

CORRECTED

ORDINANCE NO. 2025-11

1 AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE
2 AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE
3 BROWARD COUNTY MUNICIPAL SERVICES DISTRICT FUTURE LAND USE MAP OF
4 THE BROWARD COUNTY COMPREHENSIVE PLAN; AND PROVIDING FOR
5 SEVERABILITY AND AN EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)

7
8 WHEREAS, Broward County adopted the Broward County Comprehensive Plan on
9 April 25, 2017 (the Plan);

10 WHEREAS, the Florida Department of Commerce (f/k/a Department of Economic
11 Opportunity) has found the Plan in compliance with the Community Planning Act;

12 WHEREAS, Broward County now wishes to propose an amendment to the Broward
13 Municipal Services District Future Land Use Map;

14 WHEREAS, the Resilient Environment Department, as the local planning agency for
15 the Broward Municipal Services District Future Land Use Map of the Broward County
16 Comprehensive Plan, held its hearing on June 2, 2021, with due public notice;

17 WHEREAS, the Board of County Commissioners held an adoption public hearing on
18 January 23, 2024, at 10:00 a.m., having complied with the notice requirements specified in
19 Section 163.3184(11), Florida Statutes, at which public comment was accepted and
20 considered;

Document being re-recorded due to new legislation language being added. Instrument #120080915

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

Approved BCC 2/25/25 #34
Submitted By Urban Planning
RETURN TO DOCUMENT CONTROL.

21 WHEREAS, landfills provide a necessary public health function and a convenient solid
22 waste disposal location, the benefits of which are diffused across multiple communities
23 throughout the region;

24 WHEREAS, landfills can also impose negative externalities on a host community due
25 to, among other potential impacts, additional noise, odors, increased traffic, and stigma;

26 WHEREAS, most local landfills have been replaced with larger, regional landfills,
27 which further diffuse the benefits of the landfill across an even larger population throughout
28 the region and further concentrate the detrimental impacts on a host community;

29 WHEREAS, the Waste Management property includes one such regional landfill,
30 which will be enlarged by the proposed additional development;

31 WHEREAS, the proposed additional development of the Waste Management property
32 will impact the provision of solid waste disposal and other services by the County, and will
33 create operational impacts for Broward County properties including the Broward County
34 Landfill;

35 WHEREAS, the proposed additional development of the Waste Management property
36 will provide Waste Management with economies of scale;

37 WHEREAS, Waste Management has undertaken several voluntary commitments,
38 including a voluntary commitment to pay the County a host charge, which voluntary
39 commitments will be contained in a restrictive covenant that will run with the land and
40 encumber the property and, as determined appropriate, will be stated in a separate
41 contractual document incorporated into the declaration containing the applicable restrictive
42 covenants;

43 WHEREAS, the Board will dedicate the proceeds of the host charge to help mitigate
44 potential negative externalities and impacts, known and unknown, resulting from the

45 applicable land use plan amendment and subsequent additional development of the Waste
46 Management property, including, without limitation, and to the extent Waste Management is
47 not primarily or otherwise legally obligated to do so, to: offset or otherwise address
48 potential environmental impacts of the regional landfill, whether presently known or unknown;
49 offset presently known or unknown direct and indirect impacts to the County-owned landfill
50 and other elements of the current system for recycling and disposal of solid waste within
51 Broward County; offset additional costs the County may incur to transport municipal solid
52 waste to alternate disposal facilities; repair damage to roads and highways affected by the
53 presence and use of the Waste Management property; offset costs not legally borne by other
54 parties, including Waste Management, related to remediation and monitoring of closed or
55 abandoned facilities located within the Waste Management property now or in the future; and
56 offset potential costs of infrastructure improvements necessitated by the presence and use
57 of the Waste Management property;

58 WHEREAS, the Board will utilize the host charge only to address such impacts and
59 otherwise, as determined by the Board, to benefit the County's residents and businesses in
60 connection with solid waste disposal including, without limitation, to: offset the costs of
61 recycling and solid waste management; enhance litter control programs; expand public
62 education efforts for solid waste management, recyclable materials management, hazardous
63 waste management, and litter control; if necessary, acquire property and interests in property
64 adjacent to or in reasonable proximity to the Waste Management property upon a
65 determination by the County that such acquisition will serve beautification, environmental,
66 buffering, or recreational purposes such as will ameliorate the impact of the Waste
67 Management property; administer and implement regional solid waste planning; and allocate

68 funds received in any fiscal year from the host charge to a reserve fund designated for use
69 for the above purposes in future fiscal years;

70 WHEREAS, although not a requirement of this land use amendment, the voluntarily
71 offered host charge has a direct and substantial relationship with Waste Management's
72 proposed development and the Board finds it is roughly proportional to the impact of that
73 development;

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

79 WHEREAS, the proposed amendment constitutes a Broward County permitted small
80 scale amendment to the Plan pursuant to Section 163.3187(1), Florida Statutes,

81
82 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
83 BROWARD COUNTY, FLORIDA:

84 Section 1. The Broward Municipal Services District Future Land Use Map is hereby
85 amended by Amendment 20-M1, set forth in Attachment A, attached hereto and incorporated
86 herein.

87 Section 2. Severability.

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

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

94 Section 3. Effective Date.

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

97 (1) Thirty-one (31) days after the adoption of this Ordinance;

98 (2) The date a final order is issued by the Florida Department of Commerce (f/k/a
99 Department of Economic Opportunity) or the Administration Commission
100 finding the amendment to be in compliance;

101 (3) If the Florida Department of Commerce (f/k/a Department of Economic
102 Opportunity) or the Administration Commission finds the amendment to be in
103 noncompliance, pursuant to Section 163.3184(8)(b), Florida Statutes, the date
104 the Board of County Commissioners nonetheless elects to make the plan
105 amendment effective notwithstanding potential statutory sanctions;

106 (4) If a Declaration of Restrictive Covenants is applicable, as per Attachment B,
107 the date the Declaration of Restrictive Covenants is recorded in the Public
108 Records of Broward County; or

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

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

ENACTED February 25, 2025

FILED WITH THE DEPARTMENT OF STATE March 4, 2025

EFFECTIVE March 4, 2025

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

By: /s/ Maite Azcoitia 03/04/2025
Maite Azcoitia (date)
Deputy County Attorney

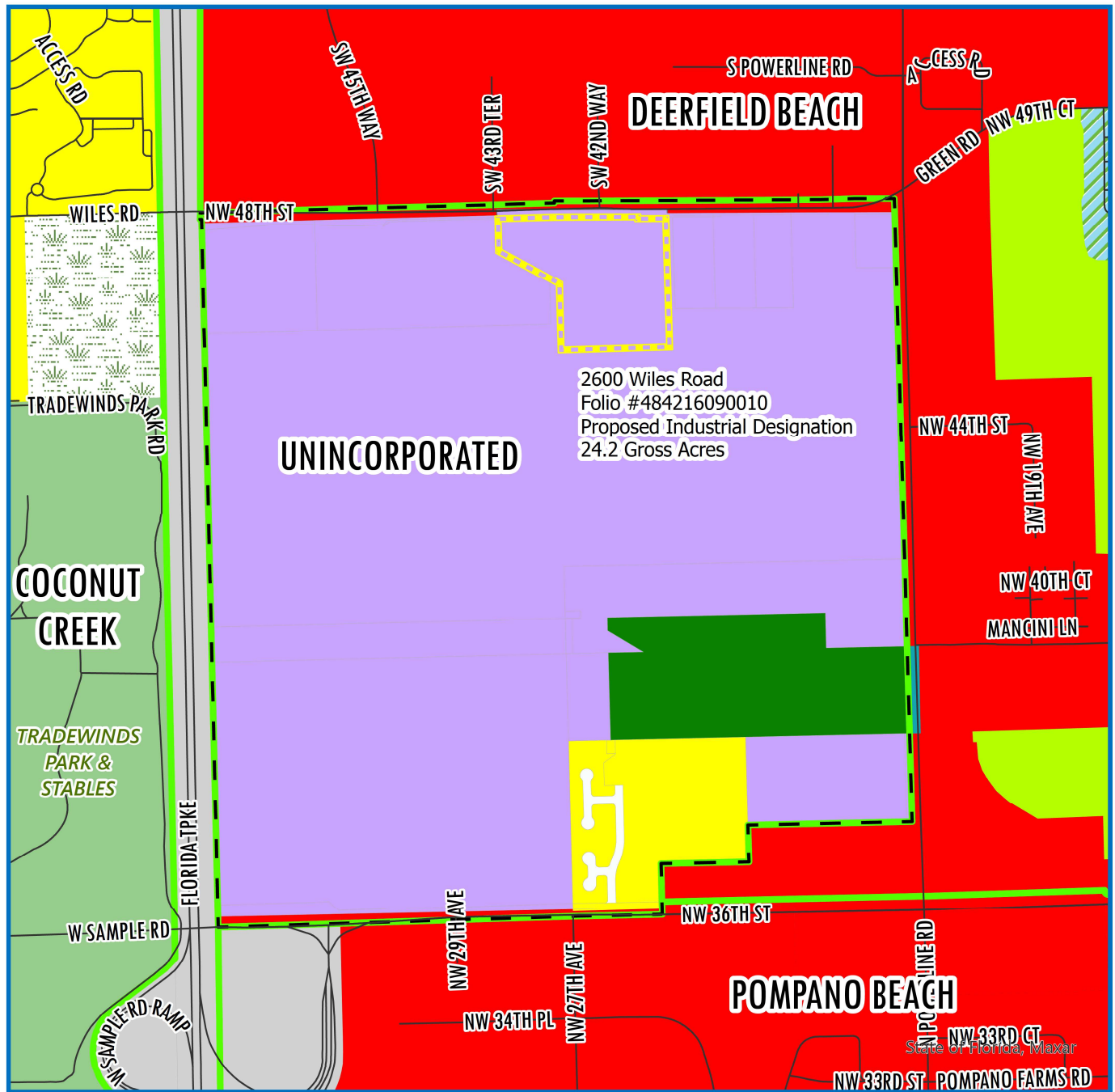
MA/gmb
FLUM20-M1 Broward Municipal Services District Ordinance – Small Scale
03/04/2025
#80041

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Attachment A



Amendment 20-M1 Proposed Future Land Use Map



- | | | | |
|-----------------------------------|------------------------------------|---------------------------------------|------------------------------------|
| — Streets | Unincorporated Future Land Use | Broward County Future Land Use | Community |
| ▭ Site Location - 2600 Wiles Road | ▭ Low (5) Residential | ▭ Low (5) Residential | ▭ Electrical Generation Facilities |
| ▭ Unincorporated Area Boundary | ▭ Electrical Generation Facilities | ▭ Irregular Residential | ▭ Transportation |
| ▭ Broward Municipalities | ▭ Industrial | ▭ Commerce | |
| | ▭ Transportation | ▭ Conservation - Natural Reservations | |
| | ▭ Utilities | ▭ Recreation and Open Space | |
| | ▭ Right of Way | ▭ Commercial Recreation | |

Prepared by:
Planning and Development Management Division
Environmental Protection and Growth Management Department

This map is for conceptual purposes only and should not be used for legal boundary determinations.

