INDIAN RIVER COUNTY ORDINANCE NO. 2025-__

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, DECLARING THE ST JOHNS IMPROVEMENT DISTRICT AREA TO BE AN ENVIRONMENTALLY SENSITIVE HEADWATERS REGION AND A PRIORITY AGRICULTURAL ZONE; ESTABLISHING WASTEWATER AND DEVELOPMENT STANDARDS TO PROTECT WATER QUALITY AND AGRICULTURAL USE; MANDATING ADVANCED TREATMENT DESIGN CRITERIA BASED ON STORM EVENT ELEVATIONS; ADDRESSING ON-SITE SEWAGE SYSTEM CLASSIFICATIONS AND DISINFECTION EFFECTIVENESS; CLARIFYING ZONING DENSITY REQUIREMENTS; AND PROVIDING FOR ENFORCEMENT, MONITORING, AND AN EFFECTIVE DATE.

WHEREAS, Indian River County recognizes that the St Johns Improvement District ("SJID") area comprises the headwaters of a regional potable water source and functions as a water recovery, redistribution, and irrigation system vital to local agriculture; and

WHEREAS, the SJID area is located within a low-permeability basin not conducive to vertical water absorption, where lateral seepage into agricultural reservoirs and ditches is common; and

WHEREAS, the design, location, and performance of sewage systems within this area must ensure the protection of groundwater and reservoir water quality, particularly to prevent contamination by improperly treated wastewater; and

WHEREAS, Florida Statutes §§ 403.086, 403.064, 381.0065, and 187.201 establish statewide mandates for water protection, wastewater treatment, reclaimed water use, and aquifer protection, which this ordinance is intended to implement; and

WHEREAS, the County recognizes the need to balance development with agricultural sustainability, water quality, and long-term public health protections.

SECTION 1. STATUTORY AUTHORITY

This ordinance is adopted under the authority granted by:

- **Fla. Stat. § 403.086** – Advanced wastewater treatment and disinfection;
- **Fla. Stat. § 403.064** – Reclaimed water reuse and feasibility requirements;
- **Fla. Stat. § 381.0065** – On-site sewage treatment system setback and performance criteria;
- **Fla. Stat. § 187.201** – State Comprehensive Plan environmental and aquifer protection policies;
- **Fla**. **Stat. § 298.22(11)** – Powers of supervisors;
- **Fla. Stat. §163.3162(3)(e)** – Agricultural lands and practices.

SECTION 2. FINDINGS AND DESIGNATION

2.1 The SJID region, identified in its Chapter 189 empowering legislation is hereby designated as an **Environmentally Sensitive Area (ESA)** and a **Headwaters and Priority Agricultural Zone** due to its hydrological function, irrigation infrastructure, and risk of groundwater contamination.

2.2 Surface water and groundwater in this area are integral to downstream potable water supplies and agricultural irrigation systems.

2.3 Development and wastewater infrastructure in this area require careful regulation to maintain water quality and ensure sustainable land use.

SECTION 3. WATER RESOURCE AND WASTEWATER MANAGEMENT STANDARDS

3.1 On-Site Sewage System Classification and Treatment Requirements

The County adopts the following classification and performance expectations:

- **0–2,500 gallons/day**: Systems in this range typically consist of **basic septic tanks and drainfields** with minimal treatment. These systems are not suitable for SJID ESA conditions due to lack of disinfection or TSS control and must be so designed to be permitted in the SJID ESA.
- **2,500–10,000 gallons/day**: These are designated **advanced on-site sewage treatment systems**, although Florida regulations do not consistently define the level of treatment (e.g., secondary vs. advanced secondary vs. AWT). In the SJID ESA, such systems **must include disinfection** and **filtration** to reduce TSS and particle size for disinfection to be effective.
- **>10,000 gallons/day**: These systems must be designed as **package wastewater treatment plants**. In the SJID ESA, they are required to meet the same **advanced secondary treatment standards** with disinfection and filtration.

Disinfection is **mandatory** for all system sizes in the SJID ESA. Total suspended solids must be reduced to a level that allows effective pathogen removal. While nutrient removal is not mandated at this time, filtration is required.

3.2 Design Elevation Standard

All on-site or centralized wastewater treatment and disposal systems must be designed for operation at or above the **100-year, 24-hour storm elevation**, or the **mean annual flood line** defined in Fla. Stat. § 381.0065—**whichever is more protective**.

Systems may **not rely on pump-maintained groundwater levels** to meet vertical separation or hydraulic performance criteria.

3.3 Setback from Surface Waters

All drainfields, tanks, or effluent discharge zones must be located at least **250 linear feet** from any surface water body, flowway, seepage ditch, or reservoir in the SJID ESA. This is based on known clay lenses and lateral water migration in the basin that elevate the risk of contamination.

3.4 Density-Based Wastewater Requirements

- **1 unit per 10 acres**: Basic drainfields allowed only if all setbacks, disinfection, and filtration standards are met.
- **1–5 units per 10 acres (AG-2)**: Requires **advanced on-site sewage systems** (filtration + disinfection).
- **>1 unit per 5 acres** or **commercial/industrial**: Requires **connection to centralized public sewer** or approved community Advanced Secondary Sewage facility.

These density-based controls mirror those used in **Monroe County** prior to countywide sewer expansion and are necessary to maintain water quality and protect agricultural interests.

SECTION 4. DEVELOPMENT REVIEW, ENFORCEMENT, AND MONITORING

4.1 Reuse Feasibility and Permit Review

All new development or wastewater facility construction must:

- Submit a **Reuse Feasibility Study** per Fla. Stat. § 403.064,
- Undergo full IRC TRC and building permit review,
- Demonstrate compliance with this ordinance and design standards before permit issuance.

4.2 Monitoring and Inspection

- Landowner will monitor water quality at designated locations within the affected site. Samples must be taken monthly by landowner and submitted to a lab such as Pace or other lab to test for nitrogen, phosphorus, total chlorine, and total suspended solids. Results must be reported to the SJID.
- Existing systems must be **inspected upon new permitting** for modification of the existing facility.
- Non-compliant systems must be **upgraded within 3 months of the permitting to upgrade the existing facilities** to meet current standards.

4.3 Improper Agricultural Exemptions

The County has observed attempts to bypass development review by **claiming agricultural exemptions** for grading, infrastructure installation, and non-agricultural site work. To address this:

- All projects claiming agricultural exemption are subject to **TRC review** if any structural, grading, utility, or septic installation is involved.
- The **building department and code enforcement** shall be authorized to issue stop-work orders, initiate enforcement, or refer cases for legal action.
- All development must obtain appropriate permits from **state and regional agencies**. The County will verify inter-agency coordination during permitting.

Failure to comply may result in administrative fines, permit revocation, or litigation.

SECTION 5. SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE

5.1 **Conflicts** – This ordinance supersedes any conflicting provision in the Indian River County Land Development Code.

5.2 **Severability** – If any section of this ordinance is held invalid, the remaining sections remain in effect.

5.3 **Effective Date** – This ordinance shall become effective upon filing with the Florida Department of State.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Indian River County, Florida, this__day of_____, 2025.

ATTEST:
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS
Chair, Indian River County

Executive Summary: Ordinance to Protect Water Quality and Regulate Development in the SJ Area of Indian River County

Purpose:

This ordinance designates the **St Johns Improvement District ("SJID") region** of Indian River County as an **Environmentally Sensitive Area (ESA)** and **Priority Agricultural Zone** to safeguard water quality in a critical headwaters area that supports both **potable water supply** and **agricultural irrigation**. It introduces modern wastewater treatment standards, land-use restrictions, and enforcement mechanisms to address existing threats and prevent future contamination.

Background:

- The SJID area serves as the **headwaters of the Upper St. Johns River**, contains a **pump and reservoir network**, and provides **irrigation water** to agricultural operations.
- The region's **clay soils and shallow groundwater table** result in **lateral water movement**, increasing the risk of contamination from poorly treated sewage.
- Current on-site sewage regulations (especially for systems under 10,000 gallons/day) are insufficient for the unique hydrological risks in this area.
- The ordinance addresses gaps in state standards by setting **storm-resilient design requirements**, **disinfection mandates**, and **zoning-linked infrastructure expectations**.

Key Provisions:

1. Wastewater System Design Standards

- All systems must be built **above the 100-year, 24-hour storm elevation**.
- Use of **pump-maintained groundwater levels** for compliance is prohibited.
- **Disinfection and filtration** are required for all systems to remove coliforms and total suspended solids.
- **Nutrient removal is not mandated at this time**, but may be considered in future revisions.

2. On-Site Sewage System Classification

- **0–2,500 GPD**: Basic septic systems are considered inadequate unless fully upgraded.
- **2,500–10,000 GPD**: Must include **advanced secondary treatment** with **disinfection and filtration**.

- **>10,000 GPD**: Must be treated by **package treatment plants** that meet the same standards.

3. Setbacks and Water Body Protections

- All drainfields must be placed at least **250 feet** from public water bodies, reservoirs, or flowways, based on local geology.

4. Zoning and Infrastructure Rules

- **≤1 unit per 10 acres**: Allowed with compliant onsite systems.
- **1–5 units per 10 acres**: Requires **advanced onsite treatment**.
- **>1 unit per 5 acres or commercial**: Must connect to a **public sewer** or centralized **Advanced Secondary Sewage system**.
- Modeled on Monroe County's pre-sewer standards for sensitive environments.

5. Misuse of Agricultural Exemptions

- Developers claiming agricultural exemptions for non-agricultural activities will be subject to **TRC review** and **permit enforcement**.
- County departments must coordinate to ensure **multi-agency compliance** and prevent unauthorized development.

Enforcement and Compliance

- **Inspections** of existing systems within **upon permitting of facility changes**; **upgrades required in 3 months** if noncompliant.
- **Water quality monitoring** in SJID's developed areas will be ongoing.
- **Code enforcement**, stop-work orders, and litigation may be used as necessary.

Legal Authority

Grounded in:

- **Fla. Stat. § 403.086** – Advanced wastewater treatment;
- **Fla. Stat. § 403.064** – Reuse feasibility for wastewater;
- **Fla. Stat. § 381.0065** – On-site system setbacks and design;
- **Fla. Stat. § 187.201** – State environmental protection policies;
- **Fla**. **Stat. § 298.22(11)** – Powers of supervisors;
- **Fla. Stat. §163.3162(3)(e)** – Agricultural lands and practices.

Comparable to:

- **Monroe County** (pre-sewer mandates);
- **Polk County Green Swamp ESA** (density and wastewater controls).

Recommendation:

Adopt the ordinance to:

- Safeguard long-term **water quality** and **agricultural viability**,
- Ensure **resilient, storm-ready wastewater infrastructure**,
- Prevent **misuse of land use designations**, and
- Align with **state statutes** and best practices for sensitive headwaters areas, especially those utilized as raw drinking water sources.