

CHAPTER 6

ENVIRONMENTAL PROTECTION

- Article I NATURAL RESOURCE MANAGEMENT
- Article II FLOOD PROTECTION
- Article III STORMWATER MANAGEMENT REGULATIONS

ARTICLE I

NATURAL RESOURCE MANAGEMENT

Section 6.1 General Provisions

Section 6.1-1 Authority, Purpose, and Intent

- A. This Chapter is adopted pursuant to Chapter 163, Florida Statutes, and pursuant to the adopted Comprehensive Plan of Madison County, with specific reference to the Conservation Element.
- B. The purposes of this Chapter shall be:
 - 1. to protect areas designated in the adopted Comprehensive Plan as being environmentally sensitive through the establishment of appropriate land use and development regulations;
 - 2. to protect significant wildlife habitat and prevent the further net loss of areas essential for the well-being and survival of native and endangered wildlife species;
 - 3. to protect wellfields through the establishment of appropriate land use and development regulations and standards; and
 - 4. to protect historical and archeological resources through appropriate land use and development controls.
- C. It is intended that this Chapter be considered to present minimum standards and be interpreted strictly to ensure protection of the public health, safety, and welfare of the inhabitants of Madison County. It is further intended, however, that this Chapter shall not be applied so strictly as to deny the reasonable and beneficial use of land by property owners within the community.

Section 6.1-2 Administration

- A. The principal authority for the administration of this Chapter shall be the County Administrator as appointed by the County Commission.
- B. The County Administrator shall have the following duties and responsibilities:
 - 1. to review all permit applications for land development and land alteration activity within Madison County and to determine whether such activity is located within a Natural Resource Management Area or will have an adverse impact on such an area;
 - 2. to review applications for site plan review and/or subdivision plans and make recommendations to the County Commission as to the consistency of such applications with the provisions of this Chapter and on any conditions or modifications which may be required to ensure compliance with this Chapter;

3. to review and inspect land development activities to ensure compliance with the conditions of approval and/or the provisions of this Chapter;
 4. to review necessary data to identify the boundaries of Natural Resource Management Areas; and
 5. to coordinate with appropriate agencies in meeting the requirements of this Chapter.
- C. In performing any of his duties, the County Administrator may request the assistance of other governmental agencies, including, but not limited to, the Florida Department of Environmental Regulation, the Florida Game and Freshwater Fish Commission, the Florida Department of Natural Resources, and the Suwannee River Water Management District.
- D. Any decision of the County Administrator may be appealed to the Board of Adjustment & Appeals as provided in Chapter 3 of this Code. Matters subject to appeal include, but are not necessarily limited to interpretations of the meaning of provisions of this Chapter.

Section 6.1–3 Enforcement

This Chapter shall be enforced as is provided in Chapter 3, Section 3.5 (16) of this Code.

Section 6.2 Development Review in Natural Resource Management Areas

Section 6.2–1 Applicability to Development; Exceptions

- A. This Chapter shall apply to any approval of any subdivision plan, any site plan, and/or any final development order for a development of regional impact (DRI - under Chapter 380, FS). In addition, where an activity or development is not normally required to be reviewed under the site plan approval procedures, that activity or development shall be reviewed under this Chapter if it is located within a Natural Resource Management Area.
- B. Unless excepted below, the provisions of this Chapter shall also apply to the initiation of construction on any public construction or maintenance after the effective date.
- C. This Chapter shall not be construed to prohibit any activity by Madison County or other unit of government, undertaken by that unit or on its behalf and under its direction, which activity is undertaken to address an immediate threat to the public health and safety or to protect and maintain operation of public facilities and services in the face of an immediate threat to the continued proper operation of such facilities. Where the responsible administrative official of the relevant unit of government determines that emergency action is necessary and such emergency action is taken, the County Administrator shall subsequently review the effects of such action on areas and features protected by this Code and shall recommend to the County Commission any further corrective action or mitigation appropriate to meet the purpose and intent of the Code. The responsible governmental agency shall then undertake such further corrective action or mitigation as may be directed by the County Commission.
- D. Where non-conforming development activity is proceeding under authority of a permit issued prior to the effective date of this Code, such activity may be continued subject to the terms of all applicable regulations. No such non-conforming development activity

shall continue more than one (1) year beyond the date of the permit unless it is made to conform to the requirements of this Chapter. Where individual phases of a multi-phased project are covered by a single final site plan issued prior to the effective date, the individual phases may be continued for not more than two (2) years beyond the date of final site plan approval. Where a development project is not completed in the one or two-year completion period set forth above, the plan shall be reviewed by the County Commission and changes shall be required where necessary and practicable to make the approved plan conform to the standards in this Chapter.

Section 6.2–2 Procedure for Review

- A. Where the County Administrator determines that this Chapter applies to land under consideration for site plan, subdivision plan, or other development approval, the following procedure shall be used:
1. An application, together with plans, maps, and other documents necessary to describe the scope and extent of the land development activity within the Natural Resource Management Area or where the land development activity will create an adverse impact on a Natural Resource Management Area shall be made to the County Administrator. The number of copies of plans and other documents and the required content of submitted materials shall be as prescribed by the County Administrator. For convenience of the County, the application may be incorporated in and be coincident with an application for site plan, subdivision plan, or other permit approval.
 2. The County Administrator shall review the application for completeness and shall advise the applicant in writing within ten working days as to whether or not the application is complete and ready for processing. Determination that the application is complete shall not prevent the County Administrator from requesting additional information, nor shall it prevent the applicant from voluntarily submitting additional information at a later stage.
 3. The County Administrator shall refer copies of the application and supporting documentation to the Florida Department of Environmental Regulation, the Florida Game and Freshwater Fish Commission, the Suwannee River Water Management District, the Madison County Health Department, the Florida Department of Natural Resources, and to such other agencies as may from time-to-time request to be provided with copies of applications. The County Administrator shall request comments and recommendations, or an indication that there will be no comments, within twenty working days. Failure to respond within the twenty-day period shall be construed as being an indication of no comment.
 4. The County Administrator shall make a site inspection, or require one to be made, to determine the actual boundaries of any Natural Resource Management Area affected, and to determine the effects of the proposed activity on such Area. The County Administrator may request the assistance of appropriate agencies in making this inspection, and may request that all or part of the inspection be made by appropriate officials on his behalf. The applicant shall be notified at least five working days prior to the inspection of the time and meeting place. If extra costs are incurred for such inspection, they will be the responsibility of the developer.

5. The County Commission shall review the application and supporting materials along with the results of field investigations and reports and recommendations submitted by other agencies and shall make its findings regarding approval of the development application.
 6. The County Administrator shall prepare a report to the County Commission containing the reports and recommendations of the various agencies including the LPA. The report shall be made available to the applicant, interested agencies (including, at a minimum, all agencies who participated in the review of the application), and the general public prior to the County Commission consideration of the application at an advertised public hearing.
- B. Prior to taking action on an application for site plan or subdivision approval, the County Commission shall consider the report and recommendation of the LPA and all other relevant materials received.
 - C. In taking action on an application for site plan or subdivision approval, the County Commission may approve, approve with conditions, or deny the application. The County Commission shall consider the standards set forth in the Comprehensive Plan and in this Chapter, as well as the necessity for establishing appropriate conditions to ensure the standards are met.
 - D. Where the County Commission determines that one or more restrictions would have the effect of depriving the property owner of the reasonable, beneficial use of his land, the Commission may consider alternative restrictions, provided that any variation from the standards herein constitute the minimum variation necessary to prevent confiscation of the property.
 - E. The County Commission shall set, and shall periodically review, fees necessary to cover the cost of the administration of the permit issuance procedures under this Chapter.

Section 6.3 Standards for Management of Natural Resources

Section 6.3-1 Generally

- A. The purpose of these standards is to protect and properly manage the use of certain important natural resources for the overall benefit of the public. Toward that end, these standards shall be considered the minimum standards necessary to provide for adequate protection and management of natural resources. Where the specific facts indicate the need for greater protection, and the type of action being considered is legislative, the County Commission shall consider the need for additional conditions and/or may require a higher standard.
- B. Development proposed on or near natural resource management areas shall be designed so as to maximize the ability of the natural resource management area to function in an undisturbed natural condition. The following general standards for developments shall be applied to all resource management areas:
 - 1) Uses and activities within natural resource management areas shall be limited to those uses and activities which by their nature must be located within these areas, or which are compatible with the need for natural resource management and protection. Uses and activities on other lands which might create an adverse

impact on natural resource management areas shall be designed so as to reduce or eliminate such impacts. The County Commission may require the rearrangement of uses or activities, including density, on a site plan or the rearrangement of lots within a subdivision in order to minimize the impact of such uses on natural resource management areas.

- 2) Use of planned unit development design is encouraged for development located within or near natural resource management areas. The County Commission may require use of this technique if it finds such use necessary to ensure adequate protection of these areas.
 - 3) Development that impacts upon forest and vegetative communities, limestone or limestone dolomite shall be subject to special review requirements:
 - a) Development of industrial areas located in fracture zones, areas of know/sinkhole formation, and Karst topography features will be required (at the developer's expense) to be checked by ground penetrating radar to identify underground cavities and areas of potential sinkhole formation. Areas containing potential fracture zones, areas of potential sinkholes, will be so identified from the data gathered by Department of Environmental Regulation, or the Suwannee River Water Management District.
 - b) Industries and businesses using hazardous materials shall avoid using sites with known underground cavities and sites with potential for sinkhole formation.
 - c) There shall be no septic tanks placed within the 10-year floodplain of the Suwannee River system unless there is no negative environmental impact to the Suwannee River.
 - d) No hazardous materials or hazardous waste shall be stored within the floodplain.
- C. Where a site is affected by more than one resource (such as a wellfield located in a wetland), the appropriate standards shall apply collectively, with the more restrictive standard applying in the case of a conflict. Where meeting one standard would have the effect of violating another, the County Commission shall determine how the standards shall apply.
- D. There shall be a seventy five (75) foot regulated natural buffer adjacent to all perennial rivers, streams and creeks identified as regionally significant within Madison County. Residential, commercial, and industrial uses shall be prohibited in the buffer areas, but agricultural, silvicultural and resource based recreational activities are allowed in the buffer areas subject to Best Management Practice.
- E. There shall be a fifty (50) foot regulated natural buffer adjacent to all other perennial rivers, streams and creeks within Madison County. Residential, commercial, and industrial uses shall be prohibited in the buffer areas, but agricultural, silvicultural and resource based recreational activities are allowed in the buffer areas subject to Best Management Practice.

Section 6.3–2 Wetlands

- A. No excavation or filling shall be undertaken within a wetland unless the County Commission finds, on the basis of reasonable evidence, that there are no practical alternatives to the filling. Examples of situations where such activities may be permitted include the need to provide access to property, to provide utilities, and to create a building site on an approved lot. Where any such disturbance of a wetland is permitted, it shall be the minimum disturbance necessary to meet the needs of the use. No excavation or similar disturbance shall be permitted in a floodway.
- B. Where disturbance is permitted, new wetland areas shall be created at a minimum rate of two (2) times the area of wetlands destroyed. New wetland areas shall be in the vicinity of the areas destroyed and, at maturity, shall be functionally related (in terms of elevation, hydrology, and vegetation) to the remaining wetlands in the area. Where the County Commission finds that it is impractical to create such replacement wetlands, it may make alternative mitigation requirements.
- C. Modifications to wetlands shall ensure that predevelopment water flow (rate and quantity) is maintained to preserve wetland viability.
- D. Wetlands management shall conform to standards included in the Comprehensive Plan.

Section 6.3–3 Critical Habitats

- A. Habitats for threatened or endangered species shall be protected from development to ensure the viability of the habitat to support the continued functioning of the species. This shall be done by preserving the habitat itself from change, including reduction in size, destruction of major features or vegetation within the habitat, changes in surface water flow patterns, and/or introduction of pollutants. In addition, land development in areas near the habitat shall be restricted as needed to prevent adverse impacts. Where development in or near a critical habitat will substantially reduce its viability, the County Commission may require mitigation. Mitigation may include such actions as restoration of contiguous or disturbed areas (either on-site or off-site) to a condition which provides satisfactory habitat, or relocation of the species to appropriate non-contiguous areas dedicated for permanent use as habitat areas.
- B. Management of habitat areas shall conform to the standards included in the Comprehensive Plan.

Section 6.3–4 Wellfield Protection

- A. Areas within two hundred (200) feet of a potable water supply well (but not individual private wells) shall be designated as the zone of exclusion. Within such areas, no land development activity shall be permitted.
- B. Areas within five hundred (500) feet of a potable water supply well shall be subject to land use restrictions. Uses which are characterized by hazardous or toxic materials handling or storage (including, but not limited to: landfills, gasoline stations, petroleum storage, and pesticide storage and handling) shall not be permitted.

- C. When locations for new wells are established, the County Commission shall impose these standards prior to the actual construction of the wells.

Section 6.3–5 Historic and/or Archaeological Sites.

- A. Where a historic structure or area has been identified on the Natural Resource Management Areas Map, no structure shall be constructed or remodeled and no natural vegetation shall be disturbed within two hundred fifty (250) feet of the structure without approval by the County Commission. The Commission's review shall consider the scale, architectural style, colors, and other physical characteristics of the proposed development in consideration of the characteristics of the site being protected. The Commission's findings shall be conveyed to the person proposing the development. No final approval shall be given until the plan has been revised to reflect the Commission's recommendations.
- B. Archaeological sites which are known or suspected shall be protected. This shall be done by avoiding excavation and disturbance activities in areas known to have sites, and by evaluating suspected areas before disturbance. Where disturbance is proposed for known or suspected archaeological sites, such sites shall be evaluated in terms of state or federal criteria to determine eligibility for listing on the National Register of Historic Places. Such evaluation shall be completed before any development or disturbance activity commences. Eligible sites shall be either preserved or excavated and documented prior to destruction.

Section 6.4 Regulations Governing Single Family Structures

- A. This Section applies to the review by the County Administrator of any application for a building permit for the construction of or any change to a single family residence or a structure accessory thereto which involves land within an area designated as a resource management area. This Section shall not apply to any change which is wholly within a structure or only affects the facade of the structure, or where the County Administrator finds that the change does not create additional impacts on environmentally sensitive areas.
- B. No adverse impact of land within any wetland area shall be permitted in connection with any activity under a building permit issued under this Section. Where this restriction results in a practical hardship depriving the property owner of the reasonable use of his land, a variance may be obtained pursuant to the provisions of Chapter 3 provided that any variation from the standards herein constitute the minimum variation necessary to prevent confiscation of the property.

Section 6.5 Reserved

ARTICLE II

FLOOD PROTECTION ADMINISTRATION

Section 6.6 General

Section 6.6-1 Title

These regulations shall be known as the *Floodplain Management Article* of Madison County, Florida, hereinafter referred to as “this article.”

Section 6.6-2 Scope

The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Section 6.6-3 Intent

The purposes of this article and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Section 6.6-4 Coordination with the *Florida Building Code*

This article is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

Section 6.6-5 Warning

The degree of flood protection required by this article and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

Section 6.6-6 Disclaimer of Liability

This article shall not create liability on the part of the Board of County Commissioners of Madison County or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

Section 6.7 Applicability

Section 6.7-1 General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 6.7-2 Areas to which this article applies

This article shall apply to all flood hazard areas within Madison County, as established in Section 6-7.3 of this article.

Section 6.7-3 Basis for establishing flood hazard areas

The Flood Insurance Study for Madison County dated May 3, 2010, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Board of County Commissioner's office,

229 SW Pinckney Street, Suite 219, Madison, Florida 32340 and are available online at www.madisoncountyfl.com in the Planning Department section of the website.

- A. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 6.10 of this article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the *Florida Building Code*.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Section 6.7-4 Other laws

The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

Section 6.7-5 Abrogation and greater restrictions

This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

Section 6.7-6 Interpretation

In the interpretation and application of this article, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 6.8 Duties And Powers Of The Floodplain Administrator

Section 6.8-1 Designation

The Building Official or his designee is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

Section 6.8-2 General

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 6.12 of this article.

Section 6.8-3 Applications and permits

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

Section 6.8-4 Determinations for existing buildings and structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this article is required.

Section 6.8-5 Modifications of the strict application of the requirements of the *Florida Building Code*

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 6.12 of this ordinance.

Section 6.8-6 Notices and orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

Section 6.8-7 Inspections

The Floodplain Administrator shall make the required inspections as specified in Section 6.11 of this article for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Section 6.8-8 Other duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 6-8.4 of this article;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,

flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by this article and the *Florida Building Code* and this article to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of Madison County are modified.

Section 6.8-9 Floodplain management records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at 229 SW Pinckney Street, Suite 219, Madison, Florida 32340.

Section 6.9 Permits

Section 6.9-1 Permits required

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

Section 6.9-2 Floodplain development permits or approvals

Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

A. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this article:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes. However, storage buildings less than 300 square feet used exclusively for storage only that do not have power or plumbing attached will still be exempt from elevation requirements. They will either need to be tied down or mobile.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

Section 6.9-3 Application for a permit or approval

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 6.10 of this article.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

Section 6.9-4 Validity of permit or approval

The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Section 6.9-5 Expiration

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Section 6.9-6 Suspension or revocation

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.

Section 6.9-7 Other permits required

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Suwannee Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

Section 6.10 Site Plans And Construction Documents

Section 6.10-1 Information for development in flood hazard areas

The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 6.10-2 of this article.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 6.10-2(1) or (2) of this article.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

Section 6.10-2 Information in flood hazard areas without base flood elevations (approximate Zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or
2. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
3. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Section 6.10-3 Additional analyses and certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 6.10-4 of this article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This

requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 6.10-4 of this article.

Section 6.10-4 Submission of additional data

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 6.11 Inspections

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Section 6.11-1 Development other than buildings and structures

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

Section 6.11-2 Buildings, structures and facilities exempt from the *Florida Building Code*

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

A. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 6.10-2(3) of this article, the documentation of

height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

- B. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 6.11-2.A. of this article.
- C. Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

Section 6.12 Variances And Appeals

Section 6.12-1 General

The Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to section 553.73(5), F.S., the Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

Section 6.12-2 Appeals

The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

Section 6.12-3 Limitations on authority to grant variances

The Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 6.12-6 of this article, the conditions of issuance set forth in Section 6-12.7 of this article, and the comments and recommendations of the Floodplain Administrator and/or the Building Official. The Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

- A. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 6.10-3 of this article.

Section 6.12-4 Historic buildings

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

Section 6.12-5 Functionally dependent uses

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of Section 6.12-3.A, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Section 6.12-6 Considerations for issuance of variances

In reviewing requests for variances, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Section 6.12-7 Conditions for issuance of variances

Variations shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
2. Determination by the Board of County Commissioners that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and articles; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Section 6.13 Violations

Section 6.13-1 Violations

Any development that is not within the scope of the *Florida Building Code* but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

Section 6.13-2 Authority

For development that is not within the scope of the *Florida Building Code* but that is regulated by this article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Section 6.13-3 Unlawful continuance

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

FLOOD RESISTANT DEVELOPMENT

Section 6.14 Buildings And Structures

Section 6.14-1 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*

Pursuant to Section 6.9-2.A of this article, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 6.20 of this article.

Section 6.15 Subdivisions

Section 6.15-1 Minimum requirements

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Section 6.15-2 Subdivision plats

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 6.10-2(1) or (2) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 6.16 of this article.

Section 6.16 Site Improvements, Utilities And Limitations

Section 6.16-1 Minimum requirements

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Section 6.16-2 Sanitary sewage facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Section 6.16-3 Water supply facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Section 6.16-4 Limitations on sites in regulatory floodways

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 6.10-3(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Section 6.16-5 Limitations on placement of fill

Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

Section 6.17 Manufactured Homes

Section 6.17-1 General

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

Section 6.17-2 Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this article.

Section 6.17-3 Anchoring

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Section 6.17-4 Elevation

Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 6.17-4.A. or 36.17-4.B of this article, as applicable.

A. General elevation requirement. Unless subject to the requirements of Section 304.4.2 of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

B. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 6.17-4.A of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Section 6.17-5 Enclosures

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.

Section 6.17-6 Utility equipment

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

Section 6.18 Recreational Vehicles and Park Trailers

Section 6.18-1 Temporary placement

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-

disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Section 6.18-2 Permanent placement

Recreational vehicles and park trailers that do not meet the limitations in Section 6.18-1 of this ordinance for temporary placement shall meet the requirements of Section 6.17 of this ordinance for manufactured homes.

Section 6.19 Tanks

Section 6.19-1 Underground tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Section 6.19-2 Above-ground tanks, not elevated

Above-ground tanks that do not meet the elevation requirements of Section 6.19-3 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

Section 6.19-3 Above-ground tanks, elevated

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Section 6.19-4 Tank inlets and vents

Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Section 6.20 Other Development

Section 6.20-1 General requirements for other development

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 6.16-4 of this article if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 6.20-2 Fences in regulated floodways

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.16-4 of this article.

Section 6.20-3 Retaining walls, sidewalks and driveways in regulated floodways

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 6.16-4 of this article.

Section 6.20-4 Roads and watercourse crossings in regulated floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 6.16-4 of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 6.10-3(3) of this article.

ARTICLE III

STORMWATER MANAGEMENT REGULATIONS

Section 6.21 Stormwater Management Regulations

Section 6.21–1 Applicability

All developments in Madison County for which a County permit or authorization is required are subject to the provisions of this Section, except that single family or two family residential structures and mobile homes shall be subject only to Section 6.21–2.

Section 6.21–2 Submission and Review of Plan

An applicant for any development for which a County permit or authorization is required shall submit with his application, or at such other time designated by the County Administrator, a stormwater management plan for the site, subdivision, or other area for which the application is sought. The stormwater management plan shall clearly show the elevations, facilities, detention areas, and other data and features that will allow an analysis of the plan to ascertain its compliance with the following Section. The stormwater management plan shall bear the certificate of a registered professional engineer that states that the plan meets all the requirements of this Code.

Section 6.21–3 Stormwater Management Plans and Facilities

Stormwater management facilities shall be designed and constructed for each development that is subject to this Section to accommodate the run-off from a 25 year design storm of 24 hour duration. The detention and retention facilities shall be designed and constructed so that in such a storm the post-development run-off rates are essentially the same as the pre-development run-off would have been from the site. In addition the facilities must be designed and constructed in a manner that insures compliance with applicable federal, state and regional regulations for drainage and water quality.

Section 6.21–4 Protection of Natural Features

No land use activity within the Madison County shall be permitted which disrupts, significantly alters, or destroys the functioning of a major natural or preexisting man-made drainage feature or facility. To the extent that such will not impair the overall drainage capability of a site and is otherwise feasible, natural drainage features should be maintained during the development process.

Section 6.21–5 Financial Guarantee

The Board of County Commissioners is responsible for final approval of any development plan or permit issued under this Code and may require that the applicant submit a bond or other financial guarantee to insure that the development will comply with the provisions of this Section.