



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
123 W. Indiana Avenue, DeLand, FL 32720
(386) 943-7059

TO: April 11, 2017 - Planning and Land Development Regulation Commission (PLDRC)

DATE: March 22, 2017

SUBJECT: Ordinance 2017-07. A county ordinance amending the definition section of Article I, Chapter 72 of the Volusia County Code of Ordinances.

STAFF: Scott Ashley, AICP, Senior Zoning Manager

Staff was directed to draft an ordinance to update two code definitions in order to expand public use utility options in the zoning ordinance.

In question are the definitions of Public utility and Public utility uses and structures. Under Section 72-2, Article I - Definitions and Interpretations of Chapter 72, County Code of Ordinances, the terms are defined as follows:

"Public utility: An enterprise providing an essential service authorized and regulated by state or federal public utility commissions, or services owned, franchised or permitted by Volusia County or a municipality in Volusia County. Included are facilities necessary to provide the service such as water towers well houses, utility poles, transmission towers, substations, sewerage, communication equipment, street lighting and other similar equipment.

Public utility uses and structures: Publicly owned or regulated electric power plants, substations, water tanks, gas transfer stations, water and sewage treatment plants and other buildings and uses not defined as "essential utility services."

These definitions address traditional types of utilities, however, they do not specifically address new technologies and innovations in the field of renewable energy production or sources, such as the field of solar energy and other alternative methods of energy generation.

Staff has reviewed the applicable public utility definitions and suggests the following revisions to the Section 72-2, Article I - Definitions and Interpretations (Chapter 72, County Code of Ordinances):

Public utility: An enterprise providing an essential service authorized and regulated by state or federal public utility commissions, or services owned, franchised or permitted by Volusia County or a municipality in Volusia County. Included are facilities necessary to provide the service such as water towers; well houses; utility poles; transmission towers; substations; sewerage; communication equipment; street lighting; renewable energy source devices that collect, transmit, store, or use solar energy, wind energy, or energy derived from geothermal deposits; and other similar structures or equipment.

Public utility uses and structures: Publicly owned or regulated electric power plants, substations, water tanks, gas transfer stations, water and sewage treatment plants, renewable energy production facilities, and other buildings and uses not defined as “essential utility services.”

Staff recommendation: Staff recommends that the PLDRC find the ordinance 2017-07 consistent with the comprehensive plan, and forward to county council for action with a recommendation of approval.

ORDINANCE 2017-07

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING CHAPTER 72, ARTICLE I, ZONING, AMENDING THE DEFINITION OF PUBLIC UTILITY AND PUBLIC UTILITY USES AND STRUCTURES TO ACCOUNT FOR RENEWABLE ENERGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike through~~ are deletions; words in underscore type are additions)

SECTION I. Chapter 72, Article II, Section 72-2 of the Code of Ordinances, County of Volusia, is amended to read as follows:

Sec. 72-2. Definitions.

AASHTO: The American Association of State Highway and Transportation Officials.

* * * * *

Public utility: An enterprise providing an essential service authorized and regulated by state or federal public utility commissions, or services owned, franchised or permitted by Volusia County or a municipality in Volusia County. Included are facilities necessary to provide the service such as water towers; well houses; utility poles; transmission towers; substations; sewerage; communication equipment; street lighting; renewable energy source devices that collect, transmit, store, or use solar energy, wind energy, or energy derived from geothermal deposits; and other similar structures or equipment.

Public utility uses and structures: Publicly owned or regulated electric power plants, substations, water tanks, gas transfer stations, water and sewage treatment plants, renewable energy production facilities, and other buildings and uses not defined as “essential utility services.”

Publicly owned parks and recreational facilities: An area of land, often in a largely natural state, having facilities for rest, recreation or sports activities owned or managed by a municipal, county, state or federal government or any agency or department thereof for the benefit or enjoyment of the general public.

* * * * *

SECTION II. SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION III: CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION IV: EFFECTIVE DATE – A certified copy of this Ordinance shall be filed with the Department of State by the County Manager within ten (10) days after enactment by the County Council and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS ____ DAY OF ____, 2017.

ATTEST: COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

James T. Dinneen, County Manager

Ed Kelley, County Chair

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