

Section 930.07. - Review criteria for all development projects.

- (2) Flood protection requirements. When a development project, building or structure is determined to be within a special flood hazard area as defined in County Code Chapter 901, the development, building or structure shall be subject to the requirements of this section.

(i) Additional requirements.

1. Cut and fill. An equal volume of storage capacity must be created for any volume of the base flood that would be displaced by fill or structures except for the following instances:
 - a. Those development projects within the special flood hazard area along the Indian River Lagoon when granted a waiver from the cut and fill balance requirements by the board of county commissioners. In the special flood hazard area of the Indian River Lagoon, an equal volume of storage capacity must be created for any volume of the base flood that would be displaced by fill or structures below elevation two and one-half (2.5) feet NAVD88, or the ten-year flood elevation which has been determined in the flood insurance study, whichever is greater. The board of county commissioners may, in its discretion, grant a waiver from the provisions of this subsection upon the affirmative showing of the applicant, by means of a competent engineering study, that the development project is situated in an estuarine environment and that the development project, as designed, will meet all other requirements of the stormwater management and flood protection chapter and will not create a material adverse impact on flood protection on other lands in the estuarine environment.
 - b. Subdivided lots of less than one (1) acre in area that existed prior to July 1, 1990. At such time as the county may create or cause to be brought into existence a stormwater utility or other entity charged with managing drainage concerns, the requirements of this section will apply for lots less than one (1) acre in area existing prior to July 1, 1990, if the utility or entity has the authority to compensate for fill added in special flood hazard areas by administering a program that causes compensation for fill added on individual lots to be mitigated by contribution to an off site mitigation fund for a central facility or facilities, owned by the county, the stormwater utility, or other entity.
 - c. Those development projects, located in the St. John's Marsh and within either the Terra Ceia, Holopaw, Delray, Canova, Gator, or Floridian soil types (as described in the United States Department of Agriculture Soil Conservation Service Soil Survey of Indian River County, latest edition) for which a

cut and fill waiver has been granted by the board of county commissioners. The board of county commissioners may, in its discretion, grant a waiver from the provisions of this subsection upon the affirmative showing of the applicant, by means of a competent engineering study, that the development project, as designed, will meet all other requirements of the stormwater management and flood protection chapter and will not create a material adverse impact on flood protection.

- d. Development located within the Vero Lake Estates Municipal Services Taxing Unit as referenced in Ordinance No. 84-81, for which a cut and fill waiver has been granted by the board of county commissioners. The board of county commissioners may, in its discretion, grant a waiver from the provisions of this subsection upon the affirmative showing of the applicant, by means of a competent engineering study, that the development project, as designed, will meet all other requirements of the stormwater management and flood protection chapter and will not create a material adverse impact on flood protection.
- e. Commercial or industrial development located within a commercial/industrial (C/I) node. In the public interest of promoting economic development and in recognition of the de minimis impact of commercial/industrial development to the base flood within and adjacent to designated commercial/industrial nodes, such development is waived from the cut and fill requirements of this subsection. To ensure that the impact is de minimis under this exception, filling on a commercial/industrial site within the special flood hazard area shall not displace the base flood volume by more than 500 cubic yards per acre, or occur on a site larger than five (5) acres. Notwithstanding this cut and fill waiver, such commercial or industrial development shall be subject to all other applicable stormwater management and flood protection regulations in this chapter.

No structure or fill shall be permitted within the limits of the floodway of the St. Sebastian River, South Prong except as provided by [section] 930.07(2)(a)3.a.

- 2. No development will be allowed that poses a significant threat of releasing harmful quantities of pollutants to surface waters or groundwaters during flooding.
- 3. If fill is used for foundation support, the elevation of the soil support shall not be greater than that which would result from the erosion reasonably anticipated as a result of the design storm conditions.

4. All roads shall be set at or above the ten-year flood elevation, but in no case shall a road be constructed at an elevation below five (5) feet above sea level. All roads shall be designed to maintain drainage flow beneath the road bed so that equalization may occur.
5. If a development project is in a special flood hazard area, it must be demonstrated, in addition to compliance with section 930.07(2), that:
 - a. The elevation or velocity of the base flood will not be increased as a result of any obstruction or displacement of flood waters.
 - b. There is no significant threat of releasing quantities of pollutants which have the effect of degrading water quality below standards established in Florida Administrative Code Chapter 17-3, as amended from time to time, to surface or groundwater during the base flood.
 - c. The capacity of the critical flood zone to store and convey surface waters or perform other significant water management functions will not be impaired.