

ZONING: SECTION 15 – ZONING CERTIFICATES

A. Zoning Certificate Required.

It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure until a zoning certificate shall have been issued by the Zoning Administrator, except no zoning certificate shall be required for agricultural uses. It shall also be unlawful to change the use or occupancy of any building, structure or land from one classification to another or to change a non-conforming use without the issuance of a zoning certificate.

B. Application and Site Plans.

Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate, and when no buildings are involved, the location of the present use and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator, together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

B-1. Certification by the Madison County Board of Health.

Certification by the Madison Board of Health stating sewage disposal and water storage or supply systems for the proposed dwelling has met minimum requirements and approval for the permit has been granted.

C. Zoning Certificate Fees.

There shall be a fee for zoning certificates (building permits) established and approved by the Madison County Board of Supervisors. Under no condition shall the sum or any part thereof be refunded after the certificate (building permit) has been approved and issued by the Madison County Zoning Administrator.

Notice

The following Zoning Fee Schedule has been established by the Madison County Board of Supervisors and shall go into effect March 1, 2002.

Zoning Certificates (Building Permits):

Dwellings, Mobile Homes, Manufactured Homes, Modular Homes	\$250.00
Other permitted structures	\$150.00
Business Use Permits	\$50.00
Billboards or Sign Permits	\$50.00
Board of Adjustment Hearings:	
Special Use	\$250.00
Variances	\$250.00
Zoning Commission Hearings:	
District Changes	\$250.00
Amendments	\$250.00
Subdivision Plat Review:	
Preliminary Plats	\$350.00
	plus \$25.00 each lot over six (6) lots
Final Plats	\$300.00

Fee shall be paid to the Madison County Zoning Administrator then deposited in the General Fund in the office of the Madison County Treasurer.

E. Zoning Certificate Expiration.

Zoning Certificates issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue if the construction, alteration or change of use has not commenced during the six (6) month period. Proposed construction or alteration must be completed within eighteen (18) months.

Enforcement

A. Enforcement by the Zoning Administrator

It shall be the duty of the Zoning Administrator to enforce this Ordinance in accordance with its provisions. All departments, officials and public employees of the County which are vested with the duty or authority to issue certificates shall conform to the provisions of this Ordinance and shall issue no certificate for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

B. Violations and Penalties.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of the County. Any person, firm, or corporation violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment of not more than thirty (30) days. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

C. Violations – How Prevented.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, said Board of Supervisors, the County Attorney of Madison County, said County Zoning Administrator or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

Definitions

Excerpt - Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word shall is mandatory, and not directory.

Dwelling: Any building or portion thereof, which is designed or used exclusively for residential purposes but not including a tent, cabin, or trailer, but may include a mobile home, manufactured home or modular home.

Farm: Any land, farm house, farm barn, farm outbuilding or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.

Junk Yard. The use of a lot or portion thereof for the dismantling or wrecking of motor vehicles or trailers, or the storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, or machinery or parts thereof including scrap metals, rags, or other scrap materials. The premises on any lot, parcel or tract of land, of two or more vehicles for a period exceeding thirty days have not been capable of operating under their own power and from which parts have been removed or are to be removed for reuse, salvage or sale, shall constitute prima facie evidence of a junk yard.

Zoning Certificate: Written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

Understanding Zoning Certificate Site Plans

WHAT'S A SITE PLAN?

A site plan is a scaled drawing, which shows the uses and structures proposed for a parcel of land.

WHAT'S THE PURPOSE OF A SITE PLAN?

Site plans are intended to show how the intended land use relates to the features of a parcel and its surrounding area. The zoning administrator will review a site plan to assure that the proposed development meets the standards of the Zoning Ordinance for the district it is located in. The site plan review process is designed to protect landowners and it is in their best interest to comply with the procedure. A development that is in full compliance with the Zoning Ordinance has the best insurance against land use lawsuits and complaints. Furthermore, a development that is not in compliance with the Zoning Ordinance will be pursued as a violation and could result in a \$500 per day fine for each day the violation exists.

DO I NEED A SITE PLAN FOR MY DEVELOPMENT?

A site plan is needed for any: (1) structure that is erected, reconstructed, enlarged, or altered with the exception of those structures used explicitly for farming uses and only farming uses in its entirety. (2) changes in land use to that other than a farming use. (3) change in occupancy for all uses other than a single-family dwelling or farming uses. Depending on the type of land use, different types of site plans are required.