

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

CITY OF COCONUT CREEK,  
a Florida municipal corporation,

Petitioner,

v.

Case No.

BROWARD COUNTY,  
a political subdivision of the  
State of Florida,

Respondent.

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**PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Pursuant to sections 120.569, 120.57(1), and 163.3187(5)(a), Florida Statutes, Petitioner, the City of Coconut Creek (“Coconut Creek”), hereby petitions for a formal administrative hearing to challenge two small scale development amendments to the Broward County Comprehensive and Land Use Plan.

**Preliminary Statement**

1. The development amendments relate to a 24.2 acre parcel of land located at the Monarch Hill landfill (“Landfill”) in unincorporated Broward County, which has been continuously owned and operated by Waste Management, Inc. of Florida (“WMI”) since approximately 1965.

2. On February 25, 2025, the Broward County Board of Commissioners (“Board”) approved the two development amendments through enactment of Ordinances 2025-10 and 2025-11 (collectively, “Amendments”).

3. Ordinance 2025-10 amends the Broward County Land Use Plan (“LUP”) by re-designating the land use of the 24.2 acre site from “Electric Generation Facilities” to “Commerce.” *Exhibit A.*

4. Ordinance 2025-11 amends the Broward County Future Land Use Map (“FLUM”) by re-designating the 24.2 acre site from “Electric Generation Facilities” to “Industrial.” *Exhibit B.*

5. At the same meeting, the Board enacted Ordinance 2025-13 expanding the maximum vertical height of landfills in the County from 225 to 325 feet. *Exhibit C.*

6. Taken together, the two development amendments and the Ordinance 2025-13 authorize WMI to vertically expand the Landfill by 100 feet, and horizontally expand the Landfill approximately 24 acres beyond its current footprint.<sup>1</sup>

7. Petitioner challenges the development amendments to the LUP and FLUM as being: (a) inconsistent with the Broward County Comprehensive Plan, and (b) not in compliance with the Community Planning Act, sections 163.3161 through 163.3217, Florida Statutes (the “Act”).

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<sup>1</sup> Ordinance 2025-13 is classified as a rezoning development order subject to challenge in a separate judicial proceeding pursuant to section 163.3215, Fla. Stat.

### **Notice of Agency Action**

Representatives from Coconut Creek attended the February 25, 2025, when Board approved the Amendments. Pursuant to section 163.3184(5)(a), Florida Statutes, Coconut Creek files this petition for formal administrative hearing within thirty (30) days of the County adopting the Amendments.

### **Allegation of Facts**

8. Coconut Creek is a municipal corporation of the State of Florida, located in Broward County, Florida, and is represented by the undersigned counsel whose address and telephone number is:

Guilday Law, P.A.  
1566 Village Square Blvd.  
Tallahassee, Florida 32309  
Tel: 850.224.7091  
Fax: 850.222.2593

9. Coconut Creek is an “affected person” as defined in section 163.3184(1)(a). Petitioner is an adjoining local government that can demonstrate that the plan or plan amendment will have substantial impacts on areas designated for protection or special treatment within its jurisdiction. Coconut Creek was the first in the State of Florida and eleventh in the United States to be certified as a Community Wildlife Habitat by the National Wildlife Federation, the first in Florida to receive the Audubon Green Community Award by Audubon International, and has been certified for the 20th year as Tree City USA. The City’s unique natural features and flora attract migrating butterflies that have become so abundant that Coconut Creek is known as the "Butterfly Capital of the World."

Additionally, “Butterfly World,” located in Tradewinds Park in Coconut Creek, is the world’s largest butterfly park, home to more than 20,000 live butterflies from every corner of the globe, hundreds of exotic birds, and a botanical garden. Coconut Creek annually expends significant financial and non-financial resources to maintain and sustain this delicate ecosystem. Furthermore, Coconut Creek reasonably anticipates there will be a need to purchase and install infrastructure including, but not limited to, air quality monitoring stations, ground water monitoring wells, odor and bird control systems, and remediation infrastructure to combat contaminants from Landfill leachates. Thus, Coconut Creek has standing to challenge the Amendments in this administrative proceeding.

10. Respondent Broward County, Florida (the “County”), is a subdivision of the State of Florida charged with the responsibility of adopting a comprehensive plan that is in compliance with the Act.

11. The Landfill is more notably referred to as “Mount Trashmore” because its mountain of solid waste rivals some of the highest points in Florida. It is uniquely situated in the midst of dense residential and commercial communities in the northern area of Broward County.

12. For decades, the Landfill has been the subject of heated controversy with adjacent communities, in particular Coconut Creek located immediately to the west, Deerfield Beach to the north and east, and Pompano Beach to the south. Voluminous complaints from local communities since the 1990s resulted in massive fines against WMI for violating air quality standards.

13. In 2008, WMI withdrew its application to vertically expand the Landfill from 225 to 280 feet in response to a high volume of complaints from the neighboring communities exposed to noxious odors, air pollution, traffic, noise, visual blight, and potential groundwater contamination.

14. In 2015, WMI agreed to limit dumping odorous trash, foods, and other decaying materials into the Landfill. However, even with this agreement in place, WMI accumulated more fines for continuously violating the agreement and regulations governing the operation of the Landfill.

15. In 2020, WMI once again sought approval from the County to amend the FLUM and LUP in order to accommodate WMI's intent to expand the Landfill footprint by at least 24 acres.

16. Additionally, WMI lobbied the County to enact a companion ordinance vertically expanding the maximum height from 225<sup>2</sup> to 325 feet. At 325 feet, the Landfill will be taller than the Statue of Liberty; the highest point in South Florida; and the third highest point in the State.

17. The Broward County Urban Planning Division prepared a staff report for the LPA and the Board whereby it determined that:

a. “[E]xpansion of Monarch Hill Landfill and the loss of an Electrical Generation Facility use is not consistent with environmental and solid waste goals, objectives and policies of the Comprehensive Plan.”

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<sup>2</sup> The County's Code limited the height of landfills to 125 feet, but WMI had obtained variance approvals over the years permitting a maximum height of 225 feet.

b. The “Land Use and Comprehensive Plans’ policies “reflect the Board’s strong commitment to resiliency and sustainability. The intent is to implement energy conservation, recycling, and environmental protection.”

c. The Broward County Solid Waste and Recycling Issues Study Final Report performed by Arcadis dated December 13, 2018, (“Arcadis Study”) identified the need for recovered materials processing facilities and additional transfer stations to improve capture and flow of recyclables, construction and debris, bulk and yard waste; and the need to increase waste-to-energy capacity, including supplemental incinerator operations; this need is identified as a priority to reduce the volume of material that is disposed in landfills; siting for these facilities has yet to be determined and there are few compatible locations in Broward County; and the proposed amendment would remove one of the potential sites.

d. It is not clear how a permanent change in use, specifically WMI’s long-term plan to expand the Landfill, fulfills those policies. The site is part of a regional waste management system, any change to that system must fully address and be responsive to the community’s needs in a regional context.

e. The State of Florida has determined that resource recovery facilities have a goal of recycling seventy-five percent (75%) of municipal solid waste per section 403.7032, Florida Statutes.

f. Allowing additional landfill capacity, by expansion beyond the permitted footprint, may be inconsistent with the County’s goals to reduce the volume of

solid waste disposed of in landfills and meet the State's seventy-five percent (75%) threshold.

g. Pursuant to the County's Land Use Plan Policy 2.11.9, the County "shall encourage power generation facilities and power transmission infrastructure be sited and designed in a manner which takes into consideration impacts from climate change, including increasing winds, storm surge, ambient temperatures and sea level rise."

h. "The proposed amendment is not generally consistent with the Broward County Comprehensive Plan and Broward County Land Use Plan policies related to expansion of the landfill. Further, approval of landfill expansion at this time should be deferred until an updated Solid Waste Element is adopted by the Board of County Commissioners." *Exhibit D.*

### **Broward County Comprehensive Plan**

18. For the last twenty-five (25) years, the County has struggled to develop long-term solutions for management and disposal of solid waste.

19. The Solid Waste Element ("SWE") of the County's Comprehensive Plan was adopted in September 2010 by Ordinance 2010-58.

20. The 2010 SWE was developed by the County using data and analysis dating as far back as 2007. Since then, the SWE has not been amended, revised, or updated in any material respect and is woefully outdated<sup>3</sup>, despite the County adopting a new Comprehensive Plan in 2019 to comply with section 163.3191, Florida Statutes. At least

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<sup>3</sup> This is especially true given the County's approval granted to WMI to close the north Broward County North Waste-to-Energy Plant in 2015.

once every 7 years, each local government must evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in section 163.3177(5), Florida Statutes or to reflect changes in state requirements.

21. Since adopting the new Comprehensive Plan in 2019, the County has systematically amended and updated the Plan's elements, but has intentionally avoided updating the SWE. According to the County, revisions and updates to the SWE are currently "ON HOLD" pending the conclusion of a comprehensive solid waste management study conducted by the Solid Waste Authority of Broward County (the "Authority").

22. The Authority is an organization that was created through an Interlocal Agreement between the County and twenty-eight (28) of its the thirty-one (31) municipalities (including Coconut Creek) to protect the long-term public health, safety, and welfare of the residents of the County and its municipalities. Its purpose is to develop and implement a long-term, environmentally sustainable, transparent, innovative, and economically efficient plan and approach to disposal, reduction, recycling, and reuse of waste generated in the County.

23. The Authority, among other things: (a) encourages recycling, reduction, and reuse, in order to divert solid waste from landfills; (b) supports regional solutions with other counties with priority being given to the needs and goals of the County and its municipalities; and (c) engages in and/or support research and development into disposal,



reduction, recycling, reuse, and utilization of the latest technology to create a sustainable and resilient solid waste management system.

24. The Authority is close to completing its ultimate goal of creating a coordinated and comprehensive regional solid waste management forty (40)year Master Plan that incorporates the expectations of each jurisdiction within the County. This process has concentrated on services, programs, and facilities to reduce waste generation while maximizing materials reuse, and recycling (including organics) to reduce the amount of waste requiring disposal.

25. The Authority recently announced that the Master Plan will be completed by August 3, 2025.

26. The Master Plan has been developed through: (a) comprehensive analysis of the current solid waste services and programs; (b) identification and utilization of the best local, regional, national, and international practices; and (c) evaluation of the most effective and cost-efficient means to implement a regional long-term management strategy of solid waste with other local governments in the region, and locally with the County's municipalities.

27. The Master Plan utilizes a “zero-waste” lens to identify options that maximize the beneficial use of waste stream components while minimizing the waste stream components that have no beneficial use, with the objective of developing a clear pathway to implement an integrated and sustainable solid waste management system that

enables the Authority to meet or exceed the State of Florida's seventy-five percent (75%) recycling goal.

28. The Master Plan is intended to serve as the foundation for amending and updating the woefully outdated SWE. To that end, the County's public planning agencies have presented the County with numerous staff reports finding that the Amendments at issue in this administrative proceeding are not consistent with the Comprehensive Plan.

29. Immediately from the time WMI submitted its applications for the Amendments, neighboring government officials and residents have voiced their disapproval of the Landfill expansion by attending public meetings, contacting County officials, and organizing community wide opposition to the expansion.

30. At the June 2, 2021 meeting of the Broward County Local Planning Agency ("LPA"), Heather Cunniff, a certified planner with the American Institute of Certified Planners with over twenty-five (25) years of planning experience (and an employee of Broward County), presented the LPA staff report to the agency detailing her review of the proposed amendment. The staff found that: (a) the proposed amendment was inconsistent with the Comprehensive and the Land Use Plan policies related to landfill expansion, and (b) approval should be deferred until a new Solid Waste Element is adopted by the Board. The staff recommended that the LPA transmit the proposed amendment to the Board for referral to the County Planning Council ("CPC") for their consideration, which was done.

***Exhibit E.***

31. At the October 27, 2022 public meeting of the CPC, the CPC concurred with LPA staff that expansion of the Landfill was inconsistent with the Comprehensive and Land Use Plan. As a matter of urban planning essential to the implementation of effective land use planning, the CPC did not recommend expansion of any landfill facilities within the County. Because the County was moving toward a regional plan with the Authority, the proposed land use changes would prematurely create a cascading affect regarding other rezoning, permitting, and licensing applications. *Exhibit F*.

32. The LPA held another public meeting on August 14, 2024 to evaluate the Amendments for consistency with the Comprehensive Plan and listen to public comments. Representatives from Coconut Creek, Deerfield Beach, the County, and WMI presented their respective positions on the matter.

33. During this public meeting, the Director of Planning and Development Services for Deerfield Beach spoke against expansion. He stressed that expansion is inconsistent with the Comprehensive Plan because there is no precedent for evaluating adverse impacts to a neighboring community. Neither WMI nor the County know what impact ten (10) stories of solid waste will have on leachate leakage, a problem that already exists and will get worse if the Landfill is expanded without some plan for remediation prior to enacting the Amendments. To allow the expansion in this instance undermines the County's ability to plan for and remediate foreseeable adverse impacts in the adjacent communities, which directly conflicts with the Comprehensive Plan. The Deerfield Beach representative went on to cite inconsistencies with policies from both the County's Solid

Waste Element and the Intergovernmental Coordination Element. The Deputy City Manager for the City of Coconut Creek noted certain policies of the Climate Change Element, which are inconsistent with the proposed land development amendment. The LPA unanimously concurred, making a finding that the proposed Amendments are not consistent with the Comprehensive Plan. *Exhibit G.*

34. On January 22, 2025 the Authority notified the County by correspondence from the Executive Committee Chair, Michael Ryan, that:

- a. The Authority was created because the County and municipalities agreed that the current solid waste management system is inadequate to address the region's long-term needs;
- b. the 40-year Master Plan will be completed by August 3, 2025;
- c. it is imperative that the County pause any decision making regarding a critical solid waste asset prior to completion of the Master Plan;
- d. approval of the horizontal and vertical expansions of the Landfill could have significant impacts on the completion of the Master Plan;
- e. the closure of the [North Broward] waste-to-energy facility has adversely impacted the available solid waste infrastructure options;
- f. the County needs another waste-to-energy facility, but there are no more opportunities to site one in the County when the Landfill is expanded; and

g. the Master Plan will be a fully comprehensive analysis of how best to utilize available solid waste assets and where to site potential future solid waste strategies. *Exhibit H*.

35. Regardless, the Board approved the Amendments at the February 25, 2025 meeting despite previously making repeated assurances to stakeholders on both sides of the dispute that it would not take action until completion of the Authority Master Plan.

36. The concerns of Coconut Creek (and other residents of the community) include, but are not limited to:

- a. decrease in property values;
  - b. increase in traffic, particularly heavy truck traffic along the roads adjacent to Coconut Creek;
  - c. increased noxious odors emanating from the Landfill;
  - d. increased groundwater and air contamination;
  - e. decreased air quality;
  - f. increased visual blight;
  - g. adverse impacts to the health, welfare, and safety of Coconut Creek residents;
- and
- h. increase in environmental pollution emanating from the Landfill will worsen the existing adverse impact to Coconut Creek.

### **Disputed Issues of Fact**

37. The disputed issues of fact primarily relate to the elements of the Comprehensive and Land Use Plan including, but not limited to, the elements in paragraphs 38 – 67 below.

38. Whether the Amendments will adversely impact the health, safety and general welfare of the Coconut Creek, its property, and residents.

39. Whether the Amendments conflicts with numerous goals, objectives, and policies of the County Comprehensive Plan.

40. Whether the Amendments are based upon relevant and appropriate data and analysis available to the County at the time they were enacted on February 25, 2025. See section 163.3177(1)(f), Florida Statutes.

41. Whether the Amendments are inconsistent with Goal 6.0 of the Solid Waste Element mandating that the County 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.

42. Whether the Amendments are inconsistent with Objective 6.1 of the Solid Waste Element mandating that the County develop and implement a waste minimization strategy that includes source reduction, reuse, recycling, and recovery.

43. Whether the Amendments are inconsistent with Policy 6.1.2 of the Solid Waste Element mandating that the County, in cooperation with municipal partners, pursue

programs to meet the State of Florida's goal of recycling seventy-five percent of municipal solid waste (including net waste combusted) by 2030.

44. Whether the Amendments are inconsistent with Policy 6.1.3 of the Solid Waste Element regulating resource recovery.

45. Whether the Amendments are inconsistent with Policy 6.2.2 of the Solid Waste Element relating to the impact of solid waste management facilities and support services on adjacent natural resources and land uses.

46. Whether the Amendments are consistent with Policy 6.3.3 of the Solid Waste Element mandating that the County, in cooperation with municipal partners, ensure that design and permitting of additional capacity for the existing waste-to-energy facilities, or for an alternative facility, shall begin no later than five years prior to the time when capacity is projected to be reached.

47. Whether the Amendments are consistent with Policy 6.3.4 of the Solid Waste Element governing the expansion of the Monarch Hill Landfill.

48. Whether the Amendments are inconsistent with Policy 6.4.3 of the Solid Waste Element mandating that expansion of a landfill be planned to minimize impacts on adjacent existing or adopted future land uses.

49. Whether the Amendments are inconsistent with Policy 2.1.1 of the Land Use Element mandating that the County maintain a balanced Land Use Plan to implement a regional vision including the provision of essential public services and facilities, as well as enhanced sustainability and livability.

50. Whether the Amendments are inconsistent with Solid Waste Policy 2.11.8 of the Land Use Element relating to the impact of solid waste management facilities and support services on adjacent natural resources and land use.

51. Whether the Amendments are inconsistent with Policy 2.11.9 of the Land Use Element which encourage power generation facilities and power transmission infrastructure be sited and designed in a manner which considers impacts from climate change, including increasing winds, storm surge, ambient temperatures, and sea level rise.

52. Whether the Amendments are inconsistent with Policy 2.20.3 of the Land Use Element mandating that the County promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, an increased efficiency of utilizing water and energy resources to reduce the consumption of water and fossil fuel energy and the production of waste materials via techniques such as efficient design, renewable energy, efficient equipment and green infrastructure management system.

53. Whether the Amendments are inconsistent with Policy 2.20.13 of the Land Use Element mandating that the County adopt, implement and encourage provisions, incentives and methods to reduce future per capita use of natural and non-renewable resources such as water and fossil-fuel energy, and reduce the production of potentially harmful waste materials.



54. Whether the Amendments are inconsistent with Policy 2.20.16 of the Land Use Element mandating that the County pursue strategies to diversify energy sources in order to reduce greenhouse gas emissions within Florida.

55. Whether the Amendments are inconsistent with Policy 2.21.6 of the Land Use Element mandating that the County support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Broward County Climate Change Action Plan and the Southeast Florida Regional Climate Action Plan as approved by the Broward County Climate Change Task Force and the Broward County Board of County Commissioners.

56. Whether the Amendments are consistent with Air Quality Policy 2.25.1 of the Land Use Element which mandates that the County review all proposed development with respect to the potential for related impacts to the regional air quality, negative impacts eliminated or effectively mitigated.

57. Whether the Amendments are inconsistent with Policy 2.21.6 of the Land Use Element mandating that the County support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Broward County Climate Change Action Plan and the Southeast Florida Regional Climate Action Plan as approved by the Broward County Climate Change Task Force and the Broward County Board of County Commissioners.

58. Whether the Amendments are inconsistent with the Environmental Justice Policy 2.36.1 of the Land Use Element for local and regional land use policy and public

infrastructure and services decisions, local governments and agencies should ensure environmental justice when considering the impacts to vulnerable populations, including but not limited to, the economically disadvantaged, racial and ethnic minorities, the uninsured, low-income children, the elderly, the homeless, and those with chronic health conditions, including severe mental illness.

59. Whether the Amendments are inconsistent Objective 1 of the Climate Change Element directing the County to promote use of renewable energy to reduce the causes of climate change while providing for cleaner energy solutions and a more energy efficient way of life for visitors and residents.

60. Whether the Amendments are inconsistent with Policy 1.3 of the Climate Change Element mandating that the County continue to promote and support the expansion of alternative and renewable energy from residential, commercial, and municipal properties by working with municipalities to reduce regulatory encumbrances, develop incentives for renewable and alternative energy installations, and support cooperative installations.

61. Whether the Amendments are inconsistent with Policy 1.4 of the Climate Change Element mandating that the County increase the abundance of renewable energy projects, investments, and infrastructure across the County consistent with the County's support for a twenty percent (20%) renewable energy portfolio by 2030 through public-private partnerships, encouraging financing options, and County investment in solar projects.

62. Whether the Amendments are inconsistent with Policy 2.16 of the Climate Change Element mandating that the County pursue the source reduction, reuse, recycling, and recovery model of waste management, consistent with the Solid Waste Element, in order to meet the State of Florida's goal of recycling seventy-five percent (75%) of municipal solid waste (including net waste combusted) by 2030; work towards the zero waste by 2030 goal established in the Broward County Climate Change Action Plan; and continue to provide the environmental and social benefits of lowering GHG emissions, producing alternative energy, and reducing toxins in our land and water.

63. Whether the Amendments are inconsistent with Policy 4.8 of the Climate Change Element mandating that the County create and maintain the Broward County Green Infrastructure Map Series to illustrate elements of green infrastructure identified as critical for meeting the County's goals for GHG reduction, renewable energy production, aquifer protection and surface water management, coastal habitat protection, enhanced green spaces, healthy food access, and other resource protection and health and safety goals shared by the greater Broward community.

64. Whether the Amendments are inconsistent with Policy 5.3 of the Climate Change Element mandating that the County seek to strengthen the local economy by promoting green economic growth and green-collar work training programs in order to: create resiliency; reduce reliance on fossil-fuel-based economies; provide a positive focus for economic development; advance the use of sustainable materials, technologies and

services; and encourage local jobs in sustainable businesses which offer a living wage and make it possible for local climate change goals to be met.

65. Whether the Amendments are inconsistent with Policy 5.32 of the Climate Change Element mandating that the County seek to strengthen the local economy by promoting green economic growth and green-collar work training programs in order to: create resiliency; reduce reliance on fossil-fuel-based economies; provide a positive focus for economic development; advance the use of sustainable materials, technologies and services; and encourage local jobs in sustainable businesses which offer a living wage and make it possible for local climate change goals to be met.

66. Whether the Amendments are inconsistent with Policy 5.4 of the Climate Change Element mandating that the County continue to develop plans and programs in coordination with local municipalities, power companies, and private partners in order to reduce GHG emissions and create “green” job opportunities throughout the community by: (1) expanding the market for energy efficient products and services; (2) supporting alternative and renewable energy production through innovative financing; and (3) promoting and incentivizing energy conservation retrofits.

67. Whether the Amendments are inconsistent with Policy 8.2 of the Intergovernmental Coordination Element mandating that the County coordinate with local governments and contracted solid waste removal and disposal providers to ensure a safe, efficient, and comprehensive waste management system.

### **Issues of Law**

68. Whether Coconut Creek is an “affected person” as defined in the Act, with standing to challenge the Amendments pursuant to section 163.3187, Florida Statutes.

69. Whether the Amendments are compliant with section 163.3177, Florida Statutes.

70. Whether the Amendments are inconsistent with the Broward County Comprehensive Plan, Plan Elements, and the Land Use Plan.

### **Conclusion**

For the reasons stated herein, the two small-scale development amendments approved through enactment of Ordinances 2025-10 and 2025-11 do not in comply with the Community Planning Act, Chapter 163, Part II, and Florida Statutes.

### **Relief Sought**

For the reasons set forth above, Petitioner requests the following relief pursuant to 163.3187, Florida Statutes:

a. This Petition be assigned to an Administrative Law Judge at DOAH for a Formal Administrative Hearing to determine compliance of the small scale land development amendments with the Community Planning Act, Chapter 163, Part II, Florida Statutes.

b. An Administrative Law Judge hold a formal administrative hearing and enter a Recommended Order finding the amendments to be “Not in Compliance” with the

Community Planning Act, Chapter 163, Part II, Florida Statutes, for the reasons set forth in this Petition.

c. The Administrative Commission enter a Final Order finding the amendments “Not in Compliance” with the Community Planning Act, Chapter 163, Part II, Florida Statutes.

Respectfully submitted on this 27th day of March, 2025.

/s/ *Ralph A. DeMeo*

RALPH A. DEMEO

FBN 0471763

Email: [ralph@guildaylaw.com](mailto:ralph@guildaylaw.com)

STEPHEN L. SPECTOR

FBN 0000833

Email: [stephen@guildaylaw.com](mailto:stephen@guildaylaw.com)

Secondary: [christineb@guildaylaw.com](mailto:christineb@guildaylaw.com)

Guilday Law, P.A.

1566 Village Square Blvd.

Tallahassee, Florida 32308

Telephone: (850) 224-7091

and

TERRILL C. PYBURN

FBN 524646

Email: [tpyburn@coconutcreek.net](mailto:tpyburn@coconutcreek.net)

Secondary: [khittle@coconutcreek.net](mailto:khittle@coconutcreek.net)

City of Coconut Creek

City Attorney’s Office

4800 W. Copans Road

Coconut Creek, Florida

Telephone: 954-973-6797

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing on March 27, 2025, to René D. Harrod, RHarrod@broward.org and Andrew Meyers, AMeyers@broward.org.

/s/ *Ralph A. DeMeo*  
RALPH A. DEMEO

# EXHIBIT A to Petition

## EXHIBIT 1

### ORDINANCE NO.

1 AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE  
2 AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING  
3 THE BROWARD COUNTY LAND USE PLAN WITHIN THE BROWARD MUNICIPAL  
4 SERVICES DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE  
5 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 Plan in compliance with  
11 the Community Planning Act;

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

14 WHEREAS, the Planning Council, as the local planning agency for the Broward  
15 County Land Use Plan, held its hearing on October 27, 2022, with due public notice;

16 WHEREAS, the Board of County Commissioners held an adoption public hearing  
17 on February 25, 2025, at 10:00 a.m., having complied with the notice requirements  
18 specified in Section 163.3184(11), Florida Statutes, at which public comment was  
19 accepted and considered;

20 WHEREAS, the Board of County Commissioners, after due consideration of all  
21 matters, hereby finds that the following amendment to the Plan is consistent with the State



Plan, Regional Plan, and the 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; and

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

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

Section 1. The Broward County Land Use Plan is hereby amended by Amendment PC 22-5 in the Broward Municipal Services District, 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 adoption of this Ordinance;

(2) The date a final order is issued by the Department of Commerce or the Administration Commission 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

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 01/03/2025  
Maite Azcoitia (date)  
Deputy County Attorney

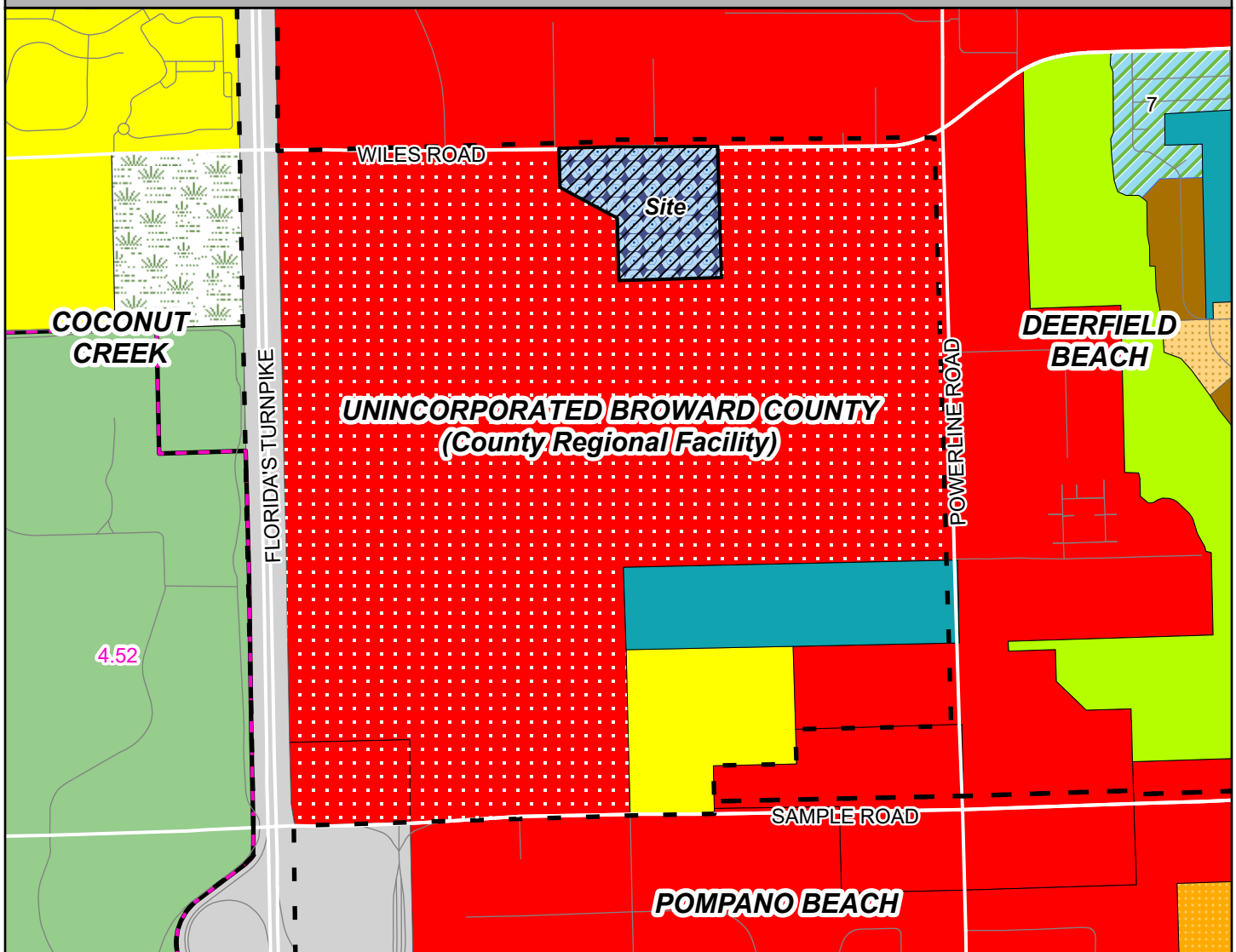
# EXHIBIT A

## BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 22-5

**Current Land Use:** Electrical Generation Facilities

**Proposed Land Use:** Commerce

**Gross Acres:** Approximately 24.2 acres



--- Municipal Boundary

Site

Dashed-Line Area

Low (5) Residential

Low-Medium (10) Residential

Medium (16) Residential

Medium-High (25) Residential

Irregular Residential

Commerce

Conservation - Natural Reservations

Recreation and Open Space

Commercial Recreation

Community

Electrical Generation Facilities

Transportation



**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN**  
**PROPOSED AMENDMENT PC 22-5**  
**(UNINCORPORATED BROWARD COUNTY/BROWARD MUNICIPAL SERVICES DISTRICT)**

**RECOMMENDATIONS/ACTIONS**

**DATE**

*I.      Planning Council Staff Recommendation*

*October 18, 2022*

Planning Council staff finds that the proposed change from the Electrical Generation Facilities to the Commerce category is generally consistent with the land use designations and development patterns in the surrounding areas.

If the proposed land use amendment is adopted, the applicant has been very clear in its intent to request an expansion of the footprint of the landfill, which is a permitted use in the Commerce land use designation. However, to achieve such an expansion to the landfill footprint, the applicant will be required to apply to the local government (Unincorporated Broward County) and be approved for the appropriate (re)zoning, permits and licenses. Based on information provided the applicant, the existing landfill has an estimated 8 to 9 years of capacity remaining (barring the unanticipated cleanup from any storm events) and an expansion of the facility could extend the capacity by an additional 5 to 6 years.

The collection, recycling and disposal of solid waste in Broward County presents a complex series of issues as each local government determines its own process and providers. As it is unclear as to the direction that Broward County and its local governments are moving towards related to regional solid waste disposal as part of the Solid Waste Working Group, the proposed land use plan change may be considered premature and create a cascading affect regarding (re)zoning, permitting and licensing applications.

Pending a recommendation by the Planning Council and if the Broward County Land Use Plan amendment and local version of the amendment are adopted by the Broward County Board of County Commissioners, effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete.

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

**I. Planning Council Staff Recommendation (continued)****October 18, 2022**

- (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.

**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.**

In addition, if the Planning Council does not require a second Planning Council public hearing and the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment, which directly correlates to the referenced BCLUP amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the *Administrative Rules Document: BrowardNext*. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

**II. Planning Council Public Hearing Recommendation****October 27, 2022**

While we find no technical fault with staff’s recommendation, as a matter of urban planning essential to the implementation of effective land use planning, we cannot recommend expansion of any landfill facilities within Broward County at this time. Further, a second Planning Council public hearing is not required. (Vote of the board; Unanimous: 12-0; Brunson, Castillo, Fernandez, Hardin, Horland, Levy, Parness, Reiter, Rich, Rosenof, Williams and DiGiorgio)

**PROPOSED AMENDMENT PC 22-5**

## **INTRODUCTION AND APPLICANT'S RATIONALE (continued)**

### **V. B. Existing Uses and BCLUP Designations Surrounding the County Regional Facility**

- |                   |  |        |   |       |  |        |   |       |  |
|-------------------|--|--------|---|-------|--|--------|---|-------|--|
| 1. Existing Uses: | <table border="0"><tr><td style="padding-right: 10px;">North:</td><td>Vacant and Warehouse/Industrial (Deerfield Beach)</td></tr><tr><td>East:</td><td>Warehouse/Industrial (Deerfield Beach), FPL Substation (BMSD), Outdoor Vehicle Storage, Office (BMSD) and Retail (Deerfield Beach)</td></tr><tr><td>South:</td><td>FPL Substation (BMSD), Turnpike Access and Retail (Pompano Beach)</td></tr><tr><td>West:</td><td>Florida's Turnpike (BMSD) and County Facility (Tradewinds Park) (Coconut Creek)</td></tr></table> | North: | Vacant and Warehouse/Industrial (Deerfield Beach) | East: | Warehouse/Industrial (Deerfield Beach), FPL Substation (BMSD), Outdoor Vehicle Storage, Office (BMSD) and Retail (Deerfield Beach) | South: | FPL Substation (BMSD), Turnpike Access and Retail (Pompano Beach) | West: | Florida's Turnpike (BMSD) and County Facility (Tradewinds Park) (Coconut Creek)  |
| North:            | Vacant and Warehouse/Industrial (Deerfield Beach)  |        |   |       |  |        |   |       |  |
| East:             | Warehouse/Industrial (Deerfield Beach), FPL Substation (BMSD), Outdoor Vehicle Storage, Office (BMSD) and Retail (Deerfield Beach)   |        |   |       |  |        |   |       |  |
| South:            | FPL Substation (BMSD), Turnpike Access and Retail (Pompano Beach)  |        |   |       |  |        |   |       |  |
| West:             | Florida's Turnpike (BMSD) and County Facility (Tradewinds Park) (Coconut Creek)  |        |   |       |  |        |   |       |  |
| 2. Planned Uses:  | <table border="0"><tr><td style="padding-right: 10px;">North:</td><td>Commerce (Deerfield Beach)</td></tr><tr><td>East:</td><td>Commerce (Deerfield Beach), Community and Low (5) Residential (BMSD)</td></tr><tr><td>South:</td><td>Community (BMSD), Commerce and Transportation (Pompano Beach)</td></tr><tr><td>West:</td><td>Transportation (Florida's Turnpike) (BMSD), Recreation and Open Space (Coconut Creek) and Conservation (Coconut Creek)</td></tr></table>   | North: | Commerce (Deerfield Beach)                        | East: | Commerce (Deerfield Beach), Community and Low (5) Residential (BMSD)   | South: | Community (BMSD), Commerce and Transportation (Pompano Beach)     | West: | Transportation (Florida's Turnpike) (BMSD), Recreation and Open Space (Coconut Creek) and Conservation (Coconut Creek) |
| North:            | Commerce (Deerfield Beach)   |        |   |       |  |        |   |       |  |
| East:             | Commerce (Deerfield Beach), Community and Low (5) Residential (BMSD)   |        |   |       |  |        |   |       |  |
| South:            | Community (BMSD), Commerce and Transportation (Pompano Beach)  |        |   |       |  |        |   |       |  |
| West:             | Transportation (Florida's Turnpike) (BMSD), Recreation and Open Space (Coconut Creek) and Conservation (Coconut Creek)   |        |   |       |  |        |   |       |  |

### **VI. Applicant/Petitioner**

- |                    |  |
|--------------------|--|
| A. Applicant:      | Waste Management Inc. of Florida   |
| B. Agent:          | C. William Laystrom, Jr., Esq., Doumar, Allsworth, Laystrom, Voigt, Adair & Dishowitz, LLP |
| C. Property Owner: | Waste Management Inc. of Florida   |

### **VII. Recommendation of Local Governing Body:**

The Broward County Board of County Commissioners has transmitted the application to the Broward County Planning Council for review and analysis.

## **EXHIBIT B**

The attached draft "Declaration of Restrictive Covenants" has been submitted and is required to be executed and recorded by the applicant prior to the effective date.



This Instrument Prepared By:  
C. William Laystrom Jr., Esq.  
1177 S.E. 3rd Ave.  
Fort Lauderdale, Florida 33316

#### DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") dated this day of \_\_\_\_\_, 2024, by and through Waste Management Inc. of Florida, a Florida Corporation ("Declarant"), for the benefit of Broward County, a political subdivision of the State of Florida ("County").

#### WITNESSETH:

WHEREAS, Declarant is the owner of the property located in the County as further described on Exhibit A attached hereto and made a part of hereof (the "Property"); and

WHEREAS, the Declarant has requested an amendment to the land use designation on the Property from electrical generating plant to commerce; and

WHEREAS, the Declarant intends to develop the Property for landfill, solid waste disposal and other uses consistent with the industrial uses allowed under the commerce designation including, but not limited to, those uses allowed under the A-6 and A-7 Zoning Districts of the County Zoning Code and requests that the County review the impacts of its land use amendment based upon the impacts created by industrial use rather than other uses that might be allowed under a Commerce designation including, but not limited to, restaurant, retail, etc.; and

WHEREAS, in order for the County to review the impacts based solely on industrial uses, Declarant must enter into this Declaration for the benefit of the County limiting the development and use of the Property to industrial; and

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the restrictions hereinafter set forth, all of which shall run with the Property and any part thereof and which shall be binding upon all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The foregoing recitations are true and correct and are incorporated herein by reference.
2. Property Development and Use Limitation. In connection with the development and use of the Property, Declarant agrees that the Property shall be restricted to industrial uses, as more particularly defined in Attachment A, attached hereto. This shall be deemed a restriction on the development and use of the Property.
3. Recordation/Effective Date. This Declaration shall not be effective until this Declaration is recorded in the Official Records of Broward County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of the County and shall bind all successors and assigns to title of the Property. This Declaration shall not give rise to a cause of action by any party other than the County and no party other than the County shall be entitled to enforce this Declaration.

4. Amendment. This Declaration may not be modified, amended or terminated without prior written approval from the owner(s) of the Property and joinder and consent of the County.
5. Waiver. No waiver of any of the provisions of this Declaration shall be effective unless it is in writing, signed by the party against whom it is asserted and any such waiver shall only be applicable to the specific instance in which it relates and shall not be deemed to be a continuing or future waiver.
6. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Florida and venue for any litigation arising hereunder shall be Broward County, Florida.
7. Captions, Headings and Titles. The captions, paragraph headings and titles contained in this Declaration are for reference and convenience only and in no way define, describe, extend or limit the scope of intent of this Declaration, nor the intent of the provisions hereto.
8. Severability. Unless otherwise provided herein, if any provision of this Declaration shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.
9. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.
10. Counterparts. This Declaration may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same Declaration.

IN WITNESS WHEREOF, Declarant has executed this Declaration as follows:

Declarant

Witnesses:

Waste Management Inc. of Florida  
a Florida corporation

\_\_\_\_\_  
(Signature)

Print Name:

\_\_\_\_\_  
By: \_\_\_\_\_  
Its Authorized Agent

\_\_\_\_\_  
(Signature)

Print Name:

STATE OF  
COUNTY

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 202\_\_,  
by \_\_\_\_\_, as \_\_\_\_\_ of Waste Management Inc. of

Florida, a Florida corporation. He/She is personally known to be or produced \_\_\_\_\_ as identification.

(Seal)

NOTARY PUBLIC

My Commission expires:

\_\_\_\_\_  
(Signature)

Print Name:

Commission No.:

## ATTACHMENT A

### INDUSTRIAL USE

Uses permitted in areas designated industrial are as follows:

1. Light and heavy industrial uses.
2. Heavy commercial uses including new and used automobile, truck, motorcycle, boat and trailer display, sales, and service; newspaper, magazine, and printing plants; bakeries, carpentry, cabinet shops and other trade shops; motion picture studios; ice houses; propane gas sales and repair; and salvage yards.
3. Educational, scientific and industrial research facilities, research laboratories, and medical or dental laboratories.
4. Office uses.
5. Transportation facilities.
6. Recreation and open space, cemeteries, and commercial recreation uses, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
7. Community facilities.
8. Non-residential Agricultural uses.
9. Ancillary commercial uses within buildings devoted to primary industrial uses.
10. Wholesaling uses.
11. The following uses may also be permitted if certified by the Broward County Planning Council in the local land use plan, subject to the review and approval requirements of Policy 2.10.1 and as long as the total area of these uses does not consume more than 20 percent of the industrial land designated on the Future Broward County Land Use Plan Map (Series) within a flexibility zone, and as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industrial uses:
  - a. Commercial and retail business uses.
  - b. Hotel, motel and similar lodging.
12. Mining.
13. Communication facilities.
14. Utilities, excluding electrical power plants.
15. Residential units within the same structure as industrial uses for the owner, manager or caretaker of the industrial uses may be located in areas designated industrial without the application of flexibility units or reserve units.

PROPOSED

ORDINANCE NO.

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

(SPONSORED BY THE BOARD OF COUNTY COMMISSIONERS)

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

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

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

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

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

WHEREAS, the Board of County Commissioners, after due consideration of all matters, hereby finds that the following amendment to the Plan is consistent with the State

Plan, Regional Plan, and the 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; and

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

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

Section 1. The Broward Municipal Services District Future Land Use Map is hereby amended by Amendment 20-M1, set forth in Attachment 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 adoption of this Ordinance;

- (2) The date a final order is issued by the Florida Department of Commerce (f/k/a Department of Economic Opportunity) or the Administration Commission finding the amendment to be in compliance;
- (3) If the Florida Department of Commerce (f/k/a Department of Economic Opportunity) 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 Attachment B, the date the Declaration of Restrictive Covenants is recorded in the Public 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

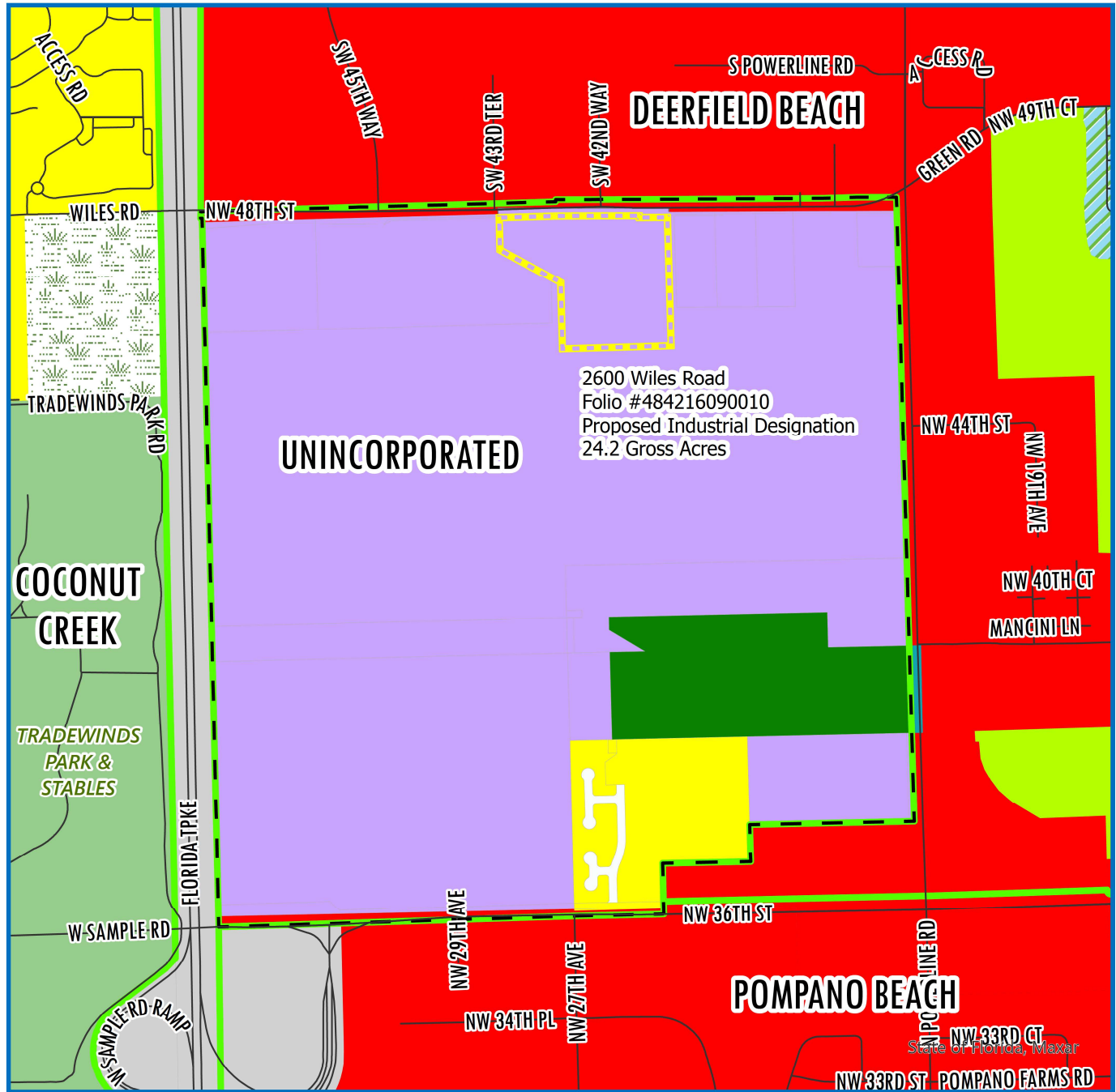
By: /s/ Maite Azcoitia 12/04/2023  
Maite Azcoitia (date)  
Deputy County Attorney

MA/gmb  
FLUMS 20-M1 Broward Municipal Services District – Ordinance - Small Scale  
12/04/2023  
#80041

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



## Amendment 20-M1 Proposed Future Land Use Map

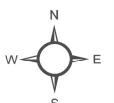


- |                                 |                                  |                                     |                                  |
|---------------------------------|----------------------------------|-------------------------------------|----------------------------------|
| — Streets                       | 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.

500 250 0 500 Feet





## EXHIBIT C to Petition

### ORDINANCE NO. 2025-13

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

7 (Sponsored by Mayor Beam Furr)  
8

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

11 Section 1. Section 39-464 of the Broward County Code of Ordinances is hereby  
12 amended to read as follows:

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

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

17 . . .

- 18 (6) Maximum height of a landfill shall not exceed ~~one hundred twenty-five (125)~~  
19 three hundred twenty-five (325) feet above adjacent ground level National  
20 Geodetic Vertical Datum ("NGVD").

21           Section 2.    Severability.

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

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

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



## LOCAL PLANNING AGENCY STAFF REPORT

## Future Unincorporated Area Land Use Map Amendment: 20-M1

## I. Applicant's Request.

Waste Management, Inc., seeks to change the future land use designation of the property identified below, and described in the application, from Electric Generation Facility to Industrial. The applicant's Letter of Intent (Attachment B), states that the request will provide continued use of the site as a municipal solid waste transfer station, and to allow for the future expansion of the existing, adjacent landfill once the power generation facility is dismantled. Solid waste transfer station and landfill use are not permitted as primary uses in the Electrical Generation Facility land use.

Figure 1: General Location Map

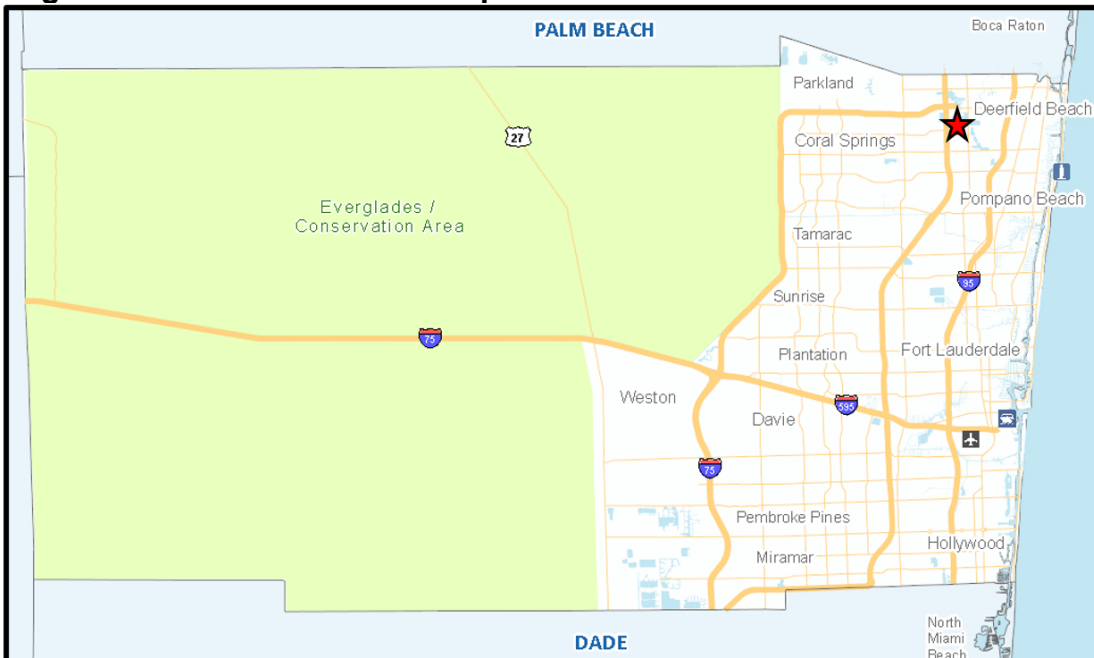


Figure 2: Specific Location Map



## LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1****II. Staff Recommendation.**

Staff recommendations are based upon a review of comprehensive plan goals, objectives, and policies concerning the uses allowed by the current future land use designation and the uses allowed by the proposed future land use designation. Considerations include compatibility with surrounding land uses, availability of public services and facilities, environmental impacts, and solid waste management.

The role of the Local Planning Agency (LPA) is to make recommendations to the Board of County Commissioners as to whether the proposed amendment is consistent with the Broward County Comprehensive Plan.

The Environmental Protection and Growth Management Department's Planning and Development Management Division:

- Recommends the Local Planning Agency (LPA) transmit the proposed amendment to the Board of County Commissioners (Board), with the recommendation that the Board transmits to Broward County Planning Council for their consideration; and
- Advises the LPA and the Board, that while the proposed amendment to Industrial future land use is compatible with adjacent uses and consistent with land use policies in the Broward County Comprehensive Plan; expansion of Monarch Hill Landfill and the loss of Electrical Generation Facility use is not consistent with environmental and solid waste goals, objectives and policies of the Comprehensive Plan.

**III. Item Summary**

The application site and Monarch Hill Landfill are located in unincorporated Broward County. Land use is regulated by both the countywide Broward County Land Use Plan (BCLUP) and by the Broward Municipal Services District Future Land Use Map (BMSD FLUM) in the Broward County Comprehensive Plan (BCCP). All land use plan amendments in the Broward Municipal Services District (unincorporated area) must be consistent with both documents.

This amendment proposes to change the BMSD FLUM designation of an approximately 24.2-acre site from Electrical Generating Facility to Industrial (Figure 1: General Location Map, Figure 2: Specific Location Map, Figure 3: Proposed Amendment Details, and Attachment A: Site Location Map). The proposed change also requires an amendment to the Broward County Land Use Plan. However, at this time, the applicant has not yet submitted an application to amend the BCLUP.

The site is the former Wheelabrator North Resource Recovery Facility that is owned and operated by Waste Management, Inc. of Florida. It is located adjacent to the Monarch Hill Landfill. It is bounded by landfill use to the south, east, and west.

The primary use on the site is the waste to energy plant that is no longer operating. In 2015, the use was discontinued following approval of a Global Amendment among

## LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

Broward County, Waste Management Inc. of Florida, Wheelabrator Environmental Systems Inc., Wheelabrator South Broward Inc., and related parties regarding solid waste disposal services (Broward County Commission Agenda Item No. 42, May 19, 2015.) The site is currently used as a solid waste transfer station consistent with the Global Amendment which term expires on July 2, 2023. The Global Agreement has renewal provisions, but use of the site for a solid waste transfer station beyond 2023 is uncertain. A land use plan amendment is necessary to provide for demolition of the waste to energy plant and the continued operation of the solid waste transfer station as a primary use.

**Figure 3: Proposed Amendment Details**

Commission District	4
Applicant and Property Owner	Waste Management, Inc.
Current Future Land Use Designation	Electrical Generation Facility
Proposed Future Land Use Designation	Industrial
Size	24.2 acres
Effect of Proposed Change	Allow waste transfer station and expansion of landfill
Existing Land Use	Inactive waste-to-energy facility
Current Zoning Districts	PUD and M-4
Address	2600 Wiles Road, Unincorporated Broward County
Folio Number	484216090010

**IV. Analysis.**

The following analysis reviews the Applicant's request for consistency with the Broward County Land Use Plan (BCLUP) and the Broward County Comprehensive Plan (BCCP), inclusive of the BMSD Land Use Plan element. Analysis of the applicant's request is divided into three parts:

- A. Land Use Compatibility;
- B. Consistency with policies in other Elements of the BCLUP and BCCP; and
- C. Other Planning Considerations.

**A. Land Use Compatibility.** Compatibility is a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted either directly or indirectly by another use or condition. Broward County Land Use Plan (BCLUP) Policy 2.10.2 requires compatibility of existing and future land uses be the primary consideration when considering local amendments.

Compatibility reviews involve evaluating the existing and proposed future land use designations in comparison with surrounding existing and planned land uses. Staff evaluates compatibility based upon the characteristics of the proposed use in relation to the surrounding existing and planned uses. This review includes policies from the BCCP.

## LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

- 1. Policies:** The following policies from the adopted Broward County Land Use Plan (BCLUP) and Broward County Comprehensive Plan (BCCP) address land use compatibility:
- BCLUP Policy 2.10.2: The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and local land use plans. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance from existing land use patterns.
  - BCLUP Policy 2.10.3: In order to prevent future incompatible land uses, the established character of predominately developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed.
  - BCCP, Broward Municipal Services District and Community Planning Element Policy 2.11.8: Landfills and resource recovery facilities shall be planned to minimize impacts on adjacent existing or planned uses.
- 2. Analysis:** The proposed amendment site is bound on the east, west, and south sides by an existing landfill with an Industrial land use designation. On the north, there are existing and planned industrial and commercial uses in the City of Deerfield Beach as shown in Attachments C, D, and E (maps). The proposed land use plan designation is the same as adjacent properties on three sides.

Figure 4 identifies the existing uses, zoning districts, and future land use designations of the proposed amendment site and surrounding area. The area surrounding the proposed amendment site is predominantly utilized and planned for industrial uses. The BCLUP Commerce designation allows industrial uses, such as manufacturing, wholesaling, storage, warehouse, and other uses, provided the local government determines that such uses are compatible with surrounding planned uses.

**Figure 4: Site and Surrounding Land Uses**

Location	Existing Use	Current Zoning	Future Land Use (BCCP)*	Future Land Use BCLUP*
Subject Site	Waste to energy plant	PUD: Planned Unit Development & M-4: Heavy Industrial	Electrical Generation Facility	Electrical Generation Facility
North (Deerfield Beach)	Warehouse Light manufacturing	I-2: Limited Heavy Industrial	Industrial	Commerce
East	Vacant Industrial (Monarch Hill Landfill)	A-6: Agricultural Disposal	Industrial	Commerce

## LOCAL PLANNING AGENCY STAFF REPORT

### Future Unincorporated Area Land Use Map Amendment: 20-M1

Location	Existing Use	Current Zoning	Future Land Use (BCCP)*	Future Land Use BCLUP*
South	Industrial (Monarch Hill Landfill)	A-6: Agricultural Disposal	Industrial	Commerce
West	Trucking operations (Waste Management)	A-6: Agricultural Disposal	Industrial	Commerce

\*As currently designated in the adopted map.

- a. **Existing Land Use:** Adjacent and nearby existing land uses include landfill, industrial uses such as warehouses, light manufacturing, and trucking operations (Attachment E.)
- b. **Zoning:** The proposed Industrial future land use designation is consistent with the heavy industrial and agricultural disposal zoning districts located adjacent to and within the vicinity of the proposed amendment site (Attachment F.)
- c. **Future Land Use:** The proposed Industrial future land use designation is consistent with the Industrial future land use designations located adjacent to and within the vicinity of the proposed amendment site. However, it reduces the number of sites designated for Electrical Generating Facilities within Broward County from five (5) to four (4), (further analysis provided below).

Future land use designations within comprehensive plans provide for general types of uses that are allowed, but they do not include specific development regulations associated with any use nor create a vesting of rights to any particular allowed use. Zoning, Land Development Regulations and licensing provisions provide for that level of specificity. Hence, while landfill and waste transfer facilities are allowed within an Industrial future land use designation, actual siting, development and operation of those uses would be regulated by zoning, site planning, permitting, licensing, inspection, and enforcement.

Industrial uses, including the those intended by the Applicant, have the potential to generate negative impacts on surrounding land uses. These include the generation of noise, odors, heavy truck traffic, unsightly aesthetics, and emissions. Consideration of such impacts is applied to how they may affect the adjacent land uses. Given the surrounding land uses are already industrial, it is likely the impact will be no greater than that created by the adjacent uses.

Landfills also have the potential to generate leachate, a form a water pollution. However, new landfills include leachate collection systems and liners to protect groundwater. Potential negative impacts on adjacent and surrounding land uses should be mitigated through the site planning process and compliance with all applicable local and state permitting and licensing requirements.



## LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

3. **Findings:** *Staff finds that Industrial use would be compatible with the surrounding existing industrial land uses and that the proposed amendment is consistent with BCCP and BCLUP policies that address compatibility.*

**B. Consistency with Policies in Other Elements of BCLUP and BCCP.** The proposed amendment, from Electrical Generation Facility to Industrial use, would allow the applicant to demolish existing buildings and expand Monarch Hill Landfill onto the amendment site. The applicant has indicated that this is the long-term intent (see Attachment B.) As such, this portion of the analysis is divided into two parts. The first addresses Solid Waste Policies, and the second addresses Electric Generation Policies.

1. **Solid Waste Policies:** The following BCCP and BCLUP policies address solid waste and are applicable to the proposed amendment:

- BCLUP Policy 2.1.1: Broward County shall maintain a balanced Land Use Plan to implement a regional vision including the provision of essential public services and facilities, as well as enhanced sustainability and livability.
- BCLUP Policy 2.20.3: Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, an increased efficiency of utilizing water and energy resources to reduce the consumption of water and fossil fuel energy and the production of waste materials via techniques such as efficient design, renewable energy, efficient equipment and green infrastructure management systems.
- BCLUP Policy 2.20.13: Adopt, implement and encourage provisions, incentives and methods to reduce future per capita use of natural and non-renewable resources such as water and fossil-fuel energy, and reduce the production of potentially harmful waste materials.
- BCLUP Policy 2.20.16: Broward County shall pursue strategies to diversify energy sources in order to reduce greenhouse gas emissions within Florida.
- BCCP Climate Change Element: Policy 2.16: Broward County shall continue to pursue the source reduction, reuse, recycling, and recovery model of waste management, consistent with the Solid Waste Element of the Broward County Comprehensive Plan, in order to meet the State of Florida goal of recycling seventy-five percent of municipal solid waste (including net waste combusted) by 2030; work towards the zero waste by 2030 goal established in the Broward County Climate Change Action Plan; and continue to provide the environmental and social benefits of lowering GHG emissions, producing alternative energy, and reducing toxins in our land and water.

## LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

- BCCP Climate Change Element: Policy 2.17: Broward County should develop, in conjunction with local municipalities and business, a sustainable and energy-efficient materials economy through cooperative materials management systems and infrastructure, in order to maximize the recovery and reuse of waste, water, wastewater, and other materials in ways that capture their economic value, conserve embedded energy, and minimize net life-cycle emissions of GHG and other pollutants.
- BCCP Solid Waste Element Policy 6.2.2: The impact of solid waste management facilities and support services on adjacent natural resources and land uses shall be considered during the siting of new solid waste management facilities and the expansion of, or increase in, capacity of solid waste management facilities.
- BCCP Solid Waste Element Policy 6.3.4. Potential expansion of the Central Disposal Sanitary Landfill (CDSL) [*Monarch Hill*] 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 [*Monarch Hill*] 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 [*Monarch Hill*] 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 [*Monarch Hill*] 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 [*Monarch Hill*] 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 [*Monarch Hill*] pursuant to an already existing contract between the operator of CDSL [*Monarch Hill*] and Miami Dade County, including any renewals or extensions

## LOCAL PLANNING AGENCY STAFF REPORT

### Future Unincorporated Area Land Use Map Amendment: 20-M1


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 *[Monarch Hill]* 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 *[Monarch Hill]* 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).
- BCCP, Solid Waste Element 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.

2. **Solid Waste Analysis:** The BCLUP policies listed above were adopted by the Board of County Commissioners on April 25, 2017, and the BCCP Climate Change Element was adopted on March 28, 2019. (These updates were also referred to as BrowardNEXT and BrowardNEXT 2.0 respectively.) The Solid Waste Element was not revised as part the BCCP update. Therefore, the goals objectives and policies adopted on September 28, 2010, for Solid waste, remain in effect. This information was included in the County’s October 19, 2018 letter transmitting the BrowardNEXT 2.0 BCCP to the Florida Department of Economic Opportunity and other required state agencies.

The United States Environmental Protection Agency (EPA) recommends an integrated, hierarchical approach to solid waste management, as shown in Figure 5. The hierarchy is intended to provide a mixture of solid waste disposal methods, that, when used in combination, will result in the safe and effective handling of municipal solid waste with the least adverse impacts on human health and the environment.

**Figure 5: Integrated Solid Waste Management Hierarchy**

	1. Source reduction and reuse (reduce volume and toxicity, increase product life)
	2. Recycling and composting (diverts waste from landfills and incinerators)
	3. Energy recovery (reduce volume, recover energy)
	4. Treatment and disposal (final disposal nonrecyclable and noncombustible materials)
<a href="https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials">https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials</a>	

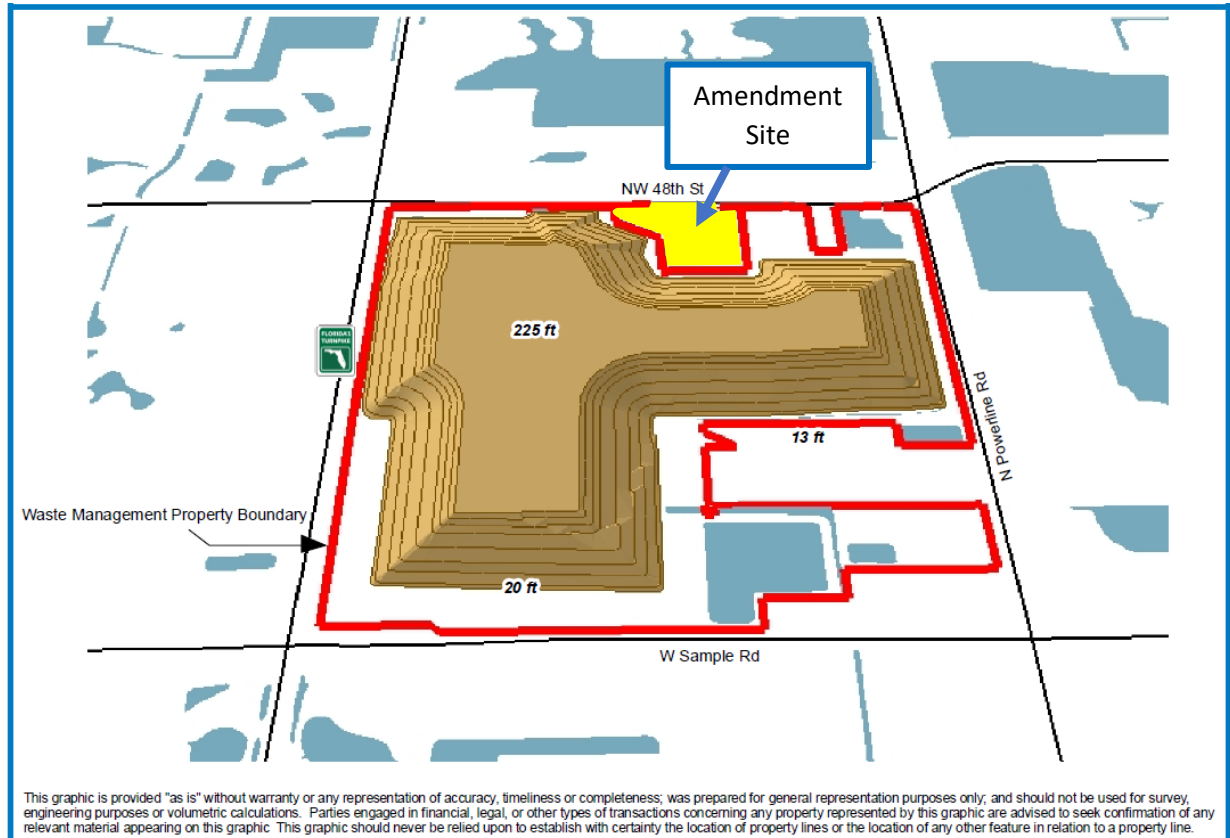
## LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

The adopted BCLUP policies and BCCP Climate Change Element policies reflect the Board's strong commitment to resiliency and sustainability. The intent is to implement energy conservation, recycling, and environmental protection. They aim for a regional approach to coordination of environmental matters. The applicant's site is part of that regional planning effort and its current operations, inclusive of the 2015 Global Amendment are reflective of that intent. It is not clear how a permanent change in use, specifically, the applicant's long-term plan to expand Monarch Hill Landfill, fulfills those policies. The site is part of a regional waste management system, any change to that system must fully address and be responsive to the community's needs in a regional context.

Figure 6 shows the extent of the Monarch Hill Landfill footprint based on current licenses and permits. The proposed amendment site would allow northward and eastward expansion of the landfill footprint (subject to rezoning, and issuance of required licenses and permits.) The applicant has not submitted data indicating the need for the expansion, its volume or proposed timing. Staff notes that Waste Management Inc. of Florida also owns the property to the southeast of the current Monarch Hill Landfill that is not currently under consideration for landfill expansion.

**Figure 6: Monarch Hill Landfill Elevation**



LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

The Solid Waste Element of the BCCP is intended to address short and long-term policies to meet regional solid waste needs. The current policies of the element were adopted and implemented during the existence of the Resource and Recovery Board which helped guide the County's waste management system. The agency is no longer in existence and the County and its municipal partners are now in negotiations to create a new entity to manage solid waste countywide (ILA, dependent or independent board). With that new agreement, Broward County will then be able to update the Solid Waste Element as required by, and consistent with, State Statute.

Broward County and partner municipalities have been meeting for several months to identify the future solid waste management system. The recent Arcadis Study (Solid Waste and Recycling Issues Study, December 13, 2018) identified the following:

- a. Need for recovered materials processing facilities and additional transfer stations to improve capture and flow of recyclables, construction and debris, bulk and yard waste.
- b. Need to increase waste-to-energy capacity, including supplemental incinerator operations. This need is identified as a priority to reduce the volume of material that is disposed in landfills. Siting for these facilities has yet to be determined and there are few compatible locations in Broward County; the proposed amendment would remove one of the potential sites.

An essential element of an update Solid Waste Element is the need for resource recovery facilities to meet the State goal of recycling 75 percent of municipal solid waste. To accomplish this, further analysis at a countywide scale is needed, and will occur, in conjunction with the Solid Waste Element update. Allowing additional landfill capacity, by expansion beyond the permitted footprint, may be inconsistent with the County's goals to reduce the volume of solid waste disposed of in landfills and meet the State's 75% threshold. Again, the use proposed and the site's impact on surrounding communities are part of the regional solid waste planning effort. Decisions regarding the future use of an individual regional solid waste facility, without considering regional needs, may constrain Broward County's long-term ability to provide for efficient and cost-effective solid waste disposal.

**3. Electrical Generation Facilities Policies:** The following BCLUP policy addresses Electrical Generation Facilities:

- Broward County Land Use Plan Policy 2.11.9: Broward County shall encourage power generation facilities and power transmission infrastructure be sited and designed in a manner which takes into consideration impacts from climate change, including increasing winds, storm surge, ambient temperatures and sea level rise.

**4. Electrical Generation Facilities Analysis:** The Electrical Generation Facility future and use category and corresponding Future Land Use Map amendments were adopted into both the BCLUP and the BCCP Land Use Element on November 12, 2002. The

LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

amendments were in response to compatibility issues raised concerning proposals to site new electrical generating facilities. In addition, the amendments specifically excluded electrical generating facilities from Utilities, Industrial, Commercial, Agricultural, and Residential categories. Since that time, the BCLUP has collapsed the Utilities, Industrial, and Commercial land use categories into the Commerce designation. However, the BCCP retains the separate categories. Hence, there remains a distinction between Electrical Generation Facility land use and other designations within both the BCCP Future Land Use Element and the BCLUP

The proposed amendment would result in the loss of one (1) of only five (5) sites in Broward County that are designated for electrical generation facility use consistent with Florida Power Plan Siting Act. Prior to its decommissioning in August 2015, the Wheelabrator North Broward waste to energy facility was one of the five (5) electrical generating facilities that served Broward County (Figure 7).

**Figure 7: Energy Production Facilities Location, Type, and Production**

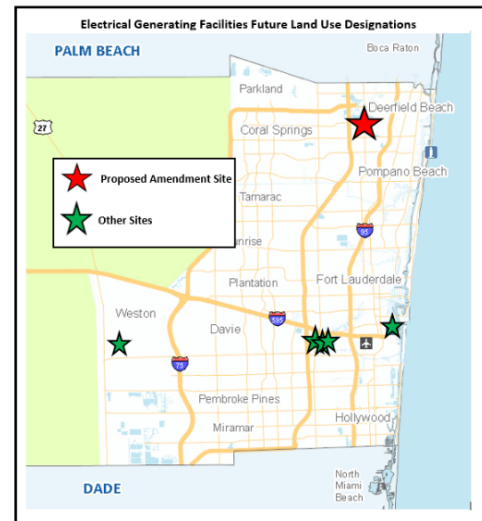
Plant	Future Land Use <sup>2</sup>	Operator	Municipality	Primary Fuel	Acres	Capacity (MW)
Wheelabrator North Broward <sup>1</sup>	EGF	WM Renewable Energy, LLC	Unincorporated	Municipal Solid Waste	24.2	67.6 (retired)
Csl Gas Recovery <sup>1</sup>	Industrial	WM Renewable Energy, LLC	Unincorporated	Landfill Gas	15.6	11.2
Lauderdale <sup>1</sup>	EGF	Florida Power and Light Co.	Dania Beach, Hollywood	Natural Gas	375.4	2,258.3
Port Everglades <sup>1</sup>	EGF	Florida Power and Light Co.	Hollywood	Natural Gas	54.8	1,352
Wheelabrator South Broward <sup>1</sup>	EGF	Wheelabrator Environmental Systems	Unincorporated	Municipal Solid Waste	50.4	66
Broward County Landfill	EGF	None	Unincorporated	N/A	45.6	0
<b>Total</b>					<b>566.0</b>	<b>3,755.1</b>

The five (5) plants together had a combined electrical generating capacity of 3,755.1 megawatts. The proposed amendment site previously generated 67.6 megawatts or approximately 1.8% of the energy generated in Broward County. Broward County is still served by the remaining four (4) electrical generating facilities with a combined electrical generating capacity of 3,687.5 megawatts. (Figure 8)

LOCAL PLANNING AGENCY STAFF REPORT  
Future Unincorporated Area Land Use Map Amendment: 20-M1

**Figure 8: Broward County Electrical Generating Facilities Future Land Use Designations and Electricity Generated**

Broward County Electrical Generating Facilities (EGF)	
Type	Number
Facilities with EGF Future Land Use	5
Existing EGF	4
Existing EGF with EGF Future Land Use	4
Daily Energy Output (Megawatts)	
Type	Amount
Total Daily Output, including former Monarch Hill EGF	3,775.1
Former Monarch Hill EGF	67.6
Former Monarch Hill EGF Output as Percent of Total Daily Energy Output	1.8%
Current Total Daily Output	3,687.5



- 5. Findings:** *The proposed amendment is not generally consistent with BCCP and BCLUP policies related to expansion of landfill. Further, approval of land fill expansion at this time should be deferred until an updated Solid Waste Element is adopted by the Board of County Commissioners.*

### C. Other Planning Considerations

The proposed amendment was reviewed by the various agencies that provide public infrastructure and facilities and natural and historic resource protection.

#### 1. Policies:

The various elements of the BCCP and BCLUP are implemented through myriad policies of the BCCP, including, but not limited to, those referenced in this Staff Report.

#### 2. Analysis:

- a. Mobility.** Broward County supports Complete Streets and the expansion of bicycle, pedestrian, and greenway networks (See Attachment G). The proposed amendment site is bounded by Wiles Road, NW 120<sup>th</sup> Avenue, and Coral Ridge Drive. The 2019-2028 Vision Plan component of the BCT Transit Development Plan includes new local routes, community shuttle improvements, and maintenance of local status quo routes. Bicycle lanes are not present on and adjacent to the amendment site and sidewalks are inconsistent. The existing sidewalk and bicycle infrastructure adjacent to the proposed amendment site needs improvement.

Staff recommends the applicant consider making improvements through the following:

LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

- Collaborate with the City of Coral Springs, Florida Department of Transportation, Broward Metropolitan Planning Organization, and Broward County to construct sidewalks and dedicated bicycle facilities concurrent with new development.
  - Design the site to include safe and convenient connections to the surrounding transportation network.
  - Consider installing amenities, such as bus stops, pedestrian-scale lighting, shade trees, bicycle racks/lockers, and bicycle repair stations within and around the development.
  - Consider providing electric vehicle charging stations.
- b. Potable Water.** The Broward County Water and Wastewater Management Division stated it has the capacity to provide potable water services (Attachment H). It is estimated that demand for potable facilities will decline as a result of the proposed amendment.

**Figure 9: Potable Water Impacts**

<b>Service Provider</b>	Broward County Water and Wastewater Services Division-District 2
<b>Treatment Plant</b>	Broward County Water Treatment Plant 2A
<b>Impact</b>	-0.0081 MGD

- c. Sanitary Sewer.** The Broward County Water and Wastewater Management Division stated it has the capacity to provide wastewater treatment services. It is estimated that demand for sanitary sewer facilities will decline as a result of the proposed amendment (Attachment H).

**Figure 10: Sanitary Sewer Impacts**

<b>Service Provider</b>	Broward County Water and Wastewater Services Division
<b>Treatment Plant</b>	Broward County North Regional Wastewater Treatment Plant
<b>Impact</b>	-0.0063 MGD

- d. Solid Waste Generation.** The proposed amendment is expected to have a neutral impact on solid waste generation. Staff concludes adequate solid waste disposal facilities exist to serve the proposed amendment site. Broward County's Solid Waste and Recycling Services Division reviewed the proposed amendment and is neutral about impacts to solid waste generation rates (Attachment I).

**Figure 11: Solid Waste Impacts**

<b>Future Land Use</b>	<b>Generation Rate<sup>1</sup></b>	<b>Total</b>	<b>Impact</b>
Current: Electrical Generation Facility	2 lbs. per 100 sq. ft. per day	4,820.2 lbs. per day	N/A
Proposed: Industrial	2 lbs. per 100 sq. ft. per day	4,820.2 lbs. per day	0



LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

<sup>1</sup>Broward County Comprehensive Plan, Solid Waste Element, Table 6-A: Solid Waste Generation Rates for Development Review.

- e. **Drainage and Aquifer Recharge.** Pursuant to Florida Power Plant Siting Act, the Florida Department of Environmental Protection regulated surface water management. With the cessation of the power plant use, it is expected that Broward County will regulate surface water management. Due to changes in the site and surrounding area since the original license was issued, the license and permit may need to be recertified or modified. (Attachment J)

The proposed amendment site is located within the Hillsboro Canal Drainage Basin, the jurisdictions of Broward County Water Control District 2 and the South Florida Water Management District. Development is required to meet the drainage standards of both. Compliance should reduce the potential for flooding and ensure surface water quality is maintained. An environmental resource modification permit may be required. (Attachment K)

The proposed amendment site is located within the Federal Emergency Management Agency (FEMA) flood insurance zone X or areas determined to be outside the 0.2% annual chance floodplain. (Flood Insurance Rate Map (FIRM)12011C0166H, Effective August 18, 2014) (Attachment K)

Development consistent with the proposed future land use designation would increase the percentage of impervious area from 20% to 72%. Consequently, the volume of water available for recharge would decrease. The change in recharge capacity would be moderate. (Attachment K)

- f. **Air Quality.** The proposed amendment is not expected to generate additional peak hour trips. Based upon the preliminary traffic analysis and the projected levels of service on surrounding roadways, the proposed amendment can reasonably be assumed to have minimal impact on air quality. (Attachment K)
- g. **Wellfield Protection.** The proposed amendment is not expected to negatively impact wellfields. The proposed amendment is not located within a wellfield zone of influence. (Attachment K)
- h. **Specially Designated Areas.** The proposed amendment is not expected to negatively impact specially designated areas. The proposed amendment site does not contain, Areas with special county designations, such as Natural Resource Areas, Native Vegetative Communities Category Local Areas of Particular Concern, and Urban Wilderness Inventory Sites. (Attachment K)
- i. **Protected Natural Land.** The proposed amendment is not expected to negatively impact protected natural land. The proposed amendment site does not contain any land and is not adjacent to any land identified in the Protected Natural Lands Inventory. The closest site included in the Protected Natural

LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

Lands Inventory is one of the Tradewinds Park Natural Areas, located approximately ½-mile west of the proposed amendment site. (Attachment K)

- j. **Wetlands.** The proposed amendment is not expected to negatively impact wetlands. Broward County staff has not identified any wetlands on the proposed amendment site. Any work in, on, or under waters or wetlands of Broward County will require a license. (Attachment K)
- k. **Upland Resources (Tree Preservation).** The proposed amendment is not expected to negatively impact upland resources. Aerial photographs indicate the presence of mature tree canopy. Site development must comply with the Broward County Code of Ordinances, Chapter 27-Pollution Control, Article XIV-Broward County Tree Preservation and Abuse Ordinance. The tree removal licensing process requires the applicant to minimize the number of trees removed by incorporating suitable existing trees in the site plan design. Suitable existing trees that cannot be incorporated into the site plan must be relocated. Trees permitted for removal must be replaced. The applicant's compliance with Broward County's Tree Preservation and Abuse ordinance is expected to mitigate any potential negative impacts on upland resources.

Staff notes that Broward County's NatureScape Program is geared toward creating Florida-friendly landscapes and guidance materials are available at [www.broward.org/NatureScape/Pages.Default.aspx](http://www.broward.org/NatureScape/Pages.Default.aspx). (Attachment K)

- l. **Marine and Riverine Resources.** The proposed amendment is not expected to negatively impact marine or riverine resources. (Attachment K)
- m. **Proximity to Solid Waste Facilities, Contaminated Sites, SARA Title III (Community Right to Know) Facilities, Hazardous Materials Facilities.** (Attachment K)  
No known SARA Title III Facilities are on or adjacent to the proposed amendment site. Hazardous Materials Facilities Eleven (11) hazardous materials and storage tank facilities located within ¼-mile of the proposed amendment site:
- Eight (8) hazardous materials facilities.
  - Three (3) facilities with both hazardous materials and storage tanks.
- n. **Historic Resources.** Broward County's archaeological consultant determined that the proposed project will not affect any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. However, in the event that unmarked burials are discovered, all activity that may disturb the unmarked burial shall cease immediately and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. (Attachment L)

LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

- o. Endangered, Threatened or Species of Special Concern; Plants Listed in the Regulated Plant Index.** Protected species **are not known to exist** on the proposed amendment site.
- p. Priority Planning Areas for Sea Level Rise.** The site is not included in a designated Priority Planning Area for sea level rise. (Attachment K)
- q. Hurricane Evacuation.** The proposed amendment site is not located within an evacuation zone.
- r. Redevelopment and Urban Infill.** The proposed amendment site is not located within a Community Redevelopment Area and is not an urban infill project.

**3. Findings:** *The proposed amendment is consistent with BCCP and BCLUP policies that address public infrastructure and facilities and that no negative impacts on adjacent natural and historic resources have been identified.*

**V. Intergovernmental Coordination and Public Notice.**

Staff solicited comments from City Commissioners, Managers, and Planning Directors of Coconut Creek, Deerfield Beach, and Pompano Beach. Comments have been received from two (2) cities and were forwarded to the applicant:

- A. Coconut Creek Response:** The City issued a letter opposing the proposed amendment. (Attachment M)
- B. Deerfield Beach Response:** The City issued a letter opposing the proposed amendment. (Attachment N)
- C. Public Notice.** The required newspaper legal ad for the Local Planning Agency public hearing was published in the Sun-Sentinel. The cities of Coconut Creek, Deerfield Beach and, Pompano Beach also were provided notice via letter. (Attachment O)

**VI. Attachments**

- A: Site Location Map
- B: Applicant's Letter of Intent
- C: Current Future Land Use Map
- D: Proposed Future Land Use Map
- E: Site Location Aerial Map
- F: Zoning Map
- G: Mobility comments
- H: Water and Wastewater comments
- I: Solid Waste and Recycling Services Division comments
- J: Drainage comments
- K: Environmental Resource comments
- L: Historic Resource comments
- M: City of Coconut Creek comments

LOCAL PLANNING AGENCY STAFF REPORT

**Future Unincorporated Area Land Use Map Amendment: 20-M1**

N: City of Deerfield Beach comments

O: Pompano Beach Request for Comments

P: Public Notice (Newspaper Notice and Notices to Coconut Creek, Pompano Beach,  
and Deerfield Beach)



## SUMMARY MINUTES

**Local Planning Agency (LPA) Public Hearing**  
**Broward County Government Center West, 2<sup>nd</sup> Floor Hearing Room**  
**1 North University Drive, Plantation, FL 33324**  
**June 2, 2021 2:00 pm**

### Board Members Present In-person

Javier Acevedo, AICP, PDMD	Sue Carrano, PDMD	Andrew Dietz, PDMD
Sara Forelle, AICP,	Cyril Saiphoo, Chair, AICP, PDMD	

### County Staff Present In-person

Heather Cuniff, AICP, PDMD	Darby Delsalle, AICP, PDMD	Rick Ferrer, PDMD
Jo Sesodia, AICP, PDMD		

### County Staff Present Via WebEx or Phone

Clyde Anderson, PDMD	Notosha Austin, SWRS	Maite Azcoitia, CAO
Monique Davis, PDMD	Tonya Fletcher, PDMD	Chris Flynn, PDMD
Steve Kasselakis, SWRS	Leonard Vialpando, EPGMD	

### Attendees Present In-person

Chris Carey, Waste Management	Joe Handley, Craven Thompson and Associates, Inc	Bill Laystrom, Doumar, Allsworth, Laystrom, Voigt, Wachs, Adair, and Dishowitz, LLP
Philip T. Medico, Jr.	Scott Stoudemire, City of Coconut Creek	Eric Torrella, Waterways Homeowners Association

### Attendees Present Via WebEx

Craig Ash, Waste Management	Julian Bobilev, Craven Thompson and Associates, Inc.	Tom Crummy, Waste Management
Melissa Doyle, City of Fort Lauderdale	Joseph Geller, Greenspoon Marder, LLP	Barbara Herrera, Waste Management
Nick Khoury, Waste Management	Dawn McCormick, Waste Management	Michael Moskowitz, Moskowitz, Mandell, Salim, and Simowitz, P.A
Justin Proffitt, City of Coconut Creek	Lisa Silva, Waste Management	Ralph Trapani, City of Miramar
12 unnamed attendees via telephone	1 unnamed attendee via WebEx	

### I. Call to Order

Cyril Saiphoo called the public hearing to order at 2:02pm. The purpose of the meeting is to receive public comments and make findings as to whether the proposed agenda items are consistent with the Broward County Comprehensive Plan. The meeting is open to the public and notice of the meeting was published in the Sun-Sentinel. The notice included information about submitting comments by joining the meeting on-line, as well as the address for submitting written comments. A copy of the notice is on file with the Planning and Development

Management Division. Mr. Saiphoo advised all attendees that the meeting is being recorded. Mr. Saiphoo stated that Broward County is mindful of the threat of the COVID-19 virus. There is limited in-person attendance. The public is attending on-line through WebEx and in satellite conference rooms.

Upon the request of Mr. Saiphoo, the Local Planning Agency members introduced themselves.

## **2. Approval of Minutes: March 16, 2021**

**Motion:** Upon a motion by Javier Acevedo, seconded by Sue Carrano, the March 16, 2021 Local Planning Agency minutes were unanimously approved.

## **3. Broward Municipal Services District Element Future Land Use Map Amendment: 20-M1 (Waste Management)**

Heather Cuniff presented the staff report on behalf of the Planning and Development Management Division. Ms. Cuniff noted that she is certified with the American Institute of Certified Planners and has over 25 years of professional planning experience. Ms. Cuniff submitted the Staff Report as part of the record of the public hearing and stated it provides the full background for staff's recommendation.

Ms. Cuniff provided a brief overview of the proposed amendment. The site concerns the inactive Wheelabrator North Resource Recovery Facility, an approximately 24.2-acre site, located on the south side of Wiles Road, between Florida's Turnpike and Powerline Road. The applicant seeks to change the future land use designation of the site from Electrical Generation Facility to Industrial. The applicant's stated short-term purpose of the proposed amendment is to ensure continued use of the existing solid waste transfer station. The applicant's stated long-term, and primary purpose, of the proposed amendment is to expand the adjacent Monarch Hill Landfill.

Ms. Cuniff noted that staff reviewed the proposed amendment for consistency with the Broward County Land Use Plan and Broward County Comprehensive Plan. Ms. Cuniff stated the proposed amendment was analyzed in terms of Land Use Compatibility, Consistency with other Elements of the Broward County Land Use Plan and Broward County Comprehensive Plan, and Other Planning Considerations.

Ms. Cuniff offered the following staff findings:

- The proposed amendment is consistent with BCCP and BCLUP policies that address compatibility.
- The proposed amendment is not generally consistent with BCCP and BCLUP policies related to landfill expansion. Further, approval of the landfill's expansion at this time should be deferred until an updated Solid Waste Element is adopted by the Board of County Commissioners.
- The proposed amendment is consistent with BCCP and BCLUP policies that address public infrastructure and facilities and no negative impacts on adjacent natural and historic resources have been identified.

Additionally, staff recommends the applicant consider:

- Collaborating with the City of Coral Springs, Florida Department of Transportation, Broward Metropolitan Planning Organization, and Broward County to construct sidewalks and dedicated bicycle facilities concurrent with new development.
- Designing the site to include safe and convenient connections to the surrounding transportation network.
- Installing amenities, such as bus stops, pedestrian-scale lighting, shade trees, bicycle racks/lockers, and bicycle repair stations within and around the development.
- Installing electric vehicle charging stations.

Ms. Cuniff provided the following staff findings and recommendations:

- The proposed amendment is consistent with Broward County Comprehensive Plan policies that address public infrastructure and facilities and negative impacts on adjacent natural and historic resources are not expected.
- The proposed amendment is not generally consistent with Broward County Comprehensive Plan and Broward County Land Use Plan policies related to landfill expansion.
- Consideration of landfill expansion should be deferred until an updated Solid Waste Element is adopted by the Board of County Commissioners
- The Local Planning Agency (LPA) should transmit the proposed amendment to the Board of County Commissioners (Board), with the recommendation that the Board transmit the proposed amendment to the Broward County Planning Council for their consideration; and
- The LPA should advise the Board that while the proposed amendment to Industrial future land use is compatible with adjacent uses and consistent with land use policies in the Broward County Comprehensive Plan; expansion of the Monarch Hill Landfill and the loss of the Electrical Generation Facility use is not consistent with environmental and solid waste goals, objectives and policies of the Comprehensive Plan.

Mr. Saiphoo requested the applicant's presentation. Bill Laystrom, the applicant's representative, made a Powerpoint presentation (attached). Mr. Laystrom stated the site is a former a waste-to-energy facility that is currently operated as a trash transfer station. The building remains, but the incinerator portion has been dismantled. Wheelabrator has a contract to operate the site as a waste transfer station until July 2023. The applicant seeks to use the site as a landfill after July 2023. The current landfill has an 8 to 9-year operational span. The proposed amendment extends the operational span by 6 to 7 years. Mr. Laystrom provided an overview of the existing and planned land uses of properties surrounding the proposed amendment site, noting that industrial land uses surround the site.

Mr. Laystrom noted there are few sites in Broward County that are available for trash disposal. Mr. Laystrom provided an overview of the various materials disposed at the landfill. The landfill receives construction and demolition debris, municipal solid waste, yard waste, and is an important asset for the disposal of debris following hurricanes (i.e. Hurricane Irma). Broward County's nearby sewage treatment plant generates sludge that is disposed of in the landfill. The sludge and municipal solid waste currently disposed of at Monarch Hill will need to be trucked to other facilities.

Mr. Laystrom highlighted improvements that have been made to mitigate impacts, including bird and odor control measures and street sweeping in Deerfield Beach. In addition, landfill gas is captured and used to provide power to approximately 9,000 homes.

In conclusion, Mr. Laystrom stated the proposed amendment:

- Adds 7.8 million cubic yards of landfill space to the current remaining 17 million yards.
- Is supported by Broward County Land Use Plan policies 2.11.8, 3.4.2, and 3.4.3, Broward County Comprehensive Plan Solid Waste Element Objective 6.4 and Policy 6.4.3, and Broward Municipal Services District Element Policy 1.3.3.
- Has been presented to the City of Deerfield Beach City Commission and City of Coconut Creek staff.
- The Broward County Comprehensive Plan's Solid Waste Element has not been updated and the Solid Waste Task Force has not addressed the issue of additional landfill space.

Mr. Saiphoo noted that 28 comments were received via e-mail, all opposing the proposed amendment and additional letter was received from Coconut Creek in opposition to the proposed amendment.

Scott Stoudemire, Director of Sustainable Development for the City of Coconut Creek, stated the Solid Waste Element was not updated as part of the BrowardNext planning process. Consequently, it is premature to consider the proposed amendment. Mr. Stoudemire stated that the Electrical Generation Facility future land use designation remains a reasonable use. He also asserted that the Staff Report does not provide an adequate analysis of land use compatibility, traffic impacts, and environmental concerns. Mr. Stoudemire contends that the proposed amendment is not consistent with Broward County Land Use Plan policies 2.10.2 and 2.10.3 that address compatibility of land uses.

Eric Torrella spoke against the proposed amendment on behalf of the Waterways Homeowners Association, which is located just north of the proposed amendment site, between Wiles Road and SW 10<sup>th</sup> Street. He stated that promises were made to the community years ago that the land fill would not expand and would close. He noted that the applicant did outreach within the community, but it is unclear on how long it will take until the landfill is filled. Mr. Torrella stated the landfill generates negative impacts on air quality and generates noise. He further noted that odor emanates from the landfill, even though measures are being implemented to reduce odor.

**Motion:** Upon a motion by Andrew Dietz, seconded by Mr. Acevedo, the LPA unanimously approved the staff recommendation.

#### **4. Public Comments: Non-agenda Items**

No comments.

#### **5. Adjourn**

Upon a motion by Ms. Carrano, seconded by Mr. Acevedo, and unanimously approved, the LPA meeting adjourned at 2:47 PM.

Disclosure: The above captioned minutes are transcribed in a summary format. To obtain a complete audio recording of the meeting, approved summary minutes, or any presentation or handout materials, submit a public records request through Planning and Development Management Division, 954-357-8695.



Good afternoon and to whom it may concern, my wife and I live in Waterways community and we strongly oppose the tearing down of the brown building to make room to extend the life of the landfill. The smell and dirt and dust and noise from the landfill is a constant nuisance for our entire community and we believe presents a health safety concern. The putrid smell is nauseating and is ever present. We can't have people over or enjoy the outside due to the dust and smell. The landfill lowers our property value end it is time to End it please. 7 more years is way too long and to our understanding it is taller than it was ever meant to be. Please do not allow this to continue!

Mark and Rapha Bell  
4560 SW. 14th St., Deerfield beach Florida  
561-752-6355

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To whom it may concern.

Good afternoon,

My husband and I live in Waterways community and we strongly oppose the tearing down of the brown building to make room to extend the life of the landfill. The smell and dirt and dust and noise from the landfill is a constant nuisance for our entire community and we believe presents a health safety concern. The putrid smell is nauseating and is ever present. We can't have people over or enjoy the outside due to the dust and smell. The landfill lowers our property value end it is time to End it please. 7 more years is way too long and to our understanding it is taller than it was ever meant to be.

Please do not allow this to continue!  
Thank you very much,

Raphaella Bell

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To whom it may concern,

I am a resident of The Waterways and as a homeowner I do not want the dump to be extended 7 or more years. This was supposed to be finished with years ago and it seems like more and more years keep getting added on. I do not want to see or smell the dump. It is an eye sore and our garbage does not even go to the dump in this location. Also, I do not appreciate such short notice that we as residence have to find out this is going to happen not giving us enough time to respond about the hearing. It is sneaky and unprofessional to giving people last minute notice about something that impacts so many residents. If my vote counts, I vote **NO** to this amendment adding more years on. Find another place to put the trash. If you do not want to look at it in your backyard then neither do we.

Thank you  
Christina Constantino

1236 SW 48th Terrace  
Deerfield Beach, FL 33442

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**SUMMARY MINUTES  
BROWARD COUNTY PLANNING COUNCIL  
OCTOBER 27, 2022**

**MEMBERS PRESENT:** Thomas H. DiGiorgio, Jr., Chair  
Commissioner Angelo Castillo, Vice Chair  
Mayor Felicia Brunson  
Denise B. Fernandez  
Mayor Rex Hardin  
Councilmember Denise Appleby Horland  
Mayor Josh Levy  
Commissioner Bernie Parness  
Commissioner Nan H. Rich  
School Board Member Ryan Reiter  
David Rosenof  
Commissioner Beverly Williams

**MEMBERS ABSENT:** Brion Blackwelder  
Robert Breslau  
Mayor Michelle J. Gomez, Secretary  
Mayor Michael J. Ryan

**ALSO PRESENT:** Barbara Boy, Executive Director  
Andrew Maurodis, Legal Counsel  
Miriam Brighton, Laws Reporting, Inc.

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Governmental Center, Fort Lauderdale, Florida, at 10:00 a.m., Thursday, October 27, 2022.

**CALL TO ORDER**

The Chair called the meeting to order at 10:00 a.m.

**PLEDGE OF ALLEGIANCE**

Mayor Josh Levy led everyone in reciting the Pledge of Allegiance.

**ROLL CALL**

Following the Roll Call by the Real Time Reporter, the Chair declared a quorum present.

### **RECOGNITION OF SERVICE**

Ms. Boy and Chair DiGiorgio gave recognition and thanked Commissioner Williams for her years of service and presented her with flowers.

### **CONSENT AGENDA**

**C 1     APPROVAL OF FINAL AGENDA FOR OCTOBER 27, 2022**

**C 2     OCTOBER 2022 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE**

**C 3     APPROVAL OF SUMMARY MINUTES OF SEPTEMBER 22, 2022**

**C 4     EXCUSED ABSENCE REQUESTS**

- Brion Blackwelder
- Robert Breslau
- Mayor Michelle J. Gomez
- Mayor Michael J. Ryan

**Following the Chair's request for a motion, a motion was made by Vice Chair Castillo and seconded by Mayor Hardin to approve the Consent Agenda. The Planning Council unanimously approved the Consent Agenda, Items C 1 through C 4.**

### **REGULAR AGENDA**

**R 1     COUNSEL'S REPORT**

(No report given.)

**R 2     EXECUTIVE DIRECTOR'S REPORT**

(No report given.)

**R 3     CORRESPONDENCE**

(No correspondence.)

### **PUBLIC HEARING AGENDA**

Ms. Boy summarized and gave a brief overview of agenda items PH 1, PH 2 and PH 3 and stated that there were no speakers signed in for those items except for agents and applicants for questions only and advised the Council that the quasi-judicial hearings were waived for Items PH 1 and PH 2.



Ms. Boy gave an update to the recommendation for Item PH 3 which had been deferred from the September 2022 meeting and stated that staff recommends approval, recognizing the applicant's voluntary commitments regarding 1) transportation improvements, 2) affordable housing, 3) construction of a public park and 4) retaining an open space buffer.

**Following the Chair's request for a motion, a motion was made by Vice Chair Castillo and seconded by Mayor Brunson to approve Items PH 1, PH 2 and PH 3 per Planning Council staff recommendations, including not requiring a second Planning Council public hearing for Item PH 3. The motion was unanimously approved. (Vote of the board; Unanimous: 12-0; Brunson, Castillo, Fernandez, Hardin, Horland, Levy, Parness, Reiter, Rich, Rosenof, Williams and DiGiorgio)**

**PH 1 RECERTIFICATION PCR 22-9**

**Public Hearing on Recertification of the Town of Davie Future Land Use Element – Map Amendment**

(Previously approved)

**PH 2 WAIVER TO THE BROWARD COUNTY TRAFFICWAYS PLAN – HILLSBORO BOULEVARD – PCTW 22-4W**

(Previously approved)

**PH 3 AMENDMENT PC 22-4**

**Public Hearing on Amendment to the Broward County Land Use Plan – City of Sunrise**

(Previously approved)

**PH 4 AMENDMENT PC 22-5**

**Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – Unincorporated Broward County/Broward Municipal Services District**

Ms. Boy reported there were 31 speakers signed in to speak in addition to the applicant.

Ms. Boy stated that the additional agenda materials included correspondence from interested parties and residents in opposition to the proposed amendment. The Council accepted the additional agenda materials without objection. Additional emails that were received after 9:00 a.m. on October 26<sup>th</sup> through 8:00 a.m. on October 27<sup>th</sup> were noted in opposition, the names were read into the record and will be included in the amendment report as it continues through the process:

Mary Cassell (Opposed)  
Susan Steinhauser (Opposed)  
Rodney Christenson (Opposed)  
Michael Kubesheski (Opposed)  
Eileen Grossman-Schechtman (Opposed)  
Jennifer Tiong (Opposed)



Brandy Drabik (Opposed)  
Maria Bachir (Opposed)  
Fernando Mazaira (Opposed)  
Craig Noville (Opposed)

The Chair called on Ms. Boy who gave a description and explanation of the statutory process for the adoption of “small scale” (50 acres or fewer) amendments, as well as the Planning Council’s role as the local planning agency. Ms. Boy described the parallel process of the corresponding Unincorporated Broward County land use plan amendment. Ms. Boy also gave a brief history of the Electrical Generation Facilities land use designation.

Ms. Boy then gave a brief overview of the proposed amendment application, stating that the proposed change is for 24.2 acres from Electrical Generation Facilities to Commerce generally located on the south side of Wiles Road/Northwest 48 Street, between Powerline Road and Florida’s Turnpike. Ms. Boy stated that the applicant’s intent is to apply to Unincorporated Broward County for a (re)zoning, permitting and licensing that could result in the expansion of the footprint of the existing landfill. Ms. Boy summarized the various facilities and services analyses, as well as environmental comments and relevant Broward County Land Use Plan policies. The public notification process was also described in detail.

At the conclusion of Ms. Boy’s presentation, Chair DiGiorgio acknowledged and thanked Ms. Boy and Planning Council staff for the backup material and summary.

Chair DiGiorgio called on the agent, Bill Laystrom, Esquire, Doumar, Allsworth, Laystrom, Voigt, Adair & Dishowitz, LLP, representing Waste Management Inc. (WMI), the property owner of the amendment parcel and applicant.

Mr. Laystrom gave a presentation of the existing, non-conforming transfer station use, existing landfill and proposed expansion of the landfill footprint, as well as the limitations on waste disposal pursuant to the WMI agreement with the City of Coconut Creek, including that only 10% of the disposal is household or commercial waste, with 90% resulting from grit and screenings, sludge disposal from County facilities, bulk pick up and construction and demolition debris. Mr. Laystrom introduced Chris Carey, Director of Environmental Compliance and Engineering, WMI. Mr. Carey discussed various odor mitigation that is done at the site including landfill gas collection, gas collection and control system, pin wells, misting, daily cover and limited schedule for odor-causing activities and extended an invitation to visit the site. Mr. Carey also described the recycling process for construction debris and how it is utilized to reduce landfill waste. Mr. Laystrom gave a closing summary.

The Chair called for the public speakers. The following members of the public spoke in opposition to the proposed amendment (Note: the position of the speaker is noted in parentheses, as well as if the speaker noted on the sign-in slip that they were representing an organization):

Wally Eccleston, Chief of Staff on behalf of County Commissioner Mark Bogen (Opposed)  
Mayor Josh Rydell, City of Coconut Creek (Opposed) (Spoke twice: provided closing comments)  
Vice Mayor Sandy Welch, City of Coconut Creek (Opposed)



Commissioner Jackie Railey, City of Coconut Creek (Opposed)  
Karen Brooks, City Manager, City of Coconut Creek (Opposed)  
Terrill Pyburn, City Attorney, City of Coconut Creek (Opposed)  
Sheila Rose, Deputy City Manager, City of Coconut Creek (Opposed)  
Scott Stoudenmire, Director of Sustainable Development, City of Coconut Creek (Opposed)  
Linda Whitman, Sustainability Manager, City of Coconut Creek (Opposed)  
Ted Risberg, Senior Project Manager, City of Coconut Creek (Opposed)  
Harry Mautte, Director of Public Works, City of Coconut Creek (Opposed)  
Alex Tergis, Assistant Director of Public Works, City of Coconut Creek (Opposed)  
Justin Profitt, Assistant Director of Sustainable Development, City of Coconut Creek (Opposed)  
Yvonne Lopez, Community Relations Director and Resident, City of Coconut Creek (Opposed)  
Commissioner John Brodie, City of Coconut Creek (Opposed)  
Martin Pillot, Resident - Township (Opposed)  
David Santucci, City Manager, City of Deerfield Beach (Opposed)  
Eric Power, Director, Planning and Development Services, City of Deerfield Beach (Opposed)  
Daniel Shanetzky (Opposed)  
Alfred Delgado (Opposed)  
Nancy Fry (Opposed)  
Claudia Fournier (Opposed)  
Eileen Schechtman (Opposed)  
Priscilla Olmo (Opposed)  
Jack Vesey (Opposed)

At the conclusion of the public speakers, the Chair asked the applicant to come forward and make any closing comments. Mr. Laystrom and Mr. Carey came forward and responded to public comments and made closing remarks.

The Chair called on each Council member for comments, questions and discussion. The following topics/issues were discussed:

- Methane gas disposal and number of homes being provided power
- Maximum heights for existing landfill
- Acknowledgement that we must find solutions for landfills, including household waste and recycling
- Questioning of long-term plan for construction debris
- Recycling of construction materials
- Status of Solid Waste Working Group
- Both electrical generating uses and landfills are regional facilities
- Timeframe for the potential expansion of the existing landfill
- Setback for potential expansion
- Additional costs to development, including affordable housing, if construction debris must be transported out of County

At the conclusion of the Planning Council member's debate and discussion, Chair DiGiorgio called for any final comments; hearing none, the Chair called for a motion.



A motion was made by Vice Chair Castillo and seconded by Commissioner Parness, as follows: While we find no technical fault with staff's recommendation, as a matter of urban planning essential to the implementation of effective land use planning, we cannot recommend expansion of any landfill facilities within Broward County at this time. Further, a second Planning Council public hearing is not required. (Vote of the board; Unanimous: 12-0; Brunson, Castillo, Fernandez, Hardin, Horland, Levy, Parness, Reiter, Rich, Rosenof, Williams and DiGiorgio)

#### **OTHER BUSINESS**

#### **PLANNING COUNCIL MEMBER COMMENTS**

No member comments.

#### **NEXT REGULAR SCHEDULED PLANNING COUNCIL MEETING**

The next Planning Council meeting is scheduled for December 1, 2022, at 10:00 a.m., in Room 422 of the Broward County Governmental Center.

#### **ADJOURNMENT**

Without objection the Chair adjourned this day's meeting at 12:26 p.m.

(A copy of the audio recording of this meeting is available upon request by calling Document Control located in Room 336U, at 954.357.7297 or on the Planning Council website at <https://www.broward.org/PlanningCouncil/Pages/Meeting%20Archives.aspx>) (A copy of the public speakers is available by contacting the Planning Council office at 954.357.6695.)





# EXHIBIT G to Petition



Resilient Environment Department

**URBAN PLANNING DIVISION**

1 N. University Drive, Box 102 | Plantation, FL 33324 | 954-357-6634 | Fax 954-357-6521

## **Local Planning Agency**

February 12, 2025

2:00pm

Government Center West – 2<sup>nd</sup> Floor Hearing Room

1 North University Drive

Plantation, FL, 33324

### **Agenda:**

#### **1. Call to Order**

#### **2. Approval of Minutes:**

- Exhibit 1: August 14, 2024

#### **3. 25-Z1: Miscellaneous Updates**

- Exhibit 1: Staff Report
- Exhibit 2: Attachments

#### **4. Public Comments: Non-agenda Items**

#### **5. Adjourn**

At the public hearing, any person shall be entitled to be heard regarding the subject of the public hearing.

If you require any auxiliary aids or services for communication, please call (954) 357-6634 so that arrangements can be made. The telephone device for the deaf (TDD) number is (954) 831-3940. Please request accommodations at least three (3) days in advance.

Please be advised that any person who decides to appeal any decision made by the LPA with respect to any matter considered at the public hearing will need a recording of the proceedings, and that for such purpose, will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice and advice that a record is required to appeal any decision is made pursuant to Section 286.0105, Florida Statutes.

Broward County Board of County Commissioners

Mark D. Bogen • Alexandra P. Davis • Lamar P. Fisher • Beam Furr • Steve Geller • Robert McKinzie • Nan H. Rich • Hazelle P. Rogers • Michael Udine

Broward.org

## **Local Planning Agency Minutes: 8/14/24**



## **Resilient Environment Department Local Planning Agency**

### **Public Hearing Summary Minutes (Draft)**

Government Center West – 2<sup>nd</sup> Floor Hearing Room

1 North University Drive, Plantation, FL 33324

August 14, 2024

## **Attendance**

### Board Members Present

- a. Cyril Saiphoo, AICP, Chair
- b. Angela Chin
- c. Amede Dimonnay
- d. Michael Huneke
- e. Lisa Wight

### Board Members Absent

- a. Glennika Gordon

### County Staff Present

#### Urban Planning Division

- a. Josie Sesodia, AICP, Director
- b. Heather Cunniff, AICP, Planning Section Supervisor
- c. Darby Delsalle, AICP, Assistant Director
- d. Andy Joseph, Planner
- e. Hipolito Cruz

### County Attorney's Office

- a. Alexis Marrero-Koratich, Assistant County Attorney

### Other present

- a. Michael Sheer, Applicant
- b. Eric Powers, City of Deerfield Beach
- c. Scott Stoudemire, City of Coconut Creek

## **Agenda**

### **1. Call to Order**

Cyril Saiphoo, Chair, called the Local Planning Agency (LPA) meeting to order at 2:00 pm. He stated that the meeting is open to the public, notice of the meeting was published in the Sun-Sentinel, and a copy of the notice is on file with the Urban Planning Division. Attendees were advised that the meeting is being recorded. The LPA members introduced themselves.

### **2. Approval of Minutes: June 12, 2024**

*Upon a motion made by Lisa Wight, seconded by Angela Chin, the June 12, 2024 Local Planning Agency minutes were unanimously approved.*

### **3. 24-Z1: 2360 NW 6<sup>th</sup> Street**

Mr. Saiphoo introduced the item and requested a staff presentation. Heather Cunniff introduced herself. She stated the rezoning changes the zoning district of an approximately .23-acre site from RS-6: One-Family Detached district to GP-1: Garden Park Neighborhood District. The site is located at 2360 NW 6<sup>th</sup> Street in the Franklin Park neighborhood of the Central County community. The applicant proposes 15 dwelling units. Three dwelling units are currently allowed. Twelve flex units are requested.

Ms. Cunniff entered the Staff Report into the record and stated that it includes full background and details. Ms. Cunniff stated the rezoning allows new multi-family housing to serve Broward County's growing population. She stated that eleven factors must be considered when reviewing a rezoning request. These are addressed throughout the Staff Report and shown in italics.

The site has a future land use designation of Low-Medium (10) Residential on the Broward County Comprehensive Plan's Broward Municipal Services District Future Land Use Map. The rezoning is consistent with the general uses set forth in the Low-Medium (10) Residential future land use designation, as well the goals, objectives, and policies of the Broward County Comprehensive Plan. Applicable goals, objectives, and policies are referenced throughout the staff report and comments from the various review agencies.

The County's archaeological consultant determined that the subject property is located within the designated North Bank New River Archaeological Zone. The proposed project will have an adverse effect on previously recorded resource(s). A Certificate to Dig is required from the County Historic Preservation Officer prior to any development.

The proposed rezoning is adjacent to the City of Fort Lauderdale. On December 29, 2023, the City was requested to provide comments. Comments were not received.

Infrastructure capacity is expected to be available to serve the rezoning site.

The proposed rezoning allows a circumstance in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted either directly or indirectly by another use or condition.

The Urban Planning Division recommends that the Local Planning Agency find the proposed rezoning consistent with the Broward County Comprehensive Plan.

Mr. Saiphoo recognized Michael Sheer to speak on behalf of the applicant. Mr. Sheer gave a brief Powerpoint presentation. He noted the current zoning permits one single-family house. He stated the rezoning will allow a new, modern fifteen-unit apartment

building. The new project will be compatible with other new existing and planned projects along the Sistrunk corridor. Mr. Sheer shared a slide of various other residential, mixed use, and commercial projects that include:

- 909 Sistrunk Boulevard,
- Wright Dynasty,
- Mount Hermon Apartment,
- B&D Trap Restaurant,
- Sistrunk Marketplace,
- Sistrunk Station,
- Donna's Caribbean,
- The Adderly, and
- The Aldridge.

Mr. Sheer noted new existing and planned projects do not include single-family homes. He further noted that the portion of the Sistrunk corridor to the east of the proposed rezoning site, located in the City of Fort Lauderdale, is zoned NWRAC-MUw: Northwest Regional Activity Center Mixed Use west. Mr. Sheer presented a slide that shows examples of multi-family apartment buildings that are similar to what they plan to develop.

Mr. Sheer referenced an article that was published in the Sun-Sentinel on January 24, 2022 that states only one percent (1%) of land in Broward County is vacant and zoned for residential use. Mr. Sheer also stated the rezoning is consistent with Broward County Land Use Plan policies 2.20.2, 2.20.7, 2.20.11, and 2.20.12, as well as the Northwest Regional Activity Center Master Plan. The rezoning site is served by four Broward County Transit routes, Reverend Samuel Delevoe Memorial Park, and the African-American Research Library. Mr. Sheer concluded his presentation by noting that the GP-1 zoning district is specifically intended to accommodate multi-family residential projects similar to what the applicant proposes.

Mr. Saiphoo opened the meeting for public comment. Hearing none, Mr. Saiphoo requested comments and questions from the LPA members. Mr. Saiphoo asked if the applicant was still working with the City of Fort Lauderdale to incorporate the adjacent lot to the east into their project. Mr. Sheer stated that they sold the lot. Ms. Chin asked if the housing would be affordable or market rate. Mr. Sheer responded that the housing would be market rate, but that market rate in the community is affordable. Mr. Saiphoo inquired if the units would be owned or rented by the occupants. Mr. Sheer responded that they will be rental units.

*Upon a motion made by Lisa Wight, seconded by Angela Chin, and unanimously approved, the Local Planning Agency accepted public comments and approved the staff recommendation.*

#### **4. 24-Z5: Landfill Height**

Mr. Saiphoo introduced the item and requested a staff presentation. Ms. Cunniff noted that 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.

The amendment does not automatically increase the height of any existing landfill. It creates the potential for future approval of site plans and licenses up to 325 feet. Two (2) landfill sites have A-6 Zoning. These include the Monarch Hill Landfill, located at 2500 Wiles Road, and the Broward County Landfill, located at 7101 SW 205<sup>th</sup> Avenue. The locations are shown on page two of the Staff Report.

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 allows future increases in capacity at the two (2) landfills to accommodate future disposal of solid waste. Height increases are subject to site plan approval and licensing.

Ms. Cuniff stated that the proposed zoning code amendment is consistent with various goals, objectives, and policies of the Broward County Comprehensive Plan including those that address the following:

- Availability and capacity of public facilities and services to meet development needs, including solid waste facilities,
- Potential expansion of the Monarch Hill Landfill,
- Cooperation with municipal partners to provide for safe and efficient disposal of solid waste,
- Minimization of the impacts from new or expanded landfills on adjacent existing and adopted future land uses.
- Coordinating with local governments and contracted solid waste removal and disposal providers to ensure a safe, efficient, and comprehensive waste management system.

Ms. Cuniff noted that 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. Broward County is nearly built-out, but the population continues to grow, primarily through urban infill and redevelopment. Large properties are not available to site new landfills.

Broward County is obligated by state statute to ensure the adequacy of solid waste facilities. 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.

Additional material was submitted by the City of Deerfield Beach and the City of Coconut Creek opposing the height increase.

The Urban Planning Division recommends that the Local Planning Agency find the proposed zoning code amendment consistent with the Broward County Comprehensive Plan.

Mr. Saiphoo clarified that the zoning code amendment is being brought forth by County staff, not Waste Management, and requested public comments.

Eric Power, Director of Planning and Development Services for the City of Deerfield Beach spoke against the proposed amendment. The amendment will allow the Monarch Hill Landfill to be the tallest in the State of Florida; there is zero precedent for the impacts the height will have typical land use and environmental concerns. Mr. Power noted that a Google search shows that the Statue of Liberty, the Brooklyn Bridge, and the tallest rollercoaster at Universal Studios in Orlando are all less than 325 feet in height. There are not structures similar in height within the vicinity.

Allowing the 325 feet by right takes away the County's ability to remediate the impact the landfill has on surrounding communities. The Staff Report does not provide justification of need to allow height by right, did not provide an analysis of landfills in other counties or municipalities, and did not consider amendments to other code sections to increase landscaping or setbacks to accommodate the consequences of the increased height. The amendment is not consistent with the Comprehensive Plan's Intergovernmental Coordination Element Policy 2.2 because the City of Deerfield Beach was not contacted by the County regarding the amendment. Mr. Power concluded by stating that the height increase should not be considered until the Solid Waste Authority has completed its master plan and the Comprehensive Plan's Solid Waste Element has been updated.

Scott Stoudemire, Deputy City Manager for the City of Coconut spoke against the amendment. County staff did not give any consideration to additional requirements associated with the proposed height increase. At a minimum, the City believes the following should be considered:

- Waste should be limited to waste generated in Broward County.
- Construction and demolition debris should be processed through a licensed demolition resource recovery plant before being accepted for disposal.
- No source separated yard waste should be accepted for disposal, including disaster debris.
- Prior to expansion of any landfill, nonconforming sections or cells should be brought into full compliance with any applicable state or federal environmental requirements.
- Proposed amendment lacks comprehensive evaluation of related zoning criteria and lacks consideration of setbacks, landscape buffers, maintenance, and odor control.

- Proposed amendment is inconsistent with the Broward Next Broward County Comprehensive Plan and Broward County Land Use Plan, as outlined in the letter submitted by the City.
- Proposed amendments should not be considered until the Broward County Comprehensive Plan's Solid Waste Element is updated.
- No changes to any landfill in Broward County should be made until the Solid Waste Authority develops its Regional Solid Waste and Recycling Master Plan.

Mr. Saiphoo requested comments or questions from the Local Planning Agency members. Ms. Chin asked about the timeframe to update the Regional Solid Waste and Recycling Master Plan. Ms. Sesodia responded that the plan is under contract with the Solid Waste Authority and staff does not have a timeframe. Ms. Chin asked about the contingency plan for when the two landfills reach their permitted height. Ms. Sesodia replied that it is beyond the scope of this zoning code amendment. Ms. Carrano asked about what processes would be required to increase landfill height. Ms. Cuniff stated there are licensing, permitting, and site plan processes. Ms. Carrano inquired about future reuse of the site. Ms. Cuniff stated the any future reuse of the site would be considered at the time of closure. There is a long and involved process that any landfill must go through to complete the closure process. It is too early to speculate about any potential reuse. Ms. Carrano asked about responding to the issues raised about the amendment today. Ms. Cuniff stated that the Board of County Commissioners will hold a public hearing. The purpose of the Local Planning Agency is to consider consistency with the Broward County Comprehensive Plan. Jo Sesodia stated that a lot of the issues raised can be addressed through the comprehensive plan, site plan review, separate agreement, or licensing, but are not appropriate to be addressed by the zoning code. Cyril Saiphoo asked Mr. Power to reiterate inconsistencies with the comprehensive plan. Mr. Power replied that Solid Waste Element Policy 2.11.8, which states "landfills and resource recovery facilities shall be planned to minimize impacts on adjacent and existing or planned land uses" is not listed in the staff report. Raising the height has an impact on adjacent existing and planned land uses. Mr. Power noted that the item is being brought forth at the request of a County Commissioner, not staff. Intergovernmental Coordination Element Policy 8.2 states that Broward County will coordinate with local governments, but the City was never contacted. Mr. Power noted capacity exists at the Broward County Landfill which is only 125 feet in height.

Scott Stoudemire noted that certain policies of the Climate Change Element, including CC1.3, CC1.4, CC2.16, CC2.4.8, CC2.5.3, CC2.5.4 are inconsistent with the proposed zoning code amendment. The height is being tripled and other criteria associated with the zoning district are not being strengthened. The City is working to develop criteria that would be appropriate. It is premature to move forward with the proposed zoning code amendment.



Mr. Saiphoo agreed there are some legitimate concerns with other regulations, such as setback requirements and consistency with the Broward County Comprehensive Plan. He asked if the amendment could be tabled to address the concerns. Ms. Sesodia stated that the zoning code amendment is intended to be presented to the Board of County Commissioners, along with a related future land use map amendment, in the near future. She respectfully requested that Local Planning Agency decide on the item today.

Ms. Wight asked if there would be an opportunity to address issues raised by the cities of Coconut Creek and Deerfield Beach. Ms. Cuniff responded that the Board of County Commissioners will hold public hearings and the issues may be addressed at that time; she further noted that the purpose of the LPA is to make a finding regarding consistency with the comprehensive plan. Ms. Sesodia stated that the issues raised are more appropriately addressed through the comprehensive plan, site plan, licensing, and permitting processes. Ms. Wight inquired about plans to reuse the site after the landfill is closed. Ms. Cuniff explained that landfill closure is a lengthy process and it is too early to speculate about reuse.

Mr. Saiphoo asked Mr. Power to reiterate the issues raised by the City of Deerfield Beach in the letter. He stated the amendment is inconsistent with Comprehensive Plan Policy 2.11.8 and BMSD Policy 1.2.2, ICE 8.2. He further noted that capacity does exist at the Broward County Landfill. Mr. Stoudemire stated the amendment is inconsistent with the Comprehensive Plan's Climate Change Element Policies 1.3, 1.4, 2.16, 4.8, 5.3, and 5.4. He further stated it is premature to move the amendment forward.

Mr. Saiphoo stated that legitimate concerns have been raised about the height increase and other requirements should be considered that lessen the impact. Mr. Saiphoo asked if the item could be tabled to a future meeting. Ms. Sesodia stated that the item is intended to be considered by the Board of County Commissioners in conjunction with several other related items and requested the LPA to act on the item.

*Upon a motion by Mr. Saiphoo, seconded by Michael Huneke and unanimously approved, the Local Planning Agency did not accept the staff's recommendation and did not find the zoning code amendment consistent with the Broward County Comprehensive Plan.*

**5. Public Comments: Non-Agenda Items**  
None.

**6. Adjourn**

*Upon a motion made by Ms. Chin, seconded by Ms. Wight, and unanimously approved, the meeting adjourned at 2:44pm.*

Resilient Environment Department, Urban Planning Division

## STAFF REPORT

### Amendment 25-Z1: Miscellaneous Updates

#### I. Item Summary

**A. Applicant/Agent:** Board of County Commissioners

**B. Commission Districts Affected:** 1, 2, 3, 5, 6, 7, 8, 9

**C. Proposed Modifications (Exhibit 2):** Broward County Code of Ordinances, Chapter 39.-Zoning

#### Article II.-Definitions:

- Adds the following definitions:
  - Assisted Living Facility,
  - Community Residential Home
  - Community Residential One-Family Dwelling;
- Revises the following definitions:
  - Dwelling, One-Family,
  - Dwelling, Two-family, also Duplex.
- Deletes the following definitions:
  - Community Residential Home
  - Convalescent Home,
  - Dwelling Unit, Adult Congregate Living Facility,
  - Public or Private Facility.

#### Article III.-Administrative and Legal Provisions

- Section 39-11.-Zoning district maps:
  - Provides for digital zoning maps.

#### Article V.-Variances, Administrative Decisions and Determinations, and Appeals

- Section 39-47.-Administrative adjustment procedure:
  - Retitles the section to reflect that the requirements address administrative adjustment procedures related to landscaping requirements;
- Section 39-48.-Administrative Setback Waiver:
  - Adds new section to provide for the Director to waive any setback distance by up to ten percent (10%), but not to exceed one (1) foot.
- Section 39-49.-Zoning Verification Letters:
  - Adds new section that codifies the process used by the zoning official to issue zoning verification letters and charge the applicable fee.

#### Article VII.-Nonconforming Uses and Structure

- Section 39-74.-Nonconformity other than use:
  - Renames Section 39-74 to "Nonconforming structures and sites."
  - Section 39-74(b) *Nonconforming plots*: Adds an entitlement for one (1) duplex with two (2) dwelling units on nonconforming plots within the Duplex and Attached One-Family Dwelling and Multifamily Dwelling Districts. These include the RD-4 through RD-10 and RM-5 through RM-25 zoning districts.

#### Article XIV. - Agricultural Estate A-1 and General Agricultural A-2 Districts

- Section 39-249. Uses permitted:
  - Replaces the Community residential facilities permitted use with the Community residential one-family dwelling use,
  - Adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.

#### Article XV. – Rural and Estate Districts

- Section 39-263. Uses permitted:
  - Replaces Community residential facilities permitted use with the Community residential one-family dwelling use,
  - Adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.

#### Article XVI. – Residential Zoning Districts

- Section 39-277. Residential zoning districts:
  - References Multifamily dwelling districts instead of Multiple-family dwelling districts.
- Section 39-278. Density:
  - Adds Section 39-278(d) to provide an entitlement of one (1) duplex with two (2) dwelling units on all lots of record as of September 24, 2020 within the RD-4 through RD-10 and RM-5 through RM-25 zoning districts,
  - Requires all building and structures to comply with floor area, height, setbacks, and other minimum housing standards.
- Section 39-279. Uses permitted:
  - Adds Assisted living facility to the table of Residential uses and permits them in the RM-17 to 25 zoning districts,
  - Replaces the Community residential facility with adult day care permitted as an accessory use with the Community residential homes with adult day care permitted use and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.
  - Adds the Community residential one-family dwelling use, adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities, and permits such uses in all residential zoning districts,
  - Deletes the Nursing home, convalescent or rehabilitation home use from all Residential zoning districts.

#### Article XVII. – Commercial Zoning Districts

- Section 39-295. Permitted uses:
  - Adds Assisted living facility to the table of Commercial uses, permits them in the B-3 and B-4 zoning districts, and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities.

#### Article XXII. - Community Facilities Districts

- Section 39-363. Permitted uses:
  - Adds Assisted living facility to the table of Community Facilities uses, permits them in the CF zoning district, and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities,
  - Replaces the Community residential facilities use with the Community residential home use and adds a reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities,
  - Adds Community residential one-family dwelling to the table of Community Facilities uses, permits them in the I-1 and CF zoning districts, and adds a

reference to new Article XLI.-Community Residential Homes and Assisted Living Facilities,

- Deletes Nursing home use.
- Section 39-368. Limitations of uses:
  - Deletes Section 39-368(f) that addresses density calculations for Community Residential Facilities and Nursing Home uses.

Article XXVI.-Site Plan Procedures and Requirements

- Section 39-411.-Site plan review:
  - Amends Section 39-411(d) to clarify that Conceptual Plan Review is provided as a courtesy,
  - Amends Section 39-411(d)(1)a. to state that Courtesy Conceptual Review Plan plans are not routed for agency review and comment,
  - Clarifies that an application must be submitted with any site plan submitted for review.
- Section 39-412. Courtesy conceptual site plan meeting:
  - Amends Section 39-412(a) to provide for the Director to require an applicant to request a Courtesy Conceptual Plan Review meeting rather than file an application for Conceptual Plan Review,
  - Updates references to Conceptual Plan Review to Courtesy Conceptual Plan Review,
  - Deletes requirement to route Conceptual Plans,
  - Allows an applicant to request a Courtesy Conceptual Plan Review prior to requesting a preapplication meeting.
- Section 39-413. Site plan review procedures:
  - Requires the applicant to post sign notice of a proposed site plan on the property within 21 days after issuance of a Notice of Complete Application,
  - Provides for site plan application processing to cease and the application to be deemed withdrawn if the applicant does not submit an affidavit that the required sign has been posted within the 21-day sign posting period,
  - Provides for posted signs to be removed seven (7) days after agency approvals or seven (7) days after final disposition of the application by the County Commission.
  - Reduces the timeframe for review agencies to submit comments to the Urban Planning Division from 28 days to 21 days,
  - Reduces the timeframe for an applicant to respond to any noncompliance items included in the review agency comments from 60 days to 45 days,
  - Allows new site plan submittals at any time after a final order of denial has been issued.
  - Reduces the time frame for a site plan to be issued a final order from 180 days to 120 days after an application is deemed complete. The timeframe for issuance of the final order extends to 180 days if the Commission holds a quasi-judicial public hearing,
  - Provides for an applicant to request one (1) extension of the review period between 30 days and 180 days, provided the applicant agrees to waive the timeframes set forth in Section 125.022, Florida Statutes,
  - Allows the Director to place an application for review by the County Commission on the quasi-judicial agenda within 180 days after the application is deemed complete in the following circumstances:

- When the Director believes there is a substantive question regarding interpretation of Article XXVI.-Site Plan Procedures and Requirements as it applies to the application.
- If the application generates significant public interest.
- Provides for an approved site plan to expire if a building permit is not issued within eighteen (18) months.
- Allows the Urban Planning Division Director to grant up to two (2) extensions for six (6) months each if the applicant shows progress toward securing building permits or renewing expired building permits.
- Provides that site plan applications that are substantially similar to a prior denied shall not be submitted less than one hundred eighty (180) days after the final order denial and shall require a new public participation plan.

Article XXXIX.-Central County Community Overlay District

- Repeals Section 39-637.-Adult living facilities in Roosevelt Gardens.

Article XL.- Garden Park Districts

- Section 39-656. Development standards:
  - Adds requirement for buildings greater than thirty-five feet (35') in height or three (3) stories that are contiguous to property zoned Rd-5 to RD-10 or RM-5 to RM-6 to have a step-back beginning on the third (3<sup>rd</sup>) story of at least eight feet (8'),
  - Requires entrances that face an arterial or collector road to be recessed at least five feet (5') from the building line.

Article XLI.- Community Residential Homes and Assisted Living Facilities

- Section 39-674. Purpose:
  - Adds new Article to implement Chapters 419 and 429, Florida Statutes as they relate to Community Residential Homes licensed by the State of Florida.
- Section 39-675. Use Categories:
  - Adds the following use categories:
    - Community Residential One-Family Dwelling: one to six (1-6) residents,
    - Community Residential Home: seven to fourteen (7-14) residents,
    - Assisted Living Facility: fifteen (15) or more residents.
- Section 39-676. Application Required:
  - Requires applications for Community Residential One-Family Dwellings to:
    - Identify the number of residents and locations of all community residential homes within the Broward Municipal Services District.
    - Identify the number of residents and the community support requirements of the program,
  - Requires applications for Community Residential Homes and Assisted Living Facilities to:
    - Identify the number of residents and community support requirements of the program,
    - Contain a statement from the Licensing Entity that indicates the licensing status and how it meets applicable licensing criteria for the safe care and supervision of the residents,
    - Identify all Community Residential Homes and Assisted Living Facilities within the Broward Municipal Services District.
- Section 39-677. Zoning Compliance:
  - Requires Community Residential Homes and Assisted Living Facilities to comply with requirements of the zoning district in which they are located,

- Permits Community Residential One-Family Dwellings with 6 or fewer residents as a one-family dwelling, provided distance separation requirements are met.
- Section 39-678. Permitted Use Categories:
  - Permits Community Residential One Family Dwelling with 1 to 6 residents in the:
    - Agricultural zoning districts (A-1, A-2),
    - Rural and Estate zoning districts (E-1, E-2, Rural Ranches, Rural Estates),
    - Residential zoning districts (RS-2 to RS-6, RD-4 to RD-10, RM-5 to RM-25),
    - Community Facilities zoning districts (I-1).
  - Permits Community Residential Home with 7 to 14 residents in the:
    - Residential zoning districts: (RD-4 to RD-10, RM-5 to RM-25),
    - Community Facilities zoning districts: (I-1).
  - Permits Assisted Living Facilities with 15 or more residents in the:
    - Residential zoning districts (RM-17 to RM-25),
    - Community Facilities zoning districts: (I-1),
    - Commercial zoning districts (B-3, B-4).
- Section 39-679. Density
  - Provides for Community Residential One-Family Dwelling to be considered one dwelling unit,
  - Provides for Community Residential Home with seven to ten (7-10) residents to be counted as two (2) dwelling units,
  - Provides for Community Residential Home with eleven to fourteen (11-14) residents to be counted as three (3) dwelling units,
  - Provides for every bedroom of an Assisted Living Facility to count a half (0.5) dwelling unit.
- Section 39-680. Distance Separation:
  - Requires distance separation between the following facility types as follows:
    - Between two Community Residential One-Family Dwelling (1-6 Residents): 1,000 feet);
    - Between a Community Residential Home (7-14 Residents) and a Community Residential One-Family Dwelling (1-6 Residents): 1,200';
    - Between two Community Residentials Homes (7-14 Residents): 1,200';
    - Between two Assisted Living Facilities (15 or more residents): 1,200'; and,
    - Between a Community Residential Home (7-14 Residents) and an A-1, A-2, E-1, E-2, Rural Ranches, Rural Estates, or RS-2 to RS-6 zoning district: 500'.
- Section 39-681. Permit review:
  - Requires applications for proposed Community Residential Homes and Assisted Living Facilities to be processed by the Urban Planning Division within 60 days or the agency is permitted to establish the home or facility.
  - Requires approval of Community Residential Homes and Assisted Living Facilities applications that meet the following requirements:
    - All applicable zoning requirements;
    - All applicable licensing requirements.
    - Provides that an overconcentration occurs when the locations of Community Residential Homes and Assisted Living Facilities are less than those required by Section 39-680 and that facilities may not be geographically sited in a way that results in overconcentration.

#### **D. Effect of Proposed Change.**

Updates the zoning code regarding community residential homes consistent with state statute, adds definitions, adds an administrative adjustment procedure, provides for digital zoning maps, provides for zoning verification letters, and provides entitlements for residential nonconforming plots.

**E. Comprehensive Plan Consistency.**

Consistent: Broward Municipal Services District Element Policy BMSD 1.1.1. (See Section V. Data and Analysis, Good Planning and Zoning Practice).

**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 August 22, 2024, the Board of County Commissioners directed the Office of the County Attorney to draft an Ordinance (Item 47, Legistar 24-497) to address the following:

- allow digital mapping of zoning districts in lieu of printed maps;
- permit construction consistent with the applicable zoning category on nonconforming plots located within residential zoning districts;
- amend and create various sections to update provisions related to community residential homes and assisted living facilities consistent with state law; and,
- provide for general updating amendments.

**IV. Description of Amendment.**

The proposed amendment updates the zoning code consistent with the Board of County Commissioners direction.

**V. Data and Analysis.**

Zoning, Section 39-24 provides for the Board to amend zoning regulations whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires. It further provides that the Board of shall consider public input and the recommendations of staff in considering any ordinance amending the Zoning Code.

*Staff conducted an analysis in accordance with the requirements of the Broward County Code of Ordinance, Chapter 39-Zoning, Section 39-24 and finds the following:*

***Public Necessity:***

- *Aligns site plan review time frames in keeping with the requirement of Section 125.022, Florida Statutes.*
- *Implements Chapters 419 and 429, Florida Statutes as such relate to Community Residential Homes and Assisted Living Facilities.*

***Convenience:***

- *Provides for digital zoning maps,*
- *Adds an administrative adjustment procedure*

***General Welfare:***

- *Provides for Assisted Living Facilities and Community Residential Homes;*

***Good Planning and Zoning Practice:***



- *Provides for zoning verification letters,*
- *Provides entitlements for residential nonconforming plots.*
- *While the proposed amendment is consistent with state statute, it is not consistent with the Broward County Comprehensive Plan's Broward Municipal Services District Element Policy BMSD 1.1.1 that allows Special Residential Facilities in Residential, Commercial, and Community future land use designations. It also is not consistent with various portions of the Broward County Land Use Plan (BCLUP) that address Special Residential Facilities, including Section 2: Permitted Uses. The provisions in state statute prevail. This inconsistency will be corrected as part of updates to both the BCLUP and BMSD Element.*

**VI. Proposed Ordinance** (see Exhibit 2)

**PROPOSED**

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO THE ZONING CODE; CREATING, REPEALING,  
3 AND AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD  
4 COUNTY CODE OF ORDINANCES ("CODE"), RELATED TO DIGITAL MAPS,  
5 COMMUNITY RESIDENTIAL HOMES, ASSISTED LIVING FACILITIES,  
6 ADMINISTRATIVE SETBACK WAIVERS, ZONING VERIFICATION LETTERS, AND  
7 GENERAL UPDATING AMENDMENTS; AND PROVIDING FOR SEVERABILITY,  
8 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)  
10

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

13 Section 1. Section 39-4 of the Broward County Code of Ordinances is hereby  
14 amended to read as follows:

15 **Sec. 39-4. Definitions.**

16 . . .

17 *Articulation:* The composition of building elements, shape, mass, and form that  
18 modulate the rhythm of a façade, thereby improving the overall composition and aesthetic  
19 quality of the building. The following articulations are permitted but shall not fulfill the  
20 requirement for architectural treatment: the application of paint and faux treatments;

scoring; construction joints; or material projections less than four (4) inches in height, width, or depth.

*Assisted Living Facility:* Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, that through its ownership or management provides housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to fifteen (15) or more adults who are not relatives of the owner or administrator. Facilities with a licensed capacity of fewer than fifteen (15) adults who are not relatives of the owner or administrator shall be considered a Community Residential Home, as defined below.

...

~~*Community Residential Facility Home:* A residential building or buildings designed or altered to provide housing, food service, and personal services to persons unrelated to the owner or manager of the facility, and which is licensed by the State of Florida or other government agency for such purposes~~ Shall have the same meaning as a "community residential home" defined in Section 419.001, Florida Statutes, as may be amended.

*Community Residential One-Family Dwelling:* A detached dwelling unit licensed to serve six (6) or fewer unrelated residents and that otherwise meets the definition of a Community Residential Home. A Community Residential One-Family Dwelling shall be deemed a one-family dwelling unit and a noncommercial, residential use for the purposes of local laws and ordinances.

...

44 ~~Convalescent Home: An institution for the care of persons recovering physical or~~  
45 ~~mental health and strength after sickness or debility.~~

46 . . .

47 ~~Dwelling, One-Family: A building with one (1) or more rooms providing complete~~  
48 ~~living facilities for one (1) family, including equipment for cooking or provisions for~~  
49 ~~cooking, and including a room or rooms for living, sleeping, and eating, and having all~~  
50 ~~areas within the building accessible from the interior of the building. One-family dwellings~~  
51 ~~shall not include group community residential homes, ~~adult-congregate assisted~~ living~~  
52 ~~facilities, rooming or boarding houses, or dormitory, fraternity, or sorority buildings or~~  
53 ~~facilities.~~

54 ~~Dwelling, ~~Two-Family~~, also ~~a~~Duplex: A building containing two (2) one-family~~  
55 ~~dwellings within a single building. Two-family dwellings shall not include group homes;~~  
56 ~~adult-congregate assisted living facilities; rooming or boarding houses; or dormitory,~~  
57 ~~fraternity, or sorority buildings.~~

58 . . .

59 ~~Dwelling Unit, Adult Congregate Living Facility: One room or connected rooms,~~  
60 ~~with kitchen and bathroom facilities, which have access from a common area and~~  
61 ~~constitute a separate independent housekeeping establishment.~~

62 . . .

63 ~~Public or Private Facility: Means 1 or more dwelling units in a single structure on a~~  
64 ~~single lot or parcel of record, regularly occupied by no more than 16 related or unrelated~~  
65 ~~minors or adult persons and operated by public service agency or private care agency in~~

66 ~~accordance with section 39-185 of this code. This definition shall not include adult~~  
67 ~~congregate living facilities.~~

68 . . .

69 Section 2. Section 39-11 of the Broward County Code of Ordinances is hereby  
70 amended to read as follows:

71 **Sec. 39-11. Zoning district maps.**

72 (a) The areas assigned to these districts, the designations of same, and the  
73 boundaries of said districts shown upon the digital zoning maps ~~hereto attached~~ that are  
74 available online from the Urban Planning Division and made a part of this code are hereby  
75 established, said digital zoning maps and the proper notations, references, and other  
76 information shown thereon shall be as much a part of this code as if the matters and  
77 information set forth by said digital zoning maps were fully described herein.

78 . . .

79 Section 3. Section 39-47 of the Broward County Code of Ordinances is hereby  
80 amended to read as follows:

81 **Sec. 39-47. Administrative adjustment procedure; landscaping.**

82 . . .

83 Section 4. Section 39-48 of the Broward County Code of Ordinances is hereby  
84 created to read as follows:

85 [Underlining omitted]

86 **Sec. 39-48. Administrative setback waiver.**

87 The Director shall have the authority to waive any setback distance by up to  
88 ten percent (10%), but not to exceed one (1) foot.

Section 5. Section 39-49 of the Broward County Code of Ordinances is hereby created to read as follows:

[Underlining omitted]

**Sec. 39-49. Zoning verification letters.**

Upon written request and payment of the applicable fee, the zoning official shall provide a formal zoning verification letter to (i) confirm applicable zoning regulations and permitted uses and (ii) indicate whether a property is in compliance with the current zoning district.

Section 6. Section 39-74 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-74. ~~Nonconformity other than use~~ Nonconforming structures and sites.**

. . .

(b) *Nonconforming plots.* Nonconforming plots shall mean plots that have insufficient size or area for a current, legally existing use. Nonconforming plots located within residential zoning districts that are included in plats approved by the Broward County Board of County Commissioners and recorded in the ~~public~~ Official ~~Records~~ of Broward County shall be entitled to construct a minimum of one (1) dwelling unit; and such nonconforming plots located within Duplex and Attached One-Family Dwelling Districts (RD-4 through RD-10) and Multifamily Dwelling Districts (RM-5 through RM-25) shall be entitled to construct a minimum of one (1) duplex with two (2) dwelling units.

Section 7. Section 39-249 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-249. Uses permitted.**

112	...					
112a	Permitted Uses			A-1	A-2	
112b	...			...	...	
112c	Community residential facilities <u>one-family dwelling (see Article XLI)</u>			P	P	
112d	...			...	...	
113	...					
114	Section 8. Section 39-263 of the Broward County Code of Ordinances is hereby					
115	amended to read as follows:					
116	<b>Sec. 39-263. Uses permitted.</b>					
117	...					
117a	Permitted Uses	E-1	E-2	Rural Estate	Rural Ranches	
117b	...	...	...	...	...	
117c	Community residential facilities <u>one-family dwelling (see Article XLI)</u>	P	P	P	P	
117d	...	...	...	...	...	
118	...					
119	Section 9. Section 39-277 of the Broward County Code of Ordinances is hereby					
120	amended to read as follows:					
121	<b>Sec. 39-277. Residential zoning districts.</b>					
122	The following shall constitute residential zoning districts for the purposes of this					
123	Code:					

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

124	District	Title
125	...	
126	RM-5 through RM-25	<del>Multiple</del> -family dwelling districts
127	Section 10. Section 39-278 of the Broward County Code of Ordinances is hereby	
128	amended to read as follows:	
129	<b>Sec. 39-278. Density.</b>	
130	...	
131	(c) All legally existing residential lots of record as of September 24, 2020, and	
132	zoned for residential use shall be permitted a minimum of one (1) <del>residential</del> dwelling unit,	
133	regardless of the property's size or permitted density, provided all such buildings and	
134	structures comply with required floor area, height, setback, and other minimum housing	
135	standards.	
136	(d) <u>All legally existing residential lots of record as of September 24, 2020,</u>	
137	<u>zoned Duplex and Attached One-Family Dwelling Districts (RD-4 through RD-10) and</u>	
138	<u>Multifamily Dwelling Districts (RM-5 through RM-25), shall be permitted a minimum of</u>	
139	<u>one (1) duplex with two (2) dwelling units, regardless of the property's size or permitted</u>	
140	<u>density, provided all such buildings and structures comply with floor area, height, and</u>	
141	<u>setback requirements, and all other minimum housing standards.</u>	
142	Section 11. Section 39-279 of the Broward County Code of Ordinances is hereby	
143	amended to read as follows:	
144	<b>Sec. 39-279. Uses permitted.</b>	
145	...	
145a	P = Permitted	NP = Not Permitted C = Conditional Use

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



145b	Use	District			
145c		RS-2 to 6	RD-4 to 10	RM-5 to 16	RM-17 to 25
145d	...	...	...	...	...
145e	2-family dwelling	NP	P	P	P
145f	<u>Assisted living facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
145g	...	...	...	...	...
145h	Community residential facility <u>home</u> with adult day care permitted as an accessory use ( <u>see</u> <u>Article XLI</u> )	<u>NP</u>	P	P	P
145i	<u>Community residential</u> <u>one-family dwelling</u> ( <u>see (Article XLI)</u> )	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
145j	<del>Nursing home,</del> <del>convalescent or</del> <del>rehabilitation home</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>P</del>
145k	...	...	...	...	...
146	...				
147	Section 12. Section 39-295 of the Broward County Code of Ordinances is hereby				
148	amended to read as follows:				
149	<b>Sec. 39-295. Permitted uses.</b>				
150	...				

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

151	Master Business List							
151a	P = Permitted	C = Conditional			A = Accessory use only			
151b	Use	B-1	B-2	B-3	B-4	C-1	CR	OP
151c	Accessory dwellings [see <del>Subsection</del> 39-300(a)]	A	A	A	A	A		
151d	Accessory structures [see <del>Subsection</del> 39-300(a)]	A	A	A	A	A		
151e	...	...	...	...	...	...	...	...
151f	Amusement center (video arcade, games) [see <del>Subsection</del> 39- 300(c)]		P	P			A	
151g	Amusement park [see <del>Subsection</del> 39-300(b)]						P	
151h	Appliance store (major)		P	P	P	P		
151i	<u>Assisted Living Facility [see Article XLI]</u>			<u>P</u>	<u>P</u>			
151j	...	...			...		...	...
151k	Automobile, truck, and recreational vehicle accessories; sales and installation [see <del>Subsection</del> 39-300(d)]		P	P	P	P		
151l	...	...	...	...	...	...	...	...

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151m	Automobile repair garage (mechanical) [see Subsection 39-300(e)]			P		P		
151n	Automobile paint and body shop [see Subsection 39-300(e)]					P		
151o	...	...	...	...	...	...	...	...
151p	Billiard center or pool hall [see Subsection 39-300(c)]		P	P			A	
151q	...	...	...	...	...	...	...	...
151r	Boarding or breeding kennel [see Subsection 39-300(f)]			P		P		
151s	Boat building, repair, and dry storage [see Subsection 39-300(g)]					P		
151t	...	...	...	...	...	...	...	...
151u	Bus terminal [see Subsection 39-300(h)]		P	P	P	P		
151v	Cabinet or carpenter shop [see Subsection 39-300(i)]					P		
151w	...	...	...	...	...	...	...	...
151x	Child care center, <del>pre-school</del> <u>preschool</u> , or adult day care [see	P	P	P	P			A

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	<del>Sub</del> section							
	39-300(j)]							
151y	Clothing donation bin [see		P	P		P		
	<del>Sub</del> section 39-300(k)]							
151z	...	...	...	...	...	...	...	...
151aa	Commercial vehicle storage yard					P		
	(nonaccessory) [see							
	<del>Sub</del> section 39-300(l)]							
151bb	Contractor's shops [see					P		
	<del>Sub</del> section 39-300(m)]							
151cc	Convenience store [see	P	P	P	P	P		
	<del>Sub</del> section 39-300(q)]							
151dd	...	...	...	...	...	...	...	...
151ee	Employment agency, day labor			P		P		
	[see <del>Sub</del> section 39-300(n)]							
151ff	Equipment sales and rental					P		
	(construction, industrial,							
	agricultural) [see							
	<del>Sub</del> section 39-300(o)]							
151gg	...	...	...	...	...	...	...	...
151hh	Funeral home, mortuary [see		P	P		P		
	<del>Sub</del> section 39-300(p)]							

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

151ii	...	...	...	...	...	...	...
151jj	Mobile collection center [see Subsection 39-300(s)]	P	P		P		
151kk	Mobile food unit [see Subsection 39-300(t)]		C	C	C	C	C
151ll	...	...	...	...	...	...	...
151mm	Outdoor recreation club [see Subsection 39-300(b)]					P	
151nn	...	...	...	...	...	...	...
151oo	Parts store, vehicles, or boats [see Subsection 39-300(u)]	P	P	P	P		
151pp	Pawnshop [see Subsection 39-300(v)]		P		P		
151qq	...	...	...	...	...	...	...
151rr	Racetrack [see Subsection 39-300(b)]					P	
151ss	...	...	...	...	...	...	...
151tt	Recreational vehicle park, campground [see Subsection 39-300(w)]					P	
151uu	...	...	...	...	...	...	...

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151vv	Restaurant, fast food [see <del>Sub</del> section 39-300(x)]	P	P	P	P	A	A
151ww	...	...	...	...	...	...	...
151xx	School, trade or vocational [see <del>Sub</del> section 39-300(aa)]		P		P		
151yy	...	...	...	...	...	...	...
151zz	Skateboard facility [see <del>Sub</del> sections 39-300(b) and (y)]	P	P			P	
151aaa	Skating rink [see <del>Sub</del> sections 39-300(b) and (y)]	P	P			P	
151bbb	...	...	...	...	...	...	...
151ccc	Swimming pool supplies [see <del>Sub</del> section 39-300(z)]	P	P	P	P		
151ddd	Target range [see <del>Sub</del> section 39-300(b)]				P		
151eee	...	...	...	...	...	...	...
151fff	Veterinary hospital [see <del>Sub</del> section 39-300(bb)]		P	P	P		
151ggg	...	...	...	...	...	...	...
151hhh	Warehouse, self-storage [see <del>Sub</del> section 39-300(cc)]		P		P		

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151iii	Water parks, commercial (water slides, pools, etc.) [see Subsection 39-300(b)]	P					
151jjj	...	...	...	...	...	...	...
152	...						
153	Section 13. Section 39-363 of the Broward County Code of Ordinances is hereby						
154	amended to read as follows:						
155	<b>Sec. 39-363. Permitted uses.</b>						
156	...						
157	<i>Master Use List</i>						
157a	P = Permitted Use	C = Conditional Use	A = Accessory Use Only				
157b	Use	I-1	CF	A-3			
157c	Accessory dwelling [see Subsection 39-368(a)]	A	A				
157d	Agriculture, nonresidential (plant nurseries, crops, other horticultural activities) [see Subsection 39-368(b)]			A			
157e	<u>Assisted Living Facility [see Article XLI]</u>		<u>P</u>				
157f	...	...	...	...			
157g	Cemeteries [see Subsection 39-368(c)]		P				

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157h	Child care center, <del>pre-school</del> <u>preschool</u> , or adult day care, including commercial facilities [see Subsection 39-368(d)]	P	P	
157i	...	...	...	...
157j	Clothing donation bin [see Subsection 39-368(e)]		C	
157k	Community residential <del>facilities</del> <u>home</u> [see <del>Subsection 39-368(f)</del> <u>Article XLI</u> ]	P	P	
157l	<u>Community residential one-family dwelling</u> [see <u>Article XLI</u> ]	<u>P</u>	<u>P</u>	
157m	...	...	...	...
157n	Educational centers [see Subsection 39-368(g)]	P	P	
157o	...	...	...	...
157p	Institutions for the homeless or indigent [see <del>Subsection 39-368(h)</del> ]		P	
157q	Landfills or other solid waste disposal facilities [see <del>Subsection 39-368(i)</del> ]			P
157r	...	...	...	...
157s	<del>Nursing homes</del> [see <del>Subsection 39-368(f)</del> ]		<del>P</del>	
157t	...	...	...	...
157u	Penal institutions [see <del>Subsection 39-368(j)</del> ]		P	

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157v	...	...	...	...
157w	Trash transfer stations [see Subsection 39-368(k)]	P	P	
157x	...	...	...	...
158	...			
159	Section 14. Section 39-368 of the Broward County Code of Ordinances is			
160	hereby amended to read as follows:			
161	<b>Sec. 39-368. Limitations of uses.</b>			
162	...			
163	(f) <del>Community residential facilities and nursing homes.</del> Density for community			
164	<del>residential facilities and nursing homes shall be calculated as two (2) bedrooms equals</del>			
165	<del>one (1) dwelling unit. The Future Unincorporated Area Land Use Element shall determine</del>			
166	<del>the maximum permissible density for such use. If the proposed facility is not within an</del>			
167	<del>area designated residential by the Future Unincorporated Area Land Use Element Map</del>			
168	<del>series, any such proposed facility will be subject to availability and allocation of reserve</del>			
169	<del>units.</del>			
170	(g) <del>Educational centers.</del> Educational centers may have dormitory facilities as			
171	an accessory use.			
172	(h) <u>(g)</u> <del>Institutions for the homeless or indigent.</del> Institutions for the homeless or			
173	indigent shall either be governmentally owned or operated or shall be owned or operated			
174	by a not-for-profit corporation. Such institutions may include shelters for housing, kitchen			
175	and dining facilities, rehabilitative, medical emergency, medical and dental outpatient			
176	facilities, counseling, and administrative offices. Such facilities shall be separated from			

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any ~~residentially-zoned~~ residentially zoned district by a minimum of five hundred (500) feet.

(i) ~~(h)~~ (h) *Landfills or other solid waste disposal facilities.*

...

(i) ~~(i)~~ (i) *Penal institutions.* Penal institutions shall not be located within twenty-five hundred (2,500) feet of another penal institution or school or of any ~~residentially-zoned~~ residentially zoned district. The minimum plot size for any such facility shall be twenty (20) acres.

(j) ~~(k)~~ (j) *Trash transfer stations.* Trash transfer stations shall be governmentally owned or operated or shall be operated on a contractual basis with a local government. Such facilities shall not be located within five hundred (500) feet of any ~~residentially-zoned~~ residentially zoned district, except agricultural districts, and shall require a minimum plot size of ten (10) acres.

Section 15. Section 39-411 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-411. Site plan review.**

...

(d) *Submittals.* Courtesy Conceptual Plan Review and Site Plan Application.

(1) *Submitted Plans.*

a. ~~Submittals for a~~ Courtesy Conceptual Plan Review. Courtesy Conceptual Site Plan Review meetings are recommended ~~and~~. Plans do not need to be submitted in advance of meeting; however,

any plans submitted will not be routed for agency review and  
comment.

b. ~~Submittals for a site plan application~~ Site Plan Application.

Applications for Site Plan Review are required at the time of  
application submittal. Unless submitted electronically, applications  
shall include drawings, the overall size of which shall be 24" x 36",  
drawn at a scale not less than 1" = 50'.

(2) Table of Submission Requirements ~~are~~ is as follows:

Requirements	Conceptual <del>Site</del> Plan	Site Plan Application <u>Review</u>
--------------	---------------------------------	--

...	...	...
-----	-----	-----

Section 16. Section 39-412 of the Broward County Code of Ordinances is hereby  
amended to read as follows:

**Sec. 39-412. Courtesy conceptual ~~site~~ plan meeting.**

(a) Depending on the location, design, size, impact, or other factor of a  
proposed development, the Urban Planning Division Director may require an applicant to  
~~file an application for~~ request a Courtesy Conceptual Plan Review meeting of the site plan  
prior to filing a ~~s~~Site p~~Plan a~~Application. The Courtesy Conceptual Plan Review is not a  
replacement for the full ~~s~~Site p~~Plan a~~Application review procedure and does not qualify  
as a preapplication meeting.

(1) Review for completeness of a Courtesy Conceptual Plan Review application shall not be required as the review is merely conceptual.

However, insufficient information may result in additional requests.

~~(2) When applicable, the Director shall forward the application for Conceptual Review consistent with Section 39-413(a)(3).~~

~~(3)~~ The Urban Planning Division shall schedule a meeting with the applicant and the selected review agencies to discuss the conceptual site plans.

~~(4)~~ (3) When not required, an applicant has the option to ~~file an application for~~ request a Courtesy Conceptual Plan Review of the site plan prior to requesting a preapplication consultation.

(b) No formal comments, interpretation of the Ccode, or order shall be issued in conjunction with a Courtesy Conceptual Plan Review application.

Section 17. Section 39-413 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 39-413. Site plan review procedures.**

(a) *Application Procedure.* The following procedures shall govern the review of applications:

. . .

(5) *Posted Notice.* Notice of submittal of a site plan application must be provided by the applicant by posting, in accordance with this section. Within twenty-one (21) days after the issuance of a Notice of Complete Application consistent with Section 39-413(a)(2). ~~The~~ applicant ~~must~~ shall securely post the sign(s) on the property in a visible location on each street frontage

and shall submit to the Urban Planning Division an affidavit, including date-stamped photographic proof, of posting of the sign(s) in accordance with this section. If the applicant fails to submit the affidavit within the required timeframe, processing of the application shall cease ~~and any required action by the Director shall be postponed until such affidavit is received~~, the application shall be deemed withdrawn, and no further action will be taken. The following requirements must be followed by the applicant for signage posting:

**Public Notification Signage Posting for Site Plan Approval**

...

...

Removal, if administrative

Posted sign shall be removed within ~~five (5)~~ business seven (7) days after issuance of agency administrative approval(s).

Removal, if referred to County Commission

Posted sign shall be removed within ~~five (5)~~ business seven (7) days after final disposition of the application by the County Commission.

...

(b) *Review responsibilities.* Each review agency shall submit written comments and recommendations to the Urban Planning Division within ~~twenty-eight (28)~~ calendar twenty-one (21) days after acceptance of the application by the Urban Planning Division. If any reviewing agency report does not respond within said time frame, it shall be presumed that the agency has no comments or objections.

(c) *Reviewing agency reports; comments; required action.* The Urban Planning Division Director shall review the application, the citizen participation report, and the reports of the reviewing agencies.

(1) Within seven (7) days after receiving the reviewing comments and recommendations, the Urban Planning Division shall prepare a report and issue a notice of the status of the application.

...

b. For a site plan application found not to be in compliance with this article, the notice shall state the reason for noncompliance. The applicant shall have ~~sixty (60)~~ forty-five (45) days after the date of the notice to address any noncompliance items identified by the review agencies. The resubmitted plan shall be routed pursuant to Section 39-413(a)(3) and ensuing reviews shall be noticed and processed pursuant to Section 39-413(c). Failure to submit corrections curing deficiencies identified in the notice shall result in issuance of another notice, together with the site plan report, to the applicant and the County Commission stating the intent to deny the site plan application. A County Commissioner shall have fourteen (14) days after the date of transmittal of the notification to request that the application be placed on the County Commission quasi-judicial agenda. Absent such request, the Urban Planning Division Director shall issue an final order of denial consistent with the notice. ~~Any further request will require a new site plan application~~

279                   ~~submittal and may not be submitted any sooner than six (6) months~~  
280                   ~~after the date of the notice of noncompliance.~~

281           (2)   All site plan applications shall be issued final orders consistent with the most  
282           recent notice within one hundred ~~eighty (180)~~ twenty (120) days after the  
283           application being deemed complete as set forth in Section 39-413(a)(2)  
284           above. This period shall extend to one hundred eighty (180) days if a  
285           quasi-judicial hearing before the County Commission is requested or  
286           required.

287           (3)   The applicant may submit a written request for one (1) extension, ~~not to~~  
288           ~~exceed~~ of not less than thirty (30) days and not more than  
289           one hundred eighty (180) days, provided the applicant agrees to waive  
290           timeframes set forth in Section 125.022, Florida Statutes.

291           ~~(3)~~ (4)   Notwithstanding Section 39-413(c)(1), ~~if the Director believes that there is a~~  
292           ~~substantial question regarding the interpretation of this article as it applies~~  
293           ~~to the application,~~ the Director may place the matter on the County  
294           Commission quasi-judicial agenda for consideration within  
295           one hundred eighty (180) days after the application was deemed complete,  
296           as set forth in Section 39-413(a)(1) above. ~~If the application generates~~  
297           ~~significant public interest, the Director may place the matter on the County~~  
298           ~~Commission quasi-judicial agenda for consideration within~~  
299           ~~one hundred eighty (180) days after the application was deemed complete,~~  
300           ~~as set forth in Section 39-413(a)(1) above.~~ in the following circumstances:

a. The Director believes that there is a substantive question regarding the interpretation of this article as it applies to the application; or

b. If the application generates significant public interest.

...

(e) *Effective period of an approved site plan approval.* An approved site plan approval shall expire within one (1) year if a building permit for the identified improvements is not issued within eighteen (18) months, or if an issued building permit expires and is not in effect for a period of ninety (90) days. In such cases, the development order granting approval shall be null and void. The Urban Planning Division Director may grant up to two (2) six (6) month extensions upon a showing by the applicant that progress is being made towards securing building permit approvals or towards renewing expired building permits. Such request(s) must be made before the expiration schedules provided in this section.

(f) *Resubmittal following final order of denial.* Whenever the Urban Planning Division Director has denied a site plan application or condition thereto, the Director shall not accept the same or substantially similar request unless the Director determines that such action is permitted due to changed circumstances; to prevent an injustice; or to facilitate the proper development of the County based upon evidence provided by the applicant. A new site plan application for the property that is determined to be substantially similar to the prior denied request shall not be submitted less than one hundred eighty (180) days after the date of the final order of denial and shall be required to include a new public participation plan.



Section 18. Section 39-637 of the Broward County Code of Ordinances, titled  
“Adult living facilities in Roosevelt Gardens,” is hereby repealed in its entirety.

Section 19. Section 39-656 of the Broward County Code of Ordinances is hereby  
amended to read as follows:

**Sec. 39-656. Development standards.**

...

(d) *Maximum permitted height/stories.*

...

(2) GP-2:

...

b. Heights:

...

3. Buildings greater than thirty-five feet (35') in height or  
three (3) stories that are contiguous to a property zoned  
RS-4 RD-5 to RS-6 RD-10 or RM-5 to RM-6 shall have a  
step-back beginning on the third (3rd) story of at least  
eight feet (8').

...

(o) Entrances that face a collector or arterial road shall be recessed a minimum  
of five feet (5') from the building line.

Section 20. Article XLI of Chapter 39 of the Broward County Code of Ordinances  
is hereby created to read as follows:  
[Underlining omitted]

**ARTICLE XLI. COMMUNITY RESIDENTIAL HOMES AND ASSISTED LIVING  
FACILITIES**

**Sec. 39-674. Purpose.**

The purpose of this article is to implement Chapters 419 and 429, Florida Statutes, as may be amended, as they relate to Community Residential Homes. This article shall only apply to those facilities licensed by the State of Florida.

**Sec. 39-675. Use categories.**

This article shall apply to the following use categories:

- (a) Community Residential One-Family Dwelling; one to six (1-6) residents.
- (b) Community Residential Home; seven to fourteen (7-14) residents.
- (c) Assisted Living Facility; fifteen (15) or more residents.

**Sec. 39-676. Application required.**

An application shall be submitted to the Zoning Official to request any of the use categories listed in Section 39-675. An application shall include the following, as applicable:

- (a) *Community Residential One-Family Dwelling.* An application for community residential one-family dwellings with six (6) or fewer residents shall identify the number of intended residents and shall provide the most recently published data compiled from the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, or the Agency for Health Care Administration (the "Licensing Entity") that identifies all community residential homes within the jurisdictional limits of the Broward Municipal Services District (the "BMSD").

(b) *Community Residential Home and Assisted Living Facility.* An application for either a community residential home or an assisted living facility must identify the number of residents intended and the community support requirements of the program. The application shall also contain a statement from the Licensing Entity indicating the licensing status of the proposed use and specifying how it meets applicable licensing criteria for the safe care and supervision of the residents of the home. The applicant shall also provide the most recently published data compiled from the applicable Licensing Entity that identifies all community residential homes or assisted living facilities within the jurisdictional limits of the BMSD.

**Sec. 39-677. Zoning compliance.**

In addition to the requirements provided in this article, all community residential homes and assisted living facilities shall comply with the zoning requirements of the district in which they are located. Community Residential One-Family Dwellings with six (6) or fewer residents shall be permitted as a one-family dwelling, provided they meet distance separation requirements.

**Sec. 39-678. Permitted use categories.**

P = Permitted      NP = Not Permitted

Category:	A-1, A-2,	RS-2	RD-4	RM-5	RM-17	B-3	All
	E-1, E-2,	to	to	to	to	to	Other
	Rural	RS-6	RD-10	RM-16	RM-25,	B-4,	Districts
	Ranches,				I-1	CF	
	Rural						
	Estates						

384c	Community	P	P	P	P	P	NP	NP
	Residential							
	One-Family							
	Dwelling;							
	1-6 Residents							
384d	Community	NP	NP	P	P	P	NP	NP
	Residential							
	Home;							
	7-14 Residents							
384e	Assisted Living	NP	NP	NP	NP	P	P	NP
	Facility; 15 or							
	more residents							

385 **Sec. 39-679. Density.**

386 Residential density for each facility category shall be determined as follows:

387 (a) A community residential one-family dwelling shall be considered as one (1)  
388 dwelling unit.

389 (b) A community residential home with seven to ten (7-10) residents shall be  
390 considered as two (2) dwelling units; community residential homes with  
391 eleven to fourteen (11-14) residents shall be considered as three (3) dwelling units.

392 (c) Every bedroom within an assisted living facility shall be counted as a  
393 half (0.5) dwelling unit.

394 **Sec. 39-680. Distance separation.**

Applications regulated under this article must include a survey demonstrating compliance with distance separation requirements. All distance requirements in this section shall be measured from the nearest point of the property line of the existing home or area of single-family zoning to the nearest property line of the proposed home/facility. Distance separation requirements are as follows:

Category:	Community Residential One-Family Dwelling; 1-6 residents	Community Residential Home; 7-14 residents	Assisted Living Facility	Proximity to A-1, A-2, E-1, E-2, Rural Ranches, Rural Estates, and RS-2 to RS-6 Zoning
Community Residential One-Family Dwelling; 1-6 residents	1,000'	1,200'	N/A	N/A
Community Residential Home; 7-14 residents	1,200'	1,200'	N/A	500'
Assisted Living Facility; 15 or more residents	N/A	N/A	1,200'	N/A

**Sec. 39-681. Permit review.**

Pursuant to Chapter 419, Florida Statutes, requests for review and compliance with this article shall be completed by the Urban Planning Division or its successor agency

(the "Division") within sixty (60) days after application submittal. Notwithstanding other applicable provisions of Chapter 39 of the Broward County Code of Ordinances (the "Zoning Code"), failure by the Division to respond within the sixty (60) day timeframe shall permit the agency or unit of government, a for-profit or nonprofit agency, or any other person or organization that intends to establish or operate a community residential home to establish the community residential home at the site selected. Applications for community residential homes shall satisfy the following requirements:

(a) The siting of the community residential home is in accordance with all applicable zoning requirements specified in the Zoning Code;

(b) The community residential home meets applicable licensing criteria established and determined by the applicable Licensing Entity, including requirements that the community residential home be located at a site that assures the safe care and supervision of all its residents; and

(c) The location of the community residential home shall not result in such a concentration of community residential homes in the area in proximity to the site selected or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. An overconcentration or combination of use shall be considered to occur when the locations of the community residential homes that are less than the distances provided in Section 39-680 of the Zoning Code or are inconsistent with state law.

#### Section 21. 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 22. Inclusion in the Broward County Code of Ordinances.

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

Section 23. Effective Date.

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) 00/00/2025  
Alexis Marrero Koratich (date)  
Assistant County Attorney

By: /s/ (in italics) 00/00/2025  
Maite Azcoitia (date)  
Deputy County Attorney

AIK/gmb  
Zoning Code Update Ordinance  
01/22/2025  
#60049-0413

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



January 22, 2025

Re: January 28, 2025, County Commission Agenda Items:  
#57; # 58; #59; and, #60 Related to Monarch Hill Landfill.

Dear Mayor Furr, Vice Mayor Bogen and Commissioners:

I am writing to you in my capacity as the Chair of the Executive Committee of the Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, known as the Solid Waste Authority of Broward County ("SWABC"). At the request of the SWABC Executive Committee, I am directing this correspondence to you regarding four items on your January 28, 2025, Agenda, related to what is commonly described as the "Monarch Hill" landfill.

We greatly appreciate the cooperation and participation of Broward County in the SWABC, which has been a necessary foundational component of a partnership dedicated to creating a sustainable and resilient waste management system for today, tomorrow and future generations in Broward County. In addition, we know that meaningful cooperation and collaboration with our private partners in the solid waste industry are critical to our success. It is not an overstatement to characterize our work together as historic.

### **Executive Summary**

With that spirit of cooperation, it is imperative that Broward County, as a signatory to the Interlocal Agreement ("ILA") which established the SWABC, pause any decision making regarding a critical solid waste asset prior to the expected completion of the solid waste Master Plan by the SWABC. As you know, this Master Plan is intended to be a comprehensive and long-term vision to manage solid waste through available and potential public and private solid waste assets as we work towards established goals, including potentially zero-waste strategies, for the next forty years. Decisions regarding available solid waste assets must be made in the context of the visionary effort of the SWABC.

There are four items on the January 28, 2025, Commission Agenda related to the Monarch Hill landfill. (#57, # 58, #59 and #60). In combination, these Agenda items seek a horizontal and a vertical expansion of the Monarch Hill landfill and also make a valuable concession to eliminate organic waste from the landfill beginning in 2027.

The Executive Committee does not take a position on the merits of the Agenda Items or whether passing these items would be in compliance with the Land Use Element, Solid Waste Element, Climate Change Element, and the Broward Municipal Services District Land Use Plan. However, approving at this time a horizontal and a vertical expansion of the Monarch Hill landfill may have a significant impact on the Master Plan which is intended to be a fully comprehensive analysis of how to best utilize available public and private solid waste assets and where to site potential future solid waste strategies.

As a result, the Executive Committee requests the Broward County Commission defer any decision on the subject pending items until completion of the solid waste Master Plan, or until there is consensus that the property at issue can be removed from further consideration for strategies other than landfill capacity. Alternatively, the Executive Committee requests that the



County Commission bifurcate the issues and at least defer the horizontal expansion of the Monarch Hill landfill.

### **Solid Waste Authority of Broward County**

The SWABC is the legal entity created through an ILA signed by Broward County and twenty-eight municipalities to develop a coordinated, regional solid waste management and recycling Master Plan.<sup>1</sup> This collaborative effort underscores our collective commitment to transparent, comprehensive, data-driven, and community-focused decision-making process regarding solid waste management.

The Mission Statement of the ILA begins with every participating municipality and the County promising to “commit to working together collaboratively.” The purpose of this promised commitment is to develop and implement a long-term, environmentally sustainable, innovative and economically efficient plan and approach to reduction, reduction, recycling, reuse and disposal of waste generated in Broward County.

By entering into the ILA, the County and the municipalities agreed that the current solid waste management system in Broward County falls short in addressing the region’s long-term sustainability goals. Importantly, the ILA does not say the signatories will address “some of the waste generated” or that the signatories will commit to work together on “some matters related to waste disposal and not others”. The ILA represents a mutual promise to engage in a comprehensive collaboration to work together for the long-term public health, safety, and welfare of Broward residents and business community.

Through this historic collaborative effort, SWABC is working to address cross-jurisdictional inefficiencies with the assistance of solid waste and resource management experts to develop a Master Plan intended to meet the region’s solid waste management and recycling needs in an efficient, effective and comprehensive manner over the next forty years and beyond. The SWABC has been intensively evaluating existing solid waste management assets in both the public and private sector, as well as that which can be constructed and implemented. The focus of this intense effort is to provide the best opportunity for a long-term implementation of coordinated programs and services, proven and innovative technologies, regional collaborations, and effective public education campaigns to ensure sustainable and resilient solid waste management that meets or exceeds the State of Florida’s seventy-five percent recycling goal.

### **Governance of the SWABC**

The SWABC governance is established in the ILA. The Governing Board is comprised of one representative from each signatory to the ILA. All participating municipalities and the County have a seat at the table to influence the solid waste plan being developed for the next forty years.

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<sup>1</sup> The signatories to the ILA are: Broward County; Coconut Creek; Cooper City; Coral Springs; Dania Beach; Davie; Deerfield Beach; Fort Lauderdale; Hillsboro Beach; Hollywood; Lauderdale-By-The-Sea; Lauderdale Lakes; Lauderhill; Lazy Lake; Lighthouse Point; Margate; Miramar; North Lauderdale; Oakland Park; Parkland; Pembroke Park; Plantation; Sea Ranch Lakes; Southwest Ranches; Sunrise; Tamarac; West Park; Weston, and Wilton Manors.

The Executive Committee represents Broward County and a cross-section of the 28 municipal ILA signatories of the SWABC. The Governing Board, through a process of self-selection, chooses the ten (10) municipal representatives for the Executive Committee, with five members representing largest Municipal Parties by population; three members representing the middle third of Municipal Parties by population; and two members representing the smallest third of Municipal Parties by population. The County also has a full voting seat on both the Governing Board and the Executive Committee.

### **Solid Waste Facilities Across Broward County and The Master Plan**

The Executive Committee has retained a solid waste consultant to develop the Master Plan.<sup>2</sup> The Executive Committee has been meeting at a rapid pace, having set an aggressive timeline to develop the Master Plan and then earn the commitment of the signatories to the Master Plan, including flow control principles, the infrastructure plan for the system, the economic model for the system, and sustained education and community engagement strategies to ensure successful implementation.

A draft of the Master Plan concepts is expected to be delivered to the Executive Committee in the coming weeks. The Executive Committee has scheduled a four-hour workshop specifically on the draft Master Plan for February 10, 2025. This workshop is in addition to the regularly scheduled monthly Executive Committee meeting. The Executive Committee is also already scheduling workshops for the month March, April and May in an intentional and dedicated effort to complete as quickly as possible the necessary predicates to the present a final Master Plan.

As a part of the process of developing the Master Plan, the SWABC has generated publicly available documents outlining the existing public and private solid waste facilities throughout Broward County, as well as those outside Broward County, upon which we presently or could rely upon for solid waste disposal. For instance, on December 19, 2024, the consultant retained by the SWABC, issued a “White Paper” entitled “Evaluate Existing Solid Disposal and Recycling Processes and Resources in Broward County”.

A crucial step in developing the Master Plan is the identification of solid waste infrastructure available through public and private solid waste assets which currently exist, including sites which are not currently utilized or are under-utilized for solid waste operations. This identification and evaluation is necessary to ensure the SWABC is maximizing the ability to meet the mission and goals established by the ILA.<sup>3</sup>

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<sup>2</sup> The Consultant has completed a series of “White Papers” which are predicate to the policy decisions necessary to finalize the Master Plan: Task 2 - Evaluate Existing Solid Waste Disposal and Recycling Processes and Resources in Broward County (White Paper submitted on December 19, 2024); Task 5 - Regulatory Requirements and Policy Review (White Paper submitted on December 17, 2024) Task 8 - Education and Outreach (White Paper submitted on December 27, 2024); Task 9 - Identify Innovative and Future Technologies (Software & Hardware) (White Paper submitted on December 16, 2024).

<sup>3</sup> When the solid waste consultant retained by SWABC was performing the Waste Characterization study, it was unable to evaluate the Monarch Hill landfill. As explained during the consultant’s presentation during the November 22, 2024, Executive Committee meeting, when the consultant

For instance, while not within the specific scope of the SWABC, after the termination of the previous Resource Recovery Board (“RRB”), a remaining property, which was owned by the RRB and in the inventory of assets for potential solid waste infrastructure, is a property identified as “Alpha 250”. This is a 25-acre parcel on Blount Road in Pompano Beach which is, as a result of a settlement agreement, beneficially owned by the former municipal members of the RRB. The public ownership of Alpha 250 has been cooperatively maintained for the specific purpose of potentially including that site in the expected Master Plan consideration and implementation.

### **Monarch Hill**

The 500-acre Monarch Hill site in unincorporated Broward is bounded on the north by Wiles Road, on the south by Sample Road, on the east by Powerline Road and on the west by Florida’s Turnpike. When it was opened in a sparsely populated area in 1965, Coconut Creek was still two years away from incorporation.

Until 2015, there was a fully operational Waste-To-Energy (“WTE”) plant located on a current 24-acre site (roughly the same size as Alpha 250) which is the subject of a requested Land Use Plan Amendment (“LUPA”). That plant was closed in 2015 and dismantled in the years since, predicated on a claim that there was insufficient flow for the WTE plant. Prior to being closed and dismantled, that facility was commonly referred to as the North WTE Facility.

As of this date, that 24-acre parcel is the only approved site for a WTE plant, other than the site at the South WTE Facility located at 4400 South State Road 7, Fort Lauderdale, FL 33314. The South WTE Facility is currently owned and operated by WIN Waste Solutions, Inc.

In retrospect, the closure and dismantling of the North WTE Facility has impacted the available solid waste infrastructure and options for the SWABC Master Plan as well as the ability of the County to address existing flow capacity. The current South WTE Facility does not have the capacity to fully accept the large volume of available municipal solid waste generated in Broward County. The dismantling of the North WTE plant was justified, in part, based upon insufficient volume of municipal solid waste. Today, we have too much solid waste to be managed by the South WTE plant.

It has been reported to the SWABC Executive Committee that the South WTE Facility has an end-of-life lease issue that is presenting issues being considered by County. We have been informed that WIN Waste, as the operator, has directed correspondence to the County, indicating its desire to sell the facility thereby triggering certain County rights under the lease. The implications for the Master Plan have yet to be evaluated.

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attempted to evaluate the characterization of waste streams being disposed at (including what could be diverted from) Monarch Hill, the logistics offered by the operator, according to the consultant, were too difficult to evaluate the waste characterization as was done successfully at other facilities in Broward County. Therefore, there has been no evaluation by the SWABC consultant as to the characterization of waste streams being disposed in the Monarch Hill landfill and what could be diverted. To date, there has been no independent evaluation of the waste characterization being disposed at the Monarch Hill landfill and what could be currently diverted.

The lack of collaboration, cooperation, and vision in 2015 as to existing solid waste assets and the lack of a collective commitment to a strategic solid waste policy at the time has further exacerbated the solid waste capacity crisis in Broward County, and we seek, through this correspondence, to avoid compounding that problem today.

### **Waste Management Requests In Summary**

Waste Management, as outlined herein, is seeking horizontal expansion and vertical expansion of the Monarch Hill landfill capacity. The justification is that there is only six (6) to eight (8) years remaining capacity to accept municipal solid waste, even as reduced to certain solid waste commodity streams.

As reported to the SWABC Executive Committee, there have been on-going discussions and negotiations between Broward County and Waste Management. While we are grateful for the regular updates from County staff, our Executive Director was not invited to attend these discussions despite requests from Executive Committee members. As a result, we are unable to fully appreciate the discussions and negotiations, the considerations that have generated the current proposal and the comparative scope of concessions sought and being offered.

A representative of Waste Management sent to the County an October 16, 2024, letter which characterized the pending LUPA, zoning and ordinance requests from Waste Management as a “global solution to the disposal of construction and demolition debris and Class III waste (i.e. bulky waste, yard waste, etc.)” and that Waste Management pledged to the following:

- “No longer accept municipal solid waste at Monarch Hill – which accounts for much of its unpleasant odor – after the expiration of its present disposal contract with Pompano Beach on Sept. 30, 2027. Such waste could only be accepted during a declared federal, state or county State of Emergency.”<sup>4</sup>
- Assume the cost to transport 35,000 tons per year of the county’s residential and commercial solid waste to alternate waste disposal sites until July 2, 2033.
- Pay a per ton “host fee” to the county for every ton of waste disposed of at Monarch Hill. For construction and demolition waste, \$3.50 per ton. For municipal solid waste from Broward, or waste of any nature shipped to Monarch Hill from outside of Broward, Waste Management will pay \$6 per ton. The host fee will be in effect for the life of the landfill.<sup>5</sup>
- Waste Management will continue to provide the use of its transfer station network at no charge to the county and participating communities for the transfer of waste to the alternate disposal facility. The company estimated that the value of this service is between \$2 million and \$2.5 million.

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<sup>4</sup> The SWABC supports the commitment to remove municipal solid waste and organics from the landfill.

<sup>5</sup> The purpose of this “Host Fee”, according to the backup material, is to address a variety of economic issues facing Broward County, including to offset Broward County costs and obligations related to remediation and monitoring of closed or abandoned facilities located at Monarch Hill and to “offset potential costs of infrastructure improvements necessitated by the presence and use of the Waste Management Property.”

- Waste Management will make an “in-kind contribution” to the [SWABC’s] recycling education program for 10 years, beginning with \$500,000 in year one and decreasing gradually until a minimum contribution of \$150,000 annually is reached for the duration.<sup>6</sup>
- Waste Management’s new “a state-of-the-art” renewable energy recovery facility under construction at its landfill in Okeechobee, the alternate disposal facility, will capture methane gas generated by decomposing waste, purify it to pipeline gas quality, after which it will be pressurized and injected into a utility pipeline. The company “will then remove the gas from the utility pipelines at each of its hauling companies where it will be used to fuel refuse” garbage trucks “thus completing the recycling and circulatory loop.”
- If Broward chooses to “source separate and transport food waste and organics to the Okeechobee site in the future, Waste Management has agreed to restart the permitted composting facility at Okeechobee landfill and compost...at no incremental cost to the then current disposal rates.”
- At the county’s request, the company will hike its capacity commitment at the alternate disposal facility by 200,000 tons per year to 775,000 tons. And should the county decide to install a wastewater sludge dryer near Monarch Hill, [Waste Management] will agree to work cooperatively to deliver methane gas generated at Monarch Hill to the dryer facility as renewable energy.”

Waste Management made a presentation to the Executive Committee on October 25, 2024, regarding the requested LUPA, zoning change and ordinance change. In addition, the backup material for the upcoming Agenda Items outlines the various points of negotiation between Waste Management and the County.

### **Agenda Items At Issue**

There are four Agenda items to be considered during the County’s January 28, 2025, Commission meeting to which this correspondence is directed: Items #57; # 58; #59; and, #60.

The four Agenda items can be summarized as follows: two items are LUPAs to the County’s Master Plan and the Broward Municipal District, intended to change the subject 24 acre site from electrical generation to industrial (thus allowing Waste Management to expand the horizontal footprint of the landfill); one separate item is seeking a zoning code change to increase the maximum height of Monarch Hill (thus allowing Waste Management to expand the vertical reach of the landfill to 350 feet); and, one separate item is to eliminate municipal organic solid waste above the 225 foot threshold so as to limit the type of additional waste streams.

In short, Waste Management is requesting a horizontal and a separate vertical expansion of the Monarch Hill landfill.

On October 18, 2022, Broward County Planning Council staff issued a report recommending against the expansion of Monarch Hill as requested through the LUPAs. The Broward County

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<sup>6</sup> While any assistance from our private partners in the mutually shared mission of educating the public is welcomed, the SWABC did not solicit nor was the SWABC directly engaged as part of the negotiations regarding a voluntary contribution by Waste Management to “[SWABC’s] recycling education program for 10 years, beginning with \$500,000 in year one and decreasing gradually until a minimum contribution of \$150,000 annually is reached for the duration.” t



Planning Council voted to deny the requested changes. The matter has not been brought back to the Broward County Planning Council for consideration since 2022.

There have been public objections to the Agenda items focused on whether or not the LUPAs and zoning change are inconsistent with County policy and objectives set forth in the Land Use Element, Solid Waste Element, Climate Change Element, and the Broward Municipal Services District Land Use Plan. According to news reports and presentations to the SWABC Executive Committee, there are additional objections focused on the need for further analysis of environmental impacts from additional vertical capacity being superimposed on the existing landfill infrastructure.

Waste Management has explained publicly that if these items do not pass, there will be no hurricane/storm debris accepted at Monarch Hill, it will dismantle the existing landfill gas-to-energy that currently generates power to 9,000 homes and that there will be significant costs imposed on Broward County residents.

### **SWABC Executive Committee Position Regarding the Four Pending Agenda Items**

On January 17, 2025, the Executive Committee conducted its regularly scheduled public meeting. In attendance were at least one representative of Waste Management.

During the agenda item related to Monarch Hill, the Executive Committee voted to direct the Chair of the Executive Committee to send a letter to the Broward County Board of County Commissioners setting forth the position of the Executive Committee that the four (4) agenda items regarding Monarch Hill scheduled for the County's January 28, 2025, meeting be deferred. The lone dissenting vote was from Vice Chair of the Executive Committee Mayor Beam Furr, who is the County's representative to the Executive Committee and Governing Board of the SWABC.

Additionally, during the matter, a representative of Waste Management came forward to object to correspondence being directed to the County Commission seeking deferral of these items.

### **Foundational Principles of Solid Waste Decision Making**

While we recognize the need for capacity planning to address Broward County's solid waste needs, decisions of this magnitude should not be made in isolation or ahead of the comprehensive framework being developed in the Master Plan. Several critical foundation principles support this position:

1. **Comprehensive Evaluation of Alternatives:** The Master Plan is being designed to evaluate all viable alternatives for waste management, including advanced recycling technologies, anaerobic digestion, composting, and modernized WTE solutions. Approving the LUPA and height variance at this stage could preclude or limit these alternatives before they are fully vetted.
2. **Consistency with Countywide Goals:** One of SWABC's mandates is to ensure that solid waste management decisions align with Broward County's broader sustainability, environmental, and economic objectives. Any decision to expand Monarch Hill prior to the adoption of the Master Plan risks being inconsistent with countywide priorities and future waste reduction targets.

3. Community Impacts: Expanding the landfill's footprint and increasing its height would exacerbate existing concerns related to odor, air quality, and visual impact for nearby communities. Coconut Creek, Deerfield Beach, and other municipalities have expressed strong opposition to the proposed expansions due to these adverse effects. Delaying the decision ensures that these concerns are addressed holistically in the context of the Master Plan.
4. Data-Driven Decision-Making: The Master Plan, supported by SCS Engineers, is being developed with extensive data collection, stakeholder input, and expert analysis. This data will provide the necessary context to evaluate how the Monarch Hill proposals fit into the county's long-term waste management strategies and whether alternative solutions could achieve similar or better outcomes with less impact.
5. Avoiding Piecemeal Planning: Decisions regarding major solid waste infrastructure assets like Monarch Hill should be made within the broader framework of a coordinated, countywide strategy. Acting on these proposals prematurely could undermine the integrity of the Master Plan process and set a precedent for ad hoc decision-making by other participants.

*Request by the SWABC Executive Committee*

As noted above, the Executive Committee has not been asked to and does not take a position on the factual or legal merits of the LUPA, or the compliance with Land Use Element, Solid Waste Element Climate Change Element, and the Broward Municipal Services District Land Use Plan. To be clear, the Executive Committee, for the purposes of this correspondence, does not take a position on the ultimate merits of the four agenda items.

Leaving aside the merits of the Agenda items but incorporating these aforementioned broad principles of decision making in this context, the SWABC Executive Committee requests deferral of these four Agenda items at this time to avoid potentially undermining the process established by the ILA.

1. For the County to pass the LUPA Agenda items would permanently remove the only parcel remaining in Broward County that is an approved location for a WTE facility. As noted above, we are told that the current South WTE Facility does not have the capacity to accept the volume of municipal solid waste currently being generated. So long as WTE technology that currently exists or may exist in the future remains a consideration for solid waste policy, removing this site from consideration for WTE undermines the comprehensive vision of the SWABC. Also as noted above, there is a potential contractual issue with the South WTE Facility, further supporting the need to prevent conversion of the existing property on the former North WTE Facility site from being removed from available WTE consideration. Approval would directly limit the ability of the SWABC to fully consider potential solid waste assets and strategies which could include current or future WTE technologies.
2. Leaving aside the WTE consideration, expanding horizontally the footprint of the landfill, eliminates this 24-acre parcel from consideration for other solid waste

strategies and will permanently preclude usages presently being considered by the SWABC. Again, to do so would be to undermine and circumvent the process established by the SWABC. There was a promise by all signatories to the ILA to commit themselves to a comprehensive and collaborative effort. Much like has been done for the Alpha 250 property, which is a 25-acre parcel, the existing site capacity and entitlements should be maintained until such time as there is an agreed Master Plan or there is consensus that the property at issue can be removed from further consideration for strategies other than landfill capacity.

3. While the SWABC does not take a position on the merits of the environmental concerns raised related to increasing the height of the landfill and the resulting impact on the existing landfill foundational infrastructure, there have been multiple points raised related to the impact on lining, groundwater and other environmental impacts. This is not directly a matter for the SWABC, though we are mindful that should such objections be well-founded, it could profoundly impact decision making by the SWABC on available and/or the necessity of other solid waste strategies.
4. As a result, the SWABC Executive Committee strongly recommends that the Broward County Commission defer any action on the Monarch Hill LUPA and vertical expansion request until completion of the solid waste Master Plan, or there is consensus that the property at issue can be removed from further consideration for strategies other than landfill capacity. This timeline will allow a meaningful evaluation of Monarch Hill's role within a unified countywide system, inclusion of the latest data, trends, recommendations in the decision-making process, and time for additional public engagement to ensure transparency and community buy-in.
5. One alternative is to bifurcate the issues of the individual horizontal and vertical expansion requests whereby the horizontal expansion sought by the LUPA be deferred to allow the SWABC Master Plan to be completed.

The Executive Committee is willing to work with County staff and Waste Management to establish a meaningful time frame for analysis for the highest-and-best use of the property in the context of the Master Plan, including potential WTE, composting, recyclable center or other strategies.

There is sufficient time to permit the Master Plan adoption process to proceed. It may be that the LUPA is ultimately acceptable in the context of the strategies being adopted. However, the SWABC Executive Committee requests these items be deferred at this stage.

No matter how these Agenda items are addressed by the County Commission, the SWABC remains committed to working collaboratively with Broward County, all municipalities (including those not presently participating in the SWABC), and all stakeholders to ensure that our decisions reflect the best interests of our residents, the business community and the environment. We are confident that the Master Plan will provide a roadmap for achieving these goals while balancing operational, environmental, and fiscal responsibilities.

We greatly appreciate your consideration of this request and look forward to continuing our partnership in creating a sustainable and resilient waste management system for our community.



Should you have any questions or require further information, please do not hesitate to contact me directly.

Best regards,

/s/ Michael J. Ryan

Michael J. Ryan  
Chair, SWABC Executive Committee