

State of North Carolina

Minutes

County of Madison

The Madison County Planning Board met in regular session on Tuesday, September 19, 2023, at 6:30 p.m. at the Madison County Public Library Marshall Branch, 1335 N. Main Street, Marshall, North Carolina.

In attendance were Chairman Jared Silver; members Jackie Ball, Mary Rice, Wesley Keith, Clayton Rice, Daniel Rice, Lee Wilde; County Planning and Zoning Attorney John Noor; Development Services Director Brad Guth; and Clerk Mandy Bradley. Members Kevin Morton and Sue Keener were not in attendance.

The meeting was called to order at 6:30 p.m. by Chairman Silver.

#### Welcome

Chairman Silver welcomed those in attendance to the meeting.

#### Approval of the Minutes

The August 15, 2023 (Regular) Meeting Minutes was reviewed by members of the Board.

Upon motion by member Wilde and second by member Daniel Rice, the Board voted unanimously to approve.

#### Public Address to the Board

Gloria Sundquist spoke regarding the County's Noise Ordinance. Discussion was had by Development Services Director Brad Guth and Chairman Silver.

#### Application for Land Use Ordinance Text Amendment

##### **1. Proposed Amendment to the Madison County Land Use Ordinance to Amend Chapter 3 Establishments of Districts and Use Requirements by District; Section 6 Zoning Districts for the R-B-Retail business District Permitted Uses, Special Uses, and Dimensional Standards**

Mr. Guth presented and discussed proposed amendments to be contained in Chapter 3, Section 6 of the Madison County Land Use Ordinance that would allow for Retail-Business Zoning with the inclusion of an R-B District. He noted that previous amendments to the Land Use Ordinance removed the district, but that numerous parcels contained on the County Zoning Map are still zoned as such and the proposed amendment would allow that the standard be included in the Land Use Ordinance again. Mr. Guth also presented proposed standards for the R-B Zoning District including Permitted Uses, Special Uses, and Dimensional Requirements with the recommendation to remove previous standards allowing that assembly halls, stamp remediation stores, and telephone and telegraph offices be recognized as permitted uses. Additional text changes for concurrency with the current Land Use Ordinance were also noted. (Attachment 1.1)

Counsel was provided by Attorney Noor regarding the need for inclusion of a zoning district for those parcels currently contained on the County Zoning Map as R-B and discussion was had by the Board regarding zoning and additional language contained in the proposed standard.

Motion was placed on the floor by member Honeycutt and second was provided by member Wilde to add Retail-Business. Counsel was provided by Attorney Noor who requested consideration of amendment to the motion to include that the information as proposed in the handout today for Special Uses contained in the board packet is being accepted and that the proposal is consistent with the Comprehensive Plan for Madison County. Further discussion was had by the Board and counsel was provided by Attorney Noor regarding additional language contained in the proposed standard regarding vacation rentals and accessory dwellings as allowable by the Land Use Ordinance. Member Wilde requested that the motion be amended to exclude the language, "single-family residences as accessory uses, but not including mobile homes" from the permitted uses. Counsel was provided by Attorney Noor who recommended inclusion of language that allows single-family residences and manufactured homes as accessory uses only. Member Ball requested the removal of, "tourist cottage" as a permitted use from the proposed standard. Discussion was had by the Board regarding vacation rentals and member Wilde requested to include residential vacation rentals to be used as accessory uses and remove, "tourist cottage" from the language. Counsel was provided by Attorney Noor regarding consideration for amendment of the motion to include a definition for tourist cottage instead and he discussed tourist cottage as defined. Upon motion by member Honeycutt and second by member Wilde with counsel being provided by Attorney Noor, the Board voted unanimously to approve the overall proposed amendments to the document finding

that it is consistent with the Comprehensive Plan. (Attachment 1.2)

**2. Proposed Amendment to the Madison County Land Use Ordinance to amend Chapter 8 Special Requirements Section 6 Vacation Rentals Regarding Road Design Standards and Square Footage Requirements**

Discussion was had by the Board regarding requirements for road design standards and the possibility of issuance of variance on a case-by-case basis versus text change to the provisions of the Land Use Ordinance. Counsel was provided by Attorney Noor regarding variance consideration on a case-by-case basis and the procedure used for consideration.

Comment was provided by the audience with counsel being provided from Attorney Noor regarding the public comment period.

Further discussion was had by the Board and Attorney Noor regarding road standards, access, proposed amendments to language contained in the ordinance, the number of rental units, discontinuation of standards for compliance with building square footage requirements, and the process that would be used if the Board elected to not amend the current ordinance and instead consider variance requests from the provisions of the ordinance.  
(Attachment 2.1)

Upon motion by member Honeycutt and second by member Wilde, the Board voted unanimously to open public comment.

- Amanda Wilder spoke regarding zoning and road concerns. Discussion was had by Chairman Silver.
- Daniel Vernon spoke regarding right of way concerns for neighboring properties.

Discussion was had by the Board and Mr. Guth with counsel being provided by Attorney Noor regarding amendments to the proposed language for changes to the ordinance. Mr. Guth displayed the amended language for readability of the Board.

Upon motion by Chairman Silver and second by member Keith, the Board voted unanimously to amend consistent with the language on the screen and remove Section K contained in the current ordinance, add language in section G to change the number of contiguous residential vacation rentals from three (3) to ten (10) and add Section O-paragraphs 1, 2, and 3.  
(Attachment 2.2)

**Application for Ordinance Text Amendment**

**1. Application from Russell Blevins to Amend the Mountain Ridge Protection Ordinance**

Upon motion by member Ball and second by member Keith, the Board voted unanimously to table the text ordinance amendment for Russell Blevins.

**Application for Special Use Permit for Vacation Rentals**

**1. (Continued Hearing) Application from Joe and Bonnie McNally of MCS Corp of Pinnellas for a Special Use Permit to Develop Four (4) Vacation Rental Cabins at 1760 Ponceon Fork Road PIN # 9850-59-3389 in the (RA) Residential Agriculture Land Use District on Twenty-Five (25) Acres**

Attorney Larry Leake representing the MCS Corp of Pinnellas addressed the Board to request that the item be tabled.

Upon motion by member Mary Rice and second by member Ball, the Board voted unanimously to continue until October 17, 2023.

**Planning Matters**

**Possible Ordinance Amendments**

**1. Special Use Permit Procedures**

Mr. Guth discussed special use permit procedures and upcoming items with the Board.

**2. Update of Biomass Moratorium Work Group**

An update on the Biomass Moratorium Work Group was provided to the Board by Mr. Guth.

**3. Update on Data Processing Moratorium**

An update regarding the Data Processing Moratorium was provided to the Board by Mr. Guth.

**Other Announcements/Updates**

No discussion was had.

**Adjournment**

Upon motion by member Mary Rice and second by member Ball, the Board voted unanimously to adjourn at 7:53 p.m.

This the 19th day of September 2023.

MADISON COUNTY

# Proposed Amendment Madison County Land Use Ordinance RB-Retail Business District Permitted Use, Special Use and Dimensional Standards

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## R-B Retail Business District

The Retail Business District is established as the district in which retail trade and consumer service uses will expand as the community's and the region's population increases.

**Permitted Use.** The following uses are permitted:

Animal hospitals, provided no pens or kennels are located closer than twenty (20) feet to any property line.

~~Assembly Halls~~ [REMOVED]

Apple packaging sheds

Automobile parking lots and structures

Automobile repair garages, but excluding the open storage of wrecked or abandoned cars

Automobile parts and supplies, new

Automobile sales, new and used

Bakeries, retail

Bakeries, retail

Banks and other financial institutions, including loan and finance companies

Barber and beauty shops

Billard or pool halls

Boat and trailer sales

## Bus Stations

Business Colleges, barber and beauty colleges, art schools, music and dance studios, and similar uses, but excluding industrial trade schools

Cabinet, woodworking and upholstery shops

## Catalog sales

Churches and lodges, fraternities, sororities, and social, civic, and other similar organizations operating on a nonprofit basis

Commercial recreation facilities, whether conducted in a building or in the open

Contractors' offices and storage yards, provided the latter are fenced by a solid fence not less than (6) feet in height.

Craft, curio, and sporting goods stores

Customary accessory uses and structures, excluding open storage

Customary accessory uses and structures when located on the same block as the principal structures, excluding open storage

Dairy bars and ice cream manufacturing for retail sales on premises only

Dry cleaning and laundry pick-up stations having not more than two thousand [2,000] square feet

Electrical repair shops

Essential public safety or public utility facilities, including offices and storage of vehicles and apparatus on the premises, provided all structures shall be set back at least thirty (30) feet from any property line and all exposed apparatus shall be enclosed by a woven wire fence at least eight (8) feet in height.

Exterminators

Farm equipment and feed and seed stores

Fire and police stations

Floral shops, but not commercial greenhouses

Food stores and meat markets, retail only, but excluding the killing or dressing of any flesh or fowl

Fruit stands and produce markets.

Grocery and sundries store

Greenhouses and horticultural nurseries

Motels and tourist cottages

Professional offices

Real estate sales and rental offices

Repair shops for household appliances for fabricating shops for building trades

Restaurants, including drive-in restaurants

Service stations

{provided that all gasoline pumps and other stationary equipment shall be located at least twelve (12) feet behind the property line, provided further that on all sides where such stations abut residential districts, a six (6) foot high fence, and suitable landscaping shall be provided. No such fence, however, is required upon any yard which abuts a public street.}

Shoe repair and shine shops

Signs directing the public to off-street parking areas provided not more than two such signs shall be permitted per lot; provided further, the aggregate size of such signs shall not exceed eight (8) square feet in area.

Single-family residences as accessory uses, but not including mobile homes

~~Stamp redemption stores~~ **[REMOVED]**

Tailor, dressmaking and millinery shops

Taxi Cab Stands

~~Telephone and Telegraph Offices~~ **[REMOVED]**

Theaters, indoors

**Special Uses.** The following uses are allowed with a Special Use Permit: **[ADDED]**

Special Event Facilities **[ADDED]**

**Dimensional Requirments.** Within the R-B Retail Business District as shown on the zoning map, the following dimensional requirements shall be complied with *[When at least 95% of the below setback requirements are met, the Code Enforcement Office has the discretion to amend said setback to comply with the spirit of the ordinance. The property owner may likewise appeal any decision by the Code Enforcement Office to the Madison County Board of Adjustment per a setback decision].* **[ADDED]** To be parallel with changes made to all other districts in the ordinance,

- a. Minimum lot area and yard requirements shall be:
  - i. Twenty thousand (20,000 square feet) in lot area *[1/2 an Acre .45]*
  - ii. One hundred (100) feet minimum lot width
  - iii. Setback Requirements
    1. Sixty (60) feet from the center of US Hwy 19-23 and US Hwy 25-70 or Twenty (20) feet from the Right-of-Way, whichever is greater
    2. Fifty (50) feet from the center of all other roads
    3. Forty (40) feet front setback to any property line or edge of ROW where no Public Road or ROW exists
    4. Ten (10) feet minimum side yard setback and twenty (20) feet minimum rear yard setbacks
- b. The total ground area covered by the principal building and all accessory buildings shall not exceed fifty percent (50%) of the total lot area
- c. No Building shall exceed fifty feet in height
- d. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space ~~[as required in Section 73 of this ordinance]~~ **[REMOVED]**
- e. Off-street parking spaces shall be provided ~~[as required in section 72 of this ordinance]~~ **[REMOVED]**

**PROPOSED AMENDMENT**  
**Madison County Land Use Ordinance**  
**Chapter 3: Zoning Provisions**  
**Section 6: Zoning Districts**  
**3.6.10 RB Retail Business District**

**3.6.10 RB Retail Business District**

The RB Retail Business District is established to cater to the needs of retail trade and consumer services as the community and region grow.

**3.6.10.1 Permitted Use**

The following uses are expressly permitted:

- Animal hospitals, with the stipulation that no pens or kennels are closer than 20 feet to any property boundary.
- Apple packaging sheds.
- Automobile parking lots and structures.
- Automobile repair garages, excluding the open storage of wrecked or abandoned cars.
- New automobile parts and supplies.
- New and used automobile sales.
- Retail bakeries.
- Banks and other financial institutions.
- Barber and beauty shops.
- Billiard or pool halls.
- Boat and trailer sales.
- Bus stations.
- Business and arts colleges, excluding industrial trade schools.
- Cabinet, woodworking, and upholstery shops.
- Catalog sales.
- Churches, lodges, and nonprofit organizations.
- Commercial recreation facilities, indoor or open air.
- Contractors' offices and fenced storage yards.
- Craft, curio, and sporting goods stores.
- Customary accessory uses, excluding open storage.
- Dairy bars with onsite retail ice cream production.
- Dry cleaning and laundry stations up to 2,000 sq. ft.



Electrical repair shops.  
Essential civic or utility facilities with fencing requirements.  
Exterminators.  
Farm equipment, seed, and feed stores.  
Fire and police stations.  
Retail floral shops, excluding commercial greenhouses.  
Retail food, grocery, and meat outlets.  
Greenhouses and horticultural nurseries.  
Motels and tourist cottages.  
Professional offices.  
Real estate operations.  
Household appliance repair shops.  
Restaurants, including drive-in restaurants with specific landscaping criteria.  
Fuel service stations with delineated placement and landscaping conditions.  
Shoe repair shops.  
Off-street parking signage with a maximum of two signs per lot, not exceeding 8 sq. ft. in aggregate area.  
Accessory single-family residences  
Tailoring, dressmaking, and millinery shops.  
Taxi dispatch centers.  
Indoor theaters.

### **3.6.10.2 Special Uses**

Permitted with a Special Use Permit:

Special Event Facilities.

### **3.6.10.3 Dimensional Requirements**

The following dimensional requirements shall be complied with within the R-B Retail Business District, as shown on the zoning map. When at least 95% of the below setback requirements are met, the Code Enforcement Office has the discretion to amend said setback to comply with the spirit of the ordinance. The property owner may likewise appeal any decision by the Code Enforcement Office to the Madison County Board of Adjustment per a setback decision.

- a. Minimum lot area and yard requirements shall be:
  - i. Twenty thousand (20,000 square feet) in lot area
  - ii. One hundred (100) feet minimum lot width
  - iii. Setback Requirements
    1. Sixty (60) feet from the center of US Hwy 19-23 and US Hwy 25-70 or Twenty (20) feet from the Right-of-Way, whichever is greater
    2. Fifty (50) feet from the center of all other roads

3. Forty (40) feet front setback to any property line or edge of ROW where no Public Road or ROW exists
  4. Ten (10) feet minimum side yard setback and twenty (20) feet minimum rear yard setbacks
- b. The total ground area covered by the principal building and all accessory buildings shall not exceed fifty percent (50%) of the total lot area
  - c. No Building shall exceed fifty feet in height
  - d. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space.
  - e. Off-street parking spaces shall be provided

# Residential Vacation Rentals

## Madison County Land Use Ordinance Standards

### Fact Sheet on Road Design

#### 8.6.1 Residential Vacation Rentals

**G. Traffic.** Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicle volume normally generated by a home occupied by a full-time resident in a residential neighborhood. Over three contiguous Residential Vacation Rentals *must adhere to Section 8.9 of the Madison County Subdivision Ordinance for road design*. For purposes of this section, normal residential traffic volume means up to 10 trips per day.

Madison County, NC; Land Use Ordinance, (Revised 6/29/2021) Chp 8 Special Requirements, pg 89

#### Section 8.9 Residential Vacation Rental Projects [Over 3]\* Design and Roads

*\* [‘Residential Vacation Rental Project Over 3’ was substituted for ‘Subdivision’ for contextual clarity.]*

#### Section 8.9.4 Road Standards

Residential Vacation Rental Projects [Over 3] roads may be designated public or private.

1. Public Residential Vacation Rental Projects [Over 3] roads shall be built to minimum construction standards of the N.C. Department of Transportation as required by G.S. 136-102.6.
2. All Residential Vacation Rental Projects [Over 3] roads shall have approved road name signs installed by the developer and shall conform to the Madison County Road Naming Ordinance administered by the Madison County 911 Operations Department. All Residential Vacation Rental Projects [Over 3] roads intersecting a state maintained road shall have a stop sign that conforms to N.C. Department of Transportation specifications, installed by the developer and maintained by the developer or homeowners association. After The NC Department of Transportation accepts the Residential Vacation Rental Projects [Over 3] road(s), the developer shall not be responsible for the maintenance of road name and stop signs.
3. Private Residential Vacation Rental Projects [Over 3] roads shall be built to the minimum construction standards set forth in Section 8.9.5 of this Ordinance. All Residential Vacation Rental Projects [Over 3] roads and right-of-ways shall adjoin and access a state maintained road by a road constructed to the minimum design standards of Section 8.9.5.

4. No road in an area subject to flooding shall be approved if it is more than two feet (2') below the elevation of a 100 year flood. The Planning Board may require, where necessary, profiles and elevations of roads for areas subject to flooding. Fill may be used for roads provided such fill does not unduly increase flood heights. Drainage openings for roads in areas subject to flooding shall be provided and shall be so designed as to not restrict the flow of water and unduly increase flood heights.

5. Every road shall be designed to accommodate a ten (10) year storm water run-off by natural or artificial means.

6. The proposed road or road layout shall be coordinated with the existing road system of the surrounding area. Where possible, proposed roads shall be an extension of existing roads.

7. Proposed roads which are obviously in alignment with existing roads shall be given the same name. In assigning new names, the proposed name shall in no case be a duplication of an existing name or a name which is phonetically similar to existing names irrespective of the use of a suffix such as road, drive place, court, etc. All proposed road names and signs shall be approved in accordance with the Madison County Road Naming Ordinance and be approved by the Madison County 911 Advisory Board

## **Section 8.9.5 Road Design**

Private Residential Vacation Rental Projects [Over 3] roads shall meet the following minimum road design standards.

**1. New Road Right-of-Way Width** All Residential Vacation Rental Projects [Over 3] roads shall have a minimum right-of-way of forty-five feet (45'). Note: NC Department of Transportation requires a fifty foot (50') minimum right-of-way for a dead-end road more than 2,500 feet in length or a loop road more than one (1) mile in length.

**2. Previously Platted Road Right-of-Way Width** Where a right-of-way less than forty five feet (45') was recorded or platted prior to February 2, 1998 and a forty-five foot (45') right-of-way is not now obtainable for the purpose of accessing the Residential Vacation Rental Projects [Over 3] the following minimum standards shall be met by the developer.

a. The developer or his designee shall submit a copy of the recorded plat or deed describing and identifying the right-of-way for review by the Planning Board to make a determination of suitability.

b. The access road shall conform to all county road standards in Section 8.9.4.

c. A disclosure statement shall be placed on the final plat stating "This Residential Vacation Rental Projects [Over 3] is accessed by a road which does not have a forty-five foot (45') minimum right-of-way. Madison County Emergency vehicles and public utility access to homes within the Residential Vacation Rental Projects [Over 3] may be limited.

The NC Department of Transportation is unlikely to accept and maintain roads within the Residential Vacation Rental Projects [Over 3] as a public road(s)."

**3. Cul-de-Sacs.** The required turnaround on a dead-end road in a Residential Vacation Rental Projects [Over 3] shall have an unobstructed roadway radius not less than thirty-five feet (35'), and with the use of a "Y" or a "T" or other turning design, which will allow a vehicle with a wheel base of at least twenty-five feet (25') to complete turning movement with a maximum of one (1) backing movement, shall be permitted. Note and please refer to Section 8.9.5(1). Roads not built to NC Department of Transportation minimum standards will not be maintained by the NC Department of Transportation. These roads will be considered private roads, and County school buses may not run on private roads.

**4. Road Grades.** Maximum road grades shall be eighteen percent (18%). *NO VARIANCE* shall be granted for any road grade exceeding eighteen percent (18%).

The following minimum design standards, as well as the criteria listed in Schedule 1, shall be met by the developer.

- a. Any road with a grade of more than 16 percent (16%) shall be paved and may not have any continuous section of more than 16 percent (16%) with a length greater than two hundred (200) feet.
- b. Maximum Road Grade changes ten percent (10%) in thirty-five feet (35') horizontal distance.
- c. All roads shall have one hundred feet (100') horizontal distance between curves. All roads shall have a clear line of site of seventy-five feet (75') at driveway location, and a maximum angle of 60 degrees from the road.
- d. All roads shall be graded to their full roadbed width of 17 feet and for an additional 1.5 feet on each side of the roadbed.
- e. Finished grade, cross section, and profiles shall be approved by a registered land surveyor or professional engineer, with civil engineering qualifications. At the discretion of the Residential Vacation Rental Projects [Over 3] Administrator or Planning Board, the County Engineer or consulting engineer may be requested, at the developer's expense, to ensure development standards are being met.
- f. Before grading is started, the required roadbed width area shall be first cleared of all stumps, roots, brush and other objectionable materials.
- g. All tree stumps, boulders and other obstructions within the proposed roadbed width shall be removed to a depth of one foot below the subgrade.
- h. All suitable material from roadbed cuts may be used in the construction of fills, approaches, or at other places as needed. The fill shall be installed and Compacted.

**5. Roadbed Base** After protection of the subgrade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be 1 1/2 inches down, including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. The stone shall be thoroughly compacted; the compacted thickness of the stone roadbed shall be no less than six inches.

## **6. Bridges**

a. Bridges located on proposed public roads in residential Residential Vacation Rental Projects [Over 3]s shall be designed according to state road standards for public road bridges. Prior to final plat approval or release of any improvement guarantee the applicant must submit a copy of documentation indicating approval of bridge plans by NCDOT and as built drawings with certification from a registered professional engineer that the bridge meets state road standards for public road bridges.

b. Bridges proposed for private roads shall comply with state road standards for public road bridges for drainage, hydraulics and minimum live load (40,000lbs.). If bridges on private roads in residential Residential Vacation Rental Projects [Over 3] are proposed, the applicant must submit a copy of bridge plans showing certification from a registered professional engineer indicating that the bridge plans meet state road standards for public road bridges for drainage, hydraulics and minimum live load. The travelway width across the proposed bridge must not be less than the travelway width of the road on either side of the proposed bridge, but in no event shall the bridge travelway be less than 12 feet. Prior to final plat approval or release of any improvement guarantee, the applicant must submit a copy of an as-built drawing of the bridge with certification from a registered professional engineer that the bridge meets the standards required in this subsection.

## **Section 8.9.6 Connections with State Road System**

If a new Residential Vacation Rental Project [Over 3] road (to be dedicated as public or private) will connect to a state system road, a permit authorizing construction on state right-of-way may be required from the Division of Highways before beginning construction. If required, applications shall be made to the District Engineer of the NC Department of Transportation having jurisdiction in this area.

## **Section 8.9.7 Intersections**

When a new Residential Vacation Rental Project [Over 3] road connects to a state maintained road, the design standards of the NC Department of Transportation for intersections shall be required with a maximum grade not to exceed six percent (6%).

## **Schedule 1: Minimum Design Criteria for Roadways**

Minimum Road Right of Way Width – Shoulder Section 45'

Minimum Road – Bed Width 17'

Maximum Grade 18%

Maximum Cut and Fill Slopes 1.5:1

Minimum Road Shoulder Width Both Sides 1.5'

Minimum Cul-de-sac Radius Right of Way 50'

Minimum Cul-de-sac Road Radius 35'

### **Section 8.9.8 Guarantee of Improvements**

Approval of the final plat shall be subject to the developer's having guaranteed, to the satisfaction of Madison County, the installation of said improvements. Madison County reserves the right to inspect, reject, stop, or otherwise cease the construction of all service facilities or improvements in the event the same are not being constructed in accordance with the plans, specification standards, policies, or other requirements of Madison County. Where the required roadbed and utility improvements have not been completed prior to the submission of the final plat for approval, the approval of said plat shall be subject to the developer guaranteeing the installation of the improvements within a period of time specified by the Planning Board after consulting with the developer or his engineer(s). Either of the methods described below may be used to guarantee improvements:

1. Filing a performance or surety bond or an irrevocable standby letter of credit in the amount of one hundred percent (100%) of the cost to complete the work as determined by the subdivider and approved by the Planning Board.
2. By depositing or placing in escrow, a certified check or cash in an amount equal to one hundred twenty-five percent (125%) of the amount in Section 8.9.8(1). Portions of the deposit may be released as work progresses as specified by the Planning Board after consulting with the developer or his engineer.

Madison County, NC; Subdivision Ordinance, (Rev. 6/28/2022) Section 8 Improvements, Minimum Design Standards and Development Criteria, pgs 17-19

## **I. Noise.**

All residential vacation rentals shall comply with the County Noise Ordinance. No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise or vibration detrimental to occupants of adjoining dwellings.

## **J. Local contact person.**

All residential vacation rentals shall designate a local contact person. The local contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. All the requirements enumerated in this section shall continue to apply:

1. The name, address and telephone number(s) and email of the local contact person shall be submitted to the Department of Inspections and Zoning, the local Sheriff Office, the local fire agency and supplied to the property owners within a 300- foot radius of the Residential Vacation Rental. The name, address and telephone number(s) and email of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any changes in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as required in this subsection.
2. If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff's Office will attempt to reach the local contact person, the penalties as set forth in Subsection m. shall apply.

## **K. Square Footage.**

Rentals in the RA and R-1 districts shall not exceed 1200 square feet of living area and in the R-2 district will not be limited in square footage.

## **L. Parcel Size**

The overall proposed parcel size for multiple short term vacation rentals shall be of adequate size to accommodate a maximum of one vacation rental per acre owned.

## **M. Effect on existing residential vacation rentals.**

Each individual Residential Vacation Rental in existence on the effective date of this section shall be subject to a Zoning Compliance Certificate, Business Listing, and/or Room Tax Registration, and all standards set forth in this section with the exception of location and setbacks if evidence can be provided by the owner that the vacation rental unit was in existence



prior to (April 1, 2008). If the Zoning Compliance Certificate, Business Listing, and Room Tax Registration, have not been requested within 90 days after the effective date, the penalties set forth in section (m) shall apply.

## **N. Violation of Residential Vacation Rental.**

It is unlawful for any person to use or allow the use of a property that is in violation of the provisions of this section. The penalties for violation of this section are set forth in Section 14.5 of the Madison County Land Use Ordinance. Additional penalties for violation of this section may include revocation of the Zoning Certificate of Compliance. If a local contact person is not able to be reached by the Sheriff's Office, this shall be grounds for revocation of the Zoning Certificate of Compliance.

## **O. Inspection.**

Each Residential Rental shall be subject to a zoning compliance inspection and fire/safety inspection. It shall meet the requirements given by the Madison County Inspections and Zoning office.

# **Madison County Land Use Ordinance**

## **Vacation Rentals**

### **Fact Sheet**

#### **8.6 Vacation Rentals**

The development of a new structure intended for use as Residential Vacation Rental shall comply with all standards applicable to construction of a residence within the land use category the Residential Vacation Rental is proposed.

Up to three (3) Short Term Vacation Rental Cabins (not primarily used for permanent residences) may be approved by the Zoning Administrator as long as all regulations and standards in Section 8.6.1 are met.

More than three proposed Short Term Vacation structures shall go before the Planning board for a Special Use Permit and shall conform to all applicable standards.

The use of a mobile home as a Vacation Rental is not Permitted.

Any residential property used as a residential short term vacation rental or bed and breakfast shall comply with the following standards.

#### **8.6.1 Residential Vacation Rentals:**

##### **A. Purpose.**

The purpose of this section is to establish a set of regulations applicable to residential vacation rentals. These regulations are in addition to all other provisions of this ordinance. In the adoption of these standards, Madison County finds that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially where several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full-time residents. Special regulations of Residential Vacation Rentals are necessary to ensure they will be compatible with surrounding residential uses and will not act to harm or alter the neighborhoods they are located within.

##### **B. Permit requirements.**

Zoning Certificate of Compliance, Business Listing with Tax Assessor and Room Tax Registration (when applicable) for each residential vacation rental will be required. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the

## **I. Noise.**

All residential vacation rentals shall comply with the County Noise Ordinance. No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise or vibration detrimental to occupants of adjoining dwellings.

## **J. Local contact person.**

All residential vacation rentals shall designate a local contact person. The local contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. All the requirements enumerated in this section shall continue to apply:

1. The name, address and telephone number(s) and email of the local contact person shall be submitted to the Department of Inspections and Zoning, the local Sheriff Office, the local fire agency and supplied to the property owners within a 300- foot radius of the Residential Vacation Rental. The name, address and telephone number(s) and email of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any changes in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as required in this subsection.
2. If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff's Office will attempt to reach the local contact person, the penalties as set forth in Subsection m. shall apply.

## **K. Square Footage.**

Rentals in the RA and R-1 districts shall not exceed 1200 square feet of living area and in the R-2 district will not be limited in square footage.

## **L. Parcel Size**

The overall proposed parcel size for multiple short term vacation rentals shall be of adequate size to accommodate a maximum of one vacation rental per acre owned.

## **M. Effect on existing residential vacation rentals.**

Each individual Residential Vacation Rental in existence on the effective date of this section shall be subject to a Zoning Compliance Certificate, Business Listing, and/or Room Tax Registration, and all standards set forth in this section with the exception of location and setbacks if evidence can be provided by the owner that the vacation rental unit was in existence

# Recommended Amendment

## Madison County Land Use Ordinance

### Residential Vacation Rentals

### Road Standards & Square Footage Requirements

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#### 8.6.1 Residential Vacation Rentals:

**A. Purpose.** The purpose of this section is to establish a set of regulations applicable to residential vacation rentals...

(Sections B through G unchanged)

**G. Traffic** Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicle traffic volume normally generated by a home occupied by a full-time resident in a residential neighborhood. Over ten **[Recommended Change]** contiguous Residential Vacation Rentals must adhere to Section 8.9 of the Madison County Subdivision Ordinance for road design. For purposes of this section, normal residential traffic volume means up to 10 trips per day

(Sections H through J unchanged)

~~K. **[Square Footage]** Rentals in the RA and R1 districts shall not exceed 1200 square feet of living area, and in the R-2 district will not be limited in square footage~~ **[REMOVED]**

(Sections L, M, N unchanged)

#### **O. Road Standards and Access.** **[ADDED]**

1. Access to Property: The board retains the authority to ensure that proper ingress and egress routes are available for each Residential Vacation Rental. These access routes must ensure safe and efficient movement for tenants and must not disrupt the natural flow of traffic within residential neighborhoods.

2. Emergency Vehicle Access: All access routes and driveways for Residential Vacation Rentals must be designed and maintained in a manner that allows for unimpeded access by emergency vehicles. Before any zoning compliance certificate can be issued or renewed for a Residential Vacation Rental, the proposed access routes and driveways must be reviewed and approved by the appropriate fire official.

3. Road Maintenance: In areas where multiple Residential Vacation Rentals are adjacent or in close proximity, there might be a need for upgraded or additional road infrastructure. Owners may be required to upgrade roads to handle increased traffic volumes or to ensure emergency access

*I've kept the letters unchanged for clarity. After eliminating K., sections will be re-lettered to maintain the sequence.*