

ORDINANCE NO. 2025-44

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE ENVIRONMENTALLY
3 SENSITIVE LANDS MAP OF THE NATURAL RESOURCE MAP SERIES WITHIN THE
4 CITY OF POMPANO BEACH; AND PROVIDING FOR SEVERABILITY AND AN
5 EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)
7

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

10 WHEREAS, the Department of Commerce has found the Broward County
11 Comprehensive Plan in compliance with the Community Planning Act;

12 WHEREAS, Broward County now wishes to propose an amendment to the
13 Environmentally Sensitive Lands Map of the Natural Resource Map Series within the City
14 of Pompano Beach;

15 WHEREAS, the Planning Council, as the local planning agency for the Broward
16 County Land Use Plan, held its hearing on May 22, 2025, with due public notice;

17 WHEREAS, the Board of County Commissioners held its transmittal public hearing
18 on September 16, 2025, having complied with the notice requirements specified in
19 Section 163.3184(11), Florida Statutes;

20 WHEREAS, the Board of County Commissioners held an adoption public hearing
21 on December 9, 2025, at 10:00 a.m. [also complying with the notice requirements

specified in Section 163.3184(11), Florida Statutes] at which public comment was accepted and comments of the Department of Commerce, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and Wildlife Conservation Commission, Department of Agriculture and Consumer Services, and Department of Education, as applicable, were considered; and

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

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

Section 1. The Broward County Comprehensive Plan is hereby amended by PCNRM 25-1, which is an amendment to the Environmentally Sensitive Lands Map of the Natural Resource Map Series, as set forth in Exhibit A, attached hereto and incorporated herein.

Section 2. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such

determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 3. Effective Date.

(a) The effective date of the plan amendment set forth in this Ordinance shall be the later of:

(1) Thirty-one (31) days after the Department of Commerce notifies Broward County that the plan amendment package is complete;

(2) If the plan amendment is timely challenged, the date a final order is issued by the Administration Commission or the Department of Commerce finding the amendment to be in compliance;

(3) If the Department of Commerce or the Administration Commission finds the amendment to be in noncompliance, pursuant to Section 163.3184(8)(b), Florida Statutes, the date the Board of County Commissioners nonetheless

elects to make the plan amendment effective notwithstanding potential
statutory sanctions;

(4) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B, the
date the Declaration of Restrictive Covenants is recorded in the Official
Records of Broward County; or

(5) If recertification of the municipal land use plan amendment is required, the
date the municipal amendment is recertified.

(b) This Ordinance is effective as of the date provided by law.

ENACTED December 9, 2025

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 10/08/2025
Maite Azcoitia (date)
Deputy County Attorney

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCNRM 25-1

NATURAL RESOURCE MAP SERIES -
ENVIRONMENTALLY SENSITIVE LANDS MAP
REMOVAL OF SITE 42 – CITY OF POMPANO BEACH

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

May 13, 2025

While Planning Council staff does not generally support these types of amendment applications due to the environmentally sensitive nature of the designated lands, there are aspects of the application that differentiate it from other similar applications, including the deed restriction for aviation uses and that the management of the site is preempted by the Federal Aviation Administration. In consideration of the balancing of interests in this very narrow set of circumstances, Planning Council staff does not object to the removal of Sites 42A, 42B, 42C and 42D / Map Labels 95, 91, 93 and 92 from the Natural Resource Map Series Environmentally Sensitive Lands Map.

The City of Pompano Beach's commitments regarding 1) gopher tortoise survey no more than 90 days prior to any construction or clearing and the relocation of gopher tortoise burrows subject to Florida Wildlife Commission permitting, 2) tree plantings along the City's multipurpose path (Northeast 5th Avenue and Northeast 10th Street) and 3) the detailed listed plant survey to be taken prior to any land clearing, as well as the City assisting Broward County or similar staff with the collection of native seeds and plant clippings from rare and endangered plants on the parcels, are recognized.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Transmittal Recommendation (continued)

May 13, 2025

- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

II. Planning Council Transmittal Recommendation

May 22, 2025

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 14-0: Abramson, Brunson, Castillo, Geller, Gomez, Greenberg, Hardin, Horland, Levy, Newbold, Rosenof, Ryan, Zeman and DiGiorgio)

III. County Commission Transmittal Recommendation

September 16, 2025

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments

October 17, 2025

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

V. County Commission Final Action

December 9, 2025

Approved per Planning Council transmittal recommendation.

SECTION II

PROPOSED AMENDMENT PCNRM 25-1

INTRODUCTION AND APPLICANT'S RATIONALE

- | | | |
|------|--|---|
| I. | <u>Municipality:</u> | Pompano Beach |
| II. | <u>County Commission District:</u> | District 4 |
| III. | <u>Site Characteristics</u> | |
| A. | Size: | Approximately 85.8 acres |
| B. | Location: | In Section 25, Township 48 South, Range 42 East; generally located on the southeast corner of Copans Road and the FEC Railway. |
| C. | Existing Uses: | Aviation use and natural areas |
| D. | <u>Broward County Land Use Plan (BCLUP) Designation:</u> | Recreation and Open Space and Transportation |
| IV. | <u>Existing Uses and BCLUP Designations Adjacent to the Amendment Site</u> | |
| A. | Existing Uses: | North: Warehouses and single-family residential
East: Golf course and municipal airport
South: Golf course, municipal airport and horse stables
West: Retail |
| B. | Planned Uses: | North: Commerce and Low (5) Residential
East: Recreation and Open Space and Transportation
South: Transportation
West: Commerce |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

V. Applicant/Petitioner

A. *Applicant:* City of Pompano Beach

B. *Agent:* City of Pompano Beach

C. *Property Owner:* City of Pompano Beach

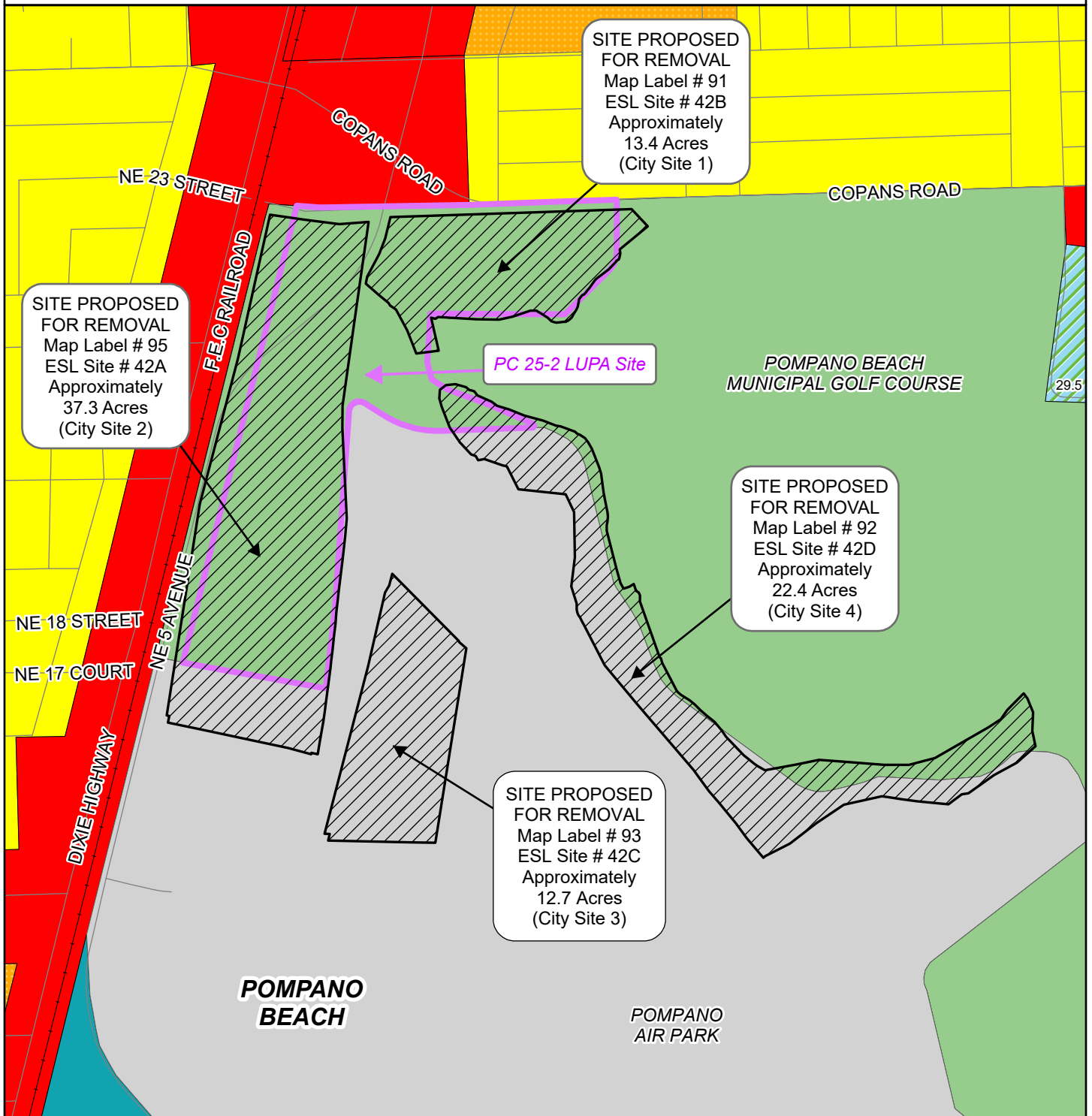
VI. Recommendation of Local
Governing Body:

The City of Pompano Beach recommends approval
of the proposed amendment.

MAP 1
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH OF ENVIRONMENTALLY SENSITIVE LANDS EXCERPT
AMENDMENT PCNRM 25-1



MAP 2 **BROWARDNEXT - BROWARD COUNTY LAND USE PLAN** **FUTURE LAND USE DESIGNATIONS** **AMENDMENT PCNRM 25-1**



- | | |
|-----------------------------|---------------------------|
| Sites | Commerce |
| Low (5) Residential | Recreation and Open Space |
| Low-Medium (10) Residential | Community |
| Irregular Residential | Transportation |



EXHIBIT B

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