

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 912.04 (APPLICABILITY AND RELATIONSHIP TO OTHER REGULATIONS) AND SECTION 912.08 (DRAINAGE; STORMWATER MANAGEMENT AND FLOOD PROTECTION) OF CHAPTER 912 (SINGLE-FAMILY DEVELOPMENT); AND SECTION 914.04 (APPLICABILITY) AND SECTION 914.06 (GENERAL THRESHOLDS AND PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL) OF CHAPTER 914 (SITE PLAN REVIEW AND APPROVAL PROCEDURES), OF THE CODE OF INDIAN RIVER COUNTY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS CHAPTER 912, SINGLE-FAMILY DEVELOPMENT AND CHAPTER 914, SITE PLAN REVIEW AND APPROVAL PROCEDURES BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 912.04, Applicability and relationship to other regulations; as follows:**

This chapter establishes certain regulations which are found only within this chapter (912). Other regulations are presented or referenced in this chapter, although they may occur in other chapters, because such regulations affect single-family development. Thus, this chapter also functions as a reference for a range of land development regulations that apply to single-family development. The regulations contained, described or referenced within this chapter are not exhaustive. This chapter should not be construed to represent an exclusive list of all requirements applicable to single-family residential development and uses within the unincorporated area of Indian River County. In all cases, the regulations and provisions found or referenced in this chapter apply to single-family development. **The regulations contained in this chapter are also applicable to duplexes on individual lots or parcels of record for the purposes of building and permitting review.**

**SECTION #2:**

**Amend LDR Section 912.08, Drainage; stormwater management and flood protection; as follows:**

Drainage and flood protection regulations are applied to the construction of single-family homes **and duplexes on individual lots or parcels of record**. In many newer subdivisions complete drainage systems have been constructed to address most, if not all, drainage concerns. Nonetheless, lots must be filled and graded in such a manner as to meet the county's stormwater management requirements (Chapter 930, Stormwater Management and Flood Protection). The following stormwater management and flood protection regulations apply to single-family development.

- (1) All of Indian River County has been surveyed for flooding and stormwater characteristics by the federal government; all areas have been mapped and assigned to various zones. Some areas are located in flood zones. Flood zone maps are maintained by the ~~planning division~~ **public works department**.

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- (a) Prior to constructing a single-family home or duplex on a parcel located in a "Flood Hazard Zone," a Type "C" stormwater management permit must be obtained from the public works department.
- (b) Minimum finished floor elevations are required for all single-family development. The minimum elevation figure can be obtained along with the flood zone information by contacting the ~~planning division~~ **public works department**.
- (c) In applying for a building permit to construct a new single-family home **or duplex**, the following requirements must be addressed.

Each applicant for single-family home **or duplex** building permit approval shall submit a conceptual drainage plan, as part of his parcel survey, if the building lot or parcel is not located in a subdivision having a positive drainage system previously approved by the public works director. A list of "previously approved" subdivisions shall be on file at:

The Building Division;

The Public Works Department; and

The Planning Division.

The conceptual drainage plan shall depict on a survey the existing and proposed stormwater management system including swales, approximate finished floor elevations of proposed structures, finished floor elevations of existing structures on adjacent property, physical location and centerline elevations of the roadway providing access to the site, transition grades to adjacent property, and off-site tributary drainage entering the property, and other pertinent information as may be required by the public works director.

All conceptual drainage plans must be approved by the public works director prior to the issuance of a building permit. The public works director shall approve conceptual drainage plans and approve revisions to such plans, if it is determined that by constructing in accordance with the plans:

- (1) Stormwater runoff shall be directed through a proper system, including driveway culverts conforming to the requirements of [section 930.07\(1\)\(i\)](#);
- (2) Stormwater runoff shall not encroach upon adjacent properties;
- (3) Side slopes do not exceed a maximum of four (4) feet horizontal to one foot vertical; and
- (4) For sites that are not located in a flood hazard zone, as defined in [Chapter 930](#), the minimum finished floor elevation shall be a minimum of eighteen (18) inches above the crown of the adjacent road, unless it can be shown that the natural ground elevations provide for adequate control of runoff. For applications covering sites

within a flood hazard zone, the conceptual drainage plan and proposed construction shall meet the minimum floor elevations and applicable cut and fill balance requirements, if any, found in [Chapter 930](#), Stormwater Management.

No certificate of occupancy shall be issued until a functional drainage system has been constructed that meets items (1), (2), (3), and (4) listed above. The public works director may require construction of retaining walls, roof gutters piped to directly discharge into a swale or other outfall, underdrains, or any other facilities deemed necessary to provide adequate drainage.

**SECTION #3:**

**Amend LDR Section 914.04, Applicability; as follows:**

(1) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:

- (a) All permitted uses except single-family residences, **duplexes on individual lots or parcels of record**, and permitted agricultural uses.
- (b) All developments proposing a "change of use."
- (c) All uses requiring an administrative permit.
- (d) All uses requiring special exception approval.
- (e) Planned developments (P.D.), as specified in Chapter 915.

**SECTION #4:**

**Amend LDR Section 914.06, General thresholds and procedures for site plan review and approval; as follows:**

(1) *Site plan thresholds.*

(a) *Major site plans.* The following projects shall constitute major site plan projects and shall require, except as noted in paragraph 4 below, major site plan approval.

1. Residential projects having three (3) or more dwelling units.
2. Nonresidential projects comprised of five thousand (5,000) square feet or more or new impervious surface area, or projects comprised of new impervious surface area representing more than ten (10) percent of the site/area of development, whichever is less.
3. Where three (3) or more minor site plan requests or six (6) or more administrative approval requests for a single project area/site have been submitted and approved over any five-year period of time; where potential cumulative impacts exceed the criteria

of a major site plan application or together may create a substantial impact, the director of the community development department may require any subsequent minor site plan or administrative approval application to be reviewed pursuant to the criteria of a major site plan.

4. The following major site plan projects shall require the same approval process required of minor site plan projects:

- a. Residential projects that constitute a permitted use and that propose less than twenty-five (25) residential units.
- b. Nonresidential projects involving less than one hundred fifty thousand (150,000) square feet of new impervious surface area, regardless of new building area amount.
- c. Solar facilities located in the A-1, A-2, and/or A-3 zoning districts regardless of new impervious area.

(b) *Minor site plans.* The following projects shall constitute minor site plan projects and shall require minor site plan approval.

~~1. Any residential project, comprised of less than three (3) units determined not be an exempted single family development (see [section 914.04](#)).~~

~~2.~~ 1. Nonresidential projects comprised of less than five thousand (5,000) square feet of new impervious surface area.

~~3.~~ 2. Nonresidential projects adding or replacing two thousand (2,000) square feet or more of building gross floor area that do not constitute a major site plan.

**SECTION #5: SEVERABILITY**

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

**SECTION #6: REPEAL OF CONFLICTING ORDINANCES**

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**SECTION #7: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

**SECTION #8: EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 29<sup>th</sup> day of December, 2024, for a public hearing to be held on the 14<sup>th</sup> day of January, 2025, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph E. Flescher \_\_\_\_\_

Vice Chairman Deryl Loar \_\_\_\_\_

Commissioner Susan Adams \_\_\_\_\_

Commissioner Joseph H. Earman \_\_\_\_\_

Commissioner Laura Moss \_\_\_\_\_

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

BY: \_\_\_\_\_  
Joseph E. Flescher, Chairman

ATTEST: Ryan L. Butler, Clerk of Court and Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

This ordinance was filed with the Department of State on the following date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
Jennifer W. Shuler, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Chris Balter; Planning & Development Services Director