

- ditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - b. Nonstructural fill with finished slopes that are steeper than one (1) unit vertical to five (5) units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
 - c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.
- (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.

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.

(3) *Type B stormwater management system-flood protection permit (SWMS Type B).* A Type "B" stormwater management system-flood protection permit is required prior to the construction of any stormwater conveyance, treatment and discharge associated with development activities, other than construction of an individual detached single-family residential building or structure, on property that is partially or wholly encumbered by a special flood hazard area or coastal high hazard area. The Type "B" permit shall be issued upon the applicant demonstrating compliance with applicable criteria of section 930.07(2).

(4) *Stormwater management and flood protection permit (Type C).* A Type "C" permit or flood protection permit is required prior to the construction of an individual detached single-family residence, duplex residence or accessory structure which is located in a special flood hazard area as defined in County Code Chapter 901. The Type "C" permit shall be issued upon the applicant demonstrating compliance with applicable criteria of section 930.07(2).

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 91-7, § 22, 2-27-91; Ord. No. 91-48, §§ 45—47, 49, 87, 12-4-91; Ord. No. 92-29, § 25, 9-3-92; Ord. No. 94-25, § 18(A)—(E), 8-31-94; Ord. No. 96-6, § 17, 2-27-96; Ord. No. 2003-006, § 1, 2-18-03; Ord. No. 2005-031, § 1, 9-6-05; Ord. No. 2007-012, § 1, 3-20-07; Ord. No. 2012-023, §§ 4—6, 7-10-12; Ord. No. 2012-036, § 3, 11-6-12)

Section 930.071. Drainage basin maximum discharge rates.

(1) *Procedure.* No maximum discharge rate shall be adopted for any drainage basin over which Indian River County has jurisdiction ex-

cept by ordinance. The proposed maximum discharge rate for each basin shall be workshopped prior to the scheduling of the adoption public hearings.

(2) *Basin maximum discharge rates.* Basin maximum discharge rates shall be based on a twenty-five-year, twenty-four-hour storm event over a seventy-two-hour period.

(3) *Adopted basin maximum discharge rates.* The flowing maximum discharge rates are hereby adopted:

Drainage Basin	Maximum Discharge Rate
B-1 (Beach)	
B-2 (Beach)	
B-3 (Beach)	
B-4 (Beach)	
B-5 (Beach)	
R-1 (Indian River)	
R-2 (Indian River)	
R-3 (Indian River)	
R-4 (Indian River)	
R-5 (Indian River)	
R-6 (Indian River)	
R-7 (Indian River)	
M-1 (Indian River Farms WCD)	2"/24 hours
M-2 (Sebastian River WCD)	2"/24 hours
M-3 (Sebastian/Roseland/Fleming Grant)	
M-4 (Corrigan Ranch/Vero Lake Estates)	
M-5 (Fellsmore WCD)	2"/24 hours
SJ-1 (St. Johns WCD)	
SJ-2 (St. Johns Marsh)	
SJ-3 (Talbot Terrace)	
SJ-4 (Delta Farms WCD)	

(Ord. No. 91-48, § 88, 12-4-91; Ord. No. 2005-031, § 1, 9-6-05; Ord. No. 2012-036, § 3, 11-6-12)

Section 930.08. Permit requirements.

(1) *Type A permit.* A detailed description and drawing (scale one (1) inch equals fifty (50) feet or larger) of the proposed stormwater management system shall be submitted to the community development director by a Florida registered engineer or, for any development project constructed on a site of one (1) acre or less, a Florida registered architect, as long as any engineering service involved in the design is purely incidental to the architect's practice, as provided for in Florida