

**Volusia County
Environmental Management**

**Volusia County Council
Environmental Regulations**

Updated June 19, 2008

Environmental Regulations

Summary and Overview of Environmental Regulation in Volusia County: Volusia County has developed an array of environmental regulations that protect our natural resources and our citizens. These include the Environmental Minimum Standards, implementing ordinances, delegated programs, county-wide regulations, mandated programs, and contracted programs.

Non-Minimum Standard -County Wide Regulations, Delegated Programs, Mandated Programs, and Contracted Programs: In addition to minimum standards the county is also involved with a number of regulatory programs that are county-wide in nature. These programs include:

- Well Construction & Irrigation Systems (this is both a delegated program and a county wide regulation)
- Wastewater Residual Management (sludge) Ordinance
- Small Quantity Generators of Hazardous Waste
- Underground Storage Tank Program (both compliance and cleanup)
- Scrub Jay Protocols
- Manatee Protection Plan, Boat Facility Siting Plan

Non-Minimum Standard, Unincorporated County only Regulations:

- Noise Control Ordinance

Pollution Control Code:

Consists of selected rules of the Florida Department of Environmental Protection, adopted by reference as part of Volusia County Ordinance 71-7, as amended by 73-1, K7-35 and 91-38. The Pollution Control Code is enforced county-wide in accordance with the provisions of Article II, Section 202.2(3) and Section 202.4 of the Volusia County Home Rule Charter.

DEP Rules

DEP	
RULE #	TITLE
62-204	Air Pollution Control-General Provisions
62-302	Surface Water Quality Standards
62-701	Solid Waste Management Facilities
62-600	Domestic Wastewater Facilities
62-601	Domestic Wastewater Treatment Plant Monitoring
62-640	Domestic Wastewater Residuals
62-660	Industrial Wastewater Facilities
62-761	Storage Tank Systems

Environmental Minimum Standards

The minimum standards are county wide regulations that set the bar for environmental regulations that must be met by the cities and the county. Normally, this includes a 4 to 6 month time period for the cities and the county to adopt the required implementing ordinances. The implementing ordinance is the tool that regulates the activities of our citizens and property owners.

History

The Home Rule Charter provides for the development of the minimum standards.

“Sec. 202.4. Minimum standards for environmental protection.

The council, after consideration of such advice and comment as may be submitted by the governing bodies of municipalities within the county, shall establish minimum standards, procedures, requirements and regulations for the protection of the environment. Such minimum standards, procedures, requirements and regulations may include, but shall not be limited to, tree protection, aquifer protection, stormwater management, wastewater management, river and waterway protection, hazardous waste disposal, wetlands protection, beach and dune protection, environmental protection including air pollution, and the protection from destruction of the resources of the county belonging to the general public, and such other environmental standards as the council determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Volusia County. The council shall establish such minimum standards, procedures, requirements and regulations shall apply within all the incorporated and unincorporated areas of Volusia County. In the event of a conflict between any standard, procedure, requirement or regulation established by a county ordinance, the county ordinance shall prevail within the municipality to the extent of any conflict; provided, however, the governing body of each municipality may establish more restrictive standards, procedures, requirements or regulations within the municipality for the protection of the environment.

Current Minimum Standards: (see following table for current status)

- Stormwater
- Indian River Lagoon Surface Water Improvements and Management Zone (Class II overlay zone)
- Trees
- Wetlands
- Sea Turtles
- Potable Water Wellfield (wellhead protection)
- Water Conservation
- Beaches and Dunes
- Waterwise Landscaping

The County has never developed any type of program to evaluate how effectively the minimum standards are being implemented within the various cities. Many citizens have expressed concerns that at least some of the cities may have adopted the minimum standards, but have not vigorously enforced them. The end result is uneven protection of Volusia environment.

Stormwater Management

- Adopted:** 1988 **Amended:** 1997
- Purpose:** Control stormwater runoff
- Intent:** Stormwater runoff rates and volumes, and the quality of stormwater retained after development shall approximate predevelopment conditions. Precautions will be taken to prevent erosion, sedimentation and flooding.
- Permit:** Required to develop or make any change in the use of land, or construct or change the size of a structure that will affect existing stormwater runoff.
- Exemptions:** Single family & duplex residences;
Bonafide agriculture and silviculture pursuits;
Maintenance work on existing mosquito control drainage canals; Publicly owned landfills permitted under state regulations;
Construction of roads, parking lots, driveways and loading zones not exceeding 4,000 sq. ft. of impervious surface area;
Construction of other impervious surface area not subject to vehicular traffic not exceeding 5,000 sq. ft.
- Maintenance of installed systems:**
Required by owner

Indian River Lagoon Surface Water Improvements and Management Zone

- Adopted:** 1988 **Amended:** 1993
- Purpose:** Protect and improve water quality of the Indian River Lagoon which is classified as State class II waters.
- Regulated:** Shoreline protection:
 No vertical seawalls and bulkheads.
Landscaping:
 35% open space with existing or planted native vegetation.
Stormwater control:
 Volume of retention shall be provided for 'A depth over entire lot.
Wastewater treatment plants and septic tanks:
 Treatment plants must be designed to be transformed into a pump station when public facilities are available, Septic tanks shall be located in front yards and drainfields located at least 200' from any water body or canal.
- Regulated Area:**
Northern boundary: City limits of New Smyrna Beach
Eastern boundary: Highway A1A
Western boundary: US Highway 1
Southern boundary: Brevard County line

Trees

Adopted: 1988 **Amended:** 1998

Purpose: Protect, preserve trees and enhance tree cover.

Intent: It is unlawful for any person to cut down, move, remove, or destroy any ~ without obtaining a tree removal permit. (A tree is any woody self-supporting plant having a single trunk of at least six inches in diameter or multistem trunk system with a well-developed crown at least 15 feet high.)

Permit Standards: Provided by local government

Exemptions from Permit:

Single and two family dwelling and mobile home, owner occupied;
Agricultural use property;
Deteriorated trees;
Trees within public or private right-of-way to ensure safety;
Trees grown for sale;
Certain exempted species.

Tree Protection:

Minimum tree coverage required for new construction:
One tree per 2,500 square feet of lot area
Cross section requirements;
Replacement stock determined by local government;
Specimen trees;
Tree protection area of any new development shall be at least 15%;
Historic trees.

Natural Vegetation:

Areas of development any be designated as natural vegetation retention areas and shall remain undisturbed.

Tree Survival:

Replacement by owner if it expires under certain conditions.

Wetlands

Adopted: 1988 **Amended:** 1996 & 1999

Purpose: Protect, maintain, enhance, and utilize wetlands to encourage their use for the purposes which are compatible with their natural function and environmental benefit.

Intent: Minimize disturbance of wetlands and ensure no net loss.

Permit: Required for alteration of wetlands.

Exemptions from Permit:

- Minor Maintenance, non-mechanical clearing;
- Agricultural uses;
- Walking trails;
- Utility crossings;
- Bonafide mosquito control activities;
- Wetlands ~ acre or less;
- Artificial wetlands activity;
- Silviculture activity;
- Developments which have been issued valid State or District permit.

Mitigation Requirements:

- To offset unavoidable environmental impacts;
- Maximize the preservation of existing natural resources;

Buffers:

Alteration requires permit and mitigation.

Sea Turtles

- Adopted:** 1989 **Amended:** 1995 and 1999
- Purpose:** Protect sea turtles which nest along the beaches from May 1 to October 31.
- Intent:** Minimize direct and indirect artificial light illuminating the beach.
- Regulated:** Existing development:
Exterior and interior lighting;
New development;
Exterior and interior lighting;
Publicly Owned Lighting:
Community redevelopment areas shall not illuminate the beach except as spillover and reflective light necessary to meet safety lighting for that particular property.
- Regulated Area:** The entire coast of Volusia County between the Atlantic Ocean and the westerly boundary of any property that abuts the westerly right-of-way of State Road A1A, Atlantic Avenue, or Peninsula Avenue,
- Method of Determining Compliance:** Direct and indirect artificial illumination should not be visible by a person standing on the beach.

Sea Turtles

Land Development Code, Article XII. Sea Turtle Protection.

Adopted: 1990 **Amended:** 1999

Remarks:

The minimum standards are presently being enforced by the County in all coastal cities and the coastal unincorporated areas.

Status of Municipality with Minimum Standards:

Daytona Beach	C	New Smyrna Beach	C
Daytona Beach Shores	C	Oak Hill	NA
DeBary	NA	Orange City	NA
DeLand	NA	Ormond Beach	X&C
Deltona	NA	Pierson	NA
Edgewater	NA	Ponce Inlet	C
Holly Hill	NA	Port Orange	NA
Lake Helen	NA	South Daytona	NA

X Complied
 C County to Enforce
 NA Not Applicable
 U Unknown

Potable Water Wellfields

Adopted: 1988 **Amended:** 1990 **To be revisited:** 1999

Purpose: Protect the potable water Supply from contamination.

Intent: Provide regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply wells (any water well to supply water which has been permitted for consumptive use by the St. Johns River Water Management District and where the casing diameter is 6 inches or greater).

Protective zones and restrictions:

Primary wellfield protection zone;

A 200 foot radial distance from any potable water supply well. New nonresidential use of hazardous substances shall be prohibited. Existing substances shall require a wellfield protection permit.

Secondary wellfield protection zone;

An 800 foot radial distance from said primary wellfield protection zone. New or existing nonresidential use of hazardous substances shall require a wellfield protection permit.

Exemptions: Transportation of hazardous substances in transit;
Agricultural use;
Emergency services;
Retail sales in original unopened containers;
Residential activities.

Hazardous substances enumerated:

Chapter 38F-41 FAC;

Title 40 Code of Federal Regulations; part 261, part 302.4 (table 302.4), and part 355 (appendices A and B).

Hazardous substance inspection:

The County shall continue to administer a hazardous substance inspection and cleanup program for both incorporated and unincorporated areas of the County.

Potable Water Well Fields

Land Development Code, Article XIII. Potable Water Well Field Protection.

Adopted: 1990

Remarks:

Development Review Committee will determine the necessity of a Wellhead Protection Permit.

A development permit will be pending approval of the Wellhead Protection Permit.

Status of Municipality with Minimum Standards:

Daytona Beach	X	New Smyrna Beach	X
Daytona Beach Shores	NA	Oak Hill	NA
DeBary	C	Orange City	X
DeLand	X	Ormond Beach	X
Edgewater	X	Pierson	C
Deltona	X	Ponce Inlet	NA
Holly Hill	C	Port Orange	C
Lake Helen	X	South Daytona	NA

X Complied
 C County to Enforce
 NA Not Applicable
 U Unknown

Water Conservation

Adopted: 1988 **Amended:** 1990, 1991 and 2000

Purpose: Protect the primarily groundwater resource of the County, which is recognized as a sole-source aquifer and is not connected to other groundwater sources.

Intent: Ability to determine water shortages based on data available in the County.

Declaration of Water Shortage:

Declared by County Council

May be recommended by Volusia Water Alliance (Water Authority of Volusia)

Levels of Water Conservation and Use:

Levels consistent with St. Johns River Water Management District, adopts by reference rule 40C-21 FAC

Variations: If requirements of this regulation would result in undue hardship, a variance may be granted provided it is the minimum necessary to alleviate such undue hardship.

General Restrictions on Water Use:

Excessive or unnecessary water use is prohibited.

Discharge of groundwater utilized in water-to-air heating and air conditioning must be directed to landscape irrigation, groundwater injection or exfiltration systems.

Beaches and Dunes

Adopted: 1988 **Amended:** 1991

Purpose:

Protect the vital beach and dune system along the Atlantic Ocean coast of the County.

Intent:

Regulate erosion control structures and activities that will affect the beach and dune system,

Conservation Zone:

Established
Location
Management plan and preserved natural vegetation

Access Standards:

Elevated walkovers that minimize disturbances to the dune system and existing vegetation are required.
Existing walkways or unimproved paths shall be replaced.

Armoring Standards:

Rigid shoreline armoring is prohibited except to fill in gaps less than 200 linear feet. State and local agency permits are required.

Sand Removal: Any beach compatible sand, either dredged from Ponce DeLeon Inlet or extracted from construction sites on the Volusia County Barrier Island, shall not be removed from the Barrier Island. Excess sand from construction sites adjacent to the beach shall be used solely for beach and dune reconstruction.

Disposable Containers:

Plastic or Styrofoam are prohibited on the beach.

Noise Control Ordinance

- Adopted:** 1983 **Amended:** 2006
- Purpose:** To regulate noise levels by use occupancy categories by measuring maximum allowable decibel levels and to control nuisance noise levels by law enforcement intervention.
- Intent:** Ensure the peace, quiet and comfort of residents in the unincorporated areas of Volusia County.
- Permit:** Required for special entertainment events on public property or non-entertainment events on private property, with special conditions to prevent nuisance situations.
- Exemptions:** Air conditioners, lawn mowers and agricultural equipment operated in accordance with manufacturers specifications
Non-amplified crowd noise
Construction activities with valid building permits
Safety signals, warning devices and church bells and chimes
Emergency vehicles responding to an emergency
Railroad trains
Normal aircraft operations
Motor vehicles
Permitted emergency work or repairs
Special permitted noise of a temporary duration
Generators
- Mitigation Requirements:**
Not Applicable
- Buffers:**
Not Applicable

Appendix

Minimum Standards

Stormwater Management

Indian River Lagoon Surface Water Improvements and Management Zone

Trees

Wetlands

Sea Turtles

Potable Water Wellfields

Water Conservation

Water Wise Landscaping

Beaches and Dunes