



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.8.

11/3/2022

Subject:

Ordinance Amending Chapter 62, Article VI, Re: Sewer Lift Stations, Sewer Vacuum Stations, and other Water and Sewer Utility Infrastructure Elements. (second reading)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct the second of two public hearings to consider an Ordinance amending Chapter 62, Article VI, Re: Sewer Lift Stations, Sewer Vacuum Stations, and other Water and Sewer Utility Infrastructure Elements.

Summary Explanation and Background:

The Board of County Commissioners, in regular session on August 30, 2022, approved legislative intent to grant permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations, and directed staff to revise the Code and update Sections 62-1102, 62-1844.7, 62-2103 and 62-2106 regarding sewer lift stations, sewer vacuum stations and other water and sewer utility infrastructure elements. The proposed changes will allow this type of utility infrastructure to be constructed in any zoning classification and provide greater flexibility within the zoning code.

Proposed Amendments:

This paragraph is for summary purposes only and provide background for changes (not part of the ordinance).

#62-1102 Definitions

- Will create definitions for sewer lift stations, sewer vacuum stations and other water and sewer utility infrastructure elements

#62-1844.7 sewer lift stations, sewer vacuum stations and other water and sewer utility infrastructure elements:

- Exempts these improvements from the minimum lot size requirements of the zoning classification
- Will create a new section and a set of performance standards for sewer lift stations, sewer vacuum stations and other water and sewer utility infrastructure elements

#62-2103 Alteration of lot size

- Will create additional criteria for when a lot is reduced by more than 50% for the purposes of a sewer lift stations, sewer vacuum stations and other water and sewer utility infrastructure elements

#62-3202(b) Exemptions

- Will allow for sewer lift stations, sewer vacuum stations and other water and sewer utility infrastructure elements to be exempt from the site plan requirements

On October 17, 2022, the Local Planning Agency considered the proposed ordinance and voted 6:3 to recommend approval.

On October 25, 2022, the Board of County Commissioners conducted the first public hearing and unanimously approved.

Clerk to the Board Instructions:

Once filed with the State, please return a copy of the ordinance to Planning & Development.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 8, 2022

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2022-33, which was filed in this office on November 7, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

November 4, 2022

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

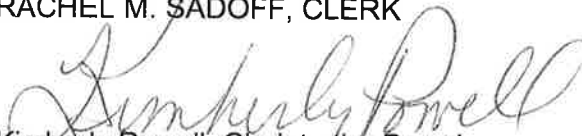
RE: Item H.8., Ordinance Amending Chapter 62, Article VI, for Sewer Lift Stations, Sewer Vacuum Stations, and other Water and Sewer Utility Infrastructure Elements

The Board of County Commissioners, in regular session on November 3, 2022, adopted Ordinance No. 22-33, amending Chapter 62, Article VI, for sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements. Enclosed is the fully-executed Ordinance that has been filed with the State of Florida.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encl. (1)

ORDINANCE NO. 2022- 33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, 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 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 Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements; and

WHEREAS, the Board of County Commissioners, on August 30, 2022 directed the preparation of an amendment to the Zoning Regulations as it relates to sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements; and

WHEREAS, the Building Construction Advisory Committee, on October 12th, 2022, reviewed the proposed Ordinance and made recommendations; and

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON NOVEMBER 7, 2022.

WHEREAS, the Local Planning Agency, on October 17th, 2022, 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 amendments serve 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:

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 Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements as follows:

Sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements means the following:

Sewer 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 utility infrastructure elements are defined to include, but are not limited to, other infrastructure needed to support the transmission of water and sewer utilities.

SECTION 2. New 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", 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 stations, sewer vacuum stations, and other water and sewer utility infrastructure elements uses shall be a permitted use within all zoning classifications, subject to the following conditions:
- (1) Sewer lift stations, sewer vacuum stations, 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 stations, sewer vacuum stations, 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; and
 - 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 Chapter 62, Article XIII, Division 2, and must meet the setback criteria for the applicable zoning classification.
- (b) Sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements are exempt from having to meet the minimum lot size requirements (width, depth and area) of the zoning classification in which they are located.
- (c) Sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements are exempt from having to apply for and comply with the County's site plan requirements identified in Chapter 62, Article VIII.

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.
- (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 4. Chapter 62, Article VIII, Section 62-3202(b), "Exemptions", Code of Ordinances of Brevard County, Florida, is hereby amended to add an exemption for sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements to the list 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 5. 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 6. 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 7. Area Encompassed. This Ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 8. 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 9. 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 3rd day of November, 2022.

Attest:



Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Kristine Zonka, Chair
(as approved by the Board on November 3, 2022)
(S E A L)

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, 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 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 Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements; 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 amendments serve 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 Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements as follows:

Sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements means the following:

Sewer 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 utility infrastructure elements are defined to include, but are not limited to, other infrastructure needed to support the transmission of water and sewer utilities.

SECTION 2. New 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", 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 stations, sewer vacuum stations, and other water and sewer utility infrastructure elements uses shall be a permitted use within all zoning classifications, subject to the following conditions:
- (1) Sewer lift stations, sewer vacuum stations, 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 stations, sewer vacuum stations, 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; and
 - 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 Chapter 62, Article XIII, Division 2, and must meet the setback criteria for the applicable zoning classification.
- (b) Sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements are exempt from having to meet the minimum lot size requirements (width, depth and area) of the zoning classification in which they are located.
- (c) Sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements are exempt from having to apply for and comply with the County's site plan requirements identified in Chapter 62, Article VIII.

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, Article VIII, Section 62-3202(b), "Exemptions", Code of Ordinances of Brevard County, Florida, is hereby amended to add an exemption for sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements to the list 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

(SEAL)

(as approved by the Board on *, 2022)





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

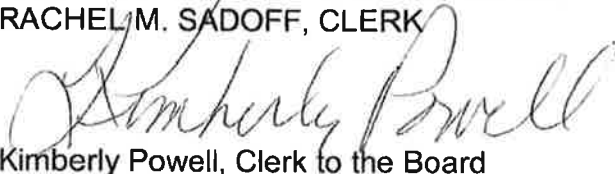
RE: Item F.2., Legislative Intent and Permission to Advertise for an Ordinance Amending Chapter 62, Article VI, Regarding Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements

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

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 17, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Ron Bartcher (D1); Brian Hodgess (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Liz Alward (D4); Mark Wadsworth, Chair (D4); Logan Luse (Alt. D4); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Paul Body, Planner III; Alex Essee, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Ordinance Amending Chapter 62, Article VI, Re: Sewer Lift Stations, Sewer Vacuum Stations, and other Water and Sewer Utility Infrastructure Elements.

Jeffrey Ball stated the item is in regards to the Utilities Department needing more flexibility when they need to construct lift stations or vacuum stations on unplatted property. The first change is adding a definition to Section 62-1102, for sewer lift stations, vacuum stations, and utility infrastructure elements. The other changes provide for performance standards in Section 62-1844.7, that allow for different parameters for sewer lift stations less than 300 square feet; if greater than 300 square feet, they will have to do other things as well. Other changes are to Section 62-2103, the alteration of the lot size. Staff has added an inclusion that if reducing the size of property by more than 50% it is considered a nonconforming lot. The last change exempts sewer lift stations, sewer vacuum stations, and water utility infrastructure elements from the site planning process.

John Hopengarten asked how the changes will affect existing lift stations. Mr. Ball replied not much, because typically a lift station is less than 300 square feet, as well as a vacuum lift station, and he doesn't see this having an affect on existing lift stations. Mr. Hopengarten stated most are on roads or next to roads. Mr. Ball replied the proposed ordinance is for new stations, allowing Utilities more flexibility on the amount of property they are required to acquire to place the lift stations. Mr. Hopengarten asked if someone with an existing site with a lift station on it utilize more of the land because the requirements are being reduced. Mr. ball replied they could, potentially, yes. Mr. Hopengarten asked where the changes originated. Mr. Ball replied they are from the Utilities Department, to allow for greater flexibility on the size of properties they are buying for lift stations and/or vacuum pump stations.

Peter Filiberto asked if an existing lift station fails, will it have to conform to the new rules, or will it be grandfathered. Mr. Ball stated he doesn't see where these would require additional performance standards they would have to meet. Typically, lift stations are small enough where they could go in and do maintenance on the property. He said they might not meet the setbacks, but that can be addressed through the variance process. Mr. Filiberto asked if the BCAC reviewed the ordinance. Mr. Ball replied yes, and unanimously recommended approval.

Robert Sullivan asked why sanitary sewer and lift stations would be exempt from site planning and not any other elements. Mr. Ball replied because they are small enough and they don't have the impacts that would promulgate additional review by other departments. Typically, it's the Utility

Services Department reviewing that through the process, and staff didn't see a need to require other departments from review.

Mr. Sullivan stated he's designed quite a few lift stations and most of them are not small lots. When there is a larger development and the gravity flows go to the lift station it could actually be a little more than 10 feet by 10 feet. He said there are lift station failures, and he likes the fact that there is a site plan review and that everybody gets to look at it. Mr. Ball stated just because staff is exempting the structures from the site plan process it doesn't mean that they are not required to get permits from DEP, St. Johns, or other regulatory agencies, it is only exempting them from County review of other departments that wouldn't necessarily need to review those plans. There might be an instance where they would, and that would be up to the Utilities Department to have another County entity review.

Motion by Liz Alward, seconded by Ben Glover, to recommend approval the proposed amendments to Chapter 62, Article VI, Re: Sewer Lift Stations, Sewer Vacuum Stations, and other Water and Sewer Utility Infrastructure Elements. The motion passed 6:3, with Sullivan, Filiberto, and Hopengarten voting nay.

Upon consensus, the meeting adjourned at 3:51 p.m.