

ITEM #19

ADDITIONAL MATERIAL

REGULAR MEETING

OCTOBER 22, 2024


SUBMITTED AT THE REQUEST OF

COUNTY ADMINISTRATION



KEVIN KELLEHER, Assistant County Administrator
115 S. Andrews Avenue, Room 409 • Fort Lauderdale, Florida 33301 • 954-357-7320 • FAX 954-357-7360

MEMORANDUM

DATE: October 17, 2024
TO: Mayor, Vice-Mayor, and Board of County Commissioners
FROM: Kevin Kelleher, Assistant County Administrator 
SUBJECT: ADDITIONAL MATERIAL - Agenda Item No. 19, October 22, 2024,
Commission Agenda

Item No. 19 on the October 22, 2024, Broward County Commission agenda relates to Height Limitations for Landfills within the Agricultural-Disposal A-6 District and amendments to Section 39-464 of the Broward County Code of Ordinances.

The Town of Coconut Creek has requested the attached proposed Ordinance amendments be included for consideration.

Should you have any questions or like to discuss, please do not hesitate to contact me.

Attachment: Pages 1-6, Exhibit #2

cc: Monica Cepero, County Administrator
Kimm Campbell, Deputy County Administrator
Leonard Vialpando, Director, Resilient Environment Department
Andrew J. Meyers, County Attorney
Robert Melton, County Auditor

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO HEIGHT LIMITATIONS FOR LANDFILLS
3 WITHIN THE AGRICULTURAL-DISPOSAL A-6 DISTRICT; AMENDING
4 SECTIONS 39-463 AND 39-464 AND ENACTING A NEW SECTION 39-465 OF THE
5 BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR
6 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

7 (Sponsored by Vice-Mayor Beam Furr)

8 WHEREAS, the Monarch Hill Landfill (formerly known as the North Broward
9 County Resource Recovery and Central Disposal Sanitary Landfill) has been in operation
10 in Broward County since 1965; and

11 WHEREAS, the Monarch Hill Landfill has been given several height variances over
12 the years and currently stands at approximately two hundred and twelve (212) feet tall,
13 which exceeds the current maximum height provided in the Broward County Code of one
14 hundred and twenty-five (125) feet; and

15 WHEREAS, the Southwest Regional Landfill has been in operation in Broward
16 County since 1988; and

17 WHEREAS, the Southwest Regional Landfill was closed to municipal solid waste
18 in 1991 to increase the amount of material going to the waste-to-energy facilities,
19 and preserve landfill space while continuing to provide a location for the disposal of yard
20 waste and construction and demolition debris, but it continues to accept yard waste,
21 construction and demolition debris, paper, glass, and plastic; and

22 WHEREAS, the Southwest Regional Landfill currently stands at approximately one
23 hundred thirty-five (135) feet tall; and

24 WHEREAS, the Solid Waste and Recyclable Materials Processing Authority
25 (“Solid Waste Authority”) is currently working on a Regional Solid Waste and Recycling
26 Master Plan (“Master Plan”); and

27 WHEREAS, expansion of any landfill needs to be carefully considered; and

28 WHEREAS, the goal of the Solid Waste Authority is, among other things, to reduce
29 the County’s dependence on landfills; and

30 WHEREAS, there are significant issues with the expansion of the Monarch Hill
31 Landfill including there are existing nonconforming cells within the Monarch Hill Landfill
32 that predate current applicable state and federal environmental regulations; and

33 WHEREAS, it is the desire of the County Commission to change the
34 nonconforming aspects of the Monarch Hill Landfill into a conforming use compliant with
35 all applicable state and federal environmental regulations; and

36 WHEREAS, it is in the best interests of the health, safety, and welfare of the County
37 Commission to limit any height increases of any landfills to the absolute minimum
38 necessary until the Solid Waste Authority’s Master Plan is completed and implemented.

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

41 Section 1. Sections 39-463, “Yards” and 39-464, “Limitations of Uses” of the
42 Broward County Code of Ordinances are hereby amended and Section 39-465, “Other
43 Requirements” of the Broward County Code of Ordinances is hereby enacted to read as
44 follows:

45 **Sec. 39-463. Yards.**

46 (a) Every plot shall have side and rear yards at least 50 feet in depth or width and a
47 front yard ~~at least 75 feet~~ in depth that is not less than the maximum height of the adjacent
48 use as permitted in Section 39-458, "Uses permitted".

49 (b) Every plot used for disposal of refuse, including garbage or animal refuse, shall
50 have front, rear, and side yards adjacent to all plot lines ~~not less than 100 feet in depth~~
51 that is not less than the maximum height of the adjacent use as permitted in Section 39-
52 458, "Uses permitted".

53 (c) No part of any incinerator or its appurtenant attached building or structures shall
54 be located within 500 feet of any plot line.

55 **Sec. 39-464. Limitations of uses.**

56 Any plot utilized for a dump, sanitary landfill, incinerator, or resource recovery
57 facility shall be used, operated, and maintained in accordance with the following
58 regulations:

59 . . .

60 (6) Maximum height of a landfill shall not exceed ~~one hundred twenty-five (125)~~
61 two-hundred twenty-five (225) feet above adjacent ground level.

62 (7) Material may only be accepted that conforms to the goals of the Broward
63 County's Solid Waste Management Element of the Comprehensive Plan.

64 (8) Waste shall be limited to the following:

65 a. Only waste generated within Broward County shall be accepted.

66 b. Construction and Demolition debris shall be processed through a
67 licensed Construction and Demolition Resource Recovery plant prior to
68 acceptance for disposal.

69 (9) No source separated yard waste shall be accepted for disposal including
70 disaster debris.

71 (10) Prior to any expansion of a landfill, nonconforming sections or cells of the
72 existing landfill operation shall be brought in full conformity with the
73 regulations of the district and any applicable state and federal
74 environmental requirements at the time of expansion.

75 **Sec. 39-465 Other Requirements**

76 (a) Any plot utilized for a dump, sanitary landfill, incinerator, or resource recovery
77 facility shall be used, operated, and maintained in accordance with the
78 following requirements:

79 (1) Before any increase in height is approved, the landfill must be in compliance
80 with all current environmental regulations including but not limited to:

81 a. A new ground water discharge permit must be submitted and approved
82 by FDEP before any vertical expansion above the previously approved
83 maximum landfill height is allowed.

84 b. Vertical expansion above the previously approved maximum landfill
85 height of two hundred and twelve feet (212') must not lead to leachate
86 leakage, objectionable odors, or adverse impacts on the closure design of
87 any existing cell per Chapter 20.701, F.A.C.

88 c. A comprehensive hydrogeological study must be performed to determine
89 proper monitoring well placement based on available data and an updated
90 groundwater monitoring plan must be submitted and approved by the
91 Florida Department of Environmental Protection to ensure adequate
92 coverage is required for vertical expansion above previously approved
93 landfill height of two hundred and twelve feet (212').

94 d. The landfill must adhere to secondary water quality standards beyond
95 the Discharge Zone per Chapter 62-520, F.A. C. .

96 (b) The Monarch Hill Landfill must remain in compliance with the April 2015
97 Settlement Agreement between Waste Management Inc. of Florida and the City of
98 Coconut Creek after the passage of this section. .Severability.

99 Section 2. If any portion of this Ordinance is determined by any court to be invalid,
100 the invalid portion will be stricken, and such striking will not affect the validity of the
101 remainder of this Ordinance. If any court determines that this Ordinance, in whole or in
102 part, cannot be legally applied to any individual, group, entity, property, or circumstance,
103 such determination will not affect the applicability of this Ordinance to any other individual,
104 group, entity, property, or circumstance.

105 Section 3. Inclusion in the Broward County Code of Ordinances.

106 It is the intention of the Board of County Commissioners that the provisions of this
107 Ordinance become part of the Broward County Code of Ordinances as of the effective
108 date. The sections of this Ordinance may be renumbered or relettered and the word
109 "ordinance" may be changed to "section," "article," or such other appropriate word or
110 phrase to the extent necessary to accomplish such intention.

111 Section 4. Effective Date.

112 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/ (in italics) 00/00/2024
Alexis I. Marrero Koratich (date)
Assistant County Attorney

By: /s/ (in italics) 00/00/2024
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Landfill Height Ordinance
10/17/2024
i#70056-0070

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