

Resilient Environment Department, Urban Planning Division

STAFF REPORT

Amendment 24-Z5: Landfill Height

I. Item Summary

Applicant/Agent	Board of County Commissioners
Proposed modifications (Exhibit 2)	Amends Section 39-464 of the Broward County Zoning Code related to Agricultural-Disposal District (A-6) as follows: Maximum height of a landfill shall not exceed one hundred twenty-five (125) <u>three hundred twenty-five (325)</u> feet above adjacent ground level <u>National Geodetic Vertical Datum ("NGVD")</u> .
Effect of Proposed Change	Increases the maximum height for landfills within the Agricultural-Disposal District (A-6)
Comprehensive Plan Consistency	Amendment is consistent with: <ul style="list-style-type: none"> • Broward Municipal Services District Element Policy 1.2.2. • Solid Waste Element Goal 6.0, Objective 6.3 and Policies 6.3.1 and 6.3.2; Objective 6.4 and Policy 6.4.3. • Intergovernmental Coordination Element Policy IC 8.2.

II. Staff Recommendation

The Urban Planning Division staff recommend the Resilient Environment Department Local Planning Agency (LPA) find the proposed ordinance consistent with the Broward County Comprehensive Plan.

III. Background

On June 18, 2024, the Board of County Commissioners directed the Office of the County Attorney to draft an Ordinance amending the Zoning Code to increase the permitted height of landfills in an Agricultural-Disposal District (A-6) up to three hundred twenty-five (325) feet.

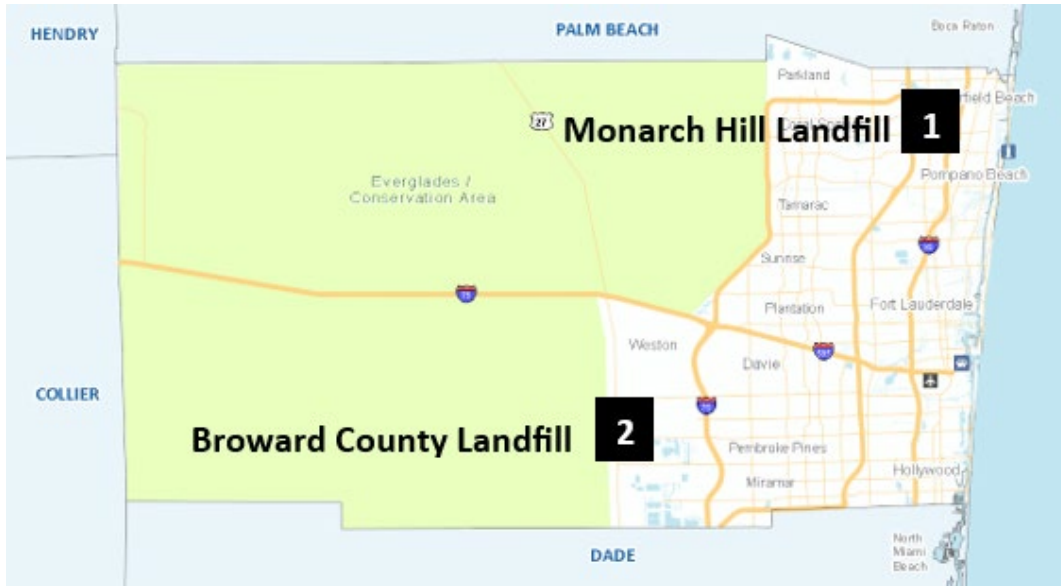
IV. Description of Code Amendment

The proposed code amendment would increase the maximum height permitted for landfills within the Agricultural-Disposal (A-6) District to 325 feet NGVD. The amendment would not automatically increase the height of any existing landfill. It would create the potential for future approval of site plans and licenses up to 325 feet.

V. Data and Analysis

Two (2) landfill sites have A-6 Zoning, on the Broward Municipal Services District Zoning Map, and would be affected by the proposed amendment.

Existing Landfill Sites with A-6 Zoning



Landfill height is regulated by both zoning and licensing. The National Geodetic Vertical Datum (NGVD) is used as a standard measurement of elevation (vertical height above mean sea level) in the United States. In Broward County, ground level is approximately ten (10) feet above baseline, or zero (0) feet, NGVD.

Site Name	Monarch Hill Landfill	Broward County Landfill
Location	2700 Wiles Road	7101 SW 205 th Avenue
Current Height	208 feet NGVD	100 feet NGVD
Maximum Permitted height	225 feet NGVD Approved by variances 2011-ZV-001 and 2011-ZV-002	135 feet NGVD Equivalent to 125 feet above adjacent ground level
Current Licensed Height	225 feet NGVD RED license SW-LF00076-21, FDEP Permit No. 0051323-033-SC	135 feet NGVD
Proposed Maximum Height	325 feet NGVD	325 feet NGVD

Section 39-24 of the Broward County Zoning Code, provides for the Board to amend zoning regulations “whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires.” Broward County has limited land

resources to accommodate the solid waste disposal needs generated by continued population growth. The proposed height increase would allow for future increases in capacity at two (2) landfills in Broward County to accommodate future disposal of solid waste, subject to site plan approval and licensing.

The proposed amendment is consistent with the following goals, objectives, and policies Broward County Comprehensive Plan:

Broward Municipal Services District Element

POLICY BMSD 1.2.2 Availability and capacity of the following public facilities and services shall be considered:

- 1. Potable water*
- 2. Sanitary sewer*
- 3. Solid waste*
- 4. Roads, sidewalks, and bicycle facilities*
- 5. Public transit*
- 6. Drainage, including impacts from potential sea level rise*
- 7. Parks and recreation facilities*
- 8. Hurricane shelters and evacuation routes*
- 9. Public Schools.*

Rationale: The proposed zoning code amendment is consistent with this policy because it provides future capacity for solid waste facilities to support growth and development.

Solid Waste Element

Goal 6.0. Provide a cost-effective and equitable solid waste disposal system which emphasizes waste minimization and resource recovery and meets all federal, state, and local environmental quality standards.

Objective 6.3. Broward County shall ensure the availability of solid waste facilities with sufficient capacity to process and dispose of present and future volumes of solid waste, using adopted level of service standards.

Policy 6.3.4. Potential expansion of the Central Disposal Sanitary Landfill (CDSL) [now Monarch Hill Landfill] shall be governed by the following:

- (a) Broward County shall not approve a solid waste license or a zoning application which would allow the CDSL to expand horizontally beyond the confines of the major roadways that currently constitute its boundaries: Wiles Road to the north; Sample Road to the south; Powerline Road to the east; Florida's Turnpike to the west.*

- (b) *Prior to January 1, 2018, Broward County shall not accept a solid waste license or zoning application which would allow the CDSL to exceed a maximum vertical height of 225 feet NGVD with three to one slopes as those applicable slopes are defined in Chapter 62-701 of the Florida Administrative Code in effect on September 13, 2010, and within the confines of the following major roadways: Wiles Road to the north; Sample Road to the south; Powerline Road to the east; Florida's Turnpike to the west.*
- (c) *On or after January 1, 2018, the County may approve an application for a solid waste license or a zoning approval which would allow the CDSL to exceed a maximum vertical height of 225 feet NGVD with three to one slopes, as set forth in (b) above, only if said approval restricts the waste to be accepted at CDSL to Summit Waste, as defined in (d) below, except in the following limited circumstances:*
- (i) The North Waste-to-Energy facilities located at 2600 Wiles Road, Pompano Beach, FL and/or the South Waste-to-Energy facilities located at 4400 South State Road 7, Fort Lauderdale FL are not operational;*
 - (ii) There exists a declared disaster pursuant to a Federal, State of Florida, or Broward County declaration;*
 - (iii) The waste must be disposed of at the CDSL pursuant to an already existing contract between the operator of CDSL and Miami Dade County, including any renewals or extensions thereto based on Miami Dade County exercising any option it has in the already existing contract;*
 - (iv) There is a de minimis amount of processable waste that must be delivered to the CDSL as a result of a hauler, truck or equipment breakdown; or (v) Processable waste is inadvertently mixed in with bulk pick-up loads as a result of consumer error.*
- (d) *The term "Summit Waste" shall mean and include all types of non-hazardous solid waste which are authorized by the current (as of September 13, 2010) solid waste license for the CDSL issued by Broward County, except "garbage" as defined by 62-701.200(34) of the Florida Administrative Code in effect as of September 13, 2010. Summit Waste shall include, but is not limited to ash, construction and demolition debris, Class III waste (as defined in Rule 62-701.200(14) F.A.C.), non-hazardous soils, and sludge (as defined in Rule 62-701.200(106) F.A.C., but excluding liquids).*

Rationale: The proposed zoning code amendment is consistent with this policy because it would not expand the footprint of Monarch Hill Landfill. This is not a site plan application to change Monarch Hill Landfill; it is an amendment to the Zoning Code regulations for landfill height. The composition of solid waste is regulated by licensing and other County Ordinances, not by zoning regulations. Limitations on types of waste are not applicable to this proposed Zoning Code amendment.

Objective 6.4. Broward County, in cooperation with municipal partners, shall provide for the safe and efficient disposal of solid wastes through the development and maintenance of an integrated solid waste disposal system utilizing proven technologies, appropriate regulation, centralized facilities, and equitable and responsible financing practices.

Policy 6.4.3. New and expanded landfills, and new and expanded resource recovery facilities, shall be planned to minimize impacts on adjacent existing or adopted future land uses.

Rationale: Chapter 163.3180, Florida Statutes provides for concurrency of solid waste facilities, meaning that solid waste facilities must be in place at the time development occurs. Although Broward County is nearly built-out, the population continues to grow, primarily through urban infill and redevelopment. There are no large properties available to site new landfills. Broward County is obligated by state statute to ensure the adequacy of solid waste facilities. Therefore, increasing the maximum height allowed for landfills would enable existing landfills to potentially increase their capacity to process and dispose of future volumes of solid waste, consistent with meeting adopted level of service standards and the requirements of Florida Statutes.

Intergovernmental Coordination Element

Policy IC8.2 Broward County will coordinate with local governments and contracted solid waste removal and disposal providers to ensure a safe, efficient, and comprehensive waste management system.

Rationale: Broward County and its municipalities are party to an interlocal agreement (ILA) that established the Solid Waste Disposal and Recyclables Materials Processing Authority of Broward County. The first meeting of its governing board was held on October 11, 2023. On May 10, 2024, the Authority hired consultants to prepare a Regional Solid Waste and Recycling Master Plan. The proposed Zoning Code amendment does not expand any existing landfill, but provides potential for height to be increased up to 325 feet NGVD.

VI. Exhibit

- Proposed Ordinance