

**ORDINANCE 2025-06**

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE OF VOLUSIA COUNTY; AMENDING CHAPTER 72, ARTICLE III DIVISION 8, SECTION 72-778 STORMWATER MANAGEMENT PERMIT REVIEW; AMENDING CHAPTER 72, ARTICLE III, DIVISION 8, SECTION 72-779 PERFORMANCE, REVIEW, AND DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, of Florida Statutes, entitled the Local Government Comprehensive Planning and Land Development Regulations Act ("Act"), empowers and requires the Volusia County Council (the "Council") to plan for the County's future development and growth and to adopt and amend its Land Development Code, or elements of portions thereof, to guide the future growth and development of the County; and

WHEREAS, the Volusia County Council has a goal of updating the Land Development Code to promote consistency with the latest state and federal laws, as well as best practices for land development in the County; and

WHEREAS, the County Council of Volusia County, Florida has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Volusia County.

WHEREAS, this ordinance has met the notice and public hearing requirements of 43 sections 125.66(4)(b), F.S., and was heard before the Planning and Land Development 44 Regulation Commission pursuant to section 163.3174, F.S.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,  
FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underscore type are additions.)

**SECTION I:** Incorporation of Recitals. The above recitals represent the legislative findings of the Volusia County Council supporting the need for this ordinance.

**SECTION II:** Chapter 72, Article III, Division 8, Section 72-778 of the Land Development Code of Volusia County, is hereby amended to read as follows:

**ARTICLE III. – LAND DEVELOPMENT REGULATIONS**

...

**DIVISION 8. – STORMWATER MANAGEMENT**

...

**Sec. 72-778. - Stormwater management permit review.**

...

An application for a stormwater management development permit shall be filed, processed and approved in the following manner:

...

*(3) Stormwater management requirements.*

...

c. The following plans and information, prepared by a Florida registered engineer, shall be submitted with the application:

...

3. Information regarding the types of soils and groundwater conditions existing on the site, including a geotechnical investigation report signed by an engineer or geologist registered in the State of Florida and experienced in soils, hydrogeology and groundwater hydrology and an evaluation of seasonal high-water table elevations which contains:

- i. A representative number of soil boring profiles, but not less than a minimum of two soil borings per acre within the footprint of the final pond location;
- ii. Depth measurements to the water table for each soil boring profile;

...

iv. If submitted estimates of seasonal high groundwater

elevations differ by more than six inches from the values published in the official soil survey of Volusia County, Florida, additional evaluations explaining the discrepancy are required. The following additional information may also be required at the discretion of the CDE county development engineer:

...  
**SECTION III:** Chapter 72, Article III, Division 8, Section 72-779 of the Land Development Code of Volusia County, is hereby amended to read as follows:

...  
**Sec. 72-779. - Performance, review and design standards.**

(a) Performance Standards.

(1) For applications for a lesser or a standard development, the following performance standards shall be followed in the design of the project:

- a. Stormwater runoff shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. "Best management practice" shall mean a practice or combination of practices determined by the DRC to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in chapter 17-3, Florida Administrative Code. The design of any stormwater best management practice shall be based on the seasonal high-water elevation determined by either the project geotechnical engineer, if the seasonal high-water elevation is estimated to be below ground, or the project biologist, if the seasonal high water elevation is determined to be above ground. The design calculations for the selected stormwater best management practice shall use a design normal water elevation equal to the highest measured seasonal high-water elevation plus 6 inches.

94 ...

95 c. Design of water retention or detention structures and flow  
96 attenuation devices shall be subject to the approval of the CDE  
97 pursuant to the standards hereof. Detention structures shall be  
98 designed to release runoff to the downstream drainage system  
99 over a period of time so as not to exceed the capacity of the existing  
100 downstream system. Under no case shall open retention areas  
101 (ponds, etc.) have side slopes steeper than four horizontal to one  
102 vertical (4:1) to a depth of two feet of water at seasonal low pond  
103 elevation, at which point the side slope may be increased to two  
104 horizontal to one vertical (2:1). Retaining walls may be utilized to  
105 accommodate field conditions. In order to maintain good water  
106 quality in stormwater management detention ponds and maximize  
107 the provision of fish and wildlife habitat, stormwater management  
108 systems with permanently wet detention ponds should be  
109 designed, operated and maintained so as to resemble a natural  
110 pond to the greatest extent practical. A natural pond design should  
111 include: A littoral zone comprised of native emergent and  
112 submersed aquatic macrophytic vegetation; a deep open water  
113 limnetic zone free of rooted emergent and submersed vegetation;  
114 and, where feasible, an upland buffer of native trees, shrubs and  
115 *under story vegetation in accordance with St. John's River Water*  
116 *Management District requirements.* Stormwater ponds should be  
117 located internal to the project if possible. If a stormwater pond is  
118 located adjacent to a perimeter property line and any portion of the  
119 adjacent property at the shared property line is lower than 1' below  
120 the top of bank of the stormwater pond then the CDE may require  
121 a clay core, or similar device, to eliminate or reduce to historic  
122 levels the groundwater flow from the stormwater pond to the  
123 adjacent property. In addition, an emergency spillway shall be

designed and constructed using erosion resistant surfaces to channelize water,

(3) For application for a standard development, the following additional performance standards shall be followed in the design of the project:

*b. Runoff computations.* Runoff computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected area. The tailwater elevation used in the design of the stormwater best management practice is to be based on a County approved basin study. If a basin study has not been conducted and approved by the County than prior to preparing the stormwater best management practice design for the project, the engineer of record shall be responsible for coordinating with County Engineering staff to review and approve the tailwater information to be used in the calculations. Non-study based tailwater conditions are to surveyed by a licensed surveyor. For the purposes of calculating the pre-development runoff for undeveloped property with multi-designation soils types, e.g. A/D or B/D soils, the curve number shall be based on the highest percolation rate soil, A or B, unless the project geotechnical engineer can prove to the satisfaction of the CDE that the curve number should be based on the lower percolating condition.

**SECTION IV:** Authorizing Inclusion in Code. The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

**SECTION V:** Severability. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

**SECTION VI:** Conflicting Ordinances. All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

**SECTION VII:** Effective Date. This ordinance shall take effect upon filing of a certified copy by e-mail with the Department of State.

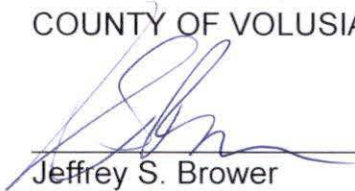
FIRST READING, this 11<sup>th</sup> day of February, 2025.

UPON SECOND READING, BE IT ORDAINED, BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS DAY OF 2025 A.D.

ATTEST:

  
\_\_\_\_\_  
George Recktenwald  
County Manager

COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA

  
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Jeffrey S. Brower  
County Chair