

DIVISION 16. INDIAN RIVER LAGOON SURFACE WATER IMPROVEMENTS AND MANAGEMENT OVERLAY ZONE

Sec. 72-1096. Purpose and intent.

(a) The purpose of this division is to provide regulations to protect and improve the water quality of the Indian River Lagoon. This water body contains waters designated as class II by the Florida Department of Environmental Protection in accordance with Rule 62-302.400, Florida Administrative Code, and the only waters in Volusia County designated for special protection by Florida legislation pursuant to the Surface Water Improvement and Management Act (SWIM). Additionally, these waters have been designated as an "estuary of national significance" by the U.S. Environmental Protection Agency. Said class II designation authorizes shellfish propagation and harvesting. Said water quality criteria applicable to this class are designed to maintain the minimum conditions necessary to assure the suitability of water for the designated use of the classification. The regulations in this section are designed to reduce the negative impacts of development adjacent to the Indian River Lagoon and to protect this vital natural resource and the shellfish harvesting industry in that area.

(b) Notwithstanding any other provisions of the Land Development Code, Ordinance 88-3, and as amended, to the contrary, these regulations are supplementary thereto.

(c) An overlay zone is hereby established and the regulations hereinafter provided shall apply in said zone and all zoning classifications established in division 7 of the Zoning Ordinance, Ordinance No. 80-8, as amended. The official zoning map shall identify the overlay zone by adding the letter "W" as a suffix to the zoning classifications within the boundaries of said overlay zone.

(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-1097. Boundaries.

Said boundaries of the zone are as follows: That portion of the unincorporated area of Volusia County, Florida, bounded on the north by the southern city limits of the City of New Smyrna Beach; on the east by the Atlantic Ocean; on the west by U.S. Highway #1; and on the south by the Brevard County line.

(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-1098. Wetlands preservation.

All wetlands occurring within this overlay zone shall be regulated in accordance with division 11 of this article.

(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-1099. Shoreline protection.

(a) The construction of vertical seawalls and bulkheads shall be allowed adjacent to artificial waterways in existence prior to June 18, 1987, provided that the design of said seawalls and bulkheads prevents the runoff of stormwater into the artificial waterway. A stormwater management plan is required.

(b) Vertical seawalls and bulkheads are prohibited adjacent to all other watercourses or water bodies except as may be waived by the county council. Hardening of the estuarine

shoreline shall be allowed only when erosion is causing a serious threat to life or property.

(c) Other shoreline stabilization methods may be used in lieu of vertical seawalls and bulkheads when hardening of the shorelines is approved.

(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-1100. Landscaping.

Notwithstanding any other provision of the Zoning Ordinance, Ordinance No. 80-8, as amended, to the contrary, all development shall contain a minimum of 35 percent open space within property boundaries, landscaped with existing native vegetation which is indigenous to this area or planted native species, in accordance to a list of acceptable species available in the zoning office.

(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-1101. Stormwater controls.

Notwithstanding any other provisions of division 8 of this article, individual single-family and duplex residential dwellings or additions thereto and/or accessory structures containing a total of 250 square feet in size or more, not previously included in a stormwater management plan, shall provide a volume of retention equivalent to one-half-inch of depth over the entire site or lot. Prior to the issuance of a building permit, an application shall be submitted to the environmental management division (EDM) for review. The EDM may approve, modify, or deny the application.

(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-1102. Wastewater treatment plants and on-site waste disposal systems.

(a) Package wastewater treatment plants may be permitted if the plant is designed to be transformed into a pump station when public central wastewater facilities become available in the area, provided that said availability is to be not more than ten years distant from issuance of a development order. Said package plants are to be dedicated to the entity to be responsible for providing central regional service and are to be constructed to the requirements specified by said entity.

(b) Septic tanks, if permitted for new single-family lots shall be located in compliance with chapters 64E-6 and 62-600 of the Florida Administrative Code. The septic tank system shall be designed to connect to central sewer line when central sewer services become available. The septic tank system and drainfield shall be as far removed as possible from the shoreline of a class II water body or its tributaries.

(c) For that portion of the barrier island falling within the overlay zone, aerobic wastewater treatment units or alternative systems approved by the health department shall be required, until such time as central sewer service becomes available, on lots that are either within 200 feet of the shoreline of Mosquito Lagoon or consist of one of the following soils:

Canaveral sand

Cassia fine sand

Hydraquents

(d) For that portion of the mainland, east of U.S. Highway #1, which is within the overlay zone, aerobic wastewater treatment units or alternative systems approved by the

health department shall be required on lots that are located within 200 feet of the shoreline of Mosquito Lagoon.

(1) These systems are also required for lots which are in excess of 200 feet from the shoreline of Mosquito Lagoon, provided that said lots have less than 10,000 square feet of area and consist of any one or more of the following soils:

Canaveral sand
Cassia fine sand
Hydraquents
Myakka fine sand
Quartzippammments
Turnbull muck
Pompano-Placid complex
Myakka variant fine sand
Placid fine sand, depressional
Basinger fine sand, depressional
Immokalee sand
Myakka-St. Johns complex
Immokalee sand, depressional
Tuscawilla sand
Pompano fine sand
Riviera fine sand
Wabasso fine sand
Chobee fine sand

(2) Any transitional soil with a seasonal high-water table within 12 inches of the soil surface.

(e) On-site waste disposal systems are not permitted where connection to a central system of wastewater collection and treatment is available.

(f) A municipal, county-owned, or investor-owned sewage system shall be deemed available for connection if all of the following criteria are met:

(1) The system is not under a Florida Department of Environmental Regulation moratorium; and

(2) The sewerage system has adequate hydraulic capacity (i.e., complies with the county's adopted level of service standard) to accept the quantity of sewage to be generated by the proposed development; and

(3) For estimated sewage flows of 600 gallons or less per day:

- a. A sewer line exists in a public easement or right-of-way which abuts the property; and
- b. Gravity flow can be maintained from the building drain to the sewer line.

(4) For estimated sewage flows exceeding 600 gallons per day:

- a. A sewer line, force main, or lift station exists in a public easement or right-of-way which abuts the property or is within 100 feet of the property.

(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-1103. Removal of vegetation.

The removal or stripping of native vegetative cover from a vacant lot is prohibited unless said action is performed in conjunction with the development of the building premises in

a manner consistent with an approved development order or building permit; or upon authorization of the zoning enforcement official for minor landscaping projects.
(Ord. No. 2004-21, 11-4-04; Ord. No. 2008-25, § III, 12-4-08)
Secs. 72-1104--72-1135. Reserved.