

Proposed LDR Subsection 930.07(2)(i)

(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.

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e. Commercial or industrial development located within a commercial / industrial (C/I) area. In the public interest of promoting economic development in targeted industries, and in recognition of the limited impacts of commercial/industrial development to base flood elevations within and adjacent to commercial/industrial areas, such development is waived from the cut and fill requirements of this subsection. To qualify for this waiver, all of the following requirements must be met:

- i. The base flood volume may not be displaced by more than 500 cubic yards per acre, and the development site must be under five (5) acres in size.
- ii. A formal site plan application through the Community Development Department must be submitted for the respective development.
- iii. A formal engineering analysis, provided by a licensed professional engineer, is required to demonstrate that no onsite or offsite drainage impacts will result. The analysis must be recorded into public record as part of the property's formal record.
- iv. The site is located in a Commercial/Industrial Zoning District at the time of the waiver adoption.

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.