

1 **ORDINANCE NO. 2024-002**

2 **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,**
3 **FLORIDA, AMENDING SECTION 085-070 OF THE TOWN OF**
4 **SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE OF**
5 **ORDINANCES PERTAINING TO MAXIMUM ALLOWABLE FILL**
6 **ELEVATIONS AND THE REMOVAL OF ILLEGAL FILL; PROVIDING**
7 **FOR PENALTIES; PROVIDING FOR INCLUSION IN THE TOWN'S**
8 **CODE; PROVIDING FOR CONFLICT; PROVIDING FOR**
9 **SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

10
11 **WHEREAS**, the purpose of Sec. 085-070 is to establish standards that govern the
12 allowable height of fill that can be placed upon any portion of a lot; and

13 **WHEREAS**, the Drainage and Infrastructure Board ("DIAB") was tasked with
14 reviewing the Town's Fill policy, and following their review and discussion, have requested
15 a revision to the Town's Unified Land Development Code to establish a policy to enforce
16 the removal of illegal fill brought upon any portion of a lot; and

17 **WHEREAS**, the Town Council finds the amendment furthers the goals, objectives
18 and policies of the Unified Land Development Code of Ordinances.

19
20 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
21 **TOWN OF SOUTHWEST RANCHES, FLORIDA:**

22 **Section 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby
23 ratified and confirmed as being true and correct and are hereby made a specific part of
24 this Ordinance.

25 **Section 2: Text Amendment.** Section 085-070 of the Unified Land
26 Development Code entitled, "Maximum allowable fill elevations" is hereby amended as
27 follows:

28 * * *

29 Sec. 085-070. - Maximum allowable fill elevations.

30 (A) Purpose. The purpose of this section is to establish standards that govern
31 the allowable height of fill that can be placed upon any portion of a lot.

32 (B) Definitions. Fill is defined as material that is likely to retain its physical and
33 chemical structure, and that will not leach contaminants when deposited into

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1 water, or as defined by Broward County Code. Fill material includes soil, rock
2 and clean debris. Illegal Fill is defined as any substance or material that is
3 employed for the purpose of filling or modifying the elevation of a tract of
4 land in a manner that contravenes applicable local, state, or federal
5 regulations, codes, or ordinances governing land use, environmental
6 protection, or land development. Such materials may encompass, but are not
7 limited to, soil, crushed concrete, base clay, sand, topsoil, or any non-
8 biodegradable substance, and their use becomes illegal when it leads to
9 violations of established land-use standards.

10 (C) [*Maximum slope for all lots.*] The maximum slope ratio for all lots occupied
11 by a single-family dwellings shall be 4:1 (4 horizontal to 1 vertical), except
12 for perimeter berms, which shall be permitted to have 3:1 maximum slopes.

13 (D) [*Same—All other lots.*] The maximum slope ratio for all other lots shall be
14 3:1, except where this 3:1 slope conflicts with the requirements of any other
15 jurisdictional agency.

16 (E) [*Maximum building pad.*] The maximum building pad elevation and maximum
17 elevation adjacent to any structure shall be eleven (11) feet N.G.V.D., except
18 as provided in subparagraph (F), below.

19 (F) [*Elevation.*] An area up to ten (10) percent of the net acreage of a lot may
20 be filled higher than eleven (11) feet N.G.V.D., provided that:

21 (1) No elevation shall exceed twelve (12) feet N.G.V.D.;

22 (2) The slope criteria and adequacy of water management shall not be exceeded;
23 and

24 (3) No elevation exceeding ten (10) feet shall be located closer than twenty-five
25 (25) feet from any property line.

26 (G) [*Illegal Fill Prohibited.*] No person shall bring illegal fill onto a portion of a
27 lot. Failure of any person to remove such illegal fill within ~~forty-eight (48)~~
28 ~~hours~~ five (5) business days after receipt of a Notice of Violation shall
29 constitute a violation of this article. Level One permits shall be exempt from
30 this section.

31 (H) [*Abatement of violations relating to illegal land fill.*] If the illegal land fill
32 violation is not corrected within twelve (12) months following notice, the
33 Town may correct the violation by clearing the property or causing it to be
34 cleared, removing or causing the removal of the illegal fill or conducting such
35 other activity necessary to bring the property into compliance with this article.
36 The Town shall send notice by mail to the responsible party specifying the
37 costs of removal, administrative costs, including the cost of prosecution, and
38 requesting payment within thirty (30) days of the mailing.

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Section 3: Inclusion. The Town Clerk shall cause this Ordinance to be included as part of the Town's Code of Ordinances.

Section 4: Conflict. That all Sections or parts of Sections of the Code of Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict are hereby repealed to the extent of such conflict.

Section 5: Severability. If any one or more of the provisions of this Ordinance shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be separate from the remaining provisions, and shall in no way affect the validity of all other provisions of this Ordinance.

Section 6: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 26th day of October, 2023 on a motion made by Council Member Jablonski and seconded by Council Member Hartmann.

PASSED AND ADOPTED ON SECOND READING this 16th day of NOVEMBER, 2023, on a motion made by COUNCIL MEMBER JABLONSKI and seconded by COUNCIL MEMBER HARTMANN.

[Signatures on the Following Page]

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Breitkreuz	<u>YES</u>
Allbritton	<u>YES</u>
Hartmann	<u>YES</u>
Jablonski	<u>YES</u>
Kuczenski	<u>YES</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

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Steve Breitkreuz, Mayor

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8 Attest:

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11



12 Russell Muñiz, Assistant Town Administrator/Town Clerk

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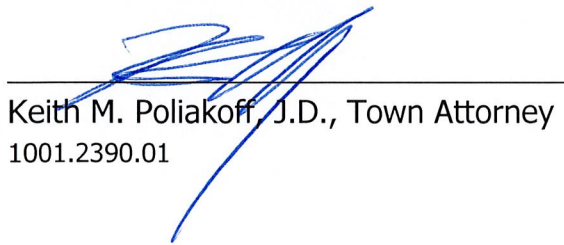
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16 Approved as to Form and Correctness:

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20 Keith M. Poliakoff, J.D., Town Attorney

21 1001.2390.01

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