



Madison County
Planning and Zoning
Wednesday May 10, 2023
Public Meeting

MADISON COUNTY
PLANNING & ZONING COMMISSION
PUBLIC MEETING

Wednesday, May 10, 2023 6:30 PM
Madison County Commissioner's Room

AGENDA

- | | | |
|-----------|------------------------|--|
| 6:30 p.m. | Welcome: | Troy Thurgood – <i>Planning and Zoning Commission Chair</i>
Pledge of Allegiance
Roll Call Attendance |
| | Routine Business: | Chairman Troy Thurgood

Board of County Commissioners Meeting Review

Approve Public Meeting Documents
<i>April 26, 2023 Minutes</i> |
| 6:35 p.m. | Public Hearings: | Ordinance No. 468 – Exemption for Land Division Repeal
Ordinance No. 469 – Commercial Zone Code Revision
Ordinance No. 470 – Requirement for Irrigation Correspondence |
| 6:45 p.m. | Administrator Business | Planning and Zoning Administrator, Gary Armstrong |
| 7:00 p.m. | Adjourn | Planning and Zoning Commission Chairman, Troy Thurgood |

Upcoming Public Meetings:

May 24, 2023 – Zone Change from TAG to R
June 14, 2023 – TBD

Please contact Madison County Planning and Zoning Office prior to any meeting
if assistance is required for disabled persons planning to attend.



<https://zoom.us/j/93486967394>

PUBLIC MEETING DOCUMENTS

April 26, 2023

MADISON COUNTY
Planning & Zoning Commission
Public Meeting Minutes - Abbreviated
April 26, 2023

MEETING COMMENCED: 6:30 P.M.

WELCOME:

Commission Chair, Troy Thurgood, invited all in attendance to participate in a Pledge of Allegiance. Planning Staff then performed a roll call attendance. The following members of the commission were in attendance:

Arlene Anderson, Clint Hansen, Eric Miller, Kort Black, Mark Hansen, Paul Weekes, Shane Ruebush, and Troy Thurgood. Commission member Sharon Oakey was excused from the meeting. Planning Administrator, Gary Armstrong, and office staff Melissa VanSlochteren were also in attendance.

BOCC MEETING REVIEW:

Administrator Armstrong gave a brief summary of the April 24th Board of County Commissioner's Meeting. The Board reviewed the Findings of Fact for the following applications: Thunderbird Business Park Preliminary Plat, Gifford Estates Plat Amendment with Increase, Stucki Subdivision Plat Amendment with Decrease, and the Preliminary Plat for Sunset Estates.

Administrator Armstrong also gave the commission members an update on the current events with the scheduled and contracted Comprehensive Plan Update. It was noted that the County was finalizing the contract and statement of work with consulting firm Logan Simpson. Armstrong explained that the County's revision of the Comprehensive Plan will not be as intensive as the City of Rexburg's, as we have kept things updated as the map has been changed over the years. Staff is looking to simplify the comprehensive plan and match its philosophy with the rural nature of Madison County. County Staff will do most of the writing. The consulting company has been hired to help with outreach. They will convene a steering committee and schedule a meeting once everything is finalized.

APRIL 12, 2023 PUBLIC MEETING MINUTES

Chair Thurgood invited the Commission to review the minutes from their previous meeting on April 12, 2023. Commission member Clint Hansen proposed a motion to approve the minutes as presented. Commission member Mark Hansen voted to second the motion. All were in favor of the motion. Commission member Shane Ruebush abstained from voting, as he was excused from the April 12 Meeting.

WORK SESSION DISCUSSION:

Below are the key topics discussed in regard to the philosophical foundation for zoning desired in Madison County:

- ❖ Proper function of Government - Value
- ❖ In the planning world, “value” means highest and best use. Hwy 33 example.
- ❖ Farm Ground creates a natural buffer
- ❖ Case Law in Zoning
- ❖ Protect private property rights, simple yet adaptable, health safety and welfare. Keeping impacts from negatively impacting surrounding property owners.
- ❖ Unregulated use of property unless it impacts the health safety and welfare.
- ❖ What is health safety and welfare? Needs to be defined.
- ❖ Enjoyment of property, common law. Whose responsibility is it to define health safety and welfare.
- ❖ Common law is like a verbal contract. Legislature delegates authority to PZ Commission through the LUPA.
- ❖ Idea of impact-based zoning.
- ❖ Simplify current zones to Commercial, industrial, residential, and Agriculture.
- ❖ Character Zones, TAG turned into Rural Residential vs impact driven
- ❖ Anything beyond self, and selling products on site would be the trigger for a permit.
- ❖ List what is restricted, instead of what is permitted.
- ❖ Be open to home-based businesses that are emerging as a result of economic changes.
- ❖ Simplify zones. Create an enumerated, performance-based character in each zone.
- ❖ Define what the problem or trigger is that would require further oversight from planning and zoning.
- ❖ Create a sub-committee to help create characteristics.
- ❖ These types of changes would need to be within the comp plan update.
- ❖ Why are we enumerating differences?
- ❖ Holistic shift.
- ❖ Residential, ag, industrial, commercial. Pyramid approach example.

As the commission began to conclude the discussion, the invitation for each commission member to come up with ideas for what they believe the character zones should be and identify their individual characteristics. Staff committed to draft an example and send that to the commission.

With no further discussion, Commission member Kort Black motioned to adjourn. Commission Member Eric Miller voted to second the motion. **Meeting adjourned at 7:45 pm**

Ordinance No. 468

Exemption for Land Divisions Repeal



Madison County

Planning and Zoning

Code Change Staff Report

Application Type:	Ordinance 468 - Code Change – Repeal MCC 101-99 – Exemptions for Land Divisions
Applicant:	Madison County
Date for Consideration:	May 10, 2023

Description:	Madison County Code 101-99 provides 7 situations that division of lands is exempt from compliance with subdivision codes. The most problematic of these is that land divided in settlement of an estate, or by court decree are exempt from subdivision rules (101-99 (a)). This establishes a loophole to side-step all subdivision laws including establishing access to each lot, density requirements, and a myriad of other recruitments designed to protect private property interests, and is contrary to state law and case law on the issue. Other exemptions are allowed by state law (condemnation, cemeteries, or large scale ag divisions), and it is not necessary for the County to maintain duplicative exemptions within the land development code. Such inclusion only complicates legal interpretations and muddies the water so to speak. In an effort to bring Madison County Code into alignment with state law, and to simplify the land development code, and to remove the “estate loophole,” it is proposed that Madison County Code 101-99 be repealed.
Staff Recommendation:	Planning Administrator recommends approval of this code amendment.

Possible Motions		
<u>Approval</u> I move to recommend APPROVAL of Ordinance 468, repealing Madison County Code 101-99, “Exemptions for Land Divisions.”	<u>Denial</u> I move to recommend DENIAL of Ordinance 468, which would repeal Madison County Code 101-99, “Exemptions for Land Divisions,” for the following reasons: 1. 2.	<u>Tabled</u> I move to TABLE Ordinance 468, which would repeal Madison County Code 101-99, “Exemptions for Land Divisions,” for the following reasons: 1. 2. and request the following for continuing discussion: 1. 2.

**MADISON COUNTY
ORDINANCE 468**

**AN ORDINANCE REPEALING PART II, CHAPTER 101, ARTICLE 101-IV,
SECTION 101-99, EXEMPTIONS FOR LAND DIVISIONS (“SECTION 101-99”), OF
THE MADISON COUNTY CODE, PROVIDING A REPEALER CLAUSE, AND
ESTABLISHING AN EFFECTIVE DATE HEREON.**

WHEREAS, Madison County may amend its adopted codes or provisions from time to time; and,

WHEREAS, the Madison County Planning and Zoning Commission held a public hearing on or about the _____ day of _____ 2023, at the Commissioner’s room located in the Madison County Courthouse, Rexburg Idaho, to consider repealing Section 101-99 and all subsections thereon regarding exemptions in Madison Code for land divisions; and,

WHEREAS, on or about the _____ day of _____ 2023, the Madison County Planning and Zoning Commission recommended to the Board of Madison County Commissioners to approve the repealing of Section 101-99 of Madison County Code; and,

WHEREAS, the Madison County Board of County Commissioners accepted and adopted the Madison County Planning and Zoning Commission’s recommendations to repeal Section 101-99 of Madison County Code on or about the _____ day of _____ 2023; and,

WHEREAS, Madison County, having considered submitted comments and testimony from the public, having determined that it is in the best interest of the public to adopt this proposed amendment to Madison County Code; and,

WHEREAS, the Madison County Board of County Commissioners now desire to adopt this ordinance to reflect these changes.

NOW THEREFORE, be it ordained by the Board of the Madison County, in the State of Idaho, as follows: that Section 101-99 of Madison County Code regarding exemptions for land divisions, is hereby fully repealed and held for naught. that all previous ordinances and/or resolutions relating to the matters described herein that are in conflict herewith, are hereby revoked and repealed by this current ordinance.

SECTION 1: AMENDMENT “Sec 101-99 Exemptions For Land Divisions” of the Madison County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 101-99 Exemptions For Land Divisions

Exemptions of a land division does not exempt development of the parcel created from compliance with this part.

- (a) No permit shall be required for any land division that results from the settlement of an estate or a court decree for the distribution of specific parcels of property.
- (b) Property that is split but does not meet the size requirements of the zone in which the parcel is located shall not be eligible for building permits.
- (c) No permit shall be required for any land division that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose.
- (d) No permit shall be required for platting a cemetery.
- (e) No permit shall be required for any land division in which all resulting parcels are 160 acres or more acres in size.
- (f) The creation of parcels between 16 and 160 acres in size for agricultural purposes only shall be exempt from the requirement for a permit, but the further division or the development of any such parcel shall be preceded or accompanied by an application for a lot split.
- (g) No permit shall be required for the adjustment of unplatted property lines in which no new parcel is created and no nonconforming lot, parcel, use, or structure results.

(Prior Code, title 10, § 1.2.3)

AFTER AMENDMENT

Sec 101-99 Exemptions For Land Divisions

~~Exemptions of a land division does not exempt development of the parcel created from compliance with this part. No permit shall be required for any land division that results from the settlement of an estate or a court decree for the distribution of specific parcels of property. Property that is split but does not meet the size requirements of the zone in which the parcel is located shall not be eligible for building permits. No permit shall be required for any land division that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose. No permit shall be required for platting a cemetery. No permit shall be required for any land division in which all resulting parcels are 160 acres or more acres in size. The creation of parcels between 16 and 160 acres in size for agricultural purposes only shall be exempt from the requirement for a permit, but the further division or the development of any such parcel shall be preceded or accompanied by an application for a lot split. No permit shall be required for the adjustment of unplatted property lines in which no new parcel is created and no nonconforming lot, parcel, use, or structure results. (Prior Code, title 10, § 1.2.3)~~

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** if any section, paragraph, sentence or provisions hereof of the application to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 4: **EFFECTIVE DATE** this Ordinance shall be in full force and effect after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE MADISON COUNTY BOARD

_____.

	AYE	NAY	ABSENT	ABSTAIN
Commissioner Todd Smith	_____	_____	_____	_____
Commissioner Brent Mendenhall	_____	_____	_____	_____
Commissioner Doug Smith	_____	_____	_____	_____

Presiding Officer

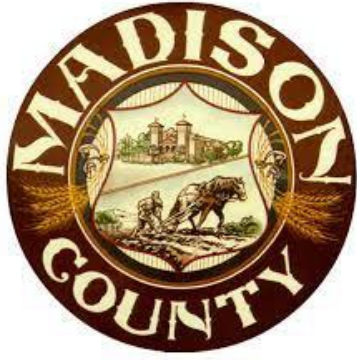
Attest

Commissioner Todd Smith, Chair,
Madison County

Kim Muir, Clerk, Madison County

Ordinance No. 469

Commercial Zone Code Revision



Madison County

Planning and Zoning

Code Change Staff Report

Application Type:	Ordinance 469 - Code Change – Revision of Commercial Zone and Development Standards
Applicant:	Madison County
Date for Consideration:	May 10, 2023

Description:	Madison County Code 117-54 outlines the scope and purpose of Commercial Zones. The existing code was written primarily for “Main Street” type development, and is not conducive to the constraints of development in the unincorporated County, primarily lack of community water and sewer systems. The current code lacks such fundamental requirements such as minimum lot sizes and setbacks, and has resulted in development that while legal under the code, is less than ideal for the unincorporated County. Additionally, the current code has numerous design requirements that are great for Main Street, but are simply not practical in the unincorporated County, such as curb and gutters, landscaping, and urban architectural features. In an effort to create commercial zoning that is more conducive to the conditions found in the unincorporated county, it is proposed that the commercial code be greatly simplified and reduced to minimum concepts that protect private property rights, encourage commercial development appropriate for the unincorporated County, and are guided by the constraints from using on-site private well and septic systems. Key parts of the revision include: • Establishing 1-acre minimum lot size for lots in commercial zone • Establishing setbacks of 30’ front, 15’ sides, and 25’ back for development within the lots in commercial zones. • Require any parking associated with the commercial use to be on the property – no on-street parking • Require on-site loading/off-loading areas (no loading/off-loading in the street) • Repealing any additional design requirements such as curbs and gutters and architectural design elements. • Requiring meters be installed on wells in commercial zones Overall, these changes have reduced the commercial zone regulation from over 30 pages, to 2.
---------------------	---

Staff Recommendation:	Planning Administrator recommends approval of this code amendment.
------------------------------	--

Possible Motions		
<u>Approval</u> I move to recommend APPROVAL of Ordinance 469, revising the Development Code for Commercial Zones as noted.	<u>Denial</u> I move to recommend DENIAL of Ordinance 469, revising the Development Code for Commercial Zones as noted, for the following reasons: 1. 2.	<u>Tabled</u> I move to TABLE Ordinance 469, revising the Development Code for Commercial Zones as noted, for the following reasons: 1. 2. and request the following for continuing discussion: 1. 2.

In addition to the usual notifications for changes to Madison County Code such as legal notices in the newspaper and posting around the community as well as on the County Website, we felt it necessary to send a letter to all owners of property with commercial zoning, to notify them of the proposed changes, and invite their input into the process. This is the letter that was sent:



PLANNING & ZONING DEPARTMENT

134 E Main Suite 208 Rexburg ID 83440

Phone (208)359-6207

PZ@co.madison.id.us

Dear Commercial Property Owner,

In ongoing efforts to support business, and quality development of commercial properties in Madison County, the Planning and Zoning Commission have been working to revise County Code relative to the commercial zone. The primary reason for addressing the code for the commercial zone is to better meet the rural development needs of Madison County. When the current code was written, it was designed to govern a very urban-centric commercial type use. The code lacked minimum lot size requirements and setbacks. This lack of regulation is great for Main Street commercial uses that can be served by city water and sewer services. However, lack in lot size and setback requirements are not so great in areas where city services are not available. Additional required design standards for things like landscaping, architectural standards, curbs and sidewalks are all great for downtown development, but seem out of place for commercial development in the rural parts of the County.

After several work sessions, the Planning and Zoning Commission has prepared a set of code revisions. The commission will be holding a public hearing on Wednesday May 10, 2023 at 6:30 p.m. to hear any concerns that you may have with the proposed changes.

Key changes include:

- Establish a minimum lot size for commercial lots of 1 acre (lots established prior to this proposed change that are smaller than 1 acre will be "grandfathered in" and allowed.
- Establish building setbacks of 30' front, 15' side, and 25' back, similar to residential development in other zones
- Require that any commercial use must provide off-street parking for that use.
- Demonstration of compliance with State of Idaho standards for water use. If the use can be done with a domestic exemption well (less than 2,500 gallons/day), or demonstration of a water right for water use that will exceed that allowed with the domestic exemption.
- Require a meter be installed on the well at time of drilling.
- Require that supply truck loading/off-loading areas are provided on the property, to avoid loading/off-loading from trucks parked in the street.
- All design standards for landscaping, architecture, curb/gutter will be repealed.

The intention for this commercial code revision is to simplify from nearly 30 pages of regulation to less than 2. The changes are designed specifically to keep any impacts a commercial use may have, on the property, and minimize impacts to adjacent land owners. These changes will protect the private property rights of all property owners, and acknowledge the functional limitations of commercial development in areas not served by public water and sewer systems.

If you have any concerns, you are welcome to submit those in writing prior to the public hearing on May 10, or come to the meeting and present those concerns in person to the Planning and Zoning Commission. If you have any questions about the proposed changes, feel free to contact me and I'd be more than happy to answer any questions you might have, and discuss these proposed changes.

Sincerely,

Gary Armstrong
Planning Administrator
Madison County Planning and Zoning Dept.

**MADISON COUNTY
ORDINANCE 469**

**AN ORDINANCE AMENDING PART II, CHAPTER 117, ARTICLE 117-III,
SECTION 117-54, COMMERCIAL (C) ZONE, OF THE MADISON COUNTY
UNIFIED DEVELOPMENT CODE, PROVIDING A REPEALER CLAUSE FOR
PART II, CHAPTER 109, SECTION 109-II COMMERCIAL DEVELOPMENT
STANDARDS, AND ESTABLISHING AN EFFECTIVE DATE HEREON.**

WHEREAS, Madison County may amend its adopted codes or provisions from time to time; and,

WHEREAS, the Madison County Planning and Zoning Commission held a public hearing on or about the ____ day of _____ 2023, at the Commissioner's room located in the Madison County Courthouse, Rexburg Idaho, to consider the amendment of section 117-54 and repealing section 109-II in the Madison County Unified Development Code.

WHEREAS, on or about the ____ day of _____ 2023, the Madison County Planning and Zoning Commission recommended to the Board of Madison County Commissioners to approve the amendment of section 117-54 and repealing section 109-II in the Madison County Unified Development Code.

WHEREAS, , the Madison County Board of County Commissioners accepted and adopted the Madison County Planning and Zoning Commission's recommendations to amend section 117-54, and repealing section 109-II in the Madison County Unified Development Code.

WHEREAS, Madison County, having considered submitted comments and testimony from the public, having determined that it is in the best interest of the public to adopt this proposed amendment to Madison County Code; and,

WHEREAS, the Madison County Board of County Commissioners now desire to adopt this ordinance to reflect these changes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS FOLLOWS:

SECTION 1: **AMENDMENT** "Sec 117-54 Commercial (C) Zone" of the Madison County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 117-54 Commercial (C) Zone

- (a) *Scope and purpose.* ~~The provisions of this section apply to the Commercial (C) Zone. The purpose of the Commercial Zone (C) is to provide areas in the county to fulfill~~

~~general retail needs and travel or highway-related service requirements within the community.~~ The provisions of this section apply to the Commercial (C) Zone. The purpose of the Commercial Zone (C) is to provide areas in the county to fulfill general commercial development that is consistent with the character of the unincorporated portions of the County. This includes commercial development that is not dependent upon municipal water or sewer service, but can instead be accomplished on private well and septic systems. Many commercial enterprises including large scale retail, hotels, convention facilities, and hospitals/health care facilities are important parts of a community, but are best located within the incorporated cities where municipal infrastructure can better serve those commercial endeavors.

- (b) Limitations - Commercial development in the County will be accomplished on property that will have on-site private water and sewer treatment. If a private well under the domestic exemption is used for water source, use may not exceed 2,500 gallons/day.
- (c) Locations - Commercial zoning in the County should be located adjacent to, or within reasonable distance to major transportation resources such as established railroads, Highways 20, 33, 191 (Yellowstone Highway), Lyman-Archer Highway (2000 W), and the proposed Eastside Corridor. Commercial land uses should be located to minimize traffic impacts to primarily residential areas.
- (d) Uses. Permitted and conditional uses permitted in the Commercial Zone are identified in section 117-51, land use table. Permitted and conditional uses shall be primarily oriented toward ~~light and custom manufacturing and any associated retail sales; repair; storage; wholesale; and support services. Within the Commercial Zone, uses have been divided into 3 distinct types: These are the large-scale commercial, community commercial and convenience commercial.~~ services, storage, light and custom manufacturing and any associated retail sales; repair; storage; wholesale; and support services. ~~Large-scale commercial. The large-scale commercial is intended to include buildings of larger scale and size (25,000 square feet or larger) and those typically designed to serve a regional market. Example uses include:~~
 - (1) ~~Community commercial. Community commercial uses are intended to serve a mere local or community scale market. The structures in this commercial type will be limited in size, with a maximum of 25,000 square feet. These uses will serve as identifiable commercial centers for the county community and will create pedestrian friendly shopping districts. Example uses include: Gas stations. Drive-through restaurants. Corner stores. Professional offices (e.g., dentist, hair salon, bakery, florist). Grocery and retail stores. Fast food and drive-through restaurants. Shopping malls. Department stores. Hospitals and health centers. Theaters. Auditoriums. Light manufacturing or production with retail sales. Convention centers. Grocery stores. Community college facilities. Business center. Indoor recreation facilities. Recycling collection centers. Grocery stores. Restaurants. Retail stores. Boutiques. Professional offices (e.g., dentist, hair salon, bakery, florist). Carwashes.~~
 - (2) ~~Convenience commercial. Convenience commercial uses provide basic commercial services to neighborhoods and communities. These uses serve the same market area as community commercial and are located in many of the same areas. However, these uses have specific site layout and access requirements and are therefore separated from community commercial. Example uses include:~~

- (e) *Business conditions.* The uses specified in subsection (b) of this section for the Commercial Zone shall be permitted only under the following conditions:
- (1) Manufacturing shall be done wholly within a completely enclosed building, and shall be incidental to and operated in connection with a use permitted in this section.
 - (2) All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other causes.
 - (3) Animal clinics and hospitals, veterinary offices and kennels will be located at least 300 feet from any residence including motels and hotels, except for an owner's residence. The county may modify these requirements if the animals are housed in soundproof structures that screen them from view of the abutting residential property.
 - (4) Chemical, pesticide and fertilizer facilities will have adequate fire protection, storage area, handling and disposal, as approved in writing by the fire authority having jurisdiction.
 - (5) ~~Drive-in restaurant will:~~
~~Be enclosed within the property lines with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties; Have a 6-foot-high sight obscuring fence along the property lines that adjoin a residence; Provide for adequate trash receptacles.~~
 - (6) Outdoor storage of commercial materials will:
 - a. Be screened from view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street; and
 - b. Not be located in any front yard setback area.
 - (7) Tree and garden nurseries ~~may fall under either the large-scale or community commercial lot types, depending on the size of any associated structures, including greenhouses. They~~ will maintain a setback distance of 15 feet from any property line.
 - (8) Riding stables and schools will:
 - a. Locate all stables or loafing sheds not nearer than 300 feet from any residence, except for the owner's residence. All facilities shall be set back a distance of 30 feet from any property line.
 - b. Be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties as to the storage of horse trailers and the factors of noise and odor.
 - c. Require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.
 - d. Conform to livestock confinement operations and animal density restrictions contained herein.
- (f) *General development standards.*
- (1) Access to county roads or state roads shall follow all access policies and ordinances as set by the county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.
 - (2) Off-street parking shall adhere to the standards outlined in chapter 109, article IV.

- (3) All shipping and receiving access must be accomplished on the lot. Shipping and receiving vehicles may not park in the roads to load and off load product to commercial land uses.
- (4) Landscaping shall adhere to the standards outlined in chapter 107, article III.
- (5) ~~Commercial development standards. In the commercial zone, all buildings must meet the commercial design standards outlined in chapter 109, Article II.~~ Commercial entities must install a meter to monitor individual wells.
- (6) ~~Lighting shall adhere to the standards outlined in chapter 107, article II.~~
- (g) *Building form and lot standards.* ~~The Commercial Zone identifies 3 types of commercial development. These are the large-scale format, community commercial and the convenience commercial. The various lot types and related development standards allowed for each type of commercial development are defined in the lot type illustrations on file in the county planning and zoning department. The development specifications for the various lot types include provisions for:~~
 - (1) *Height.* Specifies the maximum, and in some cases the minimum, height of structures within a particular lot type.
 - (2) *Siting.* Specifies how the primary structure should be situated on the lot, and its preferred orientation to the street.
 - (3) *Setbacks.* ~~Specifies a required build-to-range, or an acceptable front setback of the primary structure from the street.~~ Front Setback shall be at least 30 feet from edge of right of way. Side setbacks shall be at least 15 feet from property lines. Rear setbacks shall be at least 25 feet from rear property line. Buildings must be at least 25 feet from any canal or ditch.
 - (4) *Building frontage.* Specifies the required width of the primary structure in relation to the lot width.
 - (5) *Lot Side and width.* ~~Specifies the minimum and maximum widths of lots.~~ Commercial lots shall be at least 1 acre in size, with at least one side of each lot at least 250'.
 - (6) ~~*Solid to void ratio.* Specifies the required ratio of structure facade voids to openings, such as windows and doors; to the facade solids, such as walls. *Unit totals.* Specifies the number of individual commercial or residential units that may be constructed adjacent to one another. *Uses.* Specifies the specific uses which may take place within the structure (residential, retail, office, etc.) Additionally, character examples are provided to offer various examples of appropriate building form and context. These examples are not presented as recommendations on architectural style. The building form and lot standards may be amended in conjunction with a zoning text amendment.~~

(Prior Code, title 10, § 4.5; Ord. of 2011; Ord. No. 384, § 4.5, 3-12-2012)

SECTION 2: AMENDMENT “Sec 109-19 Purpose” of the Madison County County Code is hereby *amended* as follows:

AMENDMENT

Sec 109-19 Purpose

~~The purpose of this article is to set specific guidelines and standards for the development of all commercial uses in the county. (Prior Code, title 10, § 12.1)~~

SECTION 3: AMENDMENT “Sec 109-20 Large-Scale Commercial (structures 25,000 Sq Ft And Greater)” of the Madison County County Code is hereby *amended* as follows:

AMENDMENT

Sec 109-20 Large-Scale Commercial (structures 25,000 Sq Ft And Greater)

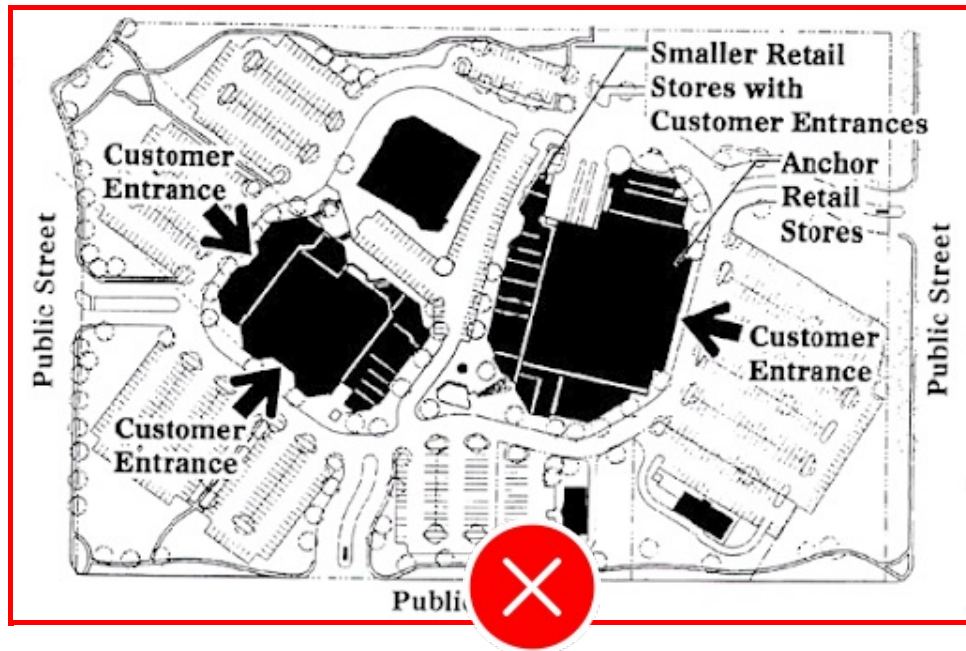
- (a) ~~*Introduction.* This section applies to large-scale commercial developments (structures 25,000 square feet and greater). Large-scale commercial developments should implement projects with an overall community design in mind, thus the need exists for commercial design standards to be in place to ensure developments are coordinated into the overall county presentation.~~
- ~~*Background and justification.* The basis for all development within the county is set forth in this part and the Comprehensive Plan. This part states that the purpose of this article is to promote the general welfare by establishing and regulating zoning designations. The purpose of these standards is to augment the existing criteria contained in the Commercial (C) and Master Planned Community (MPC) Zones and those contained in chapter 115 with more specific interpretations that apply to the design of large-scale commercial developments. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.~~
- ~~*Procedure.* The standards set forth in subsection (d) of this section are intended to be used as a design aid by developers proposing large commercial developments and as an evaluation tool by the planning and zoning department and the commission in their review processes. These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments of 25,000 square feet and greater located in the following zones:~~
- ~~*Design standards.* Commercial (C) Zone. Master Planned Community (MPC) Zone. *Aesthetic character.* *Site design and relationship to the surrounding community.* *Facades and exterior walls.* *Smaller commercial stores.* *Detail features.* *Roofs.* *Materials and colors.* *Entryways.* *Entrances.* *Outdoor storage, trash collection and loading areas.* *Pedestrian flows.* *Central features and community spaces.* *Agreement required.* Building reuse and maintenance plan, development agreement required. *Intent.* Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large commercial buildings and provide visual interest that will be consistent with the community's identity character, and scale. The intent is to encourage a more human scale that residents of the county will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants. *Standards.* Developments with facade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of 2-foot depth and a minimum of 20 contiguous feet within each 100 feet of facade length that is visible from a county street, public way, or any facility or parking lot used by the general public and shall extend over 20 percent of the facade. Developments shall use animating features such as arcades, display windows, entry areas or awnings along at least 60 percent of the facade.~~



Intent. The presence of smaller commercial stores gives a center a friendlier appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this article are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site. *Standards.* Where principal buildings contain additional, separately owned stores, which occupy less than 25,000 square feet of gross floor area, with separate, exterior customer entrances: *Intent.* Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the standards set forth in subsection (d) (1)e.2 of this section should be integral parts of the building fabric and not superficially applied trim, graphics or paint. *Standards.* Building facades that are visible from a public street, public way, or any facility or parking lot used by the general public shall include a repeating pattern that shall include no less than 3 of the elements listed in this subsection. At least 1 of these elements shall repeat horizontally. All of the following elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically: *Intent.* Variations in rooflines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods. *Standards.* Rooflines that are visible from a public street, public way, or any facility or parking lot used by the general public shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.

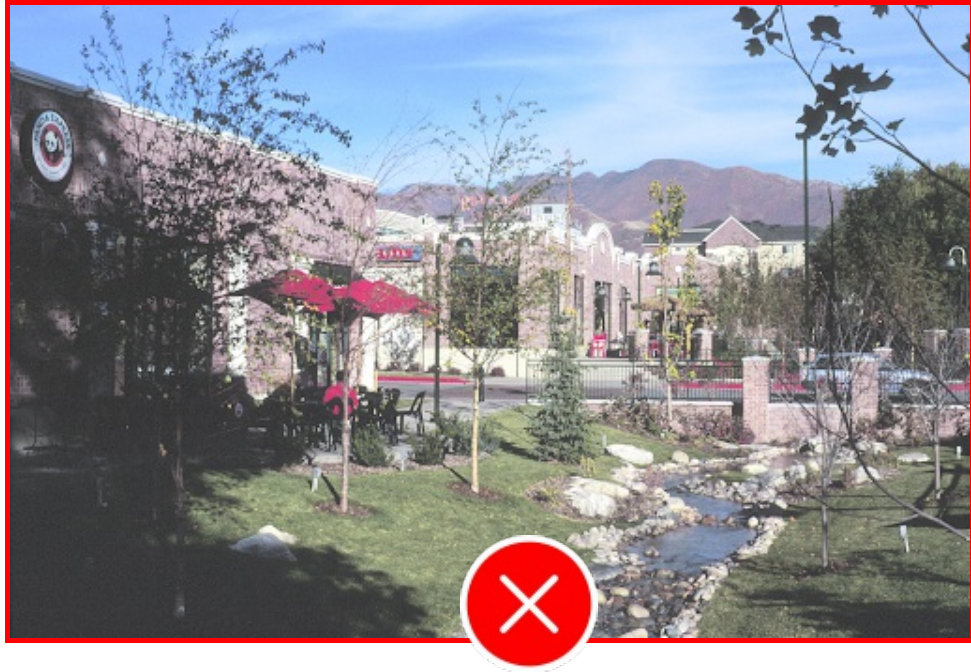


Intent. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. *Standards.* *Intent.* Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards set forth in subsection (d)(1)f.2 of this section identify desirable entryway design features. *Standards.* Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than 3 of the following: *Intent.* Large commercial buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses. *Standards.* All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least 1 customer entrance. Where a principal building directly faces more than 2 abutting public or private rights-of-way, this requirement shall apply only to 2 sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street. The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building, each such store shall have at least 1 exterior customer entrance, which shall conform to the above requirements.

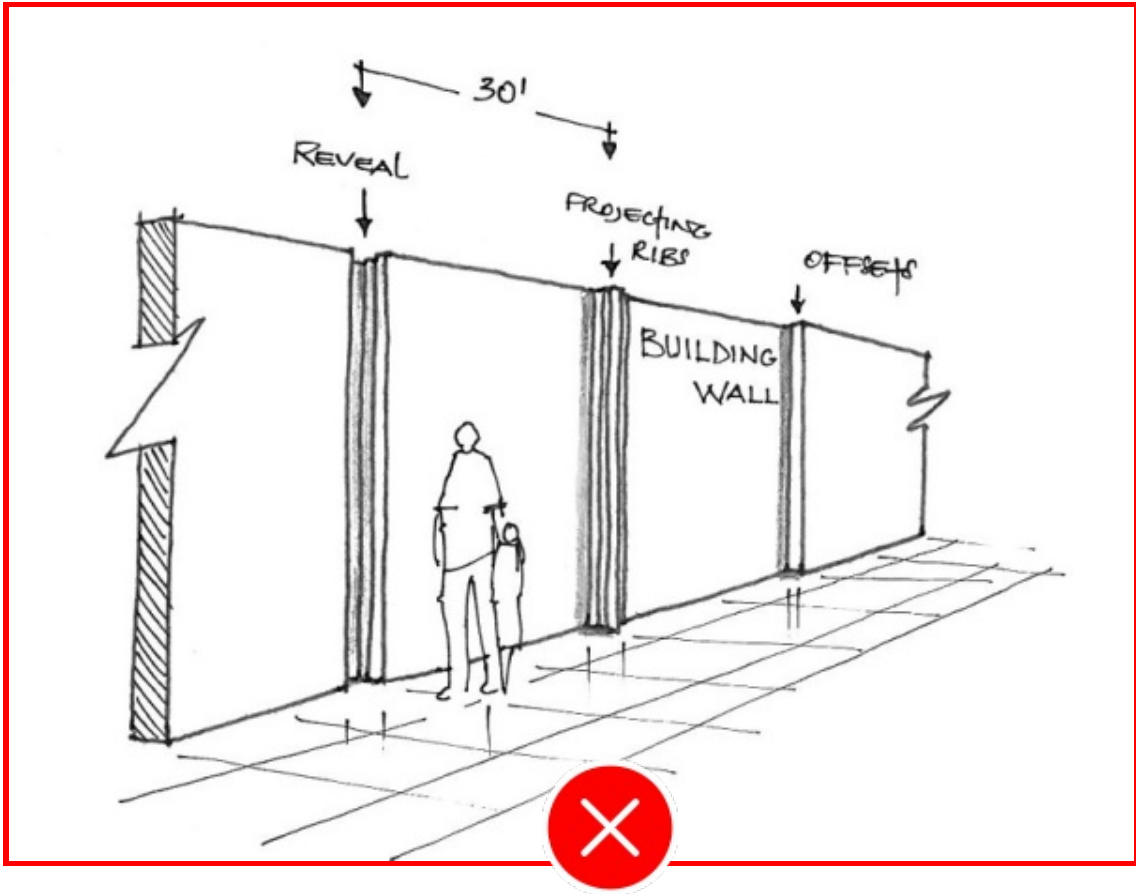


Example of a Development with Customer Entrances on All Sides Which Face a Public Street *Intent*. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than 1 building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. *Standards. Intent*. Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This article sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds. *Standards. Intent*. Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and dropoff/pickup points should be considered as integral parts of the configuration. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces should anchor pedestrian ways. The features and spaces should enhance the building and the center as integral parts of the community fabric. *Standards*. Each commercial establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least 2 of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Although the county's public bus system is nonexistent at the present time, areas should be provided or designed to accommodate possible (future) bus service and the

growing number of private bus services (e.g., nursing home/assisted living, student housing complexes, etc.)



~~Example of a Center with Numerous Special Features and Community Spaces The street level facade of such stores shall be transparent between the height of 3 feet and 8 feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing. Color change; Texture change; Material module change; Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.~~



Expression of Architectural or Structural Bay Predominant exterior building materials shall be high-quality materials. These include, without limitation: Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent. Predominant exterior building materials as well as accents shall not include the following: Canopies or porticos; Overhangs; Recesses/projections; Arcades; Raised corniced parapets over the door; Peaked roof forms; Arches; Outdoor patios; Display windows; Architectural details such as tile work and moldings which are integrated into the building structure and design; Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.



Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public thoroughfare or street, public sidewalk, or internal pedestrian way. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements for the Commercial (C) Zone as described in this part. Location and time/duration of such sales/displays shall be reviewed and approved by the administrator or his appointed designee. Sidewalks at least 5 feet in width (6 feet in width where vehicle overhang will occur) shall be provided along all sides of the lot that abut a public or private right-of-way, excluding interstates. The commission may waive this requirement as part of the development agreement. Continuous internal pedestrian walkways, no less than 5 feet in width (6 feet in width where vehicle overhang will occur), shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than 50 percent of their length. Sidewalks, no less than 5 feet in width or (6 feet in width where vehicle overhang will occur), shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located an average of 6 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. However, entry/exit doors shall not be allowed to encroach upon the

~~required sidewalk width when opened. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways. Brick; Wood; Sandstone; Other native stone; Tinted, textured, concrete masonry units. Smooth-faced concrete block; Tilt-up concrete panels; Prefabricated steel panels. (Prior Code, title 10, § 12.2.1)~~

SECTION 4: AMENDMENT “Sec 109-21 Community Commercial (structures Less Than 25,000 Sq Ft.)” of the Madison County County Code is hereby *amended* as follows:

AMENDMENT

Sec 109-21 Community Commercial (structures Less Than 25,000 Sq Ft.)

- (a) ~~*Introduction.* This section applies to small-scale community commercial (structures less than 25,000 square feet). Small-scale commercial developments should implement projects with an overall community design in mind, thus the need exists for commercial design standards to be in place to ensure developments are coordinated into the overall community presentation. *Background and justification.* The basis for all development within the county is set forth in this part and the Comprehensive Plan. This part states that the purpose of this article is to promote the general welfare by establishing and regulating zoning designations. The purpose of these standards is to augment the existing criteria contained in the Commercial (C) and Master Planned Community (MPC) Zones and those contained in chapter 115 with more specific interpretations that apply to the design of commercial developments. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. *Procedure.* The standards in subsection (d) of this section are intended to be used as a design aid by developers proposing commercial developments and as an evaluation tool by the planning and zoning department and the commission in their review processes. These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments less than 25,000 square feet located in the following zones: *Design standards.* The aesthetic character of the following: Commercial (C) Zone. Master Planned Community (MPC) Zone. *Facades and exterior walls.* *Smaller commercial stores.* *Detail features.* *Roofs.* *Materials and colors.* *Entryways.* *Outdoor storage, trash collection and loading areas.* *Pedestrian flows.* *Central features and community spaces.* *Intent.* Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of commercial buildings and provide visual interest that will be consistent with the community's identity, character, and scale. The intent is to encourage a more human scale that residents will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants. *Standards.* Developments with facade over 40 feet in linear length shall incorporate wall projections or recesses a minimum of depth of 2 feet and a minimum of 8 contiguous feet within each 40 feet of facade length and shall extend over 20 percent of the facade. All sides of a structure clearly visible from a public street shall be so treated. Developments shall use animating features such as arcades, display windows, entry areas or~~

awnings along at least 60 percent of the facade:

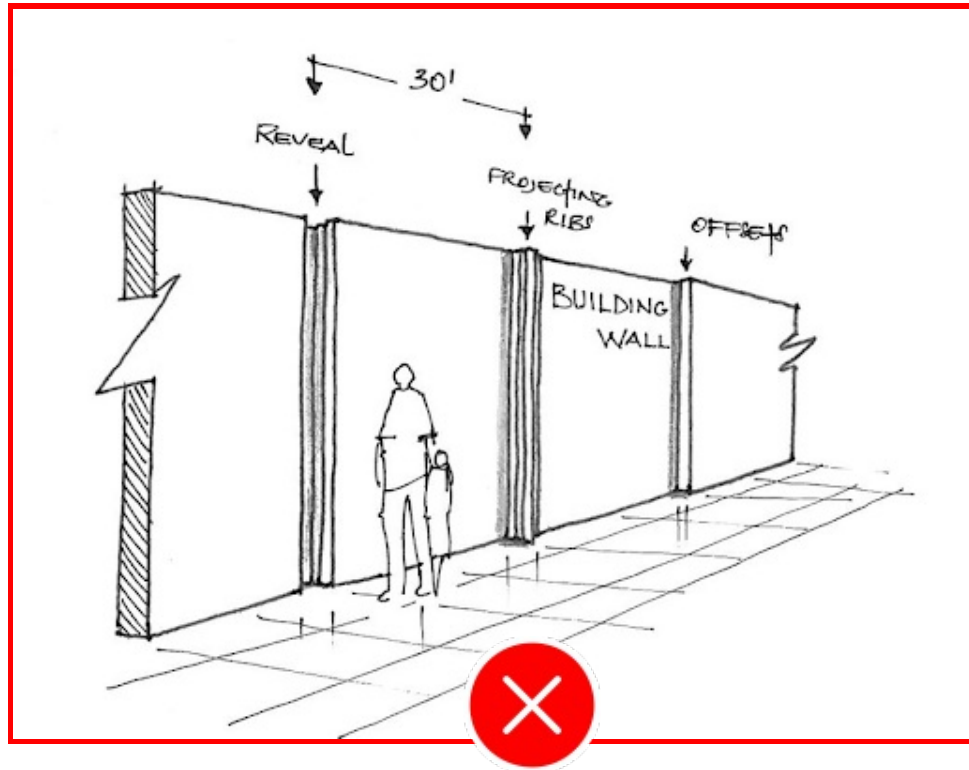


This is a good example of a building with animated features; however its orientation is not suitable because its main entrance opens to a parking lot in the back of the lot. *Intent.* The presence of smaller commercial stores gives a friendlier appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this article are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site. *Standards.* Where principal buildings contain additional, separately owned stores, which occupy less than 25,000 square feet of gross floor area, with separate, exterior customer entrances: *Intent.* Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the standards set forth in subsection (d)(3)b of this section should be integral parts of the building fabric, and not superficially applied trim, graphics or paint. *Standards.* Building facades shall include a repeating pattern that shall include no less than 3 of the elements listed in this subsection. At least 1 of these elements shall repeat horizontally. All of the following elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically: *Intent.* Variations in rooflines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods. *Standards.* Rooflines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.

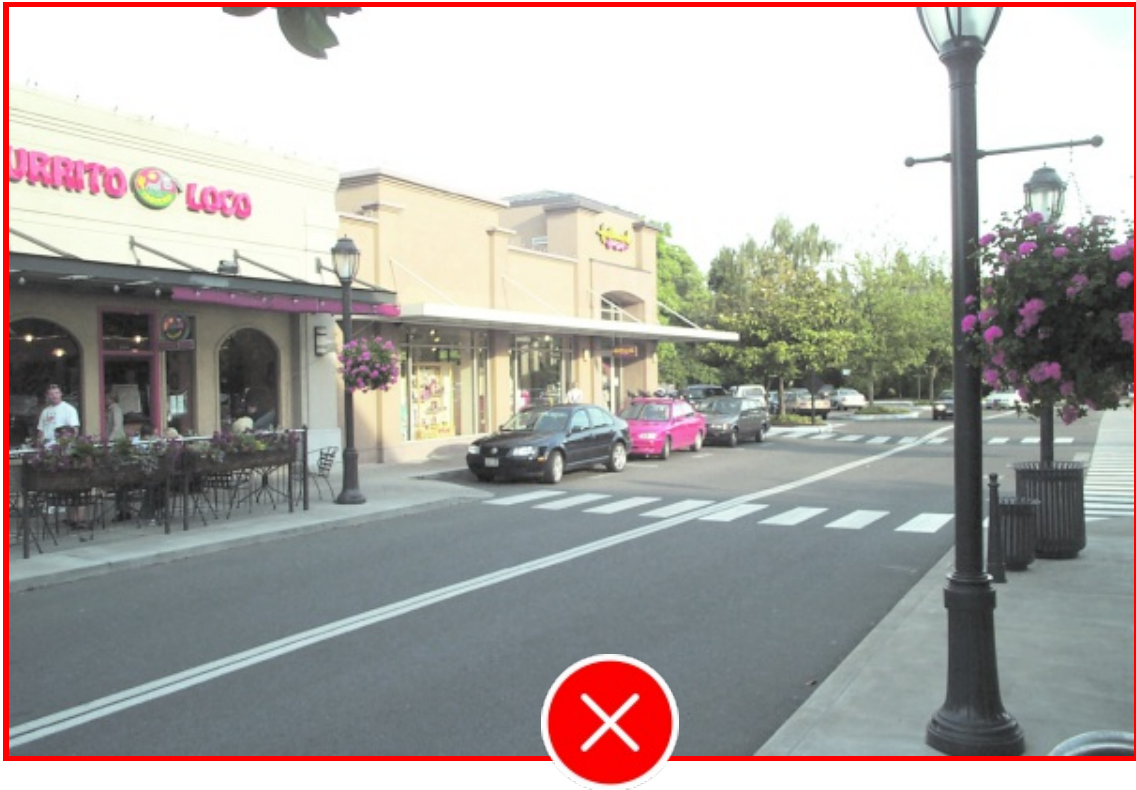


Intent. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. *Standards.* *Intent.* Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features. *Standards.* Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than 3 of the following: *Intent.* Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than 1 building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. *Standards.* *Intent.* Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This article sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter and convenience within the center grounds. *Standards.* *Intent.* Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and dropoff/pickup points should be considered as integral parts of the configuration. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls and other architectural elements that define circulation ways and outdoor spaces should anchor pedestrian ways. The features and spaces should enhance the building and the center as integral parts of the community fabric. *Standards.* Each commercial establishment subject to these standards shall contribute to the establishment or enhancement of pedestrian and public spaces by providing at least 2 of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the

building and landscape. The street level facade of such stores shall be transparent between the height of 3 feet and 8 feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores. Windows shall be recessed and should include visually prominent sills, shutters or other such forms of framing. Color change; Texture change; Material module change; Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



Expression of Architectural or Structural Bay Predominant exterior building materials shall be high quality materials. These include the following, without limitation: Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent. Predominant exterior building materials as well as accents shall not include the following: Canopies or porticos; Overhangs; Recesses/projections; Areades; Raised corniced parapets over the door; Peaked roof forms; Arches; Outdoor patios; Display windows; Architectural details such as tile work and moldings which are integrated into the building structure and design; Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.



Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public thoroughfare or street, public sidewalk, or internal pedestrian way. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements for the Commercial (C) Zone as described in this part. Location and time/duration of such sales/displays shall be reviewed and approved by the administrator or his designee. Sidewalks at least 5 feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding interstates. The commission may waive this requirement as part of the development agreement. Continuous internal pedestrian walkways, no less than 5 feet in width (6 feet in width where vehicle overhang will occur), shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground

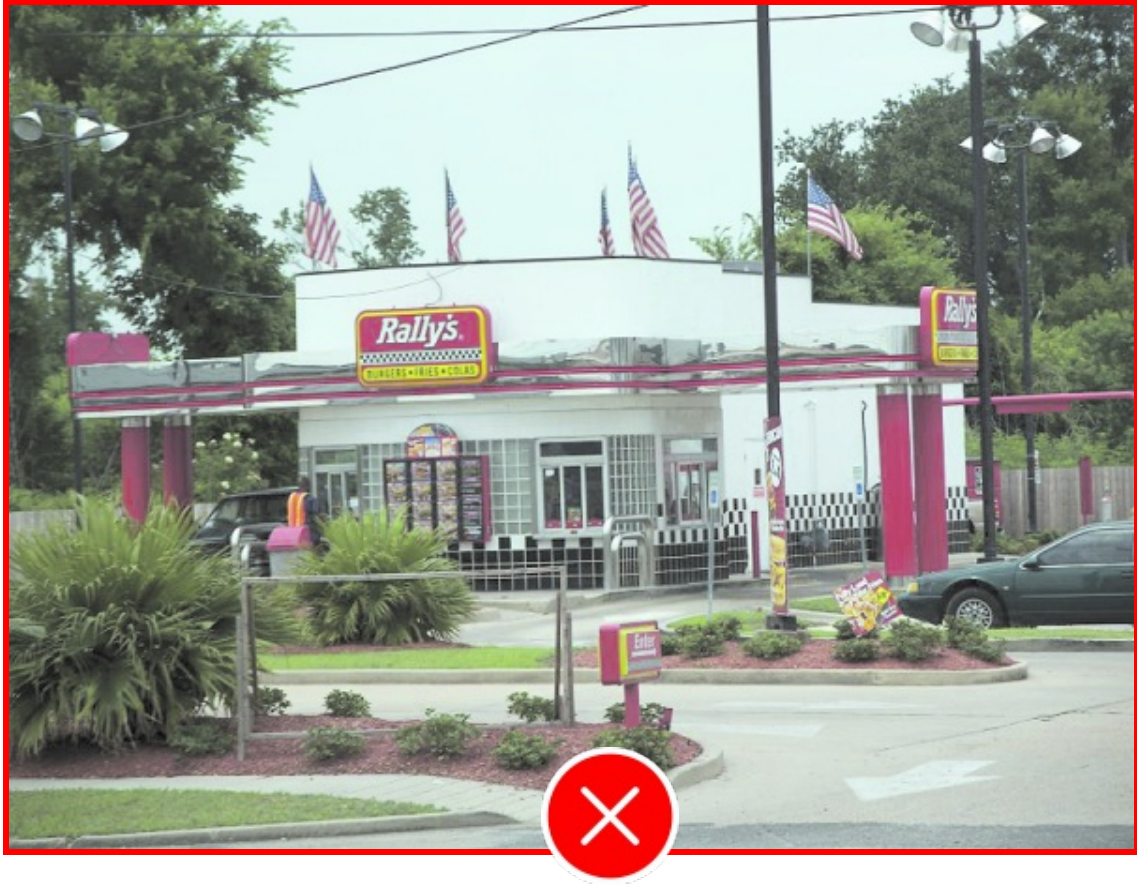
~~covers or other such materials for no less than 50 percent of their length. Sidewalks, no less than 5 feet in width (6 feet in width where vehicle overhang will occur), shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located an average of 6 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. However, entry/exit doors shall not be allowed to encroach upon the required sidewalk width when opened. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials, such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways. Brick; Wood; Sandstone; Other native stone; Tinted, textured, concrete masonry units. Smooth-faced concrete block; Tilt-up concrete panels without mitigating surface treatment; Prefabricated steel panels. (Prior Code, title 10, § 12.2.2)~~

SECTION 5: AMENDMENT “Sec 109-22 Convenience Commercial” of the Madison County County Code is hereby *amended* as follows:

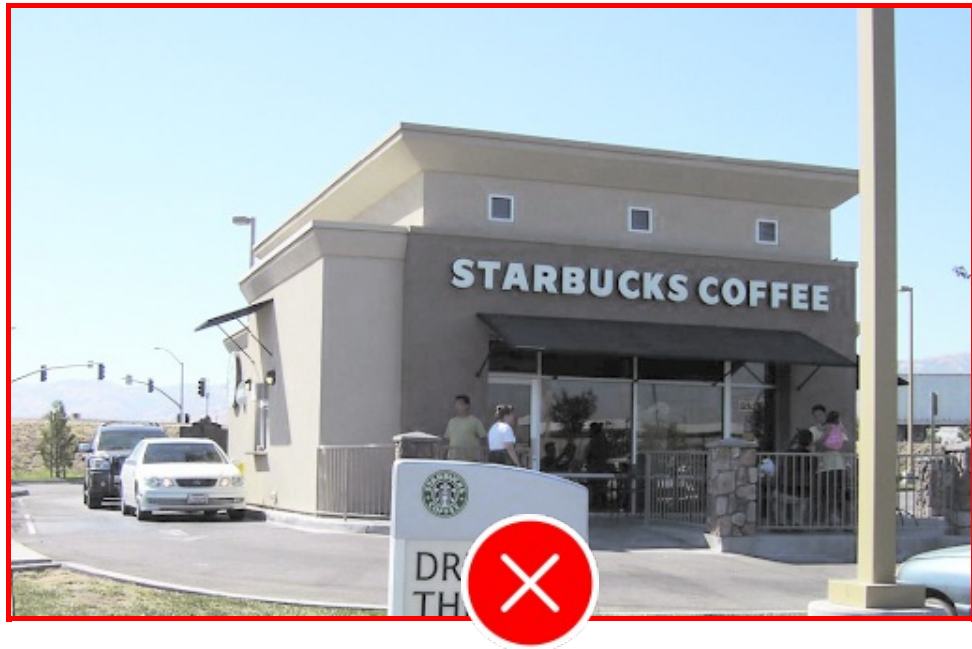
AMENDMENT

Sec 109-22 Convenience Commercial

- (a) ~~*Introduction.* This section applies to convenience commercial uses. Convenience commercial uses have specific site layout and access requirements, and development standards are necessary to ensure that these uses meet basic guidelines as well as layout and access requirements. *Background and justification.* The basis for all development within the county is set forth in this part and the Comprehensive Plan. This part states that the purpose of this article is to promote the general welfare by establishing and regulating zoning designations. The purpose of these standards is to augment the existing criteria contained in the Commercial (C) and Master Planned Community (MPC) Zones and those contained in chapter 115 with more specific interpretations that apply to the design of commercial developments. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access and mitigation of negative impacts. *Procedure.* The standards set forth in subsection (d) of this section are intended to be used as a design aid by developers proposing commercial developments and as an evaluation tool by the city staff and the commission in their review processes. These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for convenience commercial establishments as described in the Commercial Zone (C), and located in the following zones: *Design standards.* Aesthetic character. Commercial (C) Zone; Master Planned Community (MPC) Zone. *Facades and exterior walls.* *Detail features.* *Roofs.* *Materials and colors.* *Intent.* Facades and exterior for the convenience commercial designation should be aesthetically pleasing and attractive. They should be easily noticed by motorists and the scale should be pedestrian friendly as well. *Standards.* Ensure that gas station canopies and covered drive through areas are integrated into the design of the attached building or shop. Developments shall use animating features such as display windows, emphasized entry areas or awnings along at least 50 percent of the facade.~~



Intent. Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects and recognize local character. The elements in the standards in subsection (d)(2)b of this section should be integral parts of the building fabric and not superficially applied trim, graphics or paint. *Standards.* Building facades shall incorporate at least 2 of the following: *Intent.* Variations in rooflines should be used to add interest to the buildings. Roof features should compliment the character of adjoining neighborhoods. *Standards.* Roof shall use features such as parapets, mansard roofs, gable roofs, hip roofs or dormers to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.



The top image shows a roof design that ties a drive-through canopy and the main building together. The bottom shows the use of neutral/earth tone colors. *Intent.* Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. *Standards.* Entryways. Outdoor storage, trash collection and loading areas. Pedestrian flows. Central features and community spaces. Color change; Texture change; Material module change; Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib. Predominant exterior building materials shall be made of high-quality materials. These include the following, without

limitation: Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors; neon tubing shall not be an acceptable feature for building trim or accent. Predominant exterior building materials, as well as accents, shall not include the following: *Intent.* Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards in subsection (d)(4)c.2 of this section identify desirable entryway design features. *Standards.* Each principal building on a site shall have clearly defined, highly-visible customer entrances featuring no less than 3 of the following: *Intent.* Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than 1 building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. *Standards.* *Intent.* Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This article sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter and convenience within the center grounds. *Standards.* *Intent.* The convenience commercial building should offer attractive and inviting pedestrian scale features and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. *Standards.* Each convenience commercial use subject to these standards shall contribute to the establishment or enhancement of pedestrian and public spaces by providing at least 1 of the following: patio/seating area; pedestrian plaza with benches; window shopping walkways; outdoor play area; kiosk area; water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Brick; Wood; Sandstone; Other native stone; Tinted, textured, concrete masonry units. Smooth-faced concrete block; Tilt-up concrete panels without mitigating surface treatment; Prefabricated steel panels. Canopies or porticos; Overhangs; Recesses/projections; Arcades; Raised corniced parapets over the door; Peaked roof forms; Arches; Outdoor patios; Display windows; Architectural details such as tile work and moldings which are integrated into the building structure and design; Integral planters or wing walls that incorporate landscaped areas and/or places for sitting. Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from public or private rights-of-way. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within 20 feet of any public thoroughfare or street, public sidewalk or internal pedestrian way. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors and designs of screening walls and/or fences and the cover shall

~~conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings. Temporary sales/displays, such as Christmas trees, landscape materials and fireworks, shall follow all outdoor requirements for the Commercial (C) Zone as described in this part. Location and time/duration of such sales/displays shall be reviewed and approved by the administrator or his designee. Sidewalks at least 5 feet in width shall be provided along the front side of the lot that abuts a public or private right-of-way. Continuous internal pedestrian walkways, no less than 5 feet in width (6 feet in width where vehicle overhang will occur), shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than 50 percent of their length. Sidewalks, no less than 5 feet in width (6 feet in width where vehicle overhang will occur), shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located an average of 6 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. However, entry/exit doors shall not be allowed to encroach upon the required sidewalk width when opened. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways. (Prior Code, title 10, § 12.2.3)~~

SECTION 6: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE MADISON COUNTY BOARD

_____.

	AYE	NAY	ABSENT	ABSTAIN
Commissioner Todd Smith	_____	_____	_____	_____
Commissioner Brent Mendenhall	_____	_____	_____	_____
Commissioner Dustin Parkinson	_____	_____	_____	_____

Presiding Officer

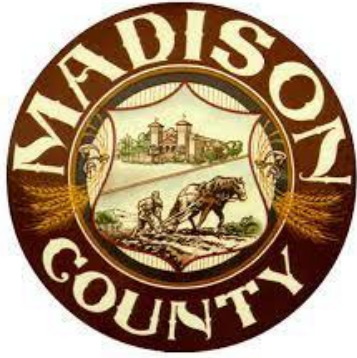
Attest

Commissioner Todd Smith, Chair,
Madison County

Kim Muir, Clerk, Madison County

Ordinance No. 470

*Requirement for Irrigation
Correspondence*



Madison County

Planning and Zoning

Code Change Staff Report

Application Type:	Ordinance 470 - Code Change – Requiring Developer to Communicate with Irrigation Companies in Subdivision Process
Applicant:	Madison County
Date for Consideration:	May 10, 2023

Description:	Irrigation of subdivision lots has been a pressing issue for some time in Madison County. All subdivision lots are at least one acre in size, yet domestic wells are only authorized to irrigate up to ½ acre of landscaping as per state code. Historic irrigation systems of canals and ditches are designed to irrigate large tracts of land, and are difficult to use on parcels that are only 1-2 acres. In an effort to ensure best practices for irrigating landscaping, and continuing to utilize surface irrigation water systems, Madison County proposes adding a requirement to the preliminary plat application for subdivisions, that the developer demonstrates that they have been in communication with the appropriate irrigation/canal company regarding irrigation within the proposed subdivision. Where each subdivision and each canal company are different, Madison County is not mandating any one system or solution. But instead, this code change will require the developer to work out the best solutions with the applicable irrigation/canal company.
Staff Recommendation:	Planning Administrator recommends approval of this code amendment.

Possible Motions

<u>Approval</u> I move to recommend APPROVAL of Ordinance 470, adding a requirement for developers to demonstrate communication with irrigation/canal companies as part of the preliminary plat application process for a subdivision.	<u>Denial</u> I move to recommend DENIAL of Ordinance 470, adding a requirement for developers to demonstrate communication with irrigation/canal companies as part of the preliminary plat application process for a subdivision for the following reasons: 1. 2.	<u>Tabled</u> I move to TABLE Ordinance 470, adding a requirement for developers to demonstrate communication with irrigation/canal companies as part of the preliminary plat application process for a subdivision, and request the following for continuing discussion: 1. 2.
---	--	---

**MADISON COUNTY
ORDINANCE 470**

**AN ORDINANCE AMENDING PART II, CHAPTER 115, ARTICLE 115-II,
SECTION 115-28, APPLICATION REQUIREMENTS OF THE MADISON
COUNTY CODE, AND ESTABLISHING AN EFFECTIVE DATE HEREON.**

WHEREAS, Madison County may amend its adopted codes or provisions from time to time; and

WHEREAS, the Madison County Planning and Zoning Commission held a public hearing on or about the ____ day of _____ 2023, at the Commissioner's room located in the Madison County Courthouse, Rexburg Idaho, to consider the amendment of Section 115-28 and all subsections thereon regarding subdivision application requirements in Madison Code; and

WHEREAS, on or about the ____ day of _____ 2023, the Madison County Planning and Zoning Commission recommended to the Board of Madison County Commissioners to approve the amendment of Sec 115-28 of Madison County Code; and,

WHEREAS, the Madison County Board of County Commissioners accepted and adopted the Madison County Planning and Zoning Commission's recommendations to ammend Section 115-28 of Madison County Code on or about the ____ day of _____ 2023; and,

WHEREAS, Madison County, having considered submitted comments and testimony from the public, having determined that it is in the best interest of the public to adopt this proposed amendment to Madison County Code; and,

WHEREAS, the Madison County Board of County Commissioners now desire to adopt this ordinance to reflect these changes.

NOW THEREFORE, be it ordained by the Board of the Madison County, in the State of Idaho, as follows:

SECTION 1: AMENDMENT "Sec 115-28 Application Requirements" of the Madison County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 115-28 Application Requirements

The following are required for applications for any land action, including but not limited to all land divisions, administrative land splits, subdivisions, short plats, small scale developments, establishment or relocation of easements, right of ways, and the establishment or relocation of property boundaries.

- (a) A vicinity map at a scale of 1 inch equals 400 feet showing the development project property, adjacent property boundaries, and the zoning designations and land uses of the subject and adjacent properties;
- (b) Names and addresses of the owners of record of properties within 500 feet of the proposed development project boundaries;
- (c) Location, widths and names of all existing streets, easements, rights-of-way and all other public and private ways within or abutting the development project;
- (d) Location and flow direction of all existing watercourses and natural features such as water bodies, rock outcroppings, marshes, wetlands and significant vegetation within and adjacent to the project area;
- (e) Contour lines having the following minimum intervals:
 - (1) On contours of 1 percent or less, use 1-foot contours, and if less than 3 contours are shown, then show sufficient spot elevations to allow understanding of site topography; and
 - (2) Slopes greater than 1 percent use 2-foot contours;
- (f) Proposed roads, streets, trails and other public and private ways, including location, widths and approximate curve radii;
- (g) Areas proposed for residential and commercial development, including types, sizes and number of units proposed;
- (h) General access, easements, drainage and utilities proposed for each development site;
- (i) Any areas proposed for community and natural open space, including proposed trail corridors, parks, recreational features and other proposed development;
- (j) Sites proposed for churches, schools and other public facilities, if any;
- (k) Planned locations, widths and grades of all roads, streets, sidewalks, trails and other public ways, with typical cross sections showing widths and locations of curbs, sidewalks, utilities and other features associated with the ways; trails, walkways, sidewalks, and paths shall be constructed in a way that will make them able to tie into any future or existing developments and into the county trails system;
- (l) Planned locations and sizes of sanitary sewers, storm drains, stormwater detention and drainage pretreatment facilities, pumps, valves and the culinary water distribution system, if required;
- (m) Preliminary layout of all proposed development areas showing types and numbers and general locations of residential units, and size and type of proposed commercial developments, if any, together with associated access and parking areas;
- (n) Locations, areas and connectivity of any community and natural open space areas, public parks, trails, pedestrian ways and recreational facilities within or adjacent to the project area;
- (o) Vegetation conservation, landscaping and revegetation plans for the project area, if any;
- (p) A circulation plan and traffic impact analysis identifying the likely vehicular circulation

into and out of the project area, internal circulation in the project, volumes and timing of vehicular traffic impacts to roadways connecting to and in the vicinity of the project, and proposals for mitigating those traffic impacts;

- (q) A narrative description of the plan of development for the project, including the schedule for installation of required public improvements and infrastructure, and phasing of development, if applicable;
- (r) A description of the methods proposed for the long-term preservation and maintenance of any community and natural open space and parks, trails and recreational facilities;
- (s) Any areas proposed for community and natural open space, including proposed trail corridors, parks, recreational features and other proposed development; and
- (t) Any parking areas for recreation and trail heads are shown. These areas may be calculated into the open space as developed open space.
- (u) For every land action as stated herein, a survey instrument is required. All surveys and survey instruments will be drafted by an Idaho licensed surveyor or engineer, and the surveyor or engineer will adhere to all established Idaho state standards for accuracy.

(Prior Code, title 10, § 3.3.2)

AFTER AMENDMENT

Sec 115-28 Application Requirements

The following are required for applications for any land action, including but not limited to all land divisions, administrative land splits, subdivisions, short plats, small scale developments, establishment or relocation of easements, right of ways, and the establishment or relocation of property boundaries.

- (a) A vicinity map at a scale of 1 inch equals 400 feet showing the development project property, adjacent property boundaries, and the zoning designations and land uses of the subject and adjacent properties;
- (b) Names and addresses of the owners of record of properties within 500 feet of the proposed development project boundaries;
- (c) Location, widths and names of all existing streets, easements, rights-of-way and all other public and private ways within or abutting the development project;
- (d) Location and flow direction of all existing watercourses and natural features such as water bodies, rock outcroppings, marshes, wetlands and significant vegetation within and adjacent to the project area;
- (e) Contour lines having the following minimum intervals:
 - (1) On contours of 1 percent or less, use 1-foot contours, and if less than 3 contours are shown, then show sufficient spot elevations to allow understanding of site topography; and
 - (2) Slopes greater than 1 percent use 2-foot contours;
- (f) Proposed roads, streets, trails and other public and private ways, including location, widths and approximate curve radii;
- (g) Areas proposed for residential and commercial development, including types, sizes and number of units proposed;

- (h) General access, easements, drainage and utilities proposed for each development site;
- (i) Any areas proposed for community and natural open space, including proposed trail corridors, parks, recreational features and other proposed development;
- (j) Sites proposed for churches, schools and other public facilities, if any;
- (k) Planned locations, widths and grades of all roads, streets, sidewalks, trails and other public ways, with typical cross sections showing widths and locations of curbs, sidewalks, utilities and other features associated with the ways; trails, walkways, sidewalks, and paths shall be constructed in a way that will make them able to tie into any future or existing developments and into the county trails system;
- (l) Planned locations and sizes of sanitary sewers, storm drains, stormwater detention and drainage pretreatment facilities, pumps, valves and the culinary water distribution system, if required;
- (m) Preliminary layout of all proposed development areas showing types and numbers and general locations of residential units, and size and type of proposed commercial developments, if any, together with associated access and parking areas;
- (n) Locations, areas and connectivity of any community and natural open space areas, public parks, trails, pedestrian ways and recreational facilities within or adjacent to the project area;
- (o) Vegetation conservation, landscaping and revegetation plans for the project area, if any;
- (p) A circulation plan and traffic impact analysis identifying the likely vehicular circulation into and out of the project area, internal circulation in the project, volumes and timing of vehicular traffic impacts to roadways connecting to and in the vicinity of the project, and proposals for mitigating those traffic impacts;
- (q) A narrative description of the plan of development for the project, including the schedule for installation of required public improvements and infrastructure, and phasing of development, if applicable;
- (r) A description of the methods proposed for the long-term preservation and maintenance of any community and natural open space and parks, trails and recreational facilities;
- (s) Any areas proposed for community and natural open space, including proposed trail corridors, parks, recreational features and other proposed development; and
- (t) Any parking areas for recreation and trail heads are shown. These areas may be calculated into the open space as developed open space.
- (u) For every land action as stated herein, a survey instrument is required. All surveys and survey instruments will be drafted by an Idaho licensed surveyor or engineer, and the surveyor or engineer will adhere to all established Idaho state standards for accuracy.
- (v) Provide written proof of communication with the applicable irrigation distribution district (canal or irrigation company), regarding distribution of irrigation water to and within the proposed subdivision. If an agreement with the canal or irrigation company has been reached, include a copy of such agreement.
- (w) Submit schematic design of irrigation plan for the subdivision.

(Prior Code, title 10, § 3.3.2)

PASSED AND ADOPTED BY THE MADISON COUNTY BOARD

_____.

	AYE	NAY	ABSENT	ABSTAIN
Commissioner Todd Smith	_____	_____	_____	_____
Commissioner Brent Mendenhall	_____	_____	_____	_____
Commissioner Doug Smith	_____	_____	_____	_____

Presiding Officer

Attest

Commissioner Todd Smith, Chair,
Madison County

Kim Muir, Clerk, Madison County