



MADISON COUNTY
BOARD OF COUNTY COMMISSIONERS
APPLICATION FOR EXCEPTION TO DENSITY REQUIREMENTS
FOR AGRICULTURAL ZONED PROPERTY

Submit completed application to: Mhoschar@madisoncountyfl.com
(Return completed application to the Planning & Zoning Department)

Section I. Instructions and Checklist

Complete this form and submit the signed original, along with the documentation and fee described below, to the Planning & Zoning Department.

1. Complete and sign the application form.
2. Submit the application with the following documentation:
 - a) Copy of deed or current tax bill showing ownership.
 - b) Survey or aerial photo showing the parent parcel and the requested exception parcel.
 - c) Agent Authorization Form (signed and notarized), if the application is submitted by an agent on behalf of the property owner.
3. Application Fee: \$200.00 (non-refundable), made payable to the Board of Madison County Commissioners.

Standards for Eligibility

Applicants should read and ensure their understanding of the following before submitting this application:

- For properties zoned Agriculture-1 (A-1), a minimum of three (3) acres is required for development.
- For properties zoned Agriculture-2 (A-2), a minimum of one (1) acre is required for development.
- Lots not conforming to the minimum density will not be issued permits for development.
- A total of twenty-five (25) density exceptions are issued annually; they are granted on a first-come, first-served basis.
- Only one (1) density exception will be granted per parent parcel.
- The parent parcel for which the exception is requested must front an existing publicly maintained road.
- With the exception of density, the property must adhere to all other applicable codes contained in the Land Development Regulations.

To remain valid, the property owner must provide, within three (3) months of the date the exception is granted, a copy of the building permit issued for development or a recorded deed showing the sale of the property. If no action is taken within that time, the exception becomes null and void.

Section II. Application for Exception to Density Requirements

Property Owner / Applicant Information

1. Applicant's / Property Owner's Name

2. Applicant's Phone Number

3. Mailing Address

4. Parcel ID Number(s)

5. Site / Property Address (if different from mailing address)

6. Name of County Road Providing Frontage

Parcel Information

7. Total Acreage (Parcel Size Prior to Any Split)

8. Parcel Size After Split (if applicable)

9. Current Land Use and Zoning / Proposed Property Use

10. Current Number of Dwellings on Property (prior to surveyed split, if applicable)

11. Acreage Amount Requested on Exception (not less than 1 acre for A-2, and not less than 3 acres for A-1)

12. Explanation / Reason for Request:

Split Property Owner Information (complete only if applicable)

13. Split Property Owner's Name

14. Phone Number

15. Address (if different from applicant)

16. Parcel ID Number

Section III. Required Supporting Documentation

In addition to this completed and signed application, the applicant must submit an executed Property Owner Affidavit Form authorizing any agent to act on behalf of the property owner, together with the following:

1. A survey prepared by a surveyor registered and licensed within the State of Florida, including the following information:
 - a) An original drawing made with black permanent drawing ink; or a non-adhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency;

- b) Marginal lines, standard certificates, and approval forms shall be printed on the plat with permanent black drawing ink. A print or photographic copy of the original drawing must be submitted with the original drawing;
- c) In all cases, the letter size and scale used shall be of sufficient size to show all detail. The scale shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided;
- d) The name of the professional surveyor and mapper or legal entity, along with the street and mailing address, must be shown on each sheet included.
- 2. Proof of ownership (i.e., deed).
- 3. Agent Authorization Form (signed and notarized), if applicable.
- 4. Proof of payment of taxes (may be obtained online through the Madison County Property Appraiser website, under the Tax Collector link, for the subject property).

Public Records Notice: Florida has a very broad public records law. Most written communications to or from government officials regarding government business are subject to public records requests. Your e-mail address and communications may be subject to public disclosure.

Section IV. Certification

I certify that the foregoing information is accurate and to the best of my knowledge. I further understand that approval of this density exception is based upon the information provided herein. In accordance with Section 4.6-12 of the Madison County Land Development Regulations regarding density requirement exceptions, I hereby submit this application requesting the exception described above.

I understand that, upon approval of this request, I have three (3) months to begin development or sell the parcel of land for which the density exception is granted. I understand that it is my responsibility to notify the Planning & Zoning Department by providing a copy of the building permit for the property or a copy of the recorded deed proving sale of the property. If no action is taken within that time, this exception becomes null and void.

Section V. Signatures

Date: _____

Signature of Property Owner / Applicant

Date: _____

Signature of Property Owner / Applicant (if co-owned)

Agent Printed Name (if applicable)

Date: _____

Agent Signature (if applicable)

Notary Signature _____

Notary Expiration Date _____

Seal _____

Section VI. Disclaimer

Disclaimer, Section 125.022, Florida Statutes: Issuance of a development permit or development order by Madison County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency, or undertakes actions that result in a violation of state or federal law.

Section VII. For Planning & Zoning Office Use Only

Application Number

This application has been reviewed and appears to meet the requirements of the Land Development Regulations for approval: Yes ☐ No ☐

Land Development Administrator Approval

Date of Approval

Suspense Date

Follow-Up Performed (Y / N) and Date

Appendix A

Section 4.6-12 – Exceptions to Agriculture 1 and 2 District Density Requirements

Madison County Land Development Regulations — provided for applicant reference.

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

Notwithstanding the density requirements of Section 4.4, a limited number of new single family residential dwelling units which exceed the maximum densities 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.
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 4.6-12B. 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.

B. 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 4.6-12A. above, of this Chapter, lots equal to or greater than one (1) acre and less than ten (10) acres may be created under the following conditions:

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.
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.

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 plating 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, within the agriculture 2 land use classification shall not exceed 150 lots during any calendar year. Any lots created pursuant to Section 4.4 and Section 4.6-12A. 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 1st, of each year, any remaining exceptions may be assigned to either category.

C. Process for Requesting Exceptions to Agriculture 2 District Density Requirements

1. A written application for the above density exception 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 B 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 density exception 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 for density exceptions under B 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 of constructing subdivision improvements; or
 - e) Approval of Final Plat.

In accordance with Policy 1.5.2 of the Land Use Element of the Madison County Comprehensive Plan, any portion of an existing lot, parcel or tract which is physically separated from the remaining portion of the lot, parcel or tract by a substantial natural or manmade barrier shall be considered a single lot, parcel or tract for single family residential purposes, and may be developed in accordance with the annual permit cap limitations contained in Section 4.6-12. Substantial natural or manmade barriers shall include existing public roadways, public service/utility corridors, rivers, and other similar physical barriers of not less than fifty (50) feet in width.