. Color rendering and color samples for all signs.
- 2. For building signs, submit elevations for all building signs illustrating dimensioned location. Show height, length and width of the sign structure, sign background and sign copy.
- 3. For free-standing monument signs, submit a copy of a survey that shows all existing buildings and all existing free-standing monument signs on the property. Show the setbacks from the property line abutting the public right-of-way to the proposed sign and show the dimensions between any existing monument sign.
- 4. A landscape plan for freestanding signs. In all instances, the sign location shall be coordinated with the landscape design to avoid present and future tree/sign conflicts.

(3) Master signage plan review. The master signage plan will be reviewed by planning and development services and the Community Appearance Board. If a master signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within one year, all signs not conforming to the amended plan.

(4) Modifications to a master signage plan.

a. A plan which is revised or modified to come into conformity with this section shall be reviewed and approved subject to the community appearance board review.

b. A property that is submitting a master sign plan because it did not previously have a sign program or is changing the program in a manner to bring an existing sign plan into compliance with this section shall be subject to Community Appearance Board review.

(5) After approval of a master signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Chapter. In case of any conflict between the provisions of such a plan and any other provision of this Chapter, this Chapter shall control.

(6) Designer signs that deviate from the criteria set forth in the master signage plan will be considered upon review. A designer sign must exhibit multiple characteristics identified below in order to be considered designer signage:

a. Design. The design must be dimensional and enhance the architecture of the establishment or development that it identifies, and coordinates with, or builds upon, the landscape architecture where placed;

b. Materials. The materials used must be combined to exceed industry standard quality such as natural stone, stainless steel or glass, and include sign components that are above and beyond the sign face.

c. Typefaces, colors and lighting. The typefaces, colors and lighting must be contributing elements to the overall design of the sign;

d. Mounting. The designer sign must be mounted in a manner that is unique and creative, enhances the building's architecture, and hides necessary electrical components.

e. Design and arrangement. The design and arrangement of the designer sign shall be integrated as part of an overall design of the landscape, building, or site, as applicable.

Sec. 102-7. - Certain sign or sign structures prohibited.

From and after the effective date of this Chapter, it shall be unlawful for any person or business, or the person in charge of the business, to (i) erect, attach or place, or (ii) cause to be erected, attached or placed, or (iii) permit or suffer to be erected, attached or placed, or (iv) permit or suffer to continue to be as erected, attached, or placed (except as to certain nonconforming signs within the limitations and for the time periods set forth herein) within the City of Deerfield Beach any of the following:

(a) Prohibited Signs:

(1) Abandoned or discontinued signs.

(2) Animated signs.

(3) Advertising vehicle signs not in compliance with the regulations in Section 102-8(f).

(4) Backplates, unless permitted as part of a trademark.

- (5) Banners, as defined in section 102-3, except for temporary banners for new business as provided in Code Section 102-12(c)(2).
- (6) Beacons and searchlights, except for use in special events that have obtained a special event permit per Section 2-541 of the Deerfield Beach Code of Ordinances.
- (7) Billboards.
- (8) Bench signs, except for those limited locations and subject to those specific conditions as set forth in Code Section 102-11(g).
- (9) Cabinet signs, other than logos coupled with a building sign.
- (10) Changeable copy signs (except where specified in section 102-8(h)).
- (11) Cloud signs.
- (12) Exposed Neon and LED signs and bare bulb illumination.
- (13) Foam signs, unless there is a physical reason another material cannot be used.
- (14) Four post A-Frame signs
- (15) Flashing signs.
- (16) Freestanding pole signs and temporary freestanding pole signs.
- (17) Human commercial signs.
- (18) Inflatable signs.
- (19) Pan/shoebox signs.
- (20) Portable signs (Two post A-frame sandwich board signs are not included in the definition of portable signs)
- (21) Projecting signs, fixed or swinging.
- (22) Revolving and rotating signs.
- (23) Roof signs.
- (24) Snipe signs.
- (25) Strip lighting.
- (26) Wall signs which project less than ¾ inch or more than 12 inches from where they are installed.
- (27) Wind Signs, including but not limited to balloons, pennants, feather flag signs, and flags which do not comply with definition in Section 102-3.
- (28) Any sign that is attached to a building or structure where any portion of the sign exceeds the height of the building or structure.
- (29) Any sign that constitutes a traffic hazard or detriment to traffic safety by reason of its size, content, coloring, function, or method of illumination, which:
 - a. obstructs the vision of drivers;
 - b. obstructs or detracts from the visibility of an official traffic-control device, which diverts or tends to divert the attention of drivers of motor vehicles from traffic movements on streets, roads, intersections, or access facilities;

- c. obstructs the vision of pedestrians; or
 - d. uses the words "stop," "slow," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- (30) Any commercial for-sale sign indicating the sale of a vehicle, trailer or boat unless said sign is at a location specifically authorized to sell such vehicle, trailer or boat and has a duly issued business tax receipt from the city for such sale.
- (31) Artwork or graffiti, (except where approved by an artwork permit application)
- (32) Any sign prohibited by state or federal law.
- (33) Any sign that is not permitted under Chapter 102 or the applicable zoning district regulations.
- (b) Prohibited Locations
- (1) Any permanent or temporary Sign shall be prohibited from being located on public property or public rights-of- way, except for signs installed and authorized by a governmental entity with jurisdiction.
- (2) Visibility or Vision (Sight) Triangle. No freestanding sign over 2.5 feet from the height of the road shall be placed in that area defined as a vision triangle at street or driveway intersections, excluding traffic control device signs. Vision triangle dimensions are as follows:
- a. The vision triangle shall include the area on each right-of-way or accessway corner that is bounded by the line that connects the sight or "connecting" points located on each of the right-of-way locations or property lines of intersecting rights-of-way or accessways.
 - b. For street intersections, this triangle is measured 30 feet in length from the intersection along the abutting right-of-way lines to form a triangle;
 - c. Vision triangle requirements for the intersections of all rights-of-way and accessways along FDOT right-of-way shall conform with the criteria outlined in the following standards:
 - 1. AASHTO's A Policy on Geometric Design of Highways and Streets.
 - 2. FDOT Roadway and Traffic Design Standards, Index Nos. 545, 546, and 700.
 - 3. FDOT Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways.
 - d. If a private driveway intersects with any public rights-of-way, no sight distance obstruction will be permitted within the ten-foot by 50-foot triangular area formed by the intersection of each side of the driveway and the ultimate rights-of-way or property lines with the driveway side of the triangle being ten feet in length, the public rights-of-way side of the triangle being 50 feet in length, and the third side of the triangle being the line connecting the ends of the two other sides. Subject to City approval, if the public rights-of-way is a local street with a posted speed limit of 25 miles per hour or less, these requirements may be reduced to ten feet by 35 feet.
 - e. For all on-site intersections of private internal accessways, driveways, and/or private drive aisles, a minimum ten feet by 25-foot sight triangle must be maintained from the intersecting edges of the travel way, with the ten-foot side of the triangle being along the minor drive aisle and the 25-foot side of the triangle being along the major drive aisle.

- (3) Signs within a utility easement without the written consent of the easement holder are prohibited.
- (4) Off-premises signs.
- (5) Signs attached to trees, shrubs, utility or similar poles are prohibited.
- (6) Internally or externally illuminated signs on the seaward and shore-perpendicular sides of any structures that are directly, or cumulatively, visible from any portion of the beach.
- (7) Any sign that constitutes a traffic hazard or detriment to traffic safety by reason of its location that:
 - a. obstructs the vision of drivers,
 - b. obstructs or detracts from the visibility of an official traffic-control device, which diverts or tends to divert the attention of drivers of motor vehicles from traffic movements on streets, roads, intersections, or access to facilities,
 - c. obstructs the vision of pedestrians,
 - d. uses the words "stop," "slow," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- (8) Any sign in a location prohibited by state or federal law.

Sec. 102-8. – General Regulations for Permanent Signs in all Zoning Districts.

All signs shall comply with the following regulations, unless expressly specified otherwise in a specific applicable zoning district regulations or section of this Code:

(a) *Building signs:* Building signs shall comply with the following regulations:

- (1) All illuminated signs other than logos shall be channel or reverse channel letters.
- (2) All non-illuminated signs shall be individually routed letters.
- (3) The total sign area shall be computed by allowing one (1) sign per street frontage comprising one (1) square foot for each linear foot of building or tenant frontage. When the linear footage of building/tenant frontage wall face is 32 square feet or less, the maximum square footage of signage is 32 square feet. When the linear footage of a building/tenant frontage wall face is 100 feet or more, the maximum square footage of signage is 100 square feet.
- (4) For text height, the sign background shall be considered in determining the size of the sign as well as the heights of allowable text. Signs may utilize no more than 75 percent of the vertical height of the background, where the sign is located, and no more than 75 percent of the horizontal length of any background space on which the sign is located;
- (5) Building signs may contain no more than two lines of content;
- (6) The sign must be centered both vertically and horizontally on the sign background unless an architectural feature of the building prohibits the centering of the sign.
- (7) A logo is permitted with text to a sign provided that combined, they do not exceed the maximum square footage permitted. Logo only signs which are defined as cabinet signs are not permitted.
- (8) No signs in multi-story buildings shall be located higher than the first story except building identification signs and where the sign conforms to the building regulations for the district in which it is located.
- (9) Building signs mounted via a raceway or wireway shall match the sign background of the wall to which it is mounted and must project at least 3/4 of an inch but not more than 12 inches from where they are installed. Painting of signs directly on walls is not permitted.
- (10) The sign background to which a sign is mounted is considered part of the building façade and any changes to the background are subject to the review and approval of the Community Appearance Board in Section 78-6 and development review procedure in Section 98-13 if changes to the background are more than building paint.
- (11) Directional Signs or Directory signs mounted on a building are permitted- pursuant to Section 102-8(d).
- (12) Removal of all remnants of previous building sign and restoration of façade is required, prior to mounting a new sign.

(b) *Freestanding Monument Signs:* Freestanding Monument Signs shall comply with the following regulations:

- (1) The lot shall have 100 feet of street frontage or more, for a freestanding monument sign to be permitted.
- (2) The freestanding monument sign shall not be closer than 100 feet to any other freestanding monument sign (except as otherwise expressly provided herein).

- (3) All freestanding signs must front on a public road right-of-way or a paved dedicated access easement, whichever is the principal access to the property.
- (4) The address or address range shall be prominently displayed in numbers not less than four (4) inches in height. Address numbers shall be consistent in color and font to the sign.
- (5) All freestanding signs shall be setback from the property line abutting the public right-of-way.
- (6) The height of all freestanding signs shall be measured from the existing average finished grade level of the premises where the sign is located.
- (7) The maximum size allowed for the sign varies in relation to the setback as follows, unless expressly specified otherwise in this Code. No freestanding monument sign shall exceed ten feet in height measured from the existing average finished grade level of the premises where the sign is located.

<u>Setback</u>	<u>Maximum Height of Sign Structure</u>	<u>Maximum Size of Sign Structure</u>	<u>Maximum Size of Sign Face Within the Structure</u>
<u>20 feet or more</u>	<u>10 ft.</u>	<u>80 sq. ft.</u>	<u>40 sq. ft.</u>
<u>10 feet to 19 feet</u>	<u>8 ft.</u>	<u>48 sq. ft.</u>	<u>24 sq. ft.</u>
<u>2 feet to 9 feet</u>	<u>5 ft.</u>	<u>25 sq. ft.</u>	<u>15 sq. ft.</u>
<u>0 feet to 1 foot</u>		<u>No Signs Permitted</u>	

(8) Landscape regulations for freestanding signs:

1. Permanent freestanding signs shall have irrigated landscape consisting of ground cover, shrubs, and/or trees.
 2. Plant materials with a minimum of one shrub for every two feet of linear width of the sign structure on each side;
 3. Groundcover with a minimum of five feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign shall be required.
 4. Landscape shall not block the visibility of the address or address range.
 5. Installation of the required plant materials and groundcover shall occur prior to final inspection of the sign structure and the plant materials must be shown on the landscape plan or building permit application submitted for approval.
- (9) All permanent freestanding signs shall be freestanding monument signs, unless expressly specified otherwise in this Code.
 - (10) Freestanding Directional Signs shall comply with the regulations in Code Section 102-8(d).
 - (11) No freestanding sign over 2.5 feet from the height of the road shall be placed in that area defined as a vision triangle at street or driveway intersections, as measured per Code Section 102-7(b)(2) excluding traffic control device signs.
 - (12) Bonus incentives to replace legal permanent non-conforming freestanding monument signs. Incentives have been created by the City to encourage the demolition of legal permanent non-conforming signs. The City recognizes that replacing an existing legal permanent non-

conforming sign can be time consuming and expensive; therefore, the City seeks to reward this effort through an increase of sign face area or size of sign structure, and flexibility in the design and use of colors in the signs.

- a. Eligibility. The Planning and Development Services Director will determine whether the existing sign qualifies as a legal non-conforming sign, and is therefore eligible for the incentives.
- b. Quality design required. Applicants are required to use the services of a design professional to create their replacement sign and to utilize a well-qualified signage manufacturer to fabricate and install their sign.
- c. Incentives. The replacement of a legal non-conforming sign is eligible for the following bonuses from the Code:
 1. Sign structure area: Up to 50 percent additional sign area from the, not to exceed to exceed 80 square feet.
 2. Sign face area: Up to 50 percent additional sign area, not to exceed to exceed 40 square feet.
 3. Height: Up to two feet of additional ground sign height, not to exceed ten feet total height.
 4. Identification panels: The number of tenants that can be identified on the sign may be increased to a maximum of eight.

Freestanding signs must conform to all other Code requirements for the zoning district in which the sign is located.

- (c) Lighting. Lighting for signage may be accomplished by either internal or external sources limited by the individual zoning category or special areas of interest. Lighting for signage shall comply with the following regulations:

- (1) The source of illumination for externally-illuminated signs may not be visible from any abutting right--way or any adjacent property, and be limited to the illumination of the sign face.
- (2) Exterior lighting shall be limited to white light only. Colored lighting or lighting that changes colors is not permitted.
- (3) Internally illuminated signs must have the lighting source concealed within the sign.
- (4) Internally or externally illuminated signs on the seaward and shore-perpendicular sides of any structures that are directly, or cumulatively, visible from any portion of the beach are prohibited.
- (5) Excessive use of lighting may not be used to advertise, or draw considerable attention to the sign. Examples of excessive use of lighting include, but are not limited to, strip lighting around windows and doors, illumination of awnings or stripes or canopies that contain no text, and up-lighting or downlighting of signs that extend beyond the sign face.

- (d) Directional Signs: Directional signs shall comply with the following requirements:

- (1) Shall not display advertising copy, logos or graphic display symbols, but may use text or arrow for directional information.

- (2) Shall not exceed three square feet in size, for freestanding signs, and 16 square feet for building signs.
 - (3) Shall not exceed three (3) feet in height, for freestanding signs.
 - (4) Where multi-tenant or multi-building directional signs are used, the directional type signs must be designed so as to be similar in design, details and coloring to the sign(s) for the site, and included in a master sign plan.
- (e) Parking Identification Signs. Parking space identification signs are permitted subject to compliance with the following regulations:
 - (1) Parking spaces shall be designated on an approved site plan;
 - (2) The size of the signs shall not exceed 12 inches in width and 18 inches in length;
 - (3) Signs shall not exceed six (6) feet in height;
 - (4) Signs shall be located behind wheel stops and not affect the required size of the parking stall pursuant to Schedule C. – Parking Space Size and Configuration; and
 - (5) Signs shall be permanently affixed to the ground via a U-channel sign post or adjacent wall.
 - (6) Signs shall not have any text or symbol which indicates towing or penalties can occur.
 - (7) Advertising Vehicles Signs. Signs on vehicles may not to exceed ten square feet, when Parked for more than sixty (60) consecutive minutes within 100 feet of any street right-of-way;
 - (8) When visible from the street right-of-way;
- (f) Towing signs. Towing signs where required to tow vehicles under Florida Law (715.07, F.S.) shall comply with the applicable provisions of Florida Law and Section 66-149 of the City of Deerfield Beach Code of Ordinances.
- (g) Changeable Copy signs. Changeable copy signs may be utilized as follows:
 - (1) Manual or electronic message changeable copy signs are permitted to be used only for government entities, places of public assembly, drive-thru restaurants, and gasoline service stations.
 - (2) Changeable copy signs for places of public assembly must comply with all Code provisions for building signs and freestanding signs within the zoning district they are located;
 - (3) Additional requirements for changeable copy and electronic message changeable copy signs for drive-thru restaurants and gas stations are set forth in Code Section 102-11(f).
 - (4) Electronic message changeable copy may not move or appear to move.
 - (5) All electronic message changeable copy signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- (h) Bus shelter signs. A sign shall be permitted on bus shelters authorized for construction by the City of Deerfield Beach, provided bus shelters signs shall not exceed 30 square feet.
- (i) Flags. Subject to limitations on their number, size (area), height, and setback, flags are permitted in all zoning districts subject to compliance with the following regulations:
 - (1) On single-family, two-family and RSO developed lots, up to two flags may be displayed. On multifamily and non-residential parcels which contain a principal permitted use, up to three flags may be displayed.

- (2) Flags shall be affixed to a ground mounted flagpole.
- (3) The size of the flag shall be proportionate to the height of the flagpole to which it is affixed, so that the distance from the top to the bottom of any flag shall be no more than 20 percent of the total height of the flagpole.
- (4) The height and size of flagpoles shall conform to the requirements of section 98-73 of the Land Development Code.

(j) All signs erected by governmental entities are exempt from the sign regulations herein.

Sec. 102-9. - Signs allowed in Residential Districts.

(a) The following signs are allowed in single-family dwelling districts and in connection with single-family and two-family uses within multifamily residential districts:

- (1) One name-plate sign situated on the premises not to exceed two square feet. Street address numbers on the front of a private dwelling with a minimum height of four (4) inches and a maximum height of twelve inches, one-half (1/2) inch stroke.
- (2) Temporary signs are allowed subject to the regulations set forth in Code Section 102-12.
- (3) Permanent commercial message signs are not allowed in single-family dwelling districts and on single-family and two-family uses within multifamily residential districts, except for permitted non-residential uses as regulated in Code Section 102-9(d) below.
- (4) Flags. Flags are subject to the regulations set forth in Code Section 102-8(j).

(b) The following signs are allowed in multiple-family residential, RV districts, PUD's, Residential PDD's and mobile home park districts:

- (1) Building signs. One building identification sign for multi-family residential buildings or one mobile home park identification sign subject to compliance with the following regulations:
 - a. The building sign shall comply with all regulations for building signs in Code Section 102-8(a).-
 - b. Any illuminated sign shall not cause glare or excessive light into adjacent residential property.
 - c. Any light source shall be limited to white; and the Illumination shall be limited to internal, indirect, or spotlight, and shall comply with the lighting requirements in Code Section 102-8(c).
 - d. Additional Building Sign. On parcels containing approved accessory uses, other than the building identification sign, one additional building sign for the accessory use shall be allowed. The second building sign shall be no larger than 75 percent of the height of the primary building sign and shall be designed to be in proportion to the architectural facade or wall upon which it is attached. The sign must conform to all other Code requirements as contained in Code Section 102-8(a).
- (2) Freestanding Sign: One additional building identification freestanding monument provided:
 - a. The building identification sign is not a perimeter wall sign;
 - b. Such sign meets the requirements for all freestanding signs in Section 102-8(b); and

- c. The sign can be externally illuminated only and the light source shall be limited to white and comply with the general sign lighting requirements in section 102-8(c).

(3) *Flags.* Flags are subject to the regulations set forth in Section 102-8(j).

(c) *Neighborhood signs.* The City recognizes the desire for unique communities within its boundaries to positively identify themselves and their geographic boundaries. All property neighborhood signage that include more than one (1) property neighborhood entry sign at a single entry will require a master sign plan and comply with the master sign plan requirements in Code Section 102-6(d). In cases of irregularly-shaped or unclear boundaries, the director shall be authorized to determine if a given proposal conforms to this regulation. Signs that are erected by the City that identify certain neighborhoods are exempt from these requirements.

(1) *Property neighborhood entry signs:*

- a. Each residential neighborhood entry sign shall be limited to the name of the neighborhood or residential complex.
- b. Each residential neighborhood shall display no more than one freestanding sign or two (2) signs on each entryway of the neighborhood or district, situated on either side of the street entrance.
- c. In no instance shall any freestanding sign be closer than 100 feet to any other freestanding sign, unless the sign is incorporated within an entry feature and the right-of-way between them is less than 100 feet.
- d. For subdivisions with multiple entrances, an additional neighborhood entry signs or freestanding monument sign may be situated at each entrance.
- e. All freestanding signs and entry feature signs shall comply with the general requirements for freestanding monument signs in Code Section 102-8(b).
- f. Light source shall be limited to white; and the illumination shall be limited to internal, indirect, or spotlight and comply with the general sign lighting requirements in Code Section 102-8(c).
- g. The sign shall not be permitted to be placed in the public right-of-way or in any required yard without the written authorization for the property owner;
- h. All property neighborhood entry signs require Community Appearance Board approval.

(2) *Non-commercial directional signs.* Permanent directional signs are permitted throughout a private residential neighborhood in accordance with Code Section 102-8(d), and in accordance with an approved master sign plan for the neighborhood.

(3) *Directory signs for multiple buildings or multiple developments within a residential neighborhood.* One (1) illuminated or non-illuminated ground directional sign may be permitted per residential neighborhood, provided, however, that such sign conforms to the following;

- a. The sign shall be oriented to pedestrian or vehicular traffic on the premises and shall not block the visibility of traffic;
- b. A sign for a single building or development shall be limited to two square feet per individual sign face;

- c. The aggregate directory sign faces shall not exceed a total area of 28 square feet per directory sign;
- d. The directory sign shall not exceed six feet in height;
- e. Directory signs must be designed and detailed consistent with a master sign plan and should be installed at the same time as other signs within the subdivision;
- f. The signs shall not display advertising copy, logos or graphic display symbols, but may use text or arrow for directional information; and
- g. The light source shall be limited to white; and the illumination shall be limited to internal, indirect, or spotlight and comply with the general sign lighting requirements in Code Section 102-8(c).

(4) Parking Space Identification signs are permitted subject to the regulations in Code Section 102-8(e)

(5) Temporary signs are permitted subject to the regulations in Code Section 102-12.

(d) *Non-Residential Uses in Residential Zoning Districts.*

- (1) Houses of worship, other places of public assembly, golf courses and country clubs shall comply with the corresponding sign regulations in Code Section 102-10.
- (2) Hotels and Motels located east of the Intercoastal Waterway shall comply with the sign regulations in Code Section 102-11.
- (3) All other non-residential uses shall comply with the sign regulations in multi-family zoning districts in Code Section 102-9(b).

Section 102-10. - Signs in Open Space and Community Facilities Districts.

All Signs in open space, and community facilities zoning districts shall comply with the regulations in this Section and shall comply with the regulations in Section 102-8 *General Regulations for Signs in All Zoning Districts*. In the case of conflicts between regulations in this Section and Code Section 102-8, the more stringent regulation shall apply.

(a) *Freestanding Monument Signs.* One freestanding monument identification sign is permitted. For parcels with multiple frontages, there may be two freestanding monument identification signs subject to compliance with the following conditions:

- (1) Corner parcels may have two monument identification signs, one for each frontage, provided that they are no closer than 100 feet, as measured along the frontage, or one sign calculated by combining the distances of both frontages.
- (2) Parallel (opposite) parcels or parcels with more than two street frontages are permitted two freestanding monument identification signs provided that the signs are not located within 100 feet of each other, measured along the frontage line.
- (3) In Open Spaces Districts, any type of illumination shall be limited to external illumination.
- (4) In the Community Facilities District, government entities and places of public assembly are permitted one freestanding monument sign to be a changeable copy sign per the regulations in Code Section 102-8(h) for non-commercial messages.

(b) *Building Signs.*

(1) Each building shall be permitted one (1) building identification sign per street frontage, with additional signs per street frontage, allowed based on the following criteria:

- a. The combined sign area of all signs per street frontage cannot exceed one (1) square foot per lineal frontage wall face of the building or structure, or a maximum of 100 square feet, whichever is less.
- b. The additional sign(s) are non-commercial messages intended to identify accessory uses or specific entrances or locations within the building.
- c. The additional signs may not be illuminated.
- d. All signs shall be designed in the same color and font.

(c) Other Types of Signs.

(1) All directional signs shall comply with the regulations in Code Section 102-8(d).

(2) All parking identification signs shall comply with the regulations in Code Section 102-8(e).

(3) All Temporary signs shall comply with the regulations in Code Section 102-12.

(4) Research Park at FAU. The following signs are permitted in the Research Park at FAU, which is operated in accordance with Chapter 159, Part V, Florida Statutes, notwithstanding any provisions to the contrary in this Code,

- a. One freestanding sign with internal illumination fronting I-95 and set back a minimum of ten feet from the adjacent public right-of-way which is not off-premises signage and meet all the following requirements:
 1. Maximum height not to exceed 35 feet measured from the existing average finished grade level of the premises where the sign is located. The area of each sign face shall not exceed 120 square feet and a maximum of two sign faces are permitted per sign.
 2. The width of the sign base shall be at least 20 percent of the width of the sign face or the minimum required to meet wind load specification, whichever is greater.
 3. The sign shall only identify a business (or businesses) located on the same lot (provided the message may, at any time be converted to a noncommercial message unrelated to the business. The sign shall identify the City of Deerfield Beach. In no event shall the sign be used to display an offsite commercial message, sometimes known as a billboard.
- b. One freestanding monument sign which meets all of the following requirements shall be allowed for each vehicular access to the Research Park from FAU Boulevard:
 1. Maximum height not to exceed ten feet measured from the crown of FAU Boulevard.
 2. The area of each sign face shall not exceed 40 square feet and a maximum of two sign faces are permitted per sign.
 3. The maximum area of the sign structure shall be 80 square feet.
- c. Each building shall be allowed a total of three internally illuminated building signs with only one sign per building face which meet all the following requirements:

1. One sign with a maximum area not greater than 150 square feet and a maximum length of 35 feet or 25 percent of the length of the building face upon which the sign is located. This sign shall not be located on an easterly facing building face
2. Two building signs shall be limited to 100 square feet each with a maximum length of 25 feet or 25 percent of the length of the building face upon which the sign is located.
- d. If any freestanding sign permitted herein shall ever be deemed, in any court or administrative proceeding, to be a billboard, then the freestanding sign shall be considered prohibited and removed at the owner's expense.
- e. Temporary signs are allowed subject to the regulations set forth in Code Section 102-12.
- f. Each building shall be limited to one digital clock and one digital temperature display which must meet all of the following requirements:
 1. The digital clock and digital temperature display shall be the same color. The colors may change but both shall be the same color as each other at all times and shall be dimmable.
 2. The digital clock and digital temperature display shall be located on the same building elevation.
 3. The digital clock shall not exceed 32 square feet and the digital temperature shall not exceed 32 square feet.
 4. The size of the digital clock and digital temperature shall not be included in the total square footage of allowable building face signage
- g. Each building shall be limited to two illuminated round analog clocks which must meet all of the following requirements:
 1. Both clocks shall be the same color.
 2. Both clocks shall not be located on the same building elevation.
 3. Each clock shall not exceed eight feet in diameter.
 4. The size of the analog clock shall not be included in the total square footage of allowable building face signage.

Section 102-11 Signs allowed in Commercial Zoning Districts.

(a) General Requirements:

- (1) All businesses shall be required to obtain a valid Certificate of Use and active Business Tax Receipt to obtain a sign for their business.
- (2) Temporary signs for new businesses and vacant storefronts are regulated in Code Section 102-12(c)(2) and 102-12(c)(5).
- (3) The zoning districts that the sign regulations in this Section apply to are listed below:
 - a. B-1 Business, Community; B-2 Business, Highway; B-3 Business, General
 - b. TOD, Transit-oriented development; Commercial Uses in the PDD- Planned Development District
 - c. I-Industrial; I-2 Limited Heavy Industrial, PID Planned Industrial District
 - d. B-2c, Business Highway;

- e. B-3c Business General, C-1c Commercial, Warehouse
- f. M-1c Limited Manufacturing & Industrial, M-3c Intense Manufacturing & Industrial
- g. RSO Residential/Office
- h. DBR Dixie Business Residential
- i. COD Cove Overlay District,
- j. LAC Local Activity Center -

See also the additional specific regulations that are unique to the subject zoning district.

(4) The following zoning districts have additional specific regulations that are unique to the subject zoning district that are further specified in the zoning district regulations. In the case of conflicting regulations, the more stringent regulation applies:

- a. RSO Residential/Office- See Code Section 98-52.
- b. DBR Dixie Business Residential- See Code Section 98-52A(o).
- c. COD Cove Overlay District- See Code Section 98- 53B.
- d. LAC Local Activity Center- See Code Section 98-67(15).

(5) Additional signage regulations for the following uses and locations are provided in Code Section 102-11(f):

- a. Multi-tenant buildings and commercial complexes;
- b. Gas stations; and
- c. Drive-thru restaurants.

(b) Building signs. Building signs within commercial zoning districts shall comply with all of the following regulations:

(1) All building signs shall comply with the regulations set forth in Code Section 102-8.

(2) The maximum number of signs for each building or individually demised tenancy shall be one (1) per street frontage.

(3) The single building sign may consist of a wall sign or awning sign. If the sign is an awning sign, the lettering and numbering shall be either silk-screened or such other permanent application.

(4) If a building is occupied by two independent businesses having separate business tax receipts, the following regulations apply:

- a. Each business shall occupy a minimum of 100 square feet of floor area.
- b. The signs shall match in color, illumination method and method of construction,
- c. The total area of all signs permitted on one street frontage by this section shall not exceed the maximum sign area permitted for one sign.

In the event that more than two corporations share the same space, only two tenants shall be permitted a permanent wall sign.

(5) Additional building sign. One (1) additional wall sign or awning sign (but not both) is permitted based on compliance with the following criteria:

- a. Retail businesses having more than 40,000 square feet of retail space may have an additional wall sign. The second wall sign may be no larger than 75 percent of the height of the primary wall sign and shall be designed to be in proportion to the architectural facade or wall upon which it is attached.

- b. Buildings that have two entry facades shall be entitled to one additional wall sign. The second sign shall match the primary facade wall sign in color, illumination method and method of construction.
 - c. All buildings that face a private drive aisle may have an additional wall sign, located on the rear or side elevation of the building. The second sign shall match the primary facade wall sign in color, illumination method and method of construction. No signs at the rear of a building visible to any adjacent residential property shall be illuminated. The sign must conform to all other Code requirements as contained in Code Section 102-8(a).
 - d. A logo and a text sign on the same façade is permitted if the design of the façade is negatively impacted by the provision of a single sign.
 - e. Buildings built as out-parcels in front of commercial shopping centers or office buildings may have two (2) additional wall signs; One (1) located at the rear and another on either side elevation of the building. The signs shall match the primary facade wall sign in color, illumination method and method of construction.
- (6) Businesses that operate twenty-four (24) hours a day shall be entitled to one sign per street frontage announcing "Open 24 Hours", which shall be displayed on the building. This "Open 24 Hours" sign must be no larger than nine inches in capital letter height, no more than three square feet in sign area, must be the same color and material as the approved prominent sign on the building and be designed to be in proportion to the architectural facade or wall upon which it is attached.
- (7) Each building or individually demised tenant occupancy, shall be allowed one service door nameplate identification sign not to exceed one square foot with lettering not to exceed three inches in capital letter height. Address bay numbers shall be included on all rear doors, which numbers shall not count toward square feet.
- (c) Freestanding Signs
- (1) All freestanding signs shall comply with the regulations set forth in Code Section 102-8.
 - (2) The sign shall match the architectural design and color of the base of the sign shall match the color of the building.
 - (3) For parcels or out-parcels with more than 700 feet of frontage or multiple frontages, there may be an additional freestanding monument sign or multi-tenant monument sign as follows:
 - a. Corner parcels having more than 100 feet of frontage on each street may have two freestanding monument signs, one for each frontage, provided they are no closer than 100 feet, as measured along the frontage, or one sign calculated by combining the distance of both frontages.
 - b. Parallel (opposite) parcels with more than two street frontages are permitted two freestanding monument signs provided that the frontage on which the sign is placed is over 100 feet and the second monument sign is not located within 100 feet of another freestanding sign, measured along the frontage line.
 - c. Properties with frontage in excess of 700 feet may have one additional freestanding monument sign with placement of the second sign no closer than 100 feet from the first sign.
- (d) Window signs. Window signs, including permanent and temporary window signs, shall meet the following number, size, height and durational requirements:

- (1) The window sign area shall not exceed 25% of the total window area for each business frontage.
 - (2) The maximum allowable letter height for all window signs is 12 inches.
 - (3) All other logos, logotypes, non-illuminated window perimeter borders and stripes, ascending or descending letters, swash letters, pictures, symbols, graphics or combination thereof, shall not exceed 15 inches in height, and the area is included in the 25% maximum square footage allowed calculation.
 - (4) Open/closed signs: Each place of business may exhibit one "Open" or "Closed" sign. The sign shall be no larger than three square feet in total sign area. The sign may be illuminated or non-illuminated. Open/closed signs shall not be included in the calculation for overall sign area permitted for windows.
 - (5) Street address and hours of operation information are allowed, but will not count in the calculation for the overall sign area permitted for windows. Street address signs shall not be less than four (4) inches in height.
 - (6) Illuminated signs are allowed, and will be included in the calculation of the window sign area. The total of all illuminated signage shall not exceed six square feet and the signage shall only be lit during hours of operation. No illuminated signs greater than six square feet shall be located within 15 feet from the face of any window surface.
 - (7) Additional temporary window signs are permitted subject to the regulations in Code Section 102-12(c)(2)
- (e) Sandwich board signs.
- (1) One sandwich board sign shall be allowed along the tenant frontage of any non-residential property, subject to the limitations in Code Section 102-7(b).
 - (2) No sandwich board sign may be lit, either internally or externally.
 - (3) Sandwich board signs shall be freestanding and moveable. They may be single-sided or double-sided.
 - (4) Sandwich board signs shall be removed during inclement weather and high winds.
 - (5) Sandwich board signs shall not exceed an overall height of 36 inches above ground level or an overall area of six square feet.
 - (6) Sandwich board signs shall not be allowed on the public right-of-way including public sidewalks.
 - (7) Any sandwich board sign that encroaches upon pedestrian movement or safety shall be prohibited and removed or relocated.
 - (8) Sandwich board signs shall be readable, properly maintained, and kept in good working condition.
- (f) Additional Regulations for Specific Uses and Locations. All properties consisting of the following specific uses and in the following locations, shall comply with the regulations in this Chapter, and the supplementary regulations in this subsection below:
- (1) Multi-tenant buildings and commercial complexes:

- a. All multi-tenant buildings and commercial complexes require a master sign plan pursuant to Code Section 102-6(c) to include all exterior signs and window signs on the building(s) and/or site.
- b. Multi-tenant freestanding commercial message signs. A freestanding commercial message sign is subject to compliance with all of the following regulations:
 - 1. The sign shall comply with the general regulations for freestanding monument signs in Code Section 102-8(b).
 - 2. The sign may display up to six identification panels on the sign.
 - 3. The sign shall be designed in such a manner that tenant's text is in the same type font and same color allowed for the building sign.
 - 4. Text shall not exceed 75% of the height and length of the tenant panel.
 - 5. The tenant panels shall all be white flat tenant panels (no pan signs) and no push-thru letter signs.
 - 6. Any illumination shall be only be white in color.
 - 7. The numeric address shall be displayed as part of the sign in text no smaller than four (4) inches capital letter height.
 - 8. The property owner, or designee, shall be solely responsible for determining the tenant names that are on the sign and assuring that the sign face and sign itself are maintained in accordance with the maintenance standards in Code Section 102-14.
- c. Building Identification Sign. Multi-tenant buildings may have one additional building identification sign, per street frontage. Building identification signs shall comply with the following regulations:
 - 1. The signs shall strictly identify the name or address of the building.
 - 2. The signs shall comply with the regulations for building signage set forth in Code Section 102-8(a).
 - 3. The signs shall be designed in a manner that is consistent with the architecture of the building, and freestanding and tenant signage on the site.
- d. Directional signs for multi-tenant or commercial complexes.
 - 1. The directional type signs must be designed so as to be similar in design, details and coloring to the other sign(s) on the site;
 - 2. The directional signs shall comply with the regulations for general directional signs in Code Section 102-8(d).
- e. Directory sign. One internally-illuminated wall building directory sign may be permitted per building or one (1) internally-illuminated ground directory sign may be permitted per parking lot on premises, within a multiple tenant shopping center, business complex or office building for pedestrian or vehicular wayfinding purposes; provided, however, that such sign complies with all of the following regulations:
 - 1. The sign shall be oriented to pedestrian or vehicular traffic on the premises and shall not block the visibility of traffic.

2. A single business or activity shall be limited to two square feet per individual sign face.
 3. The aggregate directory sign faces shall not exceed a total area of 28 square feet per directory sign.
 4. The directory sign shall not exceed six feet in height, for freestanding signs.
 5. Directory signs shall not display advertising copy, logos or graphic display symbols, but may use text or arrow for directional information.
 6. Where a multi-tenant monument sign is installed, directory signs must be designed and detailed consistent with a master sign plan and should be installed at the same time as the multi-tenant monument sign(s).
 7. Illumination shall comply with the general lighting requirements for signs in Code Section 102-8(c).
- f. *Under-canopy signs for Shopping Centers.* In shopping centers, an additional under-canopy non-illuminated sign is allowed provided that the sign complies with the following requirements:
1. The sign is positioned 90 degrees to the building.
 2. The sign is hung with a minimum clearance of eight (8) feet zero inches
 3. to the sign shall not exceed three (3) square feet per side.
 4. All signs within a single shopping retail center shall be the same size, color and type face, except for the tenant logo(s).
 5. All under-canopy signage shall be included in the master sign plan for the shopping center.
- g. *Commercial complex identification signs.* The regulations in this subsection apply to commercial complexes, to positively identify themselves within their geographic boundaries. In cases of irregularly-shaped or unclear boundaries, the director shall be authorized to determine if a given Community Appearance Board application conforms to these regulations. Commercial Complex identification signs shall comply with the following regulations:
1. The signs shall be limited to the name of the commercial complex;
 2. The signs shall display not more than one freestanding monument sign or two (2) entry feature signs opposite and parallel to each other along each entrance to the complex;
 3. Freestanding signs shall not be closer than 100 feet to any other freestanding sign, unless they are entry feature signs and the right-of-way between them is less than 100 feet.
 4. All freestanding signs and entry feature signs shall comply with the general requirements for freestanding monument signs in Section 102-8(b).
 5. Light source shall be limited to white in color and comply with the general regulations for lighting in Code Section 102-8(c).

6. The sign shall not be permitted to be placed in the public right-of-way or in any required yard without the written authorization for the property owner;
7. All commercial complex entry signs shall be incorporated into a master sign plan for the entire commercial complex,
8. All commercial complex entry signs require Community Appearance Board approval.

(2) Gas Station Signs. Gas Station Signs shall comply with the following regulations:

- a. The total square footage of the building and canopy signageshall be based on the linear building frontage for each street frontage. The total sign area shall be computed by allowing one square foot for each linear foot of building or tenancy frontage, to be split between the building and the canopy.
- b. Canopy signs are limited to one per street frontage.
- c. Any striping or other linear graphics on the canopy will be considered a sign if it is illuminated.
- d. Changeable Copy Fuel price informational signs. In a properly zoned district, signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted, subject to compliance with the following conditions:
 1. One freestanding fuel price informational sign limited to 12 square feet is allowed. If there is a freestanding identification sign then this changeable copy fuel price informational sign shall be incorporated into its design so as not to have two or more freestanding signs. The sizes allowed for the fuel price informational sign shall be in addition to other allowable signage.
 2. Only one fuel price informational sign shall be permitted per fuel pump limited in size to an area of 18 square inches. Each fuel price informational sign shall be affixed directly to a fuel pump and shall be stationary.
 3. Only the fuel price information signs as regulated in this Section can be changeable copy, and shall comply with the general regulations for changeable copy signs in Code Section 102-8(h). No other changeable copy signs are permitted.

(3) Drive-thru Restaurants. Outdoor changeable copy menu signs are only allowed on lots that have been approved for restaurants with drive-thru windows, provided that such menu signs comply with all of the following conditions:

- a. All changeable copy sings shall comply with the General Regulations for changeable copy signs in Code Section 102-8(h).
- b. Only one changeable copy menu sign shall be permitted per drive-thru lane.
- c. Display surface area shall not exceed 24 square feet.
- d. If the sign is lighted, it may only be internally illuminated .
- e. The outdoor menu sign shall be oriented to be seen at the drive-thru location where orders from vehicle occupants are taken.

(g) Bench signs. One 12 square-foot sign per bench may be provided on benches located in commercial and industrial zoning districts, where regular bus service is provided at least five days per week by public transportation. Benches with signs shall only be located in the City in the following manner:

- (1) Benches shall not be placed at any location which is not a bus stop where regular bus service is provided at least five days per week by public transportation.
- (2) Benches shall not be placed in the sign vision triangle.
- (3) Benches shall not be placed on public sidewalks.
- (4) Benches may be placed on private property only with written authorization from the property owner.
- (5) All benches shall be positioned parallel to the public right-of-way or at an angle up to, but not exceeding, 45 degrees from the right-of-way; and
- (6) One bus bench per bus stop only; unless the city manager authorizes a second bench where there is sufficient demand or where a bus bench is relocated to make room for a city authorized bus shelter.

Section 102-12 Temporary Signs.

(a) General requirements.

- (1) Temporary signs are not to be erected for longer than six (6) months, unless a longer time period is specifically permitted for such temporary sign in this Chapter.
- (2) Only such temporary signs as are prescribed in this Section shall be placed, displayed and maintained upon any residential or non-residential lot.
- (3) Temporary signs may be placed upon private property with the written permission of the owner of the property or other person in legal control of the property.
- (4) All temporary signs shall be discarded in a timely and proper manner so as to prevent litter and trash from accumulating within the City.
- (5) Temporary signs shall comply with the regulations set forth in Code Section 102-7 Prohibited Signs and Locations.-
- (6) An-additional 12 square feet of temporary non-commercial message signage per residential and non-residential zoned lot, for the ninety (90) calendar days prior to and seven calendar days following any federal, state, county, or city election is permitted.
- (7) The regulations for temporary holiday sales signs are set forth within Section 18-4 of the City of Deerfield Beach Code of Ordinances.
- (8) Temporary signs shall not be placed, erected or maintained in the public right-of-way or on any public property.
- (9) Temporary signs shall not be placed in a utility easement without the written permission and approval of the easement holder.
- (10) It shall be the responsibility of the owner of the property to remove or properly secure any temporary sign in the event of any hurricane warning in effect for the City of Deerfield Beach. If such action is not taken by the property owner, the City reserves the right to remove or properly secure the sign.

(b) Residential Districts.

- (1) Temporary non-commercial message signs. Except as otherwise provided in subsections (2), (3), and (4) below, the following regulations shall apply for all temporary signs in residential districts:

- a. Maximum of two (2) double-faced signs per lot.
- b. Sign area not to exceed six (6) square feet per face
- c. Maximum height not to exceed four (4) feet.

(2) Real Estate Signs. Real Estate Signs in Residential Districts shall comply with the following regulations:

- a. They are permitted only for when the property where the sign is posted is actively for sale or rent;
- b. The sign may only advertise a sale or lease for the property where the sign is located.
- c. The sign shall not be illuminated in any manner.
- d. One double-faced sign per premises shall be permitted, except for waterfront lots and lots having more than one street frontage. Waterfront lots shall be allowed to have one additional sign placed on the side of the property facing the water, and lots having more than one street frontage shall be allowed to have one additional sign placed on the second street frontage provided the signs are placed a minimum of 100 feet apart from one another, as measured along the perimeter of the property line.
- f. Sign area shall not exceed six (6) square feet per face.
- g. Maximum height shall not exceed four (4) feet.
- h. Two "open-house" signs per property may be displayed between the hours of 8:00 a.m. and 6:00 p.m. on the day the property is open for inspection.
- i. Signs must be removed no later than two calendar days after closing on the sale of the property or leasing of the property.

(1) Contractor signs and/or project signs. Contractor signs or Project signs shall comply with all of the following regulations:

- a. An active building permit for the subject site is required to authorize the use of a Contractor or Project Sign. The sign may not be posted until the issuance of the building permit for the project and shall be removed upon the expiration of the building permit or upon the issuance of the certificate of occupancy for the project, whichever shall first occur.
- b. One (1) free-standing sign per construction site is permitted.
- c. The sign shall not exceed six (6) square feet in sign area per face in single-family dwelling districts and in single-family and two-family uses within multifamily residential districts, and shall not exceed 16 square feet in sign area within multi-family and mobile home park districts.
- d. Maximum height for the sign shall not exceed six (6) feet.

(2) Window signs. Temporary non-commercial message window signs:

- a. Shall not cover more than 15 percent of the window area;
- b. May be located on or adjacent to the window;
- c. Shall include no letter greater in height than four inches; and
- d. Shall include no logos or symbols greater than eight inches in height.

(c) Temporary Signs in Non-Residential Districts.

(1) Temporary commercial message signs and temporary non-commercial message signs. Except as otherwise provided in subsections (2), (3), and (4) below, the following regulations shall apply for all temporary signs in non-residential districts:

- a. The signs shall be subject to all general regulations within Code Section 102-12(a).
- b. A maximum total of two (2) double-faced temporary freestanding signs per lot or business location.
- c. The sign area shall not exceed 16 square feet per face, and shall not exceed a maximum height of six (6) feet.
- d. Window signs shall comply with Code Section 102-11(d) for all permanent and temporary window signs.

(2) Temporary signs for new businesses. Temporary signs for new businesses within the City are permitted subject to compliance with the following regulations:

- a. One temporary single-sided ground mounted banner, not to exceed 32 square feet is permitted. The Banner shall not to exceed six (6) feet in height and shall be located on private property, parallel to the street frontage of the business. The Sign must have a minimum of two posts in the ground. Feather flags are prohibited.
- b. One temporary wall mounted banner, not to exceed 32 square feet may be located in the window area of the business or on the wall above the entrance to the business, centered horizontally and vertically within the sign band and/or within the designated wall sign location for the permanent sign.
- c. Additional window signage on or adjacent to the window surface is permitted, provided it does not cover more that 50% of the window area, including any permanent window signage.
- d. The additional signage permitted in this subsection is only permitted for a period of time not to exceed sixty 60 days after the date of issuance of the initial Certificate of Use for the new business.

(3) Real estate signs. Real Estate signs are permitted, subject to compliance with all of the following regulations:

- a. The real estate signage is permitted only when there is a vacancy at the property where the sign is posted, or when the building or property is being offered for sale or lease.
- b. The sign shall be no larger than 16 square feet per face. No attachments to the sign shall be permitted.
- c. The sign shall not be illuminated.
- d. Limited to one real estate sign per premises, except that waterfront lots may have an additional sign on the side of the property facing the water and lots having more than one frontage may have an additional sign placed on the second street frontage, provided all signs are placed a minimum of 100 feet apart from one another as measured from the perimeter of the property line.
- e. The sign shall not exceed six (6) feet in height.

- f. Not more than two "open-house" signs per property for residential components of non-residential properties shall be permitted. Such signs may be displayed between the hours of 8:00 a.m. and 6:00 p.m. on the day the property is open for inspection.
 - g. Signs must be removed ~~no later than two calendar days after closing~~ when a property is sold, and/or fully occupied or leased.
- (4) Contractor Signs. Contractor signs or Project signs shall comply with all of the following regulations:
- a. An active building permit for the subject site is required to authorize the use of a Contractor or Project sign. The sign may not be posted until the issuance of the building permit for the project and shall be removed upon the expiration of the building permit or upon the issuance of the certificate of occupancy for the project, whichever shall first occur.
 - b. One free-standing sign per construction site is permitted.
 - c. The sign shall not exceed 16 square feet.
 - d. The maximum height of the sign shall not exceed six (6) feet.
- (5) Temporary window signs for vacant storefronts. For vacant spaces for which no tenant is proposed, 100% of the window may be covered with temporary signage, subject to compliance with the following regulations:
- a. Decorative window displays only are permitted and shall not contain "for rent", "for sale", "for lease".
 - b. Requires approval from the Community Appearance Board.
 - c. The sign cannot exceed a six (6) months duration.

Sec. 102-13. - Existing signs nonconforming.

Any sign which did not conform to the City of Deerfield Beach Sign Code on the day before **INSERT DATE**, and which should have been removed or modified under prior law shall be an illegal nonconforming sign. Any signs which were legally permitted and constructed which do not conform to provision of the City of Deerfield Beach Sign Code on **INSERT DATE**, shall be considered legal nonconforming signs and shall be governed as provided for herein.

- (a) Unless otherwise provided for herein, any sign made nonconforming by this sign code shall be considered a legally nonconforming sign and shall be made to conform to this sign code as provided for herein.
- (b) A legally nonconforming sign may not be enlarged or altered in a way which increases its degree of nonconformity, but any sign or portion thereof may be altered to decrease its degree of nonconformity, except as provided for herein.
- (c) A legally nonconforming sign shall not be structurally altered to prolong the life of the sign. Reasonable repair and maintenance of nonconforming signs, including change of copy, is permitted, as provided for herein. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include replacement of materials in the sign structure where the cost of the replacement materials exceeds 25 percent of the sign's value. Reasonable repair does not include:
 - (1) Any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure;

- (2) Any modification, including the addition of embellishments, that changes the sign area or the height above ground level;
 - (3) Any modification that enhances the visibility of the sign's copy, such as a change to the depth of the copy, or the period of time that the copy is visible;
 - (4) Any modification that adds changeable faces or electronic message signs; or
 - (5) Any modification that adds artificial lighting, or changes the existing lighting such that illumination is increased.
- (d) Should a legally nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as defined in subsection (d) above, then the sign shall not be reconstructed except in compliance with the sign code.
 - (e) Should a legally nonconforming sign be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - (f) Any legally nonconforming sign structure the use of which as a sign is discontinued for a period of 180 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this code. The use of the sign shall be presumed to be discontinued during the time the business with which the sign is associated is not in operation. Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection. The time period during any active renovation or reconstruction of the premises (as evidenced by an active building permit) with which the sign is associated shall not be counted in computing any abandonment.
 - (g) If there is new development on a parcel upon which a sign, or signs, is, or are, located, which development is required to undergo major development review pursuant to the City's land development regulations, all nonconforming signs on the parcel shall be made to comply with the provisions of this sign code.
 - (h) Any sign which is legally nonconforming as set forth above may be modified to change the copy on the sign face provided the modification does not exceed the definition of reasonable repair as set forth above, and the sign complies with all other provisions of the sign code (except for those provisions which caused the original nonconformity) and does not increase the degree of nonconformity.
 - (i) *Bonus incentives to replace legal permanent non-conforming freestanding monument signs.* Incentives have been created by the city to encourage the demolition of legal permanent non-conforming signs. The City recognizes that replacing an existing legal non-conforming sign can be time consuming and expensive; therefore, the City seeks to reward this effort through an increase of sign face area or size of sign structure, and flexibility in the design and use of colors in the signs.
 - (1) *Eligibility.* The Planning and Development Services Director will determine whether the existing sign qualifies as a legal non-conforming sign, and is therefore eligible for the incentives.
 - (2) *Quality design required.* Applicants are required to use the services of a design professional to create their sign and to utilize a well-qualified signage manufacturer to fabricate and install their sign.

(3) Incentives. The replacement of the legal non-conforming freestanding monument signs are eligible for the following bonuses from the current Code requirements:

- a. Sign structure area: Up to 50 percent additional sign area from the, not to exceed to exceed 80 square feet.
- b. Sign face area: Up to 50 percent additional sign area, not to exceed to exceed 40 square feet.
- c. Height: Up to two feet of additional ground sign height, not to exceed ten feet total height.
- d. Identification panels: The number of tenants that can be identified on the sign may be increased to a maximum of eight.
- e. Freestanding signs must conform to all other Code requirements for the zoning district in which the sign is located.

Sec. 102-14. - Maintenance, violations, enforcement and remedies.

- (a) Maintenance. All signs and associated landscape shall be maintained in a safe, presentable and good structural condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of said sign. When a new sign is installed, any deficiencies to the surface of the area from the removal of the old sign, shall be repaired and such areas will be painted to match the color of the area in which the sign is located.
- (b) Abandoned or discontinued signs. Except as otherwise provided in this Code, an abandoned or discontinued sign is prohibited and shall be removed by the owner of the premises, or as otherwise provided for in this article.
- (c) Dangerous or defective signs. No person shall maintain or permit to be maintained on any premises which they own or control any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this article.
- (d) Unlawful signs. No person shall erect on any premises which they own or control, any sign which does not comply with the provisions of this Code.
- (e) Violations and enforcement.
 - (1) Violations. The violation or failure to comply with any of the provisions of this ordinance shall be and hereby is declared to be unlawful and a violation of this sign code. Each and every day that a violation continues shall be considered a separate and specific violation.
 - (2) Enforcement. The city may enforce the provisions of this chapter through the code enforcement process set forth within Chapter 2, Article VI of the City of Deerfield Beach Code of Ordinances. Any violation of the provisions of this chapter shall also be enforced pursuant to section 1-15 of the City of Deerfield Beach Code of Ordinances.

Sec. 102-15. - Administration.

- (a) Code administrator. The administrator shall be the director of planning and development services department or a representative designated by the director. The administrator is hereby authorized to process applications for permits and variances, provide for the holding of public hearings as required and enforce and carry out all provisions of this Code, both in letter and in spirit. The administrator is authorized to promulgate regulations and procedures consistent with the purpose of this Code toward this end.

- (b) Inspection. The building official or designee is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City upon which or in connection with which, a sign is located for the purposes of inspection of the sign, its structural and electrical connections, and to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.
- (c) Appeals. Any person who believes that a decision rendered in the denial of a permit is incorrect may appeal that decision to the City Commission. A denial of an application by the community appearance board shall constitute a denial for purposes of this section. Any person aggrieved by a decision of the board may file a letter of appeal in a form prescribed by the City (together with the applicable fee) with the City Commission by filing same with the city manager, or designee, within ten business days of the decision. Such letter of appeal shall identify the application and the action which is the subject of the appeal and shall set forth the grounds for appeal with specificity and the requested relief. The City Commission shall sit, in open session, as an appeal board and shall hear the appeal at either the first, second or third regularly scheduled City Commission meeting after the notice of appeal being filed, but not more than 45 days after the notice has been filed, and shall either affirm the action of the board, affirm it with modifications, reverse it or remand it for further consideration. The members of the board shall be notified of the date on which the appeal is to be heard. The hearing before the City Commission shall be a de novo hearing and shall be held pursuant to the quasi-judicial procedures of the City unless waived by the applicant. No building or development permit may be issued for a structure or building which has been denied by the board or which is the subject of an active appeal. The ruling shall be issued within three calendar days of the hearing. If the appeal is from a denial, there shall be no presumption that the original denial is correct. The appeal shall be heard de novo at a publicly noticed quasi-judicial hearing. If the appeal is not finally determined within three calendar days after the hearing, or within 45 days after the filing of the appeal, whichever event occurs first, the sign permit shall be issued. Any adverse decision of the City Commission may be appealed to the circuit court by way of a petition for writ of certiorari.
- (d) Variances. A variance may be authorized by the City Commission for any required dimensional standard for a sign. A variance shall be deemed denied unless four members of the commission vote in favor of the request for a variance. Applications for variances may be obtained from the department of planning and development services.
- (1) Variances may be granted for any required dimensional standard for a Sign, including the following:
- a. Height
 - b. Area
 - c. Location
 - d. Maximum number
 - e. Minimum setback
- (2) A variance may not be granted for a Sign that is prohibited by this Code.
- (3) All justifications for a variance shall be related specifically to the property where the variance is being requested. Nonconforming uses of neighboring lands, structures or buildings in the same zoning district or identification of permitted use of lands, structures and buildings in other districts shall not be considered grounds for the issuance of a sign variance.

- (4) A written application for a variance from the terms of this sign code shall be submitted to the director of planning and development services the application shall demonstrate all of the following:
- a. That special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district; and
 - b. That the special conditions and circumstances do not result from the actions of the applicant; and
 - c. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same zoning district; and
 - d. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Code and would work unnecessary and undue hardship on the applicant; and
 - e. That the granting of the variance will not deter the identification and wayfinding for the building and site without a negative impact on the aesthetic quality of the site and architecture.
 - f. There is something unique about the building or site configuration that would cause the signage permitted by this Chapter to be ineffective in identifying a use or structure that would otherwise be entitled to a sign. That the granting of the variance will not detract from the safety of pedestrians or motorists on the site which is located or on the adjacent right-of-way.
 - g. That the grant of the variance will be in harmony with the general intent and purpose of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (5) Prior to review by the City Commission, all sign variances shall be reviewed by the Community Appearance Board (CAB) regarding the impact of the requested variance on the design of the sign and community aesthetics pursuant to Chapter 78 of the Land Development Code. The CAB shall make a recommendation to the City Commission of approval, approval with conditions, or denial of the requested Sign variance.
- (6) In granting a variance, the City Commission may attach such conditions regarding the location, character, and other features of the proposed Sign as it may deem necessary to carry out the spirit, purpose, and provisions of this Code.
- (e) Administrative interpretation. Any person who claims that the provisions of this section are unenforceable for any reason, or unreasonably restrict free expression, may appeal to the city commission for an interpretation of this section as relates the specific concern of that person. The department shall provide appeal forms upon request. The city commission shall hear such appeal within 45 days of its filing and shall (within three calendar days thereafter) issue a ruling based upon the language of the Code in light of prevailing law as to First Amendment rights to free speech so as to assure that this section is applied in a manner consistent with those rights. In the event of an appeal that is not finally determined within the time frames set forth herein or in the event of an adverse decision by the city commission, such person may pursue an appeal of the same to the

circuit court by way of a petition for writ of certiorari or such other remedy available at law or equity.

- (f) The director of planning and development services shall allow any sign permitted under this section to change its lettering, in whole or in part, to a noncommercial message as often as is desired by the person in control of the sign. No community appearance review of said change shall be required providing the font, style, color scheme, and design characteristics of the sign are not changed.

Sec. 102-16. - Severability.

- (a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.
- (b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in section 102-16(a), or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in section 102-16(a), or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 102-7 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-7 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-7.
- (d) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

Section 6. All Sections or parts of Sections of the City Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 8. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 9. That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED 1ST READING ON THIS ____ DAY OF _____, 2024.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

EXHIBIT “A”

Chapter 102—SIGN CODE

Sec. 102-1. Purpose, intent and scope.

- (a) *Purpose.* It is the purpose of this chapter to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being.
- (b) *Intent.* The sign regulations in this chapter are intended to:
- (1) Encourage the effective use of signs as a means of communication in the City;
 - (2) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
 - (3) Ensure pedestrian and traffic safety;
 - (4) Minimize the possible adverse effect of signs on nearby public and private property;
 - (5) Foster the integration of signage with architectural and landscape designs;
 - (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
 - (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
 - (8) Encourage and allow signs that are appropriate to the zoning district in which they are located consistent with and serve the needs of the land uses, activities and functions to which they pertain;
 - (9) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location and the nature of any such use, and to allow smooth navigation to these locations;
 - (10) Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the lot and building on which the sign is to be placed or to which it pertains;
 - (11) Regulate signs so that they are effective in performing the function of identifying, indexing and safely directing pedestrian and vehicular traffic to a destination;
 - (12) Preclude signs from conflicting with the principal permitted use of the lot and adjoining lots;
 - (13) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

- (14) ~~Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;~~
- (15) ~~Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all zoning districts of the city;~~
- (16) ~~Allow for traffic control devices without city regulation consistent with national standards because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;~~
- (17) ~~Protect property values by precluding to the maximum extent possible signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;~~
- (18) ~~Protect property values by ensuring that the size, number and appearance of signs, are in harmony with buildings, neighborhoods, structures and conforming signs in the area;~~
- (19) ~~Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts as a source of economic advantage for its resort community, as well as for its major office and industrial parks;~~
- (20) ~~Streamline the approval process and encourage creative and aesthetic standards for signage with all large scaled developments by requiring master signage plans;~~
- (21) ~~Enable the fair and consistent enforcement of these sign regulations;~~
- (22) ~~Not regulate signs more than necessary to accomplish the compelling and substantial governmental objectives described herein.~~

(c) ~~Scope.~~

- (1) ~~The provisions of this chapter shall govern the number, size, location and other similar aspects of signs and sign structures which may be permitted either as a main or accessory use under the terms of this chapter. No signs shall be permitted on a lot or parcel either as a main or accessory use except in accordance with the provisions of this chapter.~~
- (2) ~~This chapter does not regulate signs on government property, including but not limited to, signs on property owned by the City of Deerfield Beach, Broward County or the State of Florida, and this chapter does not regulate traffic control devices.~~
- (3) ~~No provision of this chapter shall be intended to regulate the posting on private property of official signs and notices required by law, such as notices of zoning, etc.~~
- (4) ~~In the event of any conflict between this chapter and any declaration of covenants, bylaws, or other restrictions applying to any property within the city, the language affording the more restrictive interpretation shall apply.~~
- (5) ~~The city specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the city to further these interests.~~

- (6) ~~Nothing in the city's sign code shall be construed or deemed to prevent the city from entering into a sign relocation and reconstruction agreement with a sign owner in accordance with F.S. § 70.20, provided that the relocation and reconstruction agreement provides for the reduction of the amount of signs and is approved by the city commission. Notwithstanding anything in the city Code to the contrary, sign relocation or reconstruction pursuant to an approved sign relocation and reconstruction agreement shall not require an amendment to the city Code or the approval of any variance. The city may adopt a sign relocation program by resolution to provide guidelines for sign relocation and reconstruction agreements.~~
- (d) ~~*Impact of sign clutter.* Excessive signage and sign clutter impairs the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and other required signs (such as nameplate sign, noncommercial onsite directional sign, identification sign, onsite or on premise wayfinding sign, and warning sign) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the city, ensure that city residents and visitors can safely navigate through the city to their intended destinations, and promote the continued well-being of the city. It is therefore the purpose of this article to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the city through reasonable, consistent and non-discriminatory standards for the posting, displaying, erection, use, and maintenance of signs that are no more restrictive than necessary to achieve these governmental interests.~~
- (e) ~~*Case law.* In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this article are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:~~
- ~~(1) *Reed v. Town of Gilbert, Ariz.*, -U.S.- 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;~~
 - ~~(2) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and off premise signs;~~
 - ~~(3) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;~~
 - ~~(4) *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;~~
 - ~~(5) *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;~~
 - ~~(6) *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of regulation of commercial speech; and~~
 - ~~(7) *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property.~~

Sec. 102-2. Applicability and effect.

- (a) ~~A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter.~~

~~(b) The effect of this chapter is more specifically set forth herein:~~

- ~~(1) To establish a permit system for signs in community facilities, open space, institutional, commercial, industrial, and residential zones and areas of special interest, subject to the standards and the permit procedures of this chapter;~~
- ~~(2) To provide for certain exemptions from permitting;~~
- ~~(3) To expressly prohibit certain signs;~~
- ~~(4) To provide sign code regulations applicable to all properties within the City Limits including all annexed properties from Broward County into the City of Deerfield Beach; and~~
- ~~(5) To provide for the enforcement and maintenance of the provisions of this chapter.~~

Sec. 102-3. Definitions.

~~Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (2) a sign which is blank.~~

~~Address sign. A building sign having the letters and street name of the premises on which it is attached.~~

~~Advertising. Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.~~

~~Animated sign. A sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.~~

~~Banner. Any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind. The word "banner" shall also include pennant or any animated, rotating and/or fluttering device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.~~

~~Beacon. A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.~~

~~Bench sign. An off-premises sign placed on a seating bench for the purpose of advertising.~~

~~Billboard. A structure, including signs located in the public right-of-way, utilized for advertising an establishment, activity, product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located.~~

~~Building sign. A sign whose entire portion is displayed upon or attached to any part of the exterior of a building, including walls, parapets and marquees. A building sign shall include a cabinet or box sign, an under-canopy sign, and a nameplate identification sign, but does not include a window sign.~~

~~*Building official.* An agent of the City of Deerfield Beach authorized to permit, inspect, approve or deny construction within the city.~~

~~*Cabinet or box sign.* Any sign, the face of which is enclosed, bordered or contained within a box-like structure.~~

~~*Canopy sign.* Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.~~

~~*Changeable copy sign.* A sign on which the message copy is changed either manually, electronically, or by any other method through the utilization of attachable letters, numbers, or symbols, and other similar characters, or internal rotating or moveable parts which change the visual message.~~

~~*Commercial message.* Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.~~

~~*Construction sign.* An on-premises temporary commercial message sign that functions to identify those entities engaged in construction of a building site.~~

~~*Copy.* The linguistic or graphic content of a sign.~~

~~*Designer sign.* A building or freestanding sign that exhibits unique, dimensional, creative and innovative methods of design, lighting, materials of construction that are above the typical sign industry standards.~~

~~*Directory sign.* A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.~~

~~*Double faced sign.* Means a sign with two faces, which are parallel to each other, back to back with the same copy. A double-faced sign is not sandwich board sign.~~

~~*Flag.* Any fabric, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other entity.~~

~~*Flashing sign.* A sign which permits lights to be turned on or off intermittently more frequently than once per minute.~~

~~*Freestanding sign.* A sign supported by a sign structure secured to the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.~~

~~*Freestanding monument sign.* A freestanding sign whose ratio of width of sign to width of support is less than 3 to 1.~~

~~*Freestanding pole sign.* A freestanding sign where the ratio of width of sign to width of support is greater than 3 to 1.~~

~~*Frontage wall face.* The building façade, fascia, soffit, mansard and roof, which faces a frontage of the premises.~~

~~*Frontage.* The distance along the property line which abuts the public right-of-way line.~~

~~*Height of sign.* The height shall be measured from the existing average finished grade level of the premises where the sign is located.~~

~~*Human commercial signs.* A person wearing a costume or holding a sign or other display while outside for the purpose of advertising or promoting a business, product or service.~~

~~*Identification and informational sign.* Any sign of an identification or informational nature bearing no advertising.~~

~~*Illuminated sign.* Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.~~

~~*Illumination, external.* A light source which illuminates the sign area located separate from the sign.~~

~~*Illumination, internal.* A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.~~

~~*Logo.* A graphic representation, letter, character, symbol, trademark, design or crest or combinations thereof used to identify a business or organization.~~

~~*Lot.* Lot means a parcel of land fronting on a street which is or may be occupied by a building and its accessory buildings or structures, including the open spaces required under this article, and which parcel of land is a matter of record in Broward County, Florida.~~

~~*Master signage plan.* A self-imposed (by the developer) set of aesthetic and creative standards for all the components of signage within the project which must be submitted to the city for approval prior to adoption.~~

~~*Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.~~

~~*Marquee sign.* Any sign attached to, in any manner, or made a part of a marquee.~~

~~*Multi-tenant center.* Any shopping center, office center or business center in which two or more occupancies abut each other, share common parking facilities and drives, have individual entries from the main thoroughfare or internal drive aisles, or have individually demised areas.~~

~~*Nameplate sign.* A flat, thin piece of material inscribed with the name, and/or profession or address of a person or persons residing on the premises or legally occupying the premises.~~

~~*Neon sign.* Any sign formed by luminous or gaseous tubes in any configuration.~~

~~*Noncommercial on-site directional sign.* An on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.~~

~~*Noncommercial message.* A noncommercial message is any message which is not a commercial message.~~

~~*Nonconforming sign.* Any sign that does not conform to the provisions of this chapter.~~

~~*Occupancy.* Any one business, activity or professional office.~~

~~*On-premises directional or informational sign.* A non-commercial message sign which conveys wayfinding or directional information located on a lot or parcel designed to direct the public to any facility or service located on the premises of said lot or parcel or to direct and control traffic thereon, and which does not contain any advertising copy, logos or graphic display symbols.~~

Off-premises sign. A sign which advertises merchandise, services, activities, or entertainment that is not sold, produced, manufactured, or furnished on the premises where the sign is located.

Panel. The primary surface of a sign upon which the message of the sign is carried.

Parapet. A vertical false front or wall extension above the roof line.

Parcel. Parcel means a tract of land which may be described by metes and bounds or plat. (See "lot".)

Perimeter wall sign. Any sign mounted on a perimeter wall, which is not a component defining an enclosed building area.

Permanent sign. Any sign which, when installed, is intended for permanent use. For the purposes of this chapter, any sign with an intended use in excess of six months from the date of installation shall be deemed a permanent sign.

Portable sign. Any mobile or portable sign or sign structure that is not permanently attached to the ground or to any other structure. This definition shall include, but not be limited to, trailer signs, A-frame signs, sandwich signs and vehicles whose primary purpose is advertising.

Projecting sign. Any sign which is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.

Real estate sign. A temporary sign erected by the owner, or his agent, indicating property, which is for rent, sale or lease.

Relocation and reconstruction agreement. A consensual, contractual agreement between a sign owner and the city for either the reconstruction of an existing sign or the removal of a sign and construction of a new sign to substitute for the sign removed.

Revolving or rotating sign. A sign that revolves or rotates.

Roof line. Highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof, the roof line is the highest continuous line of the roof or parapet, whichever is higher.

Roof sign. A sign erected over or on the roof, or extending above the roof line, which is dependent upon the roof, parapet or upper walls of any building, or portion thereof, for support.

Sandwich board sign. Any self-supporting A-shaped freestanding sign with only two visible sides.

Shopping center. Five or more commercial establishments, planned, developed, owned and managed as an integral unit, with off street parking provided on the property, and having individual entries with individually demised areas.

Sign. The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light. Also, the above, when within two feet of the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information. This term shall not be interpreted to include traffic control device signs.

Sign, area of. The square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, "sign area" is the sum of the individual areas of the smallest contiguous rectangle, capable of containing such symbol(s), letter(s), illustration(s), message(s), forms(s) or panels.

Sign face. The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation, which attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, color and direct or self illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign structure. Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Snipe sign. Shall mean a sign of any material, including paper, cardboard, wood and metal, when tacked, nailed or attached in any way to trees, telephone poles, utility poles, stakes, fences, or other objects where such sign may or may not apply to the premises. This definition includes cardboard signs on sticks.

Special event. A special event that has been permitted in accordance with Chapter 2, Article XI of the City of Deerfield Beach Code of Ordinances.

Tagline. An often repeated phrase associated with an individual, organization, or commercial product; a slogan.

Temporary sign. Any sign intended for a use not permanent in nature. For the purposes of this chapter, sign with an intended use of twelve months or less shall be deemed a temporary sign.

Towing sign. A sign posted on private property in accordance with the provisions of Section 715.07, F.S. for the purpose of informing users that unauthorized vehicles will be towed away.

Traffic control device sign or traffic control device. Any sign located within the right of way and that is used as a traffic control device and described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information). These devices are not regulated as signs under this chapter.

Vehicle sign or signs. A sign affixed to or painted on a transportation vehicle including, but not limited to automobiles, trucks, boats, trailers, and recreational vehicles for the purpose of identification or advertisement, whether stationary or in motion, if the primary purpose of the vehicle sign is to call attention to a business establishment, production or event.

Visibility triangle or vision triangle. A triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 30 feet in length from the intersection along the abutting right of way lines to form a triangle; and for driveway intersections, this triangle is measured ten feet from the intersection along the right of way line and along the driveway line to form a triangle.

Wall sign. A sign installed or erected parallel to the facade of any building upon which it is attached and designed to be in proportion to the architectural facade or wall upon which it is fastened and not projecting or extending above the buildings' roof or parapet line (flat sign).

Window area. The window area of a storefront shall be the total square footage of all glass areas of a storefront. This would include all areas of glass windows, doors, side lights and transoms, fixed or operable, located on the elevation of the building or storefront on which the front door or primary entrance to the establishment is located.

Window open/closed sign. A small sign, either illuminated or non-illuminated announcing a place of business is open or closed for business, usually hung in storefront windows.

Window sign. A sign located on a window or within two feet inside a building or other enclosed structure, which is visible from the exterior through a window or other opening intended to attract the attention of the general public.

Window sign area. The entire area within a contiguous perimeter, enclosing each word, picture, logo, logotype, symbol, banding or graphic.

Wind sign. A sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind. This shall include but not be limited to banners, flags, pennants, ribbons, spinners, streamers or captive balloons.

Sec. 102-4. General.

- (a) ~~Substitution of noncommercial speech for commercial speech.~~ Notwithstanding anything contained herein to the contrary, any sign erected pursuant to the provisions of this Code may, at the option of the owner, contain either a noncommercial message unrelated to the business located on the premises where the sign is erected or a commercial message. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the size, design criteria, setbacks, etc. contained in this chapter have been satisfied.
- (b) ~~Content neutrality as to sign message.~~ Notwithstanding anything to the contrary contained in this chapter, no sign or sign structure shall be subject to any limitation based solely upon the content of the message contained on such sign or displayed on such sign structure.

Sec. 102-5. Permits.

Generally, signs are classified as either (i) "prohibited signs" that cannot be erected or displayed in the city, or (ii) "allowed signs" that can be erected and displayed in the city subject to certain conditions or limitations, including content neutral conditions or limitations that apply to the number, size, height, setback, or function of signs. Some allowed signs do not require any type of permit, while other allowed signs require one or both of the following permits: (a) a sign permit to demonstrate that the sign meets the city's land development regulations, and/or (b) a building permit when the sign is of a type of construction that requires a building permit under the statewide Florida Building Code. The following provisions describe those permit requirements as applicable to signs and sign structures in the city.

- (a) ~~Building permits.~~ Except as provided herein, it shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter, or maintain an outdoor advertising display sign, as defined in the Florida Building Code, without first obtaining a

~~building permit from the city in accordance with provisions of the Florida Building Code. Fees shall be paid in accordance with city fee schedules.~~

~~(b) Sign permits. In addition, a sign permit application shall be filed with the planning and development services department in accordance with section 102-15 and, where applicable, a community appearance board application shall be filed with the community appearance board and shall be processed in accordance with the applicable requirements of this Code. Appeals shall be handled in accordance with section 102-15 of this chapter.~~

~~(c) Signs exempt from sign permits. It shall not be necessary to obtain a sign permit described in section 102-5(b), above, for the following signs, however compliance with all applicable provisions and regulations in this Code must be met:~~

~~(1) Traffic control device signs.~~

~~(2) Address signs, less than 12 inches in height.~~

~~(3) Temporary signs.~~

~~(4) Bench signs.~~

~~(5) Towing signs where required to tow vehicles under Florida Law (715.07, F.S.) or no trespassing signs as permitted by Florida Law (810.011, F.S.).~~

~~(6) Vehicle signs.~~

~~(7) Warning and safety signs.~~

~~(8) All window signs.~~

~~(d) Inspections. The following inspections by the building official or designee shall be required before permits are final:~~

~~(1) On freestanding signs, an inspection is required prior to the pouring of concrete, the enclosure or framing of any assembled structure;~~

~~(2) Rough and final electrical inspections on all signs requiring an electrical permit;~~

~~(3) On certain signs that are inaccessible for inspection because of height or location, the building official may require either a shop inspection, special access or an on-site inspection of the sign prior to the installation of such sign. Such conditions shall be so stated on the permit when it is issued;~~

~~(4) Final inspection on all signs that require a permit for:~~

~~a. Compliance to construction specifications;~~

~~b. Conformity to setbacks, design, color, height and materials as approved.~~

~~(e) The time periods for review of permit applications and the appeal procedures governing denials or the failure to act upon sign permit applications are addressed in section 102-15.~~

~~Sec. 102-6. Submission requirements for all sign permits.~~

~~(a) Sign permit application. Sign permits required by this chapter shall be filed with the building division and shall contain two sets of the following information:~~

~~(1) Drawings. The drawings shall include the following:~~

~~a. Dimensions, lettering style, material, mounting details, and illumination details.~~

- b. ~~Color rendering and color samples for all applications.~~
 - c. ~~Photos of signs on abutting and subject properties.~~
- (2) ~~For free-standing monument signs, submit a copy of a survey/plot plan that shows all existing buildings and all existing free-standing monument signs on the property. Show the setbacks from the property line abutting the public right-of-way to the proposed sign and show the dimensions between any existing monument sign.~~
 - (3) ~~Landscape plan for freestanding signs. In all instances, the sign location shall be coordinated with the landscape design to avoid present and future tree/sign conflicts.~~
 - (4) ~~For building signs, submit elevations for all building signs illustrating dimensioned location. Show height, length and width of the sign structure, sign background and sign copy.~~
 - (5) ~~Written permission to erect proposed sign from owner and/or owners of property on which said sign is to be erected.~~
 - (6) ~~Community appearance board (CAB) application. See section 78-7 of the Land Development Code for the community appearance board sign design criteria. The following signs shall submit a CAB Application for review, all other signs are exempt from CAB review or as determined by the director:~~
 - a. ~~Signs that are requesting variances.~~
 - b. ~~Commercial signs that have tag lines.~~
 - c. ~~Signs that have phone numbers and/or websites.~~
 - d. ~~Designer signs.~~
- (b) ~~Sign permit review. Individual signs which are determined by planning and development services department to be consistent with a master signage plan or with the standards and criteria of this chapter may be approved by the department without review by the community appearance board. All applications for sign permits shall be submitted to the Building Division. The Planning and Development Services shall consider the following criteria and standards in its review and approval of signs:~~
- (1) ~~That the signage for the project is in keeping with the overall architecture and character of the building development, etc.;~~
 - (2) ~~That the signage for the project is designed to meet the directional needs of the project for communication, identification, way finding, regulatory and informational messages in keeping with the overall architectural theme of the development or project;~~
 - (3) ~~That the signage proposed is legible and conspicuous;~~
 - (4) ~~That the visibility and impact of the type of signs, number of signs, design, size, method of construction, illumination and location of the proposed signs do not adversely impact adjoining properties;~~
 - (5) ~~That the sign location is coordinated with the landscape design to avoid present and future tree/sign conflicts;~~
 - (6) ~~That the proposed signage is consistent and not in conflict with the intent of this Chapter.~~
- (c) ~~Master signage plan.~~

~~(1) Master signage plan requirements.~~ No permit shall be issued for an individual sign requiring a permit in a commercial or industrial multiple occupancy complex or multi-tenant center unless and until a master signage plan has been submitted by the property owner and approved as being in conformance with this section. The purpose of the master signage plan is to encourage and promote re-development and new construction diversity and creativity for signage within all large scaled developments. Additionally, the intent is to encourage improvements in existing signage and to set higher and more creative and aesthetic standards. A master signage plan shall be required for the following type of projects:

- ~~a. Mixed use developments.~~
- ~~b. Residential subdivisions and multi-family developments.~~
- ~~c. Commercial or industrial multi-tenant centers.~~

~~(2) Master signage plan application.~~ A master signage plan application shall contain the following information:

~~a. Design criteria which shall include the following:~~

- ~~1. Sign location;~~
- ~~2. Number of signs;~~
- ~~3. Sign height (sign structure and sign text);~~
- ~~4. Sign structure area;~~
- ~~5. Sign face area;~~
- ~~6. Sign type;~~
- ~~7. Font type;~~
- ~~8. Colors: Face, return, trim cap, frame;~~
- ~~9. Sign material;~~
- ~~10. Method of illumination;~~
- ~~11. Illumination color; and~~
- ~~12. Mounting details.~~

~~b. Three sets of drawings shall be provided and include the following:~~

- ~~1. Color rendering and color samples for all signs.~~
- ~~2. For building signs, submit elevations for all building signs illustrating dimensioned location. Show height, length and width of the sign structure, sign background and sign copy.~~
- ~~3. For free-standing monument signs, submit a copy of a survey/plot plan that shows all existing buildings and all existing free-standing monument signs on the property. Show the setbacks from the property line abutting the public right-of-way to the proposed sign and show the dimensions between any existing monument sign.~~
- ~~4. Landscape plan for freestanding signs. In all instances, the sign location shall be coordinated with the landscape design to avoid present and future tree/sign conflicts.~~

- ~~(3) Master signage plan review.~~ The master signage plan will be reviewed by planning and development services and the community appearance board. If a master signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within one year, all signs not conforming to the proposed amended plan.
- ~~(4) Modifications to a master signage plan.~~
- ~~a. A plan which is revised or modified to come into conformity with this section shall be reviewed and approved subject to the community appearance board review.~~
 - ~~b. A property that is submitting a master sign plan because it did not previously have a sign program or is changing the program in a manner to bring an existing sign plan into compliance with this section shall be subject to the community appearance board process.~~
- ~~(5) After approval of a master signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of such a plan and any other provision of this chapter, the chapter shall control.~~
- ~~(6) Designer signs and registered trademarks that deviate from the criteria set forth in the master signage plan will be considered upon review.~~
- ~~a. Designer sign criteria. A designer sign must exhibit multiple characteristics identified below in order to be considered designer signage:~~
 - ~~1. Design. Must be dimensional and enhance the architecture of the establishment or development that it identifies, and coordinates with, or builds upon, the landscape architecture where placed;~~
 - ~~2. Materials. Must be combined to exceed industry standard quality such as natural stone, stainless steel or glass;~~
 - ~~3. Typefaces, colors and lighting. Must be contributing elements to the overall design of the sign;~~
 - ~~4. Design and arrangement. Shall be integrated as part of an overall design of the landscape, building or site, as applicable.~~

~~Sec. 102-7. Certain sign or sign structures prohibited.~~

~~From and after the effective date of this chapter it shall be unlawful for any person or business, or the person in charge of the business, to (i) erect, attach or place, or (ii) cause to be erected, attached or placed, or (iii) permit or suffer to be erected, attached or placed, or (iv) permit or suffer to continue to be as erected, attached, or placed (except as to certain nonconforming signs within the limitations and for the time periods set forth herein) within the City of Deerfield Beach any of the following:~~

- ~~(1) Abandoned or discontinued signs.~~
- ~~(2) Animated signs.~~
- ~~(3) Banners, as defined in section 102-3.~~
- ~~(4) Beacons.~~
- ~~(5) Billboards.~~

- ~~(6) Bench signs (except for those limited locations and subject to those specific conditions as set forth in section 102-8(f)(1)).~~
- ~~(7) Changeable copy signs (except where specified in section 102-8(f)(2)).~~
- ~~(8) Freestanding pole signs (except towing signs where required to tow vehicles under Florida Law (715.07, F.S.) and no trespassing signs as permitted by Florida Law (810.011, F.S.) and temporary freestanding pole signs).~~
- ~~(9) Off premises advertising signs (except as may be specifically allowed herein).~~
- ~~(10) Neon and LED signs (except for those in compliance with the specific conditions for window signs as set forth in section 102-8(c)(3)).~~
- ~~(11) Portable signs (Two post A-frame sandwich board signs are not included in the definition of portable signs.).~~
- ~~(12) Projecting signs, fixed or swinging (except as specifically allowed by the community appearance board).~~
- ~~(13) Roof signs.~~
- ~~(14) Snipe signs.~~
- ~~(15) Wind and feather flag signs.~~
- ~~(16) Reserved.~~
- ~~(17) Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of an official traffic control device, which diverts or tends to divert the attention of drivers of motor vehicles from traffic movements on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians. No sign shall use the words "stop," "slow," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.~~
- ~~(18) Any commercial for sale sign indicating the sale of a vehicle, trailer or boat unless said sign is at a location specifically authorized to sell such vehicle, trailer or boat and has a duly issued business tax receipt from the city for such sale.~~
- ~~(19) There shall be exempted from the prohibited provisions of this chapter those signs that are authorized by the City of Deerfield Beach at the time of the effective date of this chapter, but which become nonconforming signs due to any of the provisions of this chapter, but said exemptions shall apply only during the period set out in section 102-13 within which they must be brought into compliance with all of the provisions of this chapter or removed.~~
- ~~(20) Any freestanding sign in excess of 80 square feet for the sign structure or 40 square feet sign face within the sign structure, other than a traffic control device sign.~~
- ~~(21) Any freestanding sign structure in excess of ten feet in height, other than a traffic control device sign.~~
- ~~(22) Any sign that is attached to a building or structure where any portion of the sign exceeds the height of the building or structure.~~
- ~~(23) Vehicle sign or signs with a total sign area on any vehicle in excess of ten square feet, when the vehicle:~~

- a. ~~Is parked for more than 60 consecutive minutes within 100 feet of any street right-of-way; and~~
 - b. ~~Is visible from the street right-of-way that the vehicle is within 100 feet of; and~~
 - c. ~~Is not regularly "used in the conduct of the business advertised" on the vehicle. A vehicle used primarily for advertising, or for the purpose of advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of business.~~
- (24) ~~Any permanent or temporary sign located on public property or public rights-of-way except for signs installed or authorized in writing by a governmental entity.~~
 - (25) ~~Cabinet signs.~~
 - (26) ~~Flashing signs.~~
 - (27) ~~Sight visibility. No sign over three feet in height shall be placed in that area defined as a vision triangle at street or driveway intersections.~~
 - (28) ~~Revolving and rotating signs.~~
 - (29) ~~Any sign prohibited by state or federal law.~~
 - (30) ~~Human commercial signs.~~
 - (31) ~~Four post A-frame signs.~~

Sec. 102-8. Signs allowed.

- (a) ~~The following signs are allowed in single-family dwelling districts and in single-family and two-family uses within multifamily residential districts:~~
 - (1) ~~One name-plate sign situated on the premises not to exceed two square feet.~~
 - (2) ~~Street address numbers on the front of a private dwelling with a minimum height of three inches and a maximum height of ten inches.~~
 - (3) ~~Temporary signs are allowed subject to the regulations set forth in Section 102-10.~~
 - (4) ~~Permanent commercial message signs are not allowed in single-family dwelling districts and on single-family and two-family lots within multifamily residential districts.~~
- (b) ~~The following signs are allowed in multiple-family residential, RV districts and mobile home park districts:~~
 - (1) ~~One principal main-use sign as follows: One building sign or one perimeter wall sign.~~
 - a. ~~Building signs.~~
 - 1. ~~The total sign area shall be computed by allowing one square foot for each linear foot of building or tenancy frontage. No sign shall be required to be smaller than 32 square feet nor exceed 100 square feet. The sign must be centered both vertically and horizontally on the sign band;~~
 - 2. ~~For text height, the background shall be considered in determining the size of the sign as well as the heights of allowable text. Signs may utilize no more than 75 percent of the vertical height of the background, where the sign is located, and no more than 75 percent of the width of any background space on which the sign is located;~~

- ~~3. Building signs may contain no more than two lines of text;~~
 - ~~4. All building signs shall meet the location requirements in section 102-9;~~
 - ~~5. No sign visible to any adjacent residential property shall be illuminated;~~
 - ~~6. Light source shall be limited to white; and the illumination shall be limited to internal, indirect, or spotlight;~~
 - ~~7. The sign must be centered both vertically and horizontally on the sign band unless an architectural feature of the building prohibits the centering of the sign.~~
- ~~b. Perimeter wall sign.~~
- ~~1. The total sign area shall not exceed 32 square feet.~~
 - ~~2. The sign must conform to all other Code requirements as contained in section 102-8 (b) (1) a. for building signs.~~
- ~~(2) One additional main use sign as follows: One additional externally illuminated freestanding monument sign provided: (1) the lot has more than 100 feet of street frontage, and (2) the principal main use sign is not a perimeter wall sign. Such freestanding monument sign shall meet the size and setback requirements in section 102-9. In all instances, no freestanding sign shall be closer than 100 feet to any other freestanding sign and the light source shall be limited to white.~~
- ~~(3) On parcels containing approved accessory uses, other than the principal main use, one additional building sign, shall be allowed. The second building sign may be no larger than 75 percent of the height of the primary building sign and is designed to be in proportion to the architectural facade or wall upon which it is attached. The sign must conform to all other Code requirements as contained in section 102-8(b)(1)(a) for building signs.~~
- ~~(4) Temporary signs are allowed subject to the regulations set forth in section 102-10.~~
- ~~(c) The following signs are allowed in the business, commercial, residential office, Dixie business/residential, transit-oriented development, community facilities and industrial zoning districts.~~
- ~~(1) Freestanding monument signs or multi-tenant freestanding monument sign. Except as provided below, one freestanding or multi-tenant freestanding monument sign is allowed on parcels or out parcels having at least 100 feet of street frontage. A freestanding monument sign is subject to the following limitations:~~
- ~~a. In no instance shall any freestanding sign be closer than 100 feet to any other freestanding sign;~~
 - ~~b. No freestanding sign shall exceed ten feet in height measured from the existing average finished grade level of the premises where the sign is located;~~
 - ~~c. All freestanding signs shall meet the setback requirements in section 102-9;~~
 - ~~d. When applicable, the sign shall match the architectural design and the color of the base of the sign shall match the color of the building;~~
 - ~~e. For parcels or out parcels with more than 700 feet of frontage or multiple frontages, there may be an additional freestanding monument sign or multi-tenant monument sign as follows:~~

1. ~~Corner parcels having more than 100 feet of frontage on each street may have two freestanding monument signs, one for each frontage, provided they are no closer than 100 feet, as measured along the frontage, or one sign calculated by combining the distance of both frontages. The sign must conform to all other Code requirements as contained in section 102-8(c)(1) for freestanding signs.~~
 2. ~~Parallel (opposite) parcels with more than two street frontages are permitted two freestanding monument signs provided that the frontage on which the sign is placed is over 100 feet and the second monument sign is not located within 100 feet of another freestanding sign, measured along the frontage line. The sign must conform to all other Code requirements as contained in section 102-8(c)(1) for freestanding signs.~~
 3. ~~Properties with frontage in excess of 700 feet may have one additional freestanding monument sign with placement of the second sign no closer than 100 feet to the first. The sign must conform to all other Code requirements as contained in section 102-8(c)(1) for freestanding signs.~~
- f. ~~Multi-tenant freestanding commercial message signs. A freestanding multi-tenant commercial message sign is subject to the additional following limitations:~~
1. ~~The sign may display up to six identification panels on the sign;~~
 2. ~~The sign shall be designed in such a manner that all text is in the same type font and same color;~~
 3. ~~The numeric address shall be displayed as part of the sign in text no smaller than four (4) inches capital letter height;~~
 4. ~~Text shall not exceed six (6) inches in height, but be no less than four (4) inches in overall capital letter height;~~
 5. ~~The sign must conform to all other Code requirements as contained in section 102-8(c)(1) for freestanding signs.~~
 6. ~~The property owner, or designee shall be solely responsible for determining which tenant names are on the sign and assuring that the maintenance of the sign face and sign itself are maintained as described under section 102-14.~~

~~(2) Building signs.~~

- a. ~~The maximum number of signs for each building, or individually demised tenancy shall be one per street frontage. The building signs shall consist of one (1) wall, one (1) canopy, or one (1) awning identification sign. If the applicant chooses an awning sign, the lettering and numbering shall be either silk-screened or other such permanent application.~~
1. ~~The total sign area shall be computed by allowing one square foot for each linear foot of building or tenancy frontage. No sign shall be required to be smaller than 32 square feet nor exceed 100 square feet. For the purposes of calculation, maximum building signage for gasoline and/or service stations having a canopy (or convenience stores selling gasoline) shall be determined by the building frontage, not the canopy.~~

2. ~~For sign text height, the background shall be considered in determining the size of the sign as well as the heights of allowable text. Signs may utilize no more than 75 percent of the vertical height of the background, where the sign is located, and no more than 75 percent of the width of any background space on which the sign is located, or for retail tenant space no more than 75 percent of the area between the tenant's demising partitions for multiple tenant buildings;~~
 3. ~~Building signs may contain no more than two lines of text;~~
 4. ~~All building signs shall meet the location requirements in section 102-9;~~
 5. ~~The sign must be centered both vertically and horizontally on the sign band unless an architectural feature of the building prohibits the centering of the sign.~~
- b. ~~Additional building sign. If the applicant chooses a wall sign, one additional wall sign is permitted for the following criteria:~~
1. ~~If a freestanding structure is occupied by two independent businesses having separate business tax receipts. In the event that more than two corporations share the same space, only two tenants shall be permitted a permanent wall sign.~~
 - i. ~~Each business shall occupy a minimum of 100 square feet of floor area.~~
 - ii. ~~The signs shall match in color, illumination method and method of construction.~~
 - iii. ~~The total area of all signs permitted on one street frontage by this section shall not exceed the maximum sign area permitted for one sign.~~
 - iv. ~~The sign must conform to all other Code requirements as contained in section 102-8(c)(2) for building signs.~~
 2. ~~Retail businesses having more than 40,000 square feet of retail space may have an additional wall sign. The second wall sign may be no larger than 75 percent of the height of the primary wall sign and shall be designed to be in proportion to the architectural facade or wall upon which it is attached. The sign must conform to all other Code requirements as contained in section 102-8(c)(2) for building signs.~~
 3. ~~Businesses which operate twenty four (24) hours a day shall be entitled to one sign per street frontage announcing "Open 24 Hours" which shall be displayed on the building. This "Open 24 Hours" sign must be no larger than nine inches in capital letter height, no more than three square feet in sign area, must be the same color and material as the approved prominent sign on the building and be designed to be in proportion to the architectural facade or wall upon which it is attached.~~
 4. ~~Buildings that have two entry facades shall be entitled to one additional wall sign. The second sign shall match the primary facade wall sign in color, illumination method and method of construction. The sign must conform to all other Code requirements as contained in section 102-8(c)(2) for building signs.~~
 5. ~~All buildings that face a private drive aisle may have an additional wall sign, located on the rear or side elevation of the building. The second sign shall match the primary facade wall sign in color, illumination method and method of construction. No signs at the rear of a building visible to any adjacent residential property shall be~~

illuminated. The sign must conform to all other Code requirements as contained in section 102-8(c)(2) for building signs.

6. Buildings built as out parcels in front of commercial shopping centers or office buildings may have one additional wall type sign located at the rear or side elevation of the building. The second sign shall match the primary facade wall sign in color, illumination method and method of construction. The sign must conform to all other Code requirements as contained in section 102-8(c)(2) for building signs.
7. In retail centers, an additional under-canopy non-illuminated sign is allowed if positioned 90 degrees to the building, hung with a minimum clearance of eight feet zero inches sized not to exceed three square feet per side. All signs within a single retail center shall be the same size, color and type face except for the tenant logo.
8. Additionally, each building or individually demised tenant occupancy, shall be allowed one rear door nameplate identification sign not to exceed one square foot with lettering not to exceed three inches in height. Address bay number shall be included on all rear doors, which shall not count toward square feet.

(3) Permanent commercial message window signs and merchandise displays.

- a. Permanent window signs, which meet the following number, size, height and durational requirements:

1. The window sign area shall not exceed 20 percent of the total window area for each business frontage or 20 square feet, whichever is less.



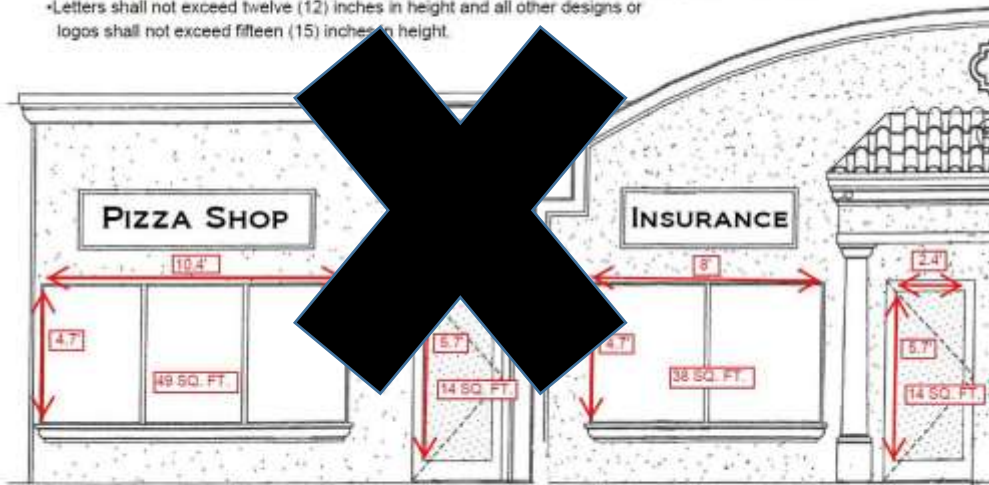
Measurement of Window Sign Area Example
"A"x"B" = Sign Area

2. Maximum allowable letter height for all window signs is 12 inches.
3. All other logos, logotypes, window banding, window perimeter borders and stripes, swash letters, pictures, symbols, graphics or combination thereof, shall not exceed 15 inches in height.

4. ~~Open/closed signs: Each place of business may exhibit one "Open" or "Closed" sign. The sign shall be no larger than three square feet in total sign area. The sign may be illuminated or non-illuminated. Open/closed signs shall not be included within the overall sign area permitted for windows.~~
5. ~~Street address and hours of operation information are allowed, but will not count towards the overall sign area permitted for windows.~~
6. ~~Illuminated signs are allowed, but will count towards the calculation of the window sign area. The total of all illuminated signage shall not exceed six square feet and shall only be lit during hours of operation. No illuminated signs greater than six square feet shall be located within 15 feet from the face of any window surface.~~

Window Signage Example:

- Window signage shall not exceed 20% of the total window area or 20 square feet, whichever is less.
- Letters shall not exceed twelve (12) inches in height and all other designs or logos shall not exceed fifteen (15) inches in height.



Example One:
Total Window Area: 49 SQ. FT. + 14 SQ. FT. = 63 SQ. FT.
20% = 13 Square Feet of window signage permitted

Example Two:
Total Window Area: 38 SQ. FT. + 14 SQ. FT. = 52 SQ. FT.
20% = 10 Square Feet of window signage permitted

b. ~~Merchandise displays:~~

1. ~~Merchandise displays greater than two feet from the face of any window surface are exempt from this chapter.c.~~

~~(4) Temporary window signs are allowed subject to the regulations set forth in Section 102 10.~~

~~(d) Open Space. The following signs are allowed in districts zoned open space:~~

- ~~(1) Freestanding monument identification signs. Except as provided below and municipally owned parks and facilities, one freestanding monument identification sign is allowed on lots having at least 100 feet of street frontage. Illumination (if any) of freestanding monument signs shall be limited to external illumination. Freestanding monument identification signs shall be subject to the following limitations:~~

- ~~a. The sign shall not exceed ten feet in height measured from the existing average finished grade level of the premises where the sign is located.~~

- b. ~~Setbacks and size: see section 102-9.~~
- c. ~~In no instance shall the sign be closer than 100 feet to any other freestanding sign.~~
- d. ~~For parcels with multiple frontages, there may be two freestanding monument identification signs under the following conditions:~~
 - 1. ~~Corner parcels may have two monument identification signs, one for each frontage, providing they are no closer than 100 feet, as measured along the frontage, or one sign calculated by combining the distances of both frontages. A monument identification sign shall in no instance exceed 24 square feet in size (area);~~
 - 2. ~~Parallel (opposite) parcels or parcels with more than two street frontages are permitted two freestanding monument identification signs provided that the signs are not located within 100 feet of each other, measured along the frontage line.~~

~~(2) Building signs.~~

- a. ~~Each building shall be entitled to one wall sign per street frontage.~~
- b. ~~The total sign area shall be computed by allowing one square foot for each linear foot of building or tenancy frontage. No sign shall be required to be smaller than 32 square feet nor exceed 100 square feet.~~
- c. ~~For text height, the background shall be considered in determining the size of the sign as well as the heights of allowable text. Signs may utilize no more than 75 percent of the vertical height of the background, where the sign is located, and no more than 75 percent of the width of any background space on which the sign is located.~~
- d. ~~Building signs may contain no more than two lines of text.~~
- e. ~~All building signs shall meet the location requirements in section 102-9.~~
- f. ~~The sign must be centered both vertically and horizontally on the sign band unless an architectural feature of the building prohibits the centering of the sign.~~

~~(3) Temporary signs are allowed subject to the regulations set forth in Section 102-10.~~

~~(4) These provisions shall not apply to municipally owned parks and facilities.~~

- ~~(c) *Areas of special interest.* Within the city there are special definable districts which because of their unique character, strategic location or necessity to the city's economic advantage, warrant special consideration. This Code herein establishes these guidelines in order to promote development along main thoroughfares control the aesthetic character of boulevards, gateways and destinations, and to protect property values of adjacent residential neighborhoods.~~

~~(1) *CRA district.* In the CRA district, one permanent gateway monument sign that meets with the following content-neutral criteria is allowed at the western border of the district:~~

- a. ~~It must be located at the intersection of two four lane, or greater, roads.~~
- b. ~~It shall not be greater than 15 feet in height.~~
- c. ~~It shall not have a signage area greater than 135 square feet.~~
- d. ~~It shall have a landscaped area of a minimum of 875 square feet.~~
- e. ~~It may incorporate and display changeable, animated copy, including noncommercial messages; provided, however, that the changeable copy shall not be limited in any way by virtue of the viewpoint of any message.~~

~~f.—Temporary signs are allowed subject to the regulations set forth in section 102-10.~~

~~(2) Research Park at FAU. The following signs are permitted in the Research Park at FAU, which is operated in accordance with Chapter 159, Part V, Florida Statutes, notwithstanding any provisions to the contrary in this Code:~~

~~a.—One freestanding sign with internal illumination fronting I-95 and set back a minimum of ten feet from the adjacent public right-of-way which is not off-premises signage and meet all the following requirements:~~

- ~~1.—Maximum height not to exceed 35 feet measured from the existing average finished grade level of the premises where the sign is located. The area of each sign face shall not exceed 120 square feet and a maximum of two sign faces are permitted per sign.~~
- ~~2.—The width of the sign base shall be at least 20 percent of the width of the sign face or the minimum required to meet wind load specification, whichever is greater.~~
- ~~3.—The sign shall only identify a business (or businesses) located on the same lot (provided the message may, at any time be converted to a noncommercial message unrelated to the business. The sign shall identify the City of Deerfield Beach. In no event shall the sign be used to display an offsite commercial message, sometimes known as a billboard.~~

~~b.—One freestanding monument sign which meets all of the following requirements shall be allowed for each vehicular access to the Research Park from FAU Boulevard:~~

- ~~1.—Maximum height not to exceed ten feet measured from the crown of FAU Boulevard.~~
- ~~2.—The area of each sign face shall not exceed 40 square feet and a maximum of two sign faces are permitted per sign.~~
- ~~3.—The maximum area of the sign structure shall be 80 square feet.~~
- ~~4.—Minimum setback from FAU Boulevard right-of-way shall be 20 feet.~~

~~c.—Each building shall be allowed a total of three internally illuminated building signs with only one sign per building face which meet all the following requirements:~~

- ~~1.—One sign with a maximum area not greater than 150 square feet and a maximum length of 35 feet or 25 percent of the length of the building face upon which the sign is located. This sign shall not be located on an easterly facing building face.~~
- ~~2.—Two building signs shall be limited to 100 square feet each with a maximum length of 25 feet or 25 percent of the length of the building face upon which the sign is located.~~

~~d.—If any freestanding sign permitted herein shall ever be deemed, in any court or administrative proceeding, to be a billboard, then the freestanding sign shall be considered prohibited and removed at the owner's expense.~~

~~e.—Temporary signs are allowed subject to the regulations set forth in section 102-10.~~

~~f.—Each building shall be limited to one digital clock and one digital temperature display which must meet all of the following requirements:~~

- ~~1. The digital clock and digital temperature display shall be the same color. The colors may change but both shall be the same color as each other at all times and shall be dimmable.~~
 - ~~2. The digital clock and digital temperature display shall be located on the same building elevation.~~
 - ~~3. The digital clock shall not exceed 32 square feet and the digital temperature shall not exceed 32 square feet.~~
 - ~~4. The size of the digital clock and digital temperature shall not be included in the total square footage of allowable building face signage.~~
- ~~g. Each building shall be limited to two illuminated round analog clocks which must meet all of the following requirements:~~
- ~~1. Both clocks shall be the same color.~~
 - ~~2. Both clocks shall not be located on the same building elevation.~~
 - ~~3. Each clock shall not exceed eight feet in diameter.~~

~~The size of the analog clock shall not be included in the total square footage of allowable building face signage.~~

~~(f) Other types of permitted signs.~~

- ~~(1) Bench signs. One 12 square foot sign per bench may be provided on benches located in commercial and industrial zoning districts.~~

~~Benches with signs shall only be located in the city in the following manner:~~

- ~~a. Benches shall not be placed at any location which is not a bus stop where regular bus service is provided (at least five days per week by public transportation).~~
- ~~b. Benches shall not be placed in the sign vision triangle.~~
- ~~c. Benches shall not be placed on public sidewalks.~~
- ~~d. Benches may be placed on private property only with written authorization from the property owner.~~
- ~~e. All benches shall be positioned parallel to the public right of way or at an angle up to, but not exceeding, 45 degrees from the right of way; and~~
- ~~f. One bus bench per bus stop only; unless the city manager authorizes a second bench where there is sufficient demand or where a bus bench is relocated to make room for a city authorized bus shelter.~~

- ~~(2) Changeable copy signs. Changeable copy signs may be utilized as follows:~~

- ~~a. Manual or electronic changeable copy signs are permitted to be used only for places of public assembly, drive thru restaurants, and gasoline service stations.~~
- ~~b. Electronic changeable copy signs may not move or appear to move.~~
- ~~c. Except as may otherwise be required by this Code, changeable copy signs must comply with all code provisions for building signs and freestanding signs.~~

- d. ~~All electronic changeable copy signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.~~
- e. ~~Drive thru restaurants.~~ Outdoor changeable copy boards are only allowed on lots which have been approved for restaurants with drive thru windows and under the following conditions:
 - 1. ~~Only one changeable copy board shall be permitted, per order window;~~
 - 2. ~~Display surface area shall not exceed 24 square feet;~~
 - 3. ~~If the sign is lighted, it may be internally illuminated only;~~
 - 4. ~~The outdoor menu board shall be oriented to be seen at the drive thru location where orders from vehicle occupants are taken.~~
- f. ~~Fuel price informational signs.~~ In a properly zoned district, signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted, subject to the following conditions:
 - 1. ~~One freestanding fuel price informational sign limited to 12 square feet is allowed. If there is a freestanding identification sign then this changeable copy fuel price informational sign shall be incorporated into its design so as not to have two or more freestanding signs. The sizes allowed for the fuel price informational sign shall be in addition to other allowable signage.~~
 - 2. ~~Only one fuel price informational sign shall be permitted per fuel pump limited in size to an area of 18 square inches. Each fuel price informational sign shall be affixed directly to a fuel pump and shall be stationary.~~

~~(3) Sandwich board signs.~~

- a. ~~One sandwich board sign shall be allowed along the tenant frontage of any non-residential property.~~
- b. ~~No sandwich board sign may be lit either internally or externally.~~
- c. ~~Sandwich board signs shall be freestanding and moveable. They may be single-sided or double-sided. They shall be removed during inclement weather and high winds.~~
- d. ~~Sandwich board signs shall not exceed an overall height of 36 inches above ground level or an overall area of six square feet.~~
- e. ~~Sandwich board signs shall not be allowed on the public right of way including public sidewalks.~~
- f. ~~Any sandwich board sign which encroaches upon pedestrian movement or safety shall be prohibited and removed or relocated.~~
- g. ~~Sandwich board signs shall be readable, properly maintained, and kept in good working condition.~~

~~(4) On premises directional signs.~~ On premises permanent directional signs shall not exceed two square feet in size, shall not be more than three feet high, shall not be placed in the public right of way and shall not display advertising copy, logos or graphic display symbols, but may use text or arrow for directional information. Where multi-tenant monument signs are

used, the directional type signs must be designed so as to be similar in design, details and coloring to the monument sign.

~~(5) *Directory signs.* One internally illuminated wall building directory sign may be permitted at each entrance to a complex or one (1) internally illuminated ground directory sign may be permitted per parking lot entrance on premises within a multiple tenant shopping center, business complex or office building for pedestrian or vehicular directional purposes; provided, however, that such sign conforms to the following;~~

- ~~a. The sign shall be oriented to pedestrian or vehicular traffic on the premises and shall not block the visibility of traffic;~~
- ~~b. A single business or activity shall be limited to two square feet per individual sign face;~~
- ~~c. The aggregate directory sign faces shall not exceed a total area of 28 square feet per directory sign;~~
- ~~d. The directory sign shall not exceed six feet in height.~~
- ~~e. The sign shall not be permitted to be placed in the public right of way or in any required yard;~~
- ~~f. Directory signs shall not be placed in that area defined as a vision triangle at street or driveway intersections;~~
- ~~g. Where a multi-tenant monument sign is installed, directory signs must be designed and detailed consistent with a planned signage and should be installed at the same time as the multi-tenant monument signs;~~

~~(6) *Flags.* Subject to limitations on their number, size (area), height, and setback, flags are permitted in all zoning districts as follows:~~

- ~~a. On single family, two family and RSO developed lots, up to two flags may be displayed. On multifamily and non-residential parcels which contain a principal permitted use, up to three flags may be displayed. Flags shall be affixed to a ground mounted flagpole.~~
- ~~b. The size of the flag shall be proportionate to the height of the flagpole to which it is affixed, so that the distance from the top to the bottom of any flag shall be no more than 20 percent of the total height of the flagpole.~~
- ~~c. The height and size of flagpoles shall conform to the requirements of section 98-73 of the Land Development Code.~~

~~(7) *Towing sign.* Towing signs where required to tow vehicles under Florida Law (715.07, F.S.) shall comply with the provisions of Florida Law and Section 66-149 of the City of Deerfield Beach Code of Ordinances.~~

~~(8) *Bus shelter signs.* A sign shall be permitted on bus shelters authorized for construction by the City of Deerfield Beach, provided bus shelter signs comply with the following requirements:~~

- ~~a. No bus shelter shall have a roof which is more than 45 square feet.~~
- ~~b. No bus shelter shall have a height (from ground to the top of any portion of the roof) of more than eight feet.~~
- ~~c. No sign shall exceed 30 square feet.~~
- ~~d. Bus shelters shall not be placed at any location which is not a bus stop where regular bus service is provided (at least five days a week by public transportation).~~

- e. ~~Bus shelters shall not be placed in the site vision triangle.~~
- f. ~~Bus shelters shall not be placed on public right of way or public sidewalks.~~
- g. ~~Bus shelters may be placed on private property only with the written authorization from the property owner.~~
- h. ~~Bus shelters shall be positioned parallel to the public right of way.~~

(9) ~~Residential neighborhood and commercial district identification signs.~~ The city recognizes the desire for unique communities within its boundaries, both residential and commercial, to positively identify themselves and their geographic boundaries. To this end, the following guidelines are established to control the design and location of such identification signs.

- a. ~~Each residential neighborhood or commercial district shall display no more than one sign on each entryway of the neighborhood or district. In cases of irregularly shaped or unclear boundaries, the director shall be authorized to determine if a given proposal conforms to this regulation.~~
- b. ~~In no instance shall any freestanding sign be closer than 100 feet to any other freestanding sign;~~
- c. ~~No freestanding sign shall exceed ten feet in height measured from the existing average finished grade level of the premises where the sign is located;~~
- d. ~~For subdivisions with multiple entrances, there may be an additional wall or freestanding monument sign;~~
- e. ~~Light source shall be limited to white; and the illumination shall be limited to internal, indirect, or spotlight.~~
- f. ~~All freestanding signs shall meet the size and setback requirements in section 102-9.~~
- g. ~~The maximum sign area for wall signs is 32 square feet.~~

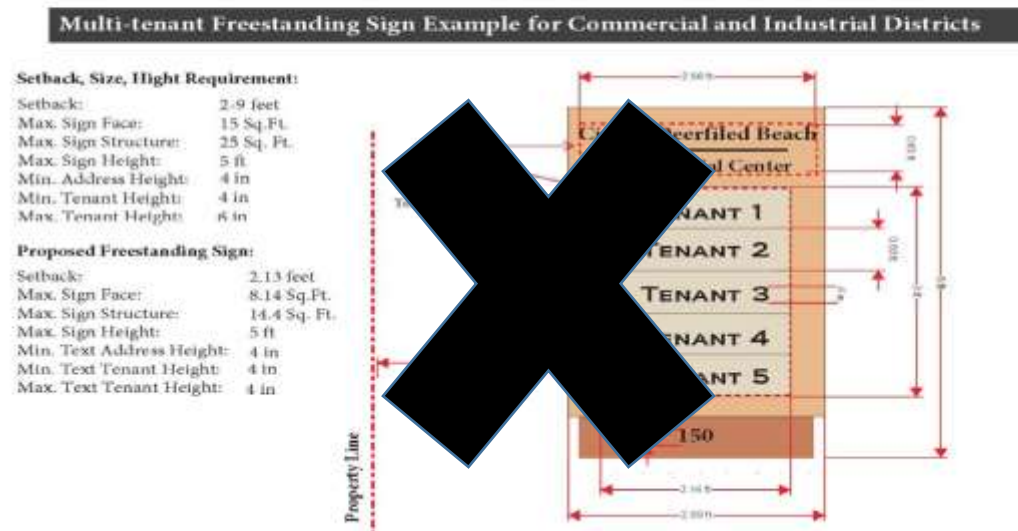
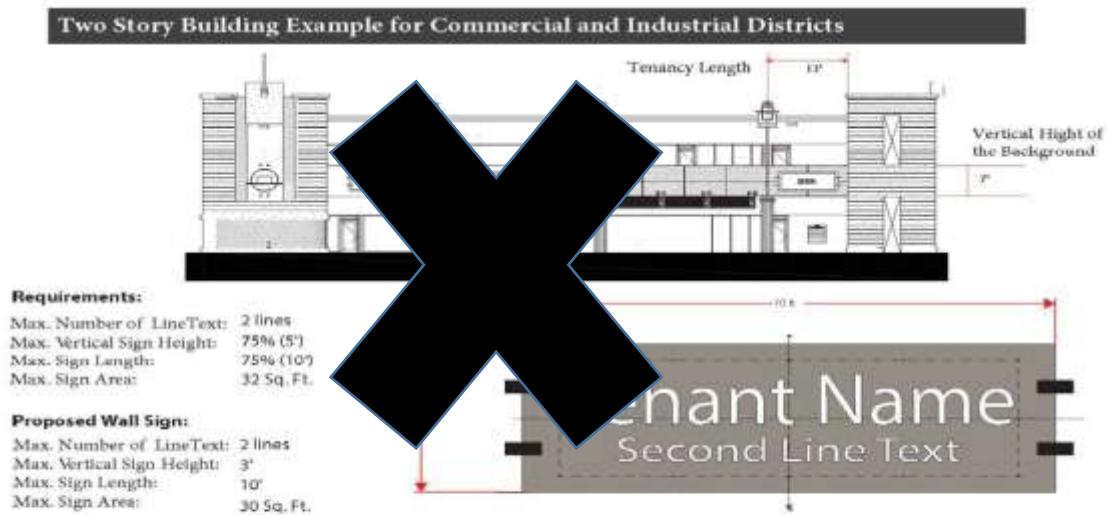
Sec. 102-9. Location and size of freestanding signs and building signs.

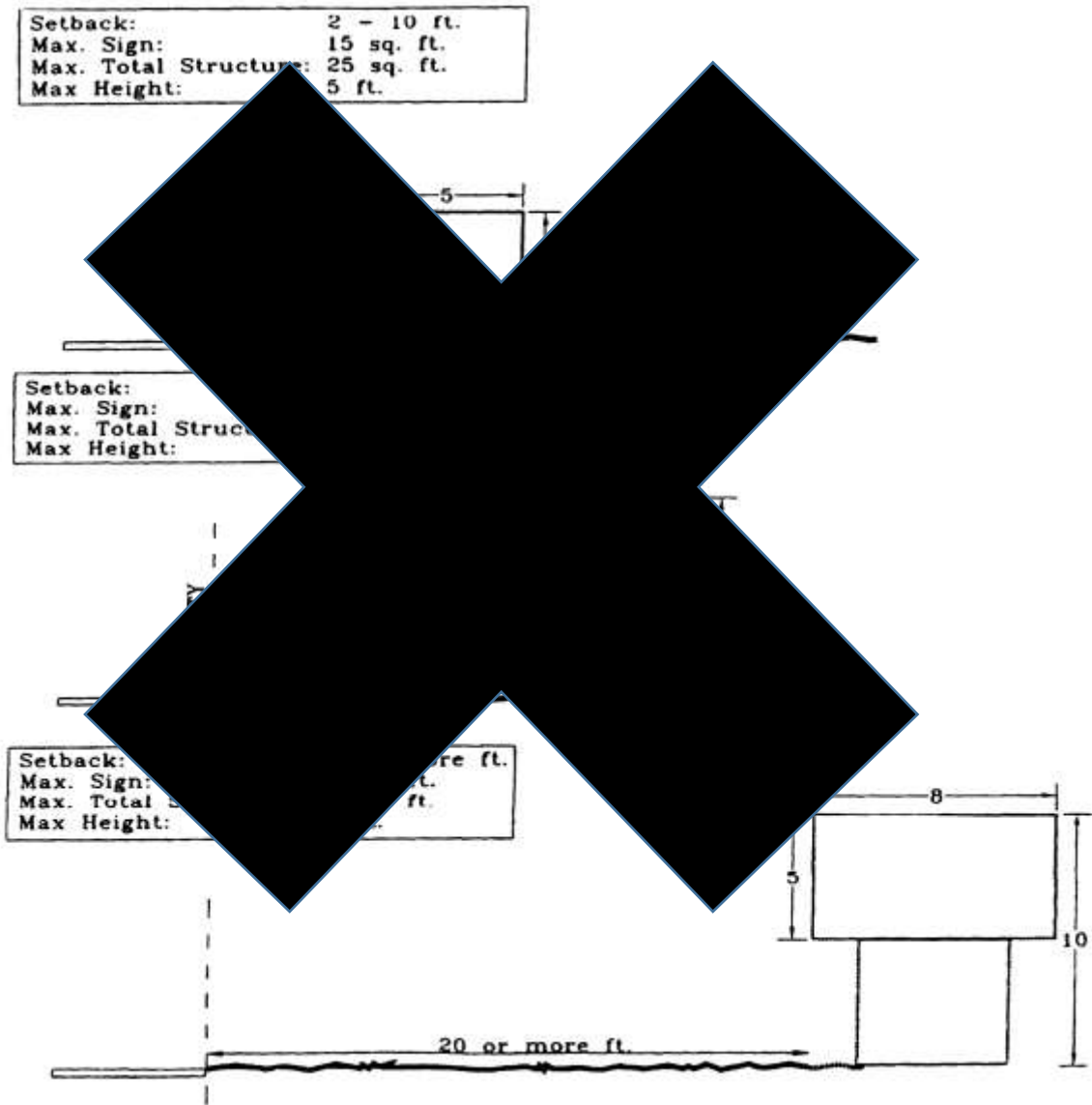
(a) ~~Freestanding signs.~~

- (1) ~~Location.~~ All signs must front on a public road right of way or a paved dedicated access easement, whichever is the principal access to the property, and be set back from the right of way as set forth below.
- (2) ~~Setback and size.~~ All setbacks referred to herein are from the property line abutting the public right of way. The maximum size allowed for the sign varies in relation to the setback as follows for all zoning districts unless expressly specified otherwise in this Code:

Setback	Maximum Height of Sign Structure	Maximum Size of Sign Structure	Maximum Size of Sign Face Within the Structure
20 feet or more	10 ft.	80 sq. ft.	40 sq. ft.
10 feet to 19 feet	8 ft.	48 sq. ft.	24 sq. ft.
2 feet to 9 feet	5 ft.	25 sq. ft.	15 sq. ft.
0 feet to 1 foot		No Signs Permitted	

- (3) ~~Sight visibility.~~ No sign over three feet in height shall be placed in that area defined as a vision triangle at street or driveway intersections.
- (4) ~~The limitations described in this section 102-9 do not apply to traffic control device signs.~~
- (5) ~~The address or address range shall be prominently displayed in numbers not less than four (4) inches in height. Address numbers shall be consistent in color and font to the sign.~~
- (b) ~~Multi-story buildings.~~ No signs shall be located higher than the first story except those signs identifying the building complex or a major occupant and where the sign conforms to the building regulations for the district in which it is located.





~~(c) Landscape installation required.~~

- ~~(1) In order to enhance the structure in compliance with section 102-12 of the Land Development Code, all freestanding sign installations shall require the installation and maintenance of (i) plant materials with a minimum of one shrub for every two feet of linear width of the sign structure on each side; and (ii) groundcover with a minimum of five feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign.~~
- ~~(2) Trees or palms shall be required to enhance the sign without blocking it.~~
- ~~(3) Installation of the required plant materials and groundcover shall occur prior to final inspection of the sign structure and the plant materials must be shown on the landscape plan or building permit application submitted for approval.~~

Sec. 102-10. Temporary signs.

~~(a) General requirements.~~

- ~~(1) Only such temporary signs as are prescribed in this section shall be placed, displayed and maintained upon any residential or non-residential lot.~~
 - ~~(2) Temporary signs shall not be placed upon private property without the permission of the owner of the property or other person in legal control of the property.~~
 - ~~(3) All temporary signs shall be discarded in a proper manner so as to prevent litter and trash from accumulating within the city.~~
 - ~~(4) It is unlawful to attach temporary signs to trees, shrubs, fences, utility or similar poles.~~
 - ~~(5) It is unlawful to place, erect or maintain temporary signs on or in public rights of way or any public property.~~
 - ~~(6) It is unlawful to place, erect or maintain any sign in the intersection visibility triangle.~~
 - ~~(7) Temporary signs do not require community appearance board approval.~~
 - ~~(8) Consistent with the severability provisions that are otherwise applicable to this chapter, in the event that any portion of section 102-10 is determined to be unconstitutional or invalid for any reason whatsoever, such determination shall not affect any other portion of this section or any other provision of this chapter.~~
- ~~(b) *Temporary commercial message signs and temporary non-commercial message signs.* Except as otherwise provided in subsections (c), (d), (e) and (f) below, the following regulations shall apply for all temporary signs:~~
- ~~(1) *Residential districts.* A total of two double-faced temporary signs per lot with an area not exceeding six square feet per face, with a maximum height of four feet.~~
 - ~~(2) *Non-residential districts.* A total of two double-faced temporary signs per lot or business location with an area not exceeding 16 square feet per face, with a maximum height of six feet.~~
 - ~~(3) An additional 12 square feet of temporary non-commercial message signage per residential and non-residential zoned lot, for the ninety (90) calendar days prior to and seven calendar days following any federal, state, county, or city election is permitted.~~
- ~~(c) *Real estate signs in all zoning districts.* Real estate signs shall be temporary signs erected for a period of not more than six months, shall be non-illuminated and shall be limited to one per premises except for waterfront lots and lots having more than one street frontage. Waterfront lots shall be allowed to have one additional sign placed on the side of the property facing the water. Lots having more than one street frontage shall be allowed to have one additional sign placed on the second street frontage providing that the signs are placed a minimum of 100 feet apart. No attachments shall be permitted. Signs must be removed no later than two calendar days after closing. Two "open house" signs per property may be displayed between the hours of 8:00 a.m. and 6:00 p.m. on the day the property is open for inspection.~~
- ~~(1) Real estate signs located in residential zoning districts shall be no larger than six square feet per face, with a maximum height of four feet.~~
 - ~~(2) Real estate signs located in non-residential zoning districts shall be no larger than 16 square feet per face, with a maximum height of six feet.~~
- ~~(d) *Construction signs in all zoning districts:*~~

- ~~(1) Active building permit: One freestanding sign allowed per construction site with an active building permit. Sign area shall not to exceed sixteen square feet in size and six feet in height, and shall be limited to six square feet in size in single family dwelling districts and in single family and two family uses within multifamily residential districts. The sign may not be posted until the issuance of the building permit for the project and shall be removed upon the expiration of the building permit or upon the issuance of the certificate of occupancy for the project, whichever shall first occur.~~
- ~~(e) Window signs. Temporary non-commercial message window signs are allowed in all zoning districts, shall not cover more than 15 percent of the window area, and may be located on or adjacent to the window. In commercial zoning districts, an additional temporary commercial message window sign, covering more than 15 percent of the window area, but no more than 50 percent of the window area, may be placed directly on or adjacent to the window surface for a period of time not to exceed 14 days after the date of issuance of the initial occupational license or a one-time period at the initial beginning of the business. On any temporary window sign, no letter shall be greater in height than four inches, and any logos or symbols shall not be greater than eight inches in height.~~
- ~~(f) The regulations for temporary holiday sales signs are set forth within section 18-4 of the City of Deerfield Beach Code of Ordinances.~~

Sec. 102-11. Lighting.

~~Lighting for signage may be accomplished by either internal or external sources limited by the individual zoning category or special areas of interest. The source of illumination for externally-illuminated signs may not be visible from any abutting right-of-way or any adjacent property. Internally illuminated signs must have the lighting source concealed within the sign.~~

Sec. 102-12. Landscape.

~~Permanent freestanding signs shall have irrigated landscape consisting of ground cover, shrubs, and/or trees.~~

Sec. 102-13. Existing signs nonconforming.

- ~~(1) Any sign which did not conform to the City of Deerfield Beach Sign Code on the day before December 6, 2016, and which should have been removed or modified under prior law shall be an illegal nonconforming sign. Any signs which were legally permitted and constructed which do not conform to provision of the City of Deerfield Beach Sign Code on December 6, 2016, shall be considered legal nonconforming signs and shall be governed as provided for herein.~~
- ~~(2) Unless otherwise provided for herein, any sign made nonconforming by this sign code shall be considered a legally nonconforming sign and shall be made to conform to this sign code as provided for herein.~~
- ~~(3) A legally nonconforming sign may not be enlarged or altered in a way which increases its degree of nonconformity, but any sign or portion thereof may be altered to decrease its degree of nonconformity, except as provided for herein.~~
- ~~(4) A legally nonconforming sign shall not be structurally altered to prolong the life of the sign. Reasonable repair and maintenance of nonconforming signs, including change of copy, is~~

permitted, as provided for herein. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include replacement of materials in the sign structure where the cost of the replacement materials exceeds 25 percent of the sign's value. Reasonable repair does not include:

- (a) ~~Any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure;~~
 - (b) ~~Any modification, including the addition of embellishments, that changes the sign area or the height above ground level;~~
 - (c) ~~Any modification that enhances the visibility of the sign's copy, or the period of time that the copy is visible;~~
 - (d) ~~Any modification that adds changeable faces or electronic message signs; or~~
 - (e) ~~Any modification that adds artificial lighting, or changes the existing lighting such that illumination is increased.~~
- (5) ~~Should a legally nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as defined in subsection (4) above, then the sign shall not be reconstructed except in compliance with the sign code. In the event that a legally nonconforming sign was approved as part of a site plan zoning approval, then the legally nonconforming sign may be reconstructed in accordance with the site plan zoning approval.~~
- (6) ~~Should a legally nonconforming sign be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.~~
- (7) ~~Any legally nonconforming sign structure the use of which as a sign is discontinued for a period of 180 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this code. The use of the sign shall be presumed to be discontinued during the time the business with which the sign is associated is not in operation. Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection. The time period during any active renovation or reconstruction of the premises (as evidenced by an active building permit) with which the sign is associated shall not be counted in computing any abandonment.~~
- (8) ~~If there is new development on a parcel upon which a sign, or signs, is, or are, located, which development is required to undergo major development review pursuant to the city's land development regulations, all nonconforming signs on the parcel shall be made to comply with the provisions of this sign code.~~
- (9) ~~Any sign which is legally nonconforming as set forth above may be modified to change the copy on the sign face provided the modification does not exceed the definition of reasonable repair as set forth above, and the sign complies with all other provisions of the sign code (except for those provisions which caused the original nonconformity) and does not increase the degree of nonconformity.~~
- (10) ~~Demolition of legal permanent non-conforming signs.~~ Incentives have been created by the city to encourage the demolition of legal permanent non-conforming signs. The city recognizing that replacing an existing sign can be time consuming and expensive; therefore, the city seeks to

~~reward this effort through an increase of sign face area or size of sign structure, and flexibility in the design and use of colors in the signs.~~

- ~~(a) *Quality design required.* Applicants are required to use the services of a design professional to create their sign and to utilize a well-qualified signage manufacturer to fabricate and install their sign.~~
- ~~(b) *Incentives.* The replacement of the legal non-conforming signs are eligible for the following incentives:~~
 - ~~1. *Bonus for building signs.* Building signs must conform to all other Code requirements for the zoning district in which the sign is located.~~
 - ~~a. Up to 25 percent total additional building signage area.~~
 - ~~2. *Bonus for freestanding signs.* Freestanding signs must conform to all other Code requirements for the zoning district in which the sign is located.~~
 - ~~a. *Sign structure area:* Up to 50 percent additional sign area, not to exceed to exceed 80 square feet.~~
 - ~~b. *Sign face area:* Up to 50 percent additional sign area, not to exceed to exceed 40 square feet.~~
 - ~~c. *Height:* Up to two feet of additional ground sign height, not to exceed ten feet total height.~~
 - ~~d. *Identification panels:* The number of tenants that can be identified on the sign may be increased to a maximum of eight.~~
 - ~~3. *Decision.* Planning and development services department will determine whether the existing sign qualifies as a legal non-conforming sign, and is therefore eligible for the incentives.~~

~~Sec. 102-14. Maintenance, violations, enforcement and remedies.~~

- ~~(a) *Maintenance.* All signs and associated landscape shall be maintained in a safe, presentable and good structural condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of said sign. When a new sign is installed, any deficiencies to the surface of the area from the removal of the old sign, shall be repaired and such areas will be painted to match the color of the area in which the sign is located.~~
- ~~(b) *Abandoned or discontinued signs.* Except as otherwise provided in this Code, an abandoned or discontinued sign is prohibited and shall be removed by the owner of the premises, or as otherwise provided for in this article.~~
- ~~(c) *Dangerous or defective signs.* No person shall maintain or permit to be maintained on any premises which they own or control any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this article.~~
- ~~(d) *Unlawful signs.* No person shall erect on any premises which they own or control, any sign which does not comply with the provisions of this Code.~~

~~(c) —Violations and enforcement.~~

~~(1) —Violations.~~ The violation or failure to comply with any of the provisions of this ordinance shall be and hereby is declared to be unlawful and a violation of this sign code. Each and every day that a violation continues shall be considered a separate and specific violation.

~~(2) —Enforcement.~~ The city may enforce the provisions of this chapter through the code enforcement process set forth within Chapter 2, Article VI of the City of Deerfield Beach Code of Ordinances. Any violation of the provisions of this chapter shall also be enforced pursuant to section 1-15 of the City of Deerfield Beach Code of Ordinances.

Sec. 102-15. Administration.

~~(a) —Code administrator.~~ The administrator shall be the director of planning and development services department or a representative designated by the director. The administrator is hereby authorized to process applications for permits and variances, provide for the holding of public hearings as required and enforce and carry out all provisions of this Code, both in letter and in spirit. The administrator is authorized to promulgate regulations and procedures consistent with the purpose of this Code toward this end.

~~(b) —Inspection.~~ The building official or designee is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the city upon which or in connection with which, a sign is located for the purposes of inspection of the sign, its structural and electrical connections, and to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

~~(c) —Appeals.~~ Any person who believes that a decision rendered in the denial of a permit is incorrect may appeal that decision to the city commission. A denial of an application by the community appearance board shall constitute a denial for purposes of this section. In the event that any decision on a sign permit application is not rendered within 30 days after its submission or within such other time frames as are provided herein, an applicant may directly appeal that failure to the city commission as provided herein. The standard of review shall be whether or not the application or the decision, as the case may be, complies with this Code and any other applicable law or regulation. There shall be no fee for this appeal. Application for the appeal may be obtained from the department of planning and development services from the administrator or his designee. The city commission shall hear such appeal within 30 days of its filing and shall issue a ruling based upon this Code and prevailing law. The ruling shall be issued within three calendar days of the hearing. If the appeal is from a denial, there shall be no presumption that the original denial is correct. The appeal shall be heard de novo at a publicly noticed quasi-judicial hearing. If the appeal is not finally determined within three calendar days after the hearing, or within 33 days after the filing of the appeal, whichever event occurs first, the sign permit shall be issued. Any adverse decision of the city commission may be appealed to the circuit court by way of a petition for writ of certiorari.

~~(d) —Variances.~~ A variance may be authorized by the city commission for any required dimensional standard for a sign, including the following: height, area, and location; maximum number of, and minimum setback for signs. A variance shall be deemed denied unless four members of the commission vote in favor of the request for a variance. Applications for variances may be obtained from the department of planning and development services.

~~A variance from the terms of this sign code shall not be granted by the city commission unless and until a written application for a variance is submitted demonstrating:~~

- ~~(1) That special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district; and~~
- ~~(2) That the special conditions and circumstances do not result from the actions of the applicant; and~~
- ~~(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same zoning district; and~~
- ~~(4) That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Code and would work unnecessary and undue hardship on the applicant; and~~
- ~~(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and~~
- ~~(6) That the grant of the variance will be in harmony with the general intent and purpose of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and~~
- ~~(7) A variance may not be granted as to a sign that is prohibited by this Code.~~

~~No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures and buildings in other districts shall be considered grounds for the issuance of a sign variance.~~

~~In granting a variance, the city commission may attach thereto such conditions regarding the location, character, and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this Code in the public interest.~~

- ~~(e) *Administrative interpretation.* Any person who claims that the provisions of this section are unenforceable for any reason, or unreasonably restrict free expression, may appeal to the city commission for an interpretation of this section as relates the specific concern of that person. The department shall provide appeal forms upon request. The city commission shall hear such appeal within 30 days of its filing and shall (within three calendar days thereafter) issue a ruling based upon the language of the Code in light of prevailing law as to First Amendment rights to free speech so as to assure that this section is applied in a manner consistent with those rights. In the event of an appeal that is not finally determined within the time frames set forth herein or in the event of an adverse decision by the city commission, such person may pursue an appeal of the same to the circuit court by way of a petition for writ of certiorari or such other remedy available at law or equity.~~
- ~~(f) The department director shall allow any sign permitted under this section to change its lettering, in whole or in part, to a noncommercial message as often as is desired by the person in control of the sign. No community appearance review of said change shall be required providing the lettering, style, color scheme, and design characteristics of the sign are not changed.~~

Sec. 102-16. Severability.

- (a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.
- ~~(b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in section 102-16(a), or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.~~
- ~~(c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in section 102-16(a), or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under section 102-7 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-7 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-7.~~
- ~~(d) *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.~~



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2024-245

Agenda Date: 5/21/2024

Status: CITY COMMISSION
BUSINESS

In Control: City Commission

Title

Presentation by Dr. Ronald Shultz and potential action by the City Commission regarding redistricting for the City's Municipal Election pursuant to City Charter.

Recommended Action

Motion on decision of Commission

Background/History

Per Section 3.04 of the City Charter, redistricting must be completed at least 90 days prior to the regular city commission election; however, HB 411 went into effect July 1, 2023, which specifies that changes to county commission districts, municipal districts, or school board member residence areas may not be made in the 270 days before a regular general election for the district or residence area. Therefore, the City of Deerfield Beach is required to complete the redistricting for the March 2025 election by June 13, 2024.

Per the City Charter, the division of the City into four (4) districts shall be as nearly as practicable on an equal population basis by contiguous boundaries. No sitting commissioner shall be disqualified from completing his or her term as a result of redistricting.

Current Activity

Attached herewith is the initial portion of the redistricting process, which includes an evaluation of the current district boundaries by the City's redistricting consultant, as well as the recommendation from the City's consultant. It is the opinion of the consulting team that the existing City Commission district boundaries are imbalanced in population. Specifically, their analysis shows that Deerfield Beach's City Commission districts exceed reasonable maximum variability in population across the districts. As such, a realignment of these boundaries to better balance district populations is being recommended; therefore, the consulting team is working on three other redistricting alternatives, which will be provided in the backup no later than Friday, May 17th. All options will be presented and explained by the consulting team at the May 21st Commission Meeting for the Commission's review, discussion and potential action.

Lastly, the next redistricting will occur in FY 27/28, so the various developments being built between the years of 2026 and 2028 will be included at that time.

Consultant Report: Re-Evaluation Study of City Commission District Boundaries for the City of Deerfield Beach

May 9, 2024

Ronald R. Schultz, Ph.D.

James Gammack-Clark, M.A., Ph.D. candidate

Michael Stamm Jr. MURP

Introduction

The City of Deerfield Beach contracted with Ronald R. Schultz, PhD., Consultant to conduct an analysis of their City Commission election districts and, if necessary, to prepare recommended alternatives for City Commission consideration. The consulting team of Dr. Schultz, Mr. James-Gammack-Clark, and Mr. Michael Stamm Jr have a long history of performing redistricting options and population analyses for communities in the south Florida area (documented in our Proposal previously submitted to the City). Most recently, since the availability of the 2020 U.S. Census population counts, the consulting team has worked with ten south Florida municipalities in the examination and revision of their city council or commission districts. These analyses reviewed the existing population balance across the city's election districts and, in all but one case, proceeded to develop several alternative spatial configurations for the city's election districts. The goal was to balance the population across the districts while maintaining other district characteristics as much as possible. Workshops and public meetings were undertaken as input to the development of these alternative district shapes. Recommendations were then made for consideration by the city council or commission.

This report provides an analysis of the current population distribution across Deerfield Beach City Commission Districts. The 2020 U.S. Census apportionment dataset is the initial population base for the analysis. However, we have added to the Census population counts the impact of new housing in the city since the Census was undertaken. Our report also reviews some important characteristics of the 2020 U.S. Census and discusses recently adopted Florida legislation that impacts redistricting.

The 2020 Census

Two primary differences make the 2020 U.S. Census stand out from those preceding it: a significant delay in its release due to the COVID-19 pandemic and the implementation of a new 'differential privacy' policy. We briefly address these for the record.

The decennial census aims to capture a count of the population of the United States of America on April 1 of years ending in zero (0), most recently April 1, 2020. Population distribution and its characteristics are constantly changing, with births, deaths, and migration patterns continually adjusting the fabric of the American people. Census Day represents a single moment in time in which the U.S. population is

enumerated throughout the land. By April 1, 2020, every household in America received an invitation to participate in the 2020 census, with three options to respond: online, by mail, or by phone. 2020 represented the first census to include an online response option. Subsequent to this day is a period of time in which the U.S. Census Bureau follows up with non-responders and begins a quality control process. Traditionally, the Census Bureau would deliver an official apportionment population count to the U.S. President on December 31st, followed by a distribution of redistricting data to the states precisely one year to the day after Census Day, which in this case, was supposed to be April 1, 2021.

However, due to complications caused by the COVID-19 pandemic, the Census Bureau sought statutory relief from Congress that would allow for apportionment counts to be delivered to the President by April 30, 2021, and redistricting data to be delivered to the states no later than September 30, 2021. Additionally, the Census Bureau compressed the typical three-month nonresponse follow-up enumeration period to two and a half months. Ultimately, redistricting data were released on August 12, 2021. This delay inevitably and unavoidably complicated redistricting efforts for every electoral district in the nation. It also meant that the error in the data inherent to every census would likely be more significant than in earlier censuses. The Census Bureau has since confirmed that the rate of missing information was higher in the 2020 census than in the 2010 census. However, they have also stated that this rate was lower than they initially feared.

The 2020 census redistricting data release was the first time ‘differential privacy protection’ was employed. This represents the Census Bureau’s introduction of ‘noise’ into the data at the more local geographic scale (Blocks and Block Groups) with the intent to strike a balance between data protection and precision. The effect is that while the enumeration counts can be trusted at the Census Tract level (an aggregation of many Blocks), we must anticipate a certain degree of ‘fuzziness’ at the Block level. Specifically, while the aggregate count of population for a Census Tract will be accurate, a certain proportion of people/housing units will have been *deliberately* misallocated by the Census Bureau at the Block level. While this may not be problematic in the realignment of Congressional Districts, for example, it certainly represents a challenge for Municipal Districts, for which the geographic precision of Census Blocks is highly desirable.

Taken together, therefore, the complications related to the COVID-19 pandemic and the implementation of ‘differential privacy’ introduce a certain amount of additional uncertainty to the primary source of data for this analysis (2020 Census Redistricting Data (PL 94-171)) that is unprecedented. Nevertheless, these

data remain the standard base upon which municipal (county, state, and federal) redistricting efforts are conducted nationwide.

Deerfield Beach City Charter

The Charter of the City of Deerfield Beach, specifically Article III. Legislative Section 3.04 – Election and terms) provide guidance regarding the creation of election districts and the timeline for when the City should undertake redistricting.

The City Charter states:

*(2) **District representation.** At least ninety (90) days prior to the regular city commission election to be held in March 2009 and the city commission election every four (4) years thereafter, the commission shall divide the city into four (4) districts (District 1, 2, 3 and 4) for the purpose of electing one (1) commissioner from each district. The division of the city into four (4) districts shall be as nearly as practicable on an equal population basis by contiguous boundaries. No sitting commissioner shall be disqualified from completing his or her term as a result of redistricting.*

Current Districts

An Evaluation of the Existing Districts:

The 2020 U.S. Census indicates that the City of Deerfield Beach's population was 86,859 on April 1, 2020. Thus, the mathematical average district would be 21,715 people. The three leftmost numerical columns of **Table 1** present the 2020 U.S. Census population of the City's current geographic districts, the percentage each district represents of the City's total population, and each district's deviation from the mathematical average district size. District 3 is the largest district with 22,548 people (26.0% of the City), and District 1 is the smallest with 19,769 people (22.8% of the City population). District 3 deviates from the mathematical average district population by 3.8%, and District 1 is 9.0% below this mathematical average district.

Thus, based on 2020 Census data, the election districts have a mean deviation of **4.5%** and a spread between the largest and smallest districts of **12.8%** (9% + 3.8%).

***Table 1 – Current Commission Districts – City of Deerfield Beach
2020 Enumeration and 2024 Population Estimate***

Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Estimate	% of City	Deviation From Average
District 1	19,769	22.8	-9.0%	20,038	22.7	-9.2%
District 2	22,496	25.9	3.6%	22,536	25.5	2.1%
District 3	22,548	26.0	3.8%	23,615	26.8	7.0%
District 4	22,046	25.4	1.5%	22,066	25.0	0.0%
Total	86,859	100	17.9%	88,255	100	18.4%
Average	21,715	25	4.5%	22,064	25	4.6%

An Evaluation of Growth:

The U.S. Census was conducted over four years ago, and its data is growing older each day. The City Charter requires an analysis of election districts every four years. Thus, to ensure that any recommendations for redistricting reflect the city’s growth since Census Day (April 1st, 2020), we have generated a population estimate., which is standard practice based on the required review every four years. To this end, City staff identified housing that was not included in the 2020 Census. Specifically, these are units that have been completed since Census Day, along with a small number of units that are presently under construction and expected to be completed by late 2024. These projects add 598 new units to the city’s existing housing stock. Population estimates for each project were calculated by multiplying the number of units by the persons per household (PPH, 2.34) value established by the U.S. Census American Community Survey for the City of Deerfield Beach (2018-2022). The number of units and a population estimate are given in **Table 2** below. Note: Population estimates used in the districting analysis were made at the census block level rather than on a project-by-project basis. Rounding these estimates into whole numbers (persons) produces a difference of 4 people between these two ways of estimating the population impact of the new housing. Thus, the population estimate for the new housing used here and in our future analyses is 1,396 people, where most of that growth (1,067 people) has occurred in District 3.

Accounting for this growth since the 2020 census results in a 2024 population estimate for the City of Deerfield Beach of 88,255. The mathematical average population for each district is 22,064. The **Existing Districts Map** and the three rightmost columns of **Table 1** show the current districts' geographic boundaries and estimated population. Using the 2024 population estimates, the district with

*Table 2 – City of Deerfield Beach
Population Estimates for Approved Developments*

Development	Units	Population Estimate	Current District	Completion Date
Veleiros	257	601	3	2021
Pine Tree Park	7	16	4	2022
Verona Heights	26	61	1	2022
Sandpiper Pointe	199	466	3	2022
Tallman Pines	75	176	1	2024
Miscellaneous Homes	34	80		2024
Estimated by Development	598	1,400		
Estimated by Census Block	598	1,396		

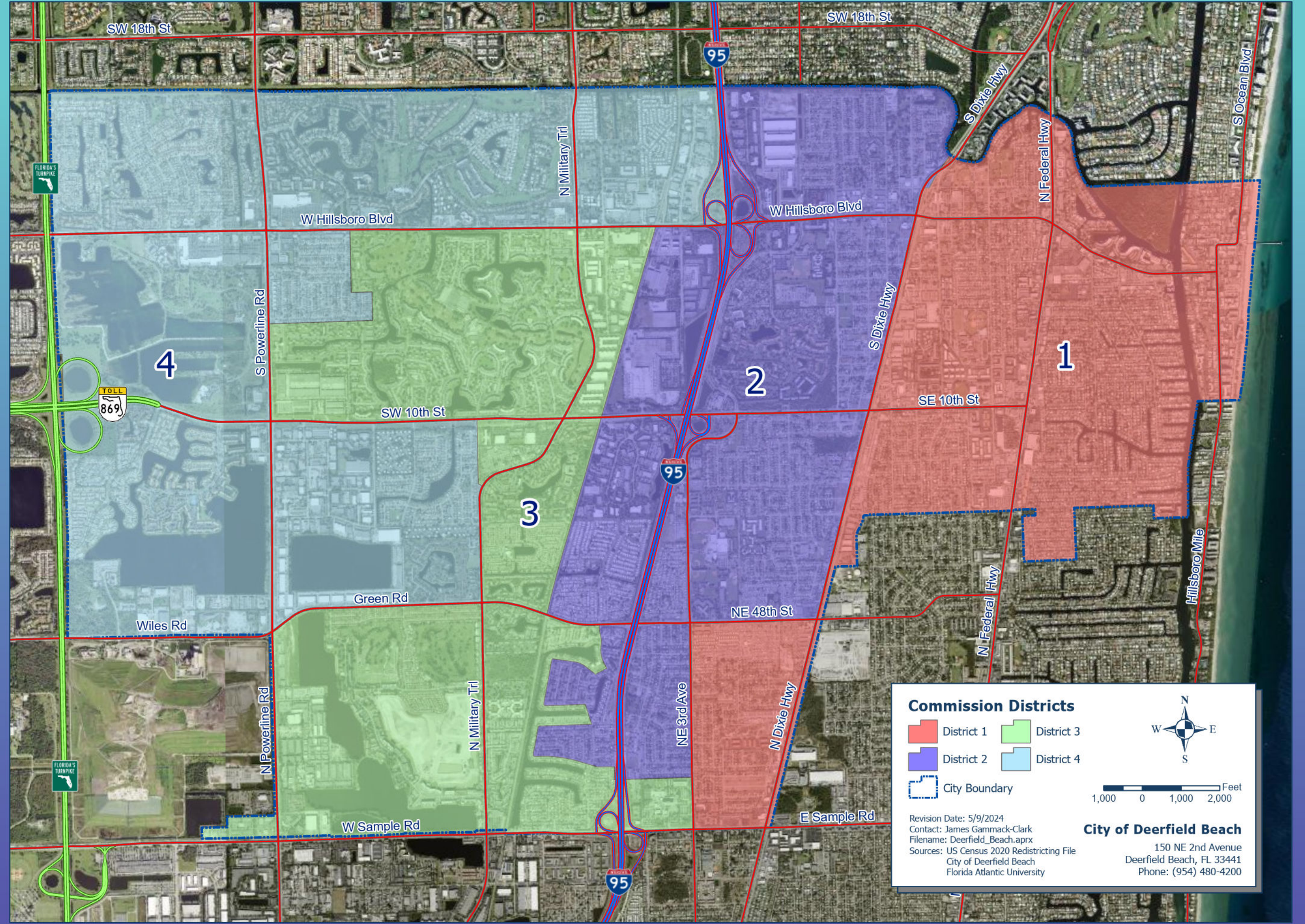
Note: The U.S. Census average persons per household (2018-2022) for the City of Deerfield Beach (2.34) was used to calculate the population estimate, rounded to the nearest whole number.

the greatest population is still District 3, with 23,615 residents (26.8% of the city); the district with the smallest population remains District 1, with 20,038 residents (22.7% of the city).

The growth that has occurred since Census Day has further expanded population inequality between the districts, with the mean deviation rising slightly from 4.5% to **4.6%** and the spread between the largest and smallest districts growing from 12.8% to **16.2%** (9.2% + 7.0%). Restoring population equity will require increasing the population of District 1 by expanding its boundaries while also reducing the population of District 3 via a contraction of its area. These changes are likely to have a domino effect in the other districts.

Deerfield Beach

Existing Commission Districts



Commission Districts

District 1

District 2

District 3

District 4

City Boundary

Revision Date: 5/9/2024
 Contact: James Gammack-Clark
 Filename: Deerfield_Beach.aprx
 Sources: US Census 2020 Redistricting File
 City of Deerfield Beach
 Florida Atlantic University

City of Deerfield Beach

150 NE 2nd Avenue
 Deerfield Beach, FL 33441
 Phone: (954) 480-4200

Redistricting Criteria and Data Sources

The framework or criteria guiding the development of revised district plans can be summarized as follows:

1) Reasonable population equality across districts:

- Districts should have approximately the same number of people. All residents, regardless of age or other characteristics, are counted. Ideal district size is based on the total population divided by the number of districts. The City of Deerfield Beach Charter states: *“the division of the city into four (4) districts shall be as nearly as practicable on an equal population basis by contiguous boundaries”*.
- Redistricting should adhere to Section 2 of the Voting Rights Act of 1965, as amended and interpreted through case law. This criterion requires that minority population clusters be respected when developing district boundaries. Arbitrary dilution and other discriminatory practices are prohibited.
- Redistricting should adhere to Florida’s Fair Districting Amendment.

2) Geographic contiguity and appropriate compactness:

- District boundaries should follow major natural and manmade features where possible.
- Districts should maintain the integrity of communities of interest based on race, life cycle/age, income, and other community identity characteristics.
- Where possible, districts should minimize the degree of change in pre-existing patterns of districts to promote continuity of citizen identification with a district.
- Districts should be compact and spatially contiguous to the extent possible.

The first criterion is of primary importance; the second is significant in guiding decisions in reaching a reasonable population balance. The contiguity and compactness criterion are subject to the reality of city geography.

In developing revised Deerfield Beach City Commission election districts, the spatial units used in composing or building the districts are residential housing subdivisions (communities) and U.S. Census Blocks. Subdivisions are typically homogeneous in their housing characteristics and thus serve households with broadly similar interests. Therefore, district borders generally are subdivision boundaries, associated major roadways, or other obvious physical features. U.S. Census Blocks are typically subunits in subdivisions and are the smallest spatial unit used in tabulating Census data.

In addition to the above criteria, recent legislation enacted by the Florida Legislature states explicitly that districts may not be drawn with the intent to favor or disfavor a candidate for, or a member of, the governing body based on their residential address. The legislation also defines a timeline for the adoption of election districts. House Bill No. 411 created section 166.0321, F. S.: which states:

Each municipality shall, from time to time, fix the boundaries of its districts so as to keep them as nearly equal in proportion to their respective populations as practicable, provided that such changes may not be made in the 270 days before a regular general election for the governing body of the municipality. Districts may not be drawn with the intent to favor or disfavor a candidate for member of the governing body, or an incumbent member of the governing body based on the candidate's or incumbent's residential address. Any ordinance enacted or adopted by a municipality on or after July 1, 2023, which is in conflict with this section is void.

The City of Deerfield Beach will hold its next Municipal General Election on March 11, 2025. Thus, consistent with this statute, new districts should be adopted before June 14, 2024.

Recommendation

It is the opinion of the consulting team that the existing City Commission district boundaries are imbalanced in population. Specifically, our analysis shows that Deerfield Beach's City Commission districts exceed reasonable maximum variability in population across the districts. As such, a realignment of these boundaries to better balance district populations is required.

Upon acceptance of this report by the City, the consulting team is prepared to develop revised district alternatives for presentation to the City Commission and the public (Part B of the proposal).

Appendix

District Demographics

Table 3 below presents race and ethnicity demographics taken from the 2020 U.S. Census for the existing City Commission districts. The columns 'White' through 'Other' sum to the City's population total. These categories represent the U.S. Census definition of Race. The last two columns, 'Hispanic or Latino' and 'Not Hispanic or Latino', also sum to the City's population total. These categories represent the U.S. Census classification of Ethnicity. Race and Ethnicity are separate self-identified categories.

*Table 3 – City of Deerfield Beach: Current Commission Districts
Expanded Demographics, U.S. Census 2020*

District (Existing)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	19,769	11,580 (58.58%)	3,348 (16.94%)	48 (0.24%)	294 (1.49%)	14 (0.07%)	4,485 (22.69%)	3,225 (16.31%)	16,544 (83.69%)
2	22,496	4,883 (21.71%)	11,830 (52.59%)	93 (0.41%)	194 (0.86%)	7 (0.03%)	5,489 (24.4%)	4,714 (20.95%)	17,782 (79.05%)
3	22,548	11,470 (50.87%)	3,615 (16.03%)	80 (0.35%)	438 (1.94%)	4 (0.02%)	6,941 (30.78%)	4,884 (21.66%)	17,664 (78.34%)
4	22,046	12,012 (54.49%)	2,849 (12.92%)	61 (0.28%)	740 (3.36%)	16 (0.07%)	6,368 (28.89%)	4,745 (21.52%)	17,301 (78.48%)
	86,859	39,945 (45.99%)	21,642 (24.92%)	282 (0.32%)	1,666 (1.92%)	41 (0.05%)	23,283 (26.81%)	17,568 (20.23%)	69,291 (79.77%)

Consultant Report: Redistricting Alternatives for the City of Deerfield Beach

May 15, 2024

Ronald R. Schultz, Ph.D.

James Gammack-Clark, M.A., Ph.D. candidate (ABD)

Michael Stamm Jr. MURP

Introduction

The City of Deerfield Beach contracted with Ronald R. Schultz, PhD., Consultant and Professor Emeritus in Geosciences at Florida Atlantic University, to conduct an analysis of their City Commission election districts and, if necessary, prepare recommended alternatives for City Commission consideration. The consulting team of Dr. Schultz, Mr. James-Gammack-Clark, and Mr. Michael Stamm Jr have a long history of performing redistricting options and population analyses for communities in the south Florida area (documented in our Proposal previously submitted to the City). Most recently, since the availability of the 2020 U.S. Census population counts, the consulting team has worked with ten south Florida municipalities to examine and revise their city council or commission districts. These analyses reviewed the existing population balance across the city's election districts and, in all but one case, proceeded to develop several alternative spatial configurations for the city's election districts. The goal was to balance the population across the districts while maintaining other district characteristics as much as possible. Workshops and public meetings were undertaken as input to the development of these alternative district shapes. Recommendations were then made for consideration by the city council or commission.

On Thursday, May 9, 2024, the consultant team provided the City of Deerfield Beach with a Re-Evaluation Study of City Commission District Boundaries. That report evaluated the current population distribution across the existing Deerfield Beach City Commission election districts. The 2020 U.S. Census apportionment dataset (Census Redistricting Summary Files: Public Law 94-171) is the initial population base for this analysis. However, we added to the Census population counts the impact of new housing development in the City since the Census was undertaken. That report also reviewed some important characteristics of the 2020 U.S. Census and discussed recently adopted Florida legislation that impacts redistricting. We repeat aspects of the Re-Evaluation report to allow this report to stand alone.

Deerfield Beach City Charter

The Charter of the City of Deerfield Beach, specifically Article III - Legislative, Section 3.04 - Election and terms, paragraph (2) provides guidance regarding the creation of election districts and the timeline for when the City should undertake to redistrict.

The City Charter states:

*(2) **District representation.** At least ninety (90) days prior to the regular city commission election to be held in March 2009 and the city commission election every four (4) years thereafter, the commission shall divide the city into four (4) districts (District 1, 2, 3 and 4) for the purpose of electing one (1) commissioner from each district. The division of the city into four (4) districts shall be as nearly as practicable on an equal population basis by contiguous boundaries. No sitting commissioner shall be disqualified from completing his or her term as a result of redistricting.*

Current Districts

An Evaluation of the Existing Districts:

The 2020 U.S. Census indicates that the City of Deerfield Beach's population was 86,859 on April 1, 2020. Thus, at that time, the mathematical average district would be 21,715 people. The three leftmost numerical columns of **Table 1** present the 2020 U.S. Census population counts of the City's current geographic districts, the percentage each district represents of the City's total 2020 population, and each district's deviation from the mathematical average district size. District 3 is the largest district with 22,548 people (26.0% of the City), and District 1 is the smallest with 19,769 people (22.8% of the City population). District 3 deviates from the mathematical average district population by 3.8%, and District 1 is 9.0% below this mathematical average district.

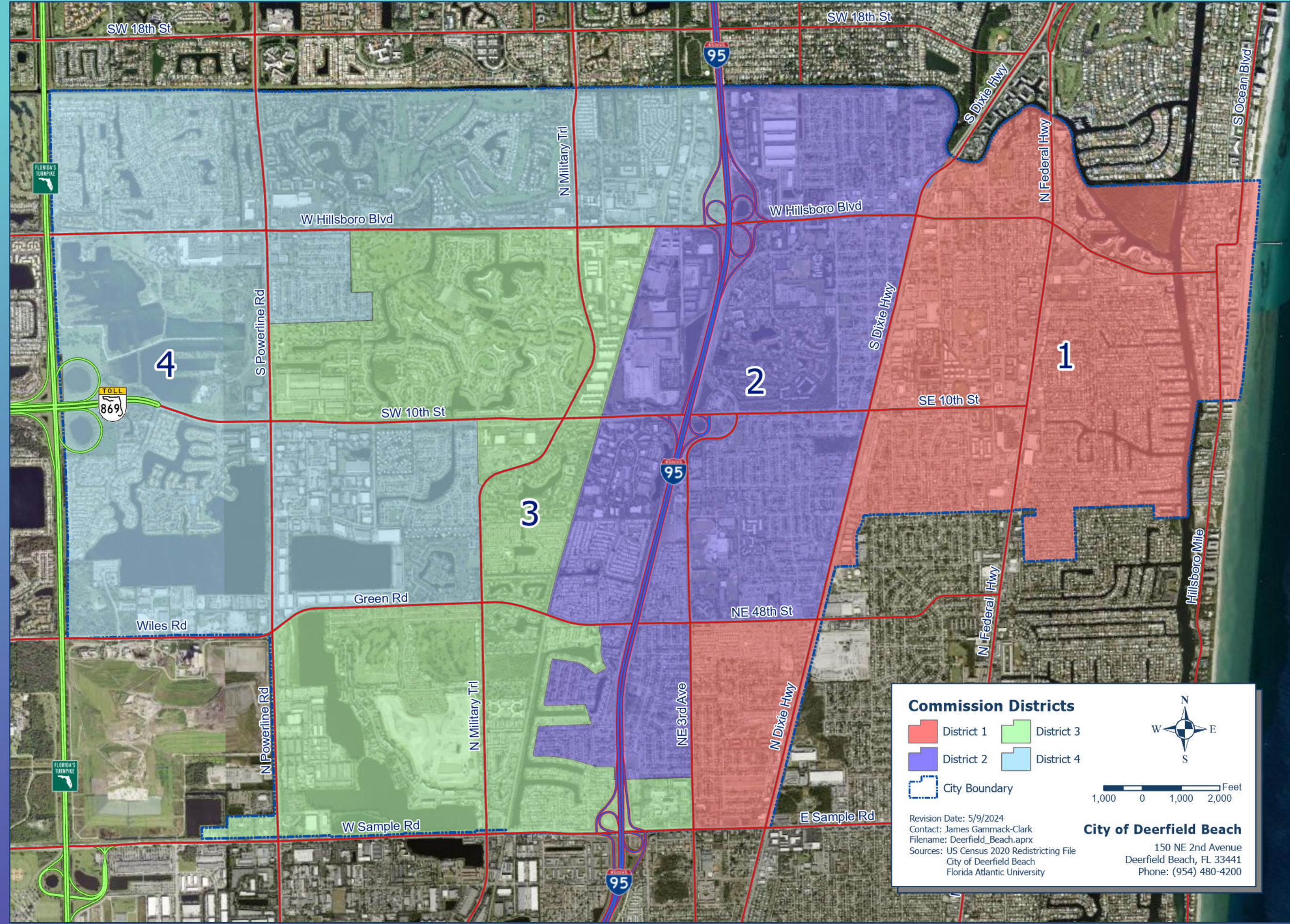
Based on 2020 Census data, the current election districts have a mean deviation of **4.5%** and a spread between the largest and smallest districts of **12.8%** (9% + 3.8%).

Table 1 – Current Commission Districts – City of Deerfield Beach
2020 Enumeration and 2024 Population Estimate

Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Estimate	% of City	Deviation From Average
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Total	86,859	100	17.9%	88,255	100	18.4%
Average	21,715	25	4.5%	22,064	25	4.6%

Deerfield Beach

Existing Commission Districts



Commission Districts

District 1

District 2

District 3

District 4

City Boundary

Revision Date: 5/9/2024
 Contact: James Gammack-Clark
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 Sources: US Census 2020 Redistricting File
 City of Deerfield Beach
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City of Deerfield Beach
 150 NE 2nd Avenue
 Deerfield Beach, FL 33441
 Phone: (954) 480-4200

An Evaluation of Growth:

The 2020 U.S. Census was conducted over four years ago, and its data is growing older each day. The City Charter requires an analysis of election districts every four years. Thus, to ensure that any recommendations for redistricting reflect the city's growth since Census Day (April 1st, 2020), we have generated a population estimate, which is standard practice when municipal redistricting is conducted in intercensal years. To this end, City staff identified housing not included in the 2020 Census. Specifically, units that have been completed since Census Day and a small number of units that are presently under construction and expected to be completed by late 2024. These projects add 598 new units to the city's existing housing stock. Population estimates for each project were calculated by multiplying the number of units by the persons per household (PPH, 2.34) value established by the U.S. Census American Community Survey for the City of Deerfield Beach (2018-2022). The number of units and the population estimate are given in **Table 2** below. Note: Population estimates used in the districting analysis were made at the census block level rather than on a project-by-project basis. Rounding these estimates into whole numbers (persons) produces a difference of 4 people between these two ways of estimating the population impact of the new units. Thus, the population estimate for the new housing is 1,396 people. Most of that growth (1,067 people) has occurred in District 3.

Accounting for this growth since the 2020 census results in a 2024 population estimate for the City of Deerfield Beach of 88,255. The mathematical average population for each district is 22,064.

***Table 2 – City of Deerfield Beach
Population Estimates for Approved Developments***

Development	Units	Population Estimate	Current District	Completion Date
Veleiros	257	601	3	2021
Pine Tree Park	7	16	4	2022
Verona Heights	26	61	1	2022
Sandpiper Pointe	199	466	3	2022
Tallman Pines	75	176	1	2024
Miscellaneous Homes	34	80		2024
Estimated by Development	598	1,400		
Estimated by Census Block	598	1,396		

Note: The U.S. Census average persons per household (2018-2022) for the City of Deerfield Beach (2.34) was used to calculate the population estimate, rounded to the nearest whole number.

The **Existing Districts Map** and the three rightmost columns of **Table 1** show the current districts' geographic boundaries and estimated population. Using the 2024 population estimates, the district with the greatest population is still District 3, with 23,615 residents (26.8% of the city); the district with the smallest population remains District 1, with 20,038 residents (22.7% of the city).

The growth that has occurred since Census Day has further expanded population inequality between the districts, with the mean deviation rising slightly from 4.5% to **4.6%** and the spread between the largest and smallest districts growing from 12.8% to **16.2%** (9.2% + 7.0%). Restoring population equity will require increasing the population (and thus also its geographic area) of District 1 while reducing the population (and area) of District 3. These changes will have a domino effect in the other districts.

Redistricting Criteria and Data Sources

The framework or criteria guiding the development of revised district plans can be summarized as follows:

- 1) Reasonable population equality across districts:
 - Districts should have approximately the same number of people. All residents, regardless of age or other characteristics, are counted. Ideal district size is based on the total population of the city divided by the number of districts. The City of Deerfield Beach Charter states: *“the division of the city into four (4) districts shall be as nearly as practicable on an equal population basis by contiguous boundaries.*
 - Redistricting should adhere to Section 2 of the Voting Rights Act of 1965, as amended and interpreted through case law. This criterion requires that minority population clusters be respected when developing district boundaries. Arbitrary dilution and other discriminatory practices are prohibited.
 - Redistricting should adhere to Florida’s Fair Districting Amendment.
- 2) Geographic contiguity and appropriate compactness:
 - District boundaries should follow major natural and manmade features where possible.
 - Districts should maintain the integrity of communities of interest based on race, life cycle/age, income, and other community identity characteristics.

- Where possible, districts should minimize the degree of change in pre-existing patterns of districts to promote continuity of citizen identification with a district.
- Districts should be compact and spatially contiguous to the extent possible.

The first criterion is of primary importance; the second is significant in guiding decisions in reaching a reasonable population balance. The contiguity and compactness criterion are subject to the reality of city geography.

In developing revised Deerfield Beach City Commission election districts, the spatial units used in composing or building the districts are residential housing subdivisions (communities) and U.S. Census Blocks. Subdivisions are typically homogeneous in their housing characteristics and thus serve households with broadly similar interests. Therefore, district borders are typically subdivision boundaries and associated major roadways or other obvious physical features. U.S. Census Blocks are typically subunits in subdivisions and are the smallest spatial units used in tabulating Census data.

In addition to the above criteria, recent legislation enacted by the Florida Legislature states explicitly that districts may not be drawn with the intent to favor or disfavor a candidate for, or a member of, the governing body based on their residential address. The legislation also defines a timeline for the adoption of election districts. House Bill No. 411 created section 166.0321, F. S.: which states:

Each municipality shall, from time to time, fix the boundaries of its districts so as to keep them as nearly equal in proportion to their respective populations as practicable, provided that such changes may not be made in the 270 days before a regular general election for the governing body of the municipality. Districts may not be drawn with the intent to favor or disfavor a candidate for member of the governing body, or an incumbent member of the governing body based on the candidate's or incumbent's residential address. Any ordinance enacted or adopted by a municipality on or after July 1, 2023, which is in conflict with this section is void.

The City of Deerfield Beach will hold its next Municipal General Election on March 11, 2025. Thus, consistent with this statute, new districts should be adopted before June 14, 2024, to be in effect at the next municipal election.

Map Alternatives

Given the necessity for redistricting, three map alternatives have been developed for review and discussion by the City Commission. The alternatives presented here meet the City Charter's standard districting guidelines and requirements. They represent alternative ways to better balance district populations while also seeking to keep with the intent of the other identified guidelines.

The existence of population inequality across the City's districts means that changes to district boundaries are needed to achieve compliance with redistricting rules and standards. Consequently, all the proposed alternatives involve modifying current district boundaries to achieve population equity. The alternatives are presented in the order of magnitude of change from the existing districts, starting with the least and ending with the most.

Alternative 1

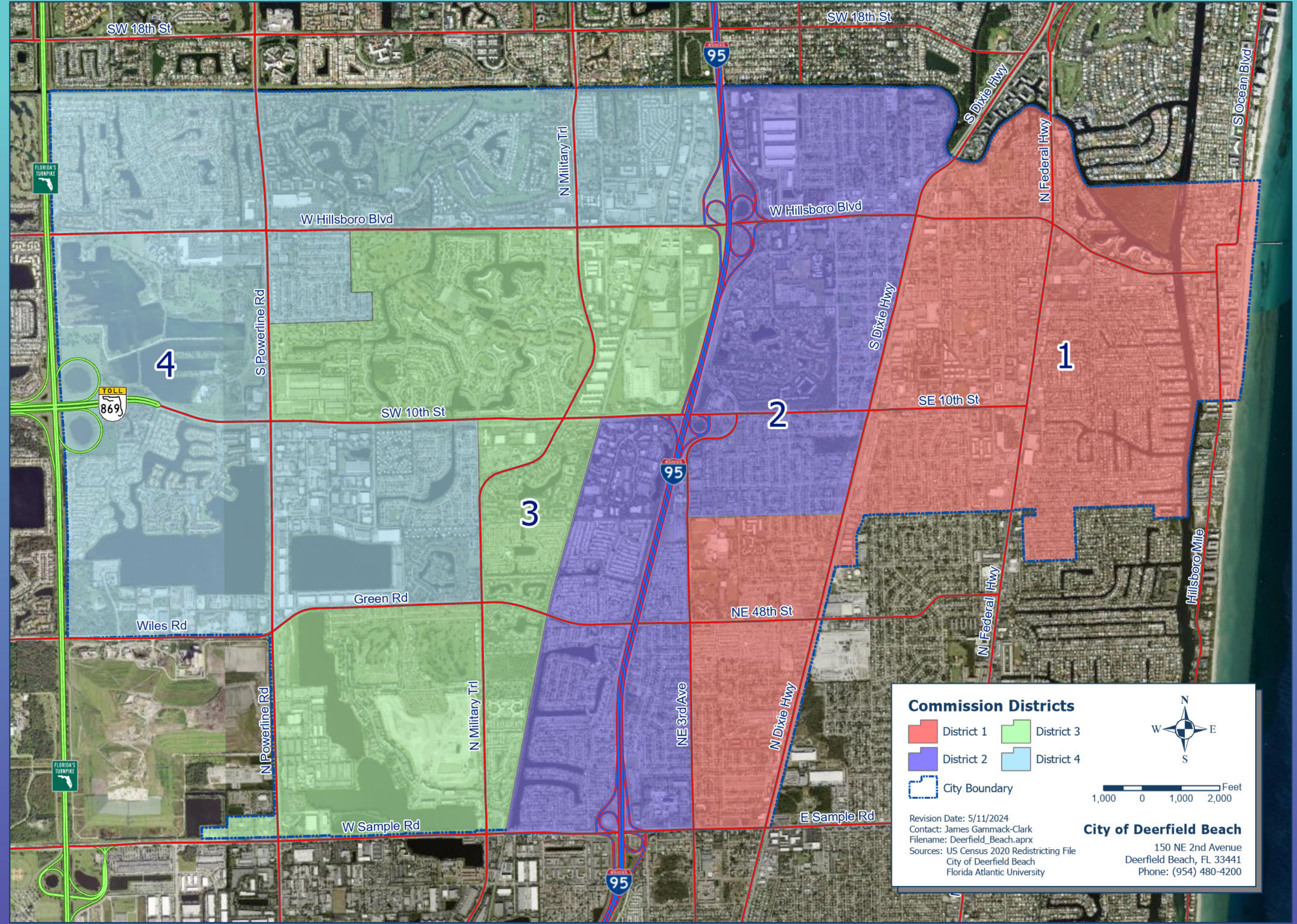
The intent of Alternative 1 is to achieve population balance by changing the existing boundaries as little as possible. The impact of these modifications on each district's 2024 estimated population and geographic boundaries are reflected in **Table 3**, the **Alternative 1 Map** and the **Existing vs. Alternative 1 Comparison Map**.

Table 3 – Alternative Districts 1 – City of Deerfield Beach
2024 Population Estimates

Alternative 1	2024 Population	% of City	Deviation From Average
District 1	22,556	25.6	2.2%
District 2	22,592	25.6	2.4%
District 3	21,041	23.8	-4.6%
District 4	22,066	25.0	0.0%
Total	88,255	100	9.3%
Average	22,064	25	2.3%

Deerfield Beach

Alternative Commission Districts 1



Commission Districts

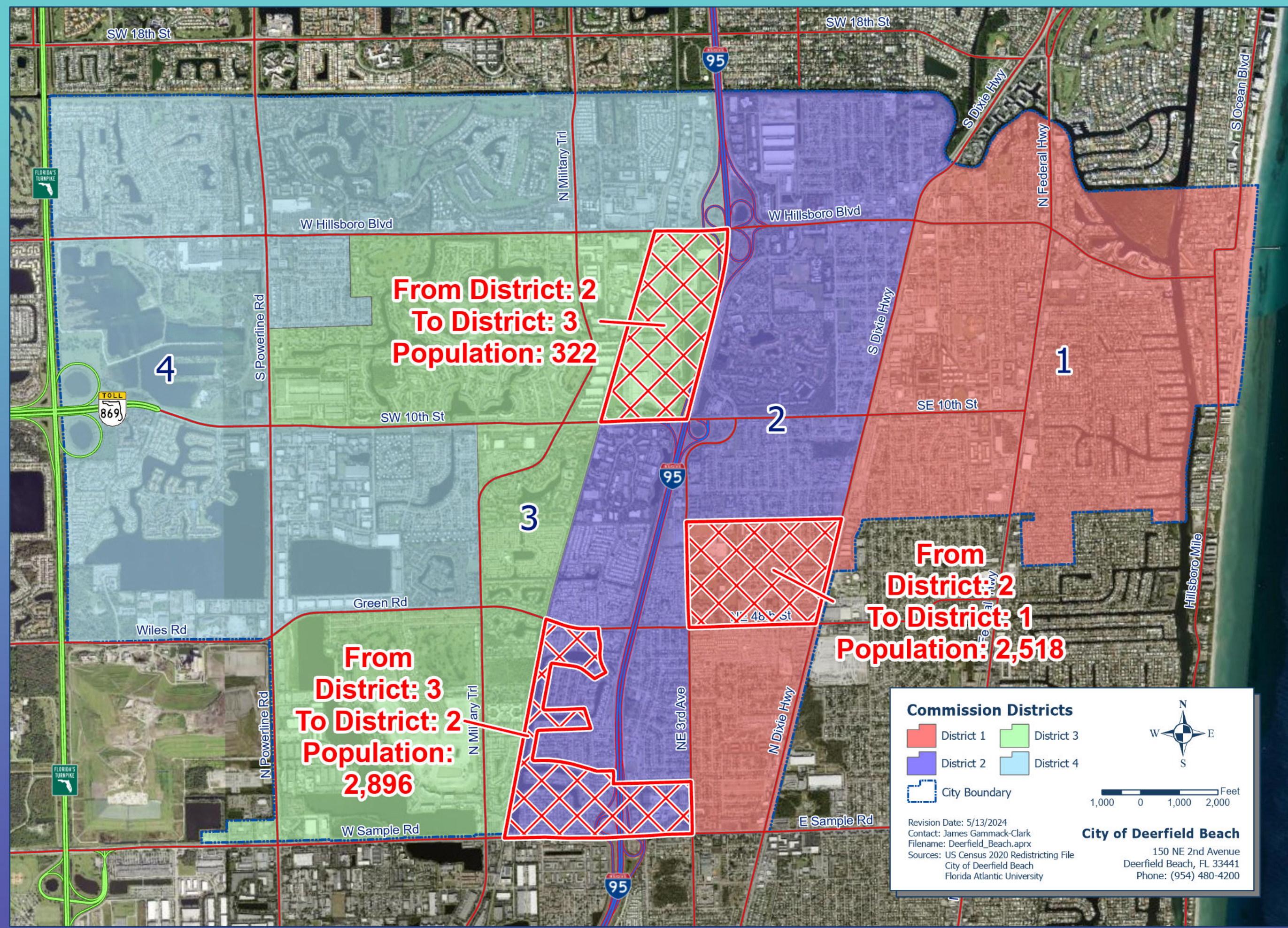
 District 1	 District 3
 District 2	 District 4
 City Boundary	

Revision Date: 5/11/2024
 Contact: James Gammack-Clark
 Filename: Deerfield_Beach.aprx
 Sources: US Census 2020 Redistricting File
 City of Deerfield Beach
 Florida Atlantic University

City of Deerfield Beach
 150 NE 2nd Avenue
 Deerfield Beach, FL 33441
 Phone: (954) 480-4200

Deerfield Beach

Existing Districts vs. Alternative 1



Commission Districts

- District 1 (Red)
- District 2 (Purple)
- District 3 (Green)
- District 4 (Light Blue)
- City Boundary (Dashed Blue)

Revision Date: 5/13/2024
Contact: James Gammack-Clark
Filename: Deerfield_Beach.aprx
Sources: US Census 2020 Redistricting File
City of Deerfield Beach
Florida Atlantic University

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Deerfield Beach, FL 33441
Phone: (954) 480-4200

The specific changes from the existing district boundaries to those of Alternative 1 are as follows:

1. District 1 expands to include that part of District 2 presently found between North Dixie Highway and NE 3rd Avenue in the east-west direction and between NE 48th Street and SW 15th Street in the north-south direction. This area is home to 2,518 residents.
2. To offset the population loss described above and to improve spatial compactness and the recognizability of the district boundaries, District 2 expands south and west to the city limits and the centerline of the CSX railway. This adjustment unifies the Bonnie Loch and Woodsetter communities under a single district and adds 2,896 people to District 2.
3. To improve the population balance between Districts 2 and 3, the 322 residents that live in the area between Hillsboro Boulevard and SW 10th Street in the north-south direction, and I-95 and the CSX railway in the east-west direction are added to District 3.

Alternative 1 improves the City's Commission Districts' population equity and geographic compactness. The mean deviation falls from 4.6% to **2.3%**, while the spread drops from 16.2% to **7.0%** (2.4% + 4.6%).

Alternative 2

Through an increased magnitude of change, Alternative 2 seeks to further improve population equity, spatial compactness, and the recognizability of the district boundaries. While District 1 remains unchanged from that presented in Alternative 1, the western districts are realigned along the major thoroughfares: SW 10th Street and the Sawgrass Expressway. The impact of these modifications on the districts' 2024 populations and geographic boundaries are reflected in **Table 4**, the **Alternative 2 Map** and the **Existing vs. Alternative 2 Comparison Map**.

Table 4 – Alternative Districts 2 – City of Deerfield Beach
2024 Population Projections

Alternative 2	2024 Population	% of City	Deviation From Average
District 1	22,556	25.6	2.2%
District 2	21,519	24.4	-2.5%
District 3	21,724	24.6	-1.5%
District 4	22,456	25.4	1.8%
Total	88,255	100	8.0%
Average	22,064	25	2.0%

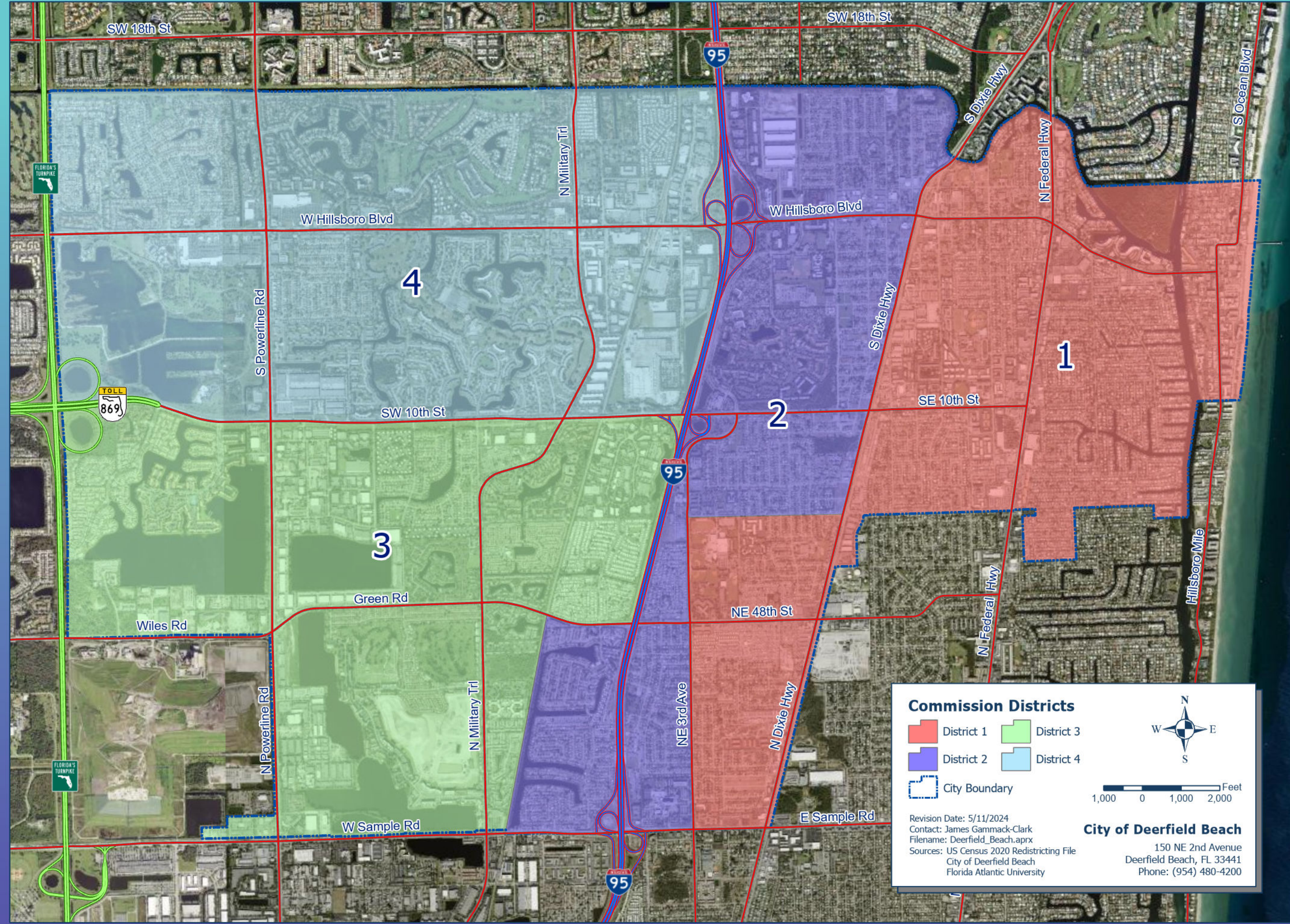
The specific changes from the existing district boundaries to those of Alternative 2 are as follows:

1. As with Alternative 1, District 1 expands to include that part of District 2 presently found between North Dixie Highway and NE 3rd Avenue in the east-west direction and between NE 48th Street and SW 15th Street in the north-south direction. This area is home to 2,518 residents.
2. As is also seen with Alternative 1, District 2 expands south and west to the city limits and the centerline of the CSX railway, adding 2,896 people to District 2.
3. District 3 adds 7,248 people by expanding to include that part of District 4 found between Wiles Road/Green Road and SW 10th Street/the centerline of the Sawgrass Expressway in the north-south direction, and Military Trail/the eastern boundary of the Crystal Heights subdivision and the western city limits in the east-west direction.
4. District 3 also expands to include the 1,073 residents living in that part of District 2, presently between SW 10th Street and NW49th Street in the north-south direction and I-95 and the CSX railway in the east-west direction.
5. Offsetting these gains, District 4 absorbs that part of District 3 presently found between Hillsboro Boulevard and SW 10th Street in the north-south direction and the CSX railway and Powerline Roads in the east-west direction. This area is home to 7,316 people.
6. District 4 also gains the 322 residents that live in the area between Hillsboro Boulevard and SW 10th Street in the north-south direction and I-95 and the CSX railway in the east-west direction.

Alternative 2 improves population equity, spatial compactness, and more recognizable district boundaries. The mean deviation falls from 4.6% to **2.0%**, while the spread drops from 16.2% to **4.7%** (2.2 + 2.5).

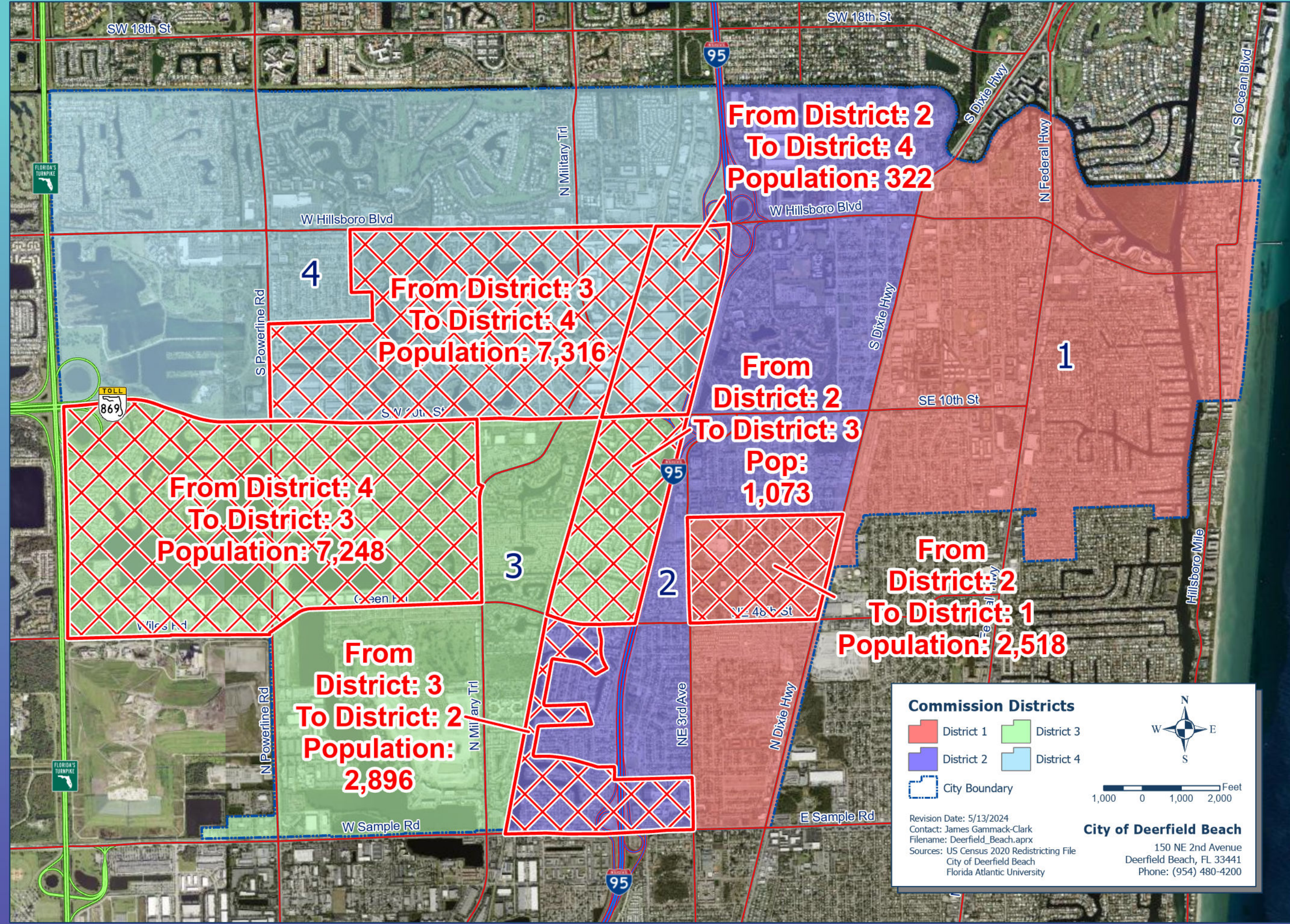
Deerfield Beach

Alternative Commission Districts 2



Deerfield Beach

Existing Districts vs. Alternative 2



Commission Districts

- District 1
- District 2
- District 3
- District 4
- City Boundary

Revision Date: 5/13/2024
Contact: James Gammack-Clark
Filename: Deerfield_Beach.aprx
Sources: US Census 2020 Redistricting File
City of Deerfield Beach
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Alternative 3

By further increasing the magnitude of change, Alternative 3 achieves greater populating equity, spatial compactness, and more easily recognizable district boundaries, effectively dividing the city into four quadrants. The impact of these modifications on the districts' 2024 population and geographic boundaries are reflected in **Table 5**, the **Alternative 3 Map** and the **Existing vs. Alternative 3 Comparison Map**.

Table 5 – Alternative Districts 3 – City of Deerfield Beach
2024 Population Projections

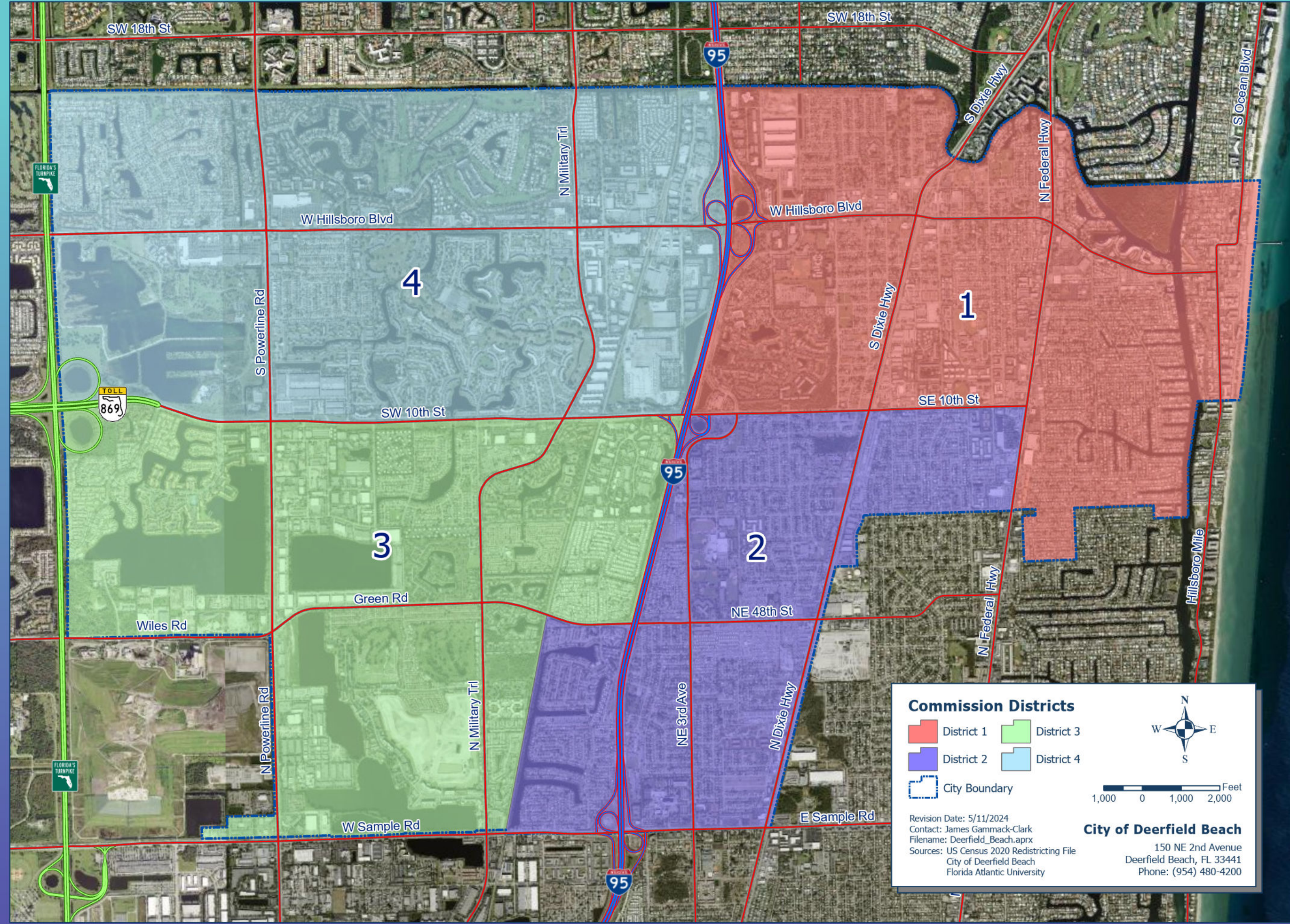
Alternative 3	2024 Population	% of City	Deviation From Average
District 1	22,230	25.2	0.8%
District 2	21,845	24.8	-1.0%
District 3	21,724	24.6	-1.5%
District 4	22,456	25.4	1.8%
Total	88,255	100	5.1%
Average	22,064	25	1.3%

The specific changes from the existing district boundaries to those of Alternative 3 are as follows:

1. District 1 expands north and west, absorbing that part of District 2 presently found between Dixie Highway and I-95 in the east-west direction and SE 10th Street and the city's northern limits in the north-south direction. This area is home to 9,499 residents.
2. Offsetting this loss, District 2 adds that part of District 1 presently found to the south and east of Dixie Highway and SE 10th Avenue, as far as Federal Highway and the city's southern limits, together with the area between N Dixie Highway and NE 3rd Avenue in the east-west direction, and NE 48th Street and the city's southern limits in the north-south direction. This area is home to 7,307 residents.
3. As in Alternative 1 and 2, District 2 expands south and west to the city limits and the centerline of the CSX railway, adding 2,896 people to District 2.
4. As in Alternative 2, District 3 adds 7,248 people by expanding to include that part of District 4 found between Wiles Road/Green Road and SW 10th Street/the centerline of the Sawgrass Expressway in the north-south direction, and Military Trail/the eastern boundary of the Crystal Heights subdivision and the western city limits in the east-west direction.

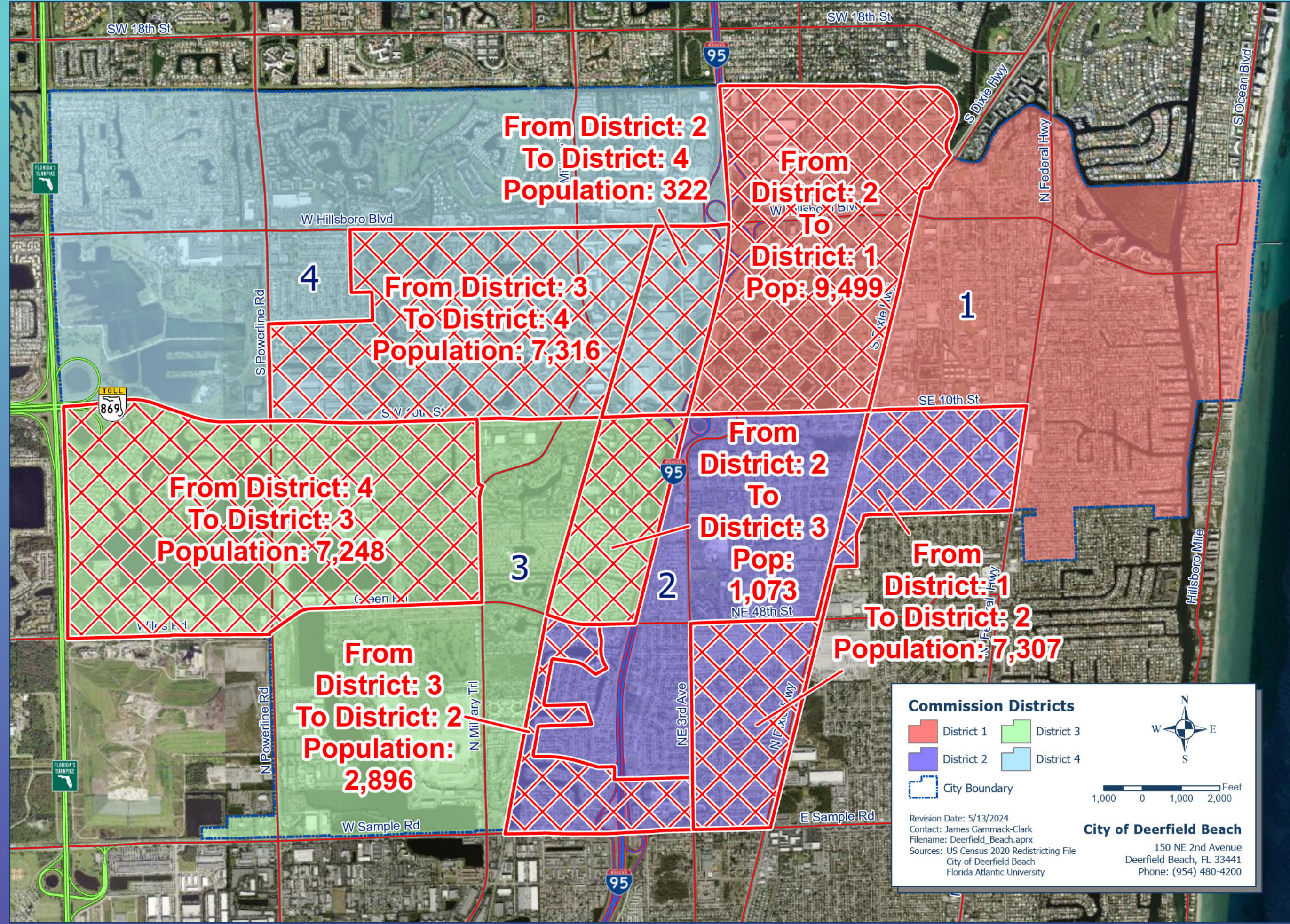
Deerfield Beach

Alternative Commission Districts 3



Deerfield Beach

Existing Districts vs. Alternative 3



Commission Districts

- District 1
- District 2
- District 3
- District 4
- City Boundary

Revision Date: 5/13/2024
Contact: James Gammack-Clark
Filename: Deerfield_Beach.aprx
Sources: US Census 2020 Redistricting File
City of Deerfield Beach
Florida Atlantic University

City of Deerfield Beach
150 NE 2nd Avenue
Deerfield Beach, FL 33441
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5. As in Alternative 2, District 3 also expands to include the 1,073 residents living in that part of District 2, presently between SW 10th Street and NW49th Street in the north-south direction and I-95 and the CSX railway in the east-west direction.
6. As in Alternative 2, District 4 offsets these gains by absorbing that part of District 3 presently found between Hillsboro Boulevard and SW 10th Street in the north-south direction and the CSX railway and Powerline Roads in the east-west direction. This area is home to 7,316 people.
7. As in Alternative 2, District 4 also gains the 322 residents that live in the area between Hillsboro Boulevard and SW 10th Street in the north-south direction and I-95 and the CSX railway in the east-west direction.

Under Alternative 3, the mean deviation falls from 4.6% to **1.3%**, while the spread drops from 16.2% to **3.3%** (1.5 + 1.8). This is the most balanced of the three alternatives presented in this report. It also offers the most geographically compact districts and very recognizable boundaries. However, these improvements are only achieved following the largest degree of change observed in the three alternatives presented. Because Alternative 3 has the best population equity, in the absence of significant additional land being incorporated into the City or extensive redevelopment of nonresidential property, it is less likely that the districts will become seriously unbalanced in the foreseeable future, thus reducing the likelihood of further boundary changes for some time.

District Demographics

Table 6 below presents race and ethnicity demographics taken from the 2020 U.S. Census for the existing City Commission districts. The columns 'White' through 'Other' sum to the City's 2020 population total. These categories represent the U.S. Census definition of Race. The last two columns, 'Hispanic or Latino' and 'Not Hispanic or Latino', also sum to the City's population total. These categories represent the U.S. Census classification of Ethnicity. Race and Ethnicity are separate self-identified categories. Tables 7, 8, and 9 present the same 2020 US Census demographic data retabulated under Alternatives 1, 2, and 3's geographic boundaries, respectively.

The demographics remain relatively stable across alternatives. District 2 consistently holds the highest number and proportion of 'Black or African American' residents. In the current District 2, 52.6% identify as black. This percentage varies slightly in Alternatives 1, 2, and 3: 50.8%, 53.0%, and 49.4%, respectively. All the racial categories vary somewhat across the alternatives (see Tables 6 to 9).

Table 6 - Current Commission Districts – City of Deerfield Beach
Expanded Demographics, U.S. Census 2020

District (Existing)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	19,769	11,580 (58.58%)	3,348 (16.94%)	48 (0.24%)	294 (1.49%)	14 (0.07%)	4,485 (22.69%)	3,225 (16.31%)	16,544 (83.69%)
2	22,496	4,883 (21.71%)	11,830 (52.59%)	93 (0.41%)	194 (0.86%)	7 (0.03%)	5,489 (24.4%)	4,714 (20.95%)	17,782 (79.05%)
3	22,548	11,470 (50.87%)	3,615 (16.03%)	80 (0.35%)	438 (1.94%)	4 (0.02%)	6,941 (30.78%)	4,884 (21.66%)	17,664 (78.34%)
4	22,046	12,012 (54.49%)	2,849 (12.92%)	61 (0.28%)	740 (3.36%)	16 (0.07%)	6,368 (28.89%)	4,745 (21.52%)	17,301 (78.48%)
	86,859	39,945 (45.99%)	21,642 (24.92%)	282 (0.32%)	1,666 (1.92%)	41 (0.05%)	23,283 (26.81%)	17,568 (20.23%)	69,291 (79.77%)

Table 7 - Map Alternative 1 – City of Deerfield Beach
Expanded Demographics, U.S. Census 2020

District (Alt 1)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	22,287	12,028 (53.97%)	4,841 (21.72%)	60 (0.27%)	303 (1.36%)	14 (0.06%)	5,041 (22.62%)	3,698 (16.59%)	18,589 (83.41%)
2	22,552	4,828 (21.41%)	11,447 (50.76%)	108 (0.48%)	218 (0.97%)	7 (0.03%)	5,944 (26.36%)	4,999 (22.17%)	17,553 (77.83%)
3	19,974	11,077 (55.46%)	2,505 (12.54%)	53 (0.27%)	405 (2.03%)	4 (0.02%)	5,930 (29.69%)	4,126 (20.66%)	15,848 (79.34%)
4	22,046	12,012 (54.49%)	2,849 (12.92%)	61 (0.28%)	740 (3.36%)	16 (0.07%)	6,368 (28.89%)	4,745 (21.52%)	17,301 (78.48%)
	86,859	39,945 (45.99%)	21,642 (24.92%)	282 (0.32%)	1,666 (1.92%)	41 (0.05%)	23,283 (26.81%)	17,568 (20.23%)	69,291 (79.77%)

Table 8 - Map Alternative 2 – City of Deerfield Beach
Expanded Demographics, U.S. Census 2020

District (Alt 2)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	22,287	12,028 (53.97%)	4,841 (21.72%)	60 (0.27%)	303 (1.36%)	14 (0.06%)	5,041 (22.62%)	3,698 (16.59%)	18,589 (83.41%)
2	21,492	4,154 (19.33%)	11,400 (53.04%)	99 (0.46%)	211 (0.98%)	7 (0.03%)	5,621 (26.15%)	4,750 (22.1%)	16,742 (77.9%)
3	21,110	9,602 (45.49%)	3,157 (14.95%)	81 (0.38%)	488 (2.31%)	11 (0.05%)	7,771 (36.81%)	5,234 (24.79%)	15,876 (75.21%)
4	21,970	14,161 (64.46%)	2,244 (10.21%)	42 (0.19%)	664 (3.02%)	9 (0.04%)	4,850 (22.08%)	3,886 (17.69%)	18,084 (82.31%)
	86,859	39,945 (45.99%)	21,642 (24.92%)	282 (0.32%)	1,666 (1.92%)	41 (0.05%)	23,283 (26.81%)	17,568 (20.23%)	69,291 (79.77%)

Table 9 - Map Alternative 3 – City of Deerfield Beach
Expanded Demographics, U.S. Census 2020

District (Alt 3)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	22,112	11,521 (52.1%)	5,531 (25.01%)	63 (0.28%)	316 (1.43%)	14 (0.06%)	4,667 (21.11%)	3,575 (16.17%)	18,537 (83.83%)
2	21,667	4,661 (21.51%)	10,710 (49.43%)	96 (0.44%)	198 (0.91%)	7 (0.03%)	5,995 (27.67%)	4,873 (22.49%)	16,794 (77.51%)
3	21,110	9,602 (45.49%)	3,157 (14.95%)	81 (0.38%)	488 (2.31%)	11 (0.05%)	7,771 (36.81%)	5,234 (24.79%)	15,876 (75.21%)
4	21,970	14,161 (64.46%)	2,244 (10.21%)	42 (0.19%)	664 (3.02%)	9 (0.04%)	4,850 (22.08%)	3,886 (17.69%)	18,084 (82.31%)
	86,859	39,945 (45.99%)	21,642 (24.92%)	282 (0.32%)	1,666 (1.92%)	41 (0.05%)	23,283 (26.81%)	17,568 (20.23%)	69,291 (79.77%)

Summary

Our analysis concludes that a realignment of Deerfield Beach City Commission Election District Boundaries is necessary to achieve a more equitable balance in their resident population. Without redistricting, the mean deviation is 4.6%, and the spread between the largest and smallest districts is 16.2%. There is a difference of 3,577 between the districts with the fewest and most residents. Each of the Alternatives presented here reduces this spread and the deviation of the districts from their mathematical mean (see Table 10). Alternative 1 presents the least amount of geographical change but has the largest remaining population difference across the districts of the three Alternatives. Alternative 3 has the greatest amount of geographical change but yields the most equitable population balance across the districts. Alternative 2 is in the middle on both criteria.

Table 10 –Districts Configurations – City of Deerfield Beach
Deviation Statistics Summary

Configuration	Impacted Population	Total Deviation	Mean Deviation	Spread
Existing Districts	N/A	18.4	4.6	16.2
Alternative 1	5,736	9.3	2.3	7.0
Alternative 2	21,373	8.0	2.0	4.7
Alternative 3	35,661	5.1	1.3	3.3

Each of the three Alternatives is presented for City Commission review: from a minimal amount of geographic change to a significant adjustment in the spatial pattern of Deerfield Beach Commission Districts, from a modest reduction in population imbalance to a substantial decrease in resident population imbalance.

Appendix

The 2020 Census

Two primary differences make the 2020 U.S. Census stand out from those preceding it: a significant delay in its release due to the COVID-19 pandemic and the implementation of a new ‘differential privacy’ policy. We briefly address these for the record.

The decennial census aims to capture a count of the population of the United States of America on April 1 of years ending in zero (0), most recently April 1, 2020. Population distribution and its characteristics are constantly changing, with births, deaths, and migration patterns continually adjusting the fabric of the American people. Census Day represents a single moment in time when the U.S. population is enumerated throughout the land. By April 1, 2020, every household in America received an invitation to participate in the 2020 census, with three options to respond: online, by mail, or by phone. 2020 represented the first census to include an online response option. Subsequent to this day is a period of time in which the U.S. Census Bureau follows up with non-responders and begins a quality control process. Traditionally, the Census Bureau would deliver an official apportionment population count to the U.S. President on December 31st, followed by a distribution of redistricting data to the states precisely one year to the day after Census Day, which in this case, was supposed to be April 1, 2021.

However, due to complications caused by the COVID-19 pandemic, the Census Bureau sought statutory relief from Congress that would allow for apportionment counts to be delivered to the President by April 30, 2021, and redistricting data to be delivered to the states no later than September 30, 2021. Additionally, the Census Bureau compressed the typical three-month nonresponse follow-up enumeration period to two and a half months. Ultimately, redistricting data were released on August 12, 2021. This delay inevitably and unavoidably complicated redistricting efforts for every electoral district in the nation. It also meant that the error in the data, inherent to every census, would likely be more significant than in earlier censuses. The Census Bureau has since confirmed that the rate of missing

information was higher in the 2020 census than in the 2010 census. However, they have also stated that this rate was lower than they initially feared.

The 2020 census redistricting data release was the first time ‘differential privacy protection’ was employed. This represents the Census Bureau’s introduction of ‘noise’ into the data at the more local geographic scale (Blocks and Block Groups) with the intent to strike a balance between data protection and precision. The effect is that while the enumeration counts can be trusted at the Census Tract level (an aggregation of many Blocks), we must anticipate a certain degree of ‘fuzziness’ at the Block level. Specifically, while the aggregate count of population for a Census Tract will be accurate, a certain proportion of people/housing units will have been *deliberately* misallocated by the Census Bureau at the Block level. While this may not be problematic in the realignment of Congressional Districts, for example, it certainly represents a challenge for Municipal Districts, for which the geographic precision of Census Blocks is highly desirable.

Taken together, therefore, the complications related to the COVID-19 pandemic and the implementation of ‘differential privacy’ introduce a certain amount of additional uncertainty to the primary source of data for this analysis (2020 Census Redistricting Data (PL 94-171)) that is unprecedented. Nevertheless, these data remain the standard base for municipal (county, state, and federal) redistricting efforts nationwide.



City of Deerfield Beach

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Deerfield Beach, FL
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Face Sheet File Number: I.D. 2024-226

Agenda Date: 5/21/2024

Status: CITY COMMISSION
BUSINESS

In Control: City Commission

Title

ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE III, "OFFICIALS, OFFICERS AND EMPLOYEES, DIVISION 2 "TRAVEL EXPENDITURE POLICY," SECTIONS 2-221 "GENERALLY" AND SECTION 2-222 "PROOF OF EXPENDITURES; PER DIEM RATES; SETTLEMENT" TO PROVIDE FOR A \$200.00 MONTHLY ALLOWANCE TO THE MAYOR AND EACH COMMISSIONER TO ADDRESS TRAVEL, MEAL AND PARKING EXPENSES INCURRED IN THE TRI-COUNTY AREA IN CONNECTION WITH THEIR DUTIES OF OFFICE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance and set public hearing on June 4, 2024

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Section 3.07 of the City Charter provides that "Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law". Section 2-221 of the City Code provides that "[t]he city will pay the reasonable travel expenses of city commission members, officers, employees, board members and committee members incurred in connection with authorized city travel, subject to compliance with all applicable city commission adopted travel policies and procedures."

Current Activity

At the April 16, 2024 Commission Meeting, the City Commission discussed the expenses they incur and pay for with their own funds for local travel within the tri-county area related to travel, meals and parking costs in connection with their duties of office. Commissioner Parness proposed the potential for a \$200 monthly expense account available to each Commissioner (including the Mayor) to cover such costs.

The enclosed Ordinance provides for a \$200 per month expense account for each member of the City Commission for their use to cover local travel, meals and parking expenses in connection with their travel in the tri-county area in furtherance of their duties of office.

Recommendation

Consideration.

ORDINANCE NO. 2024/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 2, “ADMINISTRATION,” ARTICLE III, “OFFICIALS, OFFICERS AND EMPLOYEES, DIVISION 2 “TRAVEL EXPENDITURE POLICY,” SECTIONS 2-221 “GENERALLY” AND SECTION 2-222 “PROOF OF EXPENDITURES; PER DIEM RATES; SETTLEMENT” TO PROVIDE FOR A \$200.00 MONTHLY ALLOWANCE TO THE MAYOR AND EACH COMMISSIONER TO ADDRESS TRAVEL, MEAL AND PARKING EXPENSES INCURRED IN THE TRI-COUNTY AREA IN CONNECTION WITH THEIR DUTIES OF OFFICE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, Section 3.07 of the City Charter provides that “Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law”; and

WHEREAS, Section 2-221 of the City Code provides that “[t]he city will pay the reasonable travel expenses of city commission members, officers, employees, board members and committee members incurred in connection with authorized city travel, subject to compliance with all applicable city commission adopted travel policies and procedures.”; and

WHEREAS, at the April 16, 2024 Commission Meeting, the City Commission discussed the expenses they incur and pay for with their own funds for local travel within the tri-county area related to travel, meals and parking costs in connection with their duties of office; and

WHEREAS, Commissioner Parness proposed the potential for a \$200 monthly expense account available to each Commissioner (including the Mayor) to cover such costs; and

WHEREAS, this Ordinance provides for a \$200 per month expense account for each member of the City Commission for their use to cover local travel, meals and parking expenses in connection with their travel in the tri-county area in furtherance of their duties of office; and

WHEREAS, the City Commission finds it to be in the best interest of the City of Deerfield Beach to enact this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are made a part of this Ordinance.

Section 2. Sections 2-221 “Generally” and Section 2-222 “Proof of expenditures; per diem rates; settlement” of Division 2 “Travel Expenditures Policy” of Article III, Officials, Officers and Employees”, of Chapter 2 “Administration” of the City Code of Ordinances is hereby amended to read as follows¹:

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in

Chapter 2 ADMINISTRATION

ARTICLE III. – STOPPING, STANDING, PARKING

DIVISION 2. – TRAVEL EXPENDITURE POLICY

Sec. 2-221. - Generally.

The city will pay the reasonable travel expenses of city commission members, officers, employees, board members and committee members incurred in connection with authorized city travel, subject to compliance with all applicable city commission adopted travel policies and procedures. Mileage for use of one's own automobile or other vehicle, when such use is on behalf of the city and has been authorized, will be paid at the rate authorized by the Internal Revenue Service (IRS) for computing the value of personal use of an employer-supplied vehicle. Only reasonable travel expenses may be reimbursed. The city manager shall be the final arbiter in determining whether any particular travel expense of any traveler, except city commission members, is reasonable unless a travel expense is specifically authorized by the city commission. The city manager's travel budget shall be approved by the city commission as a line item in the budget during the annual budget approval process.

The city commission may, by resolution, adopt additional travel policies and procedures governing travel expenses of city commission members, officers, employees, board members and committee members.

Each member of the City Commission shall be provided with a \$200.00 monthly expense allowance for travel, meal, and parking expenses incurred within the tri-county area (Broward, Miami-Dade and Palm Beach Counties) in connection with their duties of office.

Sec. 2-222. - Proof of expenditures; per diem rates; settlement.

Travelers seeking reimbursement of travel expenses shall provide proof that expenditures were actually incurred, in accordance with the city's travel policy and procedures. Reimbursement of travel expenses shall be subject to the regulations set forth in the city's travel policy and procedures. The per diem rates shall not exceed the maximum rates set by applicable law.

The city manager shall keep the commission regularly advised of the status of the commission travel budget and expenditures and the percentage of the travel budget expended. The city commission shall approve any travel expenses, which exceed budgeted amounts.

~~strikethrough.~~

Section 3. All Sections or parts of Sections of the City Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED 1ST READING ON THIS ____ DAY OF _____, 2024.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK