



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Unfinished Business

I.1.

2/7/2023

Subject:

Board Approval Re: Legislative Intent and Permission to Advertise Code Revisions to Sections 62-4342 and 62-4346 regarding buffer requirements in lieu of walls required in BU-1, BU-2, and Industrial zoning classifications pursuant to article VIII of chapter 62, Brevard County Code.

Fiscal Impact:

Cost of advertisement; negligible annual impact

Dept/Office:

Natural Resources Management Department

Requested Action:

The Board grant legislative intent and permission to advertise amendments to Sections 62-4342 and 62-4346 Brevard County Code of Ordinances, to allow for a Type A buffer in lieu of a wall where such wall is required under Article VIII (Site Plans) of Brevard County Code of Ordinances, and to clarify administrative review and requirement language.

Summary Explanation and Background:

During the April 15, 2021 meeting of the Brevard County Board of County Commissioners, staff was asked to evaluate potential code and process changes to reduce the number of wall waivers. The Board evaluates about five wall waivers per year, the majority could have been approved administratively with language modification.

There are two code provisions that involve buffering commercial and industrial uses/zoning from residential uses/zoning:

- Section 62-3202(h)(10) of Article VIII of the code states, "site plans within BU-1, BU-2, or industrial zoning classifications shall construct a minimum of a six-foot high masonry or solid wall, including, but not limited to, concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish, when the subject property abuts a residential zoning classification."
- Section 62-4342(1) of the code states in pertinent part ". . .where a fence or wall is required by article VI of this chapter, the Type A buffer, as defined in this subsection, may be utilized in lieu of the required fence or wall. This buffer classification shall be used to separate commercial, institutional, public or industrial uses from residential uses. The Type A buffer shall be completely opaque from the ground up to a height of at least six feet, except where located within 25 feet of a road, where it shall be four feet in height. In conjunction with this buffer, a minimum 20-foot vegetated area shall be provided. There

shall be no parking or structures other than permitted signage located within this vegetated area.”

a. The opaque buffer may utilize a masonry wall, wood fence, landscaped earth berm, planted or existing vegetation or any combination thereof that maintains a completely opaque buffer.

b. Location of fences and walls. Where a fence or wall is used to fulfill the screening requirements within a vegetative buffer, it shall be located one foot inside of the property line that abuts the residential zoning. When an impediment such as a drainage easement, ditch or water body runs along a property line, an administrative waiver may be granted by the director to allow the masonry wall or fence to be placed along the edge of the ditch or water body instead of on the property line. Where there are existing trees within the buffer area, the fence or wall shall be located so as to preserve the trees.”

First, amending Section 62-4342(1) to include walls required under Article VIII (Site Plans) would allow for Type A buffers to be used in lieu of walls within BU-1, BU-2, and industrial zoning classifications that abut residential zoning classifications, meeting the apparent intent of Section 62-4342(1), without the need for Board review. There are no other wall requirements contained in Article VIII, so no other impacts are foreseen.

Additionally, Sec. 62-4342(1)(b) could be relocated to Section 62-4346, to clarify that this waiver would be administratively reviewed.

Lastly, opacity requirements within Section 62-4342 could be clarified.

Options for Board consideration:

- 1) Approve legislative intent and permission to advertise amendments to Section 62-4342 and 62-4346 to clarify administrative buffer waivers and requirements required under Article VIII.
- 2) Provide other direction.

Clerk to the Board Instructions:



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February 8, 2023

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item I.1., Legislative Intent and Permission to Advertise Code Revisions to Sections 62-4342 and 62-4346 for Buffer Requirements in Lieu of Walls Required in BU-1, BU-2, and Industrial Zoning Classifications, Pursuant to Article VIII of Chapter 62, Brevard County Code

The Board of County Commissioners, in regular session on February 7, 2023, granted legislative intent and permission to advertise amendments to Sections 62-4342 and 62-4346, Brevard County Code of Ordinances, allowing for a Type A buffer in lieu of a wall where such wall is required under Article VIII (Site Plans) of Brevard County Code of Ordinances, and clarifying administrative review and requirement language.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds

cc: Finance
Budget