

EXHIBIT 2

PROPOSED

ORDINANCE NO.

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 OF THE
4 COMPREHENSIVE PLAN WITHIN THE CITY OF DANIA BEACH; AND PROVIDING
5 FOR SEVERABILITY AND AN 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 Dania 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 August 21, 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 February 3, 2026, 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 Amendment PCNRM 24-3, 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

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 12/10/2025
Maite Azcoitia (date)
Deputy County Attorney

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCNRM 24-3

NATURAL RESOURCE MAP SERIES -
ENVIRONMENTALLY SENSITIVE LANDS MAP
REMOVAL OF PORTION OF SITE 97 – CITY OF DANIA BEACH

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

May 13, 2025

Due to concerns regarding sea level rise, stormwater management and the protection of natural resources, including wetlands and mangroves, consistent with several Broward County Land Use Plan Policies, Planning Council staff is unable to support the proposed amendment to remove approximately 3.5 acres of the overall 21.0-acre ESL Site 97 / Map Label 136 from the Natural Resource Map Series Environmentally Sensitive Lands Map.

Planning Council staff notes that the applicant may request the Planning Council support the amendment. It is suggested that any alternate Planning Council recommendation retain the 1.29-acre conservation easement on the Environmentally Sensitive Lands (ESL) Map.

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
- (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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

- I. Planning Council Staff Transmittal Recommendation (continued) May 13, 2025

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

Planning Council recommended approval of the proposed amendment to remove approximately 3.5 acres of the existing 21.0-acre Site 97 / Map Label 136 from the Environmentally Sensitive Lands Map, subject to the on-site 1.29-acre conservation easement, including not requiring a second public hearing. (Vote of the board; Unanimous: 11-0: Abramson, Castillo, Geller, Gomez, Greenberg, Hardin, Horland, Newbold, Ryan, Zeman and DiGiorgio)

- III. County Commission Transmittal Recommendation August 21, 2025

Approval per Planning Council transmittal recommendation.

- IV. Summary of State of Florida Review Agency Comments September 25, 2025

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

SECTION II

PROPOSED AMENDMENT PCNRM 24-3

INTRODUCTION AND APPLICANT'S RATIONALE

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| I. | <u>Municipality:</u> | Dania Beach |
| II. | <u>County Commission District:</u> | District 6 |
| III. | <u>Site Characteristics</u> | |
| A. | Size: | Approximately 3.5 acres |
| B. | Location: | In Section 26, Township 50 South, Range 42 East; generally located east of Northeast 7 Avenue, south of Eller Drive. |
| C. | Existing Use: | Natural area |
| D. | Broward County Land Use Plan (BCLUP) Designation: | Commerce |
| IV. | <u>Existing Uses and BCLUP Designations Adjacent to the Amendment Site</u> | |
| A. | Existing Uses: | North: Natural area
East: FPL Easement (Hollywood)
South: FPL Easement (Hollywood)
West: Vacant and warehouse |
| B. | Planned Uses: | North: Commerce
East: Transportation (Hollywood)
South: Conservation – Natural Reservations and Transportation (Hollywood)
West: Commerce |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

V. Applicant/Petitioner

A. *Applicant:* Port 1850, LLC

B. *Agent:* Edwin J. Stacker, Esq., Shutts & Bowen, LLP

C. *Property Owner:* Port 1850, LLC

VI. Recommendation of Local Governing Body:

The City of Dania Beach has no objection to the proposed amendment.

MAP 1
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH OF ENVIRONMENTALLY SENSITIVE LANDS EXCERPT
AMENDMENT PCNRM 24-3



MAP 2
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH OF REMAINING SITE 97 AND PROPOSED CONSERVATION EASEMENT
AMENDMENT PCNRM 24-3



EXHIBIT B

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