

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 913, SUBDIVISIONS AND PLATS; BY AMENDING SECTION 913.07(5)(B) SPECIFICALLY; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRs) CHAPTER 913, SUBDIVISIONS AND PLATS, BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 913.07(5)(B); as follows:**

(5) *Land development permit.* The land development permit is the instrument authorizing the developer to proceed with land improvements as specified in the approved plans and specifications set forth in the application and shown on the approved preliminary plat.

(B) *Plans and specifications required for land development permit.* The applicant shall furnish to the public works director or his designee the construction plans and specifications designed in accordance with the approved preliminary plat and the requirements of this chapter for the construction of all improvements. The applicant shall also furnish a complete land development permit application form as furnished by the public works department, and shall submit the review fee established by the board of county commissioners by resolution. The applicant must have obtained and shall submit copies of all jurisdictional agency permits, and all utility permits and franchises required by the Indian River County utility division prior to the issuance of a land development permit. All construction plans and specifications must be prepared, signed and sealed by a professional engineer who is registered in the State of Florida. Engineering calculations and tests in support of any of the proposed plans and specifications may be required. The drawings and required information shall be so complete that review and analysis can be made from them without research of any outside data. Five (5) copies of the plans shall be submitted on twenty-four-inch-by-thirty-six-inch sheets unless another size is approved by the county public works director, and shall contain, but shall not be limited to:

1. A cover sheet, including a location map;
2. Complete details including water, sewer, and storm drainage system. The proposed general location of wells and septic tanks shall be in conformity with the requirements of the Indian River County health department and all state and local ordinances;
3. A master stormwater management and flood protection plan and complete calculations and exhibits as required by Chapter 930;

**Bold Underline:** Additions to Ordinance

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**a. A master lot drainage plan for all single-family lots showing at a minimum finish lot grades at four (4) lot corners and two (2) side lot line mid-point locations, and showing finish floor elevation for the house pad and elevation of typical adjacent accessory structures such as lanai, patio, and pool.**

4. Construction details showing compliance with county standards or alternate design as approved by the county public works director;
5. Special profile sheets, if necessary, showing special or unique situations;
6. Benchmark location, based on North American Vertical Datum 1988 (NAVD88);
7. Soil analysis, showing the locations and results of test borings of the subsurface condition of the tract to be developed, when required by the public works director. Soil conservation service information may be used when available. Where impervious soils or muck are encountered, the plans shall reflect a satisfactory design to cope with such conditions;
8. The plans shall contain the special conditions and specifications pertaining to the subdivision in note form on the plans, such as:
  - a. Required compliance to the subdivision requirements;
  - b. Where applicable, required compliance with state standards as currently adopted and in use;
  - c. Minimum standards for materials;
  - d. Test requirements for stabilization, base and backfill;
  - e. Source of water and sewer services;
  - f. Traffic-control devices and pavement markings.
9. The plan and profile of each proposed street and improvement to existing streets such as deceleration or turn lanes (indicating the existing ground surfaces and proposed street grade surfaces including extensions for a distance of fifty (50) feet beyond the tract boundary) with tentative finished grades indicated, and lot grading plan and including easement work, clearing and grubbing, and structural details of facilities in right-of-way;
10. A typical cross-section of each type of proposed street or bikeway, showing the width of pavement, the location and width of sidewalks, where required, and right-of-way;
11. Proposed erosion control facilities and the limits of earthwork construction, both as to final construction and for protection during construction;
12. Plans for street lighting landscaping, parks, recreational areas and parking area. The plans shall have applicable approvals of all governmental agencies which are affected by the construction and have jurisdiction;
13. Projects engineered by more than one firm shall be coordinated by a single engineering firm or an engineer of record appointed by the developer;

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14. A certificate from a surveyor registered in the State of Florida that a permanent or temporary reference marker has been located in the public right-of-way at a corner point of the subdivision near the entrance way of the proposed subdivision. The reference marker shall be identified on the plat of the subdivision and shall be used to establish the grade level for all improvements in the subdivision;
15. Where the design of the subdivision includes man-made canals or waterways, plans of the proposed construction will be included and shall indicate:
  - a. All bulkhead lines;
  - b. Detailed cross-sections showing existing and proposed depths;
  - c. Location of hard pan, muck or other unique soil conditions; and
  - d. Details of bulkhead construction.
16. Developer shall submit to the community development department copies of the applications to or permits from all other permitting agencies that are applicable to the project.
17. The land development permit drawings shall depict all proposed site improvements associated with the subdivision project. Amenities that are shown but not required by the county or other jurisdictional agencies shall be clearly labeled in bold print as "Not required, optional."

## **SECTION #2: 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 #3: 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 #4: 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 #5: EFFECTIVE DATE**

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ORDINANCE 2018-\_\_\_\_

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

This ordinance was advertised in the Press-Journal on the \_\_\_\_ day of \_\_\_\_\_, 2018, for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2018, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O’Bryan \_\_\_\_\_

Vice Chairman Bob Solari \_\_\_\_\_

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

Commissioner Joseph E. Flescher \_\_\_\_\_

Commissioner Tim Zorc \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
Peter D. O’Bryan, Chairman

ATTEST: Jeffrey R. Smith, 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

\_\_\_\_\_  
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Stan Boling, AICP; Community Development Director

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