



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

8/30/2022

Subject:

Legislative Intent and Permission to Advertise, Re: Ordinance Amending Chapter 62, Article VI, Regarding Sewer Lift Stations, Sewer Vacuum Stations and Other Water and Sewer Utility Infrastructure Elements

Fiscal Impact:

N/A

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners approve legislative intent and permission to advertise an Ordinance change amending Chapter 62, Article VI, Division 1, Section 62-1102; Creating Chapter 62, Article VI, Division 5, Section 62-1844.7; Amending Chapter 62, Article VI, Division 6, Section 62-2103; Amending Chapter 62, Article VII, Section 62-3202(b).

Summary Explanation and Background:

These proposed code amendments will define what are sewer lift stations, vacuum station, and will allow water and sewer infrastructure to be permitted within any zoning classification. This code amendment will also establish certain performance standards to help preserve the residential character of a neighborhood. This code amendment also provides relief if a property is reduced in size by more than 50% as a result of sewer lift station, sewer vacuum station or other water and sewer utility infrastructure elements. Lastly, the code amendment exempts sewer lift stations, sewer vacuum stations and other water and sewer utility infrastructure elements from site plan review.

Clerk to the Board Instructions:



August 31, 2022

MEMORANDUM

TO: Tad Calkins, Planning and Development Director


RE: Item F.2., Legislative Intent and Permission to Advertise for an Ordinance Amending Chapter 62, Article VI, Regarding Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements

The Board of County Commissioners, in regular session on August 30, 2022, granted legislative intent and permission to advertise an ordinance change amending Chapter 62, Article VI, Division 1, Section 62-1102; creating Chapter 62, Article VI, Division 5, Section 62-1844.7; amending Chapter 62, Article VI, Division 6, Section 62-2103; and amending Chapter 62, Article VII, Section 62-3202(b) regarding sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

cc: County Attorney

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING CHAPTER 62 ARTICLE VI, DIVISION 1, SECTION 62-1102, "DEFINITIONS AND RULES OF CONSTRUCTION" TO CREATE A NEW DEFINITION FOR "SEWER LIFT STATIONS, SEWER VACUUM STATIONS, AND OTHER WATER AND SEWER UTILITY INFRASTRUCTURE ELEMENTS"; CREATING CHAPTER 62, ARTICLE VI, DIVISION 5, SUBDIVISION II, SECTION 62-1844.7, "SEWER LIFT STATIONS, SEWER VACUUM STATIONS, AND OTHER WATER AND SEWER UTILITY INFRASTRUCTURE ELEMENTS," THEREBY ALLOWING SEWER LIFT STATIONS, SEWER VACUUM STATIONS, AND OTHER WATER AND SEWER UTILITY INFRASTRUCTURE ELEMENTS USES AS A PERMITTED USE WITHIN ALL ZONING CLASSIFICATIONS SUBJECT TO SPECIFIED CONDITIONS; AMENDING CHAPTER 62, ARTICLE VI, DIVISION 6, SUBDIVISION I, SECTION 62-2103, "ALTERATION OF LOT SIZE; STRUCTURES AND LOT SIZES MADE NONCONFORMING AS A RESULT OF DEDICATION OR PARTIAL CONDEMNATION; ACCESS TO LOTS," TO MAINTAIN THE VIABILITY OF EXISTING STRUCTURES MADE NONCONFORMING BY SETBACK OR REDUCED BUILDING SPACING DISTANCES SHOULD THE NEW PROPERTY LINE OTHERWISE MAKE THE STRUCTURE NONCONFORMING; AMENDING CHAPTER 62, ARTICLE VIII SECTION 62-3202(b), "EXEMPTIONS," TO ADD AN EXEMPTION FOR SEWER LIFT STATIONS, SEWER VACUUM STATIONS, AND OTHER WATER AND SEWER UTILITY INFRASTRUCTURE ELEMENTS DEVELOPMENT FROM THE SITE PLAN CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Brevard County Utility Services Department desires certain code modifications (the reduction of minimum lot criteria, zoning setbacks and the exemption from site plan processing) from Brevard County's Land Development Regulations for the purpose of development of Utility substations; and

WHEREAS, the Board of County Commissioners, on * directed preparation of an amendment to the Zoning Regulations as it relates to *; and

WHEREAS, the Building Construction Advisory Committee, on *, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on *, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strike-through indicates deletions.~~

SECTION 1. Chapter 62 Article VI, Division 1, Section 62-1102, Definitions and rules of construction Code of Ordinances of Brevard County, Florida, is hereby creating a definition for Utility substations as follows:

Sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements. Lift stations are defined as a wastewater collection and pumping system that collects wastewater from collector sewers and pumps it through force main sewers. Sewer vacuum stations are defined as a mechanized system of wastewater collection utilizing differential air pressure to move the wastewater. Centralized stations provide the vacuum with valve pits providing the collection point from the source and also the inlet air required to move the wastewater. Water and sewer infrastructure elements shall include other infrastructure needed to support the transmission of water and sewer utilities.

SECTION 2. Chapter 62, Article VI, Division 5, Subdivision II, Section 62-1844.7, Utility substations, Code of Ordinances of Brevard County, Florida, is hereby created as follows:

Sec. 62-1844.7. Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements.

(a) Sewer lift station, sewer vacuum station, and other water and sewer utility infrastructure element uses shall be a permitted use within all zoning classifications, subject to the following conditions:

(1) Sewer lift station, sewer vacuum station, and other water and sewer utility infrastructure elements which utilize an above ground structure smaller than 300 square feet shall meet a minimum setback of five (5.0) feet from all property lines of the parcel.

- (2) Sewer lift station, sewer vacuum station, and other water and sewer utility infrastructure elements which utilize an above ground structure greater than 300 square feet shall meet the following requirements:
- a. Have a minimum front setback meeting the requirements of the current zoning classification,
 - b. When the sewer vacuum station is architecturally treated to appear as a single-family residence, the side and rear setbacks shall maintain the minimum setback of five (5.0) feet. If the sewer vacuum station is not architecturally treated to appear as a single-family residence, the parcel shall utilize landscape buffers along the perimeter of the parcel consistent with the Type A and Type B buffers provided in article XIII, division 2, of this chapter and the zoning setback criterion for the current zoning classification shall be required in lieu of the reduced side and rear setbacks provided above.
 - (b) Sewer lift station, sewer vacuum station, and other water and sewer utility infrastructure elements are exempt from meeting the minimum lot requirements (width, depth and area) of the zoning classification where located identified in Article VI of this chapter.
 - (c) Sewer lift station , sewer vacuum station, and other water and sewer utility infrastructure elements s are exempt from having to apply for and comply with the county's site plan requirements identified in Article VIII of this Chapter.

SECTION 3. Chapter 62, Article VI, Division 6, Subdivision I, Section 62-2103 Alteration of lot size; structures and lot sizes made nonconforming as a result of dedication or partial condemnation; access to lots, Code of Ordinances of Brevard County, Florida, is hereby amended to maintain the viability of existing structures or lots made nonconforming by setback or reduced building spacing distances should the new property line otherwise make the structure nonconforming, as follows:

Sec. 62-2103. Alteration of lot size; structures and lot sizes made nonconforming as a result of dedication or partial condemnation; access to lots.

- (a) No existing lot or parcel shall be reduced in dimension or area below the minimum requirements applicable to such lot under the provisions of this chapter except as provided elsewhere in this section.
- (b) When a lot is reduced in dimension or total area by 20 percent or less as a result of a portion of such lot being dedicated or condemned for public purposes, the lot shall be considered nonconforming and shall be considered to contain the dimensions and area it contained prior to such dedication or condemnation, however, that, for purposes of determining any other land development

requirements, including setback requirements within this chapter, the dimensions and area of such lot as it exists after the condemnation or dedication shall apply.

- (c) When a lot is reduced in dimension by 50% or less as a result of a portion of such lot being dedicated or condemned for a sewer lift station, sewer vacuum station, and other water and sewer utility infrastructure elements, the lot shall be considered nonconforming and shall be considered to contain the dimensions and area it contained prior to such dedication or condemnation. For purposes of determining any other land development requirements, except setbacks and building spacing requirements within this chapter, the dimensions and area of such lot as it exists after the condemnation or dedication shall apply.

- (e)(d) Every building or structure hereafter erected shall be located on a lot as defined in this chapter. Every building hereafter erected or structurally altered shall be on a lot, plot, tract or parcel which is consistent with section 62-102 regarding access.

SECTION 5. Chapter 62, Section 62-3202 (b), Exemptions, Code of Ordinances of Brevard County, Florida, is hereby amended to add an exemption for Utility substations to the listing of exempted uses, as follows:

Sec. 62-3202. General.

- (b) Exemptions. The following are exempt from the site plan review; however, shall comply with all other development regulations and building code requirements.
- (1) Detached single family or duplex/two family residence on a fee simple lot.
 - (2) Changing the use of an established site or changing the occupational classification within a structure where the existing parking supports the new use.
 - (3) Ancillary structures including, but not limited to, sheds, canopies, and coolers to an established principal use meeting the following criteria:
 - a. The structure does not necessitate the expansion of the existing infrastructure such as parking spaces, stormwater system, etc., or
 - b. Does not impact the adequacy of the existing infrastructure (e.g. utilize necessary parking spaces, remove/reduce stormwater, etc.), and
 - c. The scope of work does not require modifying the existing site engineering and can be regulated through the building permit review process.
 - (4) Co-locates of antennas and equipment on existing towers and tower sites, where there is no expansion of the lease area, no relocation of existing fencing, and no clearing of existing vegetation necessary.
 - (5) Sewer lift station, sewer vacuum station, and other water and sewer utility infrastructure elements.

SECTION 6. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 7. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 9. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 10. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this * day of *, 2022.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

Kristine Zonka, Chair
(as approved by the Board on *, 2022)

(S E A L)

Reviewed for legal form and content by: _____