

LAND DEVELOPMENT CODE

CHAPTER 3

ADMINISTRATION OF CODE

Section 3.1 General

Section 3.1-1 Scope of Chapter

1. The provisions of this Code shall be administered in accordance with the rules set forth in this chapter and the detailed regulations within other applicable chapters.
2. Administrative procedures and standards unique to the subdivision approval process are found in Chapter 5.
3. This chapter sets out the administrative provisions applicable to the general enforcement of this Code. The powers and duties of the officials and agencies charged with enforcing the Code are explained; however, nothing contained in this chapter shall be deemed to restrict the powers of said agencies and officials otherwise available under other local legislation and applicable state and federal law.
4. All necessary administrative procedures for the matters governed by this chapter are set forth herein, including those regarding the general relationship of various departments, administrative agencies and governmental bodies; the method for public participation in the decision-making process; remedies for applicants; fees; and the filing or recording of documents and similar matters. The procedures to appeal to the courts any ruling or decision under this Code have also been provided.

Section 3.2 Standards for Due Public Notice and Hearings

1. *In general.* There are a number of provisions in this Code and in state land development legislation requiring that due public notice be given of the time, date, place, purpose and outcome of the hearing being held before a governmental commission or board to review and take action on a particular matter concerning land development. It is the purpose of this section to collect in one (1) place for easy reference a number of the provisions for such notice applicable to various land development issues governed by this Code. Accordingly, when the phrase "due public notice" is used in this Code in connection with the requirement for a public hearing on the matters listed below, it shall have the meaning set forth in the following subsections.
2. *Notice of comprehensive plan amendment for parcel or parcels of land involving less than 10 contiguous acres.* After any proposal to amend the comprehensive plan for parcels less than 10 contiguous acres has been referred to the LPA for its review and recommendation in accordance with this Code, the Planning and Zoning Board/LPA and the County Commission shall each hold at least one (1) advertised public hearing on the proposal. Due public notice of the hearings shall be published as follows for each of the hearings:
 - (a) The County Administrator shall advertise the time, date, place and purpose of said hearings at least once in a newspaper of general circulation in Madison County, Florida, with the publication to be at least ten (10) days prior to the public hearing by the County Commission, and at least ten (10) days prior to the public hearing by the LPA. The

advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range and section numbers, and shall state the current and proposed zoning classifications of the property.

- (b) Notices containing the information published in the newspaper advertisement shall also be maintained at the Office of the Clerk, the County Library, and shall be posted in a conspicuous place or places in the Madison County Courthouse.
- (c) In addition, at least ten (10) days prior to the public hearing, notice by certified mail shall be sent to each real property owner whose land lies within 500 (five hundred) feet of the perimeter of the subject property and whose address is known by reference to the latest ad valorem tax records.

3. *Notice of comprehensive plan amendment for a parcel or parcels of land involving 10 contiguous acres or more.* After any proposal to amend the future land use of a parcel or parcels of land involving 10 contiguous acres or more in the County has been referred to the LPA for its review and recommendation in accordance with this Code, due public notice of further proceedings on the proposal shall be published as follows:

(a) *Local Planning Agency.* The LPA shall hold at least one (1) advertised public hearing on the application.

- (1) The County Administrator shall advertise the time, date, place and purpose of such hearing in a newspaper of general circulation in Madison County, with the first publication to be at least ten (10) days prior to the date of the hearing. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range and section number, and shall state the current and proposed Future Land Use classifications of the property.
- (2) Notices containing the information published in the newspaper advertisement shall also be maintained at the Office of the County Administrator, and shall be posted in a conspicuous place or places in the Madison County Courthouse and at the Madison County Library.

(b) *County Commission hearings.* After the LPA has issued its recommendations on the proposed amendment, the County Commission shall hold at least two (2) public hearings on the proposed ordinance or resolution. At least one hearing shall be held on a weekday after 5:00 p.m, unless the board of county commissioners, by a majority plus one vote, elects to conduct the hearing at another time of day. The first hearing shall be held at least seven (7) days after the day that the first advertisement is published as required below. The second hearing shall be held at least ten (10) days after the first hearing and shall be advertised at least five (5) days prior to the public hearing. The advertisement shall be in the following form:

- (1) The advertisements shall appear in a newspaper of general circulation in Madison County and shall be no less than 2 columns wide by 10 inches long in a standard size newspaper. The headline shall be in a type no smaller than eighteen–point. The advertisement shall be in a portion of the newspaper other than where legal notices and classified ads appear. The advertisement shall be in substantially the form contained in Chapter 125.66(4)(b)2., Florida Statutes.
- (2) The advertisement shall not appear in the portion of the newspaper where legal

notices and classified ads appear.

- (3) For map amendments, the advertisement should contain a geographic location map clearly indicating the amendment area.
4. *Notice of application for administrative appeal and variances.* After any application for an administrative appeal or variance has been received by the County Board of Adjustments and Appeals, the Board shall hold at least one (1) public hearing with notice thereof published as follows:
 - (a) The County Administrator shall advertise the time, date, place and purpose of such hearing at least once in a newspaper of general circulation in Madison County, Florida, at least fifteen (15) days prior to the date of the hearing. The notice shall describe the property which is the subject of the application by reference to major streets or other landmarks and by township, range and section number and describing the Land Use classification of the property and the nature of the application to be considered by the Board, including the specific relief requested.
 - (b) In addition, at least fifteen (15) days prior to the public hearing, the County Administrator shall mail a notice of the time, date, place and purpose of such hearing to the applicant.
 - (c) Notices containing the published information shall also be maintained at the Office of the County Administrator, and posted in a conspicuous place or places in the Madison County Courthouse and at the Madison County Library.
5. *Proof of notice.* Proof by affidavit of the required publication, mailing and posting of the notices required in this section shall be presented at the public hearing prior to the taking of any action on the application in question.
6. *Effect of failure to receive notice.* Where notice of a hearing or matter is sent to a person by mail, that person's failure to receive the notice shall not affect the validity of any action taken at a public hearing, so long as the procedures for mailing the notice were followed.
7. *Notice and hearings on other matters.* The notice standards for public hearings on issues not mentioned in this section may be found in the particular provisions of this Code governing such issues.
8. *General standard for due public notice.* Unless otherwise provided in this Code, due public notice of a public hearing concerning any matter addressed in this Code shall mean advertising the time, date, place and purpose of such hearing in a newspaper of general circulation in Madison County once, at least ten (10) days prior to the date of the hearing before the LPA and/or the County Commission of Madison County, Florida, describing the subject matter of the hearing and inviting any interested persons to appear or submit comments in writing prior to the hearing. Notice of the hearing shall also be kept in the Office of the County Administrator, as well as posted in a conspicuous place in the Madison County Courthouse and at the Madison County Library.

Section 3.3 Time Limits; Scheduling and Continuation of Hearings.

1. *Time limits in general.* Except in extraordinary circumstances, the County Administrator shall forward all matters to be reviewed by the County Commission/LPA to that body within ten (10) business days after receipt of a completed application, and written notice of any action or

recommendation by a board or commission hereunder shall be signed by the chairperson thereof and issued within five (5) business days of such action.

2. *Scheduling of hearings.* The County Administrator shall promptly schedule before the appropriate board or commission all matters requiring a public hearing and promptly publish due public notice thereof. Wherever possible, the matter shall be scheduled for consideration at the next regular meeting of the board or commission, if sufficient time exists prior to the meeting to allow for study of the proposal and publication of due public notice. Otherwise, the matter shall be scheduled for the following regular meeting of the board or commission. Notwithstanding any other provision in this Code, no public hearing on any matter before any board or commission shall be held until proper due public notice of such matter has been published.
3. *Continuation of hearings.* A board or commission hearing a matter pursuant to this Code may continue the public hearing held on the matter until the next regular meeting of the body if needed to allow for submission or consideration of additional information. Unless the continued hearing is advertised at the same time as the first hearing, due public notice of same shall be published. Except in extraordinary circumstances, the LPA or County Commission shall not continue more than one (1) time the public hearing on any matter brought before it.

Section 3.4 Administrative Powers and Duties

Section 3.4-1 County Commission

1. *In general.* The County Commission of Madison County shall exercise the following general powers and responsibilities, in addition to all others provided for in this Code, in accordance with this Code and other applicable laws and regulations.
2. *Legislation.* Adopt this Code and the official Future Land Use Map in accordance with, and based upon the adopted Comprehensive Plan.
3. *Amendments.* Adopt appropriate amendments to the Comprehensive Plan and the Future Land Use Map, and this Code. If, because of an error or omission in the official Future Land Use Map, any property in the jurisdiction of the County Commission is not shown as being in a future land use district, the classification of such property shall be established by the County Commission.
4. *Final review.* Consider the recommendations from or hear appeals from the LPA, if applicable, on matters regulated by this Code in the manner provided by this Code, and render decisions on those matters in compliance with the provisions of this Code.
5. *Hearings.* Hold public hearings as required in this Code.
6. *Changes in districts.* Review, in accordance with applicable law, the appropriateness of the future land use classifications in the Code and Comprehensive Plan and designated in the Future Land Use Map and consider changing said classifications and districts to carry out the intent of this Code.
7. *Code enforcement.* Oversee the enforcement of this Code in the decisions and actions of the officials and governmental bodies of the County.

Section 3.4-2 County Administrator

1. *Receive applications.* Act as the initial recipient on behalf of the County Commission, Planning

Commission/LPA and/or County Development Review Committee of all land development requests and applications for relief under this Code, including all applications for subdivision or site plan approval, conditional use permits, variances, comprehensive plan amendments, home occupation permits and planned unit developments.

2. *Contents of applications.* Upon receipt of every said application, ensure that the application contains all information, materials, diagrams and fees required under this Code.
3. *Creation of files.* Prepare a separate file for each said application labeled with the name of the applicant, the file number, the nature of the application and the date the file was opened, and secure in said file the papers received by his office in connection with said initial application and all further papers or documents related to such matter.
4. *File index.* Maintain in his office an updated index of said files.
5. *Agenda and notice.* Ensure that all applications or matters to be considered by the County Commission are promptly placed on the County Commission agenda and that due public notice of same is published, if required in the Code.
6. *Referrals to LPA.* Forward applications promptly with recommendations to the Planning Board/LPA for consideration.
7. *Maintenance of files.* Maintain all files regarding pending and finalized land development matters in his office for safekeeping.
8. *Administrative actions.* Accomplish all administrative actions required by these regulations, including giving notices, receiving and processing of appeals and the acceptance of and accounting for fees.
9. *Maintenance of code and map; files.* Maintain and keep current these regulations, the official Future Land Use Map and all records relating to the administration of these regulations.
10. *Referrals to and liaison with other agencies.* Refer to the LPA, County Commission, Florida Department of Economic Opportunity, Florida Department of Environmental Protection, local municipalities and other departments or agencies for review all applications for which such reviews are specified in this Code or other laws and regulations; provide liaison with other agencies as needed; and provide copies of reports, decisions or records to other agencies as requested or as directed in this Code or other applicable laws.
11. *Compliance with Code.* Review all applications for any development activity regulated by this Code, including building permits, to ensure the conformity of the proposed activity with the provisions of this Code.
12. *Advice to applicants.* Provide advice to all applicants of the content and requirements of applicable sections of the Code.
13. *Fees.* Account for and turn over all fees received from whatever source in the manner provided by the County Commission.
14. *Approval Authority for Minor Subdivision Plats.* Conduct pre-application conference with the subdivider or his representative and authorize preparation of final plat directly following approval at pre-application conference in accordance with Chapter 5, Section 5.3-2.

15. Responsible for the enforcement of all regulations of this Code.

Section 3.4-3 Building Official

1. *Permits.* Issue temporary use permits, sign permits and any other similar permits that may be required by these regulations.
2. *Conditional use inspections.* Make determinations on fulfillment of requirements for conditional uses and issue approvals thereof as required by this Code.
3. *Inspections and technical advice.* Make all required inspections necessary to make decisions on matters within his power to decide.

Section 3.4-4 Local Planning Agency

1. *In general.* The Madison County LPA shall act in an advisory capacity to the County Commission. (The Planning and Zoning Board serves as the Local Planning Agency for Madison County.)
2. *Powers and duties.* It shall be the responsibility of the LPA to exercise the following powers and duties in addition to those specifically provided for in this Code and other legislation:
 - (a) *Review of matters and hearings.* Review those matters referred to the LPA and hold meetings and public hearings for purposes of reviewing said matters and making recommendations thereon to the County Commission.
 - (b) *Issuance of written recommendations.* Transmit to the proper governmental bodies or agencies its written recommendations, where said recommendations are provided for in this Code.
 - (c) *Changes in code, map and internal procedures.* Recommend to the County Commission for approval, internal procedures and changes in this Code or the official Future Land Use Map.
 - (d) *Books and records.* Keep a properly bound and indexed public record of its resolutions, transactions, findings and determinations in the County Clerk's Office.
 - (e) *Other duties.* Perform any other duties lawfully assigned to it.

Section 3.4-5 County Development Review Committee

1. *In general.* The Madison County Development Review Committee shall be made up of the County Coordinator, County Planner, County Attorney, County Road Superintendent, County Engineer, County Building Inspector, a representative from the County Health Department, a member of the County Commission and a member of the Planning and Zoning Board, and other appropriate departments or agencies as the case may require for review and comment, or their respective designees.
2. *Powers and duties.* The Committee shall have the following powers and duties:

- (a) Authority for site plan applications. Review all site plan applications and recommend approval, approval with modifications, or disapproval to the Board of County Commissioners, or determine that a site plan should go through the Major Development review process in accordance with Chapter 4, Section 6.4-3 of this Code.
- (b) Authority for Preliminary Subdivision Plats. Review preliminary plats and recommend approval, approval with modifications, or disapproval of the preliminary plat to the Planning and Zoning Board and Board of County Commissioners.
- (c) Other duties. Perform any other duties lawfully assigned to it.

Section 3.5 Administrative Procedures

Section 3.5-1 Application for Future Land Use Map Amendment

1. *In general.* The following steps are to be followed to request a change in the Future Land Use classification or designation for a parcel of real property.
2. *Filing application.* All applications shall be filed with the County Administrator on the proper form obtained through that office.
3. *Consistency with comprehensive plan.* The County Administrator shall determine if the application is consistent with the Comprehensive Plan. Any applicant may appeal such rejection to the County Commission as provided in this Chapter, with final action thereon to be taken by that body after a public hearing; however, such review and final decision shall relate solely to the issue of whether or not the proposed change in Future Land Use designation would be consistent with the most recent version of the Comprehensive Plan and shall not address the other merits of the application for the change in land use.
4. *Contents of application.* The application submitted shall include the following information in triplicate (no application will be accepted which does not include each of the following items):
 - (a) *Description.* The legal description, including lot and block number, and acreage of the subject property.
 - (b) *Owner.* The names and addresses of all owners of the property.
 - (c) *Future Land Use Classification.* The existing and proposed uses and Future Land Use classifications of the property.
 - (d) *Applicant interest.* A statement of the applicant's interest in the property including a copy of the latest recorded warranty deed and:
 - (1) If joint and several ownership, a written consent to the petition by all owners of record.
 - (2) If a contract to purchase, a copy of the purchase contract and written consent of the seller/owner.
 - (3) If an authorized agent, a copy of the agency agreement or written consent of the principal/owner.

- (4) If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative had the delegated authority to represent the entity, or in lieu thereof, written proof that the person is, in fact, an officer of the corporation.
 - (5) If a group of contiguous property owners, at least fifty-one (51) percent of the contiguous property owners of the property described in the petition must provide written consent.
 - (e) *Reason for application.* A statement of the special reasons that the request is needed and justified.
 - (f) *Fee.* Payment of any filing fee set by the County Commission to cover advertising and other administrative costs.
 - (g) *Signature.* A signed statement under penalty of perjury that all the materials submitted are true and correct to the best of the applicant's knowledge and belief.
5. *Referral to Board of County Commissioners.* The County Administrator shall promptly forward the application and accompanying documents to the County Commission for review.
 6. *LPA agenda and notice.* The County Administrator shall ensure that the application is promptly placed on the LPA agenda and advertised under the appropriate sections of this Chapter.
 7. *LPA review.* The LPA shall study each request for compliance with the intent of this Code and the Comprehensive Plan and, after a duly advertised public hearing, make a written recommendation to the County Commission regarding the request, and the reasons for said recommendation, not later than thirty (30) days after the public hearing thereon. The recommendations shall be forwarded to the County Commission for final action.
 8. *County Commission agenda and notice.* The County Administrator shall ensure that the application is duly advertised in accordance with Section 3.2 for public hearings before the County Commission, which shall consider the application and the recommendations of the LPA.
 9. *County Commission action.* Following the public hearings, the County Commission may approve or deny the request in accordance with this Code and the intent of this Code and the Comprehensive Plan. If the application is approved, the County Commission may by ordinance amend, modify or change the future land use classification of the property. In the event the request is denied, no public body of Madison County shall thereafter take any further action on another application for a future land use map amendment or for substantially the same requested relief on the same premises for a period of twelve (12) months from the date of the prior action disapproving such relief.
 10. *Construction.* Nothing in this section shall be construed to limit the power of any Madison County agency, officer, board or commission to initiate proposals to reclassify property in the County, and no such agency, officer, board or commission shall pay a filing fee in connection with the initiation of said proposal.

Section 3.5-2 Application for Special Exception Use

1. *In general.* The following steps are to be followed to request a special exception use permit for property under the provisions of this Code.

2. *Application.* An application for such special exception use shall be submitted to the County Administrator and shall contain the following information (no application shall be considered unless each of these items is included):
 - (a) *Description.* The legal description and acreage of the premises for which the special exception use is requested.
 - (b) *Description of use.* A description of the special exception use desired, specifically and particularly describing the type, character and extent of the proposed special exception use.
 - (c) *Authorization.* A citation to the provision in this Code which allows such special exception use.
 - (d) *Conditions.* A detailed statement of the proposed conditions on such use, and as to how those conditions are to be fulfilled.
 - (e) *Reason and existing use.* A statement as to the existing use of the property and the reason for requesting the special exception use.
 - (f) *Site plan.* A proposed site plan for said parcel prepared in compliance with the development review requirements within this Code.
 - (g) *Fee.* A filing fee for advertising and other administrative costs, in an amount set by resolution of the County Commission.
 - (h) *Signature.* The applicant's signature under penalty of perjury that the materials submitted are true and correct.
 - (i) *Additional information.* Additional information may be required if deemed necessary in order to adequately evaluate the impacts of the proposed use. Where the land use regulations place additional requirements on specific special exception uses, the application shall demonstrate that such requirements are met.
3. *LPA notice and agenda.* Upon receipt of a completed application , the County Administrator shall set the matter on the agenda for the LPA to schedule the application for a public hearing. Not less than fifteen (15) days prior to the hearing, public notice shall be given, as follows:
 - (a) by publication in a newspaper of general circulation in the County; (b) by certified mail, return receipt requested, to the applicant; (c) by certified mail to each real property owner whose land lies within 500 (five hundred) feet of the perimeter of the subject property and whose address is known by reference to the latest ad valorem tax records; (d) by posting the notice on the subject property in a conspicuous place or places, setting forth the time, place and purpose of the hearing related to the property being posted. Any party may appear at the hearing in person or by agent or attorney. Within thirty (30) days after a proposed special exception has been officially acted upon by the LPA, the LPA shall submit its written recommendations to the Board of County Commissioners.
4. *Site plan.* Any review of any application for a special exception use shall include a site plan prepared by the applicant in accordance with the development review requirements within this Code. The site plan, as submitted or revised, shall be approved as a part of any approved special

exception use.

5. *Finding.* The LPA shall recommend no special exception use hereunder unless it finds that such use will not adversely affect the public interest.
6. *Conditions.* The LPA may as a condition to recommending any application for a special exception use permit, impose such conditions restrictions or limitations in the use of such premises, or upon the special exception use thereof as requested in the application, as the LPA may deem appropriate and in the best interests of the public, taking into account matters of health, safety and welfare of the citizens, the protection of property values and other considerations material to good planning concepts, with the exercise of said discretion to be in accordance with the terms of this Code.
7. *Time limits for use.* The LPA may prescribe a reasonable time limit within which the action for which the special exception use is required shall be commenced or completed or both.
8. *Permitted use.* Any special exception use permit recommended by the LPA shall permit no use other than the specific use or uses described in the application and site plan, as the same may be limited or restricted by the terms and provisions in the permit. Any expansion or extension of the use of such premises beyond the terms of the special exception use permit shall be unlawful and in violation of this Code.
9. *County Commission Action.* The Board of County Commissioners, within sixty (60) days of official receipt of the LPA recommendations, shall include on the agenda the proposed special exception as a public hearing item. The public notice of said public hearing shall be the same as that required for the LPA in paragraph 3 of this section. The County Commission shall consider the recommendations of the LPA and either approve, approve with modifications, or deny the proposed special exception. In reviewing any application for special exception, the Commission shall consider those factors contained in Chapter 4, Section 4.6-4.D. of this Code, in order to determine that the granting of the special exception would not adversely affect the public interest.
10. *Revocation.* The County Commission may suspend or revoke any permit allowing a special exception use at any time it determines that such special exception use has become a public or private nuisance because of an unauthorized, improper or other unlawful use of such premises. The original applicant for the permit shall be notified by mail of the hearing at which said action will be considered and of the outcome of said hearing.
11. *Denial.* If an application for a special exception use permit is denied by the County Commission, the Commission shall take no further action on another application for substantially the same special exception use on the same premises until after twelve (12) months from the date of the prior denial.

Section 3.5-3 Application for Variance to Board of Adjustment and Appeals

1. *In general.* The following steps are to be followed to request a variance for property from the particular regulations of this Code.
2. *Application.* An application shall be filed with the County Administrator on a form provided by the County with the following items or information (no application shall be accepted which does not contain each item):
 - (a) *Owner.* If the applicant is other than the owner of the entire parcel in question, written

consent for such application signed by all the owners of the property.

- (b) *Description.* A complete legal description of the premises for which a variance is requested.
 - (c) *Survey.* A survey or plot diagram indicating applicable setback lines and the location of the proposed construction.
 - (d) *Nature of variance.* A statement as to the exact nature of the proposed variance and the physical nature of the premises which makes the variance necessary.
 - (e) *Hardship.* A statement as to the hardship imposed by these regulations in the event no variance is granted.
 - (f) *Future Land Use.* The future land use classification of the premises.
 - (g) *Impact.* A statement as the impact of granting the variance on contiguous property owners.
 - (h) *Fee.* A filing fee set by the County Commission to cover advertising and other administrative costs.
 - (i) *Signature.* A statement signed by the applicant under penalty of perjury that the materials submitted are true and correct to the best of the applicant's knowledge and belief.
3. *Specific findings.* The Board of Adjustment and Appeals shall not grant a variance unless it finds that all of the following conditions are met:
- (a) Special conditions and circumstances exist relating to the physical aspects of the property in question which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (b) The special conditions and circumstances do not result from the actions of the applicant.
 - (c) Granting the variance will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same land use district.
 - (d) Literal interpretation of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same land use district under the terms of this Code and would work unnecessary hardship on the applicant.
 - (e) The variance granted is the minimum variance that will make the reasonable use of the land, building or structure possible.
 - (f) Granting the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.
4. *Conditions.* In granting any variance, the Board of Adjustment and Appeals may prescribe appropriate conditions and safeguards in conformity with this Code and any ordinance enacted under its authority. Violation of such conditions and safeguards, which shall be made a part of the

terms under which the variance is granted, shall be a violation of this Code.

5. *Limits on variances.* Under no circumstances shall the Board of Adjustment and Appeals grant a variance allowing a deviation of more than thirty-five (35) percent from the applicable district regulations in question, nor shall a variance be granted as to density or to permit a use not generally or conditionally permitted in the land use district regulations. No nonconforming use of neighboring lands, structures or buildings in the same land use district, and no permitted use of lands, structures or buildings in other land use districts shall be considered grounds for the authorization of a variance.
6. *Denial.* If an application for variance is disapproved, the Board of Adjustments and Appeals shall take no further action on another application for substantially the same proposal on the same premises for twelve (12) months after such denial.

Section 3.6 Administrative Appeals to the Board of Adjustment and Appeals

1. *In general.* When the review of an administrative matter is not otherwise provided in this Code, a person aggrieved by any decision of an administrative official under this Code may appeal such decision to the Board of Adjustment and Appeals. Also, an officer, board or department of Madison County that is affected by such decision may also appeal the decision to the Board of Adjustment and Appeals.
2. *Filing within thirty (30) days.* Such appeal shall be taken within thirty (30) days after the order, requirement or decision is rendered, by filing with the officer who rendered the decision and with the Board of Adjustment and Appeals a notice of appeal on a form provided by the County Administrator and available at his/her office. All documents regarding the appeal shall be forwarded to the Board.
3. *Effect of appeal.* An appeal to the Board of Adjustment and Appeals stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken certifies that by reason of facts cited in the certificate a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed unless the Board of Adjustment and Appeals or a court of competent jurisdiction issues a restraining order for good cause shown after notice to the party and officer affected.
4. *Hearing.* The Board of Adjustment and Appeals shall fix a reasonable time for the hearing of the appeal and give due public notice thereof in accordance with Section 3-2(7), and decide the matter appealed within sixty (60) days of the filing of the notice. At the hearing, any party may appear in person, by agent or attorney.
5. *Decision by the Board of Adjustment and Appeals.* In exercising the powers granted by these regulations, the Board of Adjustment and Appeals, by the concurring vote of a majority of the membership of the Board, may reverse or affirm, whole or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made; and to that end shall have all the power of the official from whom the appeal is taken.
6. *Appeal to courts.* Any person aggrieved by any decision of the Board of Adjustment and Appeals or any County officer, department or agency affected thereby, may apply to a court of competent jurisdiction within thirty (30) days after the effective date of the decision for review of same in accordance with Florida Statutes, Section 162.11 and applicable court rules.