

ORDINANCE NO. 2023-____

AN ORDINANCE OF BREVARD COUNTY, FLORIDA AMENDING CHAPTER 62, ARTICLE X – ENVIRONMENTAL PROTECTION AND CONSERVATION, DIVISION 6 – STORMWATER MANAGEMENT CRITERIA, SECTION 62-3751 – ADOPTION OF STORMWATER MANAGEMENT CRITERIA, EXHIBIT A – STORMWATER MANAGEMENT CRITERIA; SPECIFICALLY, AMENDING SUBSECTION 4.6(d) OF EXHIBIT A TO ALLOW FOR THE USE OF POLYPROPYLENE PIPES IN BREVARD COUNTY RIGHT(S)-OF-WAY; SPECIFICALLY, AMENDING SUBSECTION 4.6(j) OF EXHIBIT A TO ALLOW STAFF TO ISSUE ADMINISTRATIVE WAIVERS FOR THE USE OF INVERTED SIPHONS WITHIN PRIVATE SITES AND WHERE MAINTENANCE CONCERNS HAVE BEEN MITIGATED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1993, the Board of County Commissioners of Brevard County, Florida, hereinafter the “Board”, adopted certain stormwater management criteria under Chapter 62, Article X, Division 6 of the Brevard County Code, hereinafter the “Management Criteria”; and

WHEREAS, based on feedback from and requests by the development community, as well as after evaluation from County staff, it is determined that the updates to the Management Criteria outlined below will help make the development review process more flexible and allow staff to review and implement development projects in a more efficient fashion; and

WHEREAS, in 2014, the Florida Department of Transportation determined that polypropylene pipes could be used for side drain, cross drain, and storm sewer applications; and

WHEREAS, the Code currently restricts pipe materials within the County’s rights-of-way to reinforced concrete pipe or polyvinyl chloride, also referred to as PVC; and

WHEREAS, based on the best available data, which has been reviewed by County staff, it appears that polypropylene pipes will provide an alternative option to be used for such projects if the Management Criteria is modified to allow such material; and

WHEREAS, County staff has also identified an opportunity to improve the development review and implementation processes by utilizing administrative waivers

for inverted siphons when used on private sites where maintenance concerns have been addressed by the applicant; and

WHEREAS, the Board has determined that the proposed amendments serve the public health, safety, and welfare of the citizens of Brevard County, while also allowing development projects to become more efficient.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that the Management Criteria identified in Chapter 62, Article X, Division 6, Section 62-3751, Exhibit A of the Brevard County Code of Ordinances is hereby amended to read as follows:

Deletions noted with ~~strikethroughs~~
Additions noted with underlines

SECTION 1. Polypropylene Pipes. Chapter 62, Article X – Environmental Protection and Conservation, Division 6 – Stormwater Management Criteria, Section 62-3571 – Adoption of Stormwater Management Criteria, Exhibit A Subsection 4.6(d) – Pipe Materials, Brevard County Code, is hereby amended to read as follows:

4.6 Storm sewer and culvert design.

...

(d) *Pipe materials.* All pipes within public rights-of-way and saltwater or brackish outfalls shall be reinforced concrete pipe, polypropylene pipe, or PVC meeting FDOT approval. Other pipe materials may be used at other locations if soil conditions allow and with the approval of the reviewer. All steel pipe shall be completely bituminous coated. Round concrete pipe shall use "O" ring joints.

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Section 2. Inverted Siphons. Chapter 62, Article X – Environmental Protection and Conservation, Division 6 – Stormwater Management Criteria, Section 62-3571 – Adoption of Stormwater Management Criteria, Exhibit A Subsection 4.6(j) – Inverted Siphons, Brevard County Code, is hereby amended to read as follows:

4.6 Storm sewer and culvert design.

...

(j) *Inverted siphons*. ~~Inverted siphons shall not~~ may be permitted by administrative approval/waiver from the Brevard County Public Works Department reviewer under the following conditions:

1. Inverted siphons (bubble-up structures) shall not be located within public rights-of-way or in residential developments.

2. Flooding to offsite areas is prohibited. The upstream end of the inverted siphon shall provide reserve/emergency storage onsite for the rainfall from 25-year/24-hour storm event pursuant to Section 4.1 – Design Storm (Minimum) in this Exhibit A. Reserve/emergency storage can be provided within the parking lots outside of the accessible parking and accessible routes.

3. The structures on both ends of the inverted siphon shall include a minimum one-foot (1') deep internal sump.

4. A minimum fourteen-foot (14') wide paved access up to the structures on both ends of the inverted siphon shall be provided for maintenance.

5. A maintenance agreement shall be provided by the property owner that includes the maintenance frequency of the inverted siphon, the increase maintenance needs for the inverted siphon, and potential increased costs associated with such a system. The agreement shall also acknowledge that the County shall not be responsible for any maintenance obligations.

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Section 3. Inclusion in Code. It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and that the word “Ordinance” may be changed to “Chapter,” “Section,” “Article,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this 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 5. Effective Date. This Ordinance shall become effective upon filing with the Office of Secretary of State of Florida.

DONE, ORDERED, AND ADOPTED in Regular Session, this ____ day of _____, 202__.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

Rachel Sadoff, Clerk of Court

, Chair
(as approved by the Board on _____)

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