

# LAND DEVELOPMENT CODE

## CHAPTER 4

### LAND USE DISTRICTS AND DEVELOPMENT STANDARDS

#### **Section 4.1 Purpose and Intent**

This Article sets forth a complete description of each land use district that is consistent with the 2035 Comprehensive Plan classifications.

#### **Section 4.2 Land Use Districts**

##### **Section 4.2-1 Generally**

Land use districts of Madison County are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Madison County Comprehensive Plan and delineated on the Future Land Use Map Atlas shall be the determinants of permissible activities on any parcel in the jurisdiction.

##### **Section 4.2-2 List of Land Use Districts**

For purposes of this development code, Madison County is hereby divided into land use districts as follows:

A-1	-	Agriculture 1
A-2	-	Agriculture 2
R-1	-	Residential
CO	-	Commercial
HI	-	Highway Interchange
MU	-	Mixed Use
CP	-	Commerce Park
I	-	Industrial
P	-	Public
C	-	Conservation
REC	-	Recreation
UDO	-	Urban Development Overlay

#### **Section 4.3 Uses Allowed in Land Use Districts**

##### **Section 4.3-1 Generally**

This Section defines and prescribes the specific uses allowed within each land use district described in the Madison County Comprehensive Plan and this Code.

##### **Section 4.3-2 Types of Uses**

**A. Residential**

The category of residential uses includes:

1. Single-family dwellings
2. Two-family dwellings
3. Accessory apartments
4. Multi-family dwellings
5. Modular and manufactured housing, but specifically excluding recreational vehicles.

**B. Institutional**

Institutional uses include the following specific uses, and all substantially similar types of uses:

1. Educational facilities (public or private)
2. Preschool and day care facilities (public or private)
3. Houses of worship
4. Cemeteries without funeral homes – with a minimum of two (2) acres
5. Residential care facilities
6. Halfway housing
7. Nursing home facilities
8. Charitable uses

Specifically excluded from this group are prison/correctional facilities.

**C. Outdoor Recreational\*\***

These uses include areas for outdoor recreational activity such as the following specific uses, and all substantially similar types of uses:

1. Picnicking
2. Jogging
3. Cycling

4. Arboretums
5. Licensed airstrips\*
6. Hiking
7. Golf courses
8. Playgrounds
9. Ball fields
10. Outdoor ball courts
11. Stables
12. Rodeo arenas
13. Outdoor swimming pools
14. Boat ramps
15. Fishing docks and piers
16. Outdoor arenas
17. Recreational Shooting and Recreational Target Practice
18. Race Tracks (auto, dog, go-kart, horse, motorcycle) and similar activities\* \*\*

\*Subject to site plan review by the Development Review Committee and subject to Supplemental Standards, if required.

\*\*Specifically excluded from this group of uses are any Outdoor Recreational uses of a Commercial nature. Commercial Outdoor Recreational uses require a Special Exception and/or a Special Use Permit in any Land Use Category, along with any Supplemental Standard requirements the County may institute.

**D. Professional Service and Office**

This group of uses includes the following specific uses, and all substantially similar types of uses:

1. Business and professional offices
2. Medical offices or clinics
3. Government offices

4. Financial institutions without drive-up facilities
5. Personal service businesses where the service is performed on an individual-to-individual basis such as barber shops, beauty shops, and photography studios.

*This group of uses may include a dispatching/communications/office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.*

**E. Agriculture Commercial**

Commercial uses supplemental to the Agricultural land use districts. Individual buildings are not to exceed 10,000 gross square feet.

**F. General Commercial**

A wide variety of general commercial, commercial recreational, entertainment, and related activities is included in this group of uses. Examples include professional and office uses as well as the following specific uses, and all substantially similar types of uses:

1. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers and gymnasiums/spas/health clubs.
2. Community centers and fraternal lodges.
3. Commercial or trade schools such as dance and martial arts studios, adult education centers, but not vocational-technical schools.
4. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and bookstores.
5. Funeral homes, cemeteries, and mortuaries.
6. Farm and garden supply, building supply, and vehicle parts and accessories  
Farm equipment sales and repair and small-scale vehicle repair (no more than 8 vehicles at one time)
7. Grocery stores, supermarkets, and specialty food stores (such as meat markets, and bakeries).
8. Hospitals.
9. Hotels or motels.
10. Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners, and light mechanical repair stores (such as camera, TV, or bicycle repair shops).

11. Restaurants (standard sit-down, and high-turnover sit-down, but excluding all restaurants with drive-up facilities) including open air cafes.
12. Shopping centers, excluding regional malls or centers, not to exceed one-hundred thousand (100,000) square feet of gross leasable area (GLA).
13. Theaters and auditoriums.
14. Marinas.
15. Miniature golf, golf driving ranges.
16. Point-of-Sale retail plant nurseries.
19. Veterinary offices and animal hospital
20. Roadside produce stands, temporary or permanent.
19. Flea Markets.

**G. High Intensity Commercial**

The uses in this group include those activities which require outdoor storage, have higher trip generations than general commercial listed above, or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation. This group of uses includes the following list of specific uses and all substantially similar activities based upon similarity of characteristics.

1. Vehicle sales, rental, service, and repair, including truck stops, body shops, road services, car wash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, motorcycles, trucks, recreational vehicles, and mobile homes.
2. Gasoline sales and service, combination gasoline sale and food marts and similar facilities.
3. Recreational vehicle and travel trailer parks.
4. Taverns, bars, lounges, nightclubs, and dance halls.
5. Financial institutions with drive-up facilities.
6. Restaurants with drive-up facilities.
7. Storage yards for equipment, machinery, and supplies for building and trades contractors, garbage haulers.
8. Shopping Centers, including regional malls or centers, exceeding one-hundred thousand (100,000) square feet of gross leasable area (GLA).

## **H. Public Service/Utility**

This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Government offices or government agency offices specifically are not included in this group of uses. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

1. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue.
2. Broadcasting stations, transmission towers.
3. Utility facilities, such as water plants, wastewater treatment plants, electricity substations serving 230 KV or greater.
4. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
5. LP gas storage and/or distribution facility for up to one thousand (1000) gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar pre-filled containers.
6. Airports, airfields, and truck or bus terminals.
7. Publicly operated hazardous waste collection and handling centers and publicly operated recycling centers.
8. Uses allowable by special exception only:
  - a. High voltage transmission lines designed to operate at 230 Kilovolts or more. Environmental impact statement required.
  - b. Pipelines for the transport of flammable or hazardous gasses or liquids. Environmental impact statement required.
  - c. Landfills.

*Specifically excluded from this group are prison/correctional facilities.*

## **I. Agricultural**

Agricultural uses include activities within land areas that are predominantly used for the cultivation of crops and livestock including:

1. Cropland
2. Pastureland

3. Orchards
4. Vineyards
5. Nurseries
6. Ornamental horticulture areas
7. Groves
8. Confined feeding operations
9. Specialty farms
10. Aquaculture areas
11. Silviculture areas
12. Residential use, where allowed by land use district requirements

**J. Industrial**

This type of use includes those wholesale and retail businesses related to industrial-type activity, including the following specific uses and substantially similar activities:

1. Manufacturing
2. Processing
3. Storage
4. Distribution
5. LP gas storage and/or distribution exceeding one thousand (1,000) gallons
6. Junkyards or salvage yards
7. Recycling collection centers
8. Borrow pits (but not excavation which requires blasting)

**K. Mining**

The types of uses in this group include the following specific uses, and substantially similar activities:

1. Surface mining
2. Rock quarries

3. Strip mining
4. Any extraction activity

*Buildings or businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this group of uses.*

## **Section 4.4 Land Use District Requirements**

### **A. Agriculture 1**

1. Purpose and Intent

These areas are predominantly in agricultural or silvicultural use. Residential development is allowed only at a very low density.

2. Allowable uses

- (a) Agricultural
- (b) Residential, subject to the density standards in the code
- (c) Institutional, excluding residential care facilities and nursing homes
- (d) Outdoor Recreational.
- (e) Agriculture Commercial
- (f) Home Occupation (see also Section 2.4), subject to review and approval by the Development Review Committee
- (g) Special Exception Uses: (See also Section 4.6-4)
  - (1) Mining and Borrow Pits intended for use exceeding 60 days
  - (2) Residential care facilities and nursing homes
  - (3) Prison/Correctional facilities
  - (4) Public Service/Utility
  - (5) Public
  - (6) Flea Markets
  - (7) Recreational Vehicle Parks
  - (8) Livestock auction facilities
  - (9) Vehicle Repair exceeding 8 vehicles at a time

3. Residential Density

The density of residential development shall not exceed one (1) unit per forty (40) acres. Additional density standards for Agriculture 1 and Agriculture 2 categories are further outlined in Section 4.6-12.

4. Intensity



For non-residential uses, the intensity of development shall not exceed 0.5 Floor Area Ratio and impervious surface coverage should not exceed thirty-five (35%) percent.

**B. Agriculture 2**

1. Purpose and Intent

These areas are predominantly in agricultural or silvicultural use.

2. Allowable Uses

- (a) Agricultural
- (b) Residential, subject to the density standards in the code
- (c) Institutional, excluding residential care facilities and nursing homes
- (d) Outdoor Recreational
- (e) Agriculture Commercial
- (f) Home Occupation (see also Section 2.4), subject to review and approval by the Development Review Committee
- (g) Special Exception Uses: (See also Section 4.6-4)
  - (1) Mining and Borrow Pits intended for use exceeding 60 days
  - (2) Residential care facilities and nursing homes
  - (3) Prison/Correctional facilities
  - (4) Public Service/Utility
  - (5) Public
  - (6) Flea Market
  - (7) Recreational Vehicle Park
  - (8) Livestock auction facilities
  - (9) Vehicle repair exceeding 8 vehicles at a time

3. Residential Density

Residential density shall not exceed one (1) dwelling unit per ten (10) acres (overall), except for the density allowed in Section 4.6-12.

In order to provide for additional residential densities in the Agriculture-2 area while maintaining the rural character and availability of agricultural uses, development may occur at a gross density of one unit per 10 acres. Developments must be clustered contiguously in a development tract on a portion of the parent tract, which is defined as a lawful parcel of record at the time of adoption of the Madison Comprehensive Plan, when the minimum size of such development is not less than ten acres, subject to the following general requirements:

- a. Developments using this option shall be permitted utilizing a development review process administered by the County Administrator.
- b. All subdivisions of land must conform to the platting requirements of the land development code and maintain a gross density of one unit per 10 acres.
- c. The cluster development must have the following characteristics:
  - (1) A location on suitable upland away from environmentally sensitive land, including wetlands and 100-year floodplains;
  - (2) A minimum lot size of one acre without central water and sewer; a minimum lot size of one-half acre with central water and sewer;
  - (3) A minimum 100 foot buffer shall be provided between agriculture and non-agricultural uses to protect such agricultural uses from adverse impacts associated with encroachment of non-agricultural development or creation of nuisances by agricultural operations. The buffer shall be provided by the non-agricultural development; and
  - (4) Applications for proposed subdivisions over 50 dwelling units must include data, prepared by professionally accepted methods, addressing the implications of sprawl, the overall pattern of development in the area, and the provision of services and facilities.
- d. All cluster subdivisions must retain open space as follows:
  - (1) Subdivisions creating twenty or less lots may be allowed provided such subdivision is located on not more than 50% of the required development tract and the undeveloped balance of the development tract is reserved as open space.
  - (2) Subdivisions creating more than twenty lots may be allowed providing such subdivision is located on not more than 25% of the required development tract and the balance of the development is reserved as open space.
  - (3) All open space required in this policy shall be recorded in a conservation easement for use as agriculture (except mining), passive recreation, or preservation of natural areas. To utilize the conservation easement for other purposes, such as development activities, a Comprehensive Plan amendment is required.

4. Intensity

For non-residential uses, the intensity of development shall not exceed a Floor Area Ratio of 0.5 and impervious surface coverage should not exceed thirty-five (35%) percent.

**E. Residential**

1. Purpose and Intent

This is a category where low density residential is the predominant type of use.

2. Allowable Uses

- (a) Residential including accessory dwelling units.
- (b) Institutional.
- (c) Outdoor Recreational.
- (d) Agricultural.
- (e) Home Occupation (see also Section 2.4), subject to review and approval by the Development Review Committee
- (f) Special Exception Uses: (See also Section 4.6-4)
  - (1) Public Service/Utility
  - (2) Public

3. Residential Density

Development w/out central water and sewer	1 units/acre
Development w/ central sewer or sewer	2 units/acre
Planned Unit Development w/ central water and sewer	8 units/acre

4. Intensity

This development standard is not applicable to the Residential District.

**F. Commercial**

1. Purpose and Intent

This is a nonresidential category that provides for a variety of business types.

2. Allowable uses

- (a) Institutional.
- (b) Outdoor Recreational.
- (c) Professional Service and Office.
- (d) General Commercial.
- (e) High Intensity Commercial.
- (f) Special Exception
  - 1. Public
  - 2. Public Service / Utility
- 3. Residential Density
 

Not applicable in a Commercial District.
- 4. Intensity
 

Intensity of nonresidential uses shall not exceed 1.0 Floor Area Ratio and sixty-five (65%) percent lot coverage.

**G. Highway Interchange**

- 1. Purpose and Intent
 

Highway interchange uses are intended for locations within areas surrounding Interstate 10 interchanges, specifically U.S.221, S.R.14, and S.R.53.
- 2. Allowable Uses
  - (a) Institutional.
  - (b) Professional Service and Office.
  - (c) General Commercial.
  - (d) High Intensity Commercial.
  - (e) Special Exception Uses:
    - (1) Uses that have storage capacity for more than 500,000 gallons of petroleum product\*
    - (2) Uses on wetlands, soils posing severe limitations to construction, unique habitat, areas containing endangered species of wildlife and plants, and areas prone to periodic flooding\*

- (3) Public Service/Utility
- (4) Livestock auction facilities
- (5) Public
- (6) Facilities for storage and distribution of products including wholesale activity

\* An EIS may be required for special exception uses.

3. Residential Density

This development standard is not applicable to the Highway Interchange District.

4. Intensity

Intensity of nonresidential uses shall be limited to 1.0 Floor Area Ratio and 50% lot coverage.

5. Special Requirements

- (a) Within areas designated "Highway Interchange" on the Future Land Use Map, all development proposals shall be accompanied by evidence that an inventory of wetlands; soils posing severe limitation to construction; unique habitat; endangered species of wildlife and plants; and areas prone to periodic flooding has been conducted. Where development is determining to encroach upon a resource, in order to ensure the protection, preservation, or natural functions of the resource, a specific management plan shall be prepared by the developer, which includes necessary modifications to the development, specific setbacks and buffers, and clustering of development away from site resources. In order to assure that the improvements necessary for environmental mitigation are constructed as approved by Madison County, the developer shall post to the County, a bond at least equal to the cost of the improvements.

## H. Mixed Use

1. Purpose and Intent

This district is intended for areas which include single family residential units, commercial uses, recreation and open space, and public uses. Agricultural and silvicultural activities are permitted provided that such activities do not adversely impact any adjacent commercial activity. Mixed Use areas may be permitted within the rural areas of the County, which are both (1) highly accessible to principal arterials, minor arterials or major collectors and (2)

appropriate locations for commercial activities outside of the designated urban development overlay.

2. Allowable Uses

- (a) Residential including accessory dwelling units.
- (b) Institutional.
- (c) Outdoor Recreational.
- (d) Professional Service and Office.
- (e) General Commercial.
- (f) High Intensity Commercial.
- (g) Industrial, including warehousing and distribution facilities.
- (h) Agricultural.
- (i) Special Exception Uses:
  - 1. Wrecking yards (including automobile wrecking yards); junk yards; yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts; provided any such yard shall be completely enclosed by an opaque fence or wall not less than 6 ft. high and this fence or wall shall not be built of tin or galvanized metal sheets.
  - 2. Bulk storage yards including bulk storage of flammable liquids, subject to provisions of local and State fire codes. \*
  - 3. Chemical and fertilizer manufacture.\*
  - 4. Explosives (manufacturing or storage). \*
  - 5. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture. \*
  - 6. Paper and pulp manufacture. \*
  - 7. Petroleum refining. \*
  - 8. Rendering or processing plant. \*
  - 9. Storage, sorting, collecting or baling of rags, iron, or junk.
  - 10. Electric or gas generating plants. \*

11. Asphalt or concrete batching plants. \*
12. Hazardous waste management facilities. \*
13. Any facility which qualifies as a "major source" of air pollutants pursuant to Chapter 17-2, Florida Administrative Code. \*
14. Private landfills. \*
15. High voltage transmission lines designed to operate at 230 Kilovolts or more. \*
16. Pipelines for the transport of flammable or hazardous gasses or liquids. \*
17. Public Service/Utility
18. Public
19. Livestock Auction Facilities

\* An application for a special exception use shall be required by the Madison County Board of County Commissioners to be accompanied by an environmental impact statement (EIS).

3. Residential Density

Maximum density in the Mixed Use District is governed by the following:

Development w/out central water and sewer	1 units/acre
Development w/ central water or community potable water	2 units/acre
Planned Unit Development w/ central water and sewer	8 units/acre

4. Intensity

Intensity of nonresidential uses should not exceed 1.0 Floor Area Ratio and sixty-five (65%) percent lot coverage

5. Special Requirements. Refer to Future Land Use Element Policy 1.1.1.10.d of the Comprehensive Plan for special requirements within the Mixed Use district.

**J. Commerce Park**

1. Purpose and Intent

This district is intended to focus on manufacturing, warehousing and distribution around the Interstate 10 corridor.

2. Allowable Uses

(a) Industrial, including warehousing, manufacturing, and distribution facilities.

(b) Special Exception Uses:

1. Wrecking yards (including automobile wrecking yards); junk yards; yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts; provided any such yard shall be completely enclosed by an opaque fence or wall not less than 6 ft. high and this fence or wall shall not be built of tin or galvanized metal sheets.
2. Bulk storage yards including bulk storage of flammable liquids, subject to provisions of local and State fire codes. \*
3. Chemical and fertilizer manufacture. \*
4. Explosives (manufacturing or storage). \*
5. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture. \*
6. Paper and pulp manufacture. \*
7. Petroleum refining. \*
8. Rendering or processing plant. \*
9. Storage, sorting, collecting or baling of rags, iron, or junk.
10. Electric or gas generating plants. \*
11. Asphalt or concrete batching plants. \*
12. Hazardous waste management facilities. \*
13. Any facility which qualifies as a "major source" of air pollutants pursuant to Chapter 17-2, Florida Administrative Code. \*
14. Private landfills. \*
15. High voltage transmission lines designed to operate at 230 Kilovolts or more. \*



16. Pipelines for the transport of flammable or hazardous gasses or liquids. \*

17. Public Service/Utility

18. Public

19. Off site signs

\* An application for a special exception use shall be required by the Madison County Board of County Commissioners to be accompanied by an environmental impact statement (EIS).

3. Intensity

Intensity of nonresidential uses shall not exceed 0.25 Floor Area Ratio and 65% lot coverage.

**K. Industrial**

1. Purpose and Intent

These are areas devoted exclusively to Industrial Development, allowing a mix of light or heavy manufacturing, storage, and distribution activities.

2. Allowable Uses

(a) Industrial.

(b) Mining.

(c) Special Exception Uses

(1) Public Service/Utility

(2) Public

3. Residential Density

This development standard is not applicable to the Industrial Use District.

4. Intensity

Intensity of development should not exceed 1.0 Floor Area Ratio and 65% lot coverage. For those uses only permissible as a special exception, a minimum of twenty (20%) percent of the net area shall be developed as landscaped open space.

**L. Public**

1. Purpose and Intent

These are areas designated for those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare or appearance.

2. Allowable Uses

(a) Professional Service and Office.

(b) Outdoor Recreational.

(c) Institutional

(d) Special Exception Uses

1. Public Service/Utility

3. Residential Density

Not applicable for public uses.

4. Intensity

Intensity of nonresidential uses should not exceed sixty-five (65%) percent lot coverage.

**M. Conservation**

1. Purpose and Intent

These are areas with limited development potential due to environmental sensitivity, alluvial soils, or other lands identified for protective treatment.

2. Allowable Uses

(a) Agricultural (silviculture only, subject to Best Management Practices).

(b) Outdoor Recreational (Consistent with protection of the area).

(c) Special Exception Uses

1. Public Service/Utility

2. Public

3. Residential Density

This development standard is not applicable to the Conservation Use District.

4. Intensity

This development standard is not applicable to the Conservation Use District.

**N. Recreation**

1. Purpose and Intent

These areas are intended for user based and resource based recreation uses.

2. Allowable Uses

(a) Outdoor Recreational.

3. Residential Density

This development standard is not applicable to the Recreation Use District.

4. Intensity

0.5 Floor Area Ratio and no more than 50% lot coverage for buildings and structures unless otherwise approved by the County Commission.

**O. Urban Development Overlay**

1. Purpose and Intent

The Urban Development Overlay shall be the focal point for the provision of urban-type facilities and services such as central potable water and sanitary sewer facilities, and the location of urban-type uses. The Urban Development Overlay shall be identified on the Future Land Use Map.

2. Allowable Land Use Categories

(a) Agriculture 2

(b) Public

(c) Residential

(d) Recreation

(e) Highway Interchange

(f) Commercial

(g) Industrial

- (h) Mixed Use
- (i) Commerce Park

3. Residential Density

Maximum density in the Urban Development District is governed by the underlying future land use district requirements (e.g., Residential; Agriculture 2)

4. Intensity

- (a) As defined per underlying land use designation.
- (b) Development located within the Commerce Park district are eligible for an increase FAR of up to 1.0.

5. Special Requirements

- (a) The UDO shall be located where public facilities and services are targeted in the County.
- (b) Commercial and Industrial uses shall be located adjacent to arterial or collector roads where public facilities are available.
- (c) The Economic Incentive Sub-Overlay, depicted on the “Economic Incentive Sub-Overlay Map,” identifies areas targeted for economic development within Madison County. Development within the Economic Incentive Sub-Overlay shall be subject to the following developer incentives to promote a range of uses including light industrial, warehousing, manufacturing and assembly, and other employment oriented uses:
  - (i) Development is eligible to utilize the fast track approval process identified in subsection 4.6-3.E.6.
  - (ii) When development includes two or more of the following: light industrial, warehousing, manufacturing and assembly, or other employment oriented uses, application fees will be reduced by 50%.
  - (iii) When shared parking or interconnectivity is utilized between businesses, the total number of required spaces shall be reduced by 10%.
  - (iv) Stormwater facilities shall be counted toward the minimum open space requirement when a landscape plan illustrating the type and location of proposed plantings is submitted and approved.
  - (iv) A Floor Area Ratio (FAR) of 1.0 may be permitted when

development is located within the Urban Development Overlay.

**Section 4.5 Development Standards**

A. Table of Development Standards

Required development standards for building setback, density, intensity and height are included in Schedule 1.0 as follows:

**SCHEDULE 1.0  
MINIMUM DEVELOPMENT STANDARDS**

Land Use Designation	Max Building Height	Density	Intensity		Building Setbacks			
			FAR	Lot coverage	Front (ft.)	Corner (ft.)	Side (ft.)	Rear (ft.)
Agriculture 1	35 ft.	1 du / 40 ac	0.5 FAR	35%	40	40	40	40
Agriculture 2	35 ft.	1 du / 10 ac	0.5 FAR	35%	40	40	20	40
Setbacks for commercial poultry houses and structures housing more than 50 animals are increased to 100 feet from any property line and 300 feet from any dwelling.								
Residential	35 ft	0 – 2 du / ac	N/A	N/A	Bldg: 25* Parking: N/A	Bldg: 20 Parking: N/A	Bldg: 10** Parking: N/A	Bldg: 20 Parking: N/A
Residential with PUD	45 ft	2 – 8 du / ac	N/A	N/A	Bldg: 20 Parking: 10	Bldg: 20 Parking: 10	Bldg: 10** Parking: 5	Bldg: 20 Parking: 10
Commercial	45 ft	N/A	1.0 FAR	65%	Bldg: 20 Parking: 10	Bldg: 20 Parking: 10	Bldg: 10 Parking: 5	Bldg: 20 Parking: 10
Highway Interchange	45 ft	N/A	1.0 FAR	50%	Bldg: 20 Parking: 10	Bldg: 20 Parking: 10	Bldg: 10 Parking: 5	Bldg: 20 Parking: 10
Industrial	45 ft	N/A	1.0 FAR	65%	Bldg: 20 Parking: 10	Bldg: 20 Parking: 10	Bldg: 10 Parking: 10	Bldg: 20 Parking: 10
Mixed Use	50 ft.	1 – 8 du / ac	1.0 FAR	65%	Bldg: 10 Parking: 5	Bldg: 10 Parking: 5	Bldg: 10** Parking: 5	Bldg: 10 Parking: 5
Commerce Park	70 ft.	N/A	0.25 FAR	65%	Bldg: 20 Parking: 10	Bldg: 20 Parking: 10	Bldg: 10 Parking: 10	Bldg: 20 Parking: 10
Public	35 ft.	N/A	N/A	65%	Bldg: 20 Parking: 10	Bldg: 20 Parking: 10	Bldg: 10 Parking: 5	Bldg: 20 Parking: 10
Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Recreation	35 ft.	N/A	0.5 FAR	90%	Bldg: 20 Parking: 10	Bldg: 20 Parking: 10	Bldg: 10 Parking: 5	Bldg: 20 Parking: 10

\* When a building (including fencing and other associated appurtenances) is constructed on a lot or parcel that does not front a dedicated Right-of-Way (i.e., on a County Maintained Road), the front set back shall be a minimum of sixty-five (65) feet from the center of the existing road or twenty-five (25) feet from the proposed Right-of-Way, if established by the County Road Department.

\*\* The minimum side yard setback standards between buildings may be waived for affordable housing developments to allow for zero lot line development as an incentive to reduce housing costs, although minimum side yard setback standards shall still apply between outer buildings and the property line. In order to qualify for zero lot line development, the sale price of homes shall not exceed the maximum per unit cost contained in the Madison County SHIP Local Housing Assistance Plan (see also Section 4.6-9 of this Chapter).

B. Special Locational, Density and Intensity Requirements

Locational, density and intensity requirements are as follows:

1. Conservation. All development shall maintain a minimum twenty-five (25) foot buffer from known archaeological and historical sites.
2. Industrial. All industrial shall be directed away from residential areas.
3. In order to ensure protection of residential development, only residential uses shall be allowed on interior subdivisions and local streets.
4. Protection of vision at intersections:

In order to provide adequate vehicular vision clearance, on a corner lot, no structure, screening, bush, tree branches or embankment of any kind shall be erected, placed, maintained or grown between the heights of thirty (30) inches, and ten (10) feet above the curb level or its equivalent within the triangular space formed by two (2) intersecting street property lines or their projections and a line joining points on such property lines located a minimum of twenty-five (25) feet from the intersection of the two property lines.

5. Special densities for lots for the use of family homesteads:

In accordance with Chapter 163.3179, Florida Statutes, and in order to perpetuate the family homestead in rural areas, each parcel in single ownership a minimum of three (3) years prior to the date of the application, that is located in an Agriculture 1, Agriculture 2, and outside of the UDO, may be subdivided for use solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, at a density not to exceed one (1) units per acre. This provision supersedes other land use district density requirements, except that it may not be used within a platted subdivision. In order to qualify for this special density, the following criteria shall be met:

- (1) The property being transferred must be used for the primary residence of the grantee and must include a deeded easement or right of ingress and egress to a county or state maintained road, if the parcel being created does not have direct frontage on a county or state maintained road.
- (2) The deed for transferred property must state the relationship of the grantee to the grantor.
- (3) Transferred property may be deeded in the heirs (grantee) name or jointly deeded in the grantor/grantee names. The transferred property may not be deeded solely into the grantor name.

- (4) This special density provision may be utilized on only one (1) occasion per eligible individual grantee.
- (5) An individual wishing to obtain a mobile home move-on or conventional building permit under these special density provisions shall make application to the Madison County Building Department. Upon verification of the eligibility of the applicant, a permit may be issued.
- (6) Should the transferred property be subsequently sold or otherwise transferred to another party, including a non-family party, these special density provisions shall remain.

C. Access Management

- 1. Prior to the issuance of a development permit, a parcel of land must have a minimum of a 15 foot wide deeded access point to a county or private road or a deeded easement for ingress and egress.
- 2. Prior to the approval of developments with direct access to the State Highway System, the County shall coordinate with the Florida Department of Transportation to assure that subdivision plats and site plans for multiple family and nonresidential developments conform to access management standards. Those standards shall include at a minimum, the following:

Posted Speed (mph)	Minimum Connection Spacing (Full) (feet)	Minimum Median Opening (Directional) (miles)	Minimum Median Opening (feet)	Minimum Signal Spacing (miles)
35 or less Special case	125	0.125	330	0.25
35 or less	245	0.25	660	0.25
36-45	440	0.25	660	0.25
Over 45	660	0.50	1,320	0.25

Source: Rules of the Department of Transportation, Chapter 14-97, State Highway System Access Management Classification System and Standards, "Interim Standards", p.22.

**Section 4.6 Special Land Development Requirements**

**Section 4.6-1 Special Regulations Applicable to Hazardous Waste Management Facilities**

- 1) Chapter 62-730, Florida Administrative Code, together with all federal regulations incorporated therein, are hereby adopted and incorporated as part of this Section. All hazardous waste management facilities shall comply with the requirements set forth in the above-referenced rules. All hazardous waste management facilities that are required to obtain a permit pursuant to the above-referenced rules shall obtain a Special Exception prior to commencing any construction or land clearing.



- 2) The County may, if in its opinion it is necessary, retain consultants to assist in the review of a special exception petition for a hazardous waste management facility. The cost of retaining said consultants shall be borne by the applicant in the manner set forth within a resolution of the County concerning application and permit fees.
- 3) A petition to the Board of County Commissioners for a special exception for a hazardous waste management facility shall include the following information in addition to the information required for special exceptions generally.
  1. A detailed description of the facility that is proposed including a site plan.
  2. A detailed description of the storage, treatment or disposal processes to be employed.
  3. The types and volumes of hazardous wastes to be stored, treated, or disposed at the facility.
  4. The site or sites in Madison County where the proposed activities or facilities would be located.
  5. A Hazardous Materials Management Facility Plan detailing the movement of hazardous materials to, in, and from the proposed facility.
  6. Identification of the types and potential sources of hazardous wastes that are proposed to be stored, treated, or disposed by the petitioner.
  7. Demonstration of the financial feasibility of the proposed facility with reference to proposed hazardous waste sources, competing facilities (existing or proposed), and related issues.
  8. Description of plans for on-site recycling of hazardous wastes.
  9. Identification of known sub-contractors, such as transporters, who would be involved in the activities of the facility.
  10. A contingency plan for accidental releases of hazardous substances and other emergencies.
  11. Demonstration of insurance or other financial responsibility for sudden spills, slow leaks, third party liability, and closure and post-closure of all treatment, storage and disposal facilities.
  12. Description of facility security precautions.
  13. Description of the monitoring plan to detect expected or accidental releases of pollutants to the air, soil, ground water, and surface water.
  14. Description of proposed transportation routes for hazardous wastes entering or exiting the County.

15. The proximity to drinking water, wet season water table, drainage ways, wetlands, surface waters, sinkholes, and floodplains.
  16. Proximity to residential areas and public buildings.
  17. Description of the petitioner's compliance history regarding local, state and federal hazardous waste laws at other hazardous waste management facilities operated by the petitioner.
  18. A statement of the effect on public facilities that will result from the proposed activity or facility, including the effect on roads, drinking water, sewage, electricity, fire protection, ambulance services, hospitals and police. The statement concerning roadway access shall be accompanied by a schematic traffic flow plan that includes peak hour volumes at all entrances to the site.
  19. An environmental impact statement.
  20. A statement and map illustrating the impact of the proposed use on archaeological sites, historical sites, and habitats for threatened or endangered species of special concern.
  21. Other information determined to be reasonably necessary under the circumstances in order to assess the environmental health and safety aspects of the proposed facility.
- 4) In addition to the criteria set forth for special exceptions generally a hazardous waste management facility must be designed, constructed and operated to conform to the following standards:
1. The hazardous waste management facility shall not store, treat or dispose of hazardous waste from any hazardous waste generator that does not demonstrate that it has an effective hazardous waste source reduction program in use.
  2. The hazardous waste management facility shall recycle hazardous wastes to the greatest extent economically practicable, taking into account human safety and environmental protection.
  3. All operational employees at the hazardous waste management facility shall complete hazardous materials training as required by the Occupational Safety and Health Act and Resource Conservation and Recovery Act and comparable state laws prior to the performance of duties.
  4. A certificate of liability insurance or other evidence of financial responsibility satisfactory to the Board must be submitted to the County prior to the commencement of operation of any hazardous waste management facility.
  5. Transportation routes for hazardous waste coming to or from the hazardous waste management facility shall not include routes through heavily populated areas, narrow streets, or streets in poor condition and shall be restricted to

roadways designed and constructed for truck traffic.

6. No storage, treatment, or disposal of hazardous wastes shall occur within 1,000 feet of any residence or land use district existing at the time the special exception is granted.
  7. The hazardous waste management facility shall not adversely affect the County's ability to provide essential public services.
  8. The hazardous waste management facility shall not cause adverse impacts on the environment, including ground and surface water resources in the County.
  9. The hazardous waste management facility shall not cause adverse impacts on property values in Madison County.
  10. To assure that infrastructure required by the special exception, if granted, is constructed in a manner satisfactory to the Board of County Commissioners, the petitioner shall post a bond, the amount to be determined by the Board of County Commissioners, callable by the Board of County Commissioners for any infraction to the special exception, and binding all successors of the applicant to the terms of the bond.
- 5) In determining whether a petitioner for a special exception has demonstrated an ability to comply with the requirements of these land use regulations, the compliance record of the petitioner at other hazardous waste management facilities operated by the petitioner shall be taken into account.

#### **Section 4.6–2 PUD Process Requirements**

1) Purpose

The Planned Unit Development (PUD) process is established to provide a procedure for unified planning and coordination of large scale development and for the creation of new neighborhood or community areas which, by virtue of their specialized nature and unique design, are not adaptable to regulation within the LDC. It is intended that the regulations and requirements applying to a PUD shall be sufficiently flexible so as to encourage creative and imaginative design in planning and development. Where there are conflicts between the requirements set forth herein for a PUD and the general provisions of this Article or other applicable codes of Madison County, the requirements herein shall govern; provided, however, that development within a PUD district shall be in accordance with standards which equal or exceed those embodied within said other applicable codes.

2) PUD Development Approval Procedures.

- A. *Pre-application conference.* Prior to filing an application for PUD development, the applicant or his authorized representative shall confer with the County Administrator, as well as such other County officials and representatives of other agencies as may be requested by them to participate. The purpose of this conference shall be to permit the applicant to present his

initial concept of the proposed PUD development, to permit County officials to make preliminary comments on the proposal, and to provide a detailed explanation of application requirements and review procedures.

B. A PUD petition shall be submitted in accordance with the general requirements for amendments as set forth in this Code. In addition to the required application materials, the application shall include the following:

1) A statement identifying the owners of all property within the area of the proposed development, together with evidence of the unified control of said area. If submitted by other than the current owner(s) of the property, the statement shall be accompanied by satisfactory evidence of the existence of purchase or lease agreement(s) or other appropriate instrument(s) to indicate current or future unified control of the property. The statement shall include agreement:

(a) That the proposed development shall be in accordance with the provisions of the application and all materials submitted therewith and supplied upon request, and in accordance with such specified modifications thereof as may be required by the County Commission and agreed to by the applicant;

(b) To provide acceptable surety bond, or letter of credit, or similar security to the County for each phase of the proposed development prior to the commencement of construction of such phase as to assure completion of such publicly owned and operated water lines, sewer lines, streets, or similar publicly owned and operated facilities required by the approval of the PUD development;

(c) To file with the County copies of any condominium prospectus and the corresponding letter of approval from the Florida Department of Business Regulation in order to ensure that provision will be made for the continuing operation and maintenance of all common facilities and open areas; and

(d) To bind all successors of the applicant to such agreement.

2) A general concept plan at an appropriate scale showing the character, extent, and general location of buildings and outdoor uses, including open space and recreation areas, parking areas, public facilities, and buffers, and showing the uses of buildings.

3) An itemization of the number of dwelling units of different types and of the quantity (floor area) of space devoted to nonresidential uses, and a schedule showing the expected phasing plan (including the starting and ending dates of each phase) and the number of units and/or quantity of space to be included within each phase.

4) A schematic traffic flow plan showing estimated volumes (peak hour)

of traffic on collector and arterial roads within the site and at all entrances to the site.

- 5) A report indicating how the proposed project will conform to the adopted Comprehensive Plan.
  - 6) Such other materials as may be determined by the County Administrator as being necessary for the review of the development based on its unique location, character or extent. Where appropriate, such materials shall include an identification of areas on the site characterized by floodplains, archaeological and historical sites, and/or habitats for threatened or endangered species of special concern.
- C. *Review by County staff.* The application and supporting materials shall be reviewed by the County Administrator, as well as other officials from whom comments are requested. The staff report on the proposal shall include recommended findings as to compliance of the application with the adopted Comprehensive Plan and with the standards of this Code, and shall include recommended conditions of approval.
- D. *Action by County Commission.* In addition to the comprehensive plan amendment requirements as set forth in this code and by Chapter 163 Florida Statutes, review and action by the County Commission shall include findings as to compliance of the application with the adopted Comprehensive Plan and with the standards of this Code, and shall include such conditions of approval as may be necessary to ensure full compliance with all requirements and to further ensure the compatibility of the proposed development with the surrounding area. No action approving the application with conditions shall be final until the applicant accepts, in writing, the conditions. If the applicant fails to accept the conditions within thirty (30) days, the proposal shall be deemed not to have been approved and no further approvals or permits may be given.
- E. *PUD Adoption.* Once the PUD has been approved by the County Commission by Ordinance, the ordinance will be recorded in the public records and the property will be depicted on the Madison County Overlay Map, an attachment to the Adopted Future Land Use Map.
- 3) Standards for PUD Developments.
- A. All PUD developments shall conform to the provisions of the adopted Comprehensive Plan. Where standards exist in the Plan and comparable standards do not exist in this Code, the standards and procedures set out in the Plan shall apply in addition to the standards herein.
  - B. *Permitted uses.*
    1. No specific principal uses or structures are designated as permitted.

Uses permitted within a particular PUD shall be those uses permitted under the Comprehensive Plan which are deemed by the County Commission to be fully compatible with each other, with the context of the proposed development as a whole, and with the land use patterns of surrounding areas. The type, general location, and extent of proposed uses shall be clearly designated as part of a general concept plan, and approval of said uses or types of uses as part of a comprehensive plan amendment shall constitute the permitted land use requirement of a particular PUD to the same extent and degree as were said permitted uses specifically included in the context of this Article. Any proposed change of approved land usage, other than necessary refinements in size, configuration, or location as may be required in the preparation of detailed plans, shall require a rehearing and approval in accordance with the procedures for original approval.

2. Accessory uses shall be permitted as set forth within the approved general concept plan or as found by the County Commission to be compatible with an approved plan.

C. *Minimum dimensional and density requirements.*

1. A PUD development shall include no less than 2 1/2 acres of contiguous land and shall be of such proportions as to properly accommodate all proposed uses in keeping with the general requirements of the County and the established objectives and policies of the adopted Comprehensive Plan. There shall be no specific lot requirements for individual uses; provided, however, that the area designated for any particular use shall be of sufficient size and proportion so as to properly accommodate said use. The maximum net residential density shall be eight (8) dwelling units per acre, and gross density shall be as established under the Future Land Use Element, but shall not be greater than the land use district in which the PUD is approved.
2. A minimum of twenty (20) percent of the total site area, less any area(s) devoted exclusively to nonresidential uses, shall be devoted to common open space and recreation areas. Said areas shall be exclusive of areas required for streets, off-street parking, setbacks at the periphery of the development, and necessary open space between buildings and/or uses.
3. The maximum height of structures within a PUD development shall be as specifically established by the County Commission in its approval action.
4. Set borders within a PUD development shall be established at the time of approval.

- D. Off-street parking and loading areas shall be designed to be functionally integrated into the development.

4) Effect of Approval

Approval of the proposed PUD development shall be interpreted as including approval of all maps, diagrams, tables and reports submitted by the applicant.

**Section 4.6–3 Site Plan Review**

**A. Development and Uses Requiring Site Plan Review**

The following uses of land and development shall require a site plan for review and approval prior to the issuance of building permits:

1. *Permitted Uses.* All permitted uses within all districts, except single–family detached dwellings, two–family dwellings, and their accessory uses and structures, unless required by the Development Administrator, or designee, due to site conditions.
2. *Special Exception Uses.* All special exception uses within all districts.
3. *Alterations or Remodeling.* All building or structural alterations or remodeling, except single–family detached dwellings and two family dwellings, where said alterations or remodeling affect fifty percent (50%) or more of the floor area of the principal building or use; or the cost of said alterations or remodeling exceeds fifty percent (50%) of the assessed value of the improvements on the site prior to the alterations or improvements. In alterations or remodeling of less than 2,500 square feet, the site plan requirements will be waived, unless required by the Development Administrator, or designee, due to site conditions.

**B. Pre-application Conference**

In order to expedite the review of a Site Plan, coordinate its local review in respect to the provisions of all applicable County Ordinances, and to inform the County of a Site Plan in preparation; one or more pre-application conferences between the applicant and representatives of the County's administrative staff is encouraged.

The pre-application conference(s), while informal, will serve several purposes and focus on the following items:

1. To inform the County of any Site Plans in progress together with the scale and character of the plan so that the County may recognize the proposed development in any of its physical or facility planning for the entire County.
2. To inform the applicant of the County's informal response as to the scale and character of the proposed development and to alert the applicant to all applicable ordinances and regulations as well as any specific areas of concern that the County may have for that specific site or proposed plan.
3. To clarify and inform both the applicant and the County with respect to the

#### Site Plan Review Procedure.

4. To determine if any of the site plan submission requirements in D. Submission Requirements may be waived due to the minor nature of a particular development. The County Administrator may preliminarily grant waiver of certain site plan submission requirements at the pre-application conference, subject to review by the county Development Review Committee. The County DRC may either uphold the County Administrator's waiver, or require inclusion of some or all of the waived items, if it determines that the waived items are necessary in order to adequately evaluate the potential impact of the proposed development on the public.

### **C. Site Plan Review**

All development activities that require submittal and approval of a site plan application shall be reviewed by the County Development Review Committee. The Committee has the authority to either recommend approval, approval with modifications or denial to the Board of County Commissioners, or determine that the application has sufficient potential impact on the public to require Major Development review, as outlined in Paragraph E of this Section. The County Development Review Committee shall be made up of the County Administrator, the County Road Superintendent, the County Building Inspector, a member of the County Commission and a member of the Planning and Zoning Board, or their respective designees.

The County may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review that requires, by the nature and content of the application, professional expertise in one or more professions not available on the administrative staff of the County. The cost of retaining said consultants shall be borne by the applicant in the manner set forth within a resolution of the County concerning application and permit fees, paid in advance.

### **D. Submission Requirements**

Any applications for site plan review shall be accompanied by the following applicable information:

1. Vicinity map at a scale of 1" = 400' or such other scale as deemed appropriate by the County Development Administrator.
2. The boundary survey of the tract showing the location and type of boundary evidence and showing the location of all existing streets, buildings, railroads, bulkhead lines and easements, and other important features in or adjoining the property. The boundary survey shall be related to the State plane coordinate system if available.
3. A site plan containing the title of the project, its date and scale, a north arrow and illustrations of the locations of all proposed buildings and structures, access and traffic flow, off-street parking and off-street loading areas, recreational facilities, landscaped buffer areas, refuse collection areas, and proposed utilities. Existing contours at not more than five (5) foot intervals



based on U.S. Coastal and Geodetic Datum for the property included in the site plan.

5. \* Proposed finished grading by contours supplemented where necessary by spot elevations, and in particular, at those locations along lot lines.
6. All existing and proposed street right-of-way reservations and easements; their names, numbers and widths; canals and watercourses and their names as well as the owner, existing land use designation, and present use of all adjoining properties.
7. The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by area and percentages thereof. Such allocations shall include, but not be limited to:
  - (a) Total site area.
  - (b) Density (dwelling units per acre) or intensity (units per acre and/or ratio of gross floor area to total site areas).
  - (c) Percentage of site covered by building(s).
  - (d) Permeable space and landscaped area(s).
  - (e) Vehicular circulation and parking areas(s).
  - (f) Location, area, and use of all other portions of the site.
8. The location, size, and character of any common open space, and the form of organization proposed to own and maintain any common open space.
9. The proposed location, general use, number of floors, height, and the net and gross floor area for each building to include outside display areas, and, where applicable, the number, size, and type of dwelling or transient units.
10. Location, type, number and size of vehicular entrances to the site to ensure for public safety.
11. Location, type, size, and height of fencing, retaining wall, and screen planting where required under the provisions of this ordinance.
12. All off-street parking, loading space, and walkways, indication type of surfacing, size, angle and width of stalls and aisles, together with schedule showing the number of parking spaces provided and the number required by the provisions of this ordinance.
13. \* All proposed signs and exterior lighting.
14. \* Provisions for the adequate disposition of natural and storm water in accordance with the adopted design criteria and standards of the County,

indicating the location, size, type and grade of ditches, catch basins, and pipes and connections to the existing drainage system.

15. \* Provisions for the adequate control of erosion and sedimentation, indication the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
16. \* A landscape plan indicating the location, type, size, and description of all proposed landscape materials, including the limits and/or extent of tree removal and/or tree protection.
17. The location of phase lines indicating all applicable construction phases.
18. Development schedule showing the order of construction, the proposed date for the beginning of construction and completion of the project as a whole, and any phases thereof.
19. Covenants, grants, easements, dedications and restrictions to be imposed on the land, buildings, and structures, including proposed easements for public utilities and instruments relating to the use and maintenance of common open spaces and private streets. Such instruments shall give consideration to access requirements of public vehicles for maintenance purposes.
20. Any additional data, plans, or specification that the applicant believes is pertinent and will assist in clarifying the application.

\* May be submitted with final building plans for approval.

#### **E. Review Procedures**

1. *Submittal.* The applicant shall submit at least fifteen (15) copies of the completed site plan application to the County Administrator no later than ten (10) working days prior to the meeting of the County Development Review Committee.
2. *Administrative Review.* Upon receipt of a site plan application in accordance with submittal requirements, the County Development Review Committee shall review the application and recommend either approval, approval with modifications or denial to the Board of County Commissioners, or determine that the application should go through the Major Development site plan process.
3. *Planning and Zoning Board Review.* Applications for a Major Development site plan shall be presented to the Planning and Zoning Board no later than thirty (30) days after a determination has been made by the County Development Review Committee that such site plan application should go through the Major Development site plan process. The applicant shall provide at least fifteen (15) copies of the application to the County Administrator no later than ten (10) working days prior to the Planning and Zoning Board meeting.

4. *County Commission Review.* An application for site plan approval shall be presented to the County Commission at a regular meeting no later than thirty (30) days after receipt of recommendations from either the Development Review Committee or the Planning and Zoning Board. The Commission shall take action either approving, approving with modifications, or denying the plan.
5. *Modified Site Plan Approval.* A site plan approved with modifications shall be revised and resubmitted to the County Development Review Committee before any development permit may be issued based on the plan.
6. *Fast Track Approval.* Applications within the Commerce Park under the Urban Development Overlay, are eligible for the Fast Track Approval Process. Once the application is deemed complete by the County Administrator, the required review and subsequent final action may be completed within a 45-day period.

**F. Factors for Site Plan Application Consideration**

In reaching a decision regarding a site plan application, the sufficiency of the information contained in the applicable submittal requirements, as outlined in Paragraph D of this Section, shall be considered to ensure that the public interest is not adversely affected. The decision whether to approve, approve with modifications, deny or determine that the application should go through the Major Development site plan process shall be supported in the record by findings indicating the sufficiency of the applicable information contained in the application. As a condition to recommending action or to taking final action on a site plan application, the Development Review Committee, Planning & Zoning Board, or the Board of County Commissioners, respectively, may impose such conditions, restrictions or limitations as deemed appropriate and in the best interests of the public, taking into account matters of health, safety and welfare of the citizens, protection of property values and other considerations material to good planning and zoning concepts, with the exercise of said discretion to be in accordance with the terms of this Code.

**G. Modification of a Site Plan**

Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this Section, except that minor alterations and/or adjustments may be permitted by the County Development Review Committee provided that such alterations and/or adjustments do not:

1. Affect more than fifty percent (50%) of the square footage of the approved site plan.
2. Alter the use or uses of the approved site plan.
3. Significantly change the concept intent or arrangement of the approved site plan.

4. Result from a proposal to change the approved site plan but rather are a result of refinement and detailing of the site plan as approved.
  - (a) *Intent of Minor Alterations.* In all cases where the County Development Review Committee acts in accordance with this section of the ordinance, it must and shall find before granting approval to the requested alterations that:
    - 1) The granting of the alterations would be in the best interest of the County.
    - 2) In the case of alterations to an approved site plan for a condominium or existing development represented by a property owner's association, a majority of the owners in the affected condominium association have consented to the alterations and any applicable rules of said association have been met.

#### **H. Appeal of County Development Review Committee Action**

The applicant or any directly interested party shall have the right to appeal any decision of the County Development Review Committee with respect to permitting alterations and/or adjustments to an approved site plan. Any such appeal shall be made in writing to the County Commission within fifteen (15) days of the County Development Review Committee's action upon which said appeal is based.

#### **I. Time Limit**

1. An approved site plan shall be effective for a period of twelve (12) months from the date of approval by the County Commission. If a development order is not issued within such period, the approval for the site plan shall be null and void.
2. Failure to comply with this Section shall negate the approval of the subject site plan and modifications.

### **Section 4.6–4 Special Exception Uses.**

#### **A. General**

The Board of County Commissioners shall have the power to hear and decide special exceptions under the terms of these land use regulations; to decide such questions as are involved in the determination if special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when not in compliance with the purpose and intent of these land use regulations. A special exception is not a use of right. There is no presumption that a special exception will be granted.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which special exception is requested shall be

begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these land use regulations and punishable as provided in these land use regulations.

If the Board shall deny a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the applicable factors and the particular regulations relating to the specific special exception requested.

**B. Application**

An application for a special exception shall be submitted in accordance with the requirements contained in Chapter 3, Section 3.5-2 of this Code, identifying the specific exception requested. The application shall include material necessary to demonstrate that the grant of special exception will be in compliance with the general intent and purpose of these land use regulations, will not be injurious to the neighborhood or to adjoining properties, or be otherwise detrimental to the public welfare. Such material shall include, but is not limited to the following, where applicable: (1) site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off street parking and off street loading areas, and refuse and service areas; and required yards and other open spaces; (2) plans showing proposed locations for utility hook-up; (3) plans for screening and buffering with reference as to type, dimensions, and character; (4) proposed landscaping; (5) proposed signs and lighting, including type, dimensions, and character; and (6) other information deemed necessary in order to adequately evaluate the impacts of the proposed use. Where these land use regulations place additional regulations on specific special exceptions, the petition should demonstrate that such requirements are met.

**C. Planning and Zoning Board Report**

It is the intent of these regulations that all proposed special exceptions shall be heard in the first instance by the Planning and Zoning Board, sitting as the LPA, and that the Planning and Zoning Board's report and recommendations in such matters shall be advisory only to the Board of County Commissioners. Within thirty (30) days after a proposed special exception has been officially acted upon by the Planning and Zoning Board, the Planning and Zoning Board shall submit its report and recommendations concerning the proposed special exception to the Board of County Commissioners. Before making a recommendation concerning the proposed special exception, the Planning and Zoning Board shall hold a public hearing commencing after 5:00 p.m. on a weeknight to consider the proposed special exception. The Planning and Zoning Board shall give public notice thereof in accordance with the requirements contained in Chapter 3, Section 3.5-2 of this Code. At the hearing, any party may appear in person or by agent or attorney.

**D. Findings by Board of County Commissioners**

The following factors shall be considered by the Board in reviewing any application

for a special exception, in order to determine that the granting of the special exception would not adversely affect the public interest:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off street parking and loading areas, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
4. Utilities, with reference to location, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions, and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
7. Required yards and other open spaces.
8. Considerations relating to general compatibility with adjacent properties and other property in the district including but not limited to:
  - a. Whether the proposed use is consistent with the Comprehensive Land Use Plan.
  - b. Whether the proposed use would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets.
  - c. Whether changed or changing conditions find the proposed use to be advantageous to the community and the neighborhood.
  - d. Whether the proposed use will adversely influence living conditions in the neighborhood.
  - e. Whether the proposed use will create or excessively increase traffic congestion or otherwise affect public safety.
  - f. Whether the proposed use will create a drainage problem.
  - g. Whether the proposed use will adversely affect property values in the adjacent area.
  - h. Whether the proposed use will be a deterrent to the improvement or

development of adjacent property in accord with existing regulations.

- i. Whether the proposed use is out of scale with the needs of the neighborhood or the community.
- j. Whether additional buffering or screening is necessary.

#### **Section 4.6-5 Non-conforming Uses and Structures**

- A. *Intent.* It is the intent of these land development regulations to permit existing uses and structures that would be prohibited under the terms of this Chapter to continue until they are voluntarily removed.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, or demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- B. *Discontinuance of Non-Conforming Use.* If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action prevents use of the premises) for a period of more than six (6) consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.
- C. *Uses Under Special Exception Provisions Not Non-conforming Uses.* Any use that is permitted as a special exception under the terms of these land development regulations shall not be deemed a non-conforming use.

#### **Section 4.6-6 Buffer and Landscaping Standards**

- A. Purpose

The purpose of this section is to provide for aesthetic improvement during the process of development, mitigate loss of natural vegetation, assist in controlling vehicular and pedestrian traffic, provide standards for maintenance of required open space, and to provide buffers between adjacent land uses.

- B. Applicability

- 1. Required buffers. Landscaped buffers are required between uses as follows:
  - (a) Residential and Non-Residential. Between any residential use and any nonresidential use.
  - (b) Mix of Uses. Development containing a mix of uses may create an

overall buffer plan for the entirety of the development.

(c) Exception. Buffers shall not be required for uses which are separated by a public roadway.

2. Waivers. Buffer requirements may be waived by the director upon approval by the planning board. Any such waiver shall only be approved upon delivery by the developer of written, notarized statements of no objection from all adjacent property owners.

C. Location, size and composition of landscaped buffers.

1. Location. All required buffers shall be located along the side(s) and rear property lines. Rear buffers shall run the entire length of the property line. Side buffers shall be located so as to screen from view from abutting side properties all parking areas and buildings, except in no case shall a buffer block sight distance of motor vehicle operators entering onto public roadways.

2. Size and composition.

(a) Size. Required vegetated buffers shall be at least three feet wide and six feet in height and of sufficient density so as to block from view abutting land uses. If existing vegetation is sparse or not of sufficient density to block from view abutting land uses a visual screen or fence may be required in conjunction with the vegetated buffer.

(b) Composition.

1) Required buffers shall be comprised entirely of natural vegetation if such vegetation is of sufficient density and height as to block from view abutting land uses or land use districts.

2) Required buffers may also be comprised of landscaped trees, shrubs, vines or other vegetation, or a combination of vegetation, screens, berms, or fences, provided any such buffer is of sufficient density so as to block from view abutting land uses or land use districts.

3) Screens or fences may be constructed of wood, block, masonry or other common fencing material provided such buffer is 100 percent solid material.

3. Pedestrian access. Pedestrian access such as doors, gates, etc. may be



installed, and are encouraged, to provide access between residential areas and adjacent nonresidential areas. Such accessways shall only be located so as to provide access to a public right-of-way, unless mutually agreed upon between property owners, and shall not be more than five feet in width.

D. Landscape requirements for off-street parking facilities and vehicular use areas.

Areas used for off-street parking or other vehicular storage must provide landscaping for ten percent of the parking area developed, in addition to the following requirements:

1. Setback areas.
  - (a) All parking areas must be set back ten feet from the property lines in front and four feet from the side and rear lot lines. The area between the parking areas and the property lines shall be landscaped and may be counted in computing the ten percent landscape requirements.
  - (b) Natural vegetation may be used, if not cleared, to meet the ten percent requirement.
  - (c) If natural vegetation is not used, a tree shall be planted for each 50 linear feet of lot frontage. Trees may be clustered rather than evenly spaced.
  - (d) Acceptable landscape materials shall include: vines, lawn grass, ground cover, pebbles, brick pavers, and mulch with low growing plants, including the preservation of existing trees and shrubs.
2. Visual screen for vehicular use areas. A visual screen or barrier must be used to block from visual view all parking area or vehicular use areas from adjacent public streets, or residential developments, if no buffer exists or is required. The visual screen must consist of 20 percent solid materials and have a minimum height of 18 inches; low shrubs, hedges, berms, fences or a combination thereof are acceptable.
3. Motor vehicle overhang. Motor vehicles shall not overhang into any landscaped setback or planted area.
4. Interior landscape requirements for vehicular use areas. Vehicular use or parking areas which are 10,000 square feet or greater in size must also meet the following requirements:
  - (a) At least 25 percent of the general landscape requirement shall be devoted to separate interior planting areas of one per 10,000 square feet of vehicular use areas.

- (b) The interior planting areas shall be located in a manner that assists and helps to control the movement of vehicular and pedestrian traffic.
    - 1) Provide a continuous landscape strip between every four rows of parking. This should be a minimum of eight feet in width to accommodate a low hedge and shade trees.
    - 2) Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows.
    - 3) Provide planting islands (a minimum of nine feet wide) between every ten to 15 spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet.
  - (c) Vehicles may not overhang into any interior planting area.
5. Plant material requirements. Any vegetative form used to fulfill any provision of the parking area landscaping requirements must meet the following basic standards:
- (a) Trees. Trees must be at least six feet tall when planted and must reach a minimum of 15 feet at mature height and normal adult dripline of 15 feet.
  - (b) Shrubs and hedges. Shrubs and/or hedges must be a minimum height of 18 inches when planted.
  - (c) Ground covers. Ground covers should be planted with a spacing which will provide 75 percent coverage within one year.
  - (d) Lawn grasses. Grasses should be planted to a density which will achieve permanent coverage within one year. Planting methods may be seeding, sprigging, plugging or sodding.
  - (e) Synthetic plants and planters. Artificial plant material may not be used for any landscaping requirement. Architectural planters may be substituted for landscape requirements when planted with live plants.
  - (f) Natural vegetation. Use of natural vegetation will involve retention of all native or naturally occurring plants, shrubs or trees in required landscaping areas. Planters for shrubs are required to have a depth of

18 inches and ten square feet of area. Planters for trees must have a depth of 30 inches and 25 square feet of area.

- E. Maintenance requirements for landscaping or buffers.
1. Responsibility for property maintenance of required landscaping or buffers shall be with the owner of the property or any consenting lessee.
  2. Maintenance of landscaped areas or vegetated buffers shall consist of: Mowing, pruning, removal of litter, replacement of dead plant material, and proper watering, fertilizing, etc.  
  
A water supply for irrigation purposes shall be provided for each landscaped or buffered area. Such water supply shall be shown on a landscaping site plan or sketch.
  3. Maintenance of visual barriers or fences shall include keeping such structures in good appearance and repair including replacement of damaged or deteriorated sections.

#### **Section 4.6–7            Historic Preservation**

A. Purpose

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of properties in Madison County is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the districts and properties and to protect and enhance local historical and aesthetic attractions and thereby promote and stimulate business;

The Board of County Commissioners of Madison County hereby declare it to be the purpose and intent of this Section to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, and works of art having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of this Section.

B. Creation of an Historic Design Review Board

1. *Creation of the Board.* The title of the Board shall be the "Madison County Design Review Board". Board members shall be appointed in accordance with subsection C of the Section, and will have only advisory authority in recommending historic property and historic district designation.
2. *Board Position within the Madison County Government.* "The Madison County Design Review Board" shall be considered a part of the planning

functions of Madison County.

3. *Board Members: Number, Appointment, Terms and Compensation.* The Madison County Design Review Board shall consist of seven (7) members appointed by the Board of County Commissioners, who have demonstrated special interest, experience, or education in history, architecture, or the preservation of historic resources. Members shall serve four-year (4) terms. In order to achieve staggered terms, initial appointments shall be: Three (3) members for two (2) years; two (2) members for three (3) years; and two (2) members for four (4) years. Members shall not receive a salary, although they may be reimbursed for expenses if prior approval is given by the Board of County Commissioners.
4. *Statement of the Board's Power.* The Madison County Design Review Board shall be authorized to:
  - 1.) Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as a historic property or historic district, including inventories of archaeological sites, Indian burial grounds and villages.
  - 2.) Recommend to the Board of County Commissioners specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
  - 3.) Review applications for Certificates of Appropriateness, and make recommendations to the Board of County Commissioners to grant or deny same in accordance with the provisions of this Section;
  - 4.) Recommend to the Board of County Commissioners that the designation of any place, district, site, building, structure, or work of art as an historic property or as an historic district be revoked or removed;
  - 5.) Restore or preserve any historic properties acquired by Madison County;
  - 6.) Conduct an educational program on historic properties located within its historic preservation jurisdiction;
  - 7.) Make such investigations and studies of matters relating to historic preservation as the Board of County Commissioners or the Board itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
  - 8.) Seek out State and Federal funds for historic preservation, and make recommendations to the Board of County Commissioners concerning the most appropriate uses of any funds acquired;
  - 9.) Submit to the Florida Division of Archives and History a list of

historic properties or historic districts designated;

- 10.) Perform historic preservation activities as the official agency of the Madison County historic preservation program;
  - 11.) Receive donations, grants, funds or gifts of historic property, and shall acquire and sell historic properties. The Board shall not obligate the Board of County Commissioners without prior consent;
  - 12.) Review and make comments to the Florida Division of Archives and History concerning the nomination of properties within its jurisdiction to the National Register of Historic Places.
5. *Board's Power to Adopt Rules of Procedure.* The Board shall adopt rules for the transaction of its business and consideration of recommendations of applications; shall provide for the time and place of regular meetings, and for the calling of special meetings. The Board shall have the flexibility to adopt rules of procedure without amendment to this article.
6. *Board's Authority to Review Funding from Various Sources.* The Board shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds.
7. *Records of Board Meetings.* A public record shall be kept of the Board's resolutions, proceedings, and actions.
8. *Designation of Historic Districts and Historic Properties*
- 1) Preliminary Research by the Madison County Design Review Board
    - (a) The Board shall have the authority to compile and collect information and collect surveys of historic resources within Madison County.
    - (b) The Board shall present County Commission nominations for historic districts and historic properties.
    - (c) The Board shall prepare formal reports when nominating historic districts or historic properties. These reports shall be used to educate the community and to provide a permanent record of the designation. The report will follow guidelines for nomination structures to the National Register of Historic Places (National Preservation Act of 1966), and shall consist of two (2) parts: (a) a physical description, and (b) a description of historic significance. This report will be submitted to the Florida Division of Archives and History.
  - 2) Designation of Historic District and Historic Properties.
    - (a) Boundaries shall be clearly defined for historic districts and

historic properties. The boundaries shall be shown on maps and/or the map officially designating permitted land uses for Madison County.

- (b) This historic preservation regulation is not a land use district. Sections 4.1 through 4.5 of the land development code of Madison County remain in effect.
- (c) Individual properties within historic districts shall be classified as:
  - 1 Historic (more than 50 years old);
  - 2. Non-Historic (less than 50 years old, yet possessing architectural character);
  - 3. Intrusion (structures less than 50 years old which do not contribute to the historical character of the district).

### 3) Designation Standards

- (a) To qualify as a historic property or historic district, individual properties, structures, sites or buildings, or groups of properties, structures, sites or buildings will have significant character, interest or value as part of the historical, cultural, aesthetic and architectural heritage of the County, state or nation. To qualify as a historic property or historic district, said property or properties must fulfill one or more of the criteria set forth below.
- (b) A building, structure, site or district will be deemed to have historical or cultural significance if it meets the following criteria:
  - 1. Is associated in a significant way with the life or activities of a major person important in County, state, or national history (i.e., the homestead of a local founding family); or
  - 2. Is the site of an historic event with significant effect upon the county, state, or nation; or
  - 3. Is associated in a significant way with a major historical event, whether cultural, economic, social, military, or political
  - 4. Exemplifies the historical, political, cultural, economic or social trends of the community in history; or

5. Is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the County; or
- (c) A building, structure, site or district is deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria: It
1. Portrays the environment in an era of history characterized by one or more distinctive architectural styles; or
  2. Embodies those distinguishing characteristics of an architectural style, period or method of construction; or
  3. Is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or
  4. Contains elements of design, detail, material, or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaptation to the North Florida environment.
- (d) A building, structure, site or district will be deemed to have historic significance if, in addition to or in the place of the previously mentioned criteria, the building, structure, site or zone meets historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places, as prepared by the U.S. Department of the Interior under the Historic Preservation Act of 1966, as amended.
- 4) General Matters Affecting Designation of Both as Historic Districts and Historic Properties
- (a) Application for Designation of a Historic District or a Historic Property.
1. An historical society, neighborhood association, or group of two (2) or more property owners may apply for Historic District designation.
  2. An historical society or property owner may apply for Historic Property designation.
- (b) The Board shall hold a public hearing on its recommendations to the Board of County Commissioners on the proposed ordinance for designation. Notice of the hearing shall be

published in one (1) issue of a newspaper of general paid circulation in the county and of general interest and readership in the community and shall be posted at the public library in a prominent location at least 48 hours prior to said hearing. After said public hearing, the Board shall make its recommendations to the Board of County Commissioners.

- (c) The Board of County Commissioners shall hold a public hearing on the proposed ordinance for designation. Notice of the hearing shall be published in two (2) consecutive issues of a newspaper of general paid circulation in the county and of general interest and readership. Written notice of the hearing shall be delivered or mailed to all owners and occupants of such properties and shall be posted at the public library in a prominent location. All such notice shall be published, delivered or mailed not more than twenty (20) days prior to the date set for the Public Hearing. A letter sent via the United States Mail to the last-known owner of the property shall constitute legal notification under this article.
- (d) Any ordinance designating any property or district as Historic District or Historic Property shall describe each property to be designated, set forth the name(s) of the owner(s) of the designated property or properties, and require that a Certificate of Appropriateness be obtained from Madison County prior to any material change in appearance of the designated property.
- (e) Any ordinance designating any property or district as Historic District or Historic Property shall require that the designated property or district be shown on the map showing permitted land uses in Madison County and kept as a public record to provide notice of such designation.
- (f) A decision to accept or deny the ordinance for designation shall be made within fifteen (15) days following the public hearing, and shall be in the form of a resolution or ordinance by the Board of County Commissioners.
- (g) Within thirty (30) days immediately following the adoption of the ordinance for designation, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site, or work of art located within a designated historic district shall be given written notification of such designation by the Board of County Commissioners, which notice shall apprise said owners and occupants of the necessity of obtaining a Certification of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district.



- (h) The Board of County Commissioners shall notify all necessary agencies within Madison County of the ordinance for designation, including local historical organizations.
- (i) The Board of County Commissioners has the authority to amend and/or rescind the designation of necessary.

C. Application of Certificate of Appropriateness

1. *Approval of Alterations or New Construction in Historic Districts or Involving Historic Property.* After the designation by ordinance of an historic property or an historic district, no material change in the appearance of such historic property, or of a structure, site, or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a Certificate of Appropriateness has been submitted to the Madison County Design Review Board. The Board shall make a recommendation to the Board of County Commissioners within fifteen (15) days of the public hearing or the request shall be deemed to have been recommended for approval. The Board of County Commissioners shall make a decision on the aforesaid application within forty-five (45) days of the date it was filed. Emergency repairs necessary to assure the structural integrity of an historic property or to eliminate an unsafe condition shall not require a Certificate of Appropriateness.
2. *Approval of New Construction within Designated Districts.* The Board of County Commissioners shall issue Certificates of Appropriateness to new structures constructed within designated historic business districts. These structures shall conform in design, scale, building materials, setback, and landscaping to the character of the district specified in the Board's Design Guidelines.
3. *Guidelines and Criteria for Certificates of Appropriateness.* When considering applications for certificates of appropriateness to existing buildings, the secretary of the interior's "Standards of Rehabilitation" shall be used as a guideline along with any other criteria adopted by the Madison County Design Review Board and the Board of County Commissioners.
4. *Submission of Plans.* An application for Certificates of Appropriateness shall be accompanied by such drawings, photographs, or plans, as may be required by the Madison County Design Review Board and/or Board of County Commissioners.
5. *Response to Application for Certificate of Appropriateness*
  - 1) The Board of County Commissioners shall approve the Application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Board of County Commissioners shall

consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture, and material of the architectural features involved and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.

- 2) The Board of County Commissioners shall deny a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.
6. *Public Hearings on Application for Certificates of Appropriateness, Notices, and Right to be Heard.* At least seven (7) days prior to review of a Certificate of Appropriateness, both the Madison county Design Review Board and the Board of County Commissioners shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard.
  7. *Interior Alterations.* In its review of applications for Certificates of Appropriateness, neither the Madison County Design Review Board nor the Board of County Commissioners shall consider interior arrangement or use having no effect on exterior architectural features.
  8. *Technical Advice.* When dealing with difficult technical questions, the Board and the Board of County Commissioners shall have the power to seek expert advice.
  9. *Deadline for Approval or Rejection of Application for Certificate of Appropriateness.*
    - 1) The Board of County Commissioners should approve or reject an application for a Certificate of Appropriateness within not more than forty-five (45) days after the filing thereof by the owner or occupant of an historic property, or of a structure, site, or work of art located within an historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Board of County Commissioners.
    - 2) In the event the Board of County Commissioners rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing to the applicant. The Board of County Commissioners may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
    - 3) In cases where the application covers a material change in the

appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Board of County Commissioners shall be binding upon the development administrator or other administrative officer charged with issuing building permits, and, in such a case, no building permit shall be issued. It shall be the responsibility of the Board of County Commissioners to provide written notice to the development administrator, or such other administrative officer charged with issuing building permits, of the Board of County Commissioners rejection of the application for a Certificate of Appropriateness.

10. *Undue Hardship.* Where, by reason of unusual circumstances, the strict application of any provision of this Section would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the Board of County Commissioners, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship, provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Board of County Commissioners may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Section. An undue hardship shall be a situation not of the person's own making, which is: (a) a problem unique to a specific property, or (b) in order to comply with this Section, the person will conflict with another Ordinance of Madison County.
11. *Requirement of Conformance with Certificate of Appropriateness.* Work not in accordance with an issued Certificate of Appropriateness shall be halted before it is completed.
12. *Certificate of Appropriateness Void if Construction not Commenced.* A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of the date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable in the Board of County Commissioners discretion.
13. *Recording of Applications for Certificate of Appropriateness.* The Board of County Commissioners and the Board shall each keep a public record of all applications for Certificates of Appropriateness, and of all proceedings in connection with said Application.
14. *Acquisition of Property.* The Board may, where such action is authorized by the Board of County Commissioners, and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

D. Demolition or Relocation Application

1. *Authority to Comment on Demolition Permit Applications.* The Madison County Design Review Board shall have the authority to comment on any request for a permit to demolish or relocate a structure within a historic district, or classified as a historic property.
2. *Actions Acceptable in Reaction to Application for Demolition or Relocation Permit.* The Board shall have the authority to recommend to deny demolition or relocation permits within its jurisdiction to the Board of County Commissioners, who shall have the final decision in said matter.
3. *Considerations of Pre-Demolition Plans.* A Public Hearing shall be scheduled for each application for demolition or relocation.
4. *Considerations of Post-Demolition Plans.* The Board of County Commissioners shall not grant demolition permission or relocation permission without reviewing at the same time the plans for the building that would replace the structure.
5. *Demolition or Relocation Criteria.* Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, and recommendation by the Board, the Board of County Commissioners shall make a determination, supported by a written report, whether one or more of the following criteria are met:
  - 1) The structure is of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic or architectural landmark;
  - 2) The structure is of such unusual or uncommon design texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense.
  - 3) Retention of the structure would aid substantially in preserving and protecting a structure which meets criterion (1.) or (2.) herein above.

Where the Board of County Commissioners determines that one or more of these criteria are met, no Certificate of Appropriateness shall be issued and the application shall be denied.

E. Maintenance of Historic Property

1. *Ordinary Repair.* Ordinary maintenance or repair of any exterior architectural feature in or on historic property, that does not involve a material change in design, material, or outer appearance thereof, is excluded from review. Ordinary maintenance does not include painting or repainting a structure.
2. *Conformity to Existing Building Codes.* Nothing in this Section shall be construed as to exempt property owners from complying with existing County

building codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances, or regulations.

F. Appeals

Appeals may be taken by aggrieved persons from the decisions of the Board of County Commissioners to the Courts in the manner provided by law.

G. Applications

All applications shall be picked up and returned to the County Administrator of Madison County, who shall file timely all properly completed forms and forward same to the Madison County Design Review Board. The Madison County Design Review Board shall recommend approval or denial of the application to the Board of County Commissioners.

H. Penalty Provisions

Any person who carries out or causes to be carried out any work in violation of this Section shall be required to restore the subject improvement, building, site, structure, appurtenance, or landscape feature, either to its appearance prior to the violation of in accordance with a Certificate of Appropriateness required by the Board of County Commissioners. Such person will also be liable for a fine of not less than \$100 per day between the day on which the work is cited as being in violation of this Section and the date on which the County Administrator certifies and verifies to the Board of County Commissioners that the violation has been corrected. This civil remedy may be obtained through proceedings before a court of competent jurisdiction, and shall be in addition to and not in lieu of any other civil or criminal prosecution and/or penalty otherwise provided in the Code of Ordinances of Madison County, or the laws of the State of Florida.

**Section 4.6-8 Affordable Housing Incentives**

**1. Purpose**

In support and furtherance of Madison County's strategies for the implementation of the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan as established in Ordinance 93-58; pursuant to 420.907-420.9079, Florida Statutes the following Affordable Housing Incentives are established within this Code. In instances of conflict between the provisions of this Section and other Sections of this Code, the provisions of this Section shall control.

**2. Conditions**

The Affordable Housing Incentives contained in this Section shall only apply to affordable housing developments in which the sales price of the homes in the proposed development do not exceed the maximum per unit cost contained in the Madison County SHIP Local Housing Assistance Plan. All non-affordable housing and other developments shall meet the development requirements as contained in the other Sections of this Code. Further, these incentives only apply to allowable increases in densities and setback requirements. All other

development requirements contained in this Code shall apply.

**3. Zero Lot Line Development**

In order to encourage the development of affordable housing, the minimum side yard setback standards contained in Section 4.5(A), Schedule 1.0 may be waived for affordable housing developments. In order to qualify for such waiver, the sale price of homes within the proposed development shall not exceed the maximum per unit cost contained in the Madison County SHIP Local Housing Assistance Plan effective at the time of application. The proposed development shall meet all other applicable development requirements as contained in this Code.

**Section 4.6-9 Prison/Correctional Facilities**

**1. Purpose**

In order to manage the location and criteria for the siting of future prison/correctional facilities within the unincorporated area of Madison County, the following conditions shall apply, in addition to all other applicable development requirements contained in other sections of this Code.

**2. Conditions**

- A. New prisons/correctional facilities shall only be allowed within A1 and A2 Land Use Classifications, by Special Exception.
- B. In addition to normal Special Exception and Site Plan requirements contained elsewhere in this Chapter, the following criteria must be met:
  - (1) The minimum parcel size must be at least 400 acres;
  - (2) Exclusive of road access, the parcel perimeter shall not be located within one-quarter (1/4) mile of a federal or state highway, or a county major collector;
  - (3) The parcel perimeter shall not be located within one (1) mile of any existing recorded subdivision or within one-half (1/2) mile of any existing private residence;
  - (4) All required infrastructure (water, sewer, drainage, roads, etc.) shall be provided and maintained by the agency that owns or operates the facility;
  - (5) The applicant shall provide information showing proof that the existing Fire, Law Enforcement, Ambulance, and Solid Waste Collection/Disposal Systems of the County will not be burdened;
  - (6) The applicant shall provide a labor study to show that there is sufficient manpower in the area to adequately staff the facility.
  - (7) All new development shall be in conformity with the requirements of the

comprehensive plan and special exception provisions contained within the land development code.

- C. The existing publicly owned or operated correctional/prison facilities shall be allowed to expand to meet future demands without special exception on contiguous lands either owned by the existing facility or on lands owned by the City of Madison or Madison County as of the date this amendment is passed by Ordinance. However, such expansion shall be subject to site plan review and in conformity with all other applicable development requirements contained in other sections of this Code and the comprehensive plan.

#### **Section 4.6-10 Mobile Home Park Requirements**

##### **A. General**

1. Mobile home developments consisting of a parcel of land under single ownership that has been, or is proposed to be, planned, improved and operated as a business for the placement of mobile homes for non-transient use shall be considered mobile home parks. Lots and/or mobile homes within such mobile home developments shall only be offered for rent. Mobile home subdivisions shall be required to comply with all provisions of Chapter 5, Subdivisions Regulations, of this Code.
2. Developers of mobile home parks shall be required to file a development application with the County Administrator, including submission of a site plan and such mobile home park development shall meet, in addition to the requirements contained in this Section, all other applicable requirements contained in this Chapter of the Code, including review by all applicable agencies.
3. The minimum size for a mobile home park shall be ten (10) acres in order to provide sufficient area for adequate site design and open space. Applications for mobile home parks of less than (10) acres shall be considered only by Special Exception.

##### **B. Lot Size**

1. Each lot in a mobile home park served by either (1) central water and sewage systems, or (2) by a central water system but not a central sewage system shall be a minimum of .25 (1/4) acre, and shall contain only one mobile home.
2. Each lot in a mobile home park not served by central water and sewage system shall be a minimum of .5 (1/2) acre, and shall contain only one mobile home.

##### **C. Location**

Must meet setback requirements set for Residential identified in Schedule 1.0 Minimum Development Standards.

##### **D. Buffer Zones/Setbacks**

Each mobile home park shall have a setback/buffer zone of a minimum of thirty-five (35) feet

between any mobile home lot and one hundred (100) feet around the perimeter property line, which buffer zone shall be attractively maintained at all times. There shall be a minimum forty (40) foot setback from the centerline of any street within a mobile home park to the structure located on each lot.

**E. Roads**

1. Every road within a mobile home park shall have a minimum 18-foot limerock base, in accordance with the Pavement Base criteria for Standard E Streets, Chapter 5 of this Code. Each road shall have direct access to a public road, or to a service road that has direct access to a public road.
2. Each road within a mobile home park shall be numbered consistent with the official map of Madison County.
3. Any dead-end street in a mobile home park shall be no more than 500 feet in length, and shall provide a terminal adequate for turn-around purposes.
4. All mobile home driveways shall access directly onto a road within the mobile home park. Direct access from a mobile home driveway onto a public road is prohibited.
5. Private roads shall be allowed within a mobile home park; however, such private roads shall be maintained by the mobile home park owner.

**F. Signs**

Each mobile home park shall have entrance and exit signs located adjacent to the public road right-of-way.

**G. Street Lights**

Each mobile home park shall have one streetlight for each two (2) mobile home lots equal distance apart.

**H. Safety Devices**

The owner of each mobile home park shall insure that each mobile home within this park is equipped with a fire extinguisher and a smoke alarm; and if the park owner requires the mobile home resident to furnish said safety devices, then the owner shall comply with the provisions of Chapter 723, Florida Statutes, requiring notice to such resident prior to allowing said resident to locate in the park.

**I. Pads, Patios or Porches**

Each lot within a mobile home park shall have a concrete pad, patio or porch at the front entrance of the mobile home, of a minimum size of ten (10) feet by ten (10) feet.

**J. Skirting**

Each mobile home within a mobile home park must be skirted on all sides with decorative



concrete blocks, treated wood lattice, or manufactured mobile home skirting.

**L. Landscaping**

Each lot within a mobile home park must be landscaped so that each lot is grassed and attractively maintained.

**M. Water Supply**

1. An accessible, adequate, potable supply of water shall be provided to all lots in each mobile home park. The system shall be designed for the maximum water demand and be in compliance with Chapter 64E-8 or Chapter 62-550, Florida Administrative Code, as determined by the Madison County Health Department.
2. At least one (1) water supply service connection shall be provided to each mobile home space and shall be designed and constructed as to prevent the connection from being damaged by the parking of mobile homes.

**N. Sewage Disposal**

1. An adequate and safe method of sewage collection treatment and disposal shall be provided in each mobile home park and shall be in compliance with either Chapter 64E-6 or Chapter 62-600, Florida Administrative Code, as determined by the Madison County Health Department.
2. Each mobile home site shall be provided with a sanitary sewer connection point. The waste line connector between the mobile home unit and the park's sewer system shall be self-draining and leak proof for liquids and gases and be connected by means of readily removable acid-resistant semi-rigid connector. The connection point for the sewer outlets shall be tightly capped when not in use.

**O. Garbage and Refuse Disposal**

Collection, storage, and disposal of garbage and refuse shall be so managed as to not create nuisance, odors, rodent harborage, insect breeding, accident hazards or air pollution.

**P. Parking**

Automotive parking within a mobile home park shall all be off street and shall consist of a minimum of two (2) off-street parking spaces for each mobile home lot. Each parking space shall be directly accessible to a road within the mobile home park, and no such parking space or home driveway shall be situated so as to require vehicles to back into any public roadway except the roads within the mobile home park.

**Q. Lawn Maintenance**

The owner of the mobile home park shall be responsible for insuring that all lawns and common areas are properly maintained, including regular and frequent grass cutting and pruning as needed.

**R. Animals**

The owner of a mobile home park shall insure that the residents of the park, keeping animals within the park, do not allow the animal to create or become a public nuisance.

**S. Other Regulations**

1. Each mobile home park owner shall be required to obtain and keep in force an Occupational License and any other license(s) required by the State and County for mobile home park operation. Such license(s) shall be renewed only after an annual inspection certifying that the park is in compliance with these regulations.
2. The owner of a mobile home park shall comply with all other applicable county and state laws, ordinances, rules and regulations, including Chapter 320, Florida Statutes, relating to "tie-downs", among other things.

**Section 4.6-11 Agriculture 1 and 2 District Special Density Options**

**4.6-11.1 Minimum Three (3) Acre Lot Size Density Option for Both A-1 and A-2 Districts**

In addition to the density requirements of Section 4.4, a limited number of new single-family residential dwelling units within Agriculture 1 and Agriculture 2 land use districts shall be allowed, in accordance with the following criteria:

1. An annual mobile home move-on or conventional building permit cap of not more than twenty-five (25) single-family residential dwelling units shall be established. The twenty-five (25) single-family residential dwelling units shall be calculated over the entirety of the Agriculture 1 and Agriculture 2 land use districts.
2. Each new single-family residential dwelling unit permitted shall front on an existing publicly maintained road.
3. The minimum lot size shall be not less than three (3) acres, except for the use of family homesteads.
4. No lot, parcel, or tract of land shall be divided more than once (1) annually to provide for a new single-family residential dwelling unit.
5. No individual shall be issued more than one (1) mobile home move-on or conventional building permit annually.
6. A mobile home move-on or conventional building permit issued for a residential dwelling unit which meets the maximum agricultural densities contained in Section 4.4, or Section 4.6-12.B., below, of this Chapter shall not be counted toward the annual cap.
7. With the exception of density, all other applicable requirements of this Code shall be met.
8. If the annual cap is reached during any given year, no additional mobile home move-on or conventional building permits shall be issued until the beginning of the next annual period.

Note: The above criteria only apply to individual dwelling units and should be considered separately from the criteria contained in 4.6-12.2 below.

#### **4.6-11.2 Minimum One (1) Acre Lot Size Density Option For A-2 District Only**

Within the Agriculture-2 land use classification, notwithstanding the density requirements stated in Section 4.4., or Section 4.6-12.A. above, of this Chapter, lots equal to or greater than one (1) acre and less than ten (10) acres may be created under the conditions listed below. The density calculations shall be based on the entirety of the Agriculture-2 land use district.

##### **1. Individual Lots**

- a. The minimum lot size shall be one (1) acre;
- b. All lots shall have direct access to a publicly maintained road; and
- c. All lots shall have sufficient upland to accommodate the proposed development in accordance with wetland and floodplain policies and regulations contained in the comprehensive plan and the land development regulations.

Note: Clustering is not allowed under the above individual lots option

##### **2. Subdivision development for lots equal to or greater than one (1) acre and less than five (5) acres**

- a. All subdivisions must conform to the platting requirements of the land development code and maintain a gross density not to exceed 1 dwelling unit per acre;
- b. Subdivisions creating 20 or less lots, using the provisions of this option, may be developed subject to the following additional criteria:
  - (1) Such subdivision shall not be located on more than 50% of the development tract;
  - (2) The undeveloped portion of the development tract shall be reserved as open space;
  - (3) A minimum 100-foot buffer shall be provided between agricultural and non-agricultural uses. The buffer shall be provided by the non-agricultural development.
  - (4) The required open space shall be recorded as a conservation easement or use as agriculture, passive recreation or preservation of natural resources. To use the conservation easement for other purposes, such as development activities, a comprehensive plan amendment is required.
- c. Subdivisions creating more than 20 lots, using the provisions of this option, are subject to the same criteria noted above with the exception that such subdivisions shall not be located on more than 25% of the development tract.

Note: In order to meet the gross density requirements, clustering must be utilized in the above subdivision development option.

**3. Subdivision development for lots equal to or greater than 5 acres and less than 10 acres**

Subdivision development for lots equal to or greater than five (5) acres and less than ten (10) acres shall not be required to follow the clustering provisions stated in Option 2 above, but shall be required to follow all other platting requirements of the land development code.

The total number of lots created equal to or greater than one (1) acre, and less than ten (10) acres, using the options contained in 4.6-12.2 above within the Agriculture 2 land use classification shall not exceed 150 lots during any calendar year. These calculations shall be based on the entire Agriculture 2 land use designation. However, any lots created pursuant to Section 4.4 and the options contained in Section 4.6-12.1 above, shall not be counted toward the 150 lot cap.

Of the 150 available density exceptions, fifty (50) shall be reserved for the purpose of obtaining a building permit for a conventional or mobile home and the remaining one hundred (100) shall be assigned for subdivisions and for other purposes of sales. As of December 1<sup>st</sup> of each year, any remaining exceptions may be assigned to either category.

**4. Process for Requesting Agriculture 2 District Density Requirements Under 4.6-12.2**

- (1) A written application for the above shall be made to the Development Administrator or designee, both for individual lots and/or subdivision developments. The application shall be on a form provided by the County.
- (2) The application shall be reviewed in accordance with the criteria included in 1, 2, and/or 3 above of this Section.
- (3) If the application appears to meet the criteria, it shall be preliminarily approved, subject to availability of lots within the calendar year cap and documentation that all other applicable requirements have been or will be met, and the lot(s) shall be encumbered for the calendar year period.
- (4) If preliminarily approved in accordance with the stated criteria the Development Administrator, or designee, shall maintain a record of the total number of lots encumbered for the calendar year period.
- (5) A preliminarily approved application shall be effective for a period of three (3) months from the date of approval. If documentation is not provided by the applicant to the Development Administrator, or designee, that one of the applicable development actions in )6) below has been completed for each lot requested under this Section within such period, the approval shall be null and void.

- (6) Notwithstanding any other provisions contained in this Code, within the time period outlined in (5) above, all lots requested under 1, 2, and/or 3 above of this Section shall have completed the applicable development activity, including issuance of any applicable development order, as follows:
  - a. Transfer of ownership by recorded deed; or
  - b. Issuance of a move-on or conventional building permit; or
  - c. Approval of Preliminary Plat; or
  - d. Approval to construct subdivision improvements; or
  - e. Approval of Final Plat.

#### **Section 4.6-12 Communication Antennas and Communication Towers.**

##### **A. Applicability; use of existing structures.**

1. All new communication antennas and communication towers in Madison County shall be subject to these land development regulations and all other applicable building and construction codes. In the event of any conflict between other land development regulations and the regulations contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.
2.
  - (a) All communication towers existing on August 18, 1999, (the effective date of this ordinance) shall be allowed to continue to be used as they presently exist. Routine maintenance or minor modifications to accommodate the collocation of an additional user or users shall be permitted on such existing towers subject to the criteria in (b) below. New construction, other than routine maintenance and modifications to accommodate collocation on an existing communication tower, shall comply with the requirements of this Section.
  - (b) For communication antennas, replacement of antennas on a structure with different antennas shall be considered routine maintenance or a minor modification to accommodate the collocation of an additional user or users so long as the replacements antenna(s) does not increase the height of any structure other than a communication tower on which it is placed by more than twenty-five (25) feet.
3. For purposes of his Section, a communication tower that has received final approval in the form of a building permit for an approved site and development plan or where substantial construction has been completed shall be considered an existing tower so long as such approval is valid and unexpired as of the effective date of this ordinance.
4. No comprehensive plan amendment or variance shall be required to locate a communication antenna on an existing nonresidential structure or multi-family residential structure; provided, however, that the communication antenna does not extend more than (50) feet above the existing structure. Such structures may include, but are not limited to, nonresidential buildings, water towers,

existing communications towers, recreational light fixtures and essential service provider facilities.

5. A communication antenna may be attached to an existing nonresidential structure, or multi-family residential structures thirty-five (35) feet in height or greater as identified in subsection A.4 above, upon approval of a building permit and written notice to the County Administrator, or his designee, at least thirty (30) days prior to be installation of the antenna, provided such notice certifies that any such collocation is accomplished in a manner consistent with the following:

(a) A communication tower which is modified or reconstructed to accommodate the collocation of an additional communication antenna shall be of the same tower type as the existing tower, unless reconstructed as a monopole.

(b) Height

(i) An existing communication tower may be modified or rebuilt to a taller height not to exceed forty (40) feet over the communication tower's existing height to accommodate the collocation of an additional communication antenna, but in no case shall the height of the tower and proposed extension be greater than the distance to an existing residential structure.

(ii) In order to accommodate more than one additional collocation, an applicant may seek approval for a height increase in excess of the forty (40) feet allowed in Subsection (i) above, but in no case shall the height of the tower and the proposed extension be greater than the distance to an existing residential structure.

(iii) Whenever modified in accordance with the provisions of this Section, the new height of the modified or rebuilt communication tower shall not exceed the maximum height of 35 feet unless the height restriction is inconsistent with Federal law or the applicant demonstrates to the County that a tower height in excess of the maximum height is necessary to provide the proposed telecommunication service(s).

(c) Onsite location.

(i) A communication tower which is being rebuilt to accommodate the collocation of an additional communication antenna may be moved onsite within fifty (50) feet of its original location, and shall be exempt from the setback requirements of this section.

(ii) After the communication tower is rebuilt to accommodate collocation, the existing tower must be dismantled and

removed within sixty (60) days after the rebuilding so only one communication tower may remain on the tower site.

**B.** All communication towers or antennas proposed in the unincorporated areas of the County shall comply with any airport regulations of the Madison County Code.

**C.** The provisions of this shall not apply to communications towers or antennas located on property owned by the United States, State of Florida, Madison County, or any Municipality located within Madison County, provided those towers are owned by those public entities and are used exclusively for the provision of fire safety, law enforcement emergency management and/or emergence medical services telecommunications.

**D.** Nothing herein shall be construed as regulating or applying to antennas or towers utilized solely by amateur radio operators licensed by FCC, or solely as residential receiving antennas or towers.

**E. Location.**

1. A communication tower or communication antenna may be located in any land use district so long as it meets the requirements of this Section, and conforms with any historic preservation elements of the County's comprehensive plan.

2. A communication tower may be located on a lot used for other principal uses on a parcel smaller than the minimum lot size required in the land use district. This parcel shall be considered as the "tower site." The tower site, but not the entire lot, shall be subject to all the requirements of this Section, except as specifically provided herein.

**F. Minimum distance of communication towers from other property.**

1. All towers shall be located at least 300 feet, but not less than the height of the proposed tower itself from the nearest privately owned property line, unless a waiver is obtained from all property owners within ) 300' or the height of the tower, whichever is greater

2. Distance shall be measured from the center of the base of the communication tower to the nearest residential lot line.

3. Where a communication tower is being proposed on a site with an existing residential structure, the distance of the proposed tower from structure shall not be less than the height of the tower itself and shall comply with the provisions of subsection C.1. above.

**G. Tower Permitting.**

1. Feasibility of Co-location. Co-location shall be deemed to be "feasible" for purposes of this Section unless the applicant demonstrates that one or all of the following items cannot be met:

- a. The owner or person who otherwise controls the communication tower or other structure under consideration for collocation will undertake to charge fair and reasonable market rent or other fair and reasonable market compensation for collocation.
- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide sufficient structural support.
- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure and antennas.
- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the County Administrator or his designee, taking into consideration the several standards contained in this Section.

2. New Communication Towers, Antennas and Other Communication Devices.

- a. A tower permit must be obtained from the County before any communication tower can be constructed. A permit must also be obtained from the County before any antenna or other communication device is attached to or collocated on an existing tower. The applicant must submit a non-refundable fee to the County when the application for a permit is submitted, in the amount set by Resolution of the County. This permit fee will be in addition to the fees required for special exceptions under the County's Land Development Regulations.
- b. A tower permit for the location and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation, pursuant to Subsection D(1) above, is not available for the coverage area and capacity needs.
- c. All new communication towers shall be designed and constructed so as to accommodate collocation of a least six service providers. The County shall maintain a list of all communication tower applicants. No new communication tower shall be permitted unless the applicant demonstrates, in writing, that no existing communication tower or structure can accommodate the applicant's proposed antenna, consistent with the requirements of this Ordinance.
- d. No tower permit will be granted and no communication towers shall be constructed, unless the applicant has a carrier ready for immediate location/occupancy thereon, and presents evidence to the County of such.



- e. All applicants receiving a permit must in fact allow for collocation of antennas or other communication devices of at least six service providers, at a reasonable fee, and shall make or allow to be made minor modifications to the tower to accept such collocation.

**H. Tower application and provisions governing the issuance of tower permits.**

1. Prior to receiving a building permit for construction of the communication tower, the County shall require the posting of security or performance bond, in an amount to be determined by the County, not to exceed the cost of removal, to ensure removal of such communication tower(s) if it becomes abandoned as described in subsection O of this section.
2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer, as otherwise required by law.
3. An applicant for a tower permit submit the information described in this Section and a non-refundable fee as established by resolution of the County Commissioners.
4. Information requires. In addition to any information required by the Land Development Regulations in accordance with the development review regulations of the Madison County code, applicants for a tower permit shall submit the following information:
  - a. A scaled site plan clearly indicating the location, type and height of the proposed communication tower, on-site land uses and future land use, adjacent land uses and (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable setback areas, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed communication tower and any other structures, topography, parking, and other information deemed by the County to be necessary to assess compliance with this ordinance.
  - b. Legal description of the parent tract and tower site or leased parcel (if applicable).
  - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residential zoned properties.
  - d. The location of all communication towers and communication antennas within a one (1) mile radius of the location of the proposed communication tower.
  - e. A landscape plan showing specific landscape materials.

- f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - g. A description of compliance with the requirements of this Section and all applicable federal, state or local laws.
  - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - i. A description of the suitability of the use of existing communication towers or other structures to provide the services to be provided through the use of the proposed new tower.
  - j. The location of the proposed communication tower in digital format compatible with the County's GIS System.
  - k. A list of all property owners within 300', or the height of the tower, whichever is greater.
- I. Maximum height.** No tower shall be designed to a height greater than 350 feet unless the applicant demonstrates to the County that a tower height greater than 350 feet is necessary to provide the proposed telecommunications service(s) or the maximum height restriction is inconsistent with Federal law.
- 1. Minimum yard requirements. There are no minimum yard requirements for communication towers.
  - 2. Illumination. Communication towers shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
  - 3. Finished color. Communication towers not requiring FAA painting/marketing shall be painted red and white.
  - 4. Structural design. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard, according to the latest EIA/TIA 222 Standards, to adjoining properties. Communication towers shall be constructed to the latest EIA/TIA 222/Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable County building codes. Further, any improvements and /or additions (i.e., antenna, satellite dishes, etc.) to existing communication towers shall require submission of site and structural plans sealed and verified by a professional engineer which demonstrate compliance with the latest EIA/TIA 222 Standards in effect at the time of said improvement or addition. Said plans shall be submitted to and reviewed and approved by the County in accordance with its site plan review process.

5. Fencing. A minimum eight foot finished masonry wall or an eight foot fence with not less than 85% opacity shall be required around all communication tower sites. Access to the tower shall be through a locked gate.
6. No advertising. Neither the communication tower nor the tower site shall be used for advertising purposes and shall not contain any signs for the purpose off advertising.
7. Landscaping. The visual impacts of residentially or commercially located communication towers shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures as follows:
  - a. A row of shade trees a minimum of ten (10) feet tall and a maximum of twenty (20) feet apart shall be planted around the perimeter of the leased parcel:
  - b. A continuous hedge at least thirty-six (36) inches high at the time of planting, capable of growing to at least forth-eight (48) inches in height within eighteen (18) months, shall be planted in the landscape buffer;
  - c. All required landscaping shall be of the evergreen variety;
  - d. All required landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and vitality;
  - e. Required landscaping shall be installed outside the fence or wall; and
  - f. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward meeting landscaping practicable. And may be credited as appropriate toward meeting landscaping requirements.
  - g. An applicant may request deviation to the standards in this Section in accordance with applicable Madison County codes.

**J.** The County shall consider the following factors in determining whether to issue a tower permit.

1. Height of the proposed communication tower.
2. Proximity of the communication tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties, within five hundred (500) feet of the tower site property line;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  7. Proposed ingress and egress; and
  8. Availability of suitable existing towers or other structures.
- K.** No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the County that no existing communication tower or structure can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the County related to the availability of suitable existing communication towers or other structures. The County may hire, at the expense of the applicant, an expert to evaluate this information and advise the County. Evidence submitted to demonstrate that no existing communication tower or structure can accommodate the applicant's proposed communication antenna may consist of any of the following:
1. No existing communication towers or structures are located within the geographic area which meet applicant's engineering requirements.
  2. Existing communication towers or structures are not of sufficient height to meet applicant's engineering requirements, and may not be altered to meet such requirements.
  3. Existing communication towers or structures do not have sufficient structural strength to support applicant's proposed communication antenna and related equipment.
  4. The applicant's proposed communication antenna would cause electromagnetic interference with the communication antenna on the existing communication towers or structures, or the communication antenna on the existing communication towers or structures would cause interference with the applicant's proposed communication antenna.
  5. The fees, costs, or contractual provisions required by the owner in order to share an existing communication tower or structure or to adapt an existing communication tower or structure for sharing renders collocation infeasible or unreasonable. Costs exceeding new communication tower development are presumed to be unreasonable.
  6. The applicant demonstrates that there are other limiting factors that render existing communication towers and structures unsuitable.
- L.** Madison County encourages the users of towers and antennas to submit a single application for approval of multiple towers and /or antenna sites, and to utilize existing public facilities owned by Madison County through lease situations as sites.
- M.** Nonconforming communication towers. To the extent set forth herein, the restrictions on nonconforming uses and structures contained in the Madison County Land

Development Code are modified and supplemented by this Section. Existing nonconforming communication towers may be repaired if the tower has received damage to no more than 50% of its structure. If existing nonconforming communication towers receive damage to more than 50% of its structure, the tower may not be repaired or rebuilt unless it complies with the provisions of this ordinance. Building permits to rebuild the tower shall comply with the applicable County codes and shall be obtained within ninety (90) days from the date the tower is damaged or destroyed. If no permit is applied for, or obtained, or if said permit expires, the communication tower shall be deemed abandoned as specified in paragraph O hereinafter.

**N. Abandonment.**

1. In the event the County Administrator or his designee suspects that the use of any communication tower has been discontinued for a period of thirty (30) consecutive days, the County Administrator or his designee shall send written notice to the address(es) provided on the permit application so notifying the owner of the tower and the property owner. Such notices shall be sent by both regular and certified mail return receipt requested. If no written response is received by the County within thirty (30) days mailing notice, the tower shall be deemed abandoned as the 30th day set out above.
2. Upon timely receipt of written response, the Board of County Commissioners may summarily determine that the tower in question is not abandonment or hold an evidentiary hearing and determine whether the tower is in fact abandoned and if so, the date of abandoned.
3. To find the tower has been abandoned, the Board of County Commission must determine by the greater weight if the evidence presented at such hearing that the tower had not been used for any communication purpose for sixty (60) days or more prior to the date of mailing the notice set out above. The party asserting the tower is not abandoned shall bear the burden of proof at such hearing.
4. Upon the determination of such abandonment, the owners/operator of the tower shall have an additional sixty (60) days within which to demonstrate to the County that the owner/operator has: (1) reactivated the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantled and removed the tower. At the earlier of sixty (60) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any exception and/or variance approval for the tower shall automatically expire.
5. In the event the communication tower is not reactivated or removed as provided for above, the County may dismantle and/or remove the communications tower and the owner/operator or owner of real property upon which the tower is located agrees that the County may recover the expense of the removal from the owner/operator, or said owner of real property, or both.

- a. Any abandoned communications. Tower dismantled and/or removed by the County shall immediately become the property of the County, along with all equipment or other personal attached property attached thereto, and the County may retain or dispose of said towers and other personal property as it deems is in the best interest of the County.
  - b. In no event shall the County be required to dismantle and/or remove any abandoned communication tower. In lieu of or in addition to dismantling and/or removing abandoned communication towers, the County may utilize its Code Enforcement powers as set out in Chapter 162, Florida Statutes.
- O.** Certification of Compliance with Federal Communication Commission (FCC) NIER Standards. Prior to receiving final inspection, adequate proof shall be submitted to the County Administrator or his designee documenting that the communication tower complies with all current FCC regulations for nonionizing electromagnetic radiation (NIER). The County Administrator or his designee shall indicate on the site plan approval that this certification has been received.
  - P.** Ownership marketing. All Communication towers shall be marked with proper indicia of ownership, located at the entry gate.
  - Q.** All provisions of this code must be next prior to the issuance of a certificate of occupancy.

#### **4.6-13 Temporary Special Use Permit**

Any person owning real property in the County may apply for a Temporary Special Use Permit to allow the temporary siting of mobile homes or other temporary structures on a large residential lot for temporary living quarters for family members who may be mentally or physically handicapped or for living quarters for persons to care for those persons who already live on the lot and are in need of such care due to mental or physical handicap.

- A.** **Where allowed.** Temporary Special Use Permits may be allowed in any district which allows residential use.
- B.** **Procedure for requesting a Temporary Special Use Permit.** In order to request a Temporary Special Use Permit a person owning real property in the County shall submit a completed application on a form prepared by the County and pay the required fee. The applicant shall attach to the application written proof of the alleged physical and/or mental handicap and the reason such alleged physical and/or mental handicap requires the issuance of a Temporary Special Use Permit. The written proof required hereunder may include but not necessarily be limited to the written opinion of licensed medical doctor or a copy of a written final determination of any state or federal agency that the person at issue is physically and/or mentally handicapped and the nature of such handicap.
- C.** **Processing of the Application.** Upon receipt of an application for a Temporary Special Use Permit the County Manager shall review the application for completeness

and if it is complete shall schedule the application for a public hearing before the Board of County Commissioners. The public hearing on an application for a Temporary Special Use Permit shall be advertised in the same manner as a public hearing on an application for a special exception. Prior to the public hearing the County Manager shall make whatever additional inquiry he deems appropriate. The County Manager may require the applicant to provide to the County Manager an executed release allowing the County Manager to discuss the person at issues medical and/or mental condition with any applicable health care provider.

**D. Hearing before the Board.** The Board of County Commissioners shall conduct a public hearing on the application for the Temporary Special Use Permit considering public comment thereon. The Board of County Commissioners shall cause the Temporary Special Use Permit to be issued if it finds as follows:

- 1 Temporary Special Use Permit is necessary to allow the temporary siting of mobile homes or other temporary structures on a large residential lot for temporary living quarters for family members who may be mentally or physically handicapped or for living quarters for persons to care for persons who already live on the lot and are in need of such care due to mental or physical handicap.
- 2 Such siting will be generally compatible with the character of the residential district.
- 3 The granting of the Temporary Special Use Permit will not adversely affect the health, welfare, safety, and quality of life of the residents of the County.

**E. Duration.** The Temporary Special Use Permit shall only be valid until its expiration date which shall be the January 1, next following the date the Temporary Special Use Permit is issued. The Temporary Use Permit shall expire and be of no further affect as of its expiration date, except as otherwise provided herein.

**F. Renewal.** An application for renewal of a Temporary Special Use Permit may be filed with the County at any time prior to the Temporary Use Permits expiration date. For any Temporary Use Permit for which an application for renewal has been filed, the Temporary Use Permit shall not expire until such application is denied or the date the Temporary Use Permit would have expired had no application been filed, whichever is later. Should the application for renewal be granted the expiration date of the permit shall be the January 1, next following the date the Temporary Use Permit would have expired had no application for renewal been filed. Any Temporary Use Permit so renewed may be likewise renewed every year thereafter. The County Manager may renew any Temporary Special Use Permit upon the payment of the required fee and the filing of a verified application for renewal in which the applicant certifies under oath that the conditions which were alleged in the original petition still exist and the applicant still needs the Temporary Special Use Permit. The County Manager shall not renew a Temporary Special Use Permit should the County Manager determine that the property on which the Temporary Special Use Permit has been sold or ownership otherwise transferred, or if the County Manager determines that the circumstances which originally led to the issuance of the Temporary Use Permit no longer exist. Should the County Manager deny an application for renewal such decision is not

appealable, but shall be without prejudice to the applicant filing another application for a Temporary Special Use Permit before the Board of County Commissioners.

- G. **Automatic renewal.** Any Temporary Special Use Permit which was issued after July 1, shall be automatically renewed for one subsequent year without the requirement of the filing of an application for renewal.
- H. **Revocation of the Temporary Special Use Permit.** Should the Board of County Commissioners determine that the conditions which necessitated the issuance of the Temporary Special Use Permit no longer exist, the Board of County Commissioners may revoke the Temporary Special Use Permit. The determination to revoke the Temporary Special Use Permit shall only be made after giving the applicant reasonable notice that the Board is considering such action and a reasonable opportunity to be heard at the time the Board makes its decision.
- I. **Notification of change of conditions:** It shall be the affirmative duty of the applicant to immediately notify the County of any material change of the circumstances or conditions which led the Board to issue the Temporary Special Use Permit.
- J. **Prohibited Uses.** All uses of the structure for which the Temporary Use Permit is issued are prohibited except the use of the structure as a single family residence. All commercial uses and use as rental property are strictly prohibited.
- K. **Removal of the structure upon expiration or revocation of the Temporary Special Use Permit.** Within 60 days following the expiration or revocation of the Temporary Special Use Permit, the applicant shall, without demand or notice by the County, remove or cause to be removed the temporary structure allowed to be placed on the applicant's property by virtue of the Temporary Special Use Permit. However, upon demand by the County, should the applicant fail to remove such structure, the County may enter upon and remove such structure with the costs thereof becoming a lien on the property for which the Temporary Special Use Permit was issued.
- L. **Special Conditions.** The Temporary Special Use Permits shall be the minimum necessary to provide a reasonable relief of an unusual and temporary situation and use the property and may be approved subject to time limits or any other conditions that the Board deems appropriate.
- M. **Recording of notice and lien agreement.** Prior to the issuance Temporary Special Use Permit, the applicant shall be required to execute notice and lien agreement which shall be recorded in the public records of the County. Such notice and lien agreement shall give constructive notice to all persons that the structure on the property of the applicant is temporary in nature and that the County may require its removal at any time as provided herein. Further it shall grant a lien on the property for the County's costs of removal of the temporary structure should the applicant fail to do so.
- N. **Fees.** The Board of County Commissioners may set and require payment of such reasonable fees as necessary to defray the costs of the County's consideration and processing of applications as set out herein. At the time of payment of the fees for the Temporary Special Use Permit, the County shall require the applicant to pre pay the



non-ad valorem special assessments due for a single family residence on the property at issue for the duration of the Temporary Special Use Permit.

## ARTICLE II.

### SIGNS

#### Section 4.7                    **General Provisions**

##### Section 4.7-1                **Purpose**

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This Section is adopted under the land development regulatory authority of the County in furtherance of the more general purposes set forth in the Comprehensive Plan.

##### Section 4.7-2                **Applicability; Effect**

A sign may be erected, placed, established, painted, created, or maintained only in conformance with the standards, procedures, exemptions, and other requirements of these regulations. The effects of these regulations as more specifically set forth herein are:

- A. To establish a permit system to allow a variety of types of signs in commercial and industrial land use designations, and a limited variety of signs in other land use designations, subject to the standards and the permit procedures of these regulations;
- B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of these regulations, but without a requirement for permits;
- C. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and
- D. To prohibit all signs not expressly permitted by these regulations.

##### Section 4.7-3                **Signs Exempt from Regulation**

The following signs shall be exempt from regulation:

- A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the district lot or parcel on which such sign is located;
- C. Works of art that do not include a commercial message;

- D. Holiday lights and decorations with no commercial message;
- E. Signs advertising the sale, lease or rental of the premises on which the sign is located. Each sign shall not exceed six (6) square feet in surface area for residential districts or twelve (12) square feet in surface area for other districts;
- F. Signs denoting the name and address of the occupants of the subject premises not exceeding two (2) square feet in surface area, and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 4.7-4 of these regulations;
- G. Legal notices and official instruments;
- H. Signs that are not designed or located so as to be visible from any street or adjoining property;
- I. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards;
- J. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort; and
- K. Flags and insignia of any government except when displayed in connection with commercial promotion.

**Section 4.7-4 Signs Prohibited**

- A. Signs that are in violation of the building or electrical code adopted by the County.
- B. Signs on sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other Code of the County.
- C. Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.

**Section 4.7-5 Permits Required**

If a sign requiring a permit under the provision of these regulations is to be placed, constructed, erected, or modified, a permit shall be obtained prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of the Building Department of Madison County. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of these regulations (including those protecting existing signs) in every respect.

#### **Section 4.7-6 Applications**

All applications for sign permits of any kind shall be submitted to the Building Official on an application form or in accordance with application specifications established by the Building Department and accompanied by the applicable signage plan and fees.

#### **Section 4.7-7 Design, Construction, and Maintenance**

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of the Standard Building Code and the electrical code of the County at all times.
- B. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.
- C. All portable and temporary signs shall be properly anchored to the ground, a building or another structure.

#### **Section 4.7-8 Sign Permits, Continuing**

The owner of a sign requiring a permit under these regulations shall at all times maintain in force a sign permit for such property.

#### **Section 4.7-9 Lapse of Sign Permit**

A continuing sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed.

#### **Section 4.7-10 Assignment of Sign Permits**

A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing an application with the Building Official. The assignment shall be accomplished by filing and shall not require approval.

#### **Section 4.7-11 Signage Plan**

No permit shall be issued for an individual sign requiring a permit unless and until a Signage Plan for the property on which the sign will be erected has been submitted to and approved by the Building Official as conforming to these regulations.

#### **Section 4.7-12 Provisions of Signage Plan**

For any property on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Building Official a Signage Plan containing the following:

- A. An accurate plot plan of the property at such scale as the Building Official may reasonably require;
- B. Location of any buildings, parking lots, driveways, and landscaped areas on such property;

- C. Computation of the number of signs, the total size and height of individual signs; and
- D. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

#### **Section 4.7–13 Procedures**

A Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the County for the proposed development and shall be processed simultaneously with such other plan.

#### **Section 4.7–14 Amendment**

A Signage Plan may be amended by filing a new Signage Plan that conforms with all requirements of the regulations then in effect.

#### **Section 4.7–15 Existing Signs Not Conforming to Signage Plan**

If any new or amended Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within five (5) years, all signs not conforming to the proposed amendment plan or to the requirements of these regulations in effect on the date of submission.

#### **Section 4.7–16 Binding Effect**

After approval of a Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan. In case of any conflict between the provisions of such a plan and any other provision of these regulations, the regulation shall control.

#### **Section 4.7–17 Signs in the Public Right-of-Way**

No signs shall be allowed in the public right-of-way, except for the following:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Bus stop signs erected by a public transit company;
3. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
4. Temporary signs for which a permit has been issued with the approval of the Building Official, which shall be issued only for signs meeting the following requirements:
  - (a) Such signs shall contain no commercial message; and
  - (b) Such signs shall be no more than two square feet in area each.

5. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

#### **Section 4.7–18 Other Signs Forfeited**

Any sign installed or placed on public property, except in conformance with the requirements of these regulations, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the county shall have the right to recover from the owner, applicant, or person placing such a sign the full costs of removal and disposal of such sign.

#### **Section 4.7–19 Signs Allowed in Residential Areas With and Without Permits**

Signs located in areas developed and used for residential purposes shall be limited to subdivision and multi-family development identification signs and signs for model home centers. Signs permitted in residential areas shall conform to the following requirements:

- A. Residential development identification signs shall conform to the following standards:
  1. Signs may be located at each principal entrance to a development, up to a total of three such identification signs. Principal entrances are considered to be those locations involving the intersection of a subdivision street with a collector or arterial roadway, or the intersection of a private multi-family development street with a collector or arterial roadway.
  2. Signs shall be set back from any property line at least five (5) feet.
  3. Signs shall not exceed a combined total of 240 square feet of sign face area. No individual sign shall exceed 120 square feet.
  4. Signs shall not obstruct a clear visibility triangle. However, ground mounted signs not exceeding two and one-half (2 1/2) feet in height above the natural grade shall be allowed, and shall not be considered to impede clear visibility.
- B. Model home center signs shall conform to the following requirements:
  1. A model home center, consisting of two (2) or more model homes on a single block which does not contain occupied residences, shall be eligible for identification signs according to the following requirements:
    - a. One (1) sign may be permitted per model home.
    - b. Each permitted sign shall be located on the same lot as the model home.
    - c. Signs shall not exceed thirty-two (32) square feet in area.
    - d. Signs shall be set back from any property line a minimum of five (5) feet.
    - e. Illumination of identification signs is limited to the hours between sunset and 10:00 p.m.

2. A model home which does not qualify as part of a model center, may nevertheless be eligible for an identification sign, subject to the following requirements:
    - a. One (1) sign may be permitted per model home.
    - b. Each permitted sign shall be located on the same lot as the model home.
    - c. Signs shall not exceed sixteen (16) square feet in area.
    - d. Signs shall be set back from any property line a minimum of ten (10) feet.
    - e. Signs shall not be illuminated.
    - f. Signs shall be permitted for a period not to exceed three (3) years.
  3. Additional signs in residential developments may be permitted, subject to the following requirements:
    - a. A model home center may be permitted up to two (2) additional identifications signs with an aggregate sign area of sixteen (16) square feet.
    - b. Up to four (4) single-pole flags per street frontage may be permitted. Flagpoles shall be separated by a minimum distance of twenty (20) feet. Flags shall not exceed twelve (12) square feet each. Flags shall be displayed only between the hours of 8:00 a.m. and 5:00 p.m.
- C. The following maintenance requirements shall be met:
1. Provisions shall be made for the establishment of an owner's association or other appropriate provisions for continuing maintenance of residential development signs after the project developer no longer has maintenance responsibility.
  2. If maintenance responsibilities are not provided, signs shall be removed by the developer following the sale of the last lot or dwelling unit.
  3. The requirements of this Section shall be assured by the developer through posting bond to assure removal.

#### **Section 4.7–20 Signs in Non-residential Areas**

- A. Each parcel of land developed at the time of enactment of these regulations, or proposed for development subsequent to the enactment of these regulations, may be permitted on-site signs, subject to the following requirements:
1. Each parcel shall be allowed one freestanding sign. Each business on the parcel shall be allowed one of the following sign types: Projecting, wall, or marquee, subject to the standards stated in this section.
  2. When a use takes pedestrian or vehicular access from more than one arterial road, one additional freestanding sign shall be allowed for each

arterial road to which it has access.

3. The maximum area per sign face for a free-standing sign shall be two (2) square feet of a sign area for each lineal foot of building facing the lot front, up to the maximum requirements outlined below. The table below establishes sign face areas as a function of setback and height.

<b>Maximum Area Per Sign Face</b>	<b>Minimum Setback From Right-of-Way</b>	<b>Height Requirements</b>
32 Square Feet	0 Feet	3 Feet or Less*
Greater than 32 Square Feet	5 Feet	6 Feet or Less* or 8 Feet or More*
96 Square Feet	10 Feet	8 Feet or More**
128 Square Feet	15 Feet	8 Feet or More**
160 Square Feet	20 Feet	8 Feet or More**
200 Square Feet	25 Feet	8 Feet or More**

\* Total Sign Height

\*\* Measured from natural grade to the bottom of sign and maintained without obstruction, except for structural pylon supports.

4. Directional signs such as entrance, exit, parking and other similar information shall not exceed two (2) square feet. Such signs may be permitted up to the property line and shall not be considered a free-standing sign for the purpose of these regulations.
5. Any proposed freestanding sign shall be located at least one hundred fifty (150) feet from an existing freestanding sign.
6. The top of a freestanding sign shall not exceed thirty-five (35) feet when measured from the natural grade at the sign base with the following exception: The top of a freestanding sign constructed of wood shall not exceed twenty-four (24) feet.
7. No freestanding sign shall be erected within the minimum buffer required by the use of the site on which it is erected.
8. Wall or projecting signs shall conform to the following requirements:
  - a. Signs shall not project more than two (2) feet beyond the face of the building.
9. Marquee signs shall conform to the following requirements:
  - a. Marquee signs shall not be larger than eight (80) percent of the marquee sign face area.
  - b. Marquee signs may be on the vertical faces of marquees and may project below the lower edge of the marquee not more than twelve



(12) inches. The bottom of marquee signs shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical marquee face, or beyond the marquee itself. This does not prohibit the placement of the sign message on the sloping portion of the awning.

- B. Off-site signs may be allowed for subdivision identification, subject to the following requirements:
1. Only one such sign shall be permitted on a parcel of land.
  2. The parcel shall be a minimum of fifty (50) feet wide and shall be vacant.
  3. Written permission of the property owner shall be provided with the permit application.
  4. Sign face area and location requirements of these regulations shall be met.
  5. Appropriate agreements for maintenance shall be provided with the permit application, specifying the party responsible for sign maintenance.

#### **Section 4.7–21 Applicable Local, State and Federal Regulations**

All billboards and other types of off-site large advertising signs shall comply with all applicable local, State and Federal laws and regulations.

#### **Section 4.7–22 Temporary Sign Permits – Restrictions**

Temporary signs shall be allowed only upon the issuance of a Temporary Sign Permit by the Building Official, which shall be subject to restrictions imposed by this Section and other relevant parts of these regulations, as follows:

- A. To identify construction in progress. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this Section but construction is not initiated within ninety (90) days after the message is displayed, or if construction is discontinued for a period of more than ninety (90) days, the message shall be removed, pending initiation or continuation of construction activities.
- B. To indicate the existence of a new business, or business in a new location, if such business has no permanent signs. Such messages may be displayed for a period of not more than ninety (90) days or until installation of permanent signs, whichever shall occur first.
- C. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets or any public, charitable, educational, or religious event or function. Such message shall be removed within five (5) days after special event.

#### **Section 4.7–23 Time of Compliance: Nonconforming Signs and Signs Without Permits**

Except as otherwise provided herein, the owner of any property or other premises on which exists a

sign that does not conform with the requirements of this Section or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of these regulations within five (5) years of the enactment of these regulations.

## ARTICLE III

### OFF-STREET PARKING, LOADING AND UNLOADING REGULATIONS

#### Section 4.8 Off-Street Parking, Loading and Unloading Regulations

##### Section 4.8-1 Off-Street Parking

- A. *Area and Dimensions.* For the purposes of this Regulation, an "off-street parking space" shall have dimensions of nine (9) feet in width and nineteen (19) feet in depth, exclusive of the area required for access drives or aisles. A "parallel parking space" shall have dimensions of seven (7) feet in width and nineteen (19) feet in depth. Each parking space shall have four (4) feet of additional depth for maneuvering purposes. These areas are exclusive of the area required for access drives or aisles.
- B. *General Requirements and Specifications.*
1. *Entrance and exits:* Each parking space shall be directly accessible from a street, alley, or other public right-of-way. Except for one or two family dwellings, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street. No entrance and exit driveways shall be permitted closer than twenty-five (25) feet from a street intersection, and no parking area containing more than ten (10) spaces shall have more than one (1) access way to any adjacent street for every one hundred (100) total linear feet of the boundary line (adjacent to said street) with a maximum of two driveways per street frontage.
  2. *Adequate Traffic Areas for Vehicles Entering From or Waiting to Exit to Adjacent Streets:* Each off-street parking area shall provide adequate traffic areas for vehicles entering from or waiting to exit adjacent streets and adequate storage areas for any drive-in facilities located on the premises. The traffic and storage areas provided herein shall be so designed that vehicles waiting or maneuvering in these areas will not interfere with or hinder traffic into or out of the area or vehicles pulling into or out of spaces within the area.
  3. *Aisle Widths:* All off-street parking areas providing four (4) or more parking spaces shall be constructed with aisle widths with the following minimum dimensions, based upon the angle of the parking stall to the access aisle.

<b>Parking Stall Angle</b>	<b>Aisle Width</b>
30 degree	11 feet
45 degree	13 feet
50 degree	14.5 feet
60 degree	16 feet
90 degree	22 feet

Aisles shall be twenty-two (22) feet in width when not designed to serve a particular parking configuration or when designed to serve parallel parking.

The minimum width for a one-way driveway aisle within the parking area shall be eleven (11) feet, and twenty-two (22) feet for a two-way driveway aisle.

4. *Surface Material and Drainage:* Except for one and two family dwellings, all off-street parking facilities including access aisles, driveways, and maneuvering areas shall be either paved or surfaced with a hard, dustless material. Such surfacing shall be maintained in good condition at all times. All off-street parking facilities shall be suitably sloped and drained to eliminate surface water.
5. *Location:* The following locational standards shall be used in providing required off-street parking facilities:
  - a. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve measured from the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, churches may establish joint parking facilities not to exceed fifty (50) percent of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located not to exceed four hundred (400) feet from the church sanctuary.
  - b. Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot they are intended to serve.
  - c. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the County Commission.
  - d. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
  - e. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
  - f. Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
  - g. The required off-street parking shall be for occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited.

- h. Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for the use as determined by the County Commission.
  - i. In cases of dual functioning of off-street parking where operating hours do not overlap, the County Commission may grant an exception.
6. *Setbacks:* All off-street parking areas shall be set back a minimum of ten (10) feet from the front property line and five (5) feet from the side and rear property lines.
7. *Handicap Parking Space Requirements:* Handicap parking spaces shall be reserved and posted in all commercial and professional districts and in any other district which has a principal, accessory or conditional use of a building or structure open to the public. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces. Handicap parking spaces shall be properly maintained to ensure that such spaces are clearly identified to the public. The required number of handicap spaces, with respect to the total number of spaces required, shall be:
- a. *Zero (0) to twenty (20) required spaces:* One (1) handicap space.
  - b. *Twenty-one (21) to fifty (50) required spaces:* Two (2) handicap spaces.
  - c. *More than fifty (50) required spaces:* Four (4) percent as handicap spaces.

Handicap parking spaces shall have a minimum width of twelve (12) feet, or as otherwise specified in this Code or Section 316.1955, F.S., or succeeding provisions, whichever is greater.

C. *Exceptions or Modifications.*

*Mixed Uses:* In case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and off-street parking for a use shall not be considered as providing the required off-street parking for any other use. Where a greater number is not elsewhere required in this Section, each and every separate and individual store, office or other business shall be provided with at least one (1) off-street parking space.

D. *Table of Parking Spaces Required*

<b>Type of Business</b>	<b>Parking Space Requirement</b>
Automobile wrecking, junk, or salvage yard which offers for sale to the public any new or used merchandise	Two (2) spaces for each one 1,000 square feet of floor area, whichever is greater.
Automobile Service Stations	One (1) parking space for each employee, plus two

	(2) for each service bay.
Banks, business, or professional offices	4 spaces per 1,000 sq. ft.
Barbershop or beauty parlor	Two (2) per barber or three (3) beauticians based on the design capacity of the structure.
Bowling Alleys	Five (5) per alley.
Churches	One (1) per four (4) seats
Commercial Recreation Uses	One (1) per three (3) patrons
Dwellings (single and two-family)	Two (2) per dwelling unit.
Dwellings (multi-family)	Two (2) spaces per dwelling unit for the first twenty (20) units, plus one (1) space for each dwelling unit exceeding twenty (20) units.
Establishments for sale and consumption, on the premises, of beverages, food, or refreshment	Ten (10) per 1,000 sq. ft. of gross floor area
Governmental Office Building	One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees. Every governmental vehicle shall be provided with a reserved off-street parking space.
Homes for the aged, sanitariums, convalescent, or nursing homes	One (1) per 500 sq. ft. of gross floor area
Hospitals	1.75 per bed
Hotels and Motels	One (1) per unit plus One (1) per five (5) employees
Industrial establishments, mechanical garages	Two (2) per three (3) employees on the combined two largest successive shifts, plus adequate parking space for customer and visitor vehicles as determined by the County Commission.
Library	One (1) for each five hundred (500) square feet of floor area.
Medical Clinics	6.5 spaces per 1,000 sq. ft. of gross floor area
Mortuaries or funeral parlors	One (1) per four (4) seats, whichever is greater.
Private Clubs, lodge or union headquarters	1 per 300 sq. ft. of gross floor area
Retail stores and personal service establishments except as otherwise specified herein	Four (4) per two 1,000 square feet of retail floor space.
Schools shall be provided with parking spaces under the following schedule:	
Elementary, junior high, and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space for each one hundred fifty (150) square feet of seating area, including aisles in any auditorium equivalent private or parochial schools.
Senior High schools and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space for each one hundred fifty (150) square feet of seating area, including aisles in any auditorium, gymnasium or a cafeteria intended to be used as an auditorium, whichever is greater.
	Two (2) parking spaces per three (3) employees

Kindergartens, day schools, and the equivalent private or parochial schools	normally engaged in or about the building or grounds, plus one (1) off-street loading space per eight (8) pupils.
Stadiums and sports arenas	One (1) per thirty (30) seats or twelve (12) feet of benches.
Swimming pools	One (1) per thirty (30) square feet of water area.
Theaters, auditoriums, and places of assembly without fixed seats	One (1) per four (4) seating space
Wholesale establishments and business services, cold storage and frozen food lockers, laundromat and other self-service activities.	Four (4) per two 1,000 square feet of retail floor space.

The inclusion of on-street parking spaces shall not be allowed in meeting parking space requirements for the uses listed in this Section.

#### **Section 4.8-2 Off Street Loading and Unloading Requirements**

In all districts, and on the same premises, with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the street or alleys.

Off-street loading and unloading space shall be provided as follows:

1. One (1) off-street loading and unloading space shall be provided for buildings up to and including twenty thousand (20,000) square feet of floor area, plus one additional off-street loading and unloading space for each additional twenty thousand (20,000) square feet of floor area up to and including one hundred thousand (100,000) square feet.
2. Where trailer trucks are involved such loading and unloading space shall be an area twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
3. All areas devoted to permanent off-street loading and unloading as required under this Section shall be either paved or surfaced with a hard, dustless material and maintained in such a manner that no dust will result from continuous use.

## ARTICLE IV

### MOBILE HOME AND MANUFACTURED HOME STANDARDS

#### Section 4.9 General

All mobile homes and manufactured homes used or intended to be used for human habitation or the storage of materials associated with human habitation in the unincorporated area of Madison County should be reviewed to ensure that they provide the basic minimum housing standards essential for safe and healthful living. To facilitate such a review, no mobile home or manufactured home shall be located, relocated, placed, deposited, installed or connected to utilities in the unincorporated areas of Madison County unless and until said mobile home or manufactured home has been either inspected or exempted in accordance with the provisions of this section. Any person or corporation transporting, installing or connecting to utilities a mobile home or manufactured home in violation of this section shall be subject to fine or imprisonment in accordance with the provisions of law.

The following standards apply to both new and used mobile homes and manufactured homes.

1. Each mobile home or manufactured home must have a continuous wall underpinning/skirting of vinyl, pressure treated wood or masonry construction. Openings for ventilation and access must meet the requirements of Standard Building Code 1804.6.3.1 and 1804.6.3.2.
2. Each mobile home or manufactured home must be connected to its own individual septic tank, or to a public sewer system when available.
3. It shall be unlawful for electrical services to be connected to any mobile home or manufactured home until a permit as required herein shall have been issued by the Madison County Building Official or designee, and proper approvals have been obtained for the sewage disposal system and the potable water system.
4. Mobile homes and manufactured homes lawfully placed and set up in the county under the laws applicable at the time of said unit's placement on the effective date of this section shall not be required to meet the requirements of this section, so long as the unit is not installed or transported to another location within the county. However, the installation or transportation of a mobile home or manufactured home within or imported from outside the county in violation of this section is strictly prohibited. The Building Official may grant limited waivers for the sole purpose of transporting a substandard mobile home or manufactured home out of Madison County or to a permitted site for demolition and disposal.
5. A mobile home or manufactured home may be used as a temporary residence or office incidental to construction on or development of property for a residential or commercial use on which the mobile home or manufactured home is located only during the time in which construction or development is actively underway, and in no case for more than six (6) months, subject to renewal. Such use is subject to the approval of the Building Official.
6. The requirements of this section may be enforced by the Building Official or designee thereof by the initiation of misdemeanor prosecutions, or, with the assistance of the County



Attorney, by action for mandatory injunction or other legal or equitable remedies. The penalty for each violation shall be as provided by law.

#### **Section 4.9-1. New Mobile Homes and Manufactured Homes**

All previously untitled and unoccupied Mobile/Manufactured homes built in compliance with the Federal Manufactured Home Construction and Safety Standards (HUD Code), Chapter 320, Florida Statutes, and provisions of the Florida Administrative Code pertaining thereto shall be presumed to comply with the minimum standards of this section upon written certification by a mobile home or manufactured home dealer licensed under Chapter 320, Florida Statutes, that the mobile home or manufactured home was constructed and remains in compliance with said statutes and codes.

#### **Section 4.9-2. Used Mobile Homes and Manufactured Homes**

The provisions contained herein apply to used mobile home and manufactured homes and shall ensure safe and livable housing. The provisions contained herein shall not be construed to be more stringent than those standards required to be met in the manufacture of mobile homes and manufactured homes.

1. Prior to relocation within or transport into the unincorporated area of Madison County for the purpose of placement within such unincorporated area, each mobile home or manufactured home is required to be inspected and certified for soundness and habitable living conditions based on the standards established by Madison County and contained within the "Pre-Inspection Report of Used Mobile/Manufactured Homes" form provided by the Madison County Building Department. Such standards shall include, but not be limited to, structural adequacy, plumbing, heating, electrical systems, and fire and life safety. The inspection and certification shall be performed by an engineer, architect, residential building or general contractor certified or registered by Florida, building inspector certified by Florida, or the Madison County Building Official. The Madison County Building Official may establish agreements of reciprocity with other counties and municipalities within the state to conduct the inspections required by the provisions contained herein.
2. Each applicant for a pre-inspection must complete an affidavit form, a copy of which is entitled "Mobile/Manufactured Home Pre-Inspection Standards" and available from the Madison County Building Department.
3. The "Pre-Inspection Report of Used Mobile/Manufactured Homes" must accompany each request for a permit to place or relocate a used mobile home or manufactured home in Madison County.
4. Each application for a pre-inspection or any other inspections or permits pursuant to the provisions of this section shall be accompanied by the appropriate fee(s), as established by Madison County.
5. If a pre-inspection reveals deficiencies, but which are deemed repairable, a Remodel and Repair permit may be required. This determination will be addressed in the summary within the "Pre-inspection Report of Used Mobile/Manufactured Homes". If a remodel and Repair permit is required, the applicant shall be subject to all necessary inspections to assure code compliance and is required to obtain said permit prior to beginning the remodel/repair work. Remodeling and Repair permits are valid for no more than ninety

(90) days.

6. If the required remodel/repair work is to be conducted within Madison County, a surety device shall be required to be filed with the County Building Official in an amount sufficient to cover the costs of removing the mobile home or manufactured home from the county if such work is not conducted within the allotted time period. Such surety may be in the form of a surety bond, cashier's check, instrument of credit, or other collateral in the form and amount determined by the County. If the required remodel/repair work is to be conducted outside the county, no surety shall be required by Madison County.
7. No move-on permits for used mobile homes or manufactured homes will be issued until all required inspections have been completed and applicable standards have been met and certified in writing by the appropriate contractor or inspector(s).