



Madison County, Indiana

Land Use & Development Code



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Madison County, Indiana

Land Use & Development Code Basic Provisions

Basic Provisions

1.1 Title

This document shall be formally know as the “Madison County, Indiana Land Use & Development Code” and it may also be cited and referred to as the “Code”.

1.2 Defined Words & Construction

- A. The definitions contained in this Article shall be observed and applied in the interpretation of all Ordinances included in this Code, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.
- B. The following rules of construction shall apply to this Code:
 - a. This document includes, but is not limited to the Madison County Zoning Ordinance, the Madison County Subdivision Control Ordinance, the Madison County Adequate Public Facilities Ordinance, the Madison County Private Well and Water System Standards Ordinance, and the Madison County Building Code.
 - b. Each Ordinance included in this document has been adopted as a stand-alone Ordinance and may exist outside of this document if appropriate definitions are provided. The effective date and other basic and administrative provisions of each of the included ordinances is defined in those ordinances.

1.3 Jurisdiction

This Code shall apply to all land within the jurisdiction of the Madison County Plan Commission, being all portions of the County not incorporated as a city or town and/or not in the ownership of the state or federal government. Further, the Madison County Zoning Ordinance shall not apply to any area for which a municipality has established an extended jurisdiction consistent with the provisions of Indiana law.

1.4 Purpose

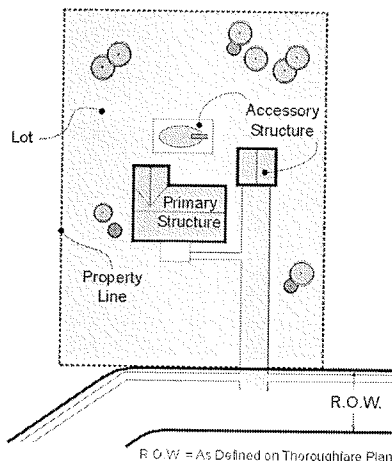
The purpose of this Code is to provide a common means of organizing the regulations that apply to land use and development in Madison County. This Code provides a unified format and consistent definitions which are applicable to each Ordinance which it includes. Further, the organization of related Ordinances and definitions provided by this Code is intended to create efficiencies in the administration of land use and development regulations in Madison County and ease of use for affected administrators, elected and appointed officials, developers, Realtors, attorneys, and citizens.

1.5 Basic Provisions:

Definitions not specifically set forth herein shall be as defined by Rule 2, 327 IAC 16-1-2 as may be modified.

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of 1 year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Structure: A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use; does not alter or change the character of the premises; is located on the same lot as the primary building, structure, or use.



Adequate Public Facilities (APF): Those public facilities included in the context of the Adequate Public Facilities Ordinance that have the capacity to serve development without decreasing levels of service below a locally established minimum standard.

Adequate Public Facility Letter of Understanding: A letter from the Planning Commission to the developer which sets forth all terms, conditions and restrictions which must be satisfied for a finding of adequacy.

Administrator: The individual or group responsible for the implementation and enforcement of the ordinances. The Planning Director shall be the administrator for the Zoning and Subdivision Control Ordinances.

Adult Bookstore: An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Entertainment Business: An establishment having up to twenty-five percent (25%) of its stock in trade or its dollar volume in trade as an adult bookstore, adult motion picture theater, adult cabaret, or adult live entertainment arcade, or like uses.

Adult Motion Picture Theater: A facility for audio and visual productions and performing arts specifically for adult motion pictures and adult entertainment.

Adult Retail Store: An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Adult Strip Club A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Madison County Plan Commission is an advisory plan commission.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses, all of which are directly related to the production of food. The operation of any accessory uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Agriculture Zoning District: The AP, Agriculture Protection, AG, Agriculture, and CR, Conservation Residential zoning districts.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

Amend or Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

Antenna: A structure or device that is used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

Apartment: One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

Apartment Building: A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multi-family use.

Applicant: The owner, owners, or legal representative of real estate who makes application to Madison County for action affecting the real estate owned thereby.

Arterial Road: See Road, Arterial

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings.

Auto Repair: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

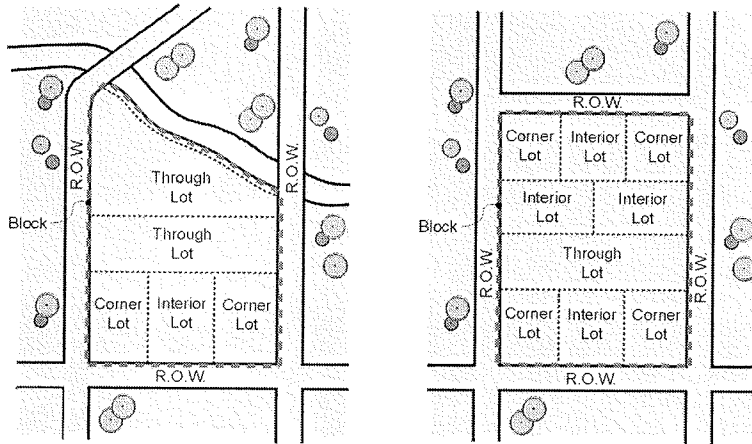
Automobile Gas (Service) Station: Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales.

Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house, or motel.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

Billboard: See Sign, Off-Premise.

Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



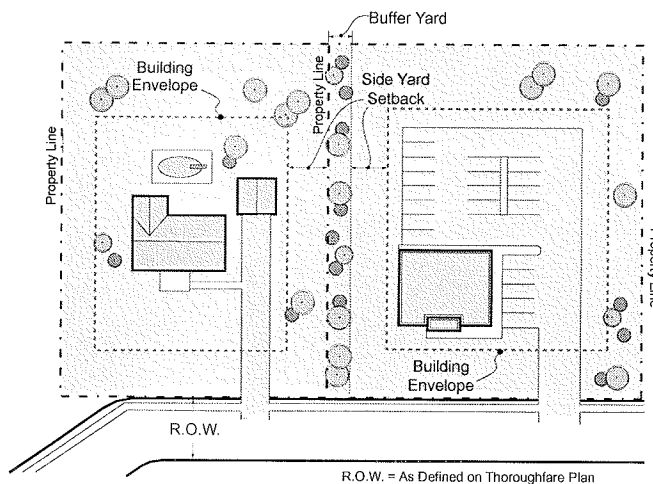
Board of Zoning Appeals: The Madison County Board of Zoning Appeals or any division thereof.

Boarding House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multi-family dwellings, hotels or motels.

Bond: See Surety

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required by Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.

Buffer Yards: An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

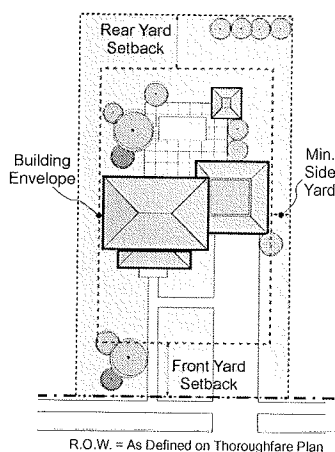


Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.

Building Code: The Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, and all forms of permanent structures and related matters within Madison County. Also referred to herein as the Madison County Building Code.

Building Envelope: The area on a lot, established by the setback lines, in which building can occur.



Building Height: See Structure Height

Business: The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Business District: Refers to the LC, GC, and HC Districts.

BZA: See Board of Zoning Appeals

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Capital Improvement Plan: A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

Cemetery: Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

Certificate of Occupancy: A certificate stating that the occupancy and use of a structure complies with the provisions of the Madison County Building Code and all other applicable regulations of Madison County.

Child Care Home: As defined by IC 12-7-2-28.6 and for the purposes of the Zoning Ordinance, an establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least six (6) and no more than sixteen (16) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative; or those which are at least age 7) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensa-

tion; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8

Child Care Institution: As defined by IC 12-7-2-29 and for the purposes of the Zoning Ordinance (A) a residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or (B) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or (C) operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under IC 4-22-2 by the Division of Family and Children.

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

Collector Road: See Road, Collector

Co-location Site: A site on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commission: See Advisory Plan Commission

Comprehensive Plan: Refers to the Madison County Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the County pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval: Stipulations or provisions set forth as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding: The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where: (1) Animals are confined, fed and maintained for at least forty-five (45) days during any twelve (12) month period; and (2) ground cover or vegetation is not sustained over at least fifty (50%) of the confinement area. The term does not include (1) a livestock market where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis and that is under state or federal supervision; or (2) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.

Confined Feeding Operation: Any confined feeding of at least three hundred (300) cattle; six hundred (600) swine or sheep or thirty thousand (30,000); or animal feeding operations electing to be subject to IC 13-18-10; or animal feeding operations that causes a violation of the Indiana water pollution control laws or any rules of the Water Pollution Control Board or of IC 13-18-10. The confined feeding operation includes (1) manure storage structures; (2) manure treatment systems; (3) feedlot, (4) confinement buildings, (5) or waste liquid handling, storage and treatment systems.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed for a subdivision in accordance with the applicable requirements of Madison County.

County: Madison County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

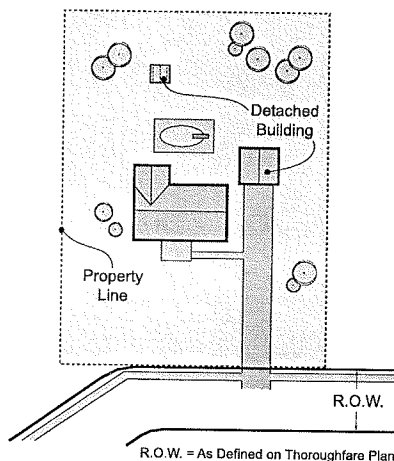
Cul-De-Sac: A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

Day Care Center: see Child Care Center

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or the recording of a plat.

Demand Management Strategies or Transportation Demand Management Strategies (TDM): Strategies aimed at changing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can include the promotion of work-hour changes, ride-sharing options, parking policies, or telecommuting.

Detached Building: A building that has no structural connection with the principal building.



Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider”, even though the personnel involved in successive stages of the project may differ.

Development: Any man-made change to improved or unimproved real estate including but not limited to: (1) construction, reconstruction, or placement of a structure or any addition to a structure; (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days; (3) installing utilities, erection of walls and fences, construction of roads, or similar projects; (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.; (5) mining, dredging, filling, grading, excavation, or drilling operations; (6) construction and/or reconstruction of bridges or culverts; (7) storage of materials; or (8) any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; or gardening, plowing, and similar agricultural practices.

District: A section of Madison County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Drives, Private: See Road, Private

Duplex: See Dwelling, Two-Family

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and Madison County Building Code/ Indiana Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling, Manufactured Home Type I: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty-three (23) feet in width for its entire length, has at least nine-hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.

Dwelling, Manufactured Home Type II: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.

Dwelling, Manufactured Home Type III: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are not of materials customarily used for site constructed dwellings.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of 8' in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council: or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multi-Family: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one (1) family.

Dwelling, Two-Family: A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Zoning Ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm: An area used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.

Farm Animals: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Farm Animal Unit: A method of measuring the relative impact of different types of animals.

FBFM: Flood Boundary and Floodway Map.

FEMA: Federal Emergency Management Agency.

FHBM: Flood Hazard Boundary Map.

Filter Strip: A filter strip is a relatively uniform and maintained vegetated area used for collecting sediment and cleansing run-off.

Final Plat: The final map, drawing or chart upon which the subdivider's plan of subdivision is presented and which, if approved, will be submitted for recording among the land records for Madison County.

Financial Commitment: That sources of private or public funds or combinations thereof have been identified which will be sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

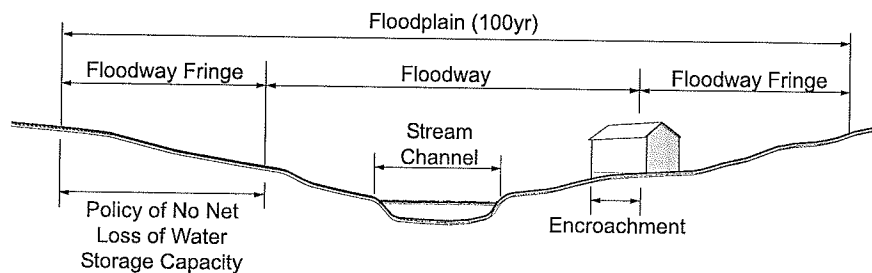
Finished Floor Area: See Floor Area, Finished

FIRM: Flood Insurance Rate Map.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Protection Grade or the “FPG”: The elevation of the regulatory flood plus two feet at any given location in the SFHA.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



Floodway Fringe: Those portions of the floodplain lying outside the floodway.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

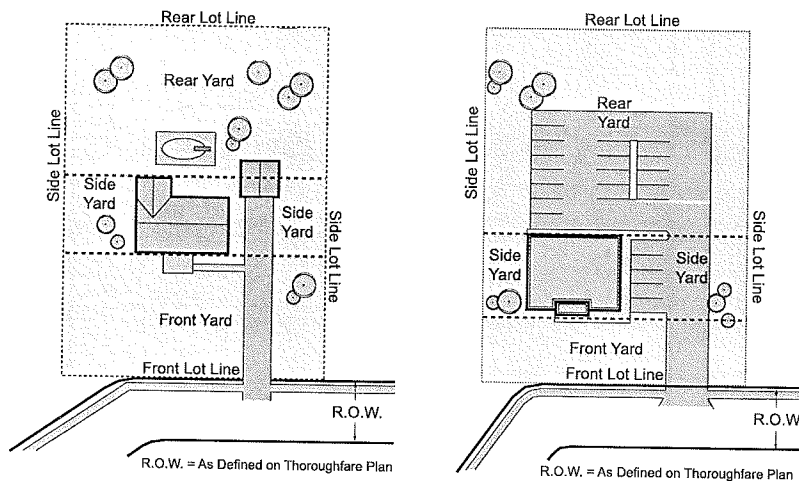
Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The supporting member of a wall or structure.

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and For a corner lot, the line marking the boundary between the lot and each of the abutting streets. For the purpose of determining the required front yard, the proposed right-of-way shall be used where it is greater than the existing right-of-way.

Front Yard: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.



Frontage: See Lot Frontage

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Government Projects: Any building, structure, or alteration thereof paid for and used by the local, state or federal government entities.

Ground Floor Area: See Floor Area, Ground

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Zoning Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of the Zoning Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Height: See Structure Height

Home Occupation #1: A business based in the dwelling of its owner or operator which results in minimal (no impact to structure or surroundings) business practices within certain residential zoning districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood.

Home Occupation #2: A business based in the dwelling of its owner or operator which results in moderate home business practices within certain residential zoning districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood.

Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, and other types of cases necessitat-

ing restraint of patients, and the term “hospital” shall not include convalescent, nursing, shelter, or boarding homes.

Hotel: A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Impervious Surface: Any material that prevents absorption of stormwater into the ground.

Improvement Location Permit: A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of the land.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Indiana Statewide Transportation Improvement Plan (INSTIP): An annual document prepared by the Indiana Department of Transportation (INDOT) indicating state transportation projects which are planned for the following three (3) year period.

Industrial District: Refers to the LI, Limited Industrial and GI, General Industrial Zoning Districts.

Industrial, General: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. General manufacturing generally includes processing and fabrication of products made from extracted or raw materials.

Industrial, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials.

Institutional District: Refers to the IS, Institutional Zoning District.

Institutional Facility for the Developmentally Disabled/Mentally Ill: A residential facility that provides care, supervision and protection and operates under a license issued under IC 12-16.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted under IC 4-22-2 by the Division of Family and Children (For reference see Indiana Code 12-7-2)

Interested Party: Interested parties shall include, but are not limited to, those persons, groups, property owners or other entities which are considered or consider themselves to be affected by a change in land use or the intended results of a petition.

Interior Lot: See Lot, Interior

Interstate: See Limited Access Highway

Junk: Scrap material, including but not limited to the following: (a) automotive or machinery equipment or parts, including used automotive tires; (b) cloth and clothing; (c) manufactured clay and porcelain products; (d) manufactured plastic products; (e) manufactured rubber products; (f) paper and paper products; (g) recyclable products of all kinds; (h) scrap metal, including copper, brass, iron, steel, ferrous and nonferrous material; (i) wood and wood products; (j) wrecked and/or dismantled automotives; (k) inoperable and

exposed appliances; (l) building debris; (m) unused fill; (n) old cable or cordage.

Junk Yard: A place, usually outdoors, where waste or discarded property, other than organic matter, including but not limited to automobiles and farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Jurisdiction: All land within the limits of Madison County, Indiana but not the planning jurisdictions of incorporated cities and towns or property owned by the State of Indiana or Federal government.

Kennel: Any lot or premises or portion thereof on which more than four (4) dogs, cats, or other household animals or any combination adding up to four (4), over four (4) months of age are kept.

Landscaping: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to the date specified in the Subdivision Control Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of the Zoning Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Zoning Ordinance.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Zoning Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

Letter of Map Amendment (LOMA): An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Level of Service (LOS): An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.

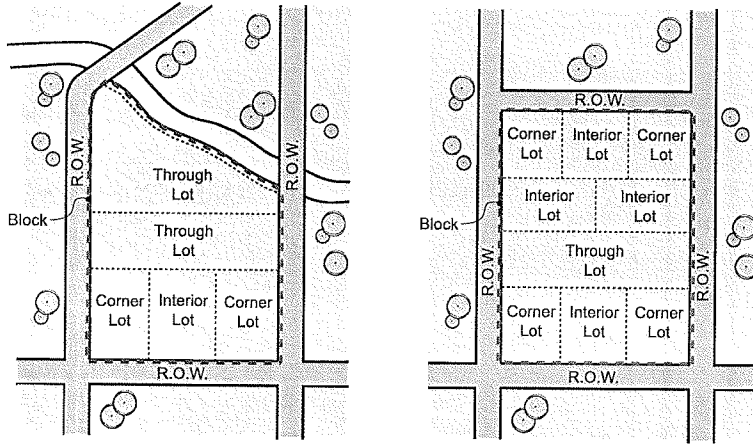
Limited Access Highway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Local Road: A road designed primarily to provide access to abutting properties and discourage through traffic.

Local Street: See Local Road

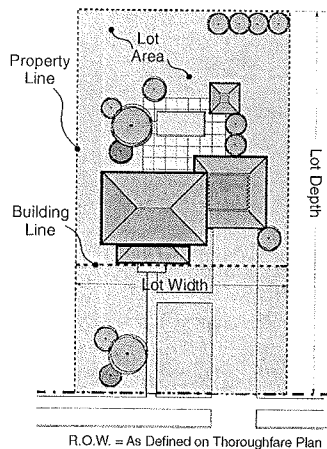
Lodging House: See Boarding House.

Lot: A contiguous area of land separated from other areas of land by separate description for purpose of sale, lease, transfer of ownership or separate use. It may be a single parcel separately described or a combination of such parcels when adjacent to one another and used as one (1) lot.



Lot Coverage: The area of a zoning lot occupied by the principal building and any accessory structures.

Lot Depth: The horizontal distance between the front and rear lot lines.



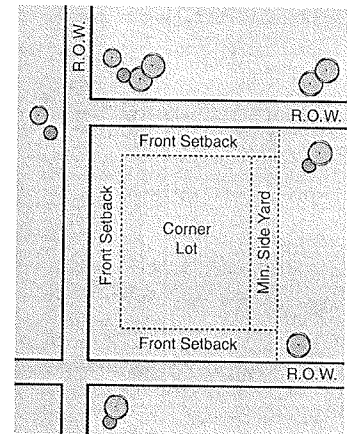
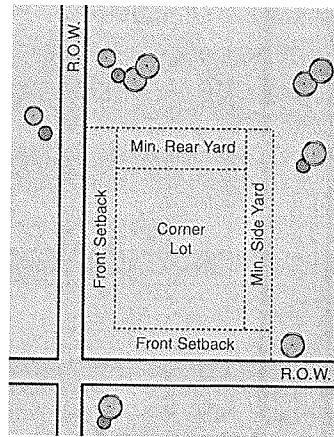
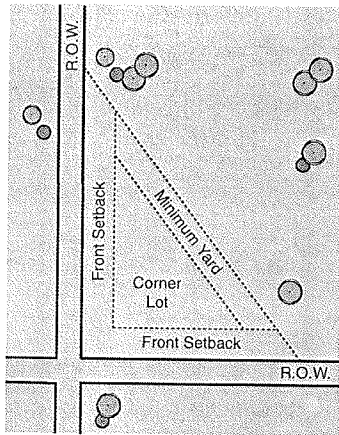
Lot Frontage: All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded.

Lot Width: The distance as measured between the side lot lines at the front set back line.

Lot, Buildable: Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of Madison County. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available. The lot to be buildable shall have been created in accordance with the provisions of the ordinance in effect at the time the lot was recorded.

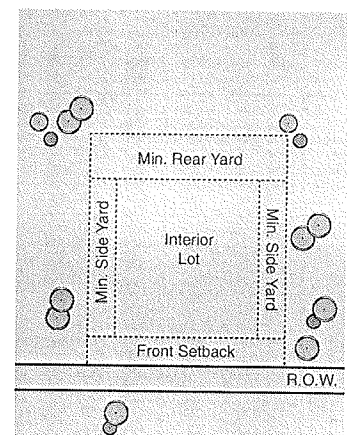
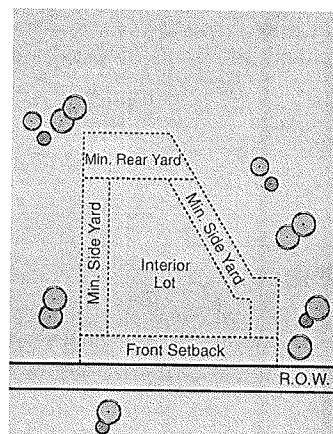
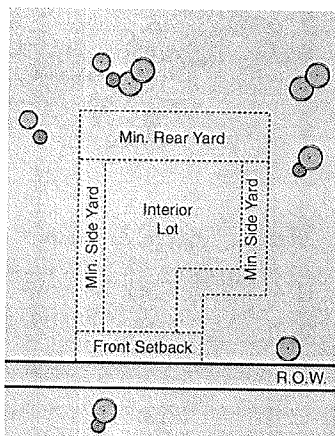
Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.



Lot, Developed: A lot with buildings or structures.

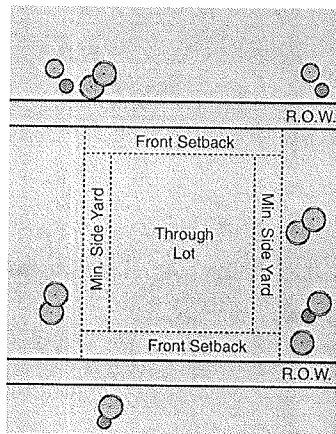
Lot, Improved: See Lot, Buildable

Lot, Interior: A lot other than a corner lot or a through lot.



Continued on next page

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or Lake.



Lowest Floor: The lowest of the following: (1) the top of the basement floor; (2) the top of the garage floor, if the garage is the lowest level of the building; (3) the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or (4) the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless: the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every one (1) square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; or such enclosed space shall be usable for the parking of vehicles and building access.

Major Plat: See Subdivision, Major

Major Subdivision: See Subdivision, Major

Maneuvering Space: An open space in a parking area which: is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but is not used for the parking of or storage of motor vehicles.

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Mobile Home Park. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home: See Dwelling, Manufactured Home.

Manure: Any liquid or solid animal excreta or any used bedding, litter, waste liquid, or contaminated runoff.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See Comprehensive Plan.

Mobile Home: See Dwelling, Mobile Home.

Mobile Home Park: See Manufactured Home Park.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motor Home: See Recreational Vehicle.

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Mural: A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by this Ordinance. Murals that function as a sign are regulated in this Ordinance as a Wall Sign.

New Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Zoning Ordinance.

Nonconforming Building: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Lot of Record: A lot which was created such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use: A use which does not conform with the use regulations of the zoning district in which it is located.

Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

Official Zoning Map: A map of Madison County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

Official Zoning Map Copies: A map of Madison County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-site Improvements: Any premises not located within the area of the property to be subdivided,

whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Outdoor Storage: See Storage, Outdoor.

Owner: Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land, or their legal representative.

Parcel: See Lot.

Parent Tract: A Parent Tract's actual location, shape and size is determined by the parcel number and by the official record of the last transfer prior to July 15, 2002. A lot or record with an existing public road that splits it shall be considered 2 Parent Tracts.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Surety: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or other land development, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the surety, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Petitioner: Any person or group of persons, developer or developers, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land, or their legal representative.

Plan: See Comprehensive Plan.

Plan Commission: See Advisory Plan Commission.

Planned Unit Development: A large-scale unified development meeting the requirements of the Zoning Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Zoning Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around

common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned unit developments.

Planning Department: A department within the county government that performs the administrative function for the Planning Commission and other functions as directed by the Planning Commission and/or Board of County Commissioners.

Planning Director: The person appointed by and/or delegated the responsibility for the administration of the Zoning and Subdivision Control Ordinance regulations by the Advisory Plan Commission, or his designees.

Planning Jurisdiction: The area that a municipality has planning authority as drawn by each community in compliance with IC 36-7-4 et al. For the planning jurisdiction of Madison County see Jurisdiction Area.

Plat: A map or chart that shows a division of land and is intended to be filed for record.

Plat, Final: The Final Plat, pursuant to I.C. 36-7-4-700 series, is the plat document in recordable form. A Final Plat shall substantially conform with the preceding Primary Plat, or section thereof. The Final Plat and plans are not subject to public notices and public hearings. Final Plat approval is an administrative function to be carried out in the manner prescribed by the written rules of the Advisory plan Commission.

Plat, Preliminary: The preliminary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The preliminary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of the Zoning Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Preliminary Plat: See Plat, Preliminary.

Primary Building/Structure: The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.

Primary Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special use.

Private Road: See Road, Private

Professional Office: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and Realtors or insurance agents and brokers.

Property Owner of Record: The person(s) identified as the property owner on the most recent list prepared and maintained by the Madison County Assessor's Office.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

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Public Sewerage System: A community sewer system including collection and treatment facilities owned and maintained by a municipality of sewer utility.

Public Road: All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Public Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities owned and maintained by a municipality of utility.

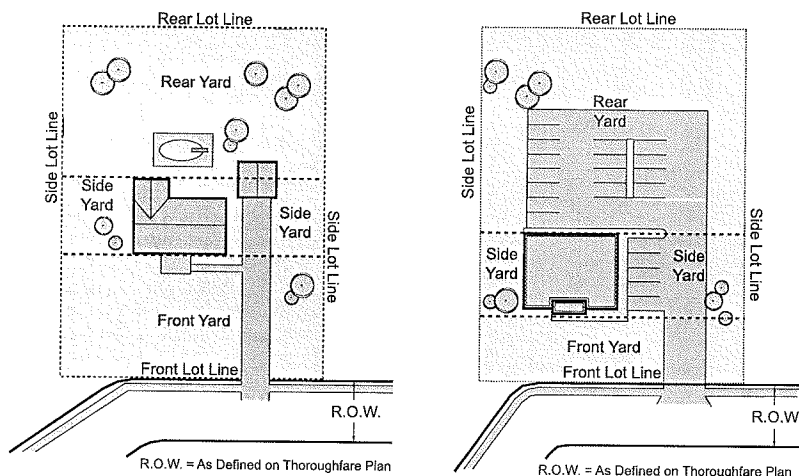
Public Works Agreement: A contract, between the developer and the County to complete the necessary improvements in accordance with the approved plans and specifications by a given date.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Racetrack: Any venue for the sport of racing or competing where participants drive, ride, or control motorized vehicles. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to oval track racing, drag racing, motorcross, tractor pulling, go-carts racing, remote control airplane flying, and similar uses.

Rear Lot Line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Rear Yard: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.



Recreational Vehicle Park: Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Recreational Vehicle: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

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Regional and Local Transportation Plans: The Transportation Plan for the regionally (or county) designated transportation system which is produced by the regional transportation planning organization.

Regional Transportation Plan Organization (MPO): The Metropolitan Planning Organization (MPO) is the designated transportation planning agency for the region or county consisting of local governments within the region containing one or more counties which have common transportation interest.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Replat: If any change in a map of an approved or recorded subdivision plat.

Residential District: Refers to the R1, R2, R3, MH and MR Districts.

Residential Facility for the Developmentally Disabled/Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4 (7-10). No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Madison County planning jurisdiction as stated in Indiana Code.

Re-subdivision: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Road: Any vehicular route that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Road, Collector: A road designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets.

Road, Primary Arterial: A road with access control, restricted parking, and that collects and distributes traffic to and from collectors.

Road, Private: Vehicular streets and driveways which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s). Driveways that serve only one lot and are contained on that lot shall not be considered private roads.

Road, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Roof Mounted Antenna: Any device attached to a building, or structure that is used for wireless telecommunications service. (not included in these definitions are AM radio, non commercial but residential type radio, TV, ham two-way radio, short-wave radio, antennas and satellite dishes but which may be included in other sections of the Zoning Ordinance)

ROW: See Right-of Way.

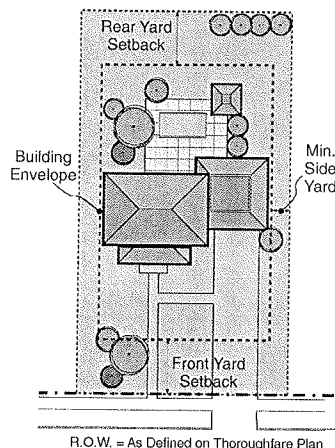
Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

Sensitive Area: A sensitive area is a site where conditions pose a specific water quality threat to one (1) or more of the following: (1) public water supply wells, (2) wellhead protection areas, (3) drinking water supply wells, (4) identified wetlands, except for wetlands constructed for manure management, (5) habitat of endangered species, (6) natural areas including parks, natural preserves, historic sites, and public lands.

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

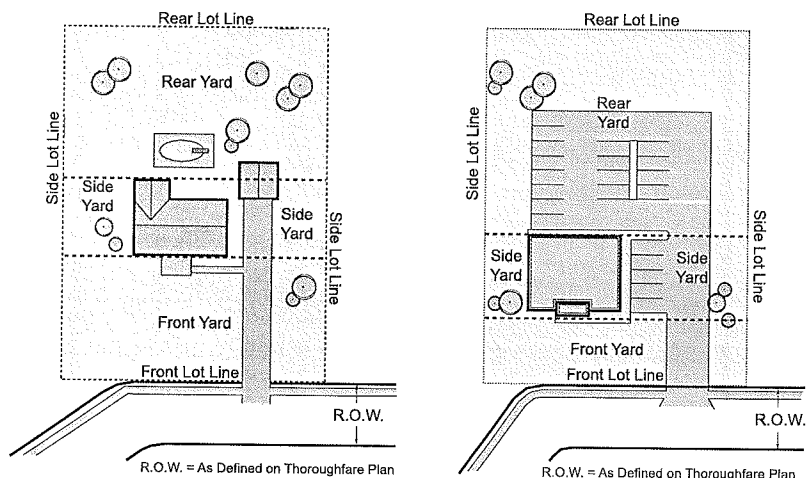


SFHA or Special Flood Hazard Area: Those lands within the jurisdiction of the County that are subject to inundation by the regulatory flood. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency and dated February 1, 1994.

Shared Housing: Any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of unrelated occupants does not exceed four (4) regardless of the number of bedrooms.

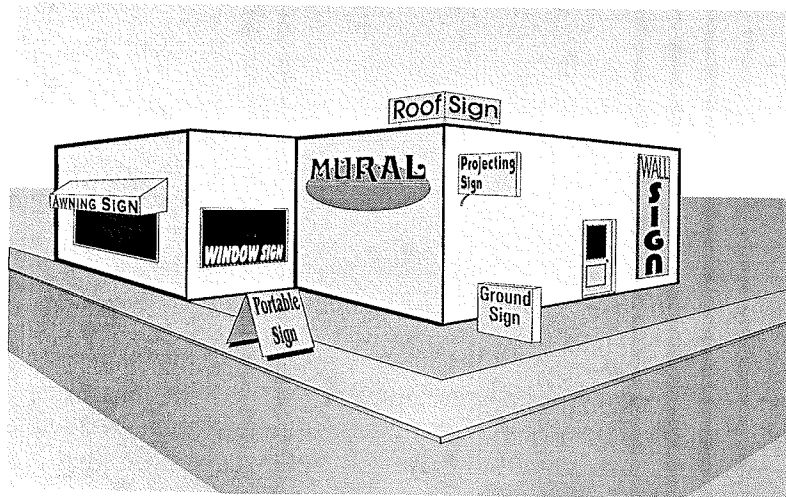
Side Lot Line: A lot boundary line other than a front or rear lot line.

Side Yard: The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space.



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Sign: Any name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.



Sign, Ground: A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Zoning Ordinances. Murals not meeting the definition of a sign are not regulated by the Zoning Ordinance.

Sign, Off-Premise: A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboard and outdoor advertising signs.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Sign, Temporary: An on-premise advertising or identification device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Site Development Plan (Site Plan): The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the plan commission and/or staff for approval prior to the release of improvement location permits on the site.

Solid Fill: Any substantial operation, which adds earth, concrete, or other inert material primarily to raise the grade of a parcel of ground. This in no way permits the use of sanitary landfill material, hazardous waste material or any other substance regulated by the State of Indiana. the intent of this Special Use is to regulate the filling of land by earthen material to change the contour of the ground.

Special Flood Hazard Area: See SFHA

Special Use: A use that is designated by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals. Also know as a special exception.

Staging: Staging means the temporary placement of manure in a pile at the site where the manure will be land applied.

Storage, Outdoor: The outdoor accumulation of goods, junk, cars, busses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.

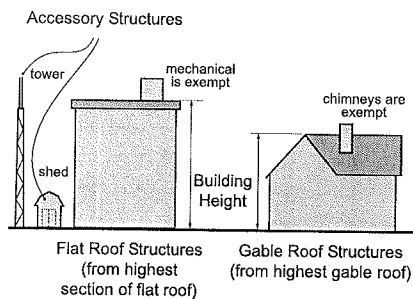
Story: That portion of a building included between the surface of any floor and the surface of the floor

Structural Adequacy: Determination by County Highway Engineer that the pavement cross section (or bridge design) is of sufficient depth and design to carry the increased traffic volume generated by the proposed development, including the heavy construction vehicles which will be present, without causing undue failure of the infrastructure.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.



Subdivision: The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure”.

Surety: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or in other situations, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan: The official plan adopted as part of the Madison County Comprehensive Plan, March 20, 2001, or as subsequently amended,, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares. All proposed right-of-way widths shall be treated as front property lines for the purpose of determining front yards and front setbacks except where the existing right-of-way is greater than the proposed right-of-way in which case the existing right-of-way shall be used. In no case shall there be any structures or signs located in the proposed right-of-way.

Thoroughfare Plan/Street Classification Widths: The following widths shall be used to determine the proposed rights-of-way for street classification in the Madison County Thoroughfare Plan unless a specific width is delineated by another section of the development code: Arterial-100 feet; Collector-80 feet; Local-60 feet.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground for use as a wireless telecommunications facility. (not included in these definitions are AM radio, non commercial but residential type radio, TV, ham two-way radio, short-wave radio, antennas and satellite dishes but which may be included in other sections of this zoning ordinance)

Transportation Facilities: Capital facilities related to air, water, or land transportation.

Transportation Improvement Plan (TIP): An annual document prepared by the Madison County Council of Governments (MCCOG) indicating local and state transportation projects which are planned for the following three (3) year period.

Transportation Level of Service Standards: A measure that describes the operational condition of the travel stream and acceptable adequacy requirements. Such standards may be expressed in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. For example, a transportation measure of capacity is a standardized index of relative service provided by a road or highway ranging from “A” to “F” with “A” representing free, unobstructed flow and “F” representing a forced flow beyond capacity of the facility as defined in the Highway Capacity Manual published by the Transportation Research Board (Special Report #209).

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in article three (3) of the Zoning Ordinance. The two-page layout includes permitted uses, special uses, and basic zoning district information.

Use: The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: The approval of a use other than that prescribed by the Zoning Ordinance.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles and like devices.

Vehicle, Inoperable: A vehicle which due to mechanical defect or failure or incorrect or unapparent licensing is not physically or legally able to be operated.

Wireless Telecommunications Facility: A wireless telecommunications facility consists of the tower, antennas, electronics equipment and all other structures in conjunction with the tower and antenna.

Wireless Telecommunications Services: Licensed public commercial telecommunications services, including but not limited to cellular, digital, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging, and other similar services that are marketed to the general public.

Yard: A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance.

Zoning District: See District

Zoning Map: See Official Zoning Map

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1.6 Effective Date

This Code, including its definitions as they apply to the Ordinances which are included herein, shall be in full force and in effect at _____ m, on _____. The effective date is based on the passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Plan Commission of Madison County, Indiana on the _____ day of _____, _____.

President

Vice-President

Secretary

This Ordinance was passed and adopted by the Madison County, Indiana Board of County Commissioners on the _____ day of _____, _____.

President

ATTEST:

County Auditor

APPROVED AS TO FORM:

County Attorney

Rev. 2007-BC-O-01



Madison County, Indiana

Land Use & Development Code

Part "A" - Zoning Ordinance



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Zoning Ordinance
Article One
Basic Provisions

Article One

Basic Provisions

1.1 Title

This Ordinance shall be formally known as the "Madison County Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or "Ordinance".

1.2 Defined Words & Rules of Construction

- A. Words used in a special sense in this Ordinance are defined in the Definitions section of the Madison County, Indiana Land Use & Development Code. Throughout this Ordinance, all words, other than the terms specifically defined, have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.
- B. The following rules of construction shall apply to the text of the Ordinance:
 - a. The particular will control the general.
 - b. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.
 - c. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
 - d. A building or structure includes any part thereof.
 - e. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."
 - f. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - g. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:
 - 1. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
 - 2. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
 - 3. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
 - h. The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.
 - j. The word "county" means Madison County, Indiana. The word "state" means the State of Indiana.

1.3 Authority

This Zoning Ordinance is adopted by Madison County pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

1.4 Purpose

This Ordinance is intended to guide the growth and development of the County in accordance with the Madison County Comprehensive Plan and for the following purposes:

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. To plan for the future development of the County to the end:
 - a. that the community grows only with adequate public ways, utilities, health, education, and recreation facilities;
 - b. that the needs of agriculture, industry, and business be recognized in future growth;
 - c. that residential areas provide healthful surroundings for family life;
 - d. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
 - e. that the community strives for high aesthetic value and quality planning and design.

1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

1.6 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.8 Jurisdiction

This Ordinance shall apply to all land within the limits of Madison County, Indiana but not within the planning jurisdictions of incorporated cities and towns and/or not in the ownership of the state of Federal government

1.9 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

1.10 Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.11 Repealer

The Madison County, Indiana Zoning Ordinance dated July 25, 1983, and its associated Zoning Map and any revisions are hereby repealed. This Madison County, Indiana Zoning Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinance.

1.12 Transition Rules

- A. Any application for an Improvement Location Permit that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B. Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Planning Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Board of Zoning Appeals (i.e. special use, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:
 - a. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
 - b. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. All variances, special uses (special exception), rezonings, and other petitions regulated by this Ordinance which were approved prior to the effective date of this Ordinance and not executed through the proper receipt of an Improvement Location Permit shall expire and become void 1 year following the date of their approval.
 - a. All Improvement Location Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.
 - b. Improvement Location Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 6 consecutive months or if, in the opinion of the Planning Director, construction has otherwise ceased.
 - c. All approvals which expire and/or become void shall comply with all applicable provisions of this ordinance if re-issued.

1.13 Amendments

- A. In accordance with I.C. 36-7-4-602, the Board of County Commissioners may amend or partially repeal the text of this Ordinance or they may amend the Official Zoning Map of this Ordinance as follows:
 - a. The Board of County Commissioners or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Plan Commission Rules and Procedures.
 - b. The Board of County Commissioners, Plan Commission, or at least 50% of the affected property owners may initiate a petition to change the Official Zoning Map according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608 and according to the Commission Rules and Procedures and the requirements of Article 12, Administration, of this Ordinance.
 - c. Temporary cessation on permits and applications is allowed when zoning amendments are pending.
 - d. If the Plan Commission determines at a public meeting that changes in the land use and/or subdivision regulations or comprehensive plan under consideration by the Plan Commission/Board of

Zoning Appeals are such that owners of property may attempt to circumvent the provision under consideration by applying for an improvement location permit, subdivision plat, rezoning, special use or other application prior to the effective date of the proposed change, then the Plan Commission, by resolution, may order the Director to not accept applications for proposals that circumvent the provisions under consideration. Such resolution may be passed as an emergency measure without public notice. The resolution shall be effective for not to exceed six (6) months.

- B. In its review of the text and zoning map amendments, the Plan Commission and Board of County Commissioners shall pay reasonable regard to:
- a. The most recently adopted Comprehensive Plan,
 - b. Current conditions and the character of structure and uses in each district,
 - c. The most desirable use for which the land in each district is adapted,
 - d. The conservation of property values throughout the jurisdiction,
 - e. Responsible development and growth, and
 - f. The public health safety and welfare.

1.14 Effective Date

This Ordinance shall be in full force and in effect at _____ m, on _____. The effective date is based on the passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Plan Commission of Madison County, Indiana on the _____ day of _____, _____.

President

Vice-President

Secretary

This Ordinance was passed and adopted by the Madison County, Indiana Board of County Commissioners
on the _____ day of _____, _____.

President

ATTEST:

County Auditor

APPROVED AS TO FORM:

County Attorney

Zoning Ordinance
Article Two

Zoning Districts Established

Article Two

Zoning Districts Established

2.1 Establishment of Standard Districts

For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts for the general uses as stated. These districts shall be indicated on the Official Zoning Map and labeled using the two-digit codes noted below.

Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. For example, uses permitted in the LC district are not permitted in the GC district unless expressly listed as such in the GC district. Only those uses and development standards which are expressly permitted and noted for each district apply to that district.

AP - Agriculture Protection (Page 50 and 51): This district is established exclusively for agricultural operations. The intent of this district is to provide a means to protect prime agricultural land and the agricultural heritage of Madison County from the introduction of uses that result in inefficient use of the land and otherwise impede agricultural activities.

AG - Agriculture (page 52 and 53): This district is established primarily for agriculture uses. The intent of this district is to promote and protect agricultural uses while providing limited low density rural residential development.

CR - Conservation Residential (page 54 and 55): This district is established to provide for the development of clusters of residences in rural areas. The intent of the district is to permit small-scale, large-lot residential developments in a manner that protects adjacent agricultural operations.

R1 - Single-Family Residential (page 56 and 57): This district is established to provide for the low-density development of large single-family detached homes on medium-sized lots.

R2 - Single-Family Residential (page 58 and 59): This district is established to provide for the medium density development of medium-sized single-family detached homes on medium-sized lots.

R3 - Single and Two-Family Residential (page 60 and 61): This district is established to provide for the high density development of medium to small-sized single-family detached and attached homes on small-sized lots.

MR - Multifamily Residential (page 62 and 63): This district is established to provide for the high density development of duplexes, condominiums, and apartment complexes.

MH - Manufactured Home Park (page 64 and 65): This district is established to provide for the development of lease-lot residential parks which provide dwelling sites for mobile and type III manufactured homes.

PR - Parks and Recreation (page 66 and 67): This district is established to provide for the presence of open spaces and public recreational facilities. The intent of the district is to maintain the natural features of Madison County and provide adequate air, light, and open spaces for its residents.

IS - Institutional (page 68 and 69): This district is established to provide for the development of public and private institutions. The intent of the district is to provide a means to accommodate the unique development qualities of these facilities and provide a means to integrate them with the other uses present in Madison County.

LC - Local Commercial (page 70 and 71): This district is established to provide for the development of small-scale businesses that supply products and services primarily to local neighborhoods.

GC - General Commercial (page 72 and 73): This district is established to provide for the development of medium to large-scale businesses that provide products and services to both local neighborhoods and regional consumers.

HC - Highway Commercial (page 74 and 75): This district is established to provide for the development of transit-oriented businesses that require direct exposure to large numbers of consumers, provide products that require direct access to transit routes for delivery, or provide products and services to traveling consumers.

LI - Light Industrial (page 76 and 77): This district is established to provide for the development of small business parks, warehousing, and assembly facilities.

GI - General Industrial (page 78 and 79): This district is established to provide for the development of manufacturing and waste disposal facilities.

2.2 Standard District Land Uses

Specific land uses are either Permitted, Non-Permitted or a Special Use (Special Exception) in each Zoning District. Madison County's permitted and special uses for each district are noted in the Permitted Use and Special Use columns in Article 3 of this Ordinance.

2.3 Establishment of Overlay District

The overlay district noted below has been established to provide additional development standards that respond to unique characteristics of the properties to which it applies. When added to the requirements of the standard zoning districts it will assist Madison County in providing for the public welfare and accomplishing the goals of the Madison County Comprehensive Plan. Both those uses and development standards which are expressly permitted and noted for the overlay district and the underlying standard district shall apply to the properties included in the overlay district. This overlay district shall be indicated on the Official Zoning Map using the two-digit code and a specific pattern.

CD - Corridor Development (page 84): This district is established to promote Madison County's goals and objectives for circulation, accessibility, traffic management, landscaping, and development character along the major transportation corridors within the jurisdiction of the Madison County Plan Commission.

2.4 Establishment of Planned Unit Development District

This Ordinance allows for all zoning districts to be rezoned for the creation of a planned unit development. All planned unit developments shall be consistent with the requirements of Article 9 of this Ordinance. Planned unit developments shall be indicated on the Official Zoning Map using the two-digit PD code.

2.5 Unlisted or Questionable Land Uses

Any use not listed as a permitted or special use is considered non-permitted unless the Planning Director makes a determination otherwise. The Planning Director may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is a permitted or special use. This determination may be appealed to the Board of Zoning Appeals.

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Zoning Ordinance
Article Three

Zoning District Intent,
Uses, & Standards



AP - Agriculture Protection District

3.1 "AP" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "AP" District is intended to provide a land use category exclusively for agricultural activities. The provisions that regulate this district should protect, promote and maintain areas in Madison County exclusively for farming operations. Madison County's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land uses and non-agricultural development. The Plan Commission and Board of Zoning Appeals should also strive to promote the development of residences as accessory uses only in the "AP" district.	Agricultural Uses •grazing/pasture land •livestock •agricultural crop production •agricultural crop processing (of materials produced on-site) •agricultural product storage (of materials produced on-site) •agricultural product (seeds, fertilizer, etc.) sales, distribution, and storage •farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses (permitted as accessory uses only) •dwelling, single-family •child day-care home •home occupation (type I) Institutional/Public Uses •nature preserve •passive recreation trail Communication/Utilities •utility substation •public wellfield/pumphouse •water tower	Agricultural Uses •confined feeding operation •animal boarding •retail sales (of crops produced on-site) •seasonal farm worker housing Residential Uses •dwelling, single-family (as a primary use) •manufactured home (type I) •manufactured home (type II) •dwelling, single family (accessory, as an additional dwelling) •bed and breakfast facility •home occupation (type II) •private air strip Institutional/Public Uses •police, fire, or rescue station •church or other place of worship •government office or facility •school (P-12) Communication/Utilities •wireless telecommunications facility/tower Business Uses •kennel •recreation uses (large scale) Industrial Uses •mineral extraction and processing

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

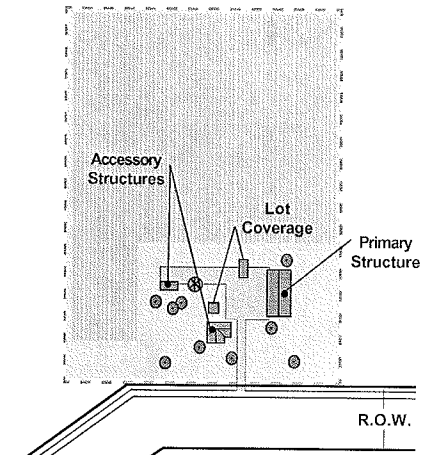
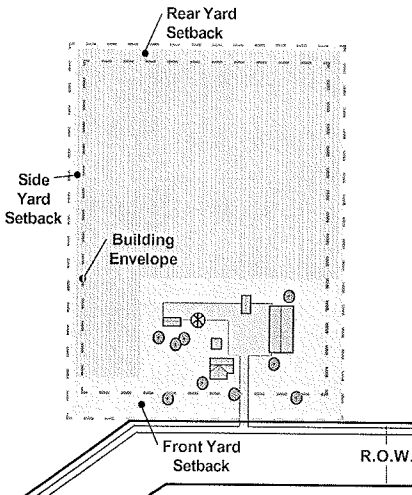
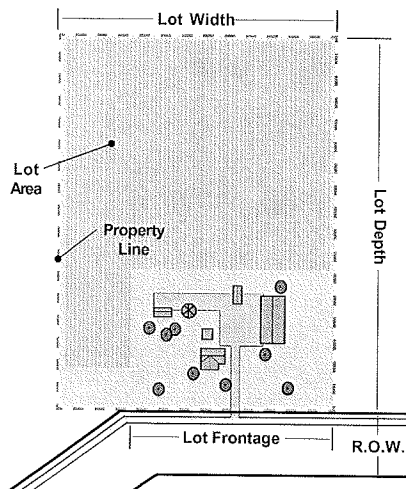
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

AP - Agriculture Protection District

3.2 "AP" District Standards



Minimum Lot Area:

- 40 acres

Minimum Lot Width:

- 100 feet

Minimum Lot Frontage:

- 50 feet (consistent with the requirements of the Subdivision Control Ordinance)

Maximum Lot Depth:

- none

Sewer and Water:

- May use public water and sewer or private well and septic systems

Minimum Front Yard Setback:

- 150 feet when adjacent to an Arterial Road
- 100 feet when adjacent to a Collector Road
- 35 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 30 feet

Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 10% of the Lot Area

Minimum Living Area:

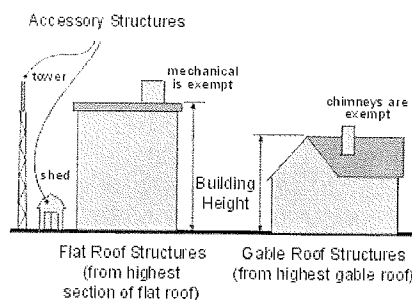
- 1,000 square feet

Minimum Ground Floor Area:

- 40% of the total living area

Maximum Residential Structures per Lot:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All agriculture related structures are exempt
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95
- AS-02 Page 95

Buffer Yard (BY)

- BY-01 Page 99

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110
- PK-05 Page 113

Entrances/Drives (ED)

- ED-01 Page 115
- ED-02 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123
- TF-02 Page 126

Farm Animal (FA)

- FA-01 Page 127
- FA-02 Page 127

Mobile/Man. Home (MS)

- MS-01 Page 128

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134
- TU-02 Page 134

Fences and Walls (FW)

- FW-01 Page 137
- FW-03 Page 137

Seasonal Housing (SH)

- SH-01 Page 143

General Signs (GS)

- GS-01 Page 147

Temporary Signs (TS)

- TS-01 Page 150

Permanent Signs (PS)

- PS-01 Page 151

AG - Agriculture District

3.3 "AG" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "AG" District is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Madison County primarily for farming operations. Madison County's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land uses, non-agriculture oriented businesses, and any use that may inflict significant environmental impacts or be injurious to the agriculture community.	Agricultural Uses • grazing and pasture land • livestock • agricultural crop production • retail sales (of crops produced on-site) • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • agricultural products (seeds, fertilizer, etc.) sales, distribution, and storage • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • dwelling, single-family • manufactured home (type I) • manufactured home (type II) • residential facility for developmentally disabled/mentally ill • child day-care home • home occupation (type I) Institutional/Public Uses • nature preserve • passive recreation trail • public school (P-12) • church or other place of worship Communication/Utilities • utility substation • public wellfield/pumphouse • water tower	Agricultural Uses • confined feeding operation • animal boarding • livestock auction/sale facility • commercial greenhouse • farmer's market (for products grown off-site) • farm implement sales and service • seasonal farm worker housing Residential Uses • dwelling, single family (Accessory, as an additional dwelling) • home occupation (type II) • bed and breakfast facility • boarding house • private air strip Institutional/Public Uses • police, fire, or rescue station • government office/facility Communication/Utilities • sewage treatment plant • wireless telecommunications facility/tower Business Uses • kennel • recreational uses (large scale) • expansion of existing, legal nonconforming uses Industrial Uses • agricultural crop production (of materials produced off-site) • mineral extraction and processing in urban areas and floodplains as shown on the flood insurance rate maps • expansion of existing, legal nonconforming uses

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

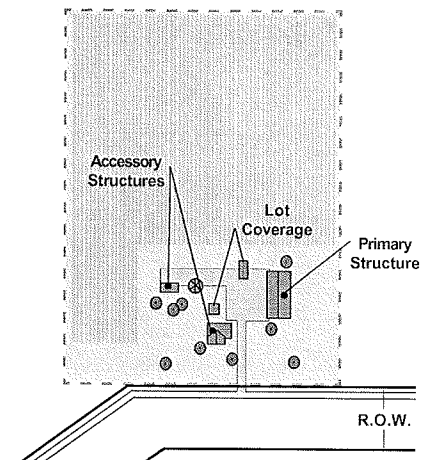
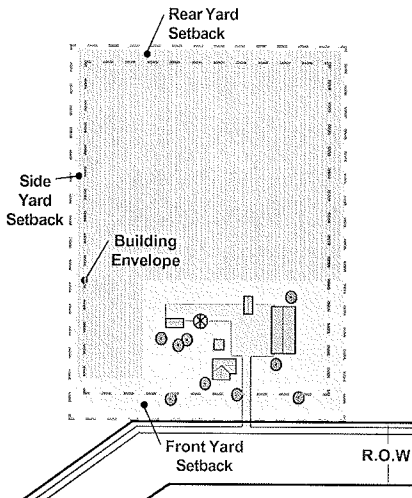
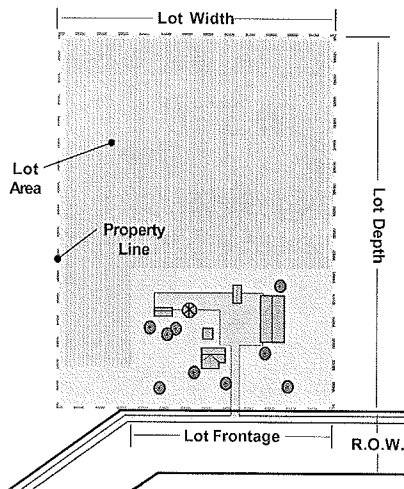
Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

Rev. 2004 S-4 Rev. 2005 S-6

AG - Agriculture District

3.4 "AG" District Standards



Minimum Lot Area:

- 2 acres

Minimum Lot Width:

- 200 feet

Minimum Lot Frontage:

- 50% of the lot width (consistent with the requirements of the Subdivision Control Ordinance) (for residential primary uses)
- 50 feet (consistent with the requirements of the Subdivision Control Ordinance) (for non-residential primary uses)

Maximum Lot Depth:

- 3.5 times the lot width (for residential primary uses)
- none (for non-residential primary uses)

Sewer and Water:

- May use public water and sewer or private well and septic systems

Minimum Front Yard Setback:

- 150 feet when adjacent to an Arterial Road
- 100 feet when adjacent to a Collector Road
- 35 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 30 feet

Note: Lots that were legally created under a prior ordinance *and* are less than 2 acres, minimum side and rear setbacks - 10 feet.

Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 10% of the Lot Area.

Minimum Living Area:

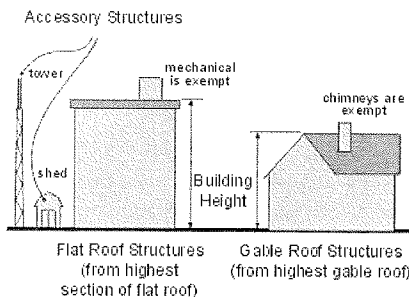
- 1,500 square feet (primary use dwelling)
- 1,000 square feet (accessory use dwelling)

Minimum Ground Floor Area:

- 40% of the total living area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All agriculture related structures are exempt
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-02 Page 95

Buffer Yard (BY)

- BY-01 Page 99

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-05 Page 113

Entrances/Drives (ED)

- ED-01 Page 115

- ED-02 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-02 Page 126

Farm Animal (FA)

- FA-01 Page 127

- FA-02 Page 127

Mobile/Man. Home (MS)

- MS-01 Page 128

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-02 Page 134

Fences and Walls (FW)

- FW-01 Page 137

- FW-03 Page 137

Seasonal Housing (SH)

- SH-01 Page 143

General Signs (GS)

- GS-01 Page 147

Temporary Signs (TS)

- TS-01 Page 150

Permanent Signs (PS)

- PS-01 Page 151

Rev. 2003 S-1

CR - Conservation Residential District

3.5 "CR" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "CR" District is intended to provide for the development of clusters of medium sized homes on large lots in otherwise agricultural areas. The intent of the district is to allow for the construction of rural residences and small recreational farms while maintain the viability of the surrounding large-scale farming operations and preserving land for agriculture, open space, and future, higher density development. Madison County's Plan Commission and Board of Zoning Appeals should strive to establish this district as a transitional area between higher density residential and commercial development and agricultural districts.	Agricultural Uses •grazing and pasture land •livestock •agricultural crop production •retail sales (of crops produced on-site) •agriculture crop processing (of materials produced on-site) •agriculture crop storage (of materials produced on-site) •agricultural products (seeds, fertilizer, etc.) sales, distribution, and storage •farm implements storage (operable implements used in the farming operation - not for sale) Residential Uses •dwelling, single-family •manufactured home (type I) •manufactured home (type II) •residential facility for developmentally disabled/mentally ill •child day-care home •home occupation (type I) Institutional/Public Uses •nature preserve •public school (P-12) •church or other place of worship •passive recreation trail Communication/Utilities •utility substation •public wellfield/pumphouse •water tower	Agricultural Uses •animal boarding •livestock auction/sale facility •commercial greenhouse •farmer's market (for products grown off-site) •farm implement sales and service •seasonal farm worker housing Residential Uses •dwelling, single-family •assisted living/retirement facility •home occupation (type II) •bed and breakfast facility •boarding house Institutional/Public Uses •park and recreation uses •police, fire, or rescue station •government office/facility Communication/Utilities •sewage treatment plant •wireless telecommunications facility/tower Business Uses •kennel •recreation uses (large scale) •expansion of existing, legal, nonconforming uses Industrial Uses •mineral extraction and processing in urban areas and floodplains as shown on the flood insurance rate maps •expansion of existing, legal, nonconforming uses

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

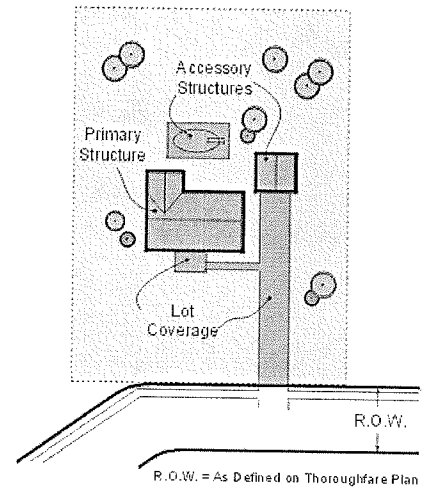
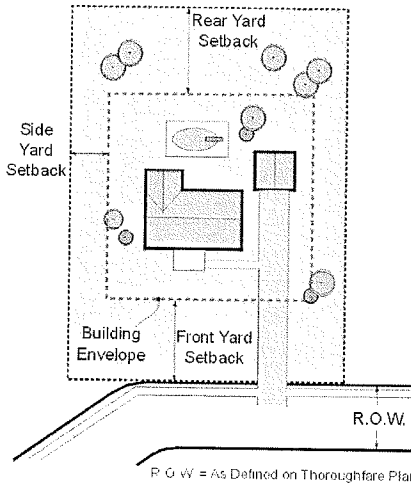
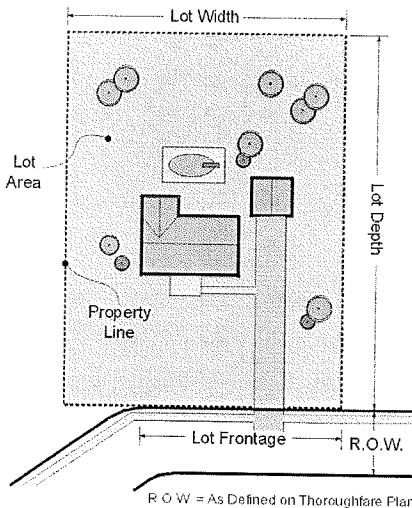
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

CR - Conservation Residential District

3.6 "CR" District Standards



Minimum Lot Area:

- 2 acres (Septic System)
- 1 acre (Public Sewer)

Minimum Lot Width:

- 100 feet

Minimum Lot Frontage:

- 75% of the lot width (consistent with the requirements of the Subdivision Control Ordinance) (for residential primary uses)
- 50 feet (consistent with the requirements of the Subdivision Control Ordinance) (for non-residential primary uses)

Maximum Lot Depth:

- 3.5 times the lot width (for residential primary uses)
- none (for non-residential primary uses)

Sewer and Water:

- May use public water and sewer or private well and septic systems

Minimum Front Yard Setback:

- 150 feet when adjacent to an Arterial Road
- 100 feet when adjacent to a Collector Road
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet each side

Minimum Rear Yard Setback:

- 30 feet

Note: Lots that were legally created under a prior ordinance *and* are less than 2 acres, minimum side and rear setbacks - 10 feet.

Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 30% of the Lot Area.

Minimum Living Area:

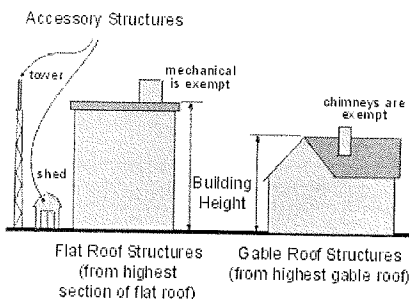
- 1,500 square feet

Minimum Ground Floor Area:

- 40% of the total living area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All agriculture related structures are exempt
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-02 Page 95

Buffer Yard (BY)

- BY-01 Page 99

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-05 Page 113

Entrances/Drives (ED)

- ED-01 Page 115

Sight Visibility (SV)

- SV-01 Page 118

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-02 Page 126

Farm Animal (FA)

- FA-01 Page 127

Mobile/Man. Home (MS)

- MS-01 Page 128

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-02 Page 134

Fences and Walls (FW)

- FW-01 Page 137

- FW-03 Page 137

Seasonal Housing (SH)

- SH-01 Page 143

General Signs (GS)

- GS-01 Page 147

Temporary Signs (TS)

- TS-01 Page 150

Permanent Signs (PS)

- PS-02 Page 151

R1 - Single-Family Residential District

3.7 "R1" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "R1" District is intended to provide for the development of large single-family detached homes on medium-sized lots. The provisions that regulate this land use district should provide for the development of medium density residential neighborhoods. Madison County's Plan Commission and Board of Zoning Appeals should strive to integrate this type of neighborhood with higher density residential developments and neighborhood-serving commercial facilities. This district should be protected from conflicting land uses and be located in proximity to "CR" districts in a way that does not inhibit farming practices. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 2.0 to 2.5 dwelling units per acre community-wide in the "R1" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • dwelling, single-family • manufactured home (type I) • manufactured home (type II) • residential facility for developmentally disabled/mentally ill • child day-care home • home occupation (type I) Institutional/Public Uses • nature preserve • passive recreation trail	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single family • assisted living/retirement facility • nursing home • home occupation (type II) • bed and breakfast facility Institutional/Public Uses • parks and recreation uses • institutional uses (small scale) • police, fire, or rescue station • church or other place of worship • government office/facility • school (P-12) Communication/Utilities • utility substation • public wellfield/pumphouse • water tower • wireless telecommunications facility/tower

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

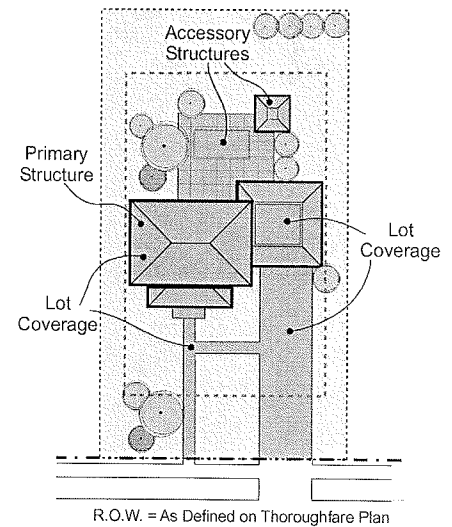
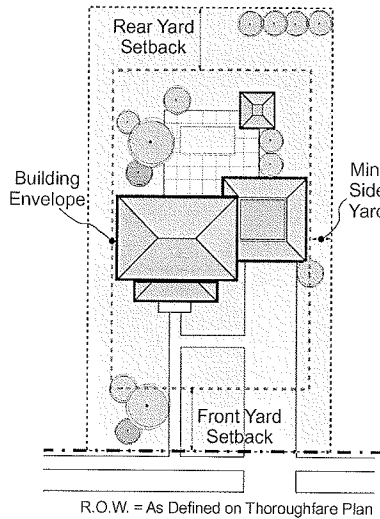
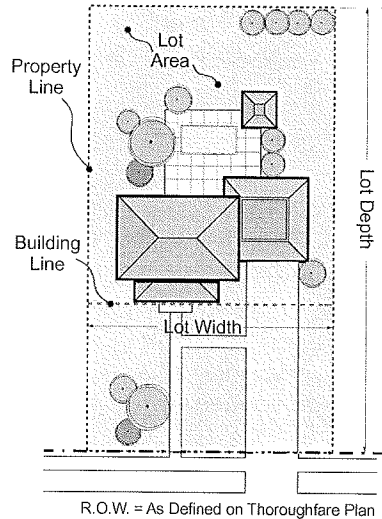
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

R1 - Single-Family Residential District

3.8 "R1" District Standards



Minimum Lot Area:

- 12,000 square feet

Minimum Lot Width:

- 80 feet

Minimum Lot Frontage:

- 70% of the lot width (consistent with the requirements of the Subdivision Control Ordinance)

Maximum Lot Depth:

- 2.5 times the lot width

Sewer and Water:

- Requires connection to public water and sewer except may use private well and septic systems provided the lot is a legal nonconforming lot and no public water or sewer systems are available.

Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 35 feet when adjacent to a Collector
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 5 feet each side
- 20 feet total

Minimum Rear Yard Setback:

- 25 feet

Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 35% of the Lot Area.

Minimum Living Area:

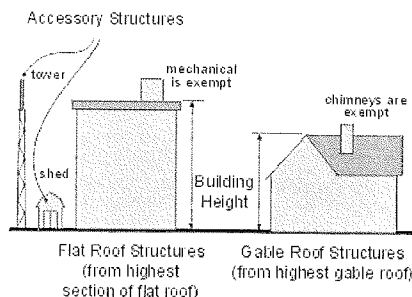
- 1,800 square feet

Minimum Ground Floor Area:

- 40% of the total living area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-03 Page 96

Buffer Yard (BY)

- BY-01 Page 99

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-02 Page 110

- PK-05 Page 113

- PK-06 Page 113

- PK-07 Page 113

Entrances/Drives (ED)

- ED-01 Page 115

Sight Visibility (SV)

- SV-01 Page 118

Open Space (OS)

- OS-01 Page 119

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-02 Page 126

Farm Animal (FA)

- FA-01 Page 127

Mobile/Man. Home (MS)

- MS-01 Page 128

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-02 Page 134

- TU-03 Page 135

Fences and Walls (FW)

- FW-01 Page 137

- FW-02 Page 137

Landscaping (LA)

- LA-01 Page 138

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Temporary Signs (TS)

- TS-01 Page 150

Permanent Signs (PS)

- PS-01 Page 151

- PS-02 Page 151

R2 - Single-Family Residential District

3.9 "R2" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "R2" District is intended to provide for the development of medium-sized single-family detached homes on medium-sized lots. The provisions that regulate this land use district should provide for the development of medium density residential neighborhoods. Madison County's Plan Commission and Board of Zoning Appeals should strive to integrate this type of neighborhood with lower and higher density residential developments and neighborhood-serving commercial facilities. This district should be protected from conflicting land uses and be located in proximity to "CR" districts in a way that does not inhibit farming practices. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 2.5 to 4.0 dwelling units per acre community-wide in the "R2" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • dwelling, single-family • manufactured home (type I) • manufactured home (type II) • residential facility for developmentally disabled/mentally ill • child day-care home • home occupation (type I) Institutional/Public Uses • nature preserve • passive recreation trail	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family • assisted living/retirement facility • nursing home • home occupation (type II) • bed and breakfast facility Institutional/Public Uses • parks and recreation uses • institutional uses (small scale) • police, fire, or rescue station • church or other place of worship • government office/facility • school (P-12) Communication/Utilities • utility substation • public wellfield/pumphouse • water tower • wireless telecommunications facility/tower

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

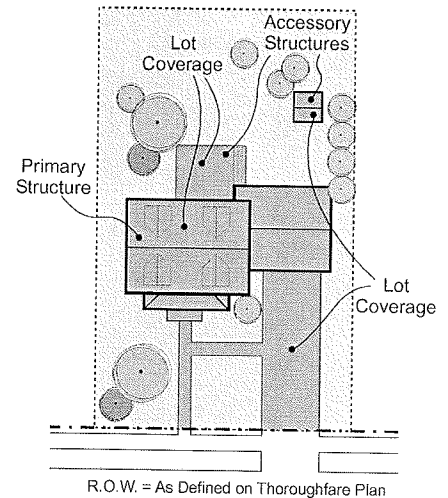
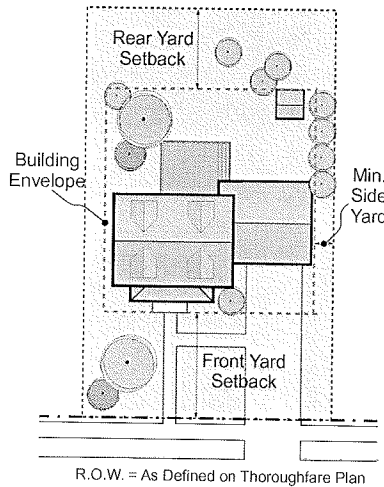
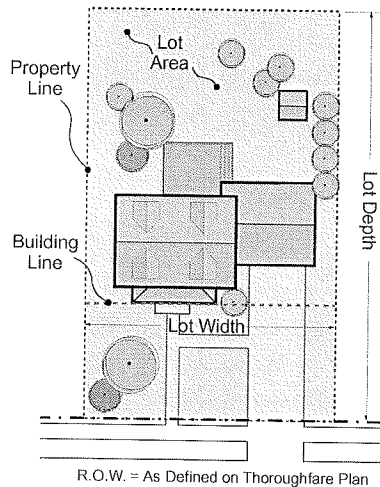
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

R2 - Single-Family Residential District

3.10 "R2" District Standards



Minimum Lot Area:

- 8,000 square feet

Minimum Lot Width:

- 70 feet

Minimum Lot Frontage:

- 70% of the lot width (consistent with the requirements of the Subdivision Control Ordinance)

Maximum Lot Depth:

- 2.5 times the lot width

Sewer and Water:

- Requires connection to public water and sewer except may use private well and septic systems provided the lot is a legal nonconforming lot and no public water or sewer systems are available.

Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 35 feet when adjacent to a Collector
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 5 feet each side
- 15 feet total

Minimum Rear Yard Setback:

- 20 feet

Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 45% of the Lot Area

Minimum Living Area:

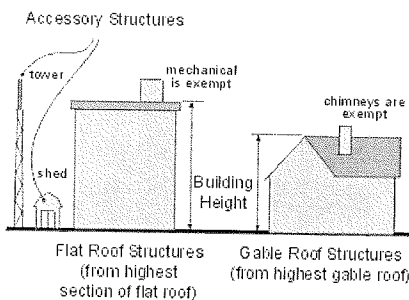
- 1,400 square feet

Minimum Ground Floor Area:

- 40% of the total living area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-03 Page 96

Buffer Yard (BY)

- BY-01 Page 99

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-02 Page 110

- PK-05 Page 113

- PK-06 Page 113

- PK-07 Page 113

Entrances/Drives (ED)

- ED-01 Page 115

Sight Visibility (SV)

- SV-01 Page 118

Open Space (OS)

- OS-01 Page 119

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-02 Page 126

Farm Animal (FA)

- FA-01 Page 127

Mobile/Man. Home (MS)

- MS-01 Page 128

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-02 Page 134

- TU-03 Page 135

Fences and Walls (FW)

- FW-01 Page 137

- FW-02 Page 137

Landscaping (LA)

- LA-01 Page 138

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Temporary Signs (TS)

- TS-01 Page 150

Permanent Signs (PS)

- PS-02 Page 151

- PS-02 Page 151

R3 - Single & Two-Family Residential District

3.11 "R3" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "R3" District is intended to provide the development of small-sized single and two-family homes on small-sized lots. The provisions that regulate this land use district should provide for the development of high density residential neighborhoods. Madison County's Plan Commission and Board of Zoning Appeals should strive to integrate this type of neighborhood with medium and high density residential developments and neighborhood-serving commercial facilities. This district should be protected from conflicting land uses and be located in proximity to "CR" districts in a way that does not inhibit farming practices. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 4.0 to 6.0 dwelling units per acre community-wide in the "R3" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • dwelling, single-family • manufactured home (type I) • manufactured home (type II) • dwelling, two-family • residential facility for developmentally disabled/mentally ill • child day-care home • home occupation (type I) Institutional/Public Uses • nature preserve • passive recreation trail	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family • assisted living/retirement facility • nursing home • home occupation (type II) Institutional/Public Uses • parks and recreation uses • institutional uses (small scale) • police, fire, or rescue station • church or other place of worship • government office/facility • school (P-12) Communication/Utilities • utility substation • public wellfield/pumphouse • water tower • wireless telecommunications facility/tower

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

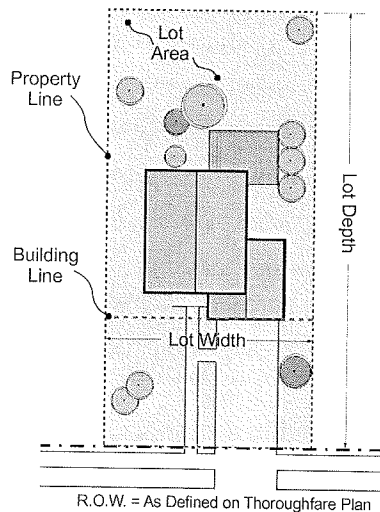
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

R3 - Single & Two-Family Residential District

3.12 "R3" District Standards



Minimum Lot Area:

- 6,000 square feet (single-family)
- 8,000 square feet (two-family)

Minimum Lot Width:

- 60 feet (single-family)
- 75 feet (two-family)

Minimum Lot Frontage:

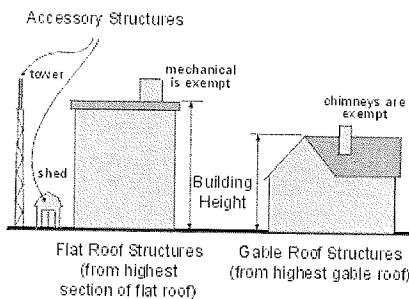
- 70% of the lot width (consistent with the requirements of the Subdivision Control Ordinance)

Maximum Lot Depth:

- 2.5 times the lot width

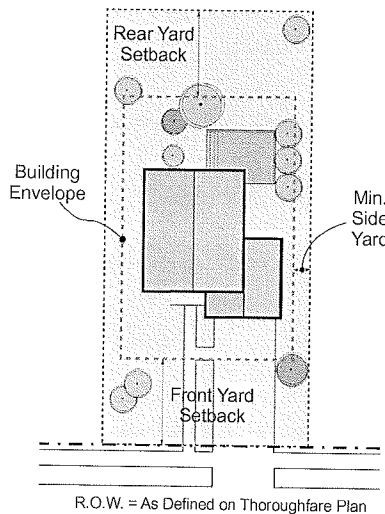
Sewer and Water:

- Requires connection to public water and sewer



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Art. 6



Minimum Front Yard Setback:

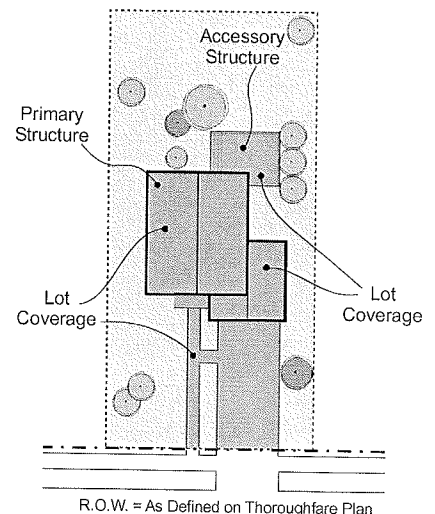
- 50 feet when adjacent to an Arterial
- 35 feet when adjacent to a Collector
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 5 feet each side
- 10 feet total

Minimum Rear Yard Setback:

- 15 feet



Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 55% of the Lot Area

Minimum Living Area per Unit:

- 1,200 square feet

Minimum Ground Floor Area per Unit:

- 40% of the total living area

Maximum Primary Structures per Lot:

- 1

Additional Development Standards that Apply

Lot, Yard, & Density (LY) • LY-01 Page 93 Height (HT) • HT-01 Page 94 Accessory Structure (AS) • AS-01 Page 95 • AS-03 Page 96 Buffer Yard (BY) • BY-01 Page 99 Environmental (EN) • EN-01 Page 102 Flood Hazard Area (FH) • FH-01 Page 104 Parking (PK) • PK-01 Page 110 • PK-02 Page 110 • PK-05 Page 113 • PK-06 Page 113 • PK-07 Page 113	Entrances/Drives (ED) • ED-01 Page 115 Sight Visibility (SV) • SV-01 Page 118 Open Space (OS) • OS-01 Page 119 Home Occupation (HO) • HO-01 Page 120 Telecom. Facilities (TF) • TF-01 Page 123 • TF-02 Page 126 Farm Animal (FA) • FA-01 Page 127 Mobile/Man. Home (MS) • MS-01 Page 128 Satellite Dish (SA) • SA-01 Page 132	Temporary Uses (TU) • TU-01 Page 134 • TU-02 Page 134 • TU-03 Page 135 Fences and Walls (FW) • FW-01 Page 137 • FW-02 Page 137 Landscaping (LA) • LA-01 Page 138 Seasonal Housing • SH-01 Page 143 Lighting Standards (LS) • LS-01 Page 145 • LS-02 Page 145 General Signs (GS) • GS-01 Page 147 Temporary Signs (TS) • TS-01 Page 150 Permanent Signs (PS) • PS-01 Page 151 • PS-02 Page 151
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MR - Multifamily Residential District

3.13 "MR" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "MR" District is intended to provide for multifamily residential developments. The provisions that regulate this land use district should promote the adequate provision of open spaces, living areas, and vehicle parking. Madison County's Plan Commission and Board of Zoning Appeals should strive to integrate this district with high density single and two-family residential developments and neighborhood-serving and general commercial facilities. This district should be protected from conflicting land uses and be located in proximity to open space, services, and retail establishments. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 5.0 to 8.5 dwelling units per acre community-wide in the "MR" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • dwelling, two-family • dwelling, multifamily • residential facility for developmentally disabled/mentally ill • assisted living/retirement facility • nursing home • child day-care home • home occupation (type I) Institutional/Public Uses • nature preserve • passive recreation trail	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family Institutional/Public Uses • parks and recreation uses • institutional uses (small scale) • police, fire, or rescue station • church or other place of worship • government office/facility • school (P-12) Communication/Utilities • utility substation • public wellfield/pumphouse • water tower • wireless telecommunications facility/tower

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

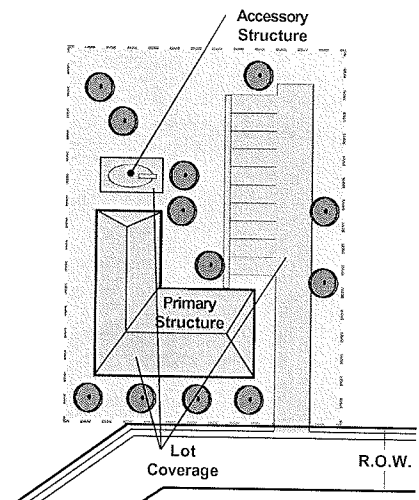
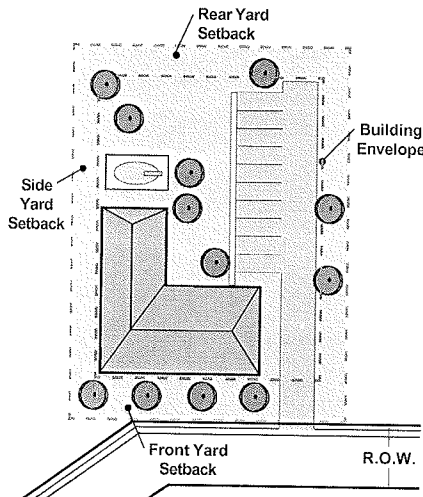
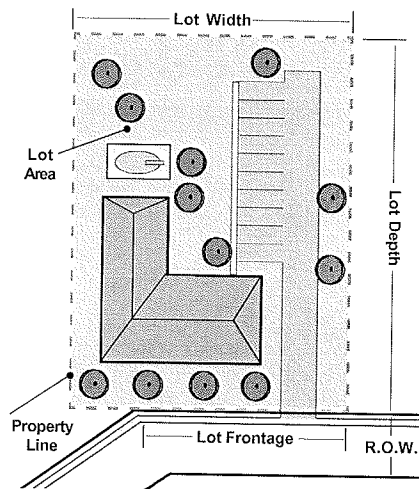
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

MR - Multifamily Residential District

3.14 "MR" District Standards



Minimum Lot Area:

- 22,000 square feet

Minimum Lot Area per Unit:

- 5,000 square feet

Maximum Lot Area per Unit:

- 8,000 square feet

Minimum Lot Width:

- 100 feet

Minimum Lot Frontage:

- 70% of the lot width on a public street, with access from said public street

Maximum Lot Depth:

- 5 times the lot width

Sewer and Water:

- Requires connection to public water and sewer

Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 30 feet each side

Minimum Rear Yard Setback:

- 30 feet

Minimum Common Open Space:

- 10% (of the lot area of the parent tract)

Maximum Lot Coverage:

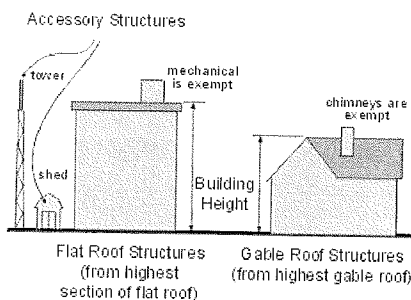
- square footage of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area

Minimum Living Area per Unit:

- 800 square feet

Maximum Primary Structures per Lot:

- none



Maximum Structure Height:

- 45 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-04 Page 97

Buffer Yard (BY)

- BY-01 Page 99

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-03 Page 110

- PK-05 Page 113

- PK-06 Page 113

- PK-07 Page 113

Loading (LD)

- LD-01 Page 114

Entrances/Drives (ED)

- ED-01 Page 115

- ED-03 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Open Space (OS)

- OS-01 Page 119

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-02 Page 126

Farm Animal (FA)

- FA-01 Page 127

Mobile/Man. Home (MS)

- MS-01 Page 128

Public Improvement (PI)

- PI-01 Page 130

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-02 Page 134

- TU-03 Page 135

Fences and Walls (FW)

- FW-01 Page 137

- FW-02 Page 137

Landscaping (LA)

- LA-01 Page 138

- LA-02 Page 140

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Temporary Signs (TS)

- TS-01 Page 150

Permanent Signs (PS)

- PS-01 Page 151

- PS-02 Page 151

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MH - Manufactured Home Park District

3.15 "MH" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "MH" District is intended to provide a land use district for manufactured home parks in the community as attractive and decent affordable housing. Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance. This district should be within close proximity to parks, open space, services and retail establishments and avoid locations near conflicting land uses. Madison County's Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 9 dwelling units per acre community-wide in the "MH" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • manufactured home (type III) • dwelling, mobile-home • child day-care home • home occupation (type I) Institutional/Public Uses • nature preserve • passive recreation trail	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family • manufactured home (type I) • manufactured home (type II) Institutional/Public Uses • parks and recreation uses • institutional uses (small scale) • police, fire, or rescue station • church or other place of worship • government office/facility • school (P-12) Communication/Utilities • utility substation • public wellfield/pumphouse • water tower • wireless telecommunications facility/tower

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

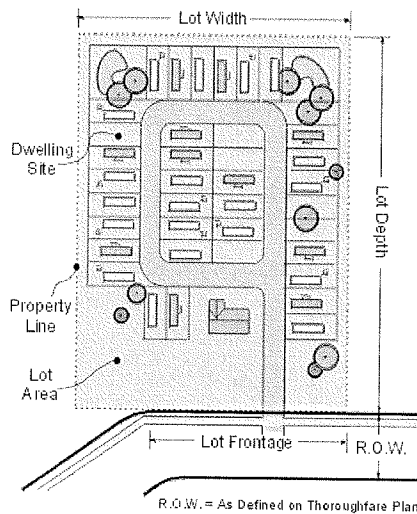
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

MH - Manufactured Home Park District

3.16 "MH" District Standards



Minimum Lot Size:

- 10 acres

Minimum Lot Width:

- 300 feet

Minimum Lot Frontage:

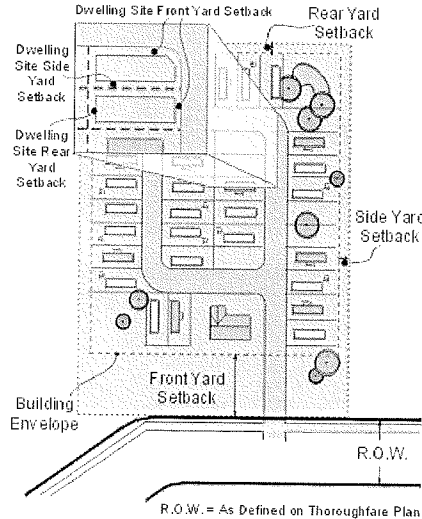
- 70% of the lot width on a public street, with access from said public street

Minimum Common Open Space:

- 10%

Sewer and Water:

- Requires connection to public water and sewer



Minimum Lot Front Yard Setback:

- 50 feet when adjacent to an Arterial Road
- 50 feet when adjacent to a Collector Road
- 50 feet when adjacent to a Local Road

Minimum Lot Side & Rear Yard Setback:

- 30 feet

Minimum Dwelling Site Size:

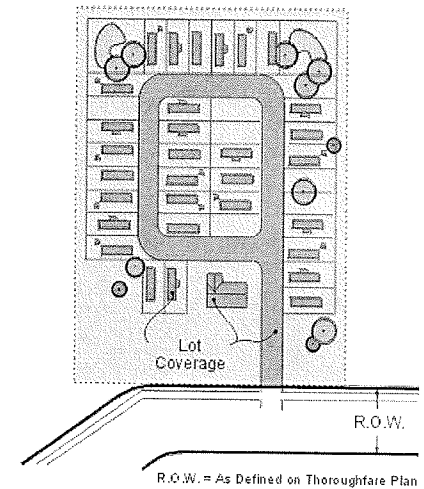
- 4,000 square feet

Minimum Dwelling Site Width:

- 40 feet

Maximum Dwelling Site Depth:

- 3.5 times the Lot Width



Minimum Dwelling Site Front Yard Setback:

- 10 feet from edge of pavement of interior roads

Minimum Dwelling Site Side & Rear Yard Setback:

- 7 feet

Maximum Lot Coverage:

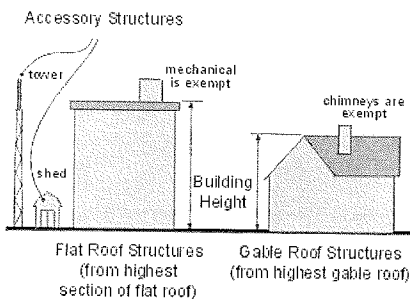
- square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the lot area.

Minimum Living Area per Dwelling Unit:

- 750 square feet per dwelling unit

Maximum Primary Structures per Lot:

- none



Maximum Structure Height:

- 24 feet for the Primary Structure
- 15 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-04 Page 97

Buffer Yard (BY)

- BY-01 Page 99

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-03 Page 110

- PK-05 Page 113

- PK-06 Page 113

- PK-07 Page 113

Loading (LD)

- LD-01 Page 114

Entrances/Drives (ED)

- ED-01 Page 115

- ED-03 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Open Space (OS)

- OS-01 Page 119

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-02 Page 126

Farm Animal (FA)

- FA-01 Page 127

Mobile/Man. Home (MS)

- MS-01 Page 128

- MS-02 Page 128

Public Improvement (PI)

- PI-01 Page 130

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-02 Page 134

Fences and Walls (FW)

- FW-01 Page 137

- FW-02 Page 137

Landscaping (LA)

- LA-01 Page 138

- LA-02 Page 140

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Temporary Signs (TS)

- TS-01 Page 150

Permanent Signs (PS)

- PS-01 Page 151

- PS-02 Page 151

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PR - Parks & Recreation District

3.17 "PR" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "PR" District is intended to provide for the development of recreational facilities and the designation of open space. This district should be integrated with residential districts and natural features potentially forming a community-wide open space system. Madison County's Plan Commission and Board of Zoning Appeals should strive to establish this district in appropriate residential neighborhoods and in areas of natural open space and recreational features. The Plan Commission and Board of Zoning Appeals should also strive to ensure that usable open space is provided, and that connectivity of recreational amenities is promoted.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Institutional/Public Uses • parks and recreation uses • nature preserve • passive recreation trail Business Uses • recreation uses (medium scale) • recreation uses (large scale)	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family (as an accessory to agriculture uses) • dwelling, single-family (accessory, as an additional dwelling) Institutional/Public Uses • police, fire, or rescue station • church or other place of worship • government office/facility • school (P-12) Communications/Utilities • utility substation • public wellfield/pumphouse • water tower • wireless telecommunications facility/tower

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

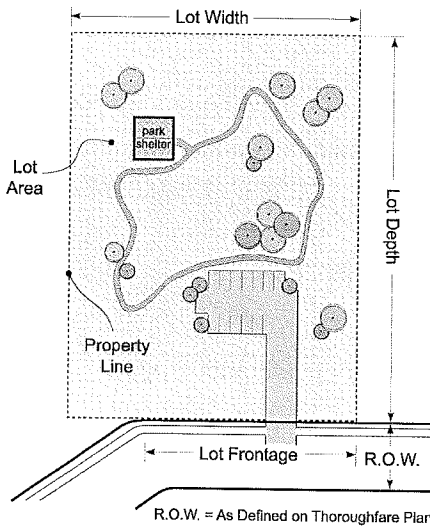
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

PR - Parks & Recreation District

3.18 "PR" District Standards



Minimum Lot Area:

- 2 acres

Minimum Lot Width:

- 100 feet

Minimum Lot Frontage:

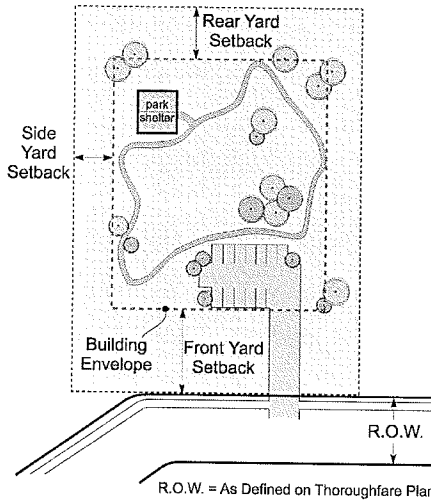
- 100 feet on a public street, with access from said public street

Maximum Lot Depth:

- none

Sewer and Water:

- May use public sewer and water or private well and septic system



Minimum Front Yard Setback:

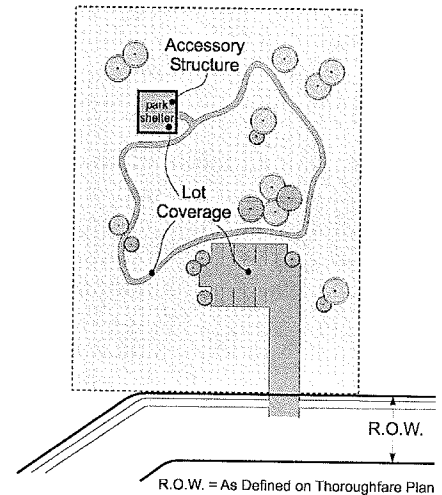
- 50 feet when adjacent to an Arterial Road
- 45 feet when adjacent to a Collector Road
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 15 feet

Minimum Rear Yard Setback:

- 15 feet

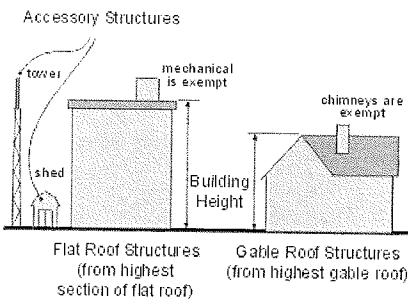


Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 30% of the Lot Area.

Maximum Primary Structures per Lot:

- none



Maximum Structure Height:

- 35 feet for primary structures
- 25 feet for accessory structures
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY) • LY-01 Page 93	Loading (LD) • LD-01 Page 114	Temporary Uses (TU) • TU-01 Page 134 • TU-04 Page 136
Height (HT) • HT-01 Page 94	Entrances/Drives (ED) • ED-01 Page 115 • ED-03 Page 116	Fences and Walls (FW) • FW-01 Page 137 • FW-02 Page 137
Accessory Structure (AS) • AS-01 Page 95 • AS-05 Page 98	Sight Visibility (SV) • SV-01 Page 118	Landscaping (LA) • LA-01 Page 138 • LA-02 Page 140
Buffer Yard (BY) • BY-01 Page 99	Telecom. Facilities (TF) • TF-01 Page 123 • TF-03 Page 126	Seasonal Housing (SH) • SH-01 Page 143
Environmental (EN) • EN-01 Page 102	Farm Animal (FA) • FA-01 Page 127	Lighting Standards (LS) • LS-01 Page 145 • LS-02 Page 145
Flood Hazard Area (FH) • FH-01 Page 104	Rec. Vehicle (RV) • RV-01 Page 129	General Signs (GS) • GS-01 Page 147
Parking (PK) • PK-01 Page 110 • PK-04 Page 110 • PK-05 Page 113	Public Improvement (PI) • PI-01 Page 130	Permanent Signs (PS) • PS-01 Page 151 • PS-02 Page 151
	Satellite Dish (SA) • SA-01 Page 132	

IS - Institutional District

3.19 "IS" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "IS" District is intended to provide a land use category for public and private institutions and government offices. The provisions that regulate this land use district should make the district compatible with all other districts. Madison County's Plan Commission and Board of Zoning Appeals should apply this district only where appropriate to establish in the community the services provided by these institutions. The Plan Commission and Board of Zoning Appeals should also strive to provide appropriate signage, lighting, and parking in the "IS" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • institutional facility for the developmentally disabled/mentally ill • assisted living/retirement facility • nursing home Institutional/Public Uses • parks and recreation uses • nature preserve • passive recreation trail • institutional uses (small scale) • police, fire, or rescue station • institutional uses (medium scale) • institutional uses (large scale) • church or other place of worship • government office/facility • school (P-12) Communication/Utilities • utility substation • public wellfield/pumphouse • water tower	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family (as an accessory to agriculture uses) • dwelling, single-family (accessory, as an additional dwelling) Communication/Utilities • wireless telecommunications facility/tower

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

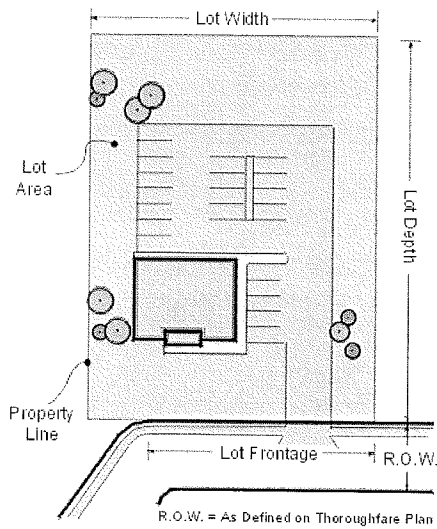
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

IS - Institutional District

3.20 "IS" District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 100 feet

Minimum Lot Frontage:

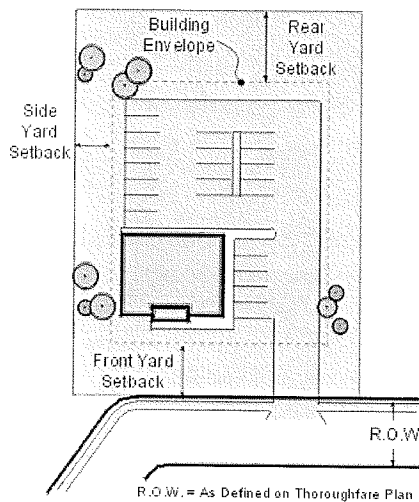
- 70% of the lot width on a public street, with access from said public street

Maximum Lot Depth:

- 2.5 times the Lot Width

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

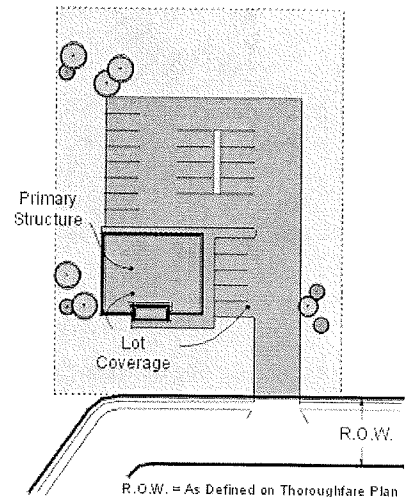
- 50 feet when adjacent to an Arterial Road
- 45 feet when adjacent to a Collector Road
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 25 feet

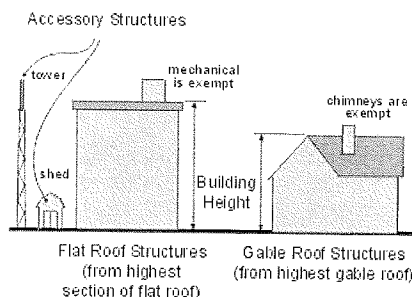


Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area.

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 40 feet for Primary Structures
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-06 Page 98

Buffer Yard (BY)

- BY-01 Page 99

Performance (PS)

- PS-01 Page 101

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-04 Page 110

- PK-05 Page 113

Loading (LD)

- LD-01 Page 114

Entrances/Drives (ED)

- ED-01 Page 115

- ED-03 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-03 Page 126

Farm Animal (FA)

- FA-01 Page 127

Public Improvement (PI)

- PI-01 Page 130

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-04 Page 136

Fences and Walls (FW)

- FW-01 Page 137

- FW-03 Page 137

Landscaping (LA)

- LA-01 Page 138

- LA-02 Page 140

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Permanent Signs (PS)

- PS-01 Page 151

- PS-03 Page 151

LC - Local Commercial District

3.21 "LC" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "LC" District is intended to provide a land use category for small scale commercial uses that provide products and services to neighborhoods. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly nonconflicting with residential areas of Madison County. Madison County's Plan Commission and Board of Zoning Appeals should strive to use this district selectively, in areas where small scale commercial centers are appropriate to service neighborhoods. The Plan Commission and Board of Zoning Appeals should also strive to exclude businesses from the "LC" district that have an adverse effect on existing or future adjacent neighborhoods.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • dwelling, single-family (upper floors) • dwelling, two-family (upper floors) • dwelling, multifamily (upper floors) • child day-care home • home occupation (type 1) Institutional/Public Uses • nature preserve • passive recreation trail • police, fire, or rescue station • church or other place of worship • government office/facility • school (P-12) Business Uses • personal service uses • office uses • retail uses (small scale)	Agricultural Uses • grazing and pasture land • livestock • farmer's market (for products grown off-site) Residential Uses • dwelling, single-family (as an accessory to agriculture uses) • dwelling, single-family (accessory, as an additional dwelling) • assisted living/retirement facility • nursing home • bed and breakfast facility • dwelling, single family Institutional/Public Uses • institutional uses (small scale) • institutional uses (medium scale) Communications/Utilities • utility substation • water tower • wireless telecommunications facility/tower Business Uses • auto-oriented uses (small scale) • alcohol-related uses • recreation uses (small scale) • recreation uses (medium scale) • retail uses (medium scale)

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

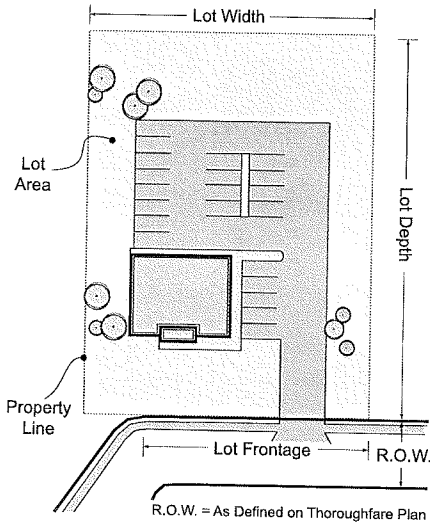
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

LC - Local Commercial District

3.22 "LC" District Standards



Minimum Lot Area:

- 5,000 square feet

Maximum Lot Area:

- 1 acre

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

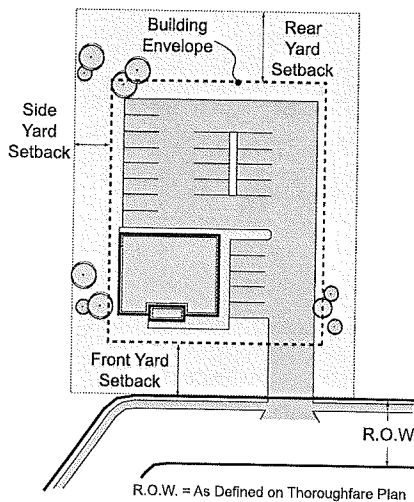
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

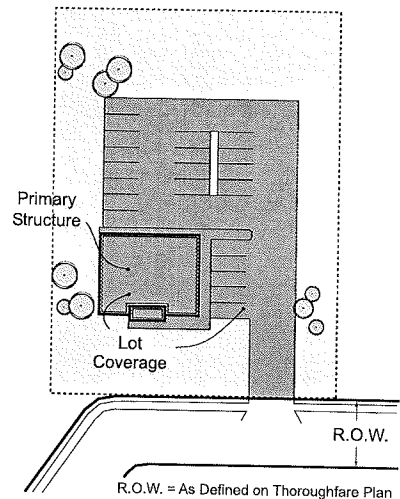
- 40 feet when adjacent to an Arterial Road
- 35 feet when adjacent to a Collector Road
- 20 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 15 feet

Minimum Rear Yard Setback:

- 15 feet



Maximum Lot Coverage:

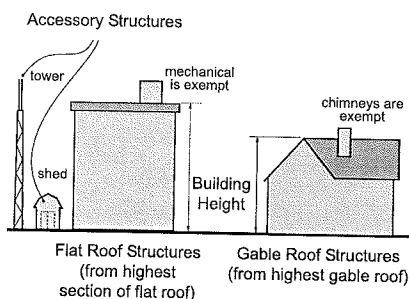
- square footage of all primary and secondary structures, and impervious surface cannot exceed 70% of the Lot Area

Minimum Living Area per Unit:

- 800 square feet

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-06 Page 98

Buffer Yard (BY)

- BY-01 Page 99

Performance (PS)

- PS-01 Page 101

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-02 Page 110

- PK-04 Page 110

- PK-05 Page 113

Loading (LD)

- LD-01 Page 114

Entrances/Drives (ED)

- ED-01 Page 115

- ED-03 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Home Occupation (HO)

- HO-01 Page 120

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-03 Page 126

Farm Animal (FA)

- FA-01 Page 127

Public Improvement (PI)

- PI-01 Page 130

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-04 Page 136

Fences and Walls (FW)

- FW-01 Page 137

- FW-03 Page 137

Landscaping (LA)

- LA-01 Page 138

- LA-02 Page 140

Large Retail (LR)

- LR-01 Page 141

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS01 Page 145

- LS02 Page 145

General Signs (GS)

- GS-01 Page 147

Permanent Signs (PS)

- PS-01 Page 151

- PS-04 Page 151

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GC - General Commercial District

3.23 "GC" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "GC" District is intended to provide a land use category for most general business uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial and industrial districts and the "MH", and "MR" residential districts. Madison County's Plan Commission and Board of Zoning Appeals should strive to use this district to encourage a strong and stable area for commerce. The Plan Commission and Board of Zoning Appeals should encourage development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, and traffic conflicts in the "GC" District.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • commercial greenhouse • farmer's market (for products grown off-site) • agricultural products (seeds, fertilizer, etc.) sales, distribution, and storage • farm implement storage (operable implements used in the farming operation - not for sale) Institutional/Public Uses • nature preserve • passive recreation trail • police, fire, or rescue station • institutional uses (medium scale) • government office/facility Communication/Utilities • utility substation • water tower Business Uses • adult uses • auto-oriented uses (small scale) • auto-oriented uses (medium scale) • recreation uses (small scale) • recreation uses (medium scale) • personal service uses • office uses • retail uses (small scale) • retail uses (medium scale) • retail uses (large scale) Residential Uses • dwelling, single-family, existing	Agricultural Uses • grazing and pasture land • livestock • farm implement sales and service Residential Uses • dwelling, single-family (as an accessory to agriculture uses) • dwelling, single-family (accessory, as an additional dwelling) • dwelling, single-family (upper floors) • dwelling, two-family (upper floors) • dwelling, multifamily (upper floors) • dwelling, single family, new Institutional/Public Uses • institutional uses (small scale) • institutional uses (large scale) • church or other place of worship • school (P-12) Communication/Utilities • wireless telecommunications facility/tower Business Uses • auto-oriented uses (large scale) • alcohol-related uses • mini warehouse storage facility

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

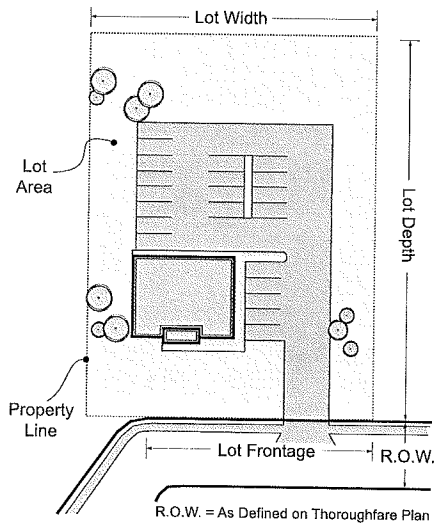
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

GC - General Commercial District

3.24 "GC" District Standards



Minimum Lot Area:

- 20,000 square feet

Minimum Lot Width:

- 150 feet

Maximum Lot Depth:

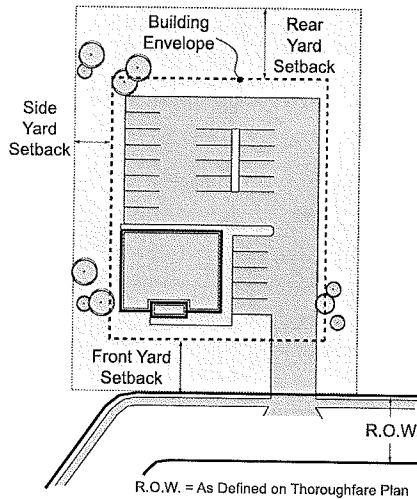
- 3.5 times the Lot Width

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

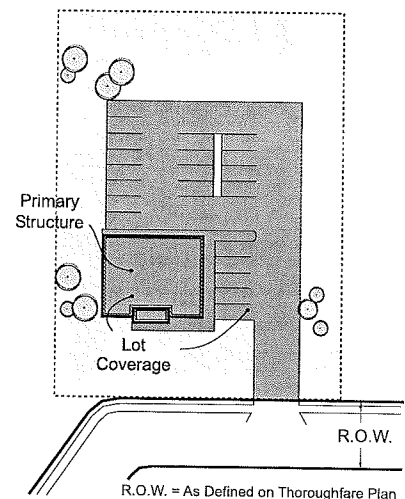
- 50 feet when adjacent to an Arterial Road
- 40 feet when adjacent to a Collector Road
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 25 feet

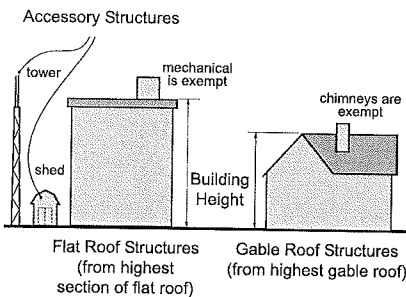


Maximum Lot Coverage:

- square footage of all primary and secondary structures, and impervious surface cannot exceed 70% of the Lot Area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunications facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-06 Page 98

Buffer Yard (BY)

- BY-01 Page 99

Performance (PS)

- PS-01 Page 101

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-02 Page 110

- PK-04 Page 110

- PK-05 Page 113

Loading (LD)

- LD-01 Page 114

Entrances/Drives (ED)

- ED-01 Page 115

- ED-03 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Home Occupation (HO)

- HO-01 Page 120

Adult Use (AU)

- AU-01 Page 122

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-03 Page 126

Farm Animal (FA)

- FA-01 Page 127

Public Improvement (PI)

- PI-01 Page 130

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-04 Page 136

Fences and Walls (FW)

- FW-01 Page 137

- FW-03 Page 137

Landscaping (LA)

- LA-01 Page 138

- LA-02 Page 140

Large Retail (LR)

- LR-01 Page 141

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Permanent Signs (PS)

- PS-01 Page 151

- PS-05 Page 153

HC - Highway Commercial District

3.25 "HC" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "HC" District is intended to provide a land use category for commercial uses that are appropriate for locations along highways. The provisions that regulate this land use district should make the district compatible with the agriculture district and environmentally sensitive areas. This district should be used along highways and at interchanges. Madison County's Plan Commission and Board of Zoning Appeals should strive to provide for highway oriented business and services while minimizing light pollution, large parking lots along the major roadways, hazardous traffic patterns, traffic conflicts, and excessive use of signs in the "HC" District. The use of access roads/frontage roads should be required for all commercial uses in this district. Further, road cuts onto arterial or collector roads should be restricted.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • commercial greenhouse • farmer's market (for products grown off-site) • agricultural products (seeds, fertilizer, etc.) sales, distribution, and storage • farm implement storage (operable implements used in the farming operation - not for sale) • farm implement sales and service Institutional/Public Uses • nature preserve • passive recreation trail • police, fire, rescue station Communication/Utilities • utility substation • wireless telecommunications facility/tower • water tower Business Uses • corporate office uses • auto-oriented uses (small scale) • auto-oriented uses (medium scale) • auto-oriented uses (large scale) • truck stop • retail uses (large scale) Residential Uses • dwelling, single-family, existing	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family (as an accessory to agriculture uses) • dwelling, single-family (accessory, as an additional dwelling) • dwelling, single family, new Institutional/Public Uses • institutional uses (small scale) • church or other place of worship • government office/facility • school (P-12) Business Uses • alcohol-related uses • recreation uses (small scale) • recreation uses (medium scale) • office uses • retail uses (small scale) • retail uses (medium scale) • mini warehouse storage facility

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

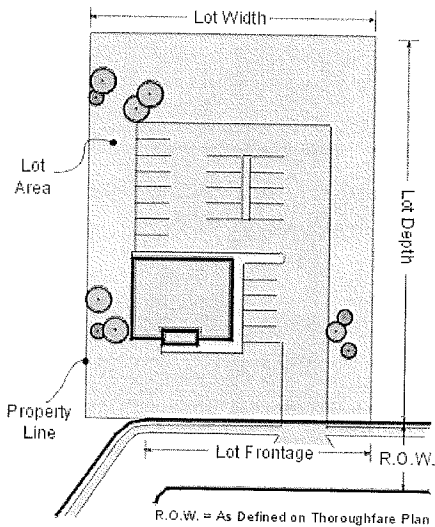
The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

Rev. 2004 S-4

Rev. 2006 S-8

HC - Highway Commercial District

3.26 "HC" District Standards



Minimum Lot Area:

- 20,000 square feet

Minimum Lot Width:

- 150 feet

Maximum Lot Depth:

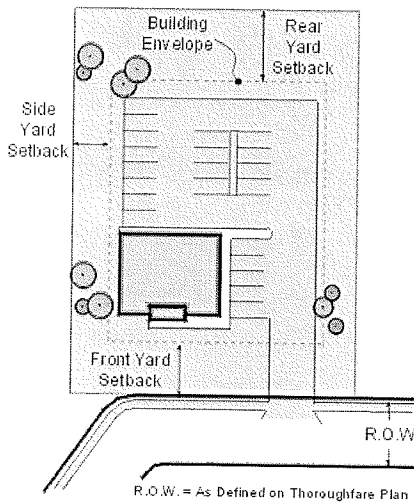
- 3.5 times the Lot Width

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

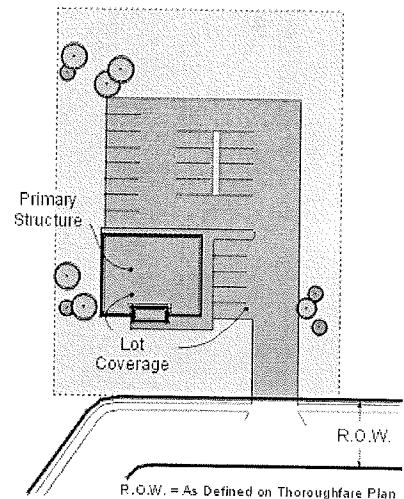
- 50 feet when adjacent to an Arterial Road
- 40 feet when adjacent to a Collector Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 25 feet

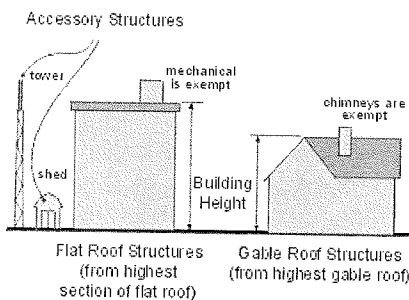


Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 40 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunications facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-06 Page 98

Buffer Yard (BY)

- BY-01 Page 99

Performance (PS)

- PS-01 Page 101

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-04 Page 110

- PK-05 Page 113

Loading (LD)

- LD-01 Page 114

Entrances/Drives (ED)

- ED-01 Page 115

- ED-03 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-04 Page 126

Farm Animal (FA)

- FA-01 Page 127

Public Improvement (PI)

- PI-01 Page 130

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-04 Page 136

Fences and Walls (FW)

- FW-01 Page 137

- FW-03 Page 137

Landscaping (LA)

- LA-01 Page 138

- LA-02 Page 140

Large Retail (LR)

- LR-01 Page 141

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Permanent Signs (PS)

- PS-01 Page 151

- PS-06 Page 154

LI - Light Industrial District

3.27 "LI" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "LI" District is intended to provide a land use category for assembly, warehousing, and other light industrial operations. The provisions that regulate this land use district should make the district compatible with the "GC", "HC" and "AG" districts and environmentally sensitive areas. This district should be used in combination with the HC district in areas with convenient access to major transportation routes. Madison County's Plan Commission and Board of Zoning Appeals should strive to provide for light industrial operations while minimizing light pollution, large parking lots along the major roadways, hazardous traffic patterns, and traffic conflicts in the "LI" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • agricultural products sales and distribution • farm implement storage (operable implements used in the farming operation - not for sale) • farm implement sales and service Institutional/Public Uses • nature preserve • passive recreation trail • police, fire, or rescue station Communication/Utilities • utility substation • sewage treatment plant • wireless telecommunications facility/tower • water tower Business Uses • corporate office uses Industrial Uses • industrial uses (low impact)	Agricultural Uses • confined feeding operation • grazing and pasture land • livestock • livestock auction and sale facility • commercial greenhouse Residential Uses • dwelling, single-family (as an accessory to agriculture uses) • dwelling, single-family (accessory, as an additional dwelling) Institutional/Public Uses • institutional uses (small scale) • institutional uses (medium scale) • institutional uses (large scale) • church or other place of worship • government office/facility • school (P-12) Business Uses • truck stop • kennel • office uses Industrial Uses • agricultural crop production and storage (of materials produced off-site)

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

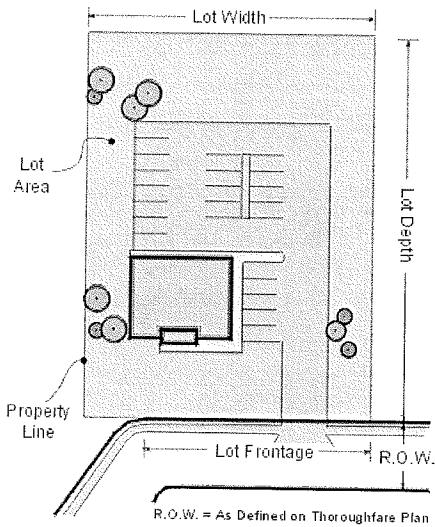
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

LI - Light Industrial District

3.28 "LI" District Standards



Minimum Lot Area:

- 25,000 square feet

Minimum Lot Width:

- 150 feet

Maximum Lot Depth:

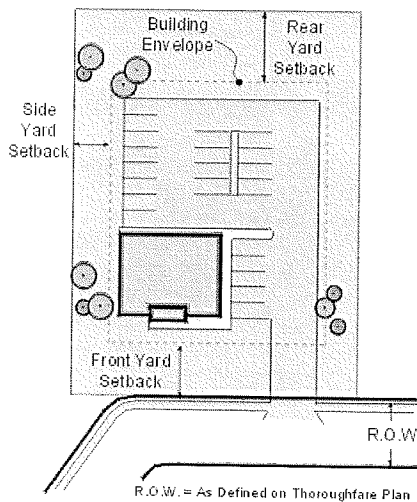
- none

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

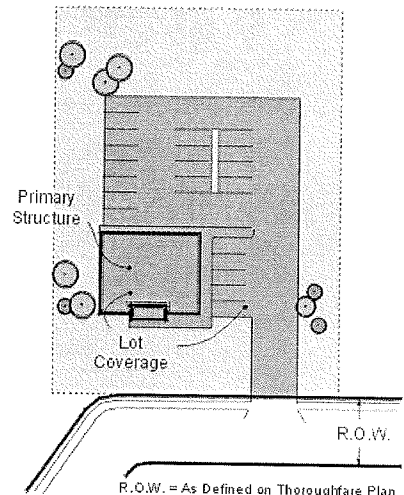
- 150 feet when adjacent to an Arterial Road
- 100 feet when adjacent to a Collector Road
- 35 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 25 feet

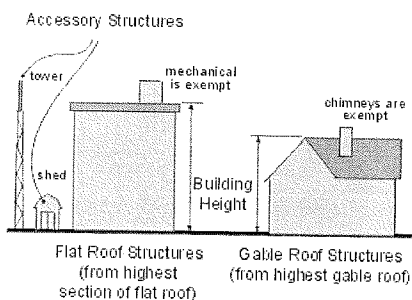


Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 40 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunications facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)	
• LY-01	Page 93
Height (HT)	
• HT-01	Page 94
Accessory Structure (AS)	
• AS-01	Page 95
• AS-06	Page 98
Buffer Yard (BY)	
• BY-01	Page 99
Performance (PS)	
• PS-01	Page 101
Environmental (EN)	
• EN-01	Page 102
Flood Hazard Area (FH)	
• FH-01	Page 104
Parking (PK)	
• PK-01	Page 110
• PK-04	Page 110
• PK-05	Page 113

Loading (LD)	
• LD-01	Page 114
Entrances/Drives (ED)	
• ED-01	Page 115
• ED-03	Page 116
Sight Visibility (SV)	
• SV-01	Page 118
Telecom. Facilities (TF)	
• TF-01	Page 123
• TF-04	Page 126
Farm Animal (FA)	
• FA-01	Page 127
Public Improvement (PI)	
• PI-01	Page 130
Satellite Dish (SA)	
• SA-01	Page 132
Temporary Uses (TU)	
• TU-01	Page 134
• TU-04	Page 136

Fences and Walls (FW)	
• FW-01	Page 137
• FW-03	Page 137
Landscaping (LA)	
• LA-01	Page 138
• LA-02	Page 140
Seasonal Housing (SH)	
• SH-01	Page 143
Lighting Standards (LS)	
• LS-01	Page 145
• LS-02	Page 145
General Signs (GS)	
• GS-01	Page 147
Permanent Signs (PS)	
• PS-01	Page 151
• PS-07	Page 155

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GI - General Industrial District

3.29 "GI" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "GI" District is intended to provide a land use category for a variety of industrial operations. The provisions that regulate this land use district should make the district compatible with the "GC", "HC", "LI" and "AG" districts and environmentally sensitive areas. This district should be used in combination with the "LI" district in areas with convenient access to major transportation routes. Madison County's Plan Commission and Board of Zoning Appeals should strive to provide for industrial operations while minimizing light pollution, large parking lots along major roadways, hazardous traffic patterns, and traffic conflicts in the "GI" district.	Agricultural Uses • agricultural crop production • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • farm implement storage (operable implements used in the farming operation - not for sale) Institutional/Public Uses • nature preserve • passive recreation trail Communication/Utilities • utility substation • sewage treatment plant • wireless telecommunications facility/tower • water tower Industrial Uses • mineral extraction and processing • industrial uses (high impact) • agricultural crop production and storage (materials produced off-site)	Agricultural Uses • grazing and pasture land • livestock Residential Uses • dwelling, single-family (as an accessory to agriculture uses) • dwelling, single-family (accessory, as an additional dwelling) Institutional/Public Uses • church or other place of worship • government office/facility • school (P-12) Industrial Uses • industrial uses (low impact) • junk yard (including sanitary landfill, refuse dump, and scrap metal yard)

Use Notes & Subdivision Specifications

The Use Matrix at the end of this Article (p80 & 81) provides detailed use listings.

The flood hazard provisions of this Ordinance shall apply to all districts as specified in Article 6, Section 6.10.

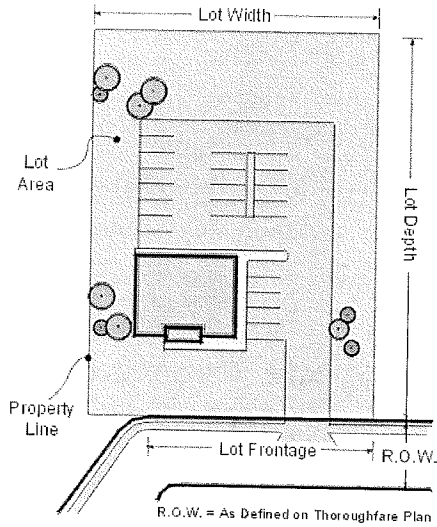
The Corridor Development Overlay District shall apply as specified in Article 4 of this Ordinance.

Any district may be rezoned to "PD" (Planned Unit Development) as specified in Article 9 of this Ordinance.

The subdivision of land in this district shall be consistent with the specifications of the Madison County Subdivision Control Ordinance.

GI - General Industrial District

3.30 "GI" District Standards



Minimum Lot Area:

- 2 acres

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

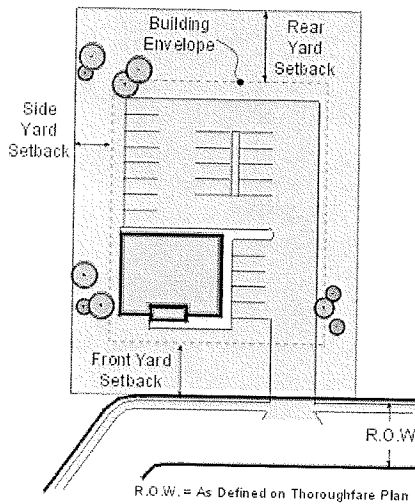
- none

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

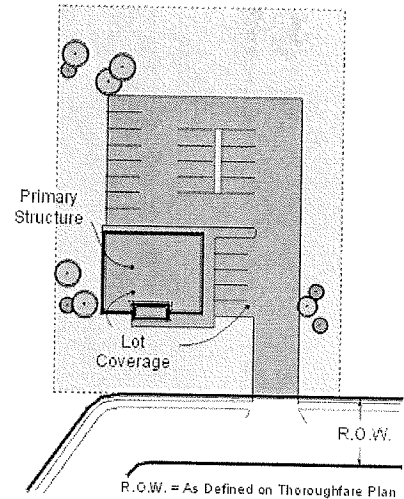
- 150 feet when adjacent to an Arterial Road
- 100 feet when adjacent to a Collector Road
- 35 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 40 feet

Minimum Rear Yard Setback:

- 40 feet

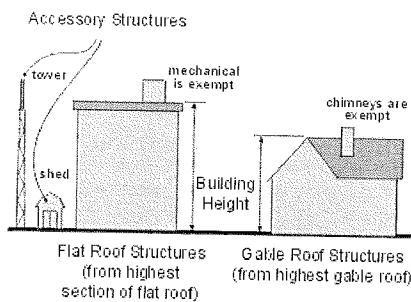


Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

Maximum Primary Structures per Lot:

- 1



Maximum Structure Height:

- 40 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunications facilities shall conform to the requirements of Art. 6

Additional Development Standards that Apply

Lot, Yard, & Density (LY)

- LY-01 Page 93

Height (HT)

- HT-01 Page 94

Accessory Structure (AS)

- AS-01 Page 95

- AS-06 Page 98

Buffer Yard (BY)

- BY-01 Page 99

Performance (PS)

- PS-01 Page 101

Environmental (EN)

- EN-01 Page 102

Flood Hazard Area (FH)

- FH-01 Page 104

Parking (PK)

- PK-01 Page 110

- PK-04 Page 110

- PK-05 Page 113

Loading (LD)

- LD-01 Page 114

Entrances/Drives (ED)

- ED-01 Page 115

- ED-03 Page 116

Sight Visibility (SV)

- SV-01 Page 118

Telecom. Facilities (TF)

- TF-01 Page 123

- TF-04 Page 126

Farm Animal (FA)

- FA-01 Page 127

Public Improvement (PI)

- PI-01 Page 130

Satellite Dish (SA)

- SA-01 Page 132

Temporary Uses (TU)

- TU-01 Page 134

- TU-04 Page 136

Fences and Walls (FW)

- FW-01 Page 137

- FW-03 Page 137

Landscaping (LA)

- LA-01 Page 138

- LA-02 Page 140

Seasonal Housing (SH)

- SH-01 Page 143

Lighting Standards (LS)

- LS-01 Page 145

- LS-02 Page 145

General Signs (GS)

- GS-01 Page 147

Permanent Signs (PS)

- PS-01 Page 151

- PS-07 Page 155

Land Use Matrix

3.31 Land Use Matrix

Use	Zoning District														
	AP	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI
Agricultural Uses															
confined feeding operation	S	S												S	
grazing/pasture land	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S
livestock	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S
animal boarding	S	S	S											S	
livestock auction/sale facility		S	S											S	
agricultural crop production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
agricultural seed sales, fertilizer sales, farm co-op facility															
retail sales (of crops produced on-site)	S	P	P												
agricultural crop processing (of materials produced on-site)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
agricultural product storage (or materials produced on-site)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
commercial greenhouse		S	S												
farmers market (for products grown off-site)		S	S								S		P	P	S
agricultural products sales, distribution, and storage	P	P	P									P	P	P	
agricultural seed sales, fertilizer sales, farmco-op facility												P	P	P	
farm implement storage (operable implements)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
farm implement sales and service		S	S									S	P	P	
seasonal farm worker housing	S	S	S												
Residential Uses															
dwelling, single-family, new	S	P	P	P	P	P					S	S	S		
dwelling, single-family, existing	S	P	P	P	P	P						P	P		
dwelling, single-family (accessory, as an additional dwelling)	S														
dwelling, mobile home								P							
dwelling, manufactured home (type I)	S	P	P	P	P	P		S							
dwelling, manufactured home (type II)	S	P	P	P	P	P		S							
dwelling, manufactured home (type III)								P							
dwelling, single-family (upper floors)											P	S			
dwelling, two-family					P	P									
dwelling, two-family (upper floors)											P	S			
dwelling, multi-family							P								
dwelling, multi-family (upper floors)											P	S			
residential facility for the developmentally/mentally disabled		P	P	P	P	P	P			P					
assisted living/retirement facility			S	S	S	S	P			P	S				
nursing home			S	S	S	S	P			P	S				
child day-care home		P	P	P	P	P	P	P			P				
home occupation (type I)		P	P	P	P	P	P	P			P				
home occupation (type II)	S	S	S	S	S	S									
bed and breakfast facility	S	S	S	S	S	S					S				
boarding house		S	S												
private air strip	S	S	S											S	S
Institutional/Public Uses															
Parks and Recreation Uses			S	S	S	S	S	S	P	P	S				
nature center, park, public athletic courts and fields, playground															
nature preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
passive recreation trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Institutional Uses (small scale)				S	S	S	S	S		P	S			S	
institutional facility for developmentally disabled, institutional facility for mentally ill, child day-care center, adult day-care center															
police, fire or rescue station	S	S	S	S	S	S	S	S	S	P	P	P	P	P	
Institutional Uses (medium scale)										P	S	P		S	
funeral home/mortuary, cemetery, public parking lot, crematory															
armory, library, museum, post office, recreation center, community center, service/fraternal/labor organization office and meeting hall															
Institutional Uses (large scale)									P		S			S	
trade or business school, university or college, hospital															
helipad/heliport, airport, fairground/race track															
church or other place of worship	S	P	P	S	S	S	S	S	S	P	P	S	S	S	S
government office/facility	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S
school (P-12)	S	P	P	S	S	S	S	S	S	S	P	P	S	S	S
Communication/Utilities															
utility substation	P	P	P	S	S	S	S	S	S	P	S	P	P	P	P
public wellfield/pumphouse	P	P	P	S	S	S	S	S	S	P					
sewage treatment plant		S	S											P	P
wireless telecommunication facility/tower	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P
water tower	P	P	P	S	S	S	S	S	P	S	S	P	P	P	P

P-Permitted Use S-Special Use

Rev. 2004 S-4

Rev. 2005 S-6

Land Use Matrix

(continued)

Use	Zoning District														
	AP	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI
Business Uses															
adult uses												P			
adult-oriented business (including clubs, theaters, bookstores)															
corporate office uses															
auto-oriented uses (small scale)											S	P	P	P	
gas station, drive thru ATM, restaurant (with drive-in service), restaurant (with drive-thru service)															
auto-oriented uses (medium scale)												P	P		
bus station, auto repair and body shop, car wash, vehicle detailing/accessory shop, oil change facility															
auto-oriented uses (large scale)												S	P		
hotel/motel, manufactured/mobile home sales and service, auto sales and service, motorcycle sales and service, boat and RV sales and service															
truck stop															
kennel	S	S	S										P	S	
alcohol related uses											S	S	S		
bar, tavern, night club, liquor store															
recreation uses (small scale)											S	P	S		
billiard/arcade room, video/dvd store, banquet hall, bowling alley, theater															
recreation uses (medium scale)									P		S	P	S		
driving range, miniature golf course, skating rink, swimming pool, health spa/retreat center															
recreation uses (large scale)	S	S	S						P						
golf course, commercial athletic courts and fields, riding stables, public fishing facility, camp ground, RV park															
personal service uses											P	P			
photographic studio, dance or martial arts studio, barber/beauty shop, tanning salon, dry cleaners, self service laundry, fitness center, tailor/pressing shop, shoe repair															
office uses											P	P	S	S	
veterinarian office/hospital, radio/TV station, print shop/copy center, medical/dental clinic, business/financial service office, bank/financial institution, investment firm, secretarial service, temporary service agency, employment service, general services office, design services, insurance office, law office, real estate office, title company, travel agency, medical/dental office															
retail uses (small scale)											P	P	S		
ice cream shop, restaurant (without drive-thru service), delicatessen, bakery (retail), art gallery, craft/fabric shop, flower shop, gift shop, convenience store (without gas pumps), news dealer/bookstore, music/instrument shop															
retail uses (medium scale)											S	P	S		
butcher/meat locker, pharmacy, jewelry store, antique shop, apparel/footwear shop, auto part sales (without on-site repair service), garden shop, sporting goods, pet shop, variety store, building finishes store (paint, windows, wallpaper)															
retail uses (large scale)												P	P		
grocery/supermarket, department store, furniture store, home electronics/appliance store, office supply store, building supply store															
Industrial Uses															
mineral extraction and processing	S	S	S												P
industrial uses (low impact)		S												P	S
wholesale facility, distribution facility, bakery (commercial), warehouse/packaging facility, assembly facility, boat/RV storage facility, engineering/research laboratory, food production/processing, date processing center, printing/publishing facility, contractor offices/workshop, tree trimming office/workshop, tool and dye shop, welding shop, auction house or lot, lumber yard															
industrial uses (high impact)															P
bottled gas storage/distribution, incinerator, explosives manufacturing and storage, manufacturing/fabrication facility, power generating plant															
mini-warehouse storage facilities												S	S	P	
ag.crop production/storage (materials produced off-site)		S												S	P
junk yard/scrap metal yard/sanitary landfill/refuse dump															S
solid fill	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

P-Permitted Use S-Special Use Rev. 2004 S-4 Rev. 2006 S-8

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Zoning Ordinance
Article Four

Corridor Development
Overlay District

Corridor Development Overlay District

4.1 Purpose

The purpose of this Article is to establish an overlay district to address the unique characteristics of the properties adjacent to the major transportation corridors in Madison County.

4.2 Intent

The major transportation corridors that traverse Madison County have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the County's goals and fulfill the purpose of this Ordinance. The intent of the CD-Corridor Development Overlay District is to require development along the County's corridors that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

4.3 Overlay District Boundaries

The Overlay District shall apply to all property located within 150 feet of the right-of-way of all State and Interstate Highways passing through Madison County, and elsewhere as designated on the Madison County Official Zoning Map.

- A. **Applicability:** If any portion of a piece of property lies within the Overlay District, the requirements of this Article shall apply to the entire parcel.
- B. **Zoning Map:** The boundaries for the Corridor Development Overlay District are shown on the Official Zoning Map. The Corridor Development Overlay District is marked with a CD two-digit code and a pattern as designated on the Official Zoning Map's legend.

4.4 Applicable Permitted and Special Uses and Development Standards

- A. **Permitted Uses:** All uses permitted, not-permitted, and permitted as special uses in any underlying zoning district to which the Corridor Development Overlay District is applied shall be unaffected by the presence of the overlay district.
- B. **Development Standards:** All single and two-family residential and agricultural uses shall be exempt from the development standards of the overlay district and shall comply with the requirements of the standard district in which they are located. The overlay district development standards shall apply to all other uses as follows:
 - a. All development standards established by any underlying zoning district shall also apply if that district is included in the Corridor Development Overlay District unless alternate development standards are provided by this Article.
 - b. Properties located in the Corridor Development Overlay District shall also be subject to any additional development standards established in this Article.
 - c. In cases where development standards established by the underlying zoning district and the overlay district are inconsistent, the requirements of the overlay district shall apply.

4.5 Overlay District Development Standards

- A. **Signage:** Off premise freestanding signs as defined in this ordinance may not exceed 40 feet in height. All other free-standing sign may not exceed 15 feet in height, measured from ground level. Berms or other means used to elevate the sign above the ground level may be used, but shall be counted as part of the sign height. In no instance shall this provision be interpreted as prohibiting the placement of off-premise signs consistent with the requirements of Article 7, Sign Standards, of this Ordinance.

Ordinance.

- B. **Building Orientation:** All primary structures shall face the front of the lot on which they are located. No loading docks, overhead service doors, or trash collection bins may be placed on or adjacent to any facade which faces a public street.
- C. **Outdoor Storage, Truck Dock, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall be prohibited. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, all truck docks, and all mechanical equipment shall be completely enclosed.
- a. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be enclosed by a fence or wall constructed of like materials as the primary structure on the lot.
 1. The enclosure shall not exceed 8 feet in height.
 2. No stored products or waste containers or materials may exceed the height of the enclosure.
 3. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
 - b. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
 - c. No area for the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
 - d. All truck docks shall be screened from view from all public areas, including parking lots and adjacent public streets. The screening enclosure shall consist of a fence or wall constructed of like material as the exterior of the primary structure on the lot.
- D. **Building Materials:** The primary building material for all facades facing public streets shall be brick, natural or cut stone, pre-cast concrete, on-site tilt up concrete panels, or any material with a stucco-type finish or a masonry material.
- E. **Roofs:** Roofs shall be a gable design with slopes between 15 and 45 degrees. Sloped roofs shall either be of standing seam metal or dimensional shingles.
- F. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking areas which include 15 or more parking spaces.
- a. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.
 - b. Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
 1. If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
 2. If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 15 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.
- G. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
- a. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide and have 90 degree cutoff luminaires (shielded downlighting).
 - b. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).

-
- c. Spot lights and those which face upwards to illuminate building facades are prohibited.
 - H. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on the same side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross-access easements. These requirements may be altered by the written recommendation of the Board of County Commissioners.
 - I. **Shared Parking:** Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee, delivery, pick-up, or handicap parking areas.
 - J. **Parking Location:** No more than 30% of the parking spaces provided on each lot may be placed between the front facade of the primary structure and the abutting public street.
 - K. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots, connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.
 - a. Walkways shall be concrete and shall be a minimum of 10 feet in width.
 - b. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
 - c. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
 - d. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width.
 - e. A covenant to build the walkway at a future time may be accepted by the Planning Director if the Director finds in writing that, (1) there are no adjoining walkways, (2) there is little prospect for adjacent development, and (3) there are no special land uses in the vicinity such as schools, which would benefit from the walkway. The covenant shall contain at the minimum the promise of the landowner to construct the walkway according to the County Standards and the event that will cause the walkway to be constructed.
-

End of Article

Zoning Ordinance
Article Five
Zoning Map

Zoning Map

5.1 Official Zoning Map

The zoning map for Madison County, officially labeled "Madison County Zoning Map", is hereby included as part of this Ordinance. The map may also be known as and referred to as the "Official Zoning Map."

5.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them.

5.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Madison County Plan Commission.

5.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map.

5.5 Regular Revisions

The Official Zoning Map should be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the "date last changed" noted on the map. Other revisions may be made to correct drafting or other errors or omissions in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Board of County Commissioners.

5.6 Damaged, Destroyed, or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may, by resolution, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

5.7 Official Zoning Map Standards

District boundaries on the Official Zoning Map shall be interpreted as follows:

- A. District boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines.
- B. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or city or town corporation lines shall be construed as following such lines.
- C. District boundaries indicated as parallel to or extensions of the above listed features shall be construed as so.
- D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.

-
- E. Where a district boundary line divides a lot at the time such line is adopted, the district in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between two or more zoning districts, the most restrictive district shall apply to the entire property. The Planning Director shall determine the applicable zoning for properties divided into several zoning districts consistent with this section.
 - F. If the Planning Director cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it does not clearly coincide with a property line, immediate action on any application shall be refused and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.
 - G. Any ruling of the Planning Director pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

5.8 Effect of Vacation on Zoning

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then be subject to all appropriate regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. The resolution of any disputes as to the exact zoning district boundaries shall be determined by the Planning Director. Appeals of the Planning Director's determination may be brought before the Board of Zoning Appeals.

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Zoning Ordinance
Article Six
Development Standards

Article Six

Development Standards

6.1 Introduction

All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all Development Standards and regulations for the applicable zoning district.

6.2 Expansion or Modification of Existing Uses and Structures

No structure, parking area, or other site feature regulated by this Ordinance shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided to the property to the extent of its alteration or expansion.

In the case of a substantial expansion, the entire site must meet the requirements of this Article. An alteration or expansion to an existing property is substantial when the area or square footage of the expanded or altered land (including property used for building space, parking, or storage) or structure, respectively, exceeds 25% of the area or square footage of the existing land or structure, exclusive of the alteration or expansion.

6.3 Development Standards that Apply

Under the sections of this Article that follow are Development Standards arranged by category. The four digit codes listed below are referred to in the "Additional Development Standards that Apply" section on the Two-Page Layout for each Zoning District.

As an example, on pages 41-43, the four digit code "LY-01" can be found under the Additional Development Standards that Apply section for the Agriculture (AG) District. Therefore, the Development Standards following the section in this Article labeled "LY-01" (on page 6-3) would apply to the Agriculture (AG) District.

Lot/Yard Standards (LY)

6.4 Lot/Yard Standards (LY)

LY-01: This Lot/Yard Standards section applies to the following districts:



- A. **Legal Nonconforming Lots:** All existing lots in conflict with the lot/yard regulations at the effective date of this Ordinance shall be considered Legal Non-Conforming Lots.
- B. **General Requirements:** Except as provided in this Ordinance, no building or structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
- a. Front Yard Setbacks: The minimum front yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - b. Side Yard Setbacks: The minimum side yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - c. Rear Yard Setbacks: The minimum rear yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - d. Lot Areas: The minimum and maximum lot areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - e. Lot Width: The minimum lot width shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - f. Lot Frontage: The minimum lot frontage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - g. Lot Depth: The maximum lot depth shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - h. Public Utility Requirements: The public utility requirements shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - i. Lot Coverage: The maximum lot coverage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - j. Living and Ground Floor Areas: The minimum dwelling unit and ground floor living areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - k. Primary Structures: The maximum number of residential and/or primary structures per lot shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
- C. **Setback Standards:** No portion of an any structure or material for sale stored outdoors is allowed to be located within the required setbacks. Structures shall include, but not be limited to garages, carports, balconies, roofs, decks, chimneys, cornices, bay windows, eaves, fire escapes, steps, and platforms above normal grade level. Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at normal grade level subject to the requirements of this Ordinance.

Height Standards (HT)

6.5 Height Standards (HT)

HT-01: This Height Standards section applies to the following districts:



- A. The maximum height permitted shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
- B. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. Exceptions to the height standards include:
 - a. The following structures may exceed the permitted height regulations by twofold (x2), but shall not exceed a total height from grade level of 75 feet:
 - 1. Church steeples,
 - 2. Water towers, and
 - 3. Utility transmission towers.
 - b. The following structures may exceed the permitted height standards by up to 15 feet, but shall be completely shielded from view by design features of the building:
 - 1. Necessary mechanical appurtenances, and
 - 2. Elevator bulkheads.
 - c. The height of telecommunication towers and antenna shall meet the requirements of Section 6.18, Telecommunication Facilities Standards of this Article.

Accessory Use/Structure Standards (AS)

6.6 Accessory Use/Structures Standards (AS)

AS-01: This Accessory Use/Structure Standards section applies to the following districts:



- A. No accessory structures shall be placed in any required setbacks and shall otherwise comply with all Development Standards for the zoning district in which they are located, except that accessory structures of 400 sq. ft. or less may be located no closer than five (5) feet to a side or rear property line subject to all recorded easements.
- B. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Ordinance.
- C. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- D. Accessory structures shall comply with the following location requirements:
 - a. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 - b. No accessory structures shall be placed in any operable septic fields.
 - c. A minimum separation of 10 feet shall be provided between an accessory structure and any primary structure or other accessory structure.
 - d. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- E. No vehicle may be used as an accessory structure in any district.
- F. Barns and other similar agricultural buildings shall be considered primary structures on property used for agricultural purposes. All other structures on property used for agriculture, including dwellings, shall be considered accessory structures. Single-family dwellings, child day-care homes, home occupations, and swimming pools shall be permitted only as accessory uses to the primary permitted uses in the AP, Agriculture Protection zoning district.
- G. Accessory structures and uses permitted as special uses are specified for each zoning district in Article 3 of this Ordinance.
- H. Agricultural uses located in any zoning district shall be permitted the accessory uses and structures specified in section AS-02 below.

AS-02: This Accessory Use/Structure Standards section applies to the following districts:



- A. The following accessory uses are permitted, subject to all applicable requirements of this Ordinance:

Accessory Use/Structure Standards (AS)

(continued)

- a. recreational raising of non-farm animals, and
 - b. outdoor storage of agricultural products and materials used in agricultural production.
- B. If a dwelling is present on the property, the following accessory uses are also permitted, subject to all applicable requirements of this Ordinance:
- b. child day-care home,
 - c. home occupation (type I) (subject to the Home Occupation Standards of this Article), and
 - d. swimming pool.
- C. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
- a. additional agricultural structures,
 - b. antennas and satellite dishes (subject to the Satellite Dish Standards of this Article),
 - c. bath houses, hot tubs and saunas,
 - d. attached and detached decks and patios,
 - e. detached garages and carports,
 - f. gazebos,
 - g. recreational greenhouses,
 - h. mini barns, sheds and other storage buildings,
 - i. privacy fences (subject to the Fence and Wall Standards of this Article),
 - j. sport courts, and
 - k. swimming pools.
- D. In CR and AG an accessory building may be permitted as a Special Use on a lot prior to construction of the primary structure for a period of up to two years for the purpose only to allow a homeowner/builder a place to store materials for that home. A covenant is required by the BZA that the home will be started within two years and that there will be no business activity from the accessory structure.
- E. Semi-trailers, Personal-On-Demand Storage (PODS), truck box beds, busses and other similar items shall not be considered accessory structures in these zoning districts.
- AS-03: This Accessory Use/Structure Standards section applies to the following districts:



- A. The following accessory uses are permitted, subject to all applicable requirements of this Ordinance:
- a. child day-care home,
 - b. home occupation (type I) (subject to the Home Occupation Standards of this Article), and
 - c. swimming pool.

Continued on next page

Accessory Use/Structure Standards (AS)

(continued)

- B. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance. These structures, with the exception of detached garages, may be allowed no closer than 5 feet to a side or rear property line. Detached garages must meet the setback requirement for the zoning district:
- a. antennas and satellite dishes,
 - b. bath houses, hot tubs and saunas,
 - c. attached and detached decks and patios,
 - d. detached garages and car ports,
 - e. gazebos,
 - f. mini barns, sheds and other storage buildings,
 - g. privacy fences,
 - h. sport courts, and
 - i. swimming pools.
- C. Accessory uses and structures shall be consistent with the following requirements:
- a. No more than 3 accessory structures may be placed on any one lot.
 - b. The combined size of accessory structures, including swimming pools, on any one lot may not exceed an amount equal to 65 percent of the living area of the primary structure on that lot.
 - d. detached garages and car ports,
 - e. gazebos,
 - f. mini barns, sheds and other storage buildings,
 - g. privacy fences,
 - h. sport courts, and
 - i. swimming pools.
- D. Semitrailers, Personal-On-Demand Storage (PODS), truck box beds, busses and other similar items shall not be considered accessory structures in these zoning districts.
- AS-04: This Accessory Use/Structure Standards section applies to the following districts:



- A. Management offices, sales offices, storage facilities, child day-care centers, self-service laundries, dry-cleaning facilities, fitness centers, community centers, recreation centers, swimming pools and other uses and structures customarily incidental to manufactured home parks and multifamily developments shall be permitted, provided that the following criteria are met:
- a. The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10 percent of the development site;
 - b. In mobile home parks, model homes used as sales units are limited to 5 percent of the authorized units in the park. Model homes must comply with the Temporary Use/Structure Standards of this Article;

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Accessory Use/Structure Standards (AS)

(continued)

- c. The accessory uses and structures shall be subordinate to the residential character of the development;
 - d. The accessory uses and structures shall be located, designed and intended to serve only the needs of the development;
 - e. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the development; and
 - f. Parking for accessory uses and structures shall be consistent with the Parking Standards of this Article.
- B. The following accessory uses for each dwelling unit are permitted, subject to all applicable requirements of this Ordinance:
 - a. child day-care home, and
 - b. home occupation (type I) (subject to the Home Occupation Standards of this Article).
- C. Each dwelling unit in a manufactured home park is entitled to accessory structures. The total area of all accessory structures shall not exceed an amount equal to 60% percent of the living area of the dwelling on the site. Permitted accessory structures are as follows:
 - a. antenna and satellite dishes (subject to the Satellite Dish Standards of this Ordinance),
 - b. bath houses, hot tubs and saunas,
 - c. attached and detached decks and patios,
 - d. detached garages and carports,
 - e. gazebos,
 - f. mini barns and sheds,
 - g. privacy fences, and
 - h. sport courts.

AS-05: This Accessory Use/Structure Standards section applies to the following districts:



- A. Restrooms, groceries, refreshment stands, restaurants, laundries, dry cleaners, sporting goods sales and other uses and structures customarily incidental to the permitted park and recreation uses are permitted, provided that the following criteria are met:
 - a. The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10 percent of the park and recreation site;
 - b. The accessory uses and structures shall be subordinate to the recreational character of the development;
 - c. The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility;
 - d. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park facility; and
 - e. Parking for accessory uses and structures shall be consistent with the Parking Standards of this Article.

AS-06: This Accessory Use/Structure Standards section applies to the following districts:



- A. Outdoor storage shall be permitted as an accessory use subject to the following requirements:
 - a. In the LC, Local Commercial; GC, General Commercial; HC, Highway Commercial; LI, Light Industrial; and GI, General Industrial districts outdoor storage shall be limited as follows:

Accessory Use/Structure Standards (AS)

(continued)

1. LC - outdoor storage shall be limited to seasonal sales of finished products;
 2. GC - outdoor storage shall be limited to seasonal sales of finished products;
 3. HC - outdoor storage shall be limited to seasonal sales of finished products;
 4. LI - outdoor storage shall be limited to finished products; and
 5. GI - outdoor storage of finished products and materials used in production shall be permitted.
- b. Outdoor storage of vehicles being stored at auto repair facilities and junk yards shall be consistent with the Parking Standards of this Article.
- B. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
- a. antennas and satellite dishes,
 - b. attached and detached decks and patios,
 - c. gazebos,
 - d. mini-barns, sheds, and other storage buildings,
 - e. dumpsters, and
 - f. similar structures related to the primary use.
- C. Accessory uses and structures shall be consistent with the following requirements:
- a. No more than 3 accessory structures may be placed on any one lot; and
 - b. The combined size of accessory structures on any one lot may not exceed an amount equal to 40 percent of the finished floor area of the primary structure on that lot.

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Buffer Yard Standards (BY)

6.7 Buffer Yard Standards (BY)

BY-01: This Buffer Yard Standards section applies to the following districts:



- A. The general purpose of a buffer yard is to soften the potential conflicts between the potential uses in one zoning district and the potential uses in another adjacent district by using setbacks and landscaping. The potential degree (or intensity) of conflict (or potential conflict) between two zoning districts determines the extent of buffer yard required.
- B. The following matrix determines the type of buffer yard which shall be installed by the subject development entirely on the subject property:

Buffer Yard Requirements															
The Buffer Yard type indicated on the table below shall be provided on the subject property when...															
..the zoning district for the subject property is...	..and adjoining property is zoned:														
	AP	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI
AP															
AG															
CR															
R1	2	1													
R2	3	2													
R3	3	2	1												
MR	3	3	3	2	2	2									
MH	3	3	3	3	3	3	2								
PR															
IS	3	3	2	2	2	2	2	2	1						
LC	3	3	3	3	3	3	2	2	2						
GC	3	3	3	3	3	3	3	3	2	2	1				
HC	3	3	3	3	3	3	3	3	2	2	2				
LI	2	2	3	3	3	3	3	3	3	2	2				
GI	2	2	3	3	3	3	3	3	3	3	3	2	2	1	

- C. The following general buffer yard standards will apply to all buffer yards.
 - a. The buffer yard standards only apply along the property lines where the two conflicting zoning districts meet.
 - b. The developer or owner of the subject property is responsible for installing the buffer yard. The adjacent property owner shall not have to participate in installing the buffer yard.
 - c. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.
 - d. All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.
 - e. All required buffer yard trees shall be irregularly spaced and designed to provide the appearance of a natural landscape unless otherwise specified by this Ordinance. However, no 2 trees shall be placed within 10 feet of one another.
 - f. All deciduous trees must have at least a 2-1/2 inch caliper measured by American Nursery Institute standards at 6 inches above the rootball, and all needled evergreen must be 6 feet in height measured by American Nursery Institute Standards from the bottom of the rootball when planted.
 - g. All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation.
 - h. No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this Ordinance.

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Buffer Yard Standards (BY)

(continued)

- i. All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.
 - 1. All unhealthy or dead plant material shall be replaced by the end of the next planting season.
 - 2. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth inhibiting measures may only be used to ensure the public safety.
- D. The required buffer yards shall meet the following minimum requirements:
 - a. Buffer Yard Type 1: Buffer yard type 1 shall include a minimum setback of 10 feet in addition to the yard setback otherwise required by this Ordinance. In addition, 1 deciduous canopy tree must be planted in the buffer yard for every 30 feet of contiguous boundary between the subject and adjoining properties.
 - b. Buffer Yard Type 2: Buffer yard type 2 shall include a minimum setback of 20 feet in addition to the yard setback otherwise required by this Ordinance. In addition, 1 deciduous canopy tree and 2 evergreen trees shall be planted in the buffer yard for every 25 feet of contiguous boundary between the subject and adjoining properties.
 - c. Buffer Yard Type 3: Buffer yard type 3 shall include a minimum setback of 25 feet in addition to the yard setback otherwise required by this Ordinance. In addition, a row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with 1 tree placed every 20 feet along the boundary between the subject and adjoining properties. Also, a 5 foot tall opaque wooden fence or brick or stone wall, a 5 foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed parallel to the property line within 10 feet of the row of canopy trees along the boundary between the subject and adjoining properties.
 - 1. If an undulating mound is used to fulfill the requirements, one shrub for every 10 feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height measured from grade at the time of planting.
 - 2. If a row of evergreen trees is used to meet the requirements, one tree shall be placed every 10 feet along the property boundary.

END OF SECTION

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Performance Standards (PS)

6.8 Performance Standards (PS)

PS-01: This Performance Standards section applies to the following districts:



All uses placed into operation after the effective date of this Ordinance should comply with the following general performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property should exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance should be altered or modified to conflict with these standards. The "Right to Farm" laws may supercede these guidelines as they pertain to farming and agricultural uses.

- A. **Air Pollution:** No use on a property should release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- B. **Electrical Disturbance:** No use on a property should cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. **Fire Protection:** Fire fighting equipment and prevention measures acceptable to the local Fire Departments should be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- D. **Noise:** No use on a property should produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise should be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- E. **Odor:** No use on a property should emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
- F. **Vibration:** No use on a property should cause vibrations detectable beyond lot lines without the aid of instruments.
- G. **Heat and Glare:** No use on a property should produce heat and glare in such a manner as to create a hazard to neighboring property. No such heat or glare interfere with the reasonable enjoyment of neighboring property, or the safety of transportation routes.
- H. **Waste Matter:** No use on a property should accumulate within the lot or discharge waste matter beyond the lot lines.
- I. **Water Pollution:** No use on a property should produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

Environmental Standards (EN)

6.9 Environmental Standards (EN)

EN-01: This Environmental Standards section applies to the following districts:



The following standards pertain to environmental concerns in Madison County. Some of the following standards refer to state regulations. This is not to imply that the County is enforcing state regulations; state regulations are referred to in order to make the affected property owners aware that they exist and need to be complied with in addition to local law.

- A. **Land Suitability:** No land shall be used, or structure erected where the land is unsuitable for such use or structure due to slopes greater than 10%, adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature as determined by the Planning Director, County Engineer, or Director of County Health likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community.
- B. **Preservation of Natural/Historic Features:** Existing natural and historic features which would add value to the development of the county such as trees, streams, vistas, lakes, historical landmarks (as listed in the Indiana Dept. of Natural Resources *Indiana Historic Sites and Structures Inventory - Madison County Interim Report*), and similar irreplaceable assets, when possible, should be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.
- C. **Landscaping:** Any part or portion of a non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, it shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the requirements of this Ordinance and shall be in keeping with natural surroundings.
- D. **Cut/Fill Grade:** No cut or fill grade shall exceed a slope of 3/1 or 33-1/3%. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3/1 in slope.
- E. **Treatment of Fill:** Material used for fill where permitted by this Ordinance and/or by the IDEM, IDNR, or other governmental agency, shall be promptly covered and seeded.
- F. **Erosion Prevention:** All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within 30 days after the removal or destruction of said natural cover to prevent erosion.
- G. **Surface Water:** It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. Existing natural surface drainage should be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water drainage system which shall be integrated into the drainage pattern of surrounding properties. Swales are required to be placed in an easement to prohibit future filling or constructing. On-site detention for a 100 year storm event shall be required unless a written statement by the County Engineer indicates that it is not necessary to prevent harm to adjoining properties. All drainage plans are subject to review and approval by the Madison County Engineer, and Madison County Drainage Board.

Environmental Standards (EN)

(continued)

- H. **Drainage:** Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the Madison County Highway Department, the Madison County Drainage Board, or the Indiana Department of Transportation. Driveways may be constructed over these swales as permitted by the appropriate agency.
- I. **Regulated Drain Setbacks:** No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used if its location is within 75 feet of the center line of any regulated tile ditch, or within 75 feet of the existing top of bank of any regulated open ditch or tile unless approved by the Madison County Engineer and Madison County Drainage Board.
- J. **Projects Affecting Regulated Drains:** Regulated drains are under the jurisdiction of the Madison County Drainage Board. The Madison County Drainage Board or Madison County Engineer shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.
- K. **Alterations to Bodies of Water:** No alteration of the shoreline or bed of a river, wetland, or public lake shall be made until appropriate written approval is obtained from the Indiana Department of Natural Resources, and Army Corp of Engineers, the Indiana Department of Environmental management; and the provisions of this Ordinance are complied with.
- L. **Retention, Detention, and Pond Edges:** All retention, detention, and pond edges must be maintained with a buffer of natural plantings within 20 feet of the peak elevation. The use of "rip-rap" or any other engineered hard edges are not permitted except around inlets and outlets. However, the use of "rip-rap" or any other engineered hard edges shall not exceed 5% of lineal feet of the total edge of any retention facility, detention facility, or pond.
- M. **Code Compliance/Hazardous Waste:** All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.
- N. **Code Compliance/Environmental Quality:** All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.
- O. **Waste/Debris:** No waste materials such as garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot; nor shall such waste be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.
- P. **Fuel Storage:** No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored except in accordance with the rules established by the State Fire Marshal

Flood Hazard Area Standards (FH)

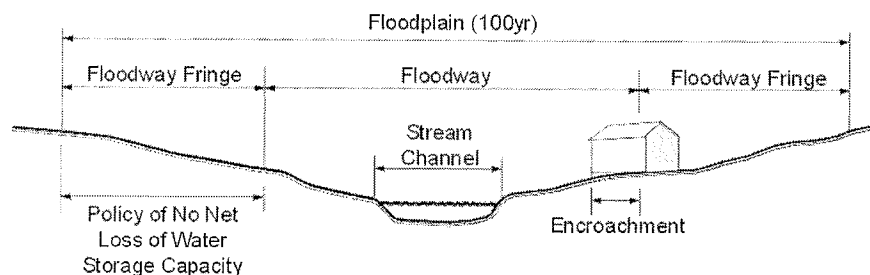
6.10 Flood Hazard Area Standards (FH)

FH-01: This Flood Hazard Area Standards section applies to the following districts:



The purpose of this section is to guide development in flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Board of County Commissioners of Madison County adopts these flood hazard area standards in order to accomplish the following:

- to prevent unwise developments from increasing flood or drainage hazards to others;
- to protect new buildings and major improvements to buildings from flood damage;
- to protect human life and health from the hazards of flooding;
- to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- to make federally subsidized flood insurance available for structures and their contents in Madison County by fulfilling the requirements of the National Flood Insurance Program.



- A. **Disclaimer of Liability:** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Ordinance does not create any liability on the part of Madison County, the Dept. of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.
- B. **Duties of the Planning Director:** The Planning Director shall review all development and subdivision proposals to ensure compliance with this Ordinance, including but not limited to the following duties:
- a. Ensure that all development activities within the Special Flood Hazard Areas (SFHA) of the jurisdiction of Madison County meet the requirements of this Ordinance;

Flood Hazard Area Standards (FH)

(continued)

- b. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
 - c. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to the requirements of this section, and maintain a record of such authorization (either copy of actual permit or letter of recommendation);
 - d. Maintain a record of the “as-built” elevation of the top of the lowest floor (including basement) of new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction;
 - e. Maintain a record of the engineer’s certificate and the “as-built” flood-proofed elevation of all buildings subject to the requirements of this section;
 - f. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this section. Submit reports as required for the National Flood Insurance Program;
 - g. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and “as-built” elevation and flood-proofing data for all building constructed subject to this Ordinance; and
 - h. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- C. **Regulatory Flood Elevation:** This section’s protection standard is the regulatory flood. The regulatory flood elevation and floodway limits for each of the SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of Madison County dated February 1, 1994, shall be the best data available as provided by the Department of Natural Resources.
- a. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.
 - b. For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
- D. **Improvement Location Permit Application:** No person, firm, corporation, or governmental body not exempted by state law shall commence any “development” in the SFHA without first obtaining an Improvement Location Permit. The Planning Director shall not issue an Improvement Location Permit if the proposed “development” does not meet the requirements of this Ordinance. The application for an Improvement Location Permit shall be accompanied by the following:
- a. A description of the proposed development.
 - b. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
 - c. A legal description of the property site.
 - d. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 - e. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

Flood Hazard Area Standards (FH)

(continued)

- E. **Improvement Location Permit Review and Approval:** Upon receipt of an application for an Improvement Location Permit, the Planning Director shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain where the limits of the floodway have not yet been determined.
- a. Identified Floodway Sites: If the site is in an identified floodway the Planning Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.
 - 1. Under the provisions of IC 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local improvement location permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.
 - 2. No action shall be taken by the Planning Director until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway.
 - 3. Once a permit has been issued by the Natural Resources Commission, the Planning Director may issue the local Improvement Location Permit, subject to compliance with all requirements of this section. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.
 - b. Identified Floodway Fringe Sites: If the site is located in an identified floodway fringe, the Planning Director may issue the local Improvement Location Permit provided the provisions contained in this section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
 - c. Undefined Floodplain Sites with Significant Upstream Drainage: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Planning Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.
 - 1. No action shall be taken by the Planning Director until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.
 - 2. Once the Planning Director has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions contained in this section have been met.
 - d. Undefined Floodplain Sites with Insignificant Upstream Drainage: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Planning Director shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site. Upon receipt, the Planning Director may issue the local Improvement Location Permit, provided the provisions contained in this section have been met.

Flood Hazard Area Standards (FH)

(continued)

- F. **Flood Plain Development:** All development shall be prohibited in the 100-year floodplain unless otherwise specified below:
- a. **Permitted Uses:** The following uses shall be permitted by right, provided they are permitted by the underlying district:
 - 1. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
 - 2. Forestry, wildlife areas and nature preserves.
 - 3. Parks and recreational uses except golf course and driving range.
 - 4. Public streets, bridges, and roadways.
 - b. **Special Uses:** Uses permitted as a Special Use are as follows:
 - 1. Riding stables or trails.
 - 2. Public well.
 - 3. Sewage treatment plant (not including septic fields).
 - 4. Water management use facilities (i.e. dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities).
 - 5. Public/private parking area.
 - 6. Golf course.
 - 7. Driving range.
 - 8. Mineral extractions and processing as shown on the flood-insurance rate maps.
- G. **Preventing Increased Damages:** No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.
- a. Within the floodplain identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis provided, no development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood or result in a net loss of flood water capacity.
 - b. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a flood-proofed storage tank or building constructed according to the requirements of this section.
 - c. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.
- H. **Building Protection Requirements:** In addition to the damage prevention requirements of this section, all buildings to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
- a. construction or placement of any new building having a floor area greater than 400 square feet;
 - b. structural alterations made to:
 - 1. an existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);
 - 2. any previously altered building;
 - c. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
 - d. installing a manufactured home on a new site or a new manufactured home on an existing site. This Ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - e. installing a travel trailer or recreational vehicle on a site for more than 180 days.

Flood Hazard Area Standards (FH)

(continued)

- I. **Building Protection Methods:** The building protection requirement may be met by one of the following methods. The Planning Director shall maintain a record of compliance with these building protection standards as required by this section.
- a. Residential or Non-residential Structures on Fill: A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 - 1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - 2. The fill should extend at least 10 feet beyond the foundation of the building before sloping below the FPG.
 - 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - 4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - 5. The top of the lowest floor including basements, (see definition of lowest floor) shall be at or above the FPG.
 - b. Elevated Residential and Non-residential Structures: A residential or nonresidential building may be elevated in accordance with the following:
 - 1. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided: (1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every one square foot of enclosed area subject to flooding (the bottom of all such opening shall be no higher than one foot above grade); and (2) Any enclosure below the elevated floor is used for storage of vehicles and building access.
 - 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
 - 3. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
 - c. Permanent Manufactured Homes and Recreational Vehicles: Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
 - 1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site; (1) outside a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
 - 2. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
 - 3. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Flood Hazard Area Standards (FH)

(continued)

- d. Temporary Recreational Vehicles: Recreational vehicles placed on a site shall either:
 - 1. be on the site for less than 180 consecutive days;
 - 2. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - 3. meet the requirements for “manufactured homes” in section (c) above.
- e. Flood-proofed Non-residential Structures: A non-residential building may be flood-proofed to the FPG (in lieu of elevating) if done in accordance with the following:
 - 1. A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - 2. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity.

Parking Standards (PK)

6.11 Parking Standards (PK)

PK-01 This Parking Standards section applies to the following districts:



Two off-street parking spaces, paved or gravel, are required per farm-related dwelling unit. Off-street parking spaces may not fully or partially be in a public right-of-way, utility easement, or septic field. Each space must be at least 9 feet wide and 18 feet long. Parking spaces shall be provided on the same lot as the dwelling units for which they are required. Parking areas must be designed as to prevent vehicles from having to back into or maneuver in public streets.

PK-02 This Parking Standards section applies to the following districts:



Two off-street parking spaces, paved with asphalt or concrete, are required per non-farm dwelling unit. Further, off-street parking spaces may not fully or partially be in a public right-of-way. Each space must be at least 9 feet wide and 18 feet long. Parking spaces shall be provided on the same lot as the dwelling units for which they are required.

PK-03 This Parking standards section shall apply to the following districts:



One and one-half paved off-street parking spaces are required per non-farm dwelling unit. In addition, at least 1 space per 2 units shall be provided for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in car ports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least 9 feet wide and 18 feet long.

PK-04: This Parking Standards section applies to the following districts:



All required non-farm parking spaces and lots shall conform to all of the following requirements:

- A. **Driving Surfaces:** All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete. All parking areas shall be clearly painted to show each parking space.
- B. **Drainage:** Parking areas must be constructed to allow proper drainage which shall be subject to the review and approval of the Planning Director and County Engineer.
- C. **Access to Public Streets:** Parking areas must be designed as to prevent vehicles from having to back into or maneuver in public streets.
- D. **Locations:** Parking lots shall not be located in any right-of-way, easement, required buffer yard, or any required setback from a public street.
- E. **Curbs and Wheelstops:** All parking areas shall be completely curbed and wheel stops shall be provided as necessary to protect pedestrians and/or landscaping.
- F. **Lighting:** Lighting for parking areas shall conform with the applicable requirements of the Lighting Standards section of this Article.

Parking Standards (PK)

(continued)

- G. **Landscaping:** Landscaping for parking areas shall conform with the applicable requirements of the Landscaping Standards section of this Article.
- H. **Off-site Parking:** Parking spaces required in this section may be provided either on the premises or on an off-site lot located within 700 feet of the premises.
- Two or more uses may provide off-site parking collectively on one lot if the total number of spaces shall not be less than the sum of the spaces required for each use.
 - Two or more uses for which the normal hours of operation do not overlap may share parking either on or off-site.
 - A permanent documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed and approved by the Planning Director. The agreement shall be recorded in the office of the Madison County Recorder. A copy of the agreement shall be kept in the office of the Plan Commission.
- I. **Handicap Parking:** Handicap parking spaces shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act.
- J. **Parking Space and Interior Drive Dimensions:** Parking spaces and interior drives shall conform with the following requirements:

Parking Space and Interior Drive Requirements			
Angle of Parking	Minimum Driving Aisle Width (feet)	Minimum Parking Space Size (feet)	
		Width	Length
Parrallel...	12	10	20
..up to and including 45 degrees...	14	10	18
..up and including 60 degrees...	18	9	18
..up to and including 90 degrees.	24	9	18

Parking Standards (PK)

(continued)

K. **Spaces Required:** The minimum number of parking spaces required per property shall be determined by adding up the spaces required for each applicable statement in the table that follows:

Non-Residential Required Parking Spaces (sq. ft. indicates square feet of gross floor area)	
The following number of parking spaces is required.....	..for every...
1 space	employee working on the largest shift
1 space	business vehicle stored on-site
..in addition to...	..for every...
1 space	3 seats in a restaurant, auditorium, gymnasium, church, or movie theater
1 space	500 sq. ft. in all auto/boat/RV or farm implement sales facility show rooms
1 space	item on display at an auto/boat/RV or farm implement dealership (to be used for each display item)
1 space	400 sq. ft. of gross floor area in all hardware home improvement, furniture, and large appliance stores
1 space	200 sq. ft. of gross floor area in all medical or dental office or clinic
1 space	200 sq. ft. of gross floor area in any fitness center, health spa, or entertainment center
1 space	250 sq. ft. in any administrative or professional business office, library, museum, or art gallery
1 space	200 sq. ft. in any car wash, repair, or modification center
1 space	300 sq. ft. of gross floor area in all convenience stores, banks, gas stations, grocery stores, department stores, and other retail facilities
1 space	6 children permitted by capacity in any day care facility
1 space	sleeping unit in a hotel, motel, and bed and breakfast
20 spaces	nine holes at any golf course
2 spaces	classroom in elementary and middle schools or high schools with a gym or auditorium
1 space	4 students for which a high school without an auditorium or gym is designed
1 space	20 student for which a high school with an auditorium or gym is designed
1 space	4 students for which a community college, business, vocational, trade, or other commuter-based school is designed
1 space	2 on-campus residents of a resident-student based college or university
1 space	100 square feet of recreational area at a swimming pool or skating rink
20 spaces	field or court at a sports facility
1 space	3 patient beds at a hospital or nursing home
1 space	200 sq. ft. in a personal service business, beauty or barber shop, or dry cleaners
5 spaces	lane at a bowling alley
1 space	5000 square feet at a self-storage facility
1 space	for every 5 hanger or tie-down spaces at an airport or heliport

Parking Standards (PK)

(continued)

PK-05 This Parking Standards section applies to the following districts:



- A. No vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a principal structure. All non-farm vehicles must be parked on a concrete or asphalt surface.
- B. Vehicles or trailers of any type without current license plates and registration or in an inoperable condition shall be prohibited other than in completely enclosed buildings or associated with permitted junk yards or auto -repair facilities. Such vehicles associated with permitted junk yards or auto-repair facilities must be stored consistent with the following requirements:
 - a. All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any right-of-way, front yard, or required setback area.
 - b. All storage areas for such vehicles shall be completely enclosed with a 6 foot tall, 100% opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of 6 foot tall, 100% opaque wooden doors.
- C. No vehicle or tractor/trailer of any type may be used predominantly for the purpose of personal storage.

PK-06 This Parking Standards section applies to the following districts:



Storage or parking of recreational vehicles in residential districts is subject to the following conditions:

- A. A recreational vehicle may be stored on a residential property provided it is fully enclosed by a structure or located in the provided rear yard. A recreational vehicle may be parked on a residential lot, outside of an enclosed structure or rear yard, for a period not to exceed in the aggregate 72 hours in any 30 day period.
- B. No more than one recreational vehicle may be parked outdoors on a residential parcel at any one time.
- C. In no case shall the vehicle be used for overnight sleeping or living.

PK-07 This Parking Standards section applies to the following districts:



- A. The parking of a commercial vehicle in residential zoning districts shall be prohibited, except that a commercial vehicle may be stored within an enclosed structure.
- B. This regulation shall not be interpreted to apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles, or to commercial vehicles in the process of temporarily loading or unloading deliverable goods.

Loading Standards (LD)

6.12 Loading Standards (LD)

LD-01: This Loading Standards section applies to the following districts:



There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. **Location:** All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street, alley, or other public right-of-way. No permitted or required loading berth shall be located within 50 feet of the nearest point of intersection of any two streets.
- B. **Size:** Off-street loading berths for over-the-road tractor-trailers shall be 14 feet in width and 120 feet in length including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least 12 feet in width and 60 feet in length including the apron. All loading spaces shall be provided with a vertical clearance of not less than 15 feet.
- C. **Access:** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will not interfere with traffic movements. There shall be no maneuvering within the right-of-way. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way.
- D. **Surfacing:** All open off-street loading berths shall be improved with a compacted base of asphalt or concrete.
- E. **Space Allowed:** Space allowed to any off-street loading berth shall not be used to satisfy the space requirements of any off-street parking spaces or portions thereof.
- F. **Landscaping:** The paved surface of all loading areas shall be considered as part of the parking lot and shall be factored into calculations for required landscaping as specified by the Landscaping Standards section of this Article.
- G. **Berths Required:** Off-street loading berths shall be required based on the following table:

Loading Berth Requirements	
Gross Floor Area	Berths Required
Up to 40,000 sq. ft.	1
40,000 to 80,000 sq. ft.	2
80,000 to 120,000 sq. ft.	3
120,000 to 160,000 sq. ft.	4
Greater than 160,000 sq. ft.	1 additional berth for every additional 80,000 sq. ft. of gross floor area

Entrance/Drive Standards (ED)

6.13 Entrance/Drive Standards (ED)

ED-01: This Entrance/Drive Standards section applies to the following districts:



The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. All classification of roads shall be based on the applicable Madison County Thoroughfare Plan.

A. The location of drives on or near curves and changes in grade shall be investigated individually by the County Commissioners and evaluated for their sight distance and the design speed of the roadway or the posted speed limit, whichever is greater. The County Commissioners may specify entrance and drive locations based on this investigation.

a. No entrance or drive shall be permitted within:

1. 140 feet of the apex of a curve (30 degrees or greater) and where the road is an Arterial,
2. 120 feet of the apex of a curve (30 degrees or greater) where the road is a Collector,
3. 70 feet of the apex of a curve (30 degrees or greater) where the road is a Local Road.

b. No entrance or drive shall be permitted:

1. Within a minimum of 225 feet from the crest of a hill where the slope on either side of the crest is 6% or greater, and the speed limit is 45 MPH or greater;
2. Within a minimum of 175 feet from the crest of a hill where the slope on either side of the crest is 6% or greater, and the speed limit is 45 MPH or less; or
3. Where the visibility to or from the desired location is determined to be otherwise impaired by the Planning Director.

c. Curb cuts and drives are permitted when within 30 feet of the crest of a hill unless the Planning Director determines the visibility to be impaired.

B. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be 1/2 of the below measurements):

- a. 32 feet if from a non-residential zoning district onto an Arterial,
- b. 30 feet if from a non-residential zoning district onto a Collector,
- c. 26 feet if from a non-residential zoning district onto a Local Road,
- d. 30 feet if from a multifamily residential zoning district onto an Arterial or Collector,
- e. 28 feet if from a multifamily residential zoning district onto a Local Road,
- f. 28 feet if from a single or two-family residential zoning district onto any type of street, or
- g. 22 feet if from a single-family residential zoning district onto any type of street.

[The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance or drive at the public right-of-way which it accesses.]

C. All drives providing access to a public right-of-way from all lots used for purposes other than single or two-family residences shall be designed so that vehicles are traveling in a forward direction when entering and leaving. In no case may any access drive be designed to require a vehicle to back onto any arterial or collector road as defined by the Madison County Thoroughfare Plan.

Entrance/Drive Standards (ED)

(continued)

- D. The number of entrances or drives provided shall meet the following requirements:
 - a. Single and two-family residences shall be limited to one drive per dwelling unit;
 - b. If a manufactured home park or multifamily development has 40 or more dwelling units, there must be 2 access points from the public road. Individual dwelling sites may only have drive-ways accessing interior roads.
- E. All entrances or drives which provide access to more than 3 lots, which are not part of a larger subdivision, with access from a public right-of-way shall be considered a private street and shall be prohibited.
- F. The Planning Commission may determine that the following are necessary:
 - a. an acceleration or deceleration lane, or
 - b. a passing blister at a new entrance or drive.

ED-02: This Entrance/Drive Standards section applies to the following districts:



No entrance or drive shall be permitted to begin within 200 feet of any intersecting road or any other entrance or drive on either side of the road.

[The distances for the above standards shall be determined by measuring from the right-of-way line to the curb or edge of pavement (whichever is less) of the entrance or drive.]

ED-03: This Entrance/Drive Standards section applies to the following districts:



No entrance or drive shall be permitted to begin within:

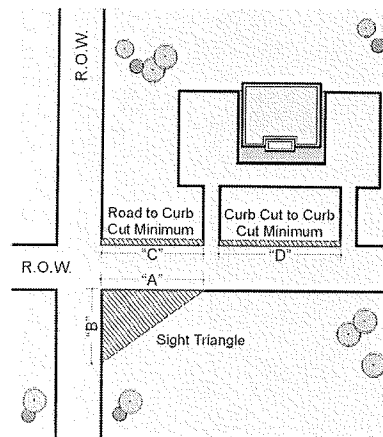
- A. 200 feet of any intersecting road if along an Arterial (see "C" below in the illustration),
- B. 175 feet of any intersecting road if along a Collector (see "C" below in the illustration), and
- C. 150 feet of any intersecting road is along a Local Road (see "C" below in the illustration).
- D. Entrances/drives must be paved with a hard surface. Specifications are to be shown on the site plan or permit.

[The distances for the above standards shall be determined by measuring from the right-of-way line to the curb or edge of pavement (whichever is less) of the entrance or drive.]

Entrance/Drive Standards (ED) (continued)

- D. No two entrance or drive shall be within:
- 200 feet of one another if along an Arterial (see "D" below in the illustration),
 - 150 feet of one another if along a Collector (see "D" below in the illustration), and
 - 100 feet of one another if along a Local (see "D" below in the illustration).

[The distances for the above standards shall be determined by measuring from the curb or edge of pavement to the curb or edge of pavement (whichever is less) of each entrance, or drive.]



Sight Visibility Standards (SV)

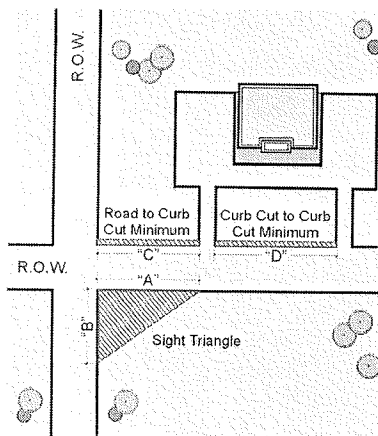
6.14 Sight Visibility Standards (SV)

SV-01: This Sight Visibility Standards section applies to the following districts:



The intent of Sight Visibility Standards is to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

- A. All intersections must maintain an area (Sight Visibility Triangle) where primary or accessory structures, trees, vegetation (other than agriculture crops), or signs (other than road signs) are not allowed to be placed or to project between a height of 3 and 8 feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present). The Sight Visibility Triangle is illustrated below.



- B. The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way at the distances from the point of intersection required by the table below.

Sight Visibility Triange Requirements	
Road Type	"A" and "B" Segment Length
Arterial	35 ft.
Collector	30 ft.
Local Road	15 ft.
Private Entrance or Drive	10 ft.

Open Space Standards (OS)

6.15 Open Space Standards (OS)

OS-01: This Open Space Standards section applies to the following districts:



A. Common open space shall be established in all residential developments based on the table below:

Open Space Requirements	
Zoning District	Open Space Required
R1	500 sq. ft. per dwelling unit for developments with a total area exceeding 20 acres
R2	500 sq. ft. per dwelling unit for developments with a total area exceeding 20 acres
R3	500 sq. ft. per dwelling unit for developments with a total area exceeding 20 acres
MR	10% of the total site area for all development
MH	10% of the total site area for all development

- B. Open space required above for developments in the R1, R2, and R3 zoning districts shall meet the requirements established by the Madison County Subdivision Control Ordinance.
- C. Open space required above for developments in the MR and MH zoning districts shall meet the following requirements:
- Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.
 - Common open areas may not include floodplains, detention ponds or other portions of the development which are undevelopable. Common open spaces should be located adjacent to such natural features when they are present in, or adjacent to the development.
 - Common open spaces within each development shall be linked with each other and with existing and future open spaces in adjacent developments through the required sidewalk system.
 - All common open spaces shall have at least 20 feet of frontage on a public or private street which includes sidewalks.
 - All required common open spaces shall be owned and maintained by the leasing company for tenant-occupied developments and a lot owner's association for developments with individually owned dwelling units. In no case may an access easement be substituted for a required common open space.
 - Common areas being a minimum of 12 feet wide shall be provided permitting access from natural site features such as floodplains, detention ponds, and historic sites to public or private streets with sidewalks.
 - Access easements shall be provided for any private sidewalks providing access to the common open space for persons outside the development.
 - All common open spaces shall be maintained for the enjoyment of the residents of the development and shall be free of weeds and other noxious vegetation.

Home Occupation Standards (HO)

6.16 Home Occupation Standards (HO)

HO-01: This Home Occupation Standards section applies to the following districts:



Home occupations shall be allowed as either permitted uses or special uses consistent with the provisions of Article 3 of this Ordinance. The allowed home occupations are classified as either a Type I Home Occupation or a Type II Home Occupation as defined below.

- A. Type I Home Occupations:** Type I Home Occupations are those which meet the following standards; representing requirements which permit minimal business practices in certain residential zoning districts while maintaining residential character. Type I home occupations shall be permitted uses, consistent with the Accessory Use & Structure Standards of this Article and the provisions of Article 3 of this Ordinance.
- The home occupation must not involve retail sales or manufacturing, and shall be limited to small home-office operations.
 - The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
 - At least 1 person residing on the premises must be the primary operator of the home occupation.
 - The equipment used for the home occupation must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.
 - The home occupation must not involve any exterior storage or display of products, equipment or materials.
 - The home occupation must not make any use of accessory structures, including attached and detached garages.
 - The home occupation must utilize no more than 25% of the total floor area of the primary structure.
 - The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
 - The home occupation must not require any additional entrances to the dwelling unit.
 - The home occupation must not require an identification sign exceeding 2 square feet attached to the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
 - The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
 - The home occupation must not involve clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.
 - The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.
- B. Type II Home Occupations:** Type II Home Occupations are those which meet the following standards; representing requirements which permit reasonable business practices in certain residential and agricultural zoning districts while maintaining residential and rural character and the viability of farming operations. Type II home occupations shall be special uses, consistent with the Accessory Use & Structure Standards of this Article and the provisions of Article 3 of this Ordinance.

Home Occupation Standards (HO)

(continued)

- a. The home occupation must not involve retail sales or manufacturing operations, but may include professional and personal services, or auto, furniture, and appliance repair.
 - b. The home occupation must not involve the employment of any more than 1 person who does not reside at the location of the home occupation.
 - c. At least 1 member residing on the premises must be the primary operator of the business.
 - d. The home occupation must not require any exterior storage or display of equipment or materials, including vehicles (operable or inoperable), equipment, or appliances being serviced by the home occupation.
 - e. No more than 40% of the total floor area of any level of the primary structure shall be used for the home occupation, however business practices in accessory structures are permitted.
 - f. The home occupation shall not require any exterior structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
 - g. The home occupation must not require an identification sign exceeding 4 square feet attached to the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
 - h. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
 - i. The home occupation must not require that more than two additional parking spaces be added to the lot(s) on which the residence is located.
 - j. The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.
- C. **Nuisances:** Home occupations which comply with the requirements of this section but are deemed by the Planning Director to be a nuisance or distract from the residential character of the area by excessive traffic, noise, vibration, electrical interference, odors, light, smoke, fumes, or other offensive characteristics shall be prohibited.
- D. **Interpretation:** The Planning Director shall determine to what extent any proposed or existing home occupation is consistent with the requirements of this section.

Adult Use Standards (AU)

6.17 Adult Uses Standards (AU)

AU-01: This Adult Use Standards section applies to the following districts:



- A. Adult bookstores or other adult entertainment businesses be prohibited in all zoning districts with the exception of GC, General Commercial.
- B. Adult bookstores or other adult entertainment businesses shall be located a minimum of 2,500 feet from any church, park, school, or other adult use.

Telecommunication Facility Standards (TF)

6.18 Telecommunication Facilities Standards (TF)

TF-01: This Telecommunication Facility Standards section applies to the following districts:



The purpose of this section is to allow for the provision of adequate reliable public and private telecommunication service and to maximize the use of any transmission tower and tower site in order to reduce the total number of towers and locations needed to serve the telecommunications needs of the area; to minimize adverse, undesirable visual effects of towers through careful design, siting, and vegetative screening. All wireless telecommunication facilities shall meet the following provisions:

- A. **Required Approvals:** The placement of telecommunications facilities shall met the following approval requirements as detailed in this section:
- The installation of new antenna on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Planning Director subject to conformance with all applicable requirements of this Ordinance.
 - The installation of new accessory structures to support the installation of antenna on existing towers or alternative structures may be approved by the Planning Director subject to conformance with the applicable requirements of this Ordinance.
 - The installation of new towers shall be approved either by the Planning Director as a permitted use or by the Board of Zoning Appeals as a special use consistent with the provisions of this section.
- B. **Determination of Tower Need:** Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification that the antennas planned for the proposed tower cannot be accommodated on any existing or approved towers or structures within a 3 mile radius of the proposed tower location due to one or more of the following reasons:
- The antennas would exceed the structural capacity of the existing or approved tower or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified, or replaced to accommodate the antennas at a reasonable cost.
 - The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost must be provided.
 - The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower or structure as certified and documented by a qualified and licensed professional engineer.
 - Unable to enter a commonly reasonable lease term with the existing tower owner or land owner.
 - Additional land area is not available.

Telecommunication Facility Standards (TF)

(continued)

- C. **Design Requirements:** All telecommunications facilities shall meet the following design requirements:
- a. Towers and antennas should generally be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - b. Wireless telecommunication service towers less than 131 feet tall should generally be of a monopole design and, when located within or adjacent to an environmentally, aesthetically sensitive area or a residential district, designed in such a way as to architecturally camouflage the wireless telecommunication service tower as much as reasonably practical to blend into the surroundings.
 - c. The use of residentially compatible materials such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of any adjacent residential or commercial structures within the neighborhood or area. Only if the facility will be 100% screened, as determined by the Planning Director, during all seasons may other materials be used.
 - d. Only when lighting is for safety or security reasons or required by the Federal Aviation Administration or other federal or state authority will it be permitted. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).
 - e. Any proposed telecommunication tower shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.
 - 1. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
 - 2. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights.
- D. **Site Requirements:** All telecommunications facilities shall meet the following site requirements:
- a. All telecommunications facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
 - b. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along existing driveways.
 - c. The lot where the tower is located (or lease area) shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of two additional towers and associated support facilities. At a minimum, the width and depth of the tower site shall be 50 feet greater than a distance equal to the tower height.
 - d. No part of any wireless telecommunications facility nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
 - e. An 8 foot high security fence shall completely surround the tower and equipment building site. An area 10 feet in width may remain outside of the fence for the purpose of providing the landscape screening described in (f) below.

Telecommunication Facility Standards (TF)

(continued)

- f. Evergreen buffer plantings shall be located around the outermost perimeter of the security fence of all wireless telecommunications facilities, including any guy wires and anchors.
 - 1. If evergreen hedges are used they shall be a minimum of 5 feet tall at the time of planting and planted a maximum of 3 feet on center.
 - 2. If evergreen trees are used they shall be a minimum of 6 feet tall at the time of planting and planted a maximum of 10 feet on center.
 - 3. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- E. **Construction Requirements:** All antennas, tower and accessory structures constructed within the Madison County Plan Commission jurisdiction, shall comply with the following construction requirements:
 - a. All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission.
 - b. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code.
 - c. Towers and antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 - d. Towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
 - e. An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.
 - f. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower, antenna and a structure, or between towers, shall be at least 10 feet above the ground at all points, unless buried underground.
 - g. Towers and antennas shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice, also accommodating any co-location requirements.
- F. **Existing Facilities:** The following shall apply to Existing Antennas and Towers:
 - a. Existing towers may continue in use for their current purpose but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance.
 - b. Any request submitted to the Madison County Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require an improvement location permit and a copy of the contract between the applicant company and the owner of the tower.
 - c. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location, and physical dimensions upon obtaining an improvement location permit. However, if the cost of repairing the tower to the former use, physical dimensions, and location would be 10% more than the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with all requirements in this Ordinance.
- G. **Inspection:** All towers may be inspected periodically by an official of the Madison County Plan Commission and/or a qualified and licensed engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.

Telecommunication Facility Standards (TF)

(continued)

- H. **Removal:** Any tower unused or left abandoned for 12 consecutive months shall be removed by the tower owner at their expense. At the time an improvement location permit is received for the construction of any tower or antenna, both the property owner and tower owner shall provide a bond meeting the requirements of the County in an amount and duration necessary to ensure the tower's and/or antenna's removal.

TF-02: This Telecommunication Facility Standards section applies to the following districts:



Wireless telecommunications facilities shall require approval as a Special Use from the Board of Zoning Appeals and shall meet all the following requirements in addition to the general requirements and all other applicable provisions of this Ordinance:

- A. The tower shall be a monopole design, and shall be setback from any property line a distance equal to at least 100% the height of the tower. Towers shall not be permitted in any required front yard.
- B. The maximum height of the tower shall be 125 feet. The maximum height of any accessory structure shall be 15 feet
- C. The fence enclosing the facility shall be opaque and of wood, brick, or stone construction. Opaque, 8 foot tall wooden gates, matching any wooden fence, or painted to match a fence of another material shall be provided to access the facility.

TF-03: This Telecommunication Facility Standards section applies to the following districts:



Wireless telecommunications facilities shall require approval as a Special Use from the Board of Zoning Appeals and shall meet all the following requirements in addition to the general requirements and all other applicable provisions of this Ordinance:

- A. The minimum side and rear property setbacks shall be equal to 80% of the height of the tower. Towers shall not be permitted in any required front yard.
- B. The maximum height of the tower shall be 150 feet. The maximum height of any accessory structure shall be 15 feet
- C. The tower shall be placed no closer than 500 feet to any residentially zoned or used property.

TF-04: This Telecommunication Facility Standards section applies to the following districts:



Wireless telecommunications facilities shall be permitted provided that they meet all the following requirements in addition to the general requirements and all other applicable provisions of this Ordinance:

- A. The minimum setback from the side and rear property line shall be equal to 50% of the height of the tower. Towers shall not be permitted in any required front yard.
- B. The maximum height of the tower shall be 199 feet. The maximum height of any accessory structure shall be 15 feet
- C. The tower shall be placed no closer than 500 feet to any residentially zoned or used property.

Farm Animal Standards (FA)

6.19 Farm Animal Standards (FA) The impact of farm animals varies by size and type of animal. The concept of Farm Animal Unit has been created to balance the impact of large and small animals.

FA-01: This Farm Animal Standards section applies to the following districts:



- A. **Exemptions:** All lots shall be permitted up to and including 0.4 animal units for the purpose of facilitating participation in 4-H and other educational opportunities. All lots which include 0.4 or fewer animal units shall be exempt from the setback requirements of this section.
- B. **Farm Animal Defined:** Nothing in this section shall be interpreted as regulating the keeping of household pets. For the purpose of this section, farm animals shall be defined as those which are raised and maintained for, or in support of, the production of food or other products.
- C. **Lot Size:** The minimum lot size on which farm animals are permitted shall be 4 acres.
- D. **Animal Units Permitted:** There shall be 2 animal units permitted per acre as determined based on the following table. The Planning Director shall have the discretion to determine the minimum acreage for any farm animals not listed.

Farm Animal Capacity Requirements	
Animal Type	Units
Large Animals (horses, cattle, buffalo, camels, donkeys)	1.5
Medium Animals (llamas, emu, ostrich, alpacas, sheep, goats)	1
Small Animals (pigs, turkeys, geese)	0.5
Very Small Animals (chickens, rabbits, ducks)	0.1

- E. **Setbacks Required:** On all lots of 10 acres or less, all farm animal stalls, coops, stables, or other place of boarding shall be setback a minimum of 50 feet from all property lines.

FA-02: This Farm Animal Standards Section applies to the following districts:



A. Scope and Purpose

The Madison County Plan Commission recognizes that agriculture is the foundation of our county and is essential to the continued economic well-being of the county. They understand that with ever improving technology and market trends the agricultural industry has evolved. To minimize adverse effects and to protect the public health and safety, consideration should be given to many branches of the agricultural industry and their effect on the environment. The Plan Commission recognizes that Madison County has many diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and specifications for Confined Feeding Operations may vary depending on these conditions.

Revised 2007-BC-O-01

Confined Feeding Operations regulations are hereby established in order to encourage the flexibility in the development of land that may be necessary to permit adjustments to changing public and private needs; to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs; to promote the more efficient use of land so as to preserve and enhance the natural characteristics and unique features of a property; to improve the design, character and quality of new development; to encourage integrated planning for economical provision of streets/roads/infrastructures and other utilities to reduce the burden by more efficient development; and to conserve the value of land.

The regulations in this section are in addition to the promulgated rules from the Indiana Department of Environmental Management (IDEM), Environmental Protection Agency (EPA) or any other agency or board designated at the federal, state, or local level to monitor or regulate Confined Feeding Operations either directly or indirectly. Any revisions to the state or federal rules shall be accepted in these regulations, without amendment and while printed revisions are updated. In this case of conflicting requirements, the more restrictive requirement will prevail.

B. Confined Feeding Operations

1. Special Use from the Madison County Board of Zoning Appeals is required.
2. Pre-applicant Permit
 - a. A pre-application permit for any CAFO/CFO may be obtained prior to the applicant's submission of any IDEM confined feeding permit application. This pre-application permit and site plan shall be filed with the Madison County Planning Department and shall prevent, for 12 months, unless extended by the Madison County Board of Zoning Appeals, any landowner from obtaining a building permit for a residence to be built within the setbacks established herein without the landowner submitting a written waiver acknowledging that a CAFO/CFO is being requested and consenting to the approval, as submitted. This written waiver shall be recorded with the Recorder of Madison County and include the legal description of the real estate.
 - b. Each property owner within 2500 feet of the proposed CAFO/CFO shall be notified by certified mail by the applicant of the proposed IDEM permit application and pre-application permit.

This notification shall be in a form approved by the Madison County Planning Department and sent no later than the 3rd day after the filing of the pre-application permit. The owner of the CAFO/CFO shall, no later than the 10th day after the filing of the pre-application permit, file with the Madison County Planning Department a list of the property owners required to be notified, together with proof of such notification and the permit will be issued.

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3. Confined feeding operations shall be exempt from the Farm Animal Capacity Requirements table above.
 4. Confined feeding operations shall meet any applicable requirements for the Federal, state or local government, and shall be consistent with the following standards.
 5. The minimum lot size on which confined feeding operations shall be permitted is 40 acres.
 6. Structures used for confined feeding operations, including waste disposal lagoons, shall be setback a minimum of 100 feet from all property lines.
 7. The Indiana Department of Environmental Management application shall be submitted along with the other supporting material for the special use; including a copy of the manure management plan approved during the Indiana Confined Feeding Regulation program permitting process. All CAFO/CFO's must follow all manure application rules defined in their IDEM permit.
 8. Confined feeding operation shall not be located closer than 500 feet from the nearest corner of a structure used in the CAFO/CFO to the nearest corner of any existing residential structure unless written consent is obtained from the property owner and 1,320 feet from any residentially zoned property.
 9. Confined feeding operation may not be expanded or enlarged on the subject real estate, unless approved by the Board of Zoning Appeals.
 10. All applicants who had or have ownership in or during the past 5 years in any CAFO/CFO in the State of Indiana or any other state must not have any outstanding unresolved violations with the Indiana Department of Environmental Management or any other corresponding or comparable local, state or federal regulatory agency. All such outstanding violations regarding water quality must be resolved before a permit will be issued in Madison County. The applicant shall submit a signed affidavit stating that there are no outstanding violations. Falsification of any information presented shall be grounds for denial of the special use permit and the applicant shall be prohibited from re-applying for a period of 1 year and 5 years for falsification of the reports concerning waters of the State.
 11. Upon permanent termination of operation (voluntary or involuntary), petitioner or his successor will remove all manure from the storage structure and properly land apply within 180 days. The structure must be closed, pursuant to 327 I.A.C. 15-15-19, within 3 years. Failure to do so shall authorize County to close the structure at the expense of the landowner/operator.
 12. A special use shall not be granted until written approval by IDEM is granted and received.

C. Manure Application

1. A manure application shall be filed and approved for any manure application within Madison County by/or obtained from a CAFO/CFO approved by IDEM outside of Madison County. The manure requirements as approved by IDEM will apply to all applications in Madison County unless modified by Madison County.

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2. The manure application requirements apply to all ground where the manure is being applied.
 3. Manure storage of at least 365 days is required. Locations for staging manure shall be designated in writing and subject to accepted agronomic standards and manure management summary presented.
 4. Manure application shall be by injection, unless approved by the Madison County Board of Zoning Appeals.
 5. There shall be designated green space/filter strip of 25 feet in width on each side along any surface water, or open ditch or water source used for the collection of the sediment and cleansing runoff on all land application areas owned or controlled by the operator.
 6. Manure cannot be applied any closer than 500 feet from any sensitive area, surface water or public water supply intake structure.
 7. Manure cannot be applied within 25 feet from the top of bank from any open drain or public roadway.
 8. A geotechnical soils engineer shall be hired by Madison County Planning Commission for the purposes of consulting the Commission and conducting monitoring well tests as set out herein. A certified laboratory shall test all water supplies including perimeter tile testing. The CAFO/CFO operator/owner shall pay an annual assessment to cover the cost of such services as provided. Assessments shall be approved by the Madison County Planning Commission.
 9. Two monitoring wells shall be installed, at locations determined by the geotechnical soils engineer for each CAFO/CFO pit, lagoon, or building. Each well will be 2" in diameter and placed at a distance not to exceed 50 feet from the structure, pit, or lagoon that will have storage and/or hold manure. The completed depth of these wells (minimum 30 feet) will be determined preferably by the first unconsolidated sand and gravel aquifer encountered below the hydrostatic ground water level. In the event bedrock is encountered prior to an unconsolidated sand and gravel aquifer, or the hydrostatic ground water level, the final placement of the well would be on top of the bedrock. Upon completion of these two monitor wells, the wells will be tested for nitrates/nitrites prior to the start up of the CAFO/CFO in order to establish a baseline. Annual testing will be required and records of those tests will be maintained for review purposes. If two consecutive tests show elevated levels of nitrates/nitrites, the geotechnical soils engineer shall notify the Madison County Planning Department and forward copies of those tests. The planning department will notify IDEM and submit these tests for their review.
 10. During installation of the two monitoring wells, soil borings and logs shall be kept and reviewed by a geotechnical soils engineer. A report will be submitted by that engineer to the Madison County Planning Department recommending whether or not a liner and the type of liner that should be required, if any.

If the engineer recommends a liner, that recommendation and type, along with the basis for that recommendation, shall be forwarded to IDEM for their review and comments during the IDEM permitting process.

COMMENTS: In the case of a building with a pit, two options are available. They are: Option #1) is to apply an integrated membrane system to the exterior wall of the pit areas. This would involve the use of bentonite-based products including Voltex, or equal, (under slab), Voclay Panels, or equal, (perimeter foundation walls), and the use of Waterstop RX, or equal, in all concrete joints. This system, properly installed, will prevent the movement of waste into the local soils and will also prevent the movement of waste into the local soils and will also prevent the entry of groundwater into the manure pits. Option #2) shall be to apply a membrane system to the interior walls (and columns) of the manure pit. Instead of using prefabricated membranes, a spray-applied system called Stataseal, or equal, shall be utilized. This system would protect the concrete and retard the degradation of the concrete due to exposure to salts in the manure.

In each case the liner, panels, or membrane shall be placed to a level higher than the manure will be stored, a 5% overlap is required, and care shall be taken not to puncture either the membrane liner or panels.

Geosynthetic clay liners are high performance environmental liners comprised of geosynthetic carrier components bonded to a layer of low permeability Volclay Sodium Bentonite.

Volclay panels are specifically designed for installation on backfilled wall surfaces. The flutes of these special 4'x4' panels are filled with Volclay Sodium Bentonite, assuring a one-pound per square foot application of low permeability material.

Stataseal is a polyme-modified asphalt system that adheres to concrete surfaces to form a permanent protective shell.

Waterstop - RX is a sodium bentonite based waterstop designed to stop water in-filtration through cast in place concrete construction joints by expanding upon contact with water to form a positive seal against the concrete.

END OF SECTION

Mobile/Manufactured Home Standards (MS)

6.20 Mobile/Manufactured Home Standards (MS)

MS-01: This Mobile/Manufactured Home Standards section applies to the following districts:



Mobile and manufactured homes shall be permitted as described by the following table:

Permitted Mobile/Manufactured Homes				
Zoning District	Mobile Home	Manufactured Home		
		Type III	Type II	Type I
AP			P	P
AG			P	P
RR			P	P
R1			P	P
R2			P	P
R3			P	P
MR				
MH	P	P	S	S
P - Permitted S - Special Use				

MS-02: This Mobile/Manufactured Home Standards section applies to the following districts:



- A. All homes sites shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons.
 - a. When concrete ribbons are used, the area between the ribbons shall be filed with a layer of crushed rock.
 - b. Each stand shall be provided with an anchoring for each corner of the mobile home able to sustain a minimum tensile strength of 2,800 pounds.
- B. The minimum distance between homes shall be 20 feet.
- C. Foundation skirting shall be provided around each home completely enclosing the undercarriage. All hitches, wheels, and other attachments to the home used to aid in transportation shall be removed or concealed beneath the skirting.
- D. Each home shall be provided with an enclosed, waterproof storage space either as an accessory structure on each home site, behind the skirting, or at a central storage facility.
- E. Common concrete sidewalks at least 4 feet in width shall be provided adjacent to all interior drives and around all recreational and accessory use areas. Concrete sidewalks at least 4 feet in width shall be provided from the front door of each manufactured home to the common sidewalks adjoining the interior drives.

Continued on next page

Mobile/Manufactured Home Standards (MS) Continued

- F. These standards shall apply to legal, nonconforming parks when replacing a unit.
- G. Legal, nonconforming mobile and manufactured parks may replace existing units within the facility. However, they may not increase the number of units without first bringing the facility into compliance with existing standards.

Recreational Vehicle Park Standards (RV)

6.21 Recreational Vehicle Park Standards (RV)

RV-01: This Recreational Vehicle Park Standards section applies to the following districts:



- A. Recreational vehicle parks shall have direct access to a public road and shall include sufficient entrances and exits to facilitate the safe movement of recreational vehicles in and out of the park.
- B. All recreational vehicle parks shall designate specific locations for recreational vehicles through signage or the provision of waste disposal and fresh water hook-ups.
 - a. The density of the park area shall not exceed more than 15 recreational vehicles per acre.
 - b. The minimum area of a recreational vehicle park shall not be less than 5 acres.
 - c. Recreational vehicles shall be separated from each other and all other park buildings by a minimum of 10 feet.
 - d. All recreational vehicles must be setback a minimum of 50 feet from the right-of-way of all adjacent public roads.
- C. Recreational vehicle parks shall permit only the seasonal placement and habitation of recreational vehicles. No recreational vehicle shall remain in a park for more than 8 months in any 12 month time period.

End of Section

Public Improvement Standards (PI)

6.22 Public Improvement Standards (PI)

PI-01: This Public Improvement Standards section applies to the following districts:



- A. **General Requirements:** Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
 - a. The Madison County Plan Commission, based on the recommendations of the County Engineer, County Surveyor, and Planning Director, shall make determinations as to needed street, utility, and drainage improvements.
 - b. All public improvements must be constructed to comply with all applicable standards included in this Ordinance, the Madison County Subdivision Control Ordinance, and any other adopted construction standards of Madison County.
- B. **Sidewalks:** All developments shall be required to install public sidewalks along any public streets within and adjacent to the development.
 - a. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way.
 - b. Sidewalks shall be separated from the back of curb of the adjacent road by a planting strip which is a minimum of 10 feet in width along arterial and collector roads and 6 feet in width along local roads. Generally, the back of the sidewalk shall not be located less than 1 foot inside of the right-of-way line for the adjacent road.
 - c. Sidewalks shall be a minimum of 5 feet in width in residential areas and 8 feet width in non-residential and mixed use areas, and constructed of concrete consistent with all applicable Madison County construction standards.
- C. **Internal Pedestrian Ways:** All developments shall be required to install designated walks or paths providing for pedestrian and bicycle movement between public sidewalks and the structures on the site.
 - a. These designated sidewalks shall be a minimum of 5 feet in width and include an improved surface of concrete.
 - b. Designated walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.
- D. **Street Dedications:** All developments shall be required to dedicate right-of-way consistent with the classifications of the Madison County Thoroughfare Plan for all existing and proposed roads transecting or adjacent to the property being developed.
- E. **Street Construction:** The owners of new development shall install the portion of new roads proposed by the adopted Thoroughfare Plan transecting or adjacent to a property being developed if either of the following conditions are present:
 - a. The development has direct access to the road proposed by the Thoroughfare Plan; or
 - b. The road proposed by the Thoroughfare Plan will provide previously unavailable access to other properties controlled by the owner of the new development.
- F. **Street Trees:** All developments shall be required to provide street trees within the right-of-way.
 - a. One street tree shall be planted for every 40 feet of road frontage.
 - b. All street trees shall be a minimum of 2-1/2 inch calliper as measured consistent with the American Nursery Standards Institute (ANSI) at the time of planting and shall be of a species

Public Improvement Standards (PI)

(continued)

- listed as an approved street tree in the Madison County Subdivision Control Ordinance.
- c. No tree may be planted so that its center is closer than 2 feet to a sidewalk or curb, or edge of pavement if no curbs are present. No tree shall be planted within 25 feet of the intersection of two street rights-of-way, or within 10 feet of the intersection of a street and an entrance driveway. No tree shall be planted within 10 feet of any fire hydrant or 5 lateral feet of any underground utility service.
- G. **Public Utilities:** All new developments shall be required to connect to public sanitary sewer, water, and storm water drainage systems as specified by Article 3 of this Ordinance.
- a. Storm water drainage systems in developments shall not result in any additional run-off being transferred to adjacent properties other than through proper easements established for that purpose.
 - b. The size of all water and sewer mains shall be large enough not only to serve the areas under immediate consideration, but also to serve areas which are likely to be developed and which should be served by the extensions under consideration.
 - e. Fire hydrants, knox boxes and other fire fighting infrastructure shall be installed consistent with the requirements of the appropriate fire district.
- H. **Easements:** No structure with the exception of fences may be located in, or otherwise obstruct any easement. Fences shall be permitted within easements subject to the receipt of written permission from the easement holder. Approval of the Planning Director, County Survey, and County Engineer shall be required for all fences proposed for placement in easements which are held by Madison County.
- I. **Dry Fire Hydrants:** In locations where fire hydrants served by a public water system can not be provided, dry hydrants shall be provided in all lakes and storm water retention and detention ponds subject to the specifications of the appropriate local fire department.

Satellite Dish Standards (SA)

6.23 Satellite Dish Standards (SA)

SA-01: This Satellite Dish Standards section applies to the following districts:



The intent of these standards is to provide for timely, reasonably priced, and quality access to satellite communication while ensuring the health, safety, and aesthetic quality of Madison County. These regulations are intended to prevent satellite dishes from interfering with the provision of utilities, provide for the safety of residents traveling public roads, and prevent damage or injury resulting from antenna detached from their base by act of God or man.

- A. Satellite dishes shall be described and regulated by their size and proposed location within the community consistent with the requirements of Federal law. Satellite dish shall be described as follows:
 - a. Satellite dish one meter or less in diameter at any location, and two meters or less in diameter located in a commercial or industrial area.
 - b. Satellite dish over two meters in diameter located in a commercial or industrial area, and over one meter in diameter located in a residential area.
- B. All satellite dishes shall be installed in a manner consistent with the requirements of this section, all applicable state and local electrical and building codes, and the manufacturer's specifications.
- C. Any satellite dish which is not attached to the primary structure on the property, but is instead mounted separately on the lot shall conform to the following requirements:
 - a. The antenna, together with any support structure, shall not exceed the maximum height requirements for accessory structures for the district in which it is located.
 - b. All wiring shall be buried underground at a depth of not less than two feet.
 - c. The antenna and any supporting structure shall be anchored in a concrete foundation which does not extend above grade level.
- D. Any satellite dish which ceases to be used for a period of time exceeding 12 months shall be removed. Any required bracing, support structures, and fencing shall also be removed at that time.
- E. Satellite dishes 1 meter or less in diameter in any residentially used or zoned district, and dish 2 meters or less in diameter in any non-residentially used or zoned district shall be allowed without a permit subject to the following requirements:
 - a. The dish shall be an accessory use, subordinate to the primary use on the property.
 - b. The dish shall conform with the required front yard setbacks for the district in which it is located.
 - c. The dish shall not be placed in, or overhang any public right-of-way or utility easement.
 - d. No part of the dish in combination with the structure upon which it is mounted shall exceed the maximum height requirements for the district in which it is located

Satellite Dish Standards (SA)

(continued)

- F. Satellite dish greater than 1 meter in diameter in any residentially used or zoned district, and antenna greater than 2 meters in diameter in any non-residentially used or zoned district shall require a permit, and placement of the antenna shall be subject to the following requirements.
 - a. The dish shall be an accessory use, subordinate to the principal use on the property.
 - b. The dish shall be located to the rear of the principal structure on the property (if mounted on the ground or an accessory structure) and to the rear of the roof peak (if mounted on the primary structure), and shall conform with the required setbacks for the district in which it is located.
 - c. The dish shall not be placed in, or overhang, any public right-of-way, easement, or required buffer yard.
 - e. If mounted on the primary structure, the antenna shall not extend more than 3 feet above the roof line.
 - d. No part of the dish in combination with the structure upon which it is mounted shall exceed the maximum height requirements for the district in which it is located

Temporary Use/Structure Standards (TU)

6.24 Temporary Use/Structure Standards (TU)

TU-01: This Temporary Use/Structure Standards section applies to the following districts:



- A. Temporary structures are permitted in any zoning district provided that the use is a permitted use in that zoning district.
- B. Temporary structures must meet all development standards for a permanent structure unless otherwise specified in this section.
- C. Temporary uses and/or structures which seek extensions of the initial time limits established for that use or structure in this section shall be subject to the approval of the Board of Zoning Appeals. An unlimited number of 1 year extensions of time may be granted for a temporary use or structure by the Board of Zoning Appeals. The Board may impose reasonable conditions as part of its approval.
- D. All temporary structures or uses shall require a permit unless otherwise specified in this Article. No temporary use or structure, or the signage, lighting, landscaping, or parking areas for such facilities shall be constructed, placed upon a site, or altered prior to all necessary permits being obtained.
- E. All temporary uses or structures must be removed and the original site reverted to its original condition within the duration of the permit.
- F. Any trailer used as a temporary structure must be equipped with skirting on all four sides which match the exterior material of the trailer.
- G. No extensions of the time limits described in this section shall be considered for any temporary use or structure that violates any conditions listed in this section or any other provision of this Ordinance.
- H. Temporary uses and structures which represent a public nuisance in the opinion of the Planning Director shall be removed from the property. A nuisance temporary use/structure shall include, but not be limited to, one which creates road congestion or prevents adequate access by fire trucks and other emergency vehicles, or disrupts the residential character of neighborhood with excessive outdoor lighting or sound.

TU-02: This Temporary Use/Structure Standards section applies to the following districts:



The following temporary uses and structures are permitted as described below, no permit shall be required.

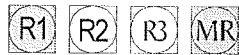
- A. Garage/yard sales are permitted as for a total of 7 days per calendar year, per lot.
- B. Children's roadside stands.
- C. Tents used for private parties or events are permitted for a total of 7 days per calendar year, per lot. Tents may also be subject to the review of the applicable fire district.

Temporary Use/Structure Standards (TU)

(continued)

- D. Construction trailers are permitted as temporary structures for up to 12 months in any 5 year period, per lot. Construction trailers shall not be located in any right-of-way, required setback, easement, or buffer yard.
- E. Dumpsters shall be permitted as temporary structures for up to 12 months in any 5 year period, per lot. Dumpsters shall not be located in any right-of-way, required setback, easement, or buffer yard.

TU-03 This Temporary Use/Structure Standards section applies to the following districts:



- A. Temporary model homes and temporary sales trailers shall be permitted in each development until either (1) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development or (2) 5 years from the date of approval of the final plat for the most recent section of the development, whichever is greater. A permit shall be required.
- B. Model homes and temporary home sales trailers shall be located on a lot in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a model home or temporary sales trailer.
- C. A maximum of one model home or temporary home sales trailer shall be permitted per builder, or subsidiary company of each builder, if applicable, marketing homes in each development.
- D. The placement of temporary model homes and sales trailers shall be consistent with the following requirements.
 - a. Location: The facility shall be located on the lot nearest to the entrance of the development which is not occupied by any other structure. In no instance shall a temporary home sales facility be located farther than the first 4 lots from the development entrance.
 - b. Uses: The facility shall be used for open house purposes for prospective buyers only, and shall not be used for corporate meetings or construction management activities. Such temporary home sales facilities may not be directly used for the purpose of selling homes in other developments or in other communities.
 - c. Signage: Signage shall be limited to one ground sign not to exceed 6 feet in height and 24 square feet in area. Such signage shall be placed a minimum of 10 feet from the right-of-way, 15 feet from adjacent property lines, and in a manner consistent with the intersection sight visibility requirements of this Ordinance.
 - d. Lighting: All exterior lighting shall be limited to one 150-watt incandescent bulb, and interior lighting shall be limited to that which is customary for resident-occupied homes in the development.
 - 1. Exterior lighting shall be shielded to reduce glare and light trespass on to adjacent lots.
 - 2. All interior and exterior lighting, with the exception of interior lighting in a maximum of two rooms, shall be turned off by 9:00 p.m. and shall remain off until 8:00 a.m. daily.
 - e. Hours of Operation: Operation of the facility shall be limited to the hours of 10:00 a.m. through 9:00 p.m. daily. The operation shall be limited to a maximum of two employees working in the model home at any time.

Temporary Use/Structure Standards (TU)

(continued)

- f. Parking: Temporary home sales facilities shall conform with the following parking requirements:
 - 1. Model homes shall provide a minimum of two off-street parking spaces for the use of salespersons and potential buyers.
 - i. Such parking spaces shall conform to the size requirements of this Ordinance.
 - ii. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. Such driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.
 - 2. Temporary sales trailers shall be prohibited from providing off-street parking of any type for any purpose.
- g. Landscaping: Temporary home sales facilities shall conform with the following landscaping requirements:
 - 1. Model homes shall provide landscaping consistent with the requirements of this Ordinance for homes to be constructed in the development.
 - 2. Temporary sales trailers shall provide a landscape area extending from the trailer for five feet in each direction.
 - i. Such landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the property and the development.
 - ii. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.
- E. Prior to the sale of a model home for use as a residence, all signage and exterior lighting shall be removed and the garage area shall be returned to its primary use.
- F. Any builder using a temporary home sales trailer and either constructing an approved model home consistent with this section or removing the trailer shall restore the temporary home sales trailer site to pre-installation conditions, removing the trailer and any associated signage and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed within 10 days of the issuance of any certificate of occupancy for the model home.

TU-04: This Temporary Use/Structure Standards section applies to the following districts:



The following temporary uses and structures are permitted as described below, a permit from the Planning Director shall be required.

- A. Construction trailers are permitted subject to the following conditions.
 - a. The location and footprint of the construction trailer must be indicated on the approved site development plan
 - b. The construction trailer must be used in conjunction with an approved construction project only during actual construction work.
 - c. The construction trailer shall be removed from the construction site upon the completion of the actual construction work or when construction has been discontinued for a period of 30 days or more.
- B. Any temporary structure used to house a permitted use (such as temporary school classrooms) shall be permitted for up to 1 year. Such temporary structures shall be required to conform with all requirements for permanent structures in the applicable zoning district established by this Ordinance.

Fence & Wall Standards (FW)

6.25 Fence & Wall Standards (FW)

FW-01: This Fence & Wall Standards section applies to the following districts:



- A. Fences and walls shall be permitted in all zoning districts without a permit subject to conformance with the following requirements:
 - a. All fences and walls shall present the non-structural face outward.
 - b. All fences and walls may be permitted up to any property line that is not also a right-of-way line. All fences and walls shall be setback a minimum of 2 feet from all adjacent rights-of-way.
 - c. No fence or wall may be placed in any right-of-way or any required sight visibility triangle.
 - d. No fence or wall may be placed in any drainage, utility, sidewalk, landscaping, access or other easement without written permission from the easement holder.
 - e. No fence or wall may be placed in any required buffer zone that does not specifically provide for the inclusion of fences.
- B. Fences specifically required by this Ordinance for screening, swimming pools, telecommunications facilities, or other purposes may exceed the maximum heights established by this section in a manner consistent with the specific requirements of this Ordinance.
- C. The height of a fence shall be determined by measuring from the highest grade to the highest point of the fence, including any posts or finials.

FW-02: This Fence & Wall Standards section applies to the following districts:



- A. Fences and walls shall not exceed 6 feet in height in any side or rear yard or 3 feet in height in any front yard. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them.
- B. All electrified, barbed wire, razor wire, and stockade fences are prohibited on all lots not used for agricultural purposes.

FW-03: This Fence & Wall Standards section applies to the following districts:



Fences and walls shall not exceed 8 feet in height in any side or rear yard and shall be prohibited in any front yard. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them.

Landscaping Standards (LA)

6.26 Landscaping Standards (LA)

LA-01: This Landscaping Standards section applies to the following districts:



Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the general welfare of the community through the reduction of storm water runoff, glare, and heat buildup, and improved aesthetics of the community.

A. Planting Standards: Under no circumstances shall any artificial plant be installed and/or counted as part of the required plantings. All plant materials shall be living plants and shall meet the following requirements:

- a. In no instance shall any landscaping required by this section, or by any other section of this Ordinance be used to meet the requirements of a different Ordinance section. In all cases the landscaping required by any section of this Ordinance shall be considered as being in addition to any other requirements.
- b. Any existing vegetation on site which is retained may be counted towards the minimum landscaping requirements.
- c. All new trees required to be planted by this Ordinance shall be measured consistent with the American Nursery Standards Institute (ANSI).
 1. All deciduous trees shall be 2-1/2 inches in diameter at the time of planting measured at 6 inches above the rootball.
 2. All evergreen trees shall be 6 feet in height at the time of planting measured from the base of the rootball.
 3. All shrubs shall be 12 inches in height at the time of planting measured from ground level.
- d. Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement. Where mounds are to be mowed, the maximum permitted slope is 3:1 (run:rise).
- e. All plant materials required by this section shall be free of disease, insects and/or damage, and shall be correctly labeled indicating genus, species and cultivar.
- f. Grass shall be planted in species normally grown as permanent lawns in Central Indiana, and may be sodded or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used. Other grasses may be used as ornamentation and for golf course applications unless otherwise specifically prohibited by this Ordinance or deemed unacceptable by the Planning Director.
- g. All required foundation plantings must be within 10 feet of the structure's foundation and should consist of perineal shrubs, ornamental shrubs, ornamental plants, or flowering plants.
- h. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without written permission from the agency that established the right-of-way or easement.

B. Design Standards: All proposed landscape materials should complement the form of the existing trees and plantings. Light, water, soil quantity and quality, and on-going maintenance requirements should be considered in selecting plant materials.

Landscaping Standards (LA)

(continued)

- C. Maintenance Requirements:** Trees, vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris and in good repair at all times.
- All unhealthy or dead plant material shall be replaced by the next planting period. Other defective landscape material shall be replaced or repaired within three months.
 - Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this section may not be pruned or otherwise treated so as to reduce overall height or level of opacity. Pruning, limbing-up topping, and other inhibiting measures including removal may only be practiced to insure the public safety, to maintain a neat and attractive appearance and to preserve the relative health of the material involved.
- D. Interior Planting Requirements:** Landscaping shall be required on each lot based on the use of that lot as defined in the table below. Where a lot is occupied by a combination of land uses listed below, only plantings consistent with the requirements for the land use that would result in the most landscaping is required.

Site Interior Planting Requirements			
For lots with the following land use...	..this number of...	..this planting type...	..shall be required for every...
Single Family Residential (including mobile homes in mobile home parks)	1	Deciduous Tree	1 dwelling unit
	1	Needled Evergreen Tree	1 dwelling unit
	1	Foundation Planting	20' of perimeter
Multiple Family Residential	1	Deciduous Tree	2 dwelling units
	1	Needled Evergreen Tree	2 dwelling units
	1	Ornamental Tree	4 dwelling units
	1	Foundation Planting	10' of perimeter
Commercial	1	Deciduous Tree	1000 sq. ft. of ground floor area
	1	Needled Evergreen Tree	1000 sq. ft. of ground floor area
	1	Ornamental Tree	1000 sq. ft. of ground floor area
	1	Foundation Planting	20' of perimeter
Institutional	1	Deciduous Tree	1000 sq. ft. of ground floor area
	1	Needled Evergreen Tree	1000 sq. ft. of ground floor area
	1	Ornamental Tree	1000 sq. ft. of ground floor area
	1	Foundation Planting	10' of perimeter
Industrial	1	Deciduous Tree	3000 sq. ft. of ground floor area
	1	Needled Evergreen Tree	3000 sq. ft. of ground floor area
	1	Ornamental Tree	3000 sq. ft. of ground floor area
	1	Foundation Planting	30' of perimeter

Landscaping Standards (LA)

(continued)

LA-02: This Landscaping Standards section applies to the following districts:



- A. **Parking Lot Landscaping:** In addition to the interior planting requirements, landscaping on the perimeter and in the interior of parking lots shall be provided.
- B. **Perimeter Screening:** All parking lots, including parking spaces, interior drives, and loading/unloading areas, must be screened on each side adjoining any residentially zoned or used property.
 - a. The screening must be placed within 5 feet of the parking area, and shall consist of an either evergreen trees, or a combination of an earthen berm, shrubs, and evergreen trees.
 - b. All evergreen trees and shrubs must meet the planting requirements provided by this section.
 - c. All screening shall provide a barrier at least 4 feet in height at the time of installation.
- C. **Interior Planting:** To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape areas must be provided within parking lots.
 - a. Landscape islands with a surface area equal to 8% of the area of the parking lots (including all parking spaces, interior drives, loading docks, drop-off/pick-up lanes, and access drives beyond the right-of-way) shall be provide in all parking lots with more than 15 parking spaces.
 - b. The required landscape areas shall meet the following requirements:
 - 1. All required landscaped areas shall consist of curbed islands or peninsulas which are surrounded on at least two sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward this requirement.
 - 2. All landscape islands must be a minimum of 150 square feet in area.
 - 3. No individual landscape area shall be larger than 350 square feet in size in a parking lot that is less than 30,000 square feet, and no individual area shall be larger than 1,500 square feet in a parking lot that exceeds 30,000 square feet.
 - 4. Individual landscape areas larger than those described above are permitted as long as the additional area is in excess of the required minimum total.
 - 5. One deciduous tree and two shrubs shall be provided within the landscape islands for every 150 square feet of interior landscape area required.
- D. **Design Requirements:** Landscaping provided at the perimeter of, and interior to parking areas shall meet the following design requirements:
 - a. Parked vehicles may hang over the interior landscaped area up to 2-1/2 feet, and wheel stops shall be provided to insure no greater overhang or penetration of the landscaped area.
 - b. All areas not landscaped with hedges, walls, or trees shall be provided with grass or other acceptable ground cover.

Large-Scale Retail Facility Standards (LR)

6.27 Large-Scale Retail Standards (LR)

LR-01: This Large-Scale Retail Facility Standards section applies to the following districts:



This section shall apply to all retail development which includes one or more structures which individually exceed 25,000 square feet in gross floor area. The purpose of these standards is to provide additional design criteria for large-scale retail facilities to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of Madison County.

A. Architectural Design Standards: The architectural design of the structure shall meet the following requirements:

- a. **Facades and Exterior Walls:** Facades and exterior walls shall generally be articulated to visually reduce the scale of the building and provide visual interest.
 1. All building shall be designed with a minimum of 8 external corners.
 2. All front facades between external corners which equal or exceed 200 feet in length shall incorporate wall plane projections or recesses along at least 20% of the their length. All such wall plane projections or recesses should have a depth equal to at least 3% of the length of the facade.
 3. All facades which face a public street shall have arcades, display windows, entry areas, or awnings at the ground floor along a minimum of 60 percent of their horizontal length at the ground floor.
 4. Building penthouses shall be incorporated into the building facade design and make use of exterior materials consistent with the facades.
- b. **Tenant Spaces:** When smaller, tenant spaces are located within a structure that exceeds 25,000 square feet in gross floor area, such spaces shall meet the following requirements when located along the front facade of the building:
 1. Each such space may have a customer entrance which is separate from the main entrance(s) of the structure.
 2. The ground level facade of each such store located along the front facade shall be transparent between the height of 3 and 8 feet above the exterior grade level for a minimum of 60 percent of the horizontal length of the front building facade occupied by each.
- c. **Roofs:** All roof-top equipment, such as HVAC units, shall be screened from public view on all sides by parapets, dormers or other screens. The material of all structures used to screen roof-top equipment shall be consistent with the exterior materials used on the facade of the structure. Roofs shall also meet the following requirements:
 1. Flat roofs shall feature parapets concealing roof-top equipment. The parapets shall not exceed an average height equal to 15% of the height of the supporting wall, and shall not at any point exceed a height equal to 30% of the supporting wall.
 2. Sloped roofs shall feature a roof plane change, gable, or dormer for every 100 feet of horizontal length.
 - i. Sloped roof exterior material shall either be standing seam metal or dimensional shingles.
 - ii. Sloped roofs shall include overhanging eaves which extend a minimum of 3 feet beyond the supporting walls.
 - iii. Sloped roofs shall not be sloped less than 15 degrees nor greater than 45 degrees.
- d. **Building Materials:** A minimum of three different materials shall be used for all front building exteriors. The primary front building facade materials shall consist of stone, brick, glass, ornamental metal, architectural precast (panels or detailing), or architectural metal panels. Generally shall smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel

Large-Scale Retail Facility Standards (LR)

(continued)

panels shall not be used for the front building exterior.

- e. **Customer Entrances:** All customer entrances located along the front facade, including those for smaller, tenant spaces as described above, shall be clearly defined and highly visible. The design of each entrance shall feature a combination of 3 or more of the following features:
 - 1. canopies and porticos;
 - 2. overhangs;
 - 3. recesses or projections;
 - 4. arcades;
 - 5. raised, corniced parapets;
 - 6. peaked roof forms;
 - 7. arches;
 - 8. outdoor patios;
 - 9. display windows;
 - 10. architectural details, such as tile work and mouldings which are integrated into the building structure and design; or
 - 11. fixed-in-place planters or wing walls that incorporate landscaped areas and places for sitting.

- B. **Building Orientation:** The structure shall be required to face and have its main entrance located on the side of the building which faces a public street.
 - a. In cases where such structures face more than one public street and the streets are of different classifications in the Madison County Thoroughfare Plan, the building shall face the street which is of the highest use classification. Main entrances may also be located on the corner of a building which faces two public streets.
 - b. No loading docks, overhead service doors, or trash collection bins may be placed on, or adjacent to any facade which faces a public street.
- C. **Additional Regulations:** All structures regulated by this section shall also meet the requirements of Section 4.5(D) and Sections 4.5(G) through (L) of this Ordinance. These provisions shall apply regardless of whether or not the structure is located within or outside of the corridor overlay zoning district. All other applicable requirements of this Ordinance and other adopted regulations of Madison County shall also apply.

Seasonal Housing Standards (SH)

6.27 Seasonal Housing Standards (SH)

SH-01: This Seasonal Housing Standards section applies to the following districts:



All seasonal housing units in Madison County, specifically those used in support of farming operations shall be consistent with the following minimum standards and requirements.

- A. Basic Equipment and Facilities:** No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards for basic equipment and facilities. Every dwelling unit shall include:
- access to a kitchen sink in good working condition and properly connected to an approved water and sewer system;
 - access to a room which affords privacy to a person within the room which is equipped with a fresh water closet, a lavatory basin, and a bathtub or shower in good working condition and properly connected to an approved water and sewer system;
 - access to garbage disposal facilities or garbage storage containers; and
 - safe, unobstructed means of egress leading to safe and open space at ground level.
- B. Light, Ventilation, and Heating:** No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards for light, ventilation, and heating. Every dwelling unit shall include:
- adequate ventilation for every habitable room;
 - water heating facilities properly installed and maintained in good and safe working order;
 - adequate lighting and electrical receptacles for every habitable room. Every outlet and fixture shall be properly installed, maintained in a good and safe working condition, and connected to the source of electric power in a safe manner;
 - heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely and adequately heating all habitable rooms to a minimum temperature of 68 degrees Fahrenheit;
 - screens and closing devices for all doors and windows (and any other opening) opening directly from a dwelling unit to outdoor space; and
 - screens or other devices for every opening which might otherwise allow the entry of rodents into the dwelling unit.
- C. Safe and Sanitary Maintenance:** No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards:
- every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight, water tight, and rodent-proof and shall be capable of affording privacy and shall be kept in good repair;
 - every window, exterior door, and basement hatchway shall be reasonably weather tight, water tight, and rodent-proof and shall be kept in sound working condition and in good repair;
 - all structures, whether occupied or unoccupied, shall be maintained in a condition of reasonable repair to prevent the infestation of rodents and insects, and prevent the creation of a hazard to public safety and general welfare;
 - every inside and outside stair and every porch or like structure shall be constructed so as to be safe to use and capable of supporting the load that will be placed upon it through normal use;
 - every plumbing fixture and water waste pipe shall be properly installed and maintained in good sanitary working condition, free from major leaks, defects, and obstructions; and

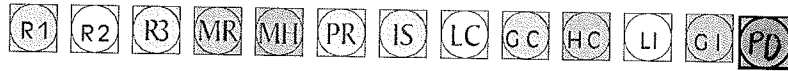
Seasonal Housing Standards (SH)

(continued)

- f. every bathroom floor surface shall be constructed and maintained to be reasonable impervious to water and to permit the floor to be easily kept in a clean and sanitary condition.
- D. **Space Requirements:** No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards:
 - a. every dwelling unit shall contain a minimum of 100 square feet of habitable floor space for the first occupant and at least 75 square feet of habitable floor space for each additional occupant;
 - b. in every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of habitable floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor space for each occupant;
 - c. no dwelling unit containing two or more sleeping rooms shall be arranged such that access to a bathroom intended for use by occupants of more than one sleeping room can only be obtained by passing through another sleeping room, nor shall the room arrangement require that access to any sleeping room may only be obtained by passing through another sleeping room or bathroom;
 - d. the ceiling height of all habitable rooms shall in no case be less than 7 feet from the interior floor level.
- E. **License:** All persons, corporations or other entities which maintain seasonal housing shall be required to obtain a license for such dwelling unit(s) annually from the Planning Director in a manner consistent with the adopted licensing policies and procedures of the Planning Director.
 - a. The licensing procedure may include a fee, as established on an adopted fee schedule, and an inspection of the housing units by the Planning Director.
 - b. The occupancy of any dwelling unit which is subject to the provisions of this section without a license shall constitute a violation of this Ordinance and shall be subject to the penalties provided by Article 14.
 - c. In no case may a license be granted for the occupancy of any dwelling unit which is not constructed and maintained in a manner consistent with the minimum standards provided by this section.
 - d. Any determination of the Planning Director related to these standards or this section may be appealed to the Board of Zoning Appeals.

Lighting Standards (LS)

LS-01: This Lighting Standards section applies to the following districts:



The following lighting standards apply. Lighting on each lot shall be designed to reduce light pollution while providing the maximum light necessary for security, safe pedestrian and vehicle traffic movements.

- A. All lot lighting must be shielded with opaque material to prevent direct lighting on streets, alleys and adjacent properties.
- B. All ground lighting used to cast light on building facades, features of buildings or signs must have shields to assure that light does not project beyond the building or sign and must utilize the least amount of light necessary to light the facade, building feature or sign. The light fixture and bulb must be shielded from view of any street, sidewalk, or parking lot.
- C. Lighting fixtures and poles for parking lots must be consistent in color, size, height, and design.
- D. All parking lot lights must utilize cutoff luminaries with 90 degree or less of an angle (downlighting) and shall be Metal Halide.
- E. Parking lot lights must not exceed 20 feet in height.
- F. All freestanding lights and lights mounted on walls or facades must have cutoff luminaries with 90 degree or less of an angle (downlighting) and shall be Metal Halide.
- G. All lighting fixtures and poles within a single development must be consistent in style, design and color.
- H. Lighting from a property may not cause more than a 1/2 foot-candle of illumination beyond the property line of the property. The only exceptions to this standard are as follows:
 - 1. When the subject property is zoned for business use and the adjacent property is also zoned for business or industrial use, then the allowable light at the property line is 1-foot candle (only on the sides of the property that are adjacent to the similar zoning district).
 - 2. When the subject property is zoned for industrial use and the adjacent property is also zoned for industrial use, then the allowable light at the property line is 2 1/2 foot candles (only on the sides of the property that are adjacent to the similar zoning district).
- I. Measurements of light readings shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of 6 feet.

LS-02: This Lighting Standards Section applies to the following districts:



The lighting standards in the Lighting Standards Section only apply to common areas. Street lighting standards for the residential areas shall follow the standards set forth in Section 6.10 Street Lighting Standards of the Madison County Subdivision Control Ordinance.

End of Section

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Zoning Ordinance
Article Seven
Sign Standards

Sign Regulations

7.1 Intent

The intent of this Article is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the county; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of Madison County.

7.2 Sign Regulations that Apply

Under the sections in this Article are sign regulations arranged by type. The four digit codes listed are referred to in the "Development Standards that Apply" section on the Two-Page Layout for each Zoning District.

General Sign Standards (GS)

7.3 General Sign Standards (GS)

GS-01: This General Sign Standards section applies to the following districts:



Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Madison County Plan Commission, or cause the same to be done without first obtaining a sign permit from the Planning Director. The following general sign standards apply to all signs within the jurisdiction of the Madison County Plan Commission.

- A. **Inspection:** Signs for which a permit is required may be inspected periodically by the Planning Director for compliance with this Article.
- B. **Removal of Sign:** The Planning Director may order the removal of any sign erected or maintained in violation of this Article consistent with the provisions of Article 14 of this Ordinance.
- C. **Maintenance:** All signs and their components shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Planning Director, a written notice will be given to the owner, business operator or lessee of the property consistent with the provisions of Article 14 of this Ordinance.
- D. **Abandoned Signs:** A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 30 days from the date when the business which it advertises is no longer conducted on the premises. For the purpose of this requirement, the sign shall include all supports, poles, and other structural elements. In no instance shall the removal of only the sign face be considered compliance with this provision.
- E. **Illuminated Signs:** All illuminated signs must meet the standards specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards.
 - a. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated.
 - b. All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place.
 - c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. All lighting shall have 90 degree cut-off luminaries (shielded downlighting). No light shall shine directly onto adjacent property.
- F. **Exempt Signs:** The following signs are exempt from all provisions of this Ordinance.
 - a. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
 - b. Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

General Sign Standards (GS)

(continued)

- c. Public signs erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.
 - d. Utility signs are permitted to mark cables and lines for public and private utilities unless determined to be a hazard by the Planning Director.
 - e. Seasonal or holiday signs, including lighting erected in connection with the observance of holidays, provided that such signs shall be removed no later than 30 days following the holiday.
 - f. Real estate signs provided they are not located in the right-of-way and do not exceed 6 square feet in residential zoning districts and 32 square feet in non-residential zoning districts.
 - g. Political signs and other signs of expression, provided they comply with the temporary sign standards as set forth in Section 7.4 of this Ordinance.
- G. Prohibited Signs:** The following types of signs are expressly prohibited in all zoning districts.
- a. Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
 - b. Signs that emit audible sound, odor or visible matter.
 - c. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
 - d. Signs that may be construed as a light of an emergency or road equipment vehicle.
 - e. Signs that hide any traffic or roadway sign, signal or device from view.
 - f. Signs that interfere with the Sight Visibility Area as defined in Article 6.
 - g. Signs that are located in any right-of-way, non-sign easement, or septic field.
 - h. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
 - i. Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.
 - j. Signs consisting of banners, streamers, pennants, and/or inflatable devices with alone or in combination with other such signs.
- H. Off-Premise Signs:** Off-premise signs shall be classified as either Class I, Class II or Class III depending on the maximum square feet of sign area per side of sign. A Class I off-premise sign shall have a maximum of 1000 square feet of area, a Class II off-premise sign shall have a maximum of sixteen feet of sign area and a Class III off-premise sign shall have a maximum of four square feet. All classes of off premise signs shall be prohibited in all zoning districts with the exceptions described below:
- a. General Conditions for all Classes of off-premise signs:
 - 1. Under no circumstances shall real estate signs placed on property for sale or lease, political signs, or agricultural seed signs identifying test plots be considered off-premise signs.
 - 2. A sign permit shall be obtained from the Planning Director for all off-premise signs
 - 3. Multiple faces mounted on the same structures shall be considered one sign. "Double stacked" signs shall be prohibited.
 - 4. Off-premise signs shall be mounted on structures permanently anchored in the ground. Mobile off-premise signs, inflatable off-premise signs, and off-premise signs placed on vehicles or trailer shall be prohibited.

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General Sign Standards (GS)

(continued)

5. Double sided signs are permitted, with each allowed the maximum square footage, provided that such signs are completely back-to-back or at an offset no greater than angle of 45 degrees.
- b. Class I off-premise signs shall be permitted in any commercial or industrial zoning district within 200 feet of any United States Interstate Highway or State Highway. Permitted off-premise signs shall meet the following requirements:
 1. Class I off-premise signs shall be setback a minimum of 50 feet from any public right-of-way and 300 feet from any other property line. Setbacks shall be measured from the property line or right-of-way to the nearest part of the sign, including the pole, sign face, or any attached ladder, catwalk or other access structures.
 2. No Class I off-premise sign shall be located any closer than 3000 feet to any other off-premise sign.
 3. No off-premise sign shall exceed 40 feet in height. No sign face area shall exceed 60 feet in length or 25 feet in height.
 4. There shall be a maximum of three new Class I signs permitted in Madison County per calendar year. (The removal of an existing Class I off-premise sign does NOT permit an additional Class I off-premise sign in any year).
- c. Class II off-premise signs shall be permitted in any commercial or industrial zoning district within 200 feet of any United States Interstate Highway or State Highway. Class II permitted off-premise signs shall meet the following requirements:
 1. Class II off-premise signs shall be setback a minimum of 50 feet from any public right-of-way and 100 feet from any other property line. Setbacks shall be measured from the property line or right-of-way to the nearest part of the sign, including the pole, sign face, or any attached ladder, catwalk or other access structures.
 2. No Class II off-premise sign shall be located any closer than 3000 feet to any other off-premise sign.
 3. No Class II off-premise sign shall exceed 8 feet in height. No sign face area shall exceed 4 feet in length or 4 feet in height. .
- d. Class III off-premise signs shall be permitted in any nonresidential zoned district within 200 feet of any United States Interstate Highway, State Highway or County Road with the approval from the Board of Zoning Appeals as a Special Use. Permitted off-premise signs shall meet the following requirements:
 1. Class III off-premise signs shall be setback a minimum of 20 feet from any public right-of-way and 100 feet from any other property line. Setbacks shall be measured from the property line or right-of-way to the nearest part of the sign, including the pole, sign face, or any attached ladder, catwalk or other access structures.
 2. No Class III off-premise sign shall be located any closer than 500 feet to any other off-premise sign.
 3. No Class III off-premise sign shall exceed 4 square feet in area or 4 feet in height. No sign face area shall exceed 2 feet in length or 2 feet in height.

Temporary Sign Standards (TS)

7.4 Temporary Sign Standards (TS)

TS-01: This Temporary Sign Standards section applies to the following districts:



Temporary signs are subject to the following requirements and those applicable provisions stated elsewhere in the ordinance.

A. Sign Standards

1. The total square footage for temporary signs posted on a building or on a lot or parcel, shall not exceed 32 square feet, with no individual sign exceeding 8 square feet. The total square footage of a sign is measured to include all the visible display area of one side of the sign.
2. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, stopping area, fire hydrant, or other type of road fixtures, or otherwise create a hazard, including a tripping hazard.
3. No temporary sign shall be posted or placed in the public rights of way, which included the posting of temporary signs on trees, utility poles, and other structures within the rights of way. A temporary sign shall be designed to be stable under all weather conditions including high winds.
4. No temporary sign shall be illuminated or painted with light reflecting paint.
5. A temporary sign shall only be posted with the consent of the property owner or occupant. A temporary sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced. The temporary sign shall be removed within one (1) week following event that is being used for.
6. A temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same lot or parcel.

B. Removal Requirements

1. A temporary real estate sign shall be removed within seven (7) days after the sale or occupancy of the property.
2. All other commercial and temporary signs, including those announcing yard sales and special events to occur on one or more particular dates, shall be removed within seven (7) days of the conclusion of the sale or event the sign is promoting.
3. The planning director, or his designee, is authorized to remove any temporary signs posted in violation of this ordinance that are not removed or replaced in accordance with the provisions above. Temporary signs posted on private property in violation of this ordinance shall be deemed a public nuisance, and the planning director or the planning director's designee may abate that nuisance in accordance with the enforcement and penalties provisions of Article 14 of this Code.;
4. The planning director's or his designee may immediately remove temporary signs posted on public property or right of way in violation of this ordinance, and file a civil complaint against the person who posted the sign to recover the cost of removing the sign.

Temporary Sign Standards (TS) (continued)

C. Variances

Any person seeking minor adjustments to the strict application of this ordinance to the posting of a temporary sign shall file a "Variance From Development Standards" to be established by the planning director.

D. Penalties

Violations of the provisions of this ordinance shall be a civil infraction and punishable in accordance with the provisions of this code.

TS-02: This Temporary Sign Standards for Temporary Homes Sales Facility section applies to the following districts:



One temporary sign identifying a temporary home sales facility shall be permitted for such facilities meeting the requirements of the Temporary Use/Structure Standards of Article 6. A permit shall be required, and the sign shall be subject to the following requirements:

- A. The sign may be illuminated consistent with the overall illumination requirements for temporary home sales facilities established by Article 6.
- B. The sign shall not exceed 24 square feet in area or 6 feet in height from ground level.
- C. The sign shall be placed a minimum of 10 feet from any public right-of-way and any other property line.

End of Article

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Permanent Sign Standards (PS)

7.5 Permanent Sign Standards (PS)

PS-01: This Permanent Signs Standards section applies to the following districts:



One sign shall be permitted per property used for agricultural purposes. The sign shall be a maximum of 32 square feet in area and 6 feet in height. The sign shall be setback a minimum of 10 feet from the right-of-way of any public street or other property line. A permit shall be required.

PS-02: This Permanent Sign Standards section applies to the following districts:



The following signs shall be permitted. A permit shall be required for each sign unless otherwise specified.

- A. One sign not exceeding a combined area of 2 square feet is permitted as a wall sign on the primary structure of each dwelling unit. No illumination is permitted. No permit is required.
- B. Two entry signs for residential developments are permitted at each entrance to the development.
 - a. No sign shall exceed 32 square feet in area.
 - b. No sign shall exceed 4 feet in height, measured from ground level. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring sign height.
 - c. Each sign shall be setback a minimum of 2 feet from the right-of-way of any public street.

PS-03: This Permanent Sign Standards section applies to the following districts:



The following signs shall be permitted. All signs require a permit unless otherwise specified.

- A. One ground sign per entrance in conjunction with a permitted or approved special use not exceeding 6 feet in height and 50 square feet in area.
- B. One wall sign in conjunction with a permitted or approved special use not exceeding 32 square feet in area.
- C. Directional signs no more than 4 feet in height and no more than 6 square feet in area. A minimum setback of 2 feet from any public right-of-way is required. No permit is required.

PS-04: This Permanent Sign Standards section applies to the following district:



The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. One square foot of signage shall be allowed for every 1 foot of the front facade of the building that is occupied by that use. (For example: If a use occupies a tenant space in a commercial building and that space includes 50 feet of the buildings frontage then 50 square feet of signage would be allowed for the use.) In no instance shall the amount of signage permitted per use exceed 100 square feet.

Permanent Sign Standards (PS)

(continued)

- a. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section:
 1. Wall signs,
 2. Awning signs,
 3. Projecting signs,
 4. Free-standing signs,
 5. Changeable copy signs,
 6. Time & temperature sign, and
 7. Multi-Tenant Joint Entrance Signs.
 - b. Development standards per type of sign are as follows:
 1. Wall Sign: Wall signs shall be located on the facade of the primary structure. No wall sign shall exceed 50 square feet in area.
 2. Awning Sign: Awning signs shall be printed on awnings mounted on the facade of the primary structure.
 3. Projecting Sign: No projecting sign shall, at its lowest point (except for the supporting building, structure, or column), be less than 8 1/2 feet above grade level. In no case shall it extend more than 4 feet beyond its supporting structure. Permission must be granted by the Board of County Commissioners if the proposed sign extends into the right-of-way. No projecting sign shall exceed 12 square feet in area. No more than 1 projecting sign shall be permitted per use.
 4. Free-standing Sign: Free-standing signs shall be placed a minimum of 10 feet from the public right-of way. No free-standing sign may exceed 6 feet in height or 50 square feet in area.
 5. Changeable Copy Signs and Time/Temperature Signs: Changeable copy signs and time/temperature signs shall be counted toward the maximum allowable square footage and shall meet the development standards which are consistent with the manner in which they are mounted.
 6. Multi-Tenant Joint Entrance Signs: Structures and/or centers containing multiple uses shall establish 1 sign at each entrance for the joint use of all tenants for which the facility is designed. The use of individual free-standing signs for each tenant is prohibited. Each sign shall be setback a minimum of 10 feet from all public rights-of-way. No sign may exceed 18 feet in height or an average of 24 square feet per tenant in area.
- B. **Window Signs:** Non-illuminated window signs not exceeding 25% of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs, and any exceeding 25% of the window area shall be counted toward the total sign area and shall require a sign permit.
- C. **Directional Signs:** Directional signs must be no more than 4 feet in height and no more than 6 square feet in area. Directional signs shall be setback a minimum of 2 feet from all public rights-of-way. No permit is required and they shall not be counted toward the total area allowed per use.

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Permanent Sign Standards (PS) (continued)

PS-05: This Permanent Sign Standards section applies to the following district:



The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. One and one-quarter square feet of signage shall be allowed for every 1 foot of the front facade of the building that is occupied by that use. (For example: If a use occupies a tenant space in a commercial building and that space includes 100 feet of the building's frontage then 125 square feet of signage would be allowed for the use.) In no instance shall the total amount of signage permitted per use exceed 150 square feet.
 - a. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section:
 - 1. Wall signs,
 - 2. Awning signs,
 - 3. Projecting signs,
 - 4. Free-standing signs,
 - 5. Changeable copy signs,
 - 6. Time & temperature sign, and
 - 7. Multi-Tenant Joint Entrance Signs.
 - b. Development standards per type of sign are as follows:
 - 1. Wall Sign: Wall signs shall be located on the facade of the primary structure. No wall sign shall exceed 75 square feet in area.
 - 2. Awning Sign: Awning signs shall be printed on awnings mounted on the facade of the primary structure.
 - 3. Projecting Sign: No projecting sign shall, at its lowest point (except for the supporting building, structure, or column), be less than 8 1/2 feet above grade level. In no case shall it extend more than 4 feet beyond its supporting structure. Permission must be granted by the Board of County Commissioners if the proposed sign extends into the right-of-way. No projecting sign shall exceed 12 square feet in area. No more than 1 projecting sign shall be permitted per use.
 - 4. Free-standing Sign: Free-standing signs shall be placed a minimum of 10 feet from the public right-of way. No free-standing sign may exceed 15 feet in height or 75 square feet in area.
 - 5. Changeable Copy Signs and Time/Temperature Signs: Changeable copy signs and time/temperature signs shall be counted toward the maximum allowable square footage and shall meet the development standards which are consistent with the manner in which they are mounted.
 - 6. Multi-Tenant Joint Entrance Signs: Structures and/or centers containing multiple uses shall establish 1 sign at each entrance for the joint use of all tenants for which the facility is designed. The use of individual free-standing signs for each tenant is prohibited. Each sign shall be setback a minimum of 10 feet from all public rights-of-way. No sign may exceed 18 feet in height or an average of 40 square feet per tenant in area.
- B. **Window Signs:** Non-illuminated window signs not exceeding 25% of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs, and any exceeding 25% of the window area shall be counted toward the total sign area and shall require a sign permit.
- C. **Directional Signs:** Directional signs must be no more than 4 feet in height and no more than 6 square feet in area. Directional signs shall be setback a minimum of 2 feet from all public rights-of-way. No permit is required and they shall not be counted toward the total area allowed per use.

Permanent Sign Standards (PS) (continued)

PS-06: This Permanent Sign Standards section applies to the following district:



The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. Two square feet of signage shall be allowed for every 1 foot of the front facade of the building that is occupied by that use. (For example: If a use occupies a tenant space in a commercial building and that space includes 100 feet of the buildings frontage then 200 square feet of signage would be allowed for the use.) In no instance shall the total amount of signage permitted per use exceed 350 square feet.
 - a. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section:
 - 1. Wall signs,
 - 2. Awning signs,
 - 3. Projecting signs,
 - 4. Free-standing signs,
 - 5. Changeable copy signs,
 - 6. Time & temperature sign, and
 - 7. Multi-Tenant Joint Entrance Signs.
 - b. Development standards per type of sign are as follows:
 - 1. Wall Sign: Wall signs shall be located on the facade of the primary structure. No wall sign shall exceed 75 square feet in area.
 - 2. Awning Sign: Awning signs shall be printed on awnings mounted on the facade of the primary structure.
 - 3. Projecting Sign: No projecting sign shall, at its lowest point (except for the supporting building, structure, or column), be less than 8 1/2 feet above grade level. In no case shall it extend more than 4 feet beyond its supporting structure. Permission must be granted by the Board of County Commissioners if the proposed sign extends into the right-of-way. No projecting sign shall exceed 12 square feet in area. No more than one projecting sign shall be permitted per use.
 - 4. Free-standing Sign: Free-standing signs shall be placed a minimum of 10 feet from the public right-of way. No free-standing sign may exceed 15 feet in height or 75 square feet in area. Limited to 1 sign per lot unless located on a corner lot that 1 additional sign is permitted on the other street.
 - 5. Changeable Copy Signs and Time/Temperature Signs: Changeable copy signs and time/temperature signs shall be counted toward the maximum allowable square footage and shall meet the development standards which are consistent with the manner in which they are mounted.
 - 6. Multi-Tenant Joint Entrance Signs: Structures and/or centers containing multiple uses shall establish 1 sign at each entrance for the joint use of all tenants for which the facility is designed. The use of individual free-standing signs for each tenant is prohibited. Each sign shall be setback a minimum of 10 feet from all public rights-of-way. No sign may exceed 20 feet in height or an average of 40 square feet per tenant in area.
- B. **Window Signs:** Non-illuminated window signs not exceeding 50% of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs, and any exceeding 50% of the window area shall be counted toward the total sign area and shall require a sign permit.
- C. **Directional Signs:** Directional signs must be no more than 4 feet in height and no more than 6

Permanent Sign Standards (PS) (continued)

square feet in area. Directional signs shall be setback a minimum of 2 feet from all public rights-of-way. No permit is required and they shall not be counted toward the total area allowed per use.

PS-07: This Permanent Sign Standards section applies to the following district:



The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. One and one-quarter square feet of signage shall be allowed for every one foot of the front facade of the building that is occupied by that use. (For example: If a use occupies a tenant space in a building and that space includes 100 feet of the buildings frontage then 125 square feet of signage would be allowed for the use.) In no instance shall the total amount of signage permitted per use exceed 350 square feet.
- a. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section:
1. Wall signs,
 2. Awning signs,
 3. Free-standing signs,
 4. Changeable copy signs,
 5. Time & temperature sign, and
 6. Multi-Tenant Joint Entrance Signs.
- b. Development standards per type of sign are as follows:
1. Wall Sign: Wall signs shall be located on the facade of the primary structure. No wall sign shall exceed 150 square feet in area.
 2. Awning Sign: Awning signs shall be printed on awnings mounted on the facade of the primary structure.
 3. Free-standing Sign: Free-standing signs shall be placed a minimum of 10 feet from the public right-of way. No free-standing sign may exceed 15 feet in height or 75 square feet in area.
 4. Changeable Copy Signs and Time/Temperature Signs: Changeable copy signs and time/temperature signs shall be counted toward the maximum allowable square footage and shall meet the development standards which are consistent with the manner in which they are mounted.
 5. Multi-Tenant Joint Entrance Signs: Structures and/or centers containing multiple uses shall establish one sign at each entrance for the joint use of all tenants for which the facility is designed. The use of individual free-standing signs for each tenant is prohibited. Each sign shall be setback a minimum of 10 feet from all public rights-of-way. No sign may exceed 18 feet in height or an average of 32 square feet per tenant in area.
- B. **Window Signs:** Non-illuminated window signs not exceeding 25% of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs, and any exceeding 25% of the window area shall be counted toward the total sign area and shall require a sign permit.
- C. **Directional Signs:** Directional signs must be no more than 4 feet in height and no more than 6 square feet in area. Directional signs shall be setback a minimum of 2 feet from all public rights-of-way. No permit is required and they shall not be counted toward the total area allowed per use.

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Zoning Ordinance
Article Eight
Site Development Plans

Article Eight

Site Development Plans

8.1 Intent

The intent of this Article is to further the goals of the Madison County Comprehensive Plan; provide for the adequate, consistent review of new development to ensure compliance with this Ordinance; provide for the appropriate creation of facilities and systems for the accommodation of traffic and utilities; and address the unique characteristics of certain types of development that require specific review and approval.

8.2 Site Development Plan Required

Site Development Plans shall be required for all developments for which a Location Improvement Permit is required by this Ordinance which are located in the following zoning districts:



The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain a Improvement Location Permit and any other permit or approval required by this Ordinance:

- A. The replacement or installation of any sign, or signs not occurring as part of an improvement to any other aspect of the property;
- B. The expansion of an existing parking lot which does not result in a greater than 20% increase in the surface area of the parking previously available on the property; or
- C. The expansion of an existing structure or the construction of an accessory structure which does not result in a greater than 10% increase in the floor area of the structures that were previously existing on the property or require the provision of additional landscaping, parking, or other improvement regulated by this Ordinance.
- D. The planning director shall have the discretion to require projects to undergo a site plan review independent of zoning district.

8.3 Review and Approval Authority

The Technical Review Committee shall have the authority to review and approve Site Development Plans required by this Article consistent with the Technical Review Committee provisions of this Ordinance.

Neither the Technical Review Committee nor the Plan Commission shall have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan.

The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Site Development Plans outlined below.

8.4 Review Process and Standards

Site Development Plans shall be subject to the following review and approval process:

- A. **General Requirements:** All applications may be obtained through the Planning Director's office. Fees shall be paid at the Planning Director's office at the time the petition and permit applications are submitted.
 - a. All applications shall be made on forms provided by the Planning Director. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).

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- b. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Planning Director and the applicable Rules and Procedures of the Plan Commission.
 - c. All petitions and permit applications shall be assigned reference and/or docket numbers by the Planning Director. Petition applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing and meeting dates for the Plan Commission.
- B. Application:** The petitioner shall submit an application for Site Development Plan review, an affidavit and consent of property owner (if the property owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information to the Planning Director. Supportive information shall include, but not be limited to the following:
- a. A location map showing and clearly identifying the subject property and showing all land within 1 mile of the subject property. The location map should identify the current zoning and use of all property within 1 mile of the subject property.
 - b. A property survey showing all existing structures, topography, trees with a diameter measured at chest height of 8 inches or greater, floodplain and floodway boundaries (including elevations), rights-of-way, easements, building setback lines, drainage areas, pipes, known tiles, structures, utility services, historic structures, and road accesses.
 - c. A site plan, drawn to scale and bearing the seal of a professional engineer or land surveyor clearly showing all aspects of the property and all features relevant to the Site Development Plan, including:
 - 1. All proposed setbacks, buffer yards, structure heights, and lot coverage calculations;
 - 2. All proposed buildings, structures, fences or walls, areas of outdoor storage, permanent dumpsters, and other improvements;
 - 3. All proposed locations and dimensions of road accesses, interior drives, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to the approval of the Madison County Board of Commissioners);
 - 4. All proposed open spaces;
 - 5. All proposed locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the Madison County Health Department, all public sewer connections shall be subject to the approval of the appropriate public service provider);
 - 6. All proposed public improvements including sidewalks, street trees, and right-of-way dedications; and
 - 7. All proposed locations for temporary uses, such as seasonal sales areas.
 - d. A landscaping plan, drawn to scale and bearing the seal of a registered landscape architect, architect, engineer, or surveyor showing all required and proposed landscaping in the site interior, in and adjacent to parking areas, in buffer yards, and street trees. The landscaping plan shall include the identification of the height of the plantings from ground level at the time of installation and the species proposed to be used to meet the requirements of this Ordinance.
 - e. A sign plan showing the location, height, and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any anticipated temporary signs.
 - f. A site drainage plan bearing the seal of a professional architect engineer or land surveyor including all calculations required by the Madison County Surveyor. All Site Development Plans shall be subject to the approval of the Madison County Drainage Board.
 - g. A site construction plan showing proposed erosion control measures, the location of any proposed construction trailer and worker parking, the location, height, and dimensions of any temporary construction-related signage, any temporary site accesses to be used during construction, any

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- temporary utility connections, the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.
- h. A detailed statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The detail statement shall include any written commitments being made regarding the Site Development Plan.
- C. **Technical Review Committee Review:** The Madison County Technical Review Committee shall review the Site Development Plan, including all supportive information on the date established by the adopted calendar of meeting and filing dates.
- a. Either the applicant or a representative of the applicant must be present to present the Site Development Plan and address any questions the Committee may have.
 - b. In reviewing the Site Development Plan, the Committee shall consider whether or not the proposed Site Development Plan is consistent with the requirements of this Ordinance and the applicable adopted requirements of Madison County.
 - c. The Committee may approve, deny, table, or forward to the Plan Commission the Site Development Plan.
 1. The Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.
 2. The Committee shall table the Site Development Plan application if it is generally consistent with the considerations outlined above, but requires minor modifications to be completely in compliance with the requirements of this Ordinance. Site Development Plan applications which are tabled shall be automatically docketed for the next review meeting. The applicant shall revise the Site Development Plan proposal consistent with the Committee comments and supply revisions for review at the next meeting consistent with the adopted calendar of filing and meeting dates.
 3. The Committee shall deny the Site Development Plan if it is found to be inconsistent with the considerations outlined in 8.4(C)(b) above.
 4. The Committee shall forward Site Development Plans which are generally consistent with the considerations outlined above to the Plan Commission for public hearing if the proposal (i) includes any improvement to be dedicated to the public, (ii) includes proposed written commitments, or (iii) requires the imposition of conditions to be completely consistent with the considerations for approval. The Site Development Plan shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted calendar of meeting and filing dates. The applicant shall revise the Site Development Plan proposal consistent with any Committee comments prior to review by the Plan Commission and shall provide such revision for review consistent with the adopted calendar of filing and meeting dates.
- D. **Public Meeting Notification (if necessary):** Notification for the scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of Indiana State Code, the Rules and Procedures of the Madison County Plan Commission, and the provisions of Article 12 of this Ordinance.
- E. **Plan Commission Review (if necessary):** The Plan Commission shall, at a meeting scheduled consistent with the adopted calendar of meeting and filing dates review the Site Development Plan and any supportive information.
- a. Either the applicant or a representative of the applicant must be present at the public hearing to present the Site Development Plan and address any questions the Commission may have.
 - b. The Commission shall consider a report from the Planning Director describing the finding of the Technical Review Committee and testimony from the applicant and any interested parties in making its decision.

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- c. The Plan Commission shall approve, approve with modifications, deny, or table the Site Development Plan application.
 - 1. The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.
 - 2. The Plan Commission shall approve the Site Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Site Development Plan, which shall become written commitments of the applicant, if the conditions are necessary to satisfy the requirements of this Ordinance.
 - 3. The Plan Commission shall deny the Site Development Plan if it is not consistent with the applicable requirements of this Ordinance. Site Development Plan applications which have been denied shall not be re-filed for a period of 1 year from the date of the denial.
 - 4. The petition shall be tabled based on a request by the Planning Director or the petitioner, an indecisive vote, or a determination by the Commission that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Commission.
 - d. Assurance of Completion of Improvements: The Plan Commission may approve a Site Development Plan with the condition that a bond or written assurance be provided that guarantees the timely completion of any proposed public improvements included in the development. The bond or written assurance shall be in a form acceptable to the Plan Commission, the Planning Director, and the County Attorney, and consistent with Article 5 of the Madison County Subdivision Control Ordinance.
- E. **Findings of Fact:** The Planning Director shall prepare and sign written findings of fact documenting the action taken by the Technical Review Committee and the Plan Commission (if Plan Commission review is necessary). The Planning Director shall make copies of the written findings of fact available to the applicant within 5 days of the date of the decision.
- F. **Permits:** Prior to any construction activity, the improvements approved through all Site Development Plans shall be required to obtain the appropriate Improvement Location Permit and any other required permits specified by this Ordinance.

8.5 Written Commitments:

The applicant in any Site Development Plan application may make written commitments regarding the characteristics of the proposed future use, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-613.

- A. Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission.
- B. All commitments shall be considered by the Technical Review Committee and the Plan Commission in the review of the petition.
- C. Following final action being taken on the Site Development Plan application, the written commitments shall be recorded in the office of the Madison County Recorder.
- D. The written commitments shall be considered part of this Zoning Ordinance binding on the subject property.
 - a. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 - b. The written commitments shall be enforceable by the Madison County Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Ordinance.

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- c. The written commitments may be modified only through the Site Development Plan process described by this section. Any written commitment shall be terminated if the Official Zoning Map applicable to the subject property is amended or if a zoning text amendment contradictory to the written commitment is adopted.

8.6 **Appeal of Technical Review Committee Determinations**

Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Plan Commission through the procedure described below:

- A. **Application:** The petitioner shall submit to the Planning Director a letter giving notice of the appeal and required supportive information within 30 days of the decision which is subject to the appeal. Supportive information shall include, but not be limited to the following:
 - a. Copies of all materials submitted to the Technical Review Committee upon which the decision being appealed was based.
 - b. Copies of any written decisions or findings of fact which are the subject of the appeal.
 - c. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to Madison County upon which the appeal is based.
- B. **Public Meeting Notification:** Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of this Ordinance.
- C. **Plan Commission Meeting:** The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the appeal and supportive information.
 - a. Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Commission.
 - b. The Commission shall consider a report from the Planning Director, testimony from the petitioner, and testimony from any interested parties at the public hearing.
 - c. The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.
 - d. Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or table the Site Development Plan application consistent with the approval procedure for applications referred to the Commission by the Technical Review Committee described in this Article.

Zoning Ordinance
Article Nine

Planned Unit Developments

"PD" Planned Unit Development

9.1 District Intent, Permitted Uses and Miscellaneous Standards

District Intent	Permitted Uses	Miscellaneous Standards
The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of this Ordinance and Subdivision Control Ordinance. The use of Planned Unit Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses; and/or provides for an economy of shared services and facilities; and/or is compatible with surrounding areas; and/or fosters the creation of attractive, healthful, efficient and stable environments for living, shopping or working. The Planned Unit Development regulations and procedures may apply to the further development of existing developed lands or to vacant lands. Planned Unit Development regulations are intended to encourage innovations in land development techniques so that the growing demands of Madison County may be met with greater flexibility and variety in type, design and layout of sites and buildings. Planned Unit Development projects should also encourage a more efficient use of land so that resulting economies may benefit of the community at large. Examples of this concept would include the preservation of existing trees or wetlands, and the inclusion of recreation areas within new residential subdivisions.	All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right. Mixed uses will be considered and may be encouraged when appropriate. All land uses proposed in a PD must be nonconflicting and in the spirit of the Comprehensive Plan, surrounding land uses, and Zoning Districts.	Minimum Land Area: • 10 acres to qualify for a PD Minimum Site Frontage: • 300 feet on a Public Street with access from said Public Street to qualify for a PD Maximum Site Coverage: • Square footage of all primary and accessory structures, and impervious surface cannot exceed 75% of the site area Maximum Structure Height: • 50 feet for the Primary Structure • 20 feet for Accessory Structures Minimum Open Space: • 15% (gross area) for Planned Unit Developments in which 45% or more of the land area is used for residences.

9.2 Origination of Proposals

Any applicant may propose a Planned Unit Development District. The applicant must act as developer or sponsor of the development. A parcel or site proposed for a Planned Unit development must either be in single ownership or all of the multiple owners must have a contractual agreement to develop the parcels under a single unified plan to the satisfaction of the Plan Commission and the Board of County Commissioners.

9.3 General Procedure

The general procedure for establishing a Planned Unit Development (PD) is as follows:

- A. The applicant must file a sketch plan for the Planning Director's review.
- B. The applicant then files a Conceptual Development Plan with the Plan Commission. This Conceptual Development Plan serves as the rezoning petition.
- C. The Technical Review Committee reviews the application and provides comments as it would on any rezone request.
- D. The Plan Commission holds a public hearing on the Conceptual Plan and makes recommendations to approve, disapprove or approve with conditions the Conceptual Plan/Rezoning to the County Commissioners.
- E. The Madison County Drainage Board reviews the conceptual plan for the overall drainage concept and reports to the Board of County Commissioners.
- F. The Madison County Board of County Commissioners then hold a hearing on the Conceptual Plan/Rezoning. They may approve, deny or modify the Conceptual Plan.
- G. Upon approval by the County Commissioners of the Conceptual Plan, the Official Zone Map of Madison County shall be changed to reflect the new PD zoning district.
- H. The applicant files for Detailed Development Plan approval on all or part of the PD zoned property. If subdivision is required, a preliminary plat shall be filed and follow all of the procedures in the Subdivision Control Section.
- I. The Technical Review Committee reviews the application for detail plans (and Preliminary Plat).
- J. The Drainage Board reviews the Detailed Drainage plans and preliminary plat for adequacy
- K. The Plan Commission makes recommendations to the Board of County Commissioners by holding a public hearing on the detailed development plan (and Preliminary Plat).
- L. The Board of County Commissioners approves or denies the Detailed Development plan at a public meeting.
- M. When approved, the Detailed Development Plan shall be signed by the Plan Commission President and Secretary. The applicant may then begin the process of obtaining Improvement Location Permits subject to any other development requirements such as the Subdivision Control Ordinance.
- N. The petitioner files construction plans of the public improvements for review as required in the Subdivision Control Ordinance.
- O. The petitioner either may commence with construction of public infrastructure or post surety as per the Subdivision Control Ordinance.
- P. The petitioner files final plat documents for review by the drainage board and ultimate review by the Plan Commission.

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- Q. Upon successful completion of the above processes, construction may commence on the buildings in the project.

9.4 Sketch Plan

The initial submittal for a Planned Unit Development shall be a Sketch Plan showing the general outline and intention of the developer. It shall contain at a minimum, enough detail to allow the Planning Director to determine, in general terms, the type and character of the development, the impacts of the project and the relationship of this development to the surrounding land and community. The Director shall meet with the Developer and their representatives and shall provide comments within 30 days of submittal.

9.5 Independent Review

Independent Consultants may be retained by the Madison County Board of Commissioners or the Plan Commission to seek assistance to properly review the proposed Planned Unit Development. The cost of such review shall be reimbursed to the County by the petitioner. The petitioner shall be advised of the estimated fees and costs and may withdraw their request from consideration at that time. All required fees must be paid regardless of whether the proposed Planned Unit Development is approved, amended, rejected or withdrawn.

9.6 Conceptual Development Plan

The Conceptual Development Plan approval process shall also serve as the zone map amendment process.

- A. **Application:** The petitioner shall submit a Conceptual Development Plan Application. Attached shall be an affidavit and consent of the property owner, deed for the property, filing fee, Conceptual Development Plan and supporting information. Supporting Information shall include:
1. A vicinity map showing the use and zoning of all properties within 1,320 feet of the proposed development.
 2. A map of any property adjacent to the development which is owned or otherwise controlled by any or all of the petitioners or owners and a description of the future development of that property.
 3. A letter verifying that proper wastewater disposal will be available to the property.
 4. A statement that the plan will adhere to the standards of the Madison County Land Use and Development Code unless there is a specific request in the Conceptual Development Plan submission to use other standards.
- B. **Conceptual Plan Data:** The scale of the plan shall be such that all relevant detail can be discerned. The Conceptual Development Plan may include any additional explanatory text or graphics but at a minimum shall include the following:
1. A description of the property and petitioners involved including:
 - a. The name and address of the applicant;
 - b. The name of the proposed development;
 - c. The address or location of the site;
 - d. Legal description of the site;
 - e. The name address and telephone of the professional land surveyor, engineer or planner responsible for preparation of the Plan; and
 - f. A legend and notes including a graphic scale, north arrow and date.

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2. A description of all existing and proposed conditions of the property including:
 - a. the existing and proposed layout of streets, open space and other basic elements of the plan;
 - b. all existing and proposed easements and their purpose;
 - c. the locations of streams, regulated drains, 100-year floodplains, water courses, marshes, wooded areas, isolated preservable trees, wetland, historic features, existing structures, dry wells, utility lines, fire hydrants, and any other significant features that may influence the design of the development;
 - d. a general description of the location and types of structures on the site;
 - e. proposals and plans for handling traffic, parking, sewage disposal, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
 - f. a general statement of the covenants and written commitments to be made part of the Planned Unit Development;
 - g. a statement of the timeline of the development including phasing;
 - h. the land use categories within the development and their general locations along with maximum densities;
 - i. a topographic map of the area with the appropriate contour spacing;
 - j. utility plans including storm drainage, sanitary sewer, and public water.
 - C. Technical Review Committee: the Conceptual Development Plan shall be reviewed by the Technical Review Committee (TRC) consistent with provisions of Article 12 of this Ordinance.
 1. The petitioners and their representatives shall be present during the review to answer questions and to respond to comments of the committee.
 2. Revisions requested by the TRC shall be addressed during the review meeting or through revised materials submitted prior to the Plan Commission meeting.
 - D. Decision Criteria: In reviewing the Planned Unit Development rezoning petition, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to the following:
 1. The extent to which the proposal fulfills the intent of this Article. The Madison county Comprehensive Plan and any other applicable, adopted planning study or report;
 2. The current conditions and the character of current structures and uses in each zoning district;
 3. The most desirable use of property values throughout Madison County; and
 4. Responsible growth and development
 - E. Plan Commission: The Plan Commission will hold a public hearing no later than 60 days following the application.
 1. The Conceptual Development Plan is a petition to rezone land to PD and all rules of the Plan Commission concerning rezoning shall be followed.
 2. The petitioners and their representatives shall be present at the meeting.
 3. The Commission shall consider a report from the Director, testimony from the petitioner, reports of consultants, and testimony from the public and interested parties at the hearing in accordance with the Rule and Procedures of the Commission.

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4. Upon review, the Plan Commission shall either forward the Conceptual Development Plan to the Board of Madison County Commissioners with a favorable recommendation, an unfavorable recommendation, no recommendation or table the plan.
 - a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the Madison County Comprehensive Plan. The Plan Commission may accept or require written commitments or modifications from the petitioner as part of their recommendation.
 - b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the Madison County Comprehensive Plan.
 1. The Plan Commission shall certify its recommendation to the Board of County Commissioners within ten (10) days of its recommendation and shall forward appropriate copies of the Plan Commission recommendation, the application, all supportive information, and reports.
 - F. Board of County Commissioners: The Board of County Commissioners shall hold a hearing and vote on the proposed conceptual plan within 90 days of its certification by the Plan Commission.
 1. The Board shall provide notification of action on the ordinance consistent with Indiana State Code
 2. The Board may either approve or deny the ordinance. If the Board fails to act within the 90 day time frame specified above, the ordinance shall become affective or defeated consistent with the provisions of IC 36-7-4-608. The board may also seek modifications or additions to any written commitments.
 - G. Affect of Approval of Conceptual Development Plan.
 1. When a Conceptual Development Plan for a planned unit development has been approved by the County Commissioners, the plan shall become effective and its location shall be shown on the zoning map. The Official Zoning Map shall be amended to designate the site as a planned unit development.
 2. Upon such amendment of the Zoning Map, the use and development of the site shall be governed by the planned unit development preliminary plan, subject to approval of a detailed plan.
 3. No permit of any kind shall be issued until the detailed plan has been approved.

9.7 Detailed Development Plan

- A. Application: The petitioner shall submit an application for a Detailed Development Plan for all or part of the ground in an approved Planned Unit Development Conceptual Plan within One (1) year of the Conceptual Plan's approval. If the application is for a portion or phase of the ground approved in the Conceptual Plan, the petitioner must demonstrate control of the balance of the property. The application shall include an affidavit and consent of the property owner, a deed of the land, the filing fee, the Detailed development Plan and supporting information including:
 1. If a subdivision plat is necessary in conjunction with the rezoning petition, the preliminary plat shall also be filed at this time for review by the Plan Commission following procedures established by the Madison County Subdivision Control ordinance. Any preliminary plat approval shall be conditioned subject to the approval of the Detailed Development Plan by the Board of County Commissioners.
 2. A statement indicating financial responsibility sufficient to complete the public improvements shown on the Detailed Development Plan.

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- B. Detailed Development Plan Data: The scale of the plan shall not exceed 1" = 100' unless required by the size of parcel. The detailed Development Plan may include any additional graphics which will explain the features of the development but shall include the following;
1. All documents included in the Approved Conceptual Plan.
 2. Written approval from the Madison County Drainage Board concerning the phase under review.
 3. Information regarding the specific uses, setbacks, lot lines, easements, and development standards in sufficient detail for review.
 4. Proposed covenants, written commitments, and landowners associations.
 5. An analysis of the phases of the proposed development to demonstrate that the major components of the plan are appropriately located and are able to continue to function as a sole and separate unit if all phases of the development are not completed, taking into consideration factors such as the infrastructure guarantee procedures and subdivision regulations.
- C. Technical Review Committee: The Detailed Development Plan shall be reviewed by the Technical Review Committee consistent with provisions of Article 12 of this Ordinance.
1. The petitioners and/or their representatives shall be present during the review to answer questions and to respond to comments of the committee.
 2. Revisions requested by the TRC shall be addressed during the review meeting or through revised materials submitted prior to the Plan Commission meeting.
- D. Plan Commission: The Plan Commission will hold a public hearing no later than 60 days following the filing of the application and the approval of the TRC.
1. The petitioners and/or their representatives shall be present at the meeting.
 2. The Commission shall consider a report from the Director, testimony from the petitioner, reports of consultants, and testimony from the public and interested parties at the hearing in accordance with the Rule and Procedures of the Commission.
 3. Upon review, the Plan Commission shall either forward the Detailed Development Plan to the Board of Madison County Commissioners with a favorable recommendation, an unfavorable recommendation, no recommendation or table the plan.
 - a. (1). The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the Madison County Comprehensive Plan. The Plan
 - b. Commission may accept or require written commitments or modifications from the petitioner as part of their recommendation.
 - c. (2). The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the Madison County Comprehensive Plan.
 - d. (3). The Plan Commission shall certify its recommendation to the Board of County Commissioners within ten (10) days of its recommendation and shall forward appropriate copies of the Plan Commission recommendation, the application, all supportive information, and reports.

E. Board of County Commissioners: The Board of County Commissioners shall hold a hearing and vote on the proposed detailed Development Plan within 90 days of its certification by the Plan Commission.

1. The Board shall provide notification of action on the ordinance consistent with Indiana State Code
2. The Board may either approve or deny the plan. If the Board fails to act within the 90 day time frame specified above, the ordinance shall become affective of defeated consistent with the provisions of IC 36-7-4-608. The board may also seek modifications or additions to any written commitments.

9.8 Written Commitments

The petitioner may make written commitments regarding the characteristics of the proposed future use or the resolution of outstanding issues in existence on the subject property.

- A. Written Commitments may be proposed by the petitioner as an element of the initial submittal, as a response to comments made through the Technical review Committee or in response to any modification requested by the Plan Commission or Board of County Commissioners during the public hearings.
- B. All commitments shall be considered by the Plan Commission in its review of the petition.
- C. Following the final action on either the Conceptual Plan or the Detailed Development Plan, any written commitments shall be recorded in the office of the Madison County Recorder.
- D. The written commitments shall be considered a part of the Ordinance and Plans binding on the subject property.
 1. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property.
 2. The written commitments shall be enforceable by the Madison County Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this ordinance.
 3. The written commitments may be modified only through the Planned Unit Development process described in this section. Any written commitment shall be terminated if the Official Zoning Map applicable to this subject property is amended or if a zoning text amendment contradictory to the written commitment is adopted.

9.9 Minor Modifications

The Planning Director may from time to time in the administration of the Planned Unit Development, approve minor modifications of the Detailed Development Plan without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use or any change in access points.

Any adversely affected party may appeal any decision by the Planning Director to the Plan commission within 30 days of determination. The Plan Commission has the authority to establish rules governing the nature of proceedings and notice required to make a modification under this article.

9.10 Covenants and Maintenance

Covenants, when required by the Plan Commission, shall be set forth in detail. Furthermore, covenants shall provide for the release of restrictions upon execution of a document so stating and suitable for recording bearing the signatures of the Plan Commission President and Secretary, upon authorization by the Plan commission, and signatures of all owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the Plan Commission shall provide that their benefits be specifically enforceable by the Commission.

- A. Adequate provisions shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control, of the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the Planned Unit Development; and, legal assurances shall be provided which show that the private organizations is self-perpetuating.
- B. All common Facilities not dedicated to the public shall be maintained by the private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the contiguous and adjacent properties. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

9.11 Recording

All approved Detailed Development Plans, covenants, written commitments, plats, and modifications shall be recorded in the office of the Madison County Recorder within 10 days of approval. The Developer shall provide 2 copies bearing recording information to the Plan Commission for its records.

9.12 Construction

No construction or installation work may commence on any public improvement until satisfactory improvement plans and specifications have been approved as required in the Madison County Subdivision Control Ordinance.

9.13 Extension, Abandonment, Expiration

An extension, not to exceed 12 months, may be granted by the Plan Commission for good cause to accomplish any matters set forth within this Article upon petition by the applicant.

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no or minimal improvements have been made pursuant to the approved Detailed Development plan for 9 consecutive months) or upon expiration of 5 years from the approval of the most recent phase of the detailed Development Plan for a development which has not been completed, the land will revert to the previous zoning district.

9.14 Limitation of Rezoning

Any initiative of the Plan Commission to amend the Zoning Ordinance or Subdivision Control Ordinance that would affect an approved Planned Unit Development before its completion, shall not be enforced on the Planned Unit Development. Only in the case that the Planned Unit Development has been found to be no longer in conformity with the approved Detailed Development Plan or is not proceeding in accordance with the time requirements imposed herein or by agreement will the new amendments of the Zoning Ordinance or Subdivision Ordinance apply.

9.15 Fees

Any applicant that files a petition for a Planned Unit Development shall be charged a fee in accordance with the schedule of fees established by the Madison County Commissioners as noted in the Madison County Comprehensive Plan. Additionally the applicant for a Planned Unit Development Plan shall also be responsible for any costs incurred in the filing, of the secondary plat or amendments with the Madison County Recorder and the costs of any paid consultants to the Madison County Commissioners or the Plan Commission, including, but not limited to, that of the County Attorney and the County Engineer who shall be paid at their prevailing hourly rate for the time in which the work is preformed. No Improvement Location Permits or building Permits shall be issued for any construction in any PD district until such fees and costs are paid.

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Zoning Ordinance

Article Ten

Nonconforming Structures, Lots, and Uses



Nonconforming Structures, Lots, and Uses

10.1 Intent

Upon adoption of this Ordinance and Official Zoning Map, some structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming.

10.2 Distinction Between Illegal Nonconforming and Legal Nonconforming

A structure or lot which was constructed or is being used without an approved Improvement Location Permit or approval from the Board of Zoning Appeals or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable County law and shall be altered to conform with all applicable standards and regulations of this Ordinance. Further, an illegal nonconforming structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the policies and standards of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming or "Grandfathered".

10.3 Nonconforming Signs

Any sign, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the developmental standards shall be deemed a Legal Nonconforming Sign. For the purposes of this Article, a sign shall include the sign face and any supports, poles, or frames.

A legal nonconforming sign may continue provided that it remains the same or fits within the below described tolerances:

- A. Any legal nonconforming sign shall not be enlarged or altered in terms of face area, height, or any other aspect that increases its nonconformity. However, any sign or portion thereof may be altered to decrease its nonconformity.
- B. Any legal nonconforming sign which is intentionally altered to conform to the requirements of this Ordinance shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming features may not be resumed.
- C. If a sign is moved or removed for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.
- D. The sign faces and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided that the nonconformity of the sign is not increased. Nothing in this Article shall be interpreted as requiring a sign to be brought into conformance with this Ordinance if only the face is changed, but not increased in size or altered in shape.

10.4 Nonconforming Structures

Any structure, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the developmental standards shall be deemed a Legal Nonconforming Structure.

A legal nonconforming structure may continue provided that it remains the same or fits within the below described tolerances:

- A. Any legal nonconforming structure shall not be enlarged or altered in a manner that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Any legal nonconforming structure which is intentionally altered to conform to the requirements of this Ordinance shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming features may not be resumed.
- C. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.

10.5 Nonconforming Lots of Record

All lots legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet any applicable provision of this Ordinance shall be deemed a Legal Nonconforming Lot of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Ordinance are met. Any lot which met minimum lot standard area at the time it was created, shall be deemed buildable for a single family residence.

10.6 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. Parcels that were zoned business and/or industrial on the zoning map that was in effect prior to July 15, 2002, and are currently zoned AG or CR, may be expanded by Special Use through the Madison County Board of Zoning Appeals, up to 25% of their floor area (as it existed July 15, 2002). In addition, when the expansion exceeds 10% of the floor area, site plan approval from the Madison County Technical Review Committee must be obtained. No other existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Article.
- B. No structure shall be constructed in connection with an existing legal nonconforming use of land.
- C. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- D. If no structural alterations are made, any non-conforming use may be changed to another non-conforming use with the approval of the Board of Zoning Appeals. The Board shall find that the proposed use is equally or more appropriate to the district in which it is located than the existing use. The Board shall consider the development standards applicable to the proposed use established by this Ordinance and may make reasonable conditions as part of any approval.
- E. Where legal nonconforming use status applies to a structure and land in combination, the intentional removal of the structure shall eliminate the legal nonconforming status of the land.
- F. No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Ordinance.

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- G. If a legal nonconforming use is intentionally discontinued for 1 year or longer, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance. Uses which are required to be discontinued due to government action which impedes access to the premises, or damage resulting from fire, flood, other natural disaster, or a criminal act shall be exempt from this provision. Such exempt uses, if rebuilt or restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.
 - H. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, the legal nonconforming use may not thereafter be resumed.
 - I. Any use which is legal nonconforming due to its presence in a 100-year floodplain may be altered, enlarged, or extended on a one-time only basis provided that the new construction conforms with the Flood Hazard Area Standards section included in this Ordinance and does not increase the value of the structure or use (excluding the value of the land) by more than 50% of its pre-improvement market value.

10.7 Repairs and Maintenance

The following applies to legal nonconforming structures and legal nonconforming uses of structures, or structures and land in combination:

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.
- B. If a structure becomes unsafe or unlawful due to physical condition and is razed, the structure shall be rebuilt in conformity with the district in which it is located.
- C. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

10.8 Standards for Nonconforming Uses

- A. The planning director has the discretion to apply the standards of the zoning district where the nonconforming use is permitted to the zoning district where the nonconforming use is found.

Zoning Ordinance
Article Eleven

Board of Zoning Appeals



Board of Zoning Appeals

11.1 Establishment and Membership

Pursuant with IC 36-7-4-901, the Madison County Board of Commissioners establishes the Advisory Board of Zoning Appeals of Madison County which shall conduct business consistent with all requirements of the Indiana Code and this Ordinance.

The Board of Zoning Appeals (BZA) shall consist of and continue as a 5 member Board. Members shall be appointed pursuant to IC 36-7-4-902 and 906. Alternate Board of Zoning Appeal members may be appointed consistent with IC 36-7-4-907. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.

11.2 Territorial Jurisdiction

The Board of Zoning Appeals shall have jurisdiction over all the land subject to the Madison County Zoning Ordinance.

11.3 Powers and Duties

The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

- A. Variances;
- B. Special Uses (Special Exceptions); and
- C. Administrative Appeals.

11.4 Rules and Procedures

- A. Rules and Procedures: The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices for and conduct of meetings, and public hearings.
- B. Facilities and Funding: Madison County shall provide suitable facilities for the holding of Board of Zoning Appeals meetings and hearings and for the storage of its records, documents, and accounts; and in its annual budget shall provide sufficient funds for the functioning of the Board and its staff.
- C. Filing: All applications for variances, special exceptions, and requests for administrative appeal shall be filed by the applicant with the Planning Director in the form prescribed by the Board.

11.5 Hearings

- A. The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.
- B. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

11.6 Notice of Public Hearing

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this Ordinance.

11.7 Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in IC 36-7-4-1000 series. Such appeals shall be presented to a court of jurisdiction within 30 days of the Board's decision.

11.8 Special Uses

There shall be no cases or application therefore, nor any particular situation in which this Ordinance authorizes special uses without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedence for any other application before the BZA.

- A. The Board may grant a special use approval for a use listed as such in the appropriate zoning district in this Ordinance if, after a public hearing, it makes findings of facts in writing, that:
 - a. the proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. the requirements and development standards for the requested special use as prescribed by this Ordinance will be met;
 - c. granting the special use will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and
 - d. the proposed use will be consistent with the character of the zoning district in which it is located and the Madison County Comprehensive Plan.
- B. When considering a special use the Board of Zoning Appeals may examine the following items as they relate to the proposed use:
 - a. topography and other natural site features;
 - b. zoning of the site and surrounding properties;
 - c. driveway locations, street access, and vehicular and pedestrian traffic;
 - d. parking amount, location, and design;
 - e. landscaping, screening, and buffering;
 - f. open space and other site amenities;
 - g. noise production and hours of operation;
 - h. design, placement, architecture, and building material of the structure;
 - i. placement, design, intensity, height, and shielding of lighting;
 - j. traffic generation; and
 - k. general site layout as it relates to its surroundings.
- C. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.8(A) above will be served.
- D. The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Madison County Recorder's Office.
- E. Unless otherwise specified by the Board, special use approvals shall be limited to, and run with, the applicant at the location specified in the petition. The Board may also limit special uses to a specific time period and for a specific use.
- F. A use authorized as a special use may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this section for granting a special use.
- G. Approvals granted by the Board expire after 1-year from the date of approval, if not commenced. The Board may grant 1-year extensions.
- H. Any petition denied by the Board shall not be reheard for 1-year.

11.9 Development Standards Variances

- A. The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
 - a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. the use and value of the area adjacent to the property included in the variance will not be affected

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- in a substantially adverse manner; and
 - c. the strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.
- B. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.9(A) above will be served.
- C. The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Madison County Recorder's Office.
- D. A developmental standards variance granted by the Board and shall run with the parcel until such time as: (a) the property conforms with the Ordinance as written, or (b) the variance is terminated.
- E. Approvals granted by the Board must be commenced within 1-year from the date of approval. The Board may grant 1-year extensions of this requirement.
- F. Any petition denied by the Board may not be reheard for 1-year.

11.10 Floodplain Standards Variances

- A. The Board may grant a variance from the Flood Hazard Area Standards of this Ordinance only if, after a public hearing, it makes findings of facts in writing, that:
- a. there exists a good and sufficient cause for the requested variance;
 - b. the strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant; and
 - c. the granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- B. The Board of Zoning Appeals may only issue a variance to the terms and provisions of the Flood Hazard Area Standards of this Ordinance subject to the following conditions:
- a. No variance for a residential use within a floodway subject to FH-01(G)(a) and (b) of Article 6 of this Ordinance may be granted;
 - b. Any variance granted in a floodway subject to FH-01(G)(a) and (b) of Article 6 of this Ordinance will require a permit from the Indiana Department of Natural Resources;
 - c. Variances to the Building Protection Standards of FH-01(H) of Article 6 of this Ordinance may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;
 - d. Variances may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
 - e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
 - f. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.
- C. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.10(A) and (B) above will be served.

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- D. The Board may require the owner of the property to make written commitments concerning the use or development of the property and have such commitments recorded in the Madison County Recorder's Office.
 - E. A floodplain standards variance granted by the Board and executed in a timely manner as described in this section shall run with the parcel until such time as: (a) the property conforms with the Ordinance as written, or (b) the variance is terminated.

11.11 Use Variances

The Madison County Board of Zoning Appeals shall under no circumstances grant a variance or take any action to establish a use on any property within its jurisdiction that is neither a listed permitted use nor a listed special use in the district in which it is located as established by Article 3 of this Ordinance.

11.12 Special Use and Variance Execution and Termination

- A. If the Board grants a special use or variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all established requirements and this Ordinance, an Location Improvement Permit for the execution of the approved variance or special use shall be issued.
- B. A special use or variance ceases to be authorized and is terminated if an Improvement Location Permit for the execution of the approval has not been obtained within 1 year of the date the variance or special use is granted. The variance or special use shall also be terminated if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the special use or variance is granted.
- C. A variance or special use may be terminated by the Board of Zoning Appeals under the following procedure:
 - a. Upon determination by the Planning Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing.
 - b. At the public hearing the variance or special use shall be terminated if a finding is made by the Board that one or more of the following is true:
 - 1. the execution of the approval is not consistent with any requirement of this Ordinance,
 - 2. the execution of the approval is not consistent with any condition of approval,
 - 3. the execution of the approval is not consistent with any written commitment, or
 - 4. the approved was the result of fraud or the misrepresentation of facts.
 - c. No special use or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any 1 year period.

11.13 Administrative Appeals

- A. The Board may grant an appeal of any decision, interpretation, or determination made by the Planning Director, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance.
- B. The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provisions of this Ordinance.
- C. The approval of an administrative appeal may be terminated by the Board of Zoning Appeals under the following procedure:
 - a. Upon determination by the Planning Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing.
 - b. At the public hearing the approval shall be terminated if a finding is made by the Board that the approved was the result of fraud or the misrepresentation of facts.

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- c. No administrative appeal may be reviewed by the Board of Zoning Appeals for the same cause more than once in any 1 year period.
 - D. If an administrative appeal is granted, the Board may refund any application fees which have been paid to the County by the applicant in petitioning for the appeal. In no way shall this provision be interpreted as providing the applicant with the ability to seek the refund of any other fees or costs associated with the appeal or the application which is the subject of the appeal.

11.14 Exclusion

Nothing in this Ordinance shall be deemed to restrict or regulate the power of eminent domain by the State of Indiana or by any state agency. Nor shall they be deemed to authorize any unit of government, legislative body, plan commission, or board of zoning appeals to restrict or regulate the power of eminent domain by the State of Indiana or a state agency.

As used in this section, the term "state agency" shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

Zoning Ordinance
Article Twelve
Administration

Administration

12.1 Administrative Officer

The Madison County, Indiana Planning Director, including his/her designee(s), will have the principal responsibility for administration and enforcing and/or coordination of the enforcement of this Ordinance. The duties of the Planning Director, or his/her designee shall include, but not be limited to:

- A. Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
- B. Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission and Board of Zoning Appeals;
- C. Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special uses, variances, and appeals;
- D. Receiving, processing and referring to the Plan Commission all amendment applications;
- E. Receiving, processing, and referring to the Board of Zoning Appeals all appeals, variances, special uses, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code.
- F. Provide all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Board of County Commissioners, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

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12.3 Technical Review Committee

- A. **Committee Intent:** The Madison County Technical Review Committee (also known and referred to in this Article as the “TRC” and “the Committee”) is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Review Committee is to provide efficiency in the work load of the Plan Commission as well as applicants by establishing a body to make determinations regarding petitions for which the only criteria is consistency with the applicable adopted standards of Madison County. Further, the TRC shall provide for efficiency in the approval process of petitions determined by the Plan Commission and County Commissioners by providing an initial examination and report based on all applicable adopted requirements of Madison County. All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.
- a. Approval Authority: The Technical Review Committee shall have the authority to approve **Site Development Plans** as defined by Article 8 of this Ordinance;
 - b. Review Authority: The Technical Review Committee shall have the authority to review the following types of petitions, forwarding comments to the Madison County Plan Commission:
 - 1. **Re-Zoning Petitions,**
 - 2. **Planned Unit Development Concept Plans,** and
 - 3. **Planned Unit Development Detailed Plans.**
 - c. Appeal Rights: All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in this Article.
- B. **Committee Structure:** The Planning Commission staff shall also serve as the staff for the Technical Review Committee. They shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:
- a. The Technical Review Committee shall, at a minimum, consist of the following members:
 - 1. The Planning Director and other staff of the Plan Commission as determined by the Planning Director;
 - 2. a member of the staff of the local Soil and Water Conservation District or his/her appointee;
 - 3. the County Engineer or his/her appointee;
 - 4. member of the Plat Book Maintenance Department;
 - 5. the County Surveyor or his/her appointee;

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6. a member or appointee of the County Drainage Board as determined by the Drainage Board; and
 7. a member of the staff of the Madison County Health Department.
 - b. Members of the Committee shall either be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the Planning Director prior to the appropriate meeting.
 1. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of Madison County.
 2. If no comments are received from any member of the Committee it shall indicate that they have no objection to any aspect of the petition, and therefore grant their individual approval.
 3. The Planning Director shall determine the action to be taken on each petition by the Committee based on the comments of the Committee members.
 - c. The Planning Director shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree. In cases of disagreement and at his/her discretion, the Planning Director may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request.
 - d. All petitions which are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be tabled and placed on the agenda for the next appropriate Committee meeting.
 1. Prior to that meeting the petitioner shall address the comments of the Committee, making appropriate modifications to the application materials.
 2. The petitioner shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted calendar of meeting and filing dates.
 3. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Planning Director. Any petitions which are withdrawn and are subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.
- C. **Attendance Required:** Either the petitioner or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If either the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate TRC meeting.
- D. **Meeting Record:** The Planning Director shall make written documentation of the comments and findings of the Technical Review Committee for each petition and make those findings available to the petitioner within 3 business days of the Committee's review. The written documentation shall consist of the following:
- a. a letter to the petitioner stating the action taken by the Committee, and
 - b. a list of any outstanding comments made by the members of the TRC, including references to appropriate sections of adopted, applicable requirements of Madison County, the State of Indiana, and/or the Federal government.
- E. **Decision Criteria:** In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Madison County Subdivision Control Ordinance, any

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- a. In all cases in which the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
 - b. In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and adopted standards of any member of the Committee. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.
- F. **Appeal Procedure:** Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission. Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
- a. The appealing party shall be required to provide the Planning Director with written notice of the appeal within 60 days of the date of the Committee decision.
 - b. The Planning Director shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.
 - c. Public notice for the meeting shall be required, consistent with the provisions of this Ordinance.
 - d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.

12.4 **Summary of Powers and Duties of the Board of County Commissioners**

The powers and duties of the Board of County Commissioners are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

- A. Board of County Commissioners' duties include:
- a. Adopt, reject or amend the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance that has been certified and submitted by the Plan Commission;
 - b. Adopt, reject or amend proposals to amend or partially repeal the text of the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance that has been certified and submitted by the Plan Commission;
 - c. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
 - d. Adopt, reject or amend proposals for rezoning to a planned unit development district that have been certified and submitted by the Plan Commission;
 - e. Adopt, reject or amend proposals to adopt or amend a fee schedule that have been certified and submitted by the Plan Commission;
 - f. Approve or deny final plats or re-plats of subdivisions, thereby accepting or declining public improvements; and
 - g. All additional duties as permitted by Indiana State Code.
- B. Board of County Commissioners' powers include:
- a. Initiate amendments to the text of the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance;
 - b. Initiate amendments to the Official Zoning Map; and
 - c. All additional powers as permitted by Indiana State Code.

12.5 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Plan Commission duties include:

- a. Adopt and maintain a Board of County Commissioners approved comprehensive plan, zoning ordinance and subdivision control ordinance as authorized under Indiana State Law;
- b. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the comprehensive plan, zoning ordinance, and subdivision control ordinance;
- c. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission;
- d. Record and file bonds and contracts for development and land use activities;
- e. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission;
- f. Adopt and maintain a permitting process and seal used to certify official or approved documents;
- g. Certify and submit recommendations to the Board of County Commissioners including new versions of, and revisions to the comprehensive plan, zoning ordinance, subdivision control ordinance, and Official Zoning Map;
- h. Certify and submit recommendations to the Board of County Commissioners for adopting a planned unit development district;
- i. Maintain monetary and fiscal records of the Plan Commission;
- j. Prepare and submit an annual budget to the County Council;
- k. Approve or deny preliminary plats, re-plats, and the vacation of plats of subdivisions;
- l. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments;
- m. Establish and maintain a Board of County Commissioner approved fee schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers;
- n. Enforce regulations and procedures of the comprehensive plan, zoning ordinance, and subdivision control ordinance to the extent of local resolutions, ordinances, and State of Indiana Law; and
- o. Grant or deny requests for waivers of the requirements of the subdivision control ordinance; and
- p. All additional duties as permitted by Indiana State Code.

B. Plan Commission powers include:

- a. Hire, remove, and determine job descriptions for support staff to the Plan Commission;
- b. Determine the compensation for support staff and Plan Commission members as provided within the annual budget of the Plan Commission;
- c. Establish advisory committees as necessary, made up of county officials and the general public;
- d. Establish an executive committee;
- e. Seek funding assistance through grant programs as necessary;
- f. Distribute copies or summaries of the comprehensive plan, zoning ordinance, or subdivision control ordinance to the general public and development community; and
- g. All additional powers as permitted by Indiana State Code.

12.6 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated. The powers, duties, rules, and procedures are further described by the Article 11 of this Ordinance and the Board of Zoning Appeals Rules and Procedures.

- A. Board of Zoning Appeals duties include;
 - a. Review and hear appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Planning Director or other Plan Commission staff, committees or administrative boards or any other body except the Plan Commission;
 - b. Review, hear, and approve or deny all petitions for special uses based on the provisions of this Ordinance and Indiana State Code;
 - c. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area) based on the provisions of this Ordinance and Indiana State Code; and
 - d. All additional duties as permitted by Indiana State Code.
- B. Board of Zoning Appeals powers include any powers as permitted by Indiana State Code.

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Zoning Ordinance
Article Thirteen
Processes, Permits and Fees

Article Thirteen

Processes, Permits, and Fees

13.1 Types of Petitions and Permit Applications

- A. Madison County hereby requires that an application be submitted for the following types of petitions:
 - a. Variance (development and flood hazard area standards),
 - b. Special Use,
 - c. Administrative Appeal,
 - d. Zoning Map Amendment,
 - e. Planned Unit Development (subject to the requirements of Article 9 of this Ordinance), and
 - f. Site Development Plan (subject to the requirements of Article 8 of this Ordinance).
- B. Madison County hereby requires that an application be submitted for the following types of permit applications:
 - a. Sign Permit (permanent and temporary)
 - b. Improvement Location Permit, and
 - c. Certificate of Occupancy.
- C. All applications shall be obtained through the Planning Director's office. Fees shall be paid at the Planning Director's office at the time petition and permit applications are submitted.
 - a. All applications shall be made on forms provided by the Planning Director. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).
 - b. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Planning Director and the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.
 - c. All petitions and permit applications shall be assigned reference and/or docket numbers by the Planning Director. Petition applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendars of filing and meeting dates for the Board of Zoning Appeals, Plan Commission, and Board of County Commissioners.

13.2 Schedule of Fees

The Board of County Commissioners shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. The Fees Schedule shall be available to the public in the office of the County Commissioners, the County Auditor, the County Treasurer, and the Plan Commission. The fees schedule may be amended by a recommendation submitted to the County Commissioners by the Planning Commission followed by the County Commissioners approving said amendments by ordinance.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Any person or persons who initiates construction of a structure or the alteration of land prior to obtaining an Improvement Location Permit or any other required permit shall pay a fine equal to 2 times the amount of the fee, in addition to the standard fee amount.

Variance Process (VA)

13.3 Variance Process (VA)

The following procedure shall apply to all variance petitions;

- A. **Application:** The petitioner shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 - a. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the variance request.
 - b. A letter of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact described by Article 11 of this Ordinance. The letter should include any written commitments being made by the petitioner.
 - c. A letter from the Madison County Board of Health indicating that the variance will not negatively affect the operation of a septic system.
- B. **Notification:** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with the Rules and Procedures of the Madison County Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the variance application and required supportive information.
 - a. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
 - b. The Board shall consider a report from the Planning Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 - d. The BZA may approve, approve with conditions, deny, or table the petition.
 - 1. The petition shall be approved if findings of fact are made consistent with the requirements of Article 11 of this Ordinance and Indiana State Code.
 - 2. The petition shall be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.
 - 3. The petition shall be denied if findings of fact consistent with the requirements of Article 11 of this Ordinance and the Indian State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.
 - 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Special Use Process (SE)

13.4 Special Use Process (SU)

The following procedure applies to special use petitions:

- A. **Application:** The petitioner shall submit a special use application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 - a. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the special use request.
 - b. A letter of intent to the Board of Zoning Appeals describing the details of the special use request including but not limited to:
 1. The ways in which the special use shall comply with the applicable development standards of this Ordinance,
 2. The ways in which the special use shall be consistent with the required findings of fact described by Article 11 of this Ordinance, and
 3. Any written commitments being made by the petitioner.
 - c. A letter from the Madison County Board of Health indicating that the special use will make acceptable use of an existing or proposed septic system, or a letter from a public sewer provider stating that the proposed special use shall be served by its utility.
- B. **Notification:** Notification for the scheduled public hearing regarding the special use request shall be completed consistent with the Rules and Procedures of the Madison County Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted calender of filing and meeting dates, review the special use application and required supportive information.
 - a. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
 - b. The Board shall consider a report from the Planning Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 - d. The BZA may approve, approve with conditions, deny, or table the petition.
 1. The petition shall be approved if findings of fact are made consistent with the requirements of Article 11 of this Ordinance and Indiana State Code.
 2. The petition may be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.
 3. The petition shall be denied if findings of fact consistent with the requirements of Article 11 of this Ordinance and the Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.
 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Administrative Appeal Process (AA)

13.5 Administrative Appeal Process (AA)

The following procedure shall apply to all appeals of administrative decisions;

- A. **Application:** The petitioner shall submit an administrative appeal application and required supportive information. Supportive information shall include, but not be limited to the following:
 - a. Copies of all materials submitted to the staff member or administrative board upon which the decision being appealed was based.
 - b. Copies of any written decisions which are the subject of the appeal.
 - c. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standard applicable to Madison County upon which the appeal is based.
- B. **Notification:** Notification for the scheduled public hearing regarding the administrative appeal shall be completed consistent with the Rules and Procedures of the Madison County Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the administrative appeal application and supportive information.
 - a. Either the applicant or a representative of the applicant must be present at the public hearing to present the appeal and address any questions from the Board.
 - b. The Board shall consider a report from the Planning Director, testimony from the applicant, and testimony from any interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 - d. The BZA may grant, grant with modifications, deny, or table the appeal.
 - 1. The appeal shall be approved if findings of fact are made consistent with the requirements of Article 11 of this Ordinance and Indiana State Code.
 - 2. The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) which are subject to the appeal is not consistent with neither the administrative decision nor the requested interpretation of the applicant.
 - 3. The petition shall be denied if findings of fact are made supporting the administrative decision.
 - 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Zoning Map Amendments (ZA)

13.6 Zoning Amendment Process (ZA)

The following procedure shall apply to all zoning map amendment ("rezoning") petitions:

- A. **Petition Initiation:** Proposals for zoning map amendments may be initiated by either the Plan Commission, the Board of County Commissioners, or through a petition signed by property owners of at least 50% of the land involved.
 - a. The Plan Commission shall prepare the petition for zoning map amendment if either the Commission or the Board of County Commissioners has initiated the petition. The Planning Director shall serve as the petitioner for such proposals.
 - b. Any property owners requesting a zoning map amendment shall be the petitioners and assume responsibility for preparing application materials.
- B. **Application:** The petitioner shall submit a rezoning application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 - a. A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, rights-of-way, floodplains, trees with a diameter in excess of 8 inches measured at chest height, and any other feature relevant to the petition.
 - b. A vicinity map showing the use and zoning of all properties within 1,320 feet of the property subject to the rezoning request.
 - c. A letter of intent to the Plan Commission stating the reasons for the Zoning Map Amendment, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the petitioner.
 - d. A letter verifying that proper waste disposal will be available to the property.
 - 1. For proposals using septic systems, a letter from the Madison County Health Department shall be provided verifying that the any proposed new development makes appropriate use of the septic system and will be adequately served.
 - 2. For proposals using public sewers, a letter from the service provider shall be included verifying that any proposed new development will be served.
- C. **Technical Review:** The application materials shall be reviewed by the Madison County Technical Review Committee consistent with the provisions of Article 12 of this Ordinance.
 - a. Either the petitioner(s) or a representative of the petitioner(s) shall be present during the review to answer questions regarding the petition.
 - b. Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing. All revised submittals shall be submitted to the Planning Director in a timely manner as specified in the Plan Commission Rules and Procedures.
- D. **Notification:** Notification for the scheduled public hearing regarding the rezoning request shall be completed consistent with the Rules and Procedures of the Madison County Plan Commission.
- E. **Plan Commission Public Hearing:** The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than 60 days following the receipt of the application), review the rezoning application and required supportive information.
 - a. Either the petitioner or a representative of the petitioner must be present at the public hearing to

Zoning Map Amendments (ZA)

(continued)

- a. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address any questions the Commission may have.
 - b. The Commission shall consider a report from the Planning Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.
 - d. The Commission shall either forward the petition to the Board of County Commissioner with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request.
 1. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in Section 13.6(H).
 2. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in Section 13.6(H).
 3. The petition may be forwarded with no recommendations if, by a majority vote of the Commission, it is determined that petition includes aspects which the Commission is not able to evaluate.
 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Commission.
- F. **Certification:** The Plan Commission shall certify its recommendation by resolution to the Board of County Commissioners. The Plan Commission staff shall forward to the Board appropriate copies of the Plan Commission resolution, the original application and all supportive information, any staff reports regarding the petition, and an ordinance for the Board's consideration.
- G. **Board of County Commissioner's Hearing:** The Board of County Commissioners shall hold a public hearing and vote on the proposed rezoning ordinance within 90 days of its certification by the plan Commission.
- a. The Board shall provided notification of action on the ordinance consistent with Indiana State Code.
 - b. The Board may either approve or deny the ordinance. If the Commission fails to act within the 90 day time frame specified above, the ordinance shall become affective or be defeated consistent with the provisions of IC 36-7-4-608. The Board may also seek modifications or additions to any written commitments as described in Section 13.6(I).
- H. **Decision Criteria:** In reviewing the rezoning petition, the Plan Commission and Board of County Commissioners shall pay reasonable regard to the following:
- a. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports;
 - b. The current conditions and the character of current structures and uses in each district;
 - c. The most desirable use of which the land in each district is adapted;
 - d. The conservation of property values throughout Madison County; and
 - e. Responsible growth and development.

Zoning Map Amendments (ZA)

(continued)

- I. **Written Commitments:** The petitioner in any rezoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-615.
 - a. Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the Technical Review Committee, or in response to any modifications requested by the Plan Commission during the public hearing.
 - b. All commitments shall be considered by the Plan Commission in its review of the petition. Commitments shall be included as an element of the rezoning ordinance prepared by the Commission following action taken at the public hearing.
 - c. The Board of County Commissioners shall consider the written commitments in its review of the rezoning application. Any deletion, addition, or alteration of the written commitments proposed by the Board of County Commissioners shall be referred back to the Plan Commission for consideration and inclusion in a revised or affirmed recommendation regarding the application.
 - d. Following final action being taken on the rezoning application, the rezoning ordinance, written commitments included, shall be recorded in the office of the Madison County Recorder.
 - e. The written commitments shall be considered part of this Ordinance binding on the subject property.
 1. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 2. The written commitments shall be enforceable by the Madison County Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Ordinance.
 3. The written commitments may be modified only through the Zoning Map Amendment process described by this section. Any written commitment shall be terminated if the Official Zoning Map applicable to the subject property is amended or if a zoning text amendment contradictory to the written commitment is adopted.

Improvement Location Permit (IP)

13.7 Improvement Location Permit (IP)

The following procedure applies to improvement location permit applications:

- A. **Permits Required:** No structure or major infrastructure shall be erected, moved, or added to, without an Improvement Location Permit issued by the Planning Director. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance and other applicable regulations of Madison County.
- B. **Madison County hereby requires that an Improvement Location Permit be obtained for the following:**
 - a. any structure, for any use that exceeds 120 square feet in area and/or has a permanent foundation (including buildings and structures other than buildings such as towers, antennas, and satellite dishes),
 - b. any temporary use of land or temporary structure,
 - c. signs (as specified by the Sign Permit (SP) section of this Article) ,
 - d. swimming pools (in ground or above ground),
 - e. additions to any structures,
 - f. demolition,
 - g. surface and sub-surface drainage work and/or grading (including land alteration) excluding agricultural uses,
 - h. removal of trees and plants within buffer yards and approved landscaping areas otherwise required by this Ordinance,
 - i. adding or subtracting dwelling units or leased space in multifamily or commercial structures,
 - j. placement or replacement of manufactured or mobile homes,
 - k. parking lot construction or alteration,
 - l. ponds or lakes over 1.5 acres,
 - m. mineral extraction,
 - n. telecommunication facilities, and
 - o. any exterior construction that adds to or alters the height of the existing structure.
- C. **Application Requirements:** All applications for Improvement Location Permits shall be accompanied by:
 - a. a detailed site plan, drawn to scale with the dimensions indicated showing the following:
 - 1. The entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;
 - 2. All existing and proposed structures or other site improvements with dimensions of such improvements;
 - 3. The distances from all existing and proposed improvements to the property lines;
 - 4. The location of any existing or proposed septic/leach field;
 - 5. The location of any existing or proposed driveway and/or parking area;
 - 6. Elevations of all existing and proposed structures or alterations;
 - 7. Natural, physical, or hazardous conditions existing on the lot;
 - 8. The location of any required landscaping, labeled according to size and species, and
 - 9. The location, type, and dimensions of any storm water structures or conduits.
 - b. Either a septic permit from the Madison County Health Department or a sewer access (tap-on) permit from the appropriate public sewer provider (if applicable);
 - c. A driveway permit from the Madison County Highway Department;
 - d. A floodplain checklist from the Madison County Surveyors Office;

Improvement Location Permit (IP)

(continued)

- e. A detailed description of the existing or proposed uses any, structures on the land; and
 - f. An indication of the number of dwelling units, or rental units the building is designed to accommodate (if applicable).
 - g. Drainage Board approval for ponds.
- D. **Copies:** A copy of all submitted plans and application materials shall be retained by the Planning Director for the permanent records of the Madison County Plan Commission.
- E. **Expiration of Permits:**
- a. **Initiation of Work:** If the work described in any Improvement Location Permit has not begun within 6 months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
 - b. **Completion of Work:** If the work described in any Improvement Location Permit has not been completed within 2 years of its date of issuance, said permit shall expire; no written notice of expiration shall be given to the persons affected. The Planning Director may grant 3 extensions for up to 6 months each for work completion. Requests for extensions must be received within 1 month of the expiration. No extension shall be granted unless all appropriate extension fees as defined by the adopted fee schedule are paid to the Planning Director.
- F. **Construction According to Permits and Permit Applications:** Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to an order of removal, mitigation, or penalty fees.
- G. **Temporary Cessation of Issuance of Permits:** Provided that the Plan Commission has specifically determined that conditions require such action and have so authorized the same in a public meeting, the Planning Director shall not issue any improvement location permits for the proposed construction, reconstruction, alteration, or use which would be in circumvent of any proposed amendment to the Ordinance (text or maps) which is pending before the Plan Commission, from the time of first notice of such consideration until the final disposition by the legislative body, but not to exceed 6 months.

Certificates of Occupancy (CO)

13.8 Certificates of Occupancy (CO)

The following procedure applies to certificates of occupancy: It shall be unlawful and in violation of the provisions of this Ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:

- A. legally obtaining an Improvement Location Permit;
- B. passing all required inspections, including the final inspection; and
- C. receiving a Certificate of Occupancy from the Planning Director.

Sign Permits (SP)

13.9 Sign Permits (SP)

The following procedure applies to improvement location permits for signs (sign permits):

- A. **Sign Permit Review for Permanent Signs:** The following procedure applies to permanent sign permit review.
- a. Application: Application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required to assure compliance with the laws and regulations of the County, including:
 1. Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit. All signs on the same parcel or owned by the same business must be noted.
 2. A dimensioned drawing showing the size of the sign face area and the height of the sign.
 - b. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
 - c. Nullification: A sign permit shall become null and void if work has not been started within 12 months of the date the permit is issued or completed within 18 months of the date the permit is issued.
- B. **Sign Permit Review for Temporary Signs:** The following procedure applies to Sign Permit Review for Temporary Signs.
- a. Application: Application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required to assure compliance with the laws and regulations of the County, including:
 1. Type of temporary sign to be used.
 2. Period of time the temporary sign is to be used.
 3. Location at which the temporary sign is to be used.
 - b. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
 - c. Nullification: A sign permit shall become null and void if the sign has not been placed within 1 month of the date the permit is issued.

Zoning Ordinance
Article Fourteen
Enforcement and Penalties

Enforcement and Penalties

14.1 Authority

The Plan Commission, Board of Zoning Appeals, Board of County Commissioners, and/or Planning Director (and their designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.

14.2 Violations

Complaints made pertaining to this Ordinance shall be investigated by the Planning Director. Also, any violations suspected by the Plan Commission, Board of Zoning Appeals, County Commissioners, or Planning Director shall be investigated. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the Planning Director and should reflect what is warranted by the violation.

14.3 Inspection of Property

Investigations of property may be done by the Planning Director either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

In the event that the Planning Director is denied entry to the subject property, he/she may apply to the court of jurisdiction to invoke legal, applicable, or special remedy for the inspection of property and enforcement of this Ordinance or any applicable ordinances adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

Pursuant to applicable regulations and the orders of the court of jurisdiction the owner, tenant, or occupant shall permit entry by the Planning Director.

14.4 Responsibility for Violations

The owner of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be held responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the owner, the owner shall be held responsible in whole or in part as warranted by the findings of the Plan Commission, Board of Zoning Appeals, Board of County Commissioners, or Planning Director.

14.5 Liability

A structure that is raised or converted, or land used in violation of this Ordinance or its subsequent amendments may be deemed a common nuisance, and the owner or possessor of the structure or land is liable for the nuisance.

14.6 Violations During the Construction/Building Process

The Planning Director may place a Stop-Work-Order or Violation Notice on any land/property improvement process. Stop-Work-Orders shall be issued by written letter which shall state the violation and that work or illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant.

-
- A. The Planning Director must meet with the person(s) served the Stop-Work-Order notice within 7 days of any such meeting being requested. A memorandum of agreement shall be drafted stating the conditions by which construction or action may be resumed. This memorandum of agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused, or is responsible for the violation and the Planning Director.
 - B. Reasons for a Stop-Work-Order include, but are not limited to:
 - a. Not complying with development standards and/or any regulations of this Ordinance or the Subdivision Control Ordinance;
 - b. Not obtaining an Improvement Location Permit prior to the start of construction of any improvement for which a permit is required by this Ordinance;
 - c. Not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special use, or other approval;
 - d. Not meeting the conditions or commitments of a special use, variance, or zoning amendment;
 - e. Not meeting the conditions of site development plans, planned unit development detailed plans, covenants, or written commitments which are enforceable by the Plan Commission; and
 - f. Illegal use or expansion of use of structures, or structures and land in combination.

14.7 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, Board of Zoning Appeals, County Commissioners, and/or Planning Director. Penalties may be imposed based on the provisions set forth in this Article.

- A. The placement or erection of a primary structure, accessory structure, sign, or any other element determined by the Planning Director to not conform to the provisions or explicit intent of the Zoning Ordinance;
- B. The maintenance of a primary structure, accessory structure, sign, or any other element determined by the Planning Director to not conform to the provisions or explicit intent of the Zoning Ordinance;
- C. Failure to obtain an Improvement Location Permit when required by this Ordinance;
- D. Conducting a use or uses that do not comply with the provisions or explicit intent of this Ordinance;
- E. Any failure to comply with the development standards and/or any regulations of this Ordinance;
- F. Proceeding with work under a Stop-Work-Order or a violation of a memorandum of agreement; and
- G. Any failure to comply with commitments or conditions made in connection with a rezoning, special use, variance or other similar or documentable commitment, including verbal agreements during official Plan Commission, Board of Zoning Appeals, and/or Board of County Commissioners' meetings.

14.8 Procedure for Violations

There shall be a two step procedure for violations of this Ordinance. These steps are as follows:

- A. The Planning Director shall issue a Notice of Violation to the person(s) who has committed, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within 15 days of the mailing date or posting of notice.
- B. If the person(s) in violation refuses to pay or comply with the penalties, or correct the violation, after notice has been given, the Plan Commission or County Commissioners may pursue court action through a court of jurisdiction. Fines and liens against the property may also be pursued until the matter is resolved.

14.9 Immediate Public Risk Violations

Any violation of this Ordinance which presents an immediate risk to the health, safety, or welfare of the public, or to property within Madison County may be corrected by the Planning Director, or a person, firm, or organization selected by the Planning Director, without prior notice to the property owner or other person responsible for the violation.

- A. Immediate public risk violations shall include:
 - a. Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of this Ordinance;
 - b. Any sign, structure, landscaping, or other material located on private property which serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
 - c. Any other immediate threat to public welfare as determined by the Board of County Commissioners, Plan Commission, Board of Zoning Appeals, Planning Director, County Surveyor, County Engineer, County Sheriff, or other public official.
 - B. Any sign, structure, landscaping or other material which constitutes an immediate public risk violation may be seized by the Planning Director in a manner that results in minimal damage to the material and the property upon which it is located.
 - C. The Planning Director shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Ordinance, by either placing a notice in a conspicuous place on the property or by letter.
 - a. The notice shall be sent to the property owner via certified mail within 24 hours of the seizure.
 - b. The notice shall include the following:
 - 1. a description of the materials seized,
 - 2. a citation of the sections of the Ordinance which were violated and the characteristics of the violation which posed an immediate threat to public welfare,
 - 3. the address and phone number of the Planning Commission office and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item; and
 - 4. instructions describing how, where, and when the seized items may be claimed.
 - D. The Planning Director shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of a \$25 fine and the establishment of a memorandum of agreement between the property owner and Planning Director regarding the future use of the item in a manner consistent with this Ordinance.
 - E. Neither the Planning Director, Madison County, or any other official or entity involved in the seizure shall be liable for any damage to the seized item or the property from which it was taken.
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14.10 Fines and Penalties

The Planning Director by mandatory injunction in the Circuit or Superior Court of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.

- A. Monetary fines may be imposed for each civil violation determined upon a single inspection. Fines shall be assessed for each day that the violation is present following the provision of any Notice of Violation to the property owner or other responsible party.
- B. No fine for any single violation shall exceed \$2000.00 per day. Payment of any violation shall be made to the County Treasurer who shall deposit the funds in the General Fund. A receipt of payment must be recorded and a receipt issued to the person making payment.

14.11 Appeals or Trials

- A. Any person receiving a notice of Violation may appeal the violation and/or fine to the Board of Zoning Appeals or to a court of jurisdiction. A written statement from the person in violation, either filing an administrative appeal consistent with Article 11 of this Ordinance or giving notice of the filing of an action with a court, shall be submitted to the Planning Director via Certified Mail at least 3 days prior to the date any fine is due.
- B. Fines due will be postponed until the BZA or court of jurisdiction has made a ruling as to the violation and/or fine. The person(s) in violation shall have 30 days to file for a hearing with the BZA or court of jurisdiction. Also, the person(s) in violation shall have a maximum of 6 months to complete the hearing process with the BZA. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.
- C. No additional notices will be issued by the Planning Director if the person(s) in violation has (have) submitted an appeal or notice of court review.

14.12 Enforcement, Remedies and Injunctive Relief

- A. The Planning Director or any enforcement official designated by this Ordinance may bring an action in the Circuit or Superior Court of Madison County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments. This includes but is not limited to this Ordinance and the Subdivision Control Ordinance. The Plan Commission or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
 - a. All agreements with the Plan Commission or its designees which have been recorded as covenants or written commitments in connection with a subdivision plat, a site development plan, or a planned unit development;
 - b. All commitments made in accordance with IC 36-7-4 et al; and
 - c. All conditions imposed in accordance with IC 36-7-4 et al.
- B. The Planning Director, or any enforcement official designated by this Ordinance may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al. which includes but is not limited to this Ordinance and the Subdivision Control Ordinance.
- C. The Planning Director, or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a

structure erected in violation of this Ordinance or applicable state code.

- D. If the Planning Director, or other enforcement official is successful in its action, the respondent shall bear all costs of the action.
- E. An action to enforce a written commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by any specially affected person who was designated in the written commitment.



Madison County, Indiana

Land Use & Development Code Part "B" - Subdivision Control Ordinance

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Subdivision
Control Ordinance
Article One
Basic Provisions

Basic Provisions

1.1 Title

This Ordinance shall be formally know as the “Madison County Subdivision Control Ordinance,” and it may be cited and referred to as the “Subdivision Regulations” or “Subdivision Control Ordinance”.

1.2 Defined Words & Construction

- A. Words used in a special sense in this Ordinance are defined in the Definitions section of the Madison County, Indiana Land Use & Development Code. Throughout this Ordinance, all words, other than the terms specifically defined, have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.
- B. The following rules of construction shall apply to the text of the Ordinance:
 - a. The particular will control the general.
 - b. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
 - c. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
 - d. A building or structure includes any part thereof.
 - e. The phrase “used for” includes “arranged for, designed for, intended for, maintained for, or occupied for.”
 - f. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - g. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and, or,” or “either . . . or,” the use of the conjunction is defined as follows:
 - 1. “And” means that all the connected items, conditions, provisions, and events apply together and not separately.
 - 2. “Or” means that the connected items, conditions, provisions, or events apply separately or in any combination.
 - 3. “Either . . . or” means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
 - h. The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind or character.
 - j. The word “county” means Madison County, Indiana. The word “state” means the State of Indiana.

1.3 Authority

This Subdivision Control Ordinance is adopted by Madison County pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

1.4 Jurisdiction

This Ordinance shall apply to all land within the jurisdiction of the Madison County Plan Commission, being all portions of the County not incorporated as a city or town and/or not in the ownership of the state or federal government.

This Ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles Section 36-1-3-4 and the Section 36-7-4-700 series, as amended), authorizes the Madison County Advisory Plan Commission to review and approve or disapprove plats for subdivisions within the jurisdiction defined above.

1.5 Purpose

The purposes of the Subdivision Regulations are to protect and promote public health, safety, and general welfare, and to:

- A. Provide guidance for future growth and development in accordance with the Madison County Comprehensive Plan and applicable ordinances;
- B. Provide protection for the character and the social and the economic stability of all parts of the County;
- C. Encourage the orderly and beneficial development of the County;
- D. Provide protection and conservation of the value of land, structures, and other improvements to the land;
- E. Discourage conflicts between the uses of land and structures;
- F. Avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services;
- G. Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land;
- H. Ensure proper legal descriptions, legal recording, and monumenting of subdivided land;
- I. Prevent the pollution of air, water, and soil;
- J. Ensure the provision of drainage facilities, the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding;
- K. Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land;
- L. Plan for a balance between land uses, natural resources, open spaces, recreation, and public ways that is beneficial to the community as a whole, both currently and in the future;
- M. Cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or Madison County as a whole; and
- N. To cause the petitioner to bear all costs associated with the approval process, development process, and inspection process.

1.6 Compliance

No person shall divide, record, transfer or sell any parcel before the proposed subdivision has been approved in accordance with the processes and provisions of this Ordinance, and filed with the County Recorder, unless otherwise specified by this Ordinance.

- A. **Subdivision Defined:** The division of any lot for the purpose of sale, transfer, gift, or lease resulting in the creation of 1 or more new building sites shall be considered a subdivision and shall be subject to the requirements of this Ordinance.

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- B. **Public Safety:** Land to be subdivided and developed must be able to be done so without adding peril to public safety, welfare, or health from flooding or other menace.
 - C. **Accessibility:** Land shall not be subdivided unless appropriate road access is demonstrated to be possible.
 - D. **Public Facilities:** Land shall not be subdivided unless all required public facilities are in place, or improvements and proper provisions have been planned and a surety given by the petitioner to meet all requirements for drainage, water, sewerage, and transportation facilities adequate for serving the subdivision. The general requirements of public schools, local police and fire departments, and other public service providers may also be considered.
 - E. **Plan Commission Approval:** No plat or re-plat of a subdivision of land located within the jurisdiction of the Madison County Plan Commission shall be recorded until it has been approved by the Commission, and such approval has been certified on the plat by the President and Secretary of the Commission.
 - F. **Permitted Uses:** No land shall be subdivided unless the intended use of the individual lot is in conformance with the Madison County Zoning Ordinance, now or hereafter adopted.
 - G. **Natural/Historic Features:** In all subdivisions, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses, wetlands, floodways, and scenic views.
 - H. **Permits:** No Improvement Location Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these Subdivision Regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with all additional construction standards adopted by Madison County.
 - I. **Legal Non-Conforming Subdivisions:** Any parcel surveyed, recorded, sold, leased, contracted for, or transferred prior to the effective date of this Ordinance that was officially approved and met all the requirements of the subdivision ordinance, or subdivision ordinances in effect at the time the proposed building site was established, and was recorded will be a grandfathered or legal nonconforming subdivision.

1.7 Exemptions

The following subdivisions of land are exempt from the provisions of this Subdivision Control Ordinance subject to the specifications of this section. All exempt divisions shall be recorded through metes-and-bounds legal descriptions in the office of the Madison County Recorder.

- A. **Exempt I Subdivision:** A division of land not involving any new roads, public drainage easements, or other public improvements resulting in the creation of a lot or lots and a remaining tract, none of which is less than 40 acres or includes less than the frontage on a public road specified by the Madison County Zoning Ordinance for the zoning district in which the property is located;
- B. **Exempt II (Administrative) Subdivision:** A division of land consistent with an approved Rural Development Concept Plan meeting the requirements of Article 3 of this Ordinance.
- C. **Legal Description Correction:** A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites are created, and no additional public improvements are required or created;

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- D. **Right-of-Way Acquisition:** A division of land for federal, state, or local government to acquire right-of-way;
 - E. **Transfer Between Adjoining Property Owners:** A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional building sites are created, and no additional public improvements are required or created by the subdivision and the resulting lots meet all of the development standards of the zoning ordinance.

1.8 Replats

- A. For any change in an approved or recorded subdivision plat, if such change affects any street layout shown on such plat, creates an additional building site, reduces the size of any lot, or alters any right-of-way or easement; such change shall be reviewed by the Plan Commission by the same procedure and regulations as for a major subdivision plat.
- B. For any change in an approved or recorded subdivision plat, if such change results in only the combination of 2 or more lots, or the division of a lot between adjoining property owners in a manner that does not result in the creation of an additional building site, partial remaining tract, or lot in violation of the provisions of the Zoning Ordinance, such change shall be reviewed by the Technical Review Committee consistent with the provisions of Article 2 of this ordinance for petitions for which the TRC has approval authority.

1.9 Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.10 Interpretation

The provisions of this Ordinance shall be the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If 2 or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.11 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the greater restriction shall control.

- A. **Public Provisions:** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law; whichever provisions are more restrictive or impose higher standards shall control.
- B. **Private Provisions:** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, and such private provisions are not inconsistent with these regulations, then such private provisions shall be supplemental to these regulations. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements.)

Rev. 2003 S-1

1.12 **Saving Provision**

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous subdivision ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.13 **Repealer**

The Madison County Subdivision Control Ordinance of June 27, 1983 and all subsequent amendments are hereby repealed. This Ordinance shall replace the repealed ordinance as of the effective date.

1.14 **Transition Rules**

- A. **Subdivision Regulations:** Any subdivision either fully approved or submitted and docketed for a public hearing prior to the adoption of this Ordinance shall be regulated by the terms and conditions of the Subdivision Control Ordinance which were in place at the time of the approvals. However, all administrative procedures and penalties shall follow those set forth by this Subdivision Control Ordinance.
- B. **Permit Applications:** Any application for an Improvement Location Permit which has been filed with the Plan Commission or its designees and which is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Subdivision Control Ordinance which was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
- C. **Property Splits:** All new building sites shall meet the requirements of this Ordinance unless:
 - a. An Improvement Location Permit for the site has been issued and is still valid, or
 - b. A parcel was approved as a buildable lot by the Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance.
- D. **Previous Approvals:** All plats and other petitions regulated by this Ordinance which were approved prior to the effective date of this Ordinance and not yet executed though consistent with the provisions of the Ordinance under which they were approved shall expire and become void 1 year following the effective date of this Ordinance. All approvals which expire and/or become void shall comply with all applicable provisions of this ordinance if re-issued.

1.15 **Amendments**

- A. In accordance with I.C. 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance. The Madison County Board of County Commissioners or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Plan Commission Rules and Procedures.
- B. In its review of the text amendments, the Board and the Plan Commission shall pay reasonable regard to:
 - a. The most recently adopted Madison County Comprehensive Plan;
 - b. The most recently adopted Madison County Zoning Ordinance;
 - c. The current conditions and character of structures and uses in each district;
 - d. The most desirable use for which the land in each district is adapted;
 - e. The conservation of property values throughout Madison County;
 - f. Responsible development and growth; and
 - g. The public health, safety and welfare.

1.16 **Effective Date**

This Ordinance shall be in full force and in effect at _____ m, on _____. The effective date is based on the passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Plan Commission of Madison County, Indiana on the _____ day of _____, _____.

President

Vice-President

Secretary

This Ordinance was passed and adopted by the Madison County, Indiana Board of County Commissioners on the _____ day of _____, _____.

President

ATTEST:

County Auditor

APPROVED AS TO FORM:

County Attorney

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Subdivision
Control Ordinance
Article Two
Administration

Administration

2.1 Administrative and Enforcement

- A. **Administrator Defined:** The administrator of this Ordinance shall be the Madison County Planning Director. The Planning Director is hereby authorized and directed to enforce and carry out all provisions of this Ordinance both in letter and spirit, pursuant to state statute.
- B. **Delegation Authority:** The Planning Director is hereby empowered to delegate the duties and the powers granted to, and imposed upon him/her under this Ordinance. As used in this Ordinance, Planning Director shall include any authorized representative(s).
- C. **Inspections:** The Planning Director is hereby empowered to enter or inspect any structure, or premises in the jurisdictional area of this Ordinance to insure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours, unless an emergency exists.
 - a. Investigations of property may be done by the Planning Director either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.
 - b. In the event that the Planning Director is denied entry to any property necessary to carry out an inspection, he/she may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the inspection of the property and the enforcement of this Ordinance or any other applicable ordinances adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court. Pursuant to applicable regulations and the determination of the court, the owner of the property shall permit entry by the Planning Director.

2.2 Notice of Public Hearing

Within 30 days of the receipt of the proper documents, and after the granting of any required approvals or favorable recommendations by the Technical Review Committee, the Planning Director shall set a date for a public hearing before the Commission. For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section. Required public notice shall include the following:

- A. **Notice Sign:** The petitioner shall allow the Plan Commission staff to post on the subject property a sign giving notice of the hearing provided by the Plan Commission office. The sign shall remain on the property until the final decision on the request is made by the Plan Commission.
- B. **Legal Notice:** The Plan Commission staff shall prepare a legal notice consistent with the requirements of IC 5-3-1 for publication in a local newspaper of general circulation specified by the Rules and Procedures of the Plan Commission. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the date of the public hearing. Legal notices shall include each of the following:
 - a. The general location of the subject property and a legal description of the land;
 - b. The street or common address of the real estate;
 - c. That the project plans are available for examination at the office of the Madison County Plan Commission;
 - d. That a public hearing will be held and giving the date, place, and hour of the hearing; and
 - e. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Planning Director.

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- C. **Notice to Interested Parties:** The petitioner shall prepare and distribute written notice of the petition to all property owners within 2 ownerships or 500 feet of the boundaries of the subject property, whichever is greater.
- a. The notice shall contain the same information as the legal notice which is published in the newspaper.
 - b. The distribution and cost of the notice shall be the responsibility of the petitioner.
 - c. The petitioner shall obtain the names and mailing addresses of those to be notified from the Property Transfer Books contained in the Madison County Auditor's Office. The names and addresses of these property owners shall be submitted to the Planning Director at the time of filing for a petition requiring a public hearing as specified by this Ordinance.
 - d. The notices shall be sent to each property owner at least 1 time, and must be postmarked a minimum of at least 10 days before the date of the public hearing. The mailing shall be via certified mail through the United States Postal Service. No other form of mailing shall be accepted
 - e. A copy of the materials provided to each property owner, all certified mail return receipts, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Planning Director a minimum of 3 business days prior to the date of the public hearing.

2.3 Waivers of Subdivision Regulations

- A. **General Provisions:** Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations, or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may grant waivers of the subdivision regulations set forth in this Ordinance so that substantial justice may be done and the public interest served. No waiver shall be granted in relief of mere inconveniences or financial disadvantages of the subdivider.
- B. **Decision Criteria:** The Plan Commission shall not approve any waivers of the subdivision regulations unless it makes written findings based upon the evidence presented to it in each specific case, such that:
- a. The granting of the waiver will not be detrimental to the public safety, health, or welfare;
 - b. The granting of the waiver will not be injurious to the reasonable use and development of other property;
 - c. The conditions upon which the request for waiver is based are unique to the property for which it is sought and are not applicable generally to other property;
 - d. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out; and
 - e. The waiver will not contradict the intent of the Madison County Zoning Ordinance or Comprehensive Plan.
- C. **Public Facility Waiver:** Where the waiver impacts the design, construction or maintenance obligations of public facilities, it shall not be granted unless the appropriate public agency has reviewed and approved in writing the proposed development to the Plan Commission.
- D. **Conflict of Authority:** No waiver of these Subdivision Regulations shall conflict with the powers and duties of the Board of Zoning Appeals.
- E. **Procedure:** The procedure for review of waiver requests is as follows:
- a. At the time of filing a subdivision request consistent with this Ordinance, the petitioner must submit a detailed written statement documenting all waivers requested as part of the petition and reasons

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- for the waiver request(s) consistent with the decision criteria outlined above.
 - b. Only those standards specifically described in the waiver request may be reviewed by the Plan Commission.
 - c. Waivers may only be granted in a public hearing, and shall generally be considered at the time the preliminary plat for the proposed subdivision is reviewed by the Commission. The Commission may make reasonable conditions an element of any waiver approval.
 - d. All waiver requests which are granted, and the reasons for approval shall be recorded in the minutes of the Plan Commission. Any conditions imposed by the Commission as part of the waiver approval shall be included in writing on the recorded plat of the subdivision.

2.4 Inspections and Permits

- A. **Notification Required:** The petitioner shall notify the Planning Director 72 hours prior to the planned installation of improvements within the development. The Planning Director will notify the appropriate County departments which shall have the responsibility for inspecting and testing streets, curbs, sub-bases, pavement depth and quality, sidewalks, sewer lines, water lines, utilities, drainage improvements, and any other site improvements to see that they conform to the regulations of this Ordinance, all other applicable construction standards of Madison County, and accepted engineering standards.
- B. **Permits Withheld:** In addition to any other remedy and/or penalties which may be imposed on the petitioner by this Ordinance or by any other Ordinance of Madison County, the Planning Director shall reserve the right to withhold Improvement Location Permits for the lots in a Final Plat if the subdivider has failed to properly install, maintain, or otherwise provide for, all of the public improvements shown on the Final Plat and the Construction Plans.
 - a. A Certificate of Occupancy shall not be issued for any lot until sidewalks and street trees are installed for said lot or a performance bond is posted to the County Commissioners by the petitioner in an amount equal to the cost of installation of the sidewalk and/or trees.
 - b. However, 3 years from the date of the approval of the Final Plat by the Board of County Commissioners, the petitioner is responsible for installing all sidewalks and/or trees shown on the Final Plat, whether all lots in the development are built upon or not.
 - c. The developer shall be responsible for installing sidewalks through any park and open space areas included in the Final Plat and connecting them to existing and/or proposed sidewalks in other areas of the subdivision, or adjacent sidewalk/pedestrian paths in other developments at the time the streets and other public improvements in each phase of construction are completed.

2.5 Technical Review Committee

- A. **Committee Intent:** The Madison County Technical Review Committee (also known and referred to in this Ordinance as the “TRC” and “the Committee”) is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Review Committee is to provide efficiency in the work load of the Plan Commission as well as applicants by establishing a body to make determinations regarding petitions for which the only criteria is consistent with the applicable adopted standards of Madison County. Further, the TRC shall provide for efficiency in the approval process of petitions determined by the Plan Commission and County Commissioners by providing an initial examination and report based on all applicable adopted requirements of Madison County. All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.
 - a. Approval Authority: The Technical Review Committee shall have the authority to approve the following types of petitions and applications:
 - 1. **Subdivision Construction Plans,**
 - 2. **Final Subdivision Plats,** and

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3. **Replats** as specified in section 1.8B of this Ordinance.
 - b. **Review Authority:** The Technical Review Committee shall have the authority to review **Preliminary Subdivision Plats**, forwarding comments to the Madison County Plan Commission
 - c. **Appeal Rights:** All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in this Article.
- B. **Committee Structure:** The Planning Commission staff shall also serve as the staff for the Technical Review Committee. They shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:
- a. The Technical Review Committee shall, at a minimum, consist of the following members:
 1. The Planning Director and other staff of the Plan Commission as determined by the Planning Director;
 2. a member of the staff of the local Soil and Water Conservation District his/her appointee;
 3. the County Engineer his/her appointee ;
 4. member of the Plat Book Maintenance Department;
 5. the County Surveyor his/her appointee;
 6. a member or appointee of the County Drainage Board as determined by the Drainage Board; and
 7. a member of the staff of the Madison County Health Department.
 - b. Members of the Committee shall either be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the Planning Director prior to the appropriate meeting.
 1. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of Madison County.
 2. If no comments are received from a member of the committee it shall indicate that they have no objection to any aspect of the applicable petition, and therefore grant their individual approval.
 3. The Planning Director shall determine the action taken on each petition by the Committee based on the comments of the Committee members.
 - c. The Planning Director shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree. In cases of disagreement and at his/her discretion, the Planning Director may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request.
 - d. All petitions which are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be tabled and placed on the agenda for the next appropriate Committee meeting.
 1. Prior to that meeting the petitioner shall address the comments of the Committee, making appropriate modifications to the application materials.
 2. The petitioner shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted calendar of meeting and filing dates.
 3. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Planning Director. Any petitions which are withdrawn and are subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.
- C. **Attendance Required:** Either the petitioner or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which time their petition shall be reviewed. If either the petitioner or their representative is not present, the petition shall automatically be tabled and

placed on the agenda for the next appropriate TRC meeting.

- D. **Meeting Record:** The Planning Director shall make written documentation of the comments and findings of the Technical Review Committee for each petition and make those written findings available to the petitioner within 3 business days of the Commission's review. The written documentation shall consist of the following:
- a. a letter to the petitioner stating the action taken by the Committee, and
 - b. a list of any outstanding comments made by the members of the TRC, including references to appropriate sections of adopted, applicable requirements of Madison County, the State of Indiana, and/or the Federal government.
- E. **Decision Criteria:** In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Madison County Zoning Ordinance, any adopted Madison County construction or improvements standards, any adopted standards of the Madison County Drainage Board, and any other adopted and applicable standards of Madison County, the State of Indiana, and/or the Federal government.
- a. In all cases in which the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
 - b. In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and/or unadopted standards of any member of the Committee. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.
- F. **Appeal Procedure:** Any applicant may appeal the decision of the Technical Review Committee to the Plan Commission. Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
- a. The applicant shall be required to provide the Planning Director with written notice of the appeal within 60 days of the date of the Committee decision.
 - b. The Planning Director shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted Calendar of Meeting and Filing Dates.
 - c. Public notice for the meeting shall be required, consistent with the provisions of this Ordinance.
 - d. The Plan Commission shall consider the provisions of this Ordinance and all other applicable standards in deciding the appeal.

2.6 Commercial and Industrial Subdivisions

It is recognized by this Ordinance that the development of commercial and industrial subdivisions is required by the nature of the marketing of such projects to deviate from the standard procedure used for residential subdivisions.

- A. **Review Emphasis:** In reviewing commercial and industrial subdivisions, the initial emphasis of the Commission shall be on street lay out and block arrangement.
- B. **Procedure:** The subdivider shall follow the procedure for Major Subdivisions provided in Article 4 of this Ordinance, but in terms of lot arrangement shall only be required to show two defined lots and a block layout.
- a. The subdivider shall prepare Construction Plans and the Final Plat for only the lots identified, and shall re-plat the approved preliminary plat as additional lots become necessary.
 - b. All commercial and industrial preliminary plats shall expire within 10 years of the date of preliminary plat approval by the Plan Commission.

2.7 Violations and Penalties

- A. **Violations:** A failure to comply with any of the requirements of this Ordinance, including violations of conditions and safeguards established in connection with the granting of waivers, as well as subdivision

approval, shall constitute a violation of this Ordinance.

- B. **Legal Proceedings:** The Plan Commission, Plan Commission attorney, the Board of Zoning Appeals, the Planning Director, or any designated enforcement official may bring to the attention of the Planning Director and/or County Attorney a violation of the provisions of this Ordinance in order to initiate legal proceedings pursuant to statute.
- C. **Mandatory Injunction:** The Plan Commission, the Board of Zoning Appeals, the Planning Director or any designated enforcement official may request the County Attorney to bring an action for a mandatory injunction directing any person to remove a structure and/or to discontinue working in violation of the provisions of this Ordinance pursuant to state statute.
- D. **Common Nuisance:** Any structure erected, raised or converted, or land or premises used in violation of any provision of this Ordinance or of the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.
- E. **Fines:** Any person who violates this Ordinance shall, upon conviction, be fined not less than \$25 nor more than \$2000.00 for each offense. For the purposes of this Ordinance, each day a violation of terms of this Ordinance exists shall constitute a separate offense.
- F. **Person in Violation:** Any person who attempts, commits, participates in, assists or maintains a violation of this Ordinance may be found guilty and suffer the penalties herein provided.
- G. **Remedy for Failure:** The remedy provided in this section for failure to comply with any of the requirements of this Ordinance, whether civil, criminal or otherwise, shall be cumulative and shall be in addition to any other remedy provided by law. The civil penalty hereinafter described shall be used in preference to the criminal penalty on all violations except in the case of repeated, malicious, willfully prolonged or flagrant violations.
- H. **Assurance of Discontinuance:** For all violations, the Planning Director may accept an assurance of discontinuance of any act or violation. Such assurance shall specify a time limit in which the act or violation shall be discontinued.

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Subdivision
Control Ordinance
Article Three

Administrative
Subdivisions

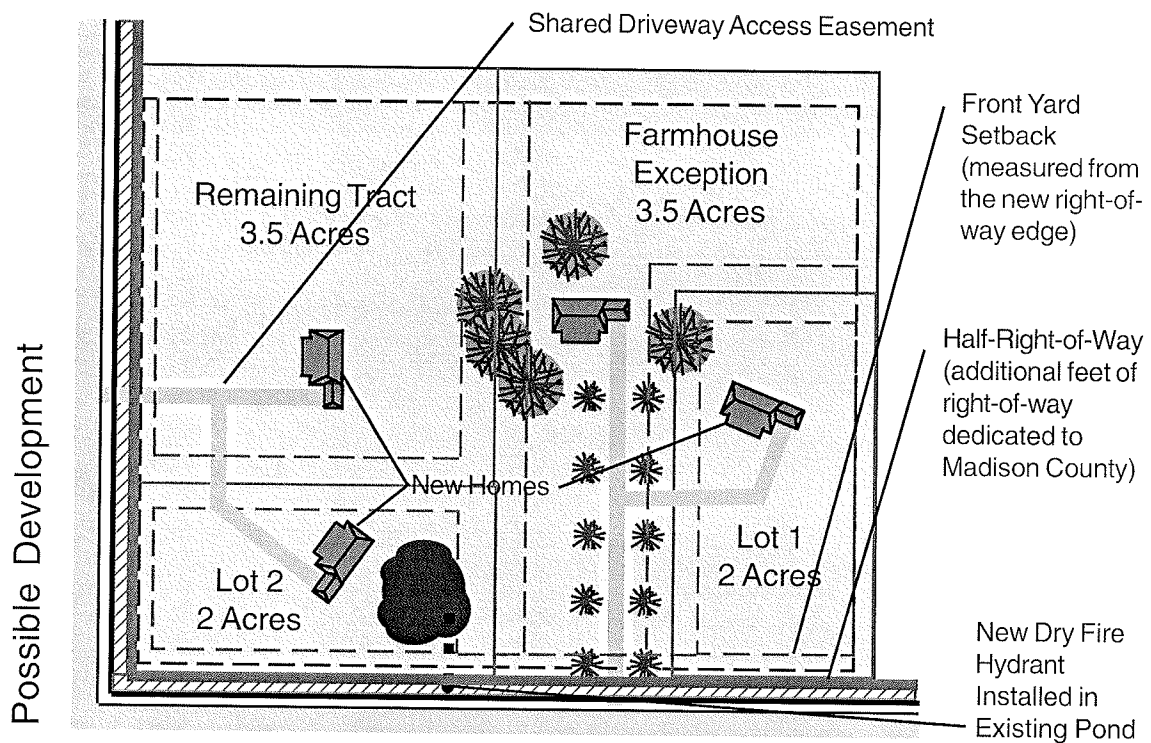
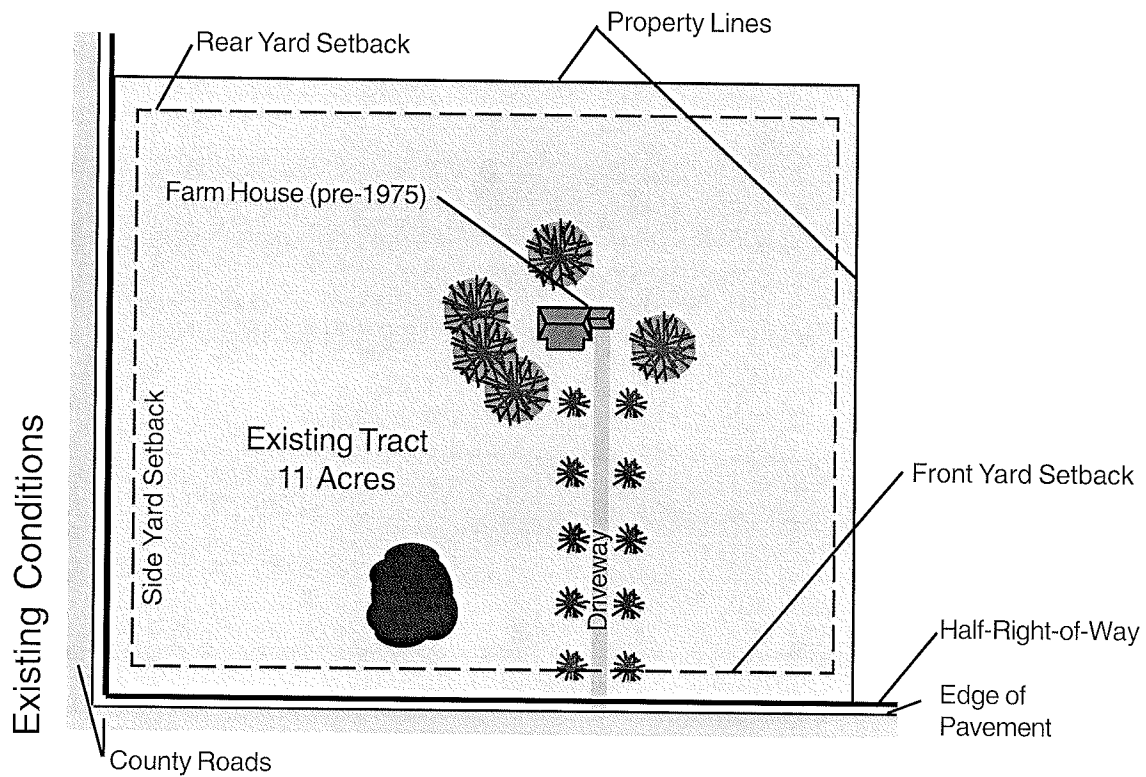
Administrative Subdivisions

3.1 Intent

The intent of the administrative subdivision process is to allow a simplified procedure for the creation of low-density development of rural lands consistent with the agricultural characteristics of Madison County.

3.2 Minimum Standards for an Administrative Subdivision

- A. **Parcel Zoning and Density Standards:** Administrative subdivisions shall be permitted in the following zoning districts as established by the Madison County Zoning Ordinance: AG, CR, R1, R2, and R3.
- a. Parent Tract Defined: The Subdivision approval shall be based upon the parcel number and the characteristics of the Parent Tract legally established prior to July 15, 2002.
 - b. Subdivisions Permitted: In all zoning districts the creation of additional lots shall be based on a sliding scale determined by the acreage present in the parent tract as defined in section 3.2(A)(a) above. The sliding scale shall be as follows:
 1. Parent tracts which include between 6 and 10 acres shall be permitted to be divided for the creation of 1 additional lot (for a total of 2 lots including the remainder from the parent tract).
 2. Parent tracts which include 10 to 15 acres shall be permitted to be divided for the creation of 2 additional lots (for a total of 3 lots including the remainder from the parent tract).
 3. Parent tracts which include 15 acres or more shall be permitted to be divided for the creation of 3 additional lots (for a total of 4 lots including the remainder from the parent tract).
 4. Nothing in this Article shall be interpreted as permitting the creation of additional lots from parent tracts present on January 1, 2000 that have subsequently been divided, through a “mini-plat” or other means, to the extent that a number of new lots greater than that specified above will be created.
 - c. Exception: A habitable residence, as determined by the Madison County Planning Director, built prior to November 10, 1975 located in any zoning district may be separated from the parent tract through the administrative subdivision process provided that both the lot and the remaining tract conform with all requirements of the Madison County Zoning Ordinance for the zoning district in which the property is located. Such exception shall also be required to conform with all design standards provided by this Article.
 - d. Subdivision Rights: All subdivision rights as established by this section shall run with the parent tract or remainder thereof. The further subdivision of any lot created from a parent tract shall be prohibited unless it is consistent with the major subdivision process established by Article 4 of this Ordinance.
 - e. Further Subdivision: Once all of the permitted lots have been split from the parent tract, any further subdivisions shall follow the major subdivision process established by Article 4 of this Ordinance in order for Madison County to ensure that land is improved in coordination with the Comprehensive Plan in the laying out of public ways, easements, structures, utilities, and other features; that regional drainage concerns are addressed; and established public policy is followed.
- B. **Design Standards:** All administrative subdivisions shall conform to the following design standards:
- a. Any subdivision which includes the construction of any public improvements including a public street, sidewalks, sewer or water mains, or street trees shall be considered a major subdivision and follow the major subdivision process established by Article 4 of this Ordinance.



The above graphics represent a 10-15 acre parent track development. A total of 2 additional lots may be created (plus the existing pre-1975 farmhouse exception)

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- b. All lots and any remaining tract shall be consistent with all applicable requirements of the Madison County Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width except as otherwise stated in the ordinance.
 - c. At the time of filing, the property owner may show all possible lots which are permitted to be created through the Administrative Subdivision provisions of this Ordinance on a Rural Development Concept Plan, including the exception described by section 3.2(A)(c).
 - d. All road cuts shall be subject to the review of the Madison County Commissioners.
 - 1. No private road shall be permitted which provides the only means of access to more than 3 lots. A private road shared by more than 3 lots must be created in the form of a public road. If such a public road is required, the development shall be considered a major subdivision and shall follow the major subdivision process established by Article 4 of this Ordinance.
 - 2. Lot frontage on private roads may be considered as meeting the road frontage requirements of the Madison County Zoning Ordinance.
 - 3. All driveways shall be designed to prevent vehicles from being required to back onto the public road.
 - e. All driveways shall be a minimum of 16 feet in width, with common portions included in a minimum 50 foot wide private road.
 - f. All driveways shall be constructed consistent with the requirements of the County Engineer.
 - g. A permanent documentation of any shared driveway agreement must be signed by all involved property owners or take the form of covenants on all applicable property. The documentation shall include, but is not limited to maintenance, snow removal, ownership, and liability. The documentation shall specifically exempt Madison County from any responsibility regarding the maintenance and upkeep of the shared driveway. The agreement shall be reviewed and approved by the Planning Director. The agreement shall be recorded in the office of the Madison County Recorder. A copy of the agreement shall be kept in the office of the Plan Commission.
 - h. Dry fire hydrants shall be installed in existing ponds and other bodies of water located on property included in the administrative subdivision consistent with the desires of the local fire department having jurisdiction.
 - i. Necessary and adequate utilities and drainage facilities shall exist on the site. All septic systems and wells shall be subject to the approval of the Madison County Health Department. A drainage plan for each subdivision shall be reviewed and approved by the Madison County Drainage Board consistent with Indiana Code 36-9-27-69.5. The following statement is required to be placed on the final plat: "An adequate outlet exists to a county regulated drain if required by the Madison County Board of Health and/or the Madison County Drainage Board".
 - j. An applicant shall dedicate a right of way along public road frontages of any new lots and additional right of way along the remainder of the parent tract as required by the Plat Review Committee and consistent with required right of way widths established by Article 6 of this Ordinance. Additional right of way on the remainder of the parent tract shall be determined upon the reasonable relationship of the expansion or a change of the land use to the needs created by the development and shall be determined by the Plat Review Committee. Any appeals of the Plat Review Committee concerning additional right of way requirements shall be made to the Planning Director and are subject to review by the Madison County Board of Zoning Appeals.
 - k. Adequate ingress and egress to the remainder of the parent tract and adjacent properties must be maintained, planned for and provided.

3.3 Administrative Subdivision Application and Review Procedure

- A. **Application Requirements:** In order to begin the subdivision process the applicant shall file an application for Rural Development Concept Plan Approval (Primary Plat) with the Planning Director. This application shall:

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- a. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
 - b. Be accompanied by the specified number of copies of a Rural Development Concept Plan which meets the requirements provided by this Article;
 - c. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. No docket number shall be released until all applicable fees have been paid for the application.
- C. **Meeting Dates Established:** The Planning Director shall provide the applicant with a date for the review and approval of the administrative subdivision by the Plat Committee. The date of the Technical Review Committee meeting shall be based on the adopted calendar of meeting and filing dates and shall be based on the date upon which the application for Rural Development Concept Plan Approval is filed with the Planning Director.
- D. **Plat Review Committee:** The Planning Director shall place the application for Rural Development Concept Plan Approval on the agenda for the applicable meeting of the Madison County Plat Review Committee and distribute copies of the submittals to the Committee members. The Plat Review Committee shall consist of a Plan Commission member appointed annually by the Plan Commission for a term of one (1) year, the Planning Director, the Surveyor or his/her designated representative, the County Engineer or his/her designated representative and the Soil Conservation Officer or his/her designated representative.
- a. In reviewing the application, the Plat Review Committee shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable adopted standards of Madison County.
 - b. The Committee shall make comments regarding the application and either approve, approve with conditions, require further review, or deny the application.
 - 1. The Committee shall approve the application for Rural Development Concept Plan Approval if it is found to be consistent with the requirements of this Ordinance.
 - 2. The Committee shall approve the application with conditions if minor modifications are required for the application to be completely consistent with the requirements of this Ordinance. Such minor modifications shall not have the affect of altering the arrangement of lots, topography, drainage, driveways or other features. The applicant shall make revisions consistent with the conditions of approval and provide revised materials to the Planning Director for the records of the Plan Commission.
 - 3. The Committee shall require further review of the application for Rural Development Concept Plan Approval if addressing the comments of the Committee will require significant alterations in the lots, topography, drainage ways, driveways or other features. The application shall be placed on the agenda for further review at the next Technical Review Committee meeting. The applicant shall revise the application consistent with the comments received from the Committee and supply revised application materials and the specified number of copies to the Planning Director in preparation for further review by the Technical Review Committee by the date specified on the adopted Calendar of Meeting and Filing Dates.
 - 4. The Committee shall deny the application for Rural Development Concept Plan Approval if it is found to be in violation of the requirements of this Ordinance. Applications which have been denied may not be re-submitted for a period of 1 year from the date of denial. When re-submitted, the request shall be treated as a new application following the process established by this Article and with all fees required.
- E. **Final Plat Procedure:**
- a. Final Plat (paper copy) is submitted to the County Surveyor for review (initial review is to be

- completed within 3 business days of submittal - i.e. if plat is turned in on Monday at 9:00 A.M., review will be completed by Thursday at 9:00 A.M., barring paid holidays or courthouse closings).
- b. After review is complete, Final plat applicant (surveyor) will be notified by the Surveyor's Office by phone (will fax and/or email as well if request is made in writing that includes email address and/or fax number, and submitted with the Final Plat).
 - c. Final Plat applicant (surveyor) will pick up the Final Plat from the County Surveyor's Office. A form will be included with the Final Plat detailing any changes that need to be made.
 - d. Final Plat applicant (surveyor) will return a mylar copy of the Final Plat to the Surveyor's Office that is signed and stamped by the surveyor and signed by the property owners. (Surveyor must use his/her discretion as to submit a mylar at this time. If several errors were found initially, surveyor may wish to submit another paper copy verifying all corrections have been made, and no additional errors created. Each paper submission will be reviewed within 3 business days).
 - e. Final Plat (mylar copy) is reviewed by the County Surveyor's Office. (Review of mylar will be completed within 2 business days, with priority placed on those plats attempting to meet the filing deadline for the Plat Review Committee).
 - f. If all criteria has been met by the County Surveyor, the Final Plat is signed by the County Surveyor and submitted to the Planning Department. Planning Department then places the Final Plat on the next Plat Review Committee Meeting Agenda. County Surveyor's Office will notify the surveyor by phone (will fax and/or email as well if request is made in writing that includes email address and/or fax number, and submitted with the mylar copy of the Final Plat).
 - g. Surveyor appears before the Plat Review Committee. If plat is approved, the Planning Director signs the plat and the surveyor takes the plat to the County Auditor for transfer and to the Recorder's Office for Recording. Approval of the Final Plat shall be effective for a maximum period of one (1) year from the date of approval, unless it is signed and recorded as required by this Ordinance.
 - h. A paper copy of the recorded plat is submitted to the Planning Department.
 - i. A building permit may be obtained for any lot in the recorded Administrative Plat.
 - j. Required copies to be submitted with final plat to the county surveyor:
 - 1. The Final Plat
 - 2. Copy of the boundary Survey
 - 3. Copy of the deeds for all surrounding property owners
 - 4. Copy of the deed for the parent tract
 - 5. Copy of recorded documents for any easements, right-of-way grants or takings that are depicted on the Final Plat.
 - 6. If recorded documentation does not exist for easements or right-of-ways shown on the Final Plat, the surveyor is to provide the documentation utilized to depict the easement and/or right-of-way (this does not include the typical existing 16.5' right-of-way from centerline that exists along section lines)
- F. **Waivers:** The Plan Commission shall have the sole authority to grant waivers of the requirements of this Ordinance.
- a. Applicants seeking a waiver of one or more requirements shall provide written notice of the waiver request either at the time of filing the application or within 30 days of any adverse decision by the Plat Review Committee.
 - b. The Planning Director shall place the waiver request on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.

- c. Public notice for the meeting shall be required, consistent with the provisions of Article 2 of this Ordinance.
- d. The Plan Commission shall consider the intent of the Comprehensive Plan and this Ordinance when deciding the waiver request.
- e. The Plat Review Committee, at its discretion, may either hear any application contingent upon the outcome of a waiver request hearing by the Plan Commission, or table the request pending the outcome of the Plan Commission hearing.

3.4 **Specifications for Administrative Subdivision Documents to Be Submitted**

The Administrative Subdivision application shall be accompanied by a Rural Development Concept Plan prepared in pen or pencil, drawn to a convenient scale of not more than 100 feet to an inch, and show the following information:

- A. **Property Name:** The property address, general location, and name (if there is a name by which the property is locally known).
- B. **Property Ownership:**
 - a. The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the owner involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - b. Citations of any existing covenants on the property.
 - c. The name and address, including telephone number, of the professional person(s) responsible for the subdivision design and for surveys.
- C. **Property Legal Description:** The location of the property, the name of the local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
- D. **Development Description:**
 - a. A legend and notes, including a graphic scale, north point, and date.
 - b. An indication of the lot to be considered the remainder of the parent tract.
 - c. The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
 - d. The approximate location of any existing or proposed wells and/or the municipal water system.
 - e. A Rural Development Concept Plan Approval Certificate for signature by the Planning Director.
 - f. Lot numbers and the area for each lot which may be created on the parent tract (listed in square footage and acres), including all setback lines, lot dimensions and road frontage widths.
 - g. All existing and proposed easements including the location, width, and purpose of each easement.
 - h. All existing and proposed rights-of-way on and adjoining the site of the proposed subdivision showing the street names and pavement widths.
 - i. The location, size, and invert elevation of any utilities existing and proposed adjacent to, and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
 - j. The location(s) of any existing structure(s) on the site and a description of the future use.
 - k. The location of natural streams, regulated drains, 100-year flood plains, floodways, water courses, marshes, wooded areas, and other structures or significant features.
 - l. The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
 - m. The location of all existing and proposed driveways, provisions for the construction and maintenance of shared driveways, and no-access easements.

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- n. The proposed phasing of the development, if more than one lot is involved and development will occur over time.
- E. **Subdivision Covenants:** In Final Plat any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. The covenants shall be subject to the approval of the Planning Director and, at a minimum, shall provide a means for the maintenance and upkeep of any common drives and/or any drainage swales. All covenants shall be recorded in the office of the Madison County Recorder, with a copy of the recorded covenants being provided to the Planning Director prior to the issuance of an Improvement Location Permit.
- F. **Vicinity Description:** On a separate sheet a vicinity map must be submitted that includes the following information:
- a. The location of the proposed subdivision within the County.
 - b. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
 - c. Existing and proposed driveways located on either side of all roads adjacent to the subject property.
 - d. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
- G. **Rural Concept Development Plans:** All rural concept development plans must be prepared by a registered land surveyor.
- H. **Boundary Survey Requirement:** A recorded boundary survey must be prepared for all Administrative Plats, pursuant to Title 865, Article 1, Chapter 12, Sections 1-34. the instrument number for the recorded boundary survey must be affixed to the Administrative Final Plat.
- The boundary survey is to include any and all improvements located within the final Plat.
Exceptions to this rule are as follows:
- a. One lot makes up the final Plat and all improvements on the parent tract are wholly within the one lot (statement must be made on the Final Plat to this affect)
 - b. County Surveyor may use his/her discretion when asked by the surveyor preparing a Final Plat, but only for circumstances that include vast amounts of improvements (i.e. farms, businesses, etc.)
- I. **Drainage Board Approval:** Drainage Board approval is required before the Final Plat may be submitted to the County Surveyor's Office for review.
- J. **Statements:** Any statements, changes, or requirements placed on the Administrative Plat during the Rural Development Concept Plan Plat Review Meeting, the Madison county Drainage Board Meeting, and any other governmental entities reviewing the plat are the complete responsibility of the private surveyor. If these statements, changes, and/or requirements were requested, but not placed on the Final Plat, and is not found until the Plat Review Meeting for the Final Plat hearing, the surveyor will be required to make the changes and then resubmit the Final Plat to the County Surveyor.

**Subdivision
Control Ordinance
Article Four**

Major Subdivision Plats

Article Four

Major Subdivision Plats

4.1 Intent

The intent of a major subdivision process is to allow for all subdivisions of land that are not exempt.

4.2 Major Subdivision Application and Review Procedure

The following is a brief overview of the Major Subdivision process. The complete details of the Major Subdivision process are provided throughout this Article and Ordinance.

- A. The petitioner submits an application for Sketch Plan Review and the appropriate supportive materials for the review and comment of the Planning Director.
- B. The petitioner submits an application for Preliminary Plat Approval and the appropriate supportive materials to the Planning Director for placement on the Plan Commission agenda.
- C. The petitioner corresponds with all applicable regulatory agencies for all other permits necessary. These may include, but are not limited to the following:
 - a. the Madison County Health Department;
 - b. the Madison County Soil and Water Conservation District office;
 - c. the Madison County Surveyor and Drainage Board;
 - d. the Madison County Auditor's Office;
 - e. the Madison County Sheriff Department;
 - f. the appropriate local fire district;
 - g. the appropriate local school corporation;
 - h. the Indiana Department of Transportation;
 - i. the Indiana Department of Environmental Management;
 - j. the Indiana Department of Natural Resources;
 - k. the Madison County Engineer; and
 - l. all applicable utility companies.
- D. The Planning Director places the request on the agenda for appropriate Technical Review Committee and Plan Commission meetings.
- E. The Technical Review Committee reviews the proposed subdivision and provides comments to the petitioner. The petitioner attends the Technical Review Committee meeting for the application and proposed plat to be reviewed.
- F. The petitioner revises the proposed Preliminary Plat and submits revised copies of all appropriate materials for use at the Plan Commission hearing.
- G. The petitioner provides public notice as specified in this Ordinance. The petitioner permits the posting of a sign on the property giving notice of the proposal.
- H. The petitioner attends the Plan Commission public hearing for consideration of the Preliminary Plat.
- I. The petitioner submits an application for Construction Plan Approval and the appropriate supportive materials to the Planning Director for review.
- J. The petitioner constructs the subdivision, coordinating the appropriate inspections with the Planning Director and other appropriate County officials and agencies. If conditions were attached to the Preliminary Plat approval, the petitioner must meet all conditions prior to Final Plat approval.

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- K. The petitioner submits an application for Final Plat approval and all appropriate supportive materials to the Planning Director for review.
 - L. The Technical Review Committee considers the Final Plat which, if approved, is certified by the President and Secretary of the Plan Commission and forwarded to the Board of County Commissioners for consideration of the acceptance of the public improvements.
 - N. The Board of County Commissioners considers the acceptance of the public improvements and the signing of the Final Plat.
 - O. The petitioner obtains any other required signatures and records the Final Plat in the office of the Madison County Recorder. The petitioner supplies one copy of the recorded plat to the Planning Director for the records of the Plan Commission.

4.3 Sketch Plan Application and Review Procedure

- A. **Application Requirements:** In order to begin the subdivision process the applicant shall file an application for Sketch Plan Review with the Planning Director. This application shall:
 - a. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
 - d. Be accompanied by the specified number of copies of a Sketch Plan which meets the requirements provided by this Article;
 - c. Be accompanied by a fee in the amount established by the adopted fee schedule;
 - d. Be accompanied by the specified number of copies of an area map which includes an indication of all contiguous holdings of the owner of the property subject to the petition, including land in the same ownership, with an indication of the portion which is proposed to be subdivided.
 - 1. The map shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office.
 - 2. The map shall list the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which any contract of sale was executed. If any corporations are involved, the Planning Director may request a complete list of all directors, officers, and a listing of stockholders if less than 10 in number.
- B. **Review Procedure:** The Planning Director shall review the application for Sketch Plan Review and all supportive information and meet with the petitioner within 30 days of the receipt of the application. The Planning Director shall provide the petitioner with comments regarding the proposed subdivision and either approve, approve with recommended modifications, or recommend re-submittal of the application for Sketch Plan Review.
 - a. The Planning Director shall approve the sketch plan if it is conceptually consistent with the requirements of this Ordinance, the Zoning Ordinance, and the Madison County Comprehensive Plan.
 - b. The Planning Director shall approve the sketch plan with modifications if specific conceptual adjustments are needed to meet the requirements of this Ordinance or the Zoning Ordinance. The petitioner shall address the comments of the Planning Director on the Preliminary Plat for the proposed subdivision.
 - c. The Planning Director shall recommend re-submittal of an application for Sketch Plan Review if the proposed subdivision is conceptually inconsistent with the requirements of this Ordinance, the Zoning Ordinance, or the Comprehensive Plan. If re-submittal is recommended, the petitioner may provide a revised application to the Planning Director within 90 days of the date of the re-submittal application without a new application and fee being required.

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- C. **Review Criteria:** In taking into consideration the requirements of this process and Ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the applicable Thoroughfare Plan and the Madison County Comprehensive Plan.
 - D. **Expiration of Approval:** The petitioner shall file an application for Preliminary Plat approval with the Planning Director within 6 months of the date of Sketch Plan review. If a Preliminary Plat approval application consistent with the requirements of this Article is not made in this time period the Sketch Plan approval shall expire. The petitioner shall be required to submit a new application for Sketch Plan review, including all applicable fees, consistent with the requirements of this Article.

4.4 **Specifications for Sketch Plan Documents to Be Submitted**

Sketch plans submitted to the Commission office, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information:

A. **Property Name:**

- a. The name of the subdivision if the subject property is within an existing subdivision;
- b. A proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect; or
- c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

B. **Property Ownership:**

- a. The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- b. Citations of any existing covenants on the property.
- c. The name and address, including telephone number, of the professional person(s) responsible for the subdivision design, for the design of the public improvements, and for surveys.

C. **Property Description:** The location of the property, the name of the local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

D. **Development Description:**

- a. The location of property lines, existing easements, railroad rights-of-way, watercourses, and existing wooded areas; and the location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.
- b. The location and sizes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
- c. Approximate topography, at the same scale as the sketch plan (normally showing 2 foot contour intervals, but the Planning Director may require 1 foot intervals on very flat land or permit 5 foot intervals on very steep slopes).
- d. The approximate location and widths of proposed streets.
- e. Preliminary proposals for connection with existing water supply and sanitary sewage systems (or alternative means of providing water supply and sanitary waste treatment and disposal) and preliminary provisions for collecting and discharging surface water drainage.
- f. The approximate location, dimension, and areas of all proposed or existing lots shown in feet and in acres.
- g. The approximate location, dimension, and areas of all parcels of land proposed to be set aside for

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- open space, or for another use of property owners in the proposed subdivision.
 - h. The location of temporary stakes to enable the Planning Director to find and appraise features of the sketch plan in the field.
 - E. **Vicinity Map:** A vicinity map showing streets and other general development of the surrounding area.
 - F. **Contiguous Holdings Description:** Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than 200 feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the property.

4.5 Preliminary Plat Application and Review Procedure

- A. **Application Requirements:** The applicant shall file an application for Preliminary Plat Approval and the specified number of copies with the Planning Director. This application shall:
 - a. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
 - b. Be accompanied by all required approvals of the Madison County Drainage Board.
 - c. Be accompanied by the specified number of copies of a Preliminary Plat meeting the requirements provided by this Article;
 - d. Be accompanied by a fee in the amount established by the adopted fee schedule; and
 - e. Be accompanied by a copy of all comments received from the appropriate local utility providers. (At a minimum, the subdivider shall provide an affidavit indicating that a copy of the proposed Preliminary Plat has been provided to all appropriate local utilities).
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. No docket number shall be released until all applicable fees have been paid for the application.
- C. **Meeting Dates Established:** In accordance with I.C. 36-7-4-703, the Planning Director shall announce the date of a hearing before the Plan Commission within 30 days after receipt of a final and complete application. The dates of the Technical Review Committee meeting and Plan Commission hearing shall be based on the adopted calendar of meeting and filing dates and shall be based on the date upon which the application for Preliminary Plat Approval is filed with the Planning Director.
- D. **Technical Review Committee:** The Planning Director shall place the application for Preliminary Plat Approval on the agenda for the applicable meeting of the Madison County Technical Review Committee
 - a. In reviewing the application, the Technical Review Committee shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable adopted requirements.
 - b. The Committee shall make comment regarding the application. Based on those comments, the Planning Director shall either forward the application to the Plan Commission or require further review.
 - 1. The Planning Director shall forward the application for Preliminary Plat Approval to the Plan Commission if addressing the comments made will not require the applicant to significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials and the specified number of copies to the Planning Director in preparation for the Plan Commission hearing by the date specified on the adopted calendar of meeting and filing dates.
 - 2. The Planning Director shall require further review of the application for Preliminary Plat

Approval if addressing the comments made will require significant alterations in the layout of streets, lots, utility systems, topography, drainage ways, or other proposed subdivision features. The application shall be placed on the agenda for further review at the next Technical Review Committee meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials and the specified number of copies to the Planning Director in preparation for further review by the Technical Review Committee by a date specified on the adopted Calendar of Meeting and Filing Dates.

- E. **Notice of Public Hearing:** Notice of Public Hearing shall be given in accordance with the requirements of Article 2 of this Ordinance prior to the Plan Commission meeting when the proposed Preliminary Plat is to be heard.
- F. **Plan Commission Hearing:** The Planning Director shall place all applications forwarded to the Plan Commission by the Technical Review Committee on the agenda for a public hearing at the appropriate Commission meeting based on the adopted calendar of meeting and filing dates.
- a. The Plan Commission shall hold a public hearing on the petition, considering the Preliminary Plat application materials, the report of the Technical Review Committee prepared by the Planning Director, and testimony from the petitioner and any interested parties. At the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the application for Preliminary Plat approval.
 1. The Plan Commission shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria provided by this section.
 2. The Plan Commission shall approve the Preliminary Plat with conditions if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.
 3. The Plan Commission shall table the Preliminary Plat consistent with the adopted Rules and Procedures of the Plan Commission.
 4. The Plan Commission shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria provided by Section 4.5(G) and requires modifications that would result in changes to the layout of public improvements, lots, drainage systems, or other characteristics of the subdivision.
 - b. The Plan Commission shall make written findings documenting its decision. The Planning Director shall return 1 copy of the application for Preliminary Plat approval and the plat to the petitioner with the date of approval, conditional approval, continuance, or disapproval and a copy of the written findings of the Commission within 10 business days of the date of the decision. The Planning Director shall maintain 1 file copy of the Preliminary Plat application and plat.
 - c. Approval of a Preliminary Plat by the Commission is not final approval of the subdivision.
 - d. The approval of the Preliminary Plat shall expire 18 months from the date of the Commission's decision if the applicant has not proceeded with the development by applying for Construction Plan approval.
 1. Extensions of time may be granted by the Plan Commission upon the request of the petitioner.
 2. In the case of Preliminary Plats which are divided into sections for the purpose of a phased construction, the Preliminary Plat shall expire 5 years after the date of approval of the Construction Plans for the most recently developed section if construction plans for the subsequent section have not been approved and the installation of public improvements in that section commenced. Non-residential preliminary plats shall expire 10 years from the date of approval consistent with Section 2.6 of this Ordinance.
 - e. If the Preliminary Plat application is denied, the petitioner may not resubmit the same application

for 6 months from the date of disapproval. Fees on a resubmitted Preliminary Plat application shall be the same as if it were an original submittal.

- G. Decision Criteria:** In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
- The degree to which the proposed Preliminary Plat is consistent with the provisions of the Comprehensive Plan;
 - The degree to which the proposed Preliminary Plat is consistent with the requirements of this Ordinance;
 - The degree to which the proposed Preliminary Plat is consistent with the intent and standards of the zoning district in which it is located; and
 - The degree to which the proposed Preliminary Plat is consistent with the all adopted construction standards for public improvements in Madison County, and standard engineering practices.

4.6 Specifications for Preliminary Plat documents to be Submitted

The proposed Preliminary Plat shall be prepared and certified by a land surveyor registered by the State of Indiana. It shall be designed on state plane coordinates, drawn at a scale of 100 feet to 1 inch on sheets not exceeding 24 inches by 36 inches in area. The proposed Preliminary Plat shall include:

A. Property Name:

- The name of the subdivision if the subject property is within an existing subdivision; or
- A proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which preliminary plat approval is still in effect.

B. Property Ownership:

- The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- Citations of any existing covenants on the property.
- The name and address, including telephone number, of the professional person(s) responsible for the subdivision design, for the design of the public improvements, and for surveys.

C. Property Description:

- A dimensioned drawing of the parcel of land which is being subdivided, including any remaining tract.
- Subdivision boundary lines showing dimensions, bearings, and references to section, township, range and lines or corners.

D. Development Description:

- A legend and notes, including a graphic scale, north point, and data.
- The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
- The approximate location of any existing or proposed wells and/or the municipal water system.
- Preliminary Plat approval certificate for signing by the Plan Commission President and Secretary.
- Lot numbers, including the location of monuments and the area for each lot (listed in square footage and acres), and the buildable areas of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations.
- All existing and proposed easements including the location, width, and purpose of each easement.
- All existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, approximate gradients, types and widths of pavements, curbs, and sidewalks

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- h. Any parcels of land proposed to be dedicated or reserved for common areas, schools, parks, playgrounds, or other public, semi-public, or community purposes.
 - i. The location, size, and invert elevation of utilities existing and proposed adjacent to and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
 - j. The location(s) of any existing structure(s) on the site and a description of its future demolition or incorporation into the proposed subdivision.
 - k. The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
 - l. All proposed sidewalks or pedestrian trails.
 - m. All locations of existing and proposed street lights and street signs.
 - n. A statement of the expected demand of the subdivision for capacity at the applicable waste water treatment facility.
 - o. All proposed landscaping, signage, development entrance features, screening, and attempts at preserving natural terrain and open space. (The Plan Commission, Technical Review Committee, or Planning Director may request a landscaping plan or buffering plan, prepared by a registered landscape architect, architect, surveyor, or engineer to be submitted on a separate sheet).
 - p. The estimated traffic count increase on adjacent streets resulting from the proposed development; a description of type and condition of roads serving the subdivision site; the total number of motor vehicles expected to use or be stationed in the subdivision; and a description of on and off-site parking to be supplied.
- E. **Subdivision Phasing Description:** If the Preliminary Plat is to be divided into sections for the phasing of development, the preliminary boundaries and numbers of such sections shall be shown. In no case may any section contain less than 10% of the proposed lots.
- F. **Subdivision Covenants:** Any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. Covenants shall be incorporated in the plat and subject to the approval and enforcement of the Commission. At a minimum, covenants shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features.
- G. **Contiguous Holding Description:** Whenever the Preliminary Plat covers only a part of an petitioner's contiguous holdings, the petitioner shall submit, at the scale of no more than 1 inch equals 200 feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.
- H. **Soils Description:** On a separate sheet, a soils map shall be provided showing soil boundaries and their identification, the existing and proposed street pattern, any mineral resource areas, and 100-year flood plains.
- I. **Drainage Plan and Report:** The subdivider shall provide a drainage report describing the existing and proposed drainage conditions and evaluating the ability of the proposed water courses, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to accommodate the additional run-off generated by the proposed subdivision.
- a. **Drainage Report:** A registered professional engineer or land surveyor shall prepare the report, which shall include:
 - 1. The conditions of the watershed which may affect run-off, such as subsoil type, positive drainage, and obstructions.
 - 2. The location of all subsurface known drainage tiles and a plan to preserve or relocate the tiles.
 - 3. Estimates of the water entering the subdivision (computations for major drainageways shall assume that the upper watershed has been developed according to current growth estimates).

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4. A description of minor and major drainage systems. The minor drainage system shall consist of storm sewers, drainage ditches, grassed swales, and storm inlets or infiltration structures. The major system shall consist of roadways, culverts, bridges, and drainage flow-ways.
 - b. **Watershed Map:** On a separate sheet, a watershed map complementing the Drainage Report using USGS contour information shall be provided, showing:
 1. The delineation of the drainage area in which the subdivision is located.
 2. The location of drainage courses and the existing direction of surface water flow within the drainage area.
 - c. **Drainage Plan Description:** On a separate sheet, a description of drainage/topography/natural environment complementing the Drainage Report shall be provided which includes the following information:
 1. The location of natural streams, regulated drains, 100-year flood plains and floodways.
 2. The location of any existing or proposed subsurface drain tile, structures, culverts, or swales.
 3. A map noting significant physical and topographical features of the tract. This map shall also show the proposed direction of the flow of surface water runoff from the site.
 4. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
- J. **Vicinity Description:** On a separate sheet a vicinity map must be submitted that includes the following information:
- a. Location of the proposed subdivision within the County.
 - b. Existing subdivisions and lots adjacent to or within 200 feet of the proposed subdivision. The owners of each of these tracts shall be identified on the drawing with the date and book and page (or instrument number) of the last convenience of ownership.
 - c. Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision.
 - d. Location and size of all utilities adjacent to or within 200 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, and cable television lines.
 - e. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
 - f. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, surface types, and widths of pavements and curbs.
 - g. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
 - h. All section and municipal corporate boundaries lying within or contiguous to the tract.
- K. **Engineering Feasibility Report:** A feasibility report prepared by a registered professional engineer or land surveyor covering sewage, water, and drainage facilities for the subdivision shall be provided which includes, but is not limited to, the following:
- a. **Utility Systems:** a description of the feasibility of connecting to existing storm and sanitary sewers and water supply. This portion of the report shall include the distance from the nearest public sewer and the capacity of the existing system intended to handle the additional waste load.
 - b. **Street Construction:** A preliminary report on the types of street construction based on the specifications provided by this Ordinance and any additional requirements of the County Engineer.

4.7 Construction Plan Application and Review Procedure

- A. **Application Requirements:** It shall be the responsibility of the petitioner to prepare and have certified, by a registered land surveyor or licensed engineer in the State of Indiana, a complete set of Construction Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The applicant shall file an application for Construction Plan approval and the specified number of copies with the Planning Director. This application shall:
- a. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
 - b. Be accompanied by the specified number of copies of the Construction Plans meeting the requirements provided by this Article; and
 - c. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director.
- C. **Technical Review Committee:** The Planning Director shall place the application for Construction Plan Approval on the agenda for the applicable meeting of the Madison County Technical Review Committee and distribute copies of the submittals to the Committee members.
- a. The applicant shall be responsible for obtaining the necessary approvals of utility providers, or other county, state, or federal agencies not represented on the Technical Review Committee.
 - b. In reviewing the application, the Technical Review Committee shall consider whether or not the Construction Plans meet the requirements of this Ordinance and any other adopted and applicable construction standards or common engineering practices, and are consistent with the approved Preliminary Plat.
 - c. The Committee shall make comments regarding the application and either approve, approve with modifications, table and recommend modifications, or deny the Construction Plan approval request.
 1. The Committee shall approve the Construction Plans if they are consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices.
 2. The Committee shall approve the Construction Plans with modifications if minor modifications are required for the plans to be consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. Minor modifications are those which can be adequately agreed upon by the Committee and the applicant at the Technical Review Committee meeting and which do not impact other aspects of the subdivision's construction which would require subsequent review. The specified modifications shall be made by the petitioner and the specified number of Construction Plan sets provided to the Planning Director within 90 days of the Committee meeting.
 3. The Committee shall table and recommend modifications to Construction Plans which require significant modifications to be consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. The petition shall be placed on the agenda for the next applicable Technical Review Committee meeting. The petitioner shall provide the specified number of revised sets of Construction Plans to the Planning Director for review prior to that meeting consistent with the adopted calendar of meeting and filing dates.

4. The Committee shall deny the Construction Plans if they are found to be generally inconsistent with the approved Preliminary Plat and any applicable provisions of this Ordinance, construction standards, and common engineering practices. Applicants may again apply for Construction Plan approval following a denial, and shall be required to pay all applicable fees consistent with the procedure for original petitions established by this Article.
- d. Upon approval of Construction Plans by the Technical Review Committee, the Planning Director shall mark one set as “approved” and return it to the applicant with an Improvement Location Permit for the approved construction.

4.8 Specifications for Construction Plan Documents to be Submitted

The Construction Plans shall be based on the approved Preliminary Plat. Construction plans shall be prepared for all required improvements. Construction Plans shall be submitted in both paper (hard copy) and electronic format (on a disk in a format specified by the County Engineer). Plans shall be drawn on standard 24 inch by 36 inch sheets at a scale of no less than 1 inch equaling 50 feet. The plans shall show the following:

- A. A map noting significant physical and topographical features of the tract. For plats containing more than two lots, a topographical map at typical intervals of 2 foot contours, which shall be extended 100 feet beyond the boundary lines of the proposed tract, shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.
- B. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and the intersection details shall be shown.
- C. The Planning Director may require, where steep slopes exist, the cross-sections of all proposed streets.
- D. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
- E. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams.
- F. Any other construction details required to be shown by the Planning Director, County Engineer, or Technical Review Committee.

4.9 Completion of Improvements

The petitioner shall obtain from the County Commissioners information regarding the current Madison County policies regarding the installation and inspection of public improvements. The applicant shall construct the subdivision, or section thereof, consistent with the approved construction plans, and the policies and procedures of the appropriate inspecting agencies or persons. No site work or earthwork shall be allowed until an Improvement Location Permit has been issued.

- A. All required improvements shall be made by the petitioner, at his/her expense, without reimbursement by the local government or any improvement district therein.
- B. The petitioner shall be required to maintain at his/her expense a licensed civil engineer or surveyor who shall certify that the subdivision construction is in compliance with the approved Construction Plans at the time the Final Plat approval request is submitted to the Planning Director.

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- C. If the Planning Director or County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance surety, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to the appropriate specifications.

4.10 Final Plat Application and Review Procedure

- A. **Application Requirements:** The applicant shall file an application for Final Plat Approval and the specified number of copies with the Planning Director. This application shall:
- a. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
 - d. Be accompanied by the specified number of copies of the Final Plat meeting the requirements provided by this Article;
 - c. Be accompanied by the original documents and the specified number of copies of the surety required by this Ordinance for all public improvements.
 - d. Be accompanied by “as-built” drawings showing the location, dimensions, and materials used to construct all improvements within the subdivision.
 - e. Be accompanied by a computer disk containing an electronic version of the Final Plat and “as-built” drawings in a format specified by the Planning Director.
 - f. Be accompanied by the specified number of copies of a map showing the locations of all street signs, street lights, and fire hydrants. Also included shall be a check reimbursing Madison County for any costs associated with street sign installation as adopted by the Board of County Commissioners.
 - g. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director.
- C. **Technical Review Committee:** The Planning Director shall place the application for Final Plat Approval on the agenda for the applicable meeting of the Madison County Technical Review Committee and distribute copies of the submittals to the Committee members.
- a. In reviewing the application, the Technical Review Committee shall consider whether or not the proposed Final Plat drawing, the public improvements, and the surety provided is consistent with the approved Preliminary Plat, the approved Construction Plans, and the requirements of this Ordinance and any other applicable improvement standards and processes.
 - b. The Committee shall review all Final Plat approval materials submitted in a meeting with the applicant, and shall either approve, table and require modification, or deny the Final Plat application.
 1. The Committee shall approve the Final Plat if all required application materials are provided in a manner consistent with this Ordinance and any other adopted procedures of the County.
 2. The Committee shall table and require modifications of the Final Plat application if additional information is needed or modifications are required for the Final Plat drawing or the accompanying materials to be consistent with the approved Preliminary Plat, Construction Plans, and/or the requirements of this Ordinance.
 3. The Committee shall deny the Final Plat if the application materials are inconsistent with the approved Preliminary Plat or Construction Plans.
- D. The Planning Director shall sign the Final Plat as an indication of the Technical Review Committee approval. The approval of the Final Plat by the Technical Review Committee shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the Final Plat original and all other relevant documents which also may require such signatures.

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- E. If the Committee disapproves the Final Plat, the Planning Director shall make written findings and notify the petitioner in writing, stating the specific reasons for disapproval. This written notice shall be certified by the signature of the President and Secretary of the Plan Commission. The applicant may not reapply for Final Plat approval prior to 6 months from the date of the denial. Reapplication shall be through the process for original applications described in this section.
 - F. Approval of the Final Plat shall be effective for a maximum period of 1 year from the date of approval unless it is signed and recorded as required by this Ordinance. An extension of time may be approved by the Plan Commission, upon the request of the petitioner.

4.11 Specifications for Final Plat Documents to be Submitted

- A. All Final Plats shall be shown at a scale and shall include the following information on a sheet meeting the requirements of the Madison County Recorder:
 - a. Accurate boundary lines, with dimensions and angles, which provide a survey per state statute in state plane coordinates.
 - b. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
 - c. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - d. Accurate metes and bounds description of the tract boundary.
 - e. Source of title of petitioner to the land as shown by the last entry in the books of the County Auditor.
 - f. Name of subdivision followed by the words "Final Plat."
 - g. Name, address, and phone number of the petitioner.
 - h. North point, graphic scale, and date.
 - i. Street names.
 - j. Complete curve table for all curves included in the plat.
 - k. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
 - l. Lot numbers and dimensions including the square footage of each lot.
 - m. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
 - n. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
 - o. Building lines and setback dimensions throughout the subdivision.
 - p. Location, type, material, and size of all monuments and markers.
 - q. Construction plans and specifications for the improvements required by this Ordinance.
 - r. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
 - s. Certification by a registered land surveyor.
 - t. Certification by the petitioner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the petitioner(s) to make and install all improvements in accordance with the plans and specifications approved by the Commission and accompanying the Final Plat.
 - u. Certificate of approval by the Planning Director and Plan Commission.
- B. All Final Plats shall also show any other information or data requested by the Director necessary to clarify conditions and terms of plat approval.

4.12 Acceptance of Public Improvements

Approval of the Final Plat and certification by the Plan Commission shall not be deemed as an acceptance of any public improvements by Madison County. Following the signing of the Final Plat by the Plan Commission President and Secretary, the Planning Director shall place the application on the agenda of the Board of County Commissioners.

- A. The Board shall review the application materials, the Technical Review Committee report prepared by the Planning Director, and the condition of the public improvements and surety. The Board shall consider input from the County Attorney, County Engineer, and the county departments responsible for the maintenance of the improvements.
- B. If the condition of the public improvements and the surety are deemed to be acceptable, the Board shall sign the Final Plat, accepting the improvements.

4.13 Recording of Final Plat

- A. It shall be the responsibility of the petitioner to file the approved and signed Final Plat with the Madison County Recorder within 30 days of the date of signature by the Board of County Commissioners. Simultaneously with the filing of the Final Plat, the petitioner shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the Plan Commission or other applicable governmental agency. The filing and recording of a plat is without legal effect unless signed by the Plan Commission's president and secretary and the Board of County Commissioners.
- B. The applicant shall be required to submit a mylar copy of the recorded final plat to the Planning Director for the records of the Plan Commission. No Improvement Location Permits shall be issued for any lot in the subdivision until such a copy is provided.

4.14 Permit Restrictions

- A. No Improvement Location Permit shall be issued by the Planning Director, or his agent, for any structure on any subdivision lot prior to addresses being approved, and the installation and completion of all facilities, including grading, as shown on the plans approved by the Commission; except in the case of an asphalt road surface, sidewalks, and street trees, as specified in section 2.4(B) of this Ordinance.
 - a. The installation of the final asphalt road surface coat may, subject to the approval of the County Engineer, be postponed until the end of the maintenance period.
 - b. The installation of street trees and sidewalks may be delayed until structures are completed on each lot.
- B. No structure shall receive a Certificate of Occupancy until the required sidewalk and street trees are installed on the lot.
- C. All street trees and sidewalks and the final coat of asphalt shall be installed prior to the release of performance surety and the acceptance of those improvements for maintenance.

Subdivision
Control Ordinance
Article Five
Surety

Article Five

Surety

5.1 Surety

- A. At the time when the Final Plat approval request is provided to the Planning Director and before the plat is certified by the President and Secretary of the Plan Commission, the petitioner shall provide appropriate performance and/or maintenance bonds or irrevocable letters of credit as surety for the public improvements in the subdivision .
- B. For plats which have been divided into sections for the purpose of a phased development, surety shall only be required to be provided for the public improvements included in the section which is the subject of the Final Plat approval request. This provision shall not be interpreted as relieving the subdivider of surety requirements for public improvements in previously recorded or future sections, which were/ shall be required at the time of their respective Final Plat approval.
- C. The surety shall be in a format and amount consistent with the requirements of this Article, including the following requirements:
 - a. The surety shall be drawn in favor of the “Madison County Board of County Commissioners”;
 - b. The surety shall be in an amount and time period determined by the County Engineer, sufficient to adequately maintain completed improvements and to install yet incomplete improvements in compliance with this Ordinance. The petitioner’s engineer or contractor shall supply an estimate of the cost of the improvements and their installation to aid the County Engineer in the determination of the amount of the bond. The petitioner’s estimate, however, shall not be binding. All surety shall be filed in the office of the Board of County Commissioners.
 - c. The surety shall specifically list the name of the subdivision and section, if applicable, to which it applies, the date from which it is valid, the time period for which it is valid, the public improvements to which it applies, and whether it is “maintenance” or “performance” surety. The surety shall further comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
 - d. Maintenance surety shall be provided in an amount equal to 25% of the cost of the public improvements and their installation and shall be provided for a period of 3 years from the date the improvements are accepted by the Board of County Commissioners.
 - e. Performance surety shall be provided in an amount equal to 125% of the cost of the yet incomplete public improvements and their installation and shall be provided for a time period sufficient to ensure the installation for the improvements.
 1. Performance surety shall be provided for sidewalks, street trees, erosion control, and the street surface which are generally not complete at the time of Final Plat acceptance, subject to the provisions for the installation of such improvements provided by this Ordinance.
 2. Performance surety shall be also be provided for any other public improvements which are incomplete in total or in part at the time of Final Plat acceptance. The acceptance of performance surety rather than complete improvements in the case of items other than sidewalks, street trees, erosion control, and the street surface shall be considered by the Board of County Commissioners, upon the recommendation of the County Engineer and Planning Director, based on the following considerations:
 - i. Whether or not the failure to complete the public improvements was the result of a situation specific to the physical conditions or unique design requirements of the subdivision or a natural event beyond the control of the subdivider.

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- ii. Whether or not the incomplete improvements would negatively affect public safety, health or welfare.
 - iii. Whether or not the incomplete improvements would negatively affect property values or pose a hazard to adjacent property, or structures to be completed in the development prior to the completion of the improvements.
 - iv. Whether or not the subdivider is able to complete the public improvements in a satisfactory and timely manner.
3. In no case may the initial time period for the performance surety for these improvements exceed 2 years. The Board of County Commissioners may, upon review and advice of the Planning Director and County Engineer, extend the time period allowed for the completion of improvements and the validity of the performance surety.
- f. Either maintenance or performance surety shall be provided for all public improvements, including but not limited to, street compaction, subsurface, base, and surface; sanitary sewers; curbs; gutters; sidewalks; surface swales; subsurface and storm drainage systems; seeding/erosion control; landscaping; and any other public improvements required by the Plan Commission or other appropriate public agency through the Preliminary Plat and Construction Plan review and approval process.
 - g. A developer may request permission of the Board of County Commissioners to delay the installation of the 1 inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the 1 inch surface layer of asphalt.

5.2 Release of Performance Surety

- A. Upon completion of the public improvements for which performance surety has been provided, the subdivider shall make a written request to the Board of County Commissioners for the release of the surety. The request shall include the following:
 - a. a description of the public improvements which have been completed;
 - b. a report from the subdivider's engineer certifying that the improvements were completed consistent with all applicable requirements and standards; and
 - c. maintenance surety for the public improvements consistent with the requirements of this Article.
- B. The Planning Director and County Engineer shall provide appropriate inspections of the public improvements and the matter shall be placed on the agenda for the appropriate meeting of the Board of County Commissioners.
- C. Before any performance surety covering a street installation is released, the Planning Director, Board of County Commissioners, or County Engineer may request that core borings of the street be done at the subdivider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis.
- D. If the Planning Director and County Engineer report that the public improvements were completed consistent with all applicable standards and appropriate maintenance surety is provided, the Board of County Commissioners shall release the performance surety and accept the public improvements.
- E. If the Planning Director and/or County Engineer report that the public improvements have not been completed in a satisfactory manner then the Board of County Commissioners may deny the request for the release of the performance surety, providing a written statement of denial to the subdivider which includes a detailed list of required corrections. The petitioner shall make the required corrections and reapply for the release of the surety.

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- F. In reviewing requests for the release of performance surety, the Planning Director, County Engineer, and Board of County Commissioners shall consider the following:
- a. Whether or not the improvements were completed in a manner consistent with the approved Preliminary Plat, approved Construction Plans, and all applicable standards and requirements;
 - b. Whether or not the report provided by the subdivider's engineer is complete and satisfactory; and
 - c. Whether or not the public improvements are in good condition and appropriate for use by the public.
 1. All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 2. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 3. All erosion control measures shall be consistent with applicable standards for the limiting of erosion and sedimentation.
 4. The areas adjacent to all sidewalks shall be graded and seeded.
 5. All street trees shall be healthy and the planting area shall be graded.
- G. In any case where the required public improvements have not been completed 2 months prior to the date the performance surety will expire and the Board of County Commissioners and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the completion of the public improvements, the Board may declare the surety to be in default. The required public improvements may then be installed by the County, using the funds from the surety.

5.3 Release of Maintenance Surety

- A. The subdivider shall be required to ensure that the public improvements covered by the maintenance surety remain free of construction related defects for the term of the surety.
- a. The public improvements shall be subject to periodic inspection by the County. Written notice shall be provided to the subdivider of any defects that are detected and any corrections that are required. The subdivider shall make the necessary corrections consistent with all applicable construction requirements.
 - b. The Board of County Commissioners may require, upon review and advice of the Planning Director and/or County Engineer, that additional maintenance surety be provided for the portion of the public improvement which was subject to repair for a time period of 3 years from the date the repair was completed.
- B. Two months prior to the expiration of the surety, the subdivider shall make a written request to the Board of County Commissioners for the release of the surety on the expiration date. The request shall include the following:
- a. a description of the public improvements to which the surety applies; and
 - b. a report from the subdivider's engineer certifying that the improvements remain free of construction related defects.
- C. The Planning Director and County Engineer shall provide appropriate inspections of the public improvements and the matter shall be placed on the agenda for the appropriate meeting of the Board of County Commissioners.
- D. If the Planning Director and County Engineer report that the public improvements are in satisfactory condition and free of construction related defects, the Board of County Commissioners shall release the maintenance surety and assume complete responsibility for the upkeep of the improvements.

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- E. If the Planning Director and/or County Engineer report that the public improvements are not in satisfactory condition and do contain unresolved construction related defects then the Board of County Commissioners may deny the request for the release of the maintenance surety, providing a written statement of denial to the subdivider which includes a detailed list of required corrections. The petitioner shall make the required corrections and reapply for the release of the surety.
- a. Subject to the approval of the Board, the subdivider may provide a performance surety for any portion of the public improvements to be corrected in lieu of the completion of the correction in order to obtain the release of the maintenance surety.
 - b. Generally, the use of performance surety in this manner shall be limited to instances when weather conditions or other features unique to the subdivision or nature of the public improvements prevent the timely completion of the required corrections. In no case may the time period provided for the completion of the corrections and the performance surety be more than 1 year from the date of the Board meeting at which notice of the required corrections is provided to the subdivider.
- F. In reviewing requests for the release of maintenance surety, the Planning Director, County Engineer, and Board of County Commissioners shall consider the following:
- a. Whether or not the improvements are free of construction related defects;
 - b. Whether or not the report provided by the subdivider's engineer is complete and satisfactory;
 - c. Whether or not the public improvements are in good condition and appropriate for use by the public.
 1. All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 2. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 3. All erosion control measures shall be effective consistent with applicable standards for the limiting of erosion and sedimentation.
 4. The areas adjacent to all sidewalks shall be graded and seeded.
 5. All street trees shall be healthy and exhibiting a normal growth pattern.
- G. In any case where the public improvements are not deemed to be free of construction defects and otherwise in satisfactory condition 2 months prior to the date the maintenance surety will expire, and the Board of County Commissioners and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the correction of the public improvements, the Board may declare the surety to be in default. The required corrections to the public improvements may then be made by the County, using the funds from the surety.

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**Subdivision
Control Ordinance
Article Six**

Major Subdivision
Principles and
Standards of Design

Principles and Standards of Design

6.1 Purpose and Use

A. The following pages state the design standards for all subdivisions. Each section is broken down into specific categories. These categories include:

6.2	General Standards	page 261
6.3	Lot Standards	page 262
6.4	Block Standards	page 264
6.5	Street Location and Arrangement Standards	page 265
6.6	Street Geometric Standards	page 268
6.7	Cul-de-sac Standards	page 270
6.8	Curb Standards	page 271
6.9	Sidewalk Standards	page 272
6.10	Street Lighting Standards	page 273
6.11	Subdivision and Street Name Standards	page 274
6.12	Easement Standards	page 275
6.13	Public Sites and Open Space Standards	page 276
6.14	Street Tree Standards	page 277
6.15	Sanitary Sewer Standards	page 279
6.16	Water Supply Standards	page 280
6.17	Private Utility Standards	page 281
6.18	Environmental Standards	page 282
6.19	General Drainage Standards	page 283
6.20	Covenant Standards	page 284
6.21	Flood Hazard Area Standards	page 285

B. The purpose of these regulations is to:

- a. promote the proper arrangement of roads,
- b. prevent congestion of streets and promote traffic safety,
- c. secure adequate public spaces,
- d. insure proper densities of population,
- e. provide adequate utilities and public improvements,
- f. insure the accurate survey and proper preparation of plats, and
- g. protect the health, safety, and general welfare of the people.

General Standards

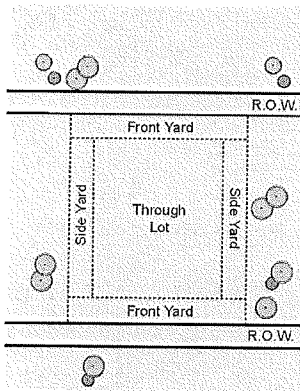
6.2 General Standards

- A. No land shall be subdivided for any use if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topography or other features harmful to the health, safety and welfare of future residents or visitors and by the community as a whole.
- B. The Plan Commission may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics.
 - a. If required, the survey shall be conducted by a qualified person or agency acceptable to the Plan Commission. In the event that the Plan Commission finds the land to be subdivided unacceptable due to the results of the soils survey, the Plan Commission shall not approve the plat.
 - b. The Plan Commission may prescribe conditions that the subdivider must meet to obtain approval and these conditions may be incorporated into an agreement between the Plan Commission and the subdivider.
- C. The subdivision design and layout shall be such that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Madison County Plan Commission.
- D. No Parent Tract (defined page 18 section “B” Subdivision Control Ordinance, paragraph 3.2A.a. shall be permitted unless public sewer and water systems are available and will be used by all lots to be created and any remaining tract.
- E. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:
 - a. The local zoning ordinance, building and housing codes, and all other applicable laws of Madison County and the statutory provisions of the State of Indiana.
 - b. The current Comprehensive Plan and Thoroughfare Plan as adopted by the Board of County Commissioners.
 - c. The rules and regulations of the Indiana Department of Environmental Management, the Department of Natural Resources, the Aeronautics Commission, the Madison County Drainage Board, and other appropriate agencies.
 - d. The rules, regulations and standards of the Indiana Department of Transportation (if the subdivision or any lot contained therein abuts a state highway).
 - e. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published or adopted by Madison County.
 - f. The “Indiana Manual of Uniform Traffic Control Devices” for placement and installation of traffic control devices.
- F. All subdivisions shall be designed on state plane coordinates

Lot Standards

6.3 Lot Standards

- A. All lot sizes, setbacks, widths, width to depth ratios, and other dimensions shall comply with the minimum standards provided by the Madison County Zoning Ordinance.
 - a. When not served by public water and sewer, the lot sizes and other dimensions shall also conform with any additional requirements for the adequate provision of sewage treatment and water supply as determined by the Madison County Health Department.
 - b. In cases where the provisions of the Zoning Ordinance and requirements of the Health Department are in conflict, the more restrictive shall apply.
- B. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots, such as flag lots shall be avoided.
- C. The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to the street and block design and to existing and proposed topographical conditions.
- D. Every lot shall abut on a public street consistent with the requirements of this Ordinance and the Madison County Zoning Ordinance.
- E. Double Frontage lots (also known as through lots, shown below) shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.



- a. For all through lots, a landscaped common area shall be provided between the rear yard of the lots and the right-of-way of the adjacent street.
- b. The landscaped area shall be a minimum of 15 feet in width and meet the following requirements:
 - 1. A row of deciduous canopy trees shall be planted parallel to the adjacent street, within the common area with trees placed an average of 20 feet apart. The trees shall measure 2 1/2 inches in diameter at nursery height (6 inches above the rootball) at the time of planting.
 - 2. A 6 foot tall opaque wooden fence or brick or stone wall, a 4 foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed within the landscape common area between the deciduous trees and the rear yard of the lots.
 - i. If an undulating mound is used to fulfill the requirements, 1 shrub for every 10 feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height measured from grade at the time of planting.

Lot Standards

(continued)

- ii. If a row of evergreen trees is used to meet the requirements, 1 tree shall be placed every 10 feet along the common area. Evergreens shall measure 6 feet in height at the time of planting.
- F. Corner lots shall be required to provide front yard setbacks on both frontages, and shall be designed with adequate size and width to accommodate the required setbacks and adequate buildable area.
- G. Lots shall be numbered consecutively throughout the entire subdivision and shall be consistent with any phasing that may be planned for the development.
- H. Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance from front, rear, and side yards.
- I. Direct vehicular access from lots to Arterial streets shall be prohibited. Lots in all developments shall generally be designed so as to prevent vehicles from having to back into any Collector Street. All non-residential lots (including multifamily residential lots) shall generally be designed so as to prevent vehicles from having to back into any public street.

Block Standards

6.4 Block Standards

- A. Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted where reverse or double frontage lots are used in blocks adjacent to arterial or collectors streets, watercourses, or industrial or commercial areas.
- B. Block length, width, and acreage within bounding streets shall be such as to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic.
- C. Blocks shall not exceed 800 feet in length, nor be less than 300 feet in length. In the case of a block exceeding 400 feet in length, a pedestrian sidewalk a minimum of 5 feet in width shall be provided within an easement not less than 10 feet in the width near the center and entirely across the block to provide circulation or access to schools, playgrounds, common open space, shopping centers, transportation and other community facilities.
 - a. The sidewalks shall be constructed consistent with the sidewalks construction standards provided in Article 7 of this Ordinance.
 - b. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.

Street Location and Arrangement Standards

6.5 Street Location and Arrangement Standards

- A. **General Requirements:** The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and the proposed uses of the land to be served by such streets.
- Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
 - The street layout shall provide adequate vehicular access to all lots and parcels of land within the subdivision.
- B. **Design Considerations:** In designing and approving subdivision streets, the following factors shall receive consideration:
- accessibility for emergency vehicles and school buses;
 - safety for both vehicular and pedestrian traffic;
 - efficiency of service for all users;
 - connectivity between subdivisions and the development of complete communities;
 - liabilities or amenities as affected by traffic elements in the circulation system; and
 - economy of both construction and use of land.
- C. **Thoroughfare Plan Application:** All proposed subdivisions shall conform to the current Thoroughfare Plan adopted by the Board of County Commissioners. Whenever any tract to be subdivided embraces any part of the Thoroughfare Plan, that part of the public way shall be platted by the subdivider in the location and of the width recommended by the Thoroughfare Plan.
- D. **Street Arrangement:** The arrangement of streets in all subdivisions shall promote the continuation of existing streets, proposed future streets, and streets to be provided as a result of the subdivision construction.
- Continuation of Existing and Proposed Streets: The arrangement of streets in all subdivisions shall provide for the continuation and projection of existing and proposed streets on immediately adjacent properties and in surrounding areas generally, or conform to a street plan of the general area approved and adopted by the Plan Commission.
 - Continuation of Subdivision Streets: Right-of-way of proposed streets shall be extended to the boundary lines of the proposed subdivision so that either (1) at least one connection may be made to each adjacent undeveloped property, or (2) at least one connection may be made for every 1,600 feet of property line shared between the subdivision and adjacent undeveloped property. In cases where these provisions are in conflict, that which provides the most points of connectivity shall apply.
 - The Plan Commission may waive this requirement in cases where the Commission deems that any such extension is not feasible due to topography or other physical conditions, or the extension is not necessary or desirable for the coordination of existing and future streets or not appropriate for the development of adjacent property consistent with the Comprehensive Plan.
 - No subdivision shall be designed so as to create or perpetuate the land-locking of any adjacent undeveloped tract.
 - Temporary Dead-End Streets: A temporary dead-end street shall be permitted in any case in which a street is designed to be extended to adjacent properties in the future.
 - Any dead end street which extends more than 300 feet in length shall be provided with a temporary cul-de-sac or other turn-around consistent with the requirements of the County Engineer.

Street Location and Arrangement Standards

(continued)

2. Any temporary turn-around shall be included in a roadway easement which shall be vacated to the property owners at the time the street is extended or the Board of County Commissioners, upon recommendation of the County Engineer and Planning Director, determines that the turn-around is no longer needed.
 3. All temporary dead end streets shall be provided with street signage that indicate the road as being a "dead end". The subdivider shall assume all costs of the installation of the signs.
- E. **Traffic Separation Requirements:** Where a subdivision abuts or contains an existing or proposed arterial or collector street as shown in the Thoroughfare Plan, the Plan Commission may require:
- a. marginal access streets;
 - b. reverse frontage contained in a nonaccess reservation along the rear property line having a minimum width of 5 feet;
 - c. lots with rear service ways, or
 - d. any other such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- F. **Service Road Requirements:** Where a subdivision borders on, or contains an existing or proposed interstate or other limited access highway or arterial road as shown on the Thoroughfare Plan or a railroad right-of-way, the Plan Commission may require a street approximately parallel to, and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential districts).
- a. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
 - b. The Plan Commission may require that the intervening land strips be dedicated to the county or to a lot owners association for the subdivision in which it is located. The land strip shall be maintained by the involved government unit or lot owners association from the date of any such dedication.
- G. **Half-Streets:** Half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.
- H. **Improvement of Existing Streets:** Whenever a proposed subdivision borders or includes an existing street, the Commission may require, as a condition of plat approval, the reconstruction or widening of such street, the provision of sidewalks, and any other improvement consistent with the requirements of this Ordinance for new streets developed as a part of the subdivision.
- a. Additional dedication of right-of-way shall be required consistent with the adopted Madison County Thoroughfare Plan.
 - b. Except for situations where a passing blister is required at the entrance to a subdivision, this provision shall not be interpreted as requiring the acquisition and dedication of right-of-way or the completion of improvements extending onto property on the opposite side of a street adjacent to the subdivision, where such property is not included in the street right-of-way and not owned or otherwise controlled by the subdivider.
- I. **Access Requirements:** Subdivisions of 20 lots or less shall be limited to one point of access onto any arterial or collector road. For subdivisions of greater than 20 lots, two or more streets, driveways, or points of vehicle access may be approved or required by the Plan Commission if such accesses are determined by the Plan Commission to be required for safe and efficient traffic circulation or the continuation of existing streets, or are otherwise recommended by the Madison County Thoroughfare Plan.

Street Location and Arrangement Standards

(continued)

- J. **Private Streets:** Private streets shall be prohibited.
- a. In no case shall this be interpreted as being in conflict with the shared drive requirements of Article 3 of this Ordinance.
 - b. When there is a situation of unusual physical conditions or a controlled design environment in evidence, and it can be satisfactorily demonstrated to the Commission that a waiver of the public street requirement, and the provision of a private street, is the only feasible solution, said private street may be permitted and shall be equal in all aspects of construction to like-classified public streets, including pavement section and width.
 1. A road way easement shall be provided which equates the right-of way requirements for like-classified public streets.
 2. Required setbacks from the private street roadway easements shall be equal to those which are required from the rights-of-way of like-classified public streets.
 3. Street lights, curbs and gutters, and sidewalks shall be provided for all private streets consistent with the requirements for like-classified public streets.
 4. Adequate covenant provisions shall be made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to any current or future governing jurisdiction.

Street Geometric Standards

6.6 Street Geometric Standards

- A. **General Requirements:** The classification of all streets shall be defined by the Thoroughfare Plan. The Plan Commission shall assign a classification, based on the provisions of the Thoroughfare Plan, to all proposed streets at the time of Preliminary Plat review and approval.
- B. **Street Measurement:** Street width shall be measured from back of curb to back of curb.
- C. **Intersection Requirements:** Street intersections shall be designed to promote the maintenance of the sight visibility triangle requirements of the Madison County Zoning Ordinance and shall be consistent with the following additional requirements;
- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of 2 new streets at an angle of less than 80 degrees shall not be acceptable. All streets shall intersect at 90 degrees whenever possible and maintain the 90 degree orientation for a minimum distance of 100 feet in residentially used and/or zoned areas and a distance of 300 feet in non-residentially zoned or used areas.
 - b. Not more than 2 streets shall intersect at any 1 point, unless specifically required to promote efficient and safe traffic movement or in response to a recommendation of the Thoroughfare Plan.
 - c. Proposed new intersections along 1 side of an existing street shall, whenever practicable, coincide with any existing or proposed intersection on the opposite side of such street. Street jogs with center line offsets of less than 200 feet shall not be permitted.
 - d. Local street intersections shall be rounded by radii of at least 25 feet. A radius of at least 35 feet shall be used at all intersections with an arterial road, and radius of at least 30 feet shall be used at all intersections with a collector road. The above minimum radii shall be increased as required by the County Engineer when the angle of street intersection is less than 90 degrees, and/or where necessary to accommodate a school bus or emergency vehicle.
 - f. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two 2% grade at a distance of 100 feet in either direction, measured from the center line of the intersecting street.
 - g. At the intersection of any proposed Local Road with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may be required by the Plan Commission and/or County Engineer.
- D. **Reverse Curve Requirements:** A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector roads. All local roads shall have a tangent at least 50 feet long on reverse curves.
- E. **Sight Distance Requirements:** A clear sight distance, measure along the centerline of the road, shall be provided for a minimum 300 feet along all roads with speed limits greater than 45 miles/hour (MPH), 200 feet along all roads with speed limits between 30 and 45 mph, and 100 feet along all roads with a speed limits of 30 mph or less.
- F. **Vertical Grade Requirements:** The maximum vertical grade shall not a exceed a maximum of 5% for arterial roads, 7% for collector roads, and 8% for local roads. Such maximum grades shall be reduced by 50% on all roads within 200 feet of an intersection with another street or a railroad.

Street Geometric Standards

(continued)

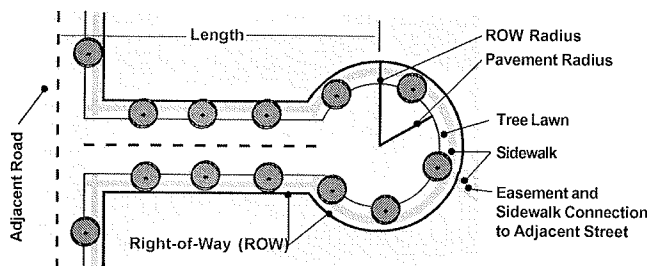
- G **Street Geometric Design Requirements:** All streets shall conform to the minimum specifications for design established by the following table based on the classification provided by the Thoroughfare Plan or otherwise assigned by the Plan Commission. All alleys shall have a minimum pavement width of 16 feet and a minimum right-of-way width of 20. All alleys shall be consistent with the construction standards provided in this Ordinance for local roads.

Street Design Requirements							
Design Standard	Arterial (all uses)		Collector		Local Road		
	Divided	Non-divided	Residential	Non-Residential	Residential	Commercial	Industrial
Right-of Way Width (feet)	100	90	70	80	60	60	70
Pavement Width (feet)	2 @ 24	48	36	36	26	26	28
Median (feet)	16	NA	NA	NA	NA	NA	NA
Curb & Gutter	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Sidewalk Width (feet)	8	8	5	8	5	8	8
Minimum Planting Strip (feet)	10	10	10	10	6	6	6
Maximum Grade	5%	5%	7%	7%	8%	8%	8%
Minimum Grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Minimum Tangent	100	100	100	100	50	50	50
Minimum Corner Radius (feet)	35	35	30	30	25	25	25

Cul-de-sac Standards

6.7 Cul-de-sac Standards

- A. General Requirements: Cul-de-sacs may be permitted by the Plan Commission only in locations where either of the following conditions exist:
- a. the construction of a through street is not possible due to the presence of natural barriers, or
 - b. the construction of a through street is not possible due to the presence of adjacent development which provides no opportunities for connecting any through street.
- B. All cul-de-sacs shall meet the following design requirements:
- a. The maximum length of all cul-de-sacs shall be 300 feet, measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.
 - b. The minimum pavement radius of all cul-de-sacs shall be 60 feet.
 - c. The minimum right-of-way radius of all cul-de-sacs shall be 75 feet. Sufficient right-of-way shall be provided to allow a minimum of 12 feet of right-of-way between all sides of the cul-de-sac turn-around pavement and adjacent properties.
 - d. The intersection of the cul-de-sac street segment and cul-de-sac turn around shall be rounded by a radii of at least 30 feet.
 - e. A sidewalk 5 feet in width shall be provided around the entire turn-around of the cul-de-sac. A 6 foot wide tree lawn shall be provided between the back of curb of the cul-de-sac pavement and the sidewalk.
 - f. In no case may an arterial or collector road terminate in a cul-de-sac.
 - g. A sidewalk shall be provided between two lots located on the turn-around of the cul-de-sac connecting the sidewalks adjacent to the turn-around with those on adjacent streets and/or within adjacent developments.
 1. The sidewalk shall be a minimum of 5 feet in width and shall be located in an access easement which is a minimum of 10 feet in width.
 2. The sidewalks shall be constructed consistent with the sidewalks construction standards provided in Article 7 of this Ordinance.
 3. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.



- C. Cul-de-sacs shall be distinguished from the shared drives required for administrative subdivisions in Article 3 of this Ordinance. Shared private drives shall be permitted serving a maximum of 4 lots, which are not part of a larger subdivision.

Curb & Gutter Standards

6.8 Curb & Gutter Standards

- A. **General Requirements:** Poured concrete 2-foot curbs and gutters shall be provided on all roads. Curbs shall be installed on each side of the street surface and are to be considered as part of the width of the street.
- B. **Gutter Grade Requirements:** The minimum grade of any street gutter shall not be less than 0.5%.

Sidewalk Standards

6.9 Sidewalk Standards

- A. General Requirements: Sidewalks shall be provided on all roads and shall meet the following design standards.
 - a. Sidewalks shall be provided on both sides of the road, including completely encircling the turn-around of any cul-de-sac.
 - b. A sidewalks shall measure a minium of 5 feet in width along all roads in residentially zoned or used areas and 8 feet in width in all commercial, industrial, and mixed use areas.
 - c. Sidewalks shall be separated from the back of curb of the adjacent road by a planting strip which is a minimum of 10 feet in width along arterial and collector roads and 6 feet in width along local roads. Generally, the back of the sidewalk shall not be located less than 1 foot inside of the right-of-way line for the adjacent road.
 - d. Smooth transitions (slow tapers) are required if a sidewalk is to be transitioned from one width to another.
 - e. The surface of any sidewalk when completed shall have a sufficient slope to drain toward the center of the street.
- B. Asphalt pedestrian paths, rather than concrete sidewalks are permitted when they are a part of a trail system linking common open spaces, public spaces, or natural features. All asphalt paths must be a minimum of 8 feet wide and meet the thickness and base requirements of the County Engineer.
- C. When sidewalks or pathways cross roads within or adjacent to the subdivision, safety devices such as painted crosswalks, alternative pavement types, signs, or traffic signals shall be installed.
- D. Easements of at least 10 feet in width shall be provided for sidewalks or pedestrian paths which are not completely included in public right-of-way adjacent to a road. Pedestrian paths and sidewalks which link common areas, public sites, or natural features as part of the subdivision's open space design shall be included in the subdivision's common area, and may not be located within an easement on private property.

Street Lighting Standards

6.10 Street Lighting Standards

- A. Street lights shall be provided by the subdivider at all intersections of roads within and adjacent to the subdivision and where necessary to provide continuous lighting on all subdivision streets.
- B. The specific locations of the street lighting shall be determined by the Plan Commission, the County Engineer, and the Board of County Commissioners, based on the lighting options made available by the appropriate local electric company.
- C. Street lights shall be located in the right of way, adjacent to the road. The light fixtures shall be located in the planting strip which separates the road pavement from the sidewalk.
- D. All costs related to the installation of the street lighting shall be the responsibility of the subdivider. All costs relating to the use and maintenance of the street lights shall be the responsibility of the lot owner's in the subdivision.

Subdivision and Street Name Standards

6.11 Subdivision and Street Name Standards

- A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Madison County covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the Preliminary Plat approval.
- B. Street names shall not duplicate any existing name within Madison County except where a new street is a continuation of an existing street.
 - a. Streets which are designed and/or shall function as the extension of an existing street shall be named consistent with the existing street.
 - b. The term “court” shall be reserved for cul-de-sac streets. The terms “place” and circle” shall be reserved for circular streets which intersect with another street at two locations and cannot be divided into more than one street.
 - c. Street names that may be spelled different but sound the same as existing streets shall not be used.
 - d. All street names and addresses are subject to review and approval by the Plan Commission for consistency with the County 911 emergency phone system.
 - e. The Board of County Commissioners shall have final authority to name all streets at the time of acceptance of public improvements.

Easement Standards

6.12 Easement Standards

- A. General Requirements: Adequate areas of suitable size and location shall be provided as utility easements for the conveyance of utility systems to, and within the subdivision. Generally, easements shall be provided in the following manner:
 - a. Easements for water supply, telephone, cable television, electricity transmission, data networks, and natural gas shall be a minimum of 15 feet in width and provided in the front yard adjacent to the right-of-way of the public road. Water supply service may also be provided in the right-of-way.
 - b. The provision of sanitary sewer service shall be accomplished in the right-of-way.
- B. Drainage easements shall be a minimum of 15 feet in width, with 1/2 the width of the easement taken from each lot. In the case of lots extending to the boundary of the lands platted, and not adjoining another plat, and front yard drainage easements, the full width of the easement shall be provided on such lots. Drainage easements shall:
 - a. provide continuity from block to block,
 - b. be located along rear, side, or front lot lines as necessary, and
 - c. generally be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
- C. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream the subdivider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and the County Engineer and, in the case of a legal drain, the Madison County Drainage Board.
- D. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the Preliminary Plat, Construction Plans, and Final Plat.
- E. The location of all easements shall be reviewed by the County and/or its representatives along with the local utility companies through the Technical Review Committee process.
- F. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on all required plat drawings.

Public Sites and Open Space Standards

6.13 Public Sites and Open Space Standards

- A. **General Requirements:** In all subdivisions that include 20 or more acres, the subdivider shall be required to plat a minimum of 500 square feet of open space for each dwelling unit. The minimum amount of open space provided shall be 1 acre. For the purposes of this calculation, a dwelling unit shall be defined as a single-family home, condominium, or apartment/rental unit.
- a. Easements, crosswalks, and road frontage to provide public access to the common open space shall be shown on all required subdivision plat drawings.
 - b. Easements, roadways, and rights-of-way cannot be considered open space.
 - c. All open space shall be usable spaces for normal recreation.
- B. **Design Requirements:** The required open space shall meet the following requirements:
- a. Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.
 - b. Common open areas may not include floodplains, detention ponds or other portions of the development which are undevelopable. Common open spaces should be located adjacent to such natural features when they are present in, or adjacent to, the development.
 - c. Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and should be incorporated into designated open space.
 - d. Common open spaces within each development shall be linked with each other and with existing and future open spaces in adjacent developments through the required sidewalk system or through the use of pedestrian paths.
 1. All common open spaces shall have at least 10 feet of frontage on a public street which includes sidewalks, and be linked to that sidewalk system by either a sidewalk or pedestrian path
 2. All required common open spaces shall be owned and maintained by the leasing company for tenant-occupied developments and a lot owners association for developments with individually owned dwelling units. In no case may an access easement be substituted for a required common open space.
 - e. Common areas being a minimum of 10 feet wide, and including a minimum 5 foot wide concrete sidewalk or 8 foot wide asphalt trail, shall be provided permitting access from natural site features such as floodplains, detention ponds, and historic sites to public streets with sidewalks.
 - f. Access easements shall be provided for any private sidewalks providing access to the common open space for persons outside the development.
 - g. All common open spaces shall be maintained for the enjoyment of the residents of the development and shall be free of weeds and other noxious vegetation.
- C. **Ownership Requirements:** The subdivider shall reserve the open space acreage for common use of residents and visitors to the subdivision. The land shall be deeded by the subdivider to a duly organized lot owners association within the subdivision.

Street Tree Standards

6.14 Street Tree Standards

- A. General Requirements:** All subdivisions shall be required to provide street trees along all streets within and adjacent to the subdivision.
- Street trees shall be planted either in the right-of-way, or within 5 feet of the right-of-way on adjacent property included in a street tree easement.
 - Street trees shall be provided in the right-of-way unless, in the opinion of the Planning Director, that location would present a hazard for underground or overhead utilities or public safety.
 - Existing trees on property located in the right-of-way of a public street may be considered as meeting the street tree requirement if such trees are in good health and are protected during the construction process.
 - The Plan Commission shall determine whether or not existing trees may be used to satisfy the street tree requirement at the time of Preliminary Plat review.
 - The Planning Director may require the provision of maintenance bonds consistent with Article 5 of this Ordinance for any existing trees preserved for use as street trees.
- B. Planting Requirements:** One street tree shall be planted for every 40 feet of street frontage. Trees may be evenly spaced or grouped together. Street trees shall also meet the following requirements:
- All street trees shall be a minimum of 2 1/2 inch calliper as measured consistent with the American Nursery Standards Institute (ANSI), 6 inches from the top of the rootball, at the time of planting.
 - No tree may be planted so that its center is closer than 2 feet to a sidewalk or curb, or edge of pavement if no curbs are present.
 - No tree shall be planted within 25 feet of the intersection of two street rights-of-way, within 10 feet of the intersection of a street and an entrance driveway, or within the Sight Visibility Triangle established by Article 6 of the Madison County Zoning Ordinance.
 - No tree shall be planted within 10 feet of any fire hydrant or 2 lateral feet of any underground utility service.
 - Street trees shall be of one or more of the species described in the table below:

Approved Street Trees	
part 1 of 2	
Common Name	Scientific Name
Hornbeam	
<i>American Hornbeam</i>	<i>Carpinus Caroliniana</i>
<i>Upright European Hornbeam</i>	<i>Carpinus Betulas "Fastigiata"</i>
American Elm	
<i>Accolade Elm</i>	<i>Ulmus Japonica x Wilsoniana "Morton"</i>
<i>Homestead Elm</i>	<i>Ulmus "Homestead" (complex hybrid)</i>
<i>Frontier Elm</i>	<i>Ulmus Carpinifolia x Parvifolia "Frontier"</i>
Ash	
<i>Green Ash</i>	<i>Fraxinus Pennsylvanica</i>
<i>White Ash</i>	<i>Fraxinus Americana</i>
Ginko	
<i>Fairmount Ginko</i>	<i>Ginko Biloba "Fairmount"</i>
<i>Sentry Ginko</i>	<i>Ginko Biloba "Sentry"</i>
<i>Upright Ginko</i>	<i>Ginko Biloba "Upright"</i>

Street Tree Standards

Approved Street Trees	
part 2 of 2	
Honeylocust	
Majestic Honeylocust	Gleditzia Triacanthos Inermis "Majestic"
Moriane Honeylocust	Gleditzia Triacanthos Inermis "Moriane"
Shademaster Honeylocust	Gleditzia Triacanthos Inermis "Shademaster"
Skyline Honeylocust	Gleditzia Triacanthos Inermis "Skyline"
Sunburst Honeylocust	Gleditzia Triacanthos Inermis "Sunburst"
Linden	
Greenspire Linden	Tilia Cordata "Greenspire"
Chancellor Linden	Tilia Cordata "Chancelbr"
Swedish Upright Linden	Tilia Cordata "Swedish Upright"
Silver Linden	Tilia Cordata "Silver"
Basswood	Tilia Americana
Maple	
Sugar Maple	Acer Sacchrum
Armstrong Red Maple	Acer Rubrum "Autumn Flame"
Red Sunset Red Maple	Acer Rubrum "Red Sunset"
Tilford Red Maple	Acer Rubrum "Tilford"
Cleveland Norway Maple	Acer Platanoides "Cleveland"
Columnar Norway Maple	Acer Platanoides "Columnar"
Crimson King Norway Maple	Acer Platanoides "Crimson King"
Royal Red Norway Maple	Acer Platanoides "Royal Red"
Summershade Norway Maple	Acer Platanoides "Summershade"
Oak	
Basket Oak	Quercus Michauxis
Single Oak	Quercus Inbricaria
Red Oak	Quercus Borealis
Willow Oak	Quercus Phellos
Bur Oak	Quercus Macrocarpa
Chinkapin Oak	Quercus Muehlenbergii
River Birch	Betula Nigra

Sanitary Sewer Standards

6.15 Sanitary Sewer Standards

- A. **General Requirements:** Lots in all major subdivisions, except those containing 6 lots or less consistent with Section 6.2(D) of this Ordinance, shall be served by sanitary sewers. The appropriate sanitary sewer system shall be designed and installed by the subdivider and dedicated to the appropriate sanitary sewer provider.
- a. The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the sanitary sewer service provider.
 - b. Sewer mains, transmission lines and structures, with the exception of any above ground structures such as lift stations or pumps, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these transmission lines shall be shown with the locations of any required street trees.
- B. **Plans and Specifications:** The plans for the installation of a sanitary sewer system shall be prepared by a registered professional engineer, be provided by the subdivider, be approved by the appropriate sanitary sewer service provider, and be in accordance with the Indiana State Board of Health and Indiana Department of Environmental Management (IDEM) regulations. Upon completion of the sewer installation, the plans "as-built" in paper (hard copy) and electronic format, shall be filed with the County Engineer and the appropriate sanitary sewer service provider.

Water Supply Standards

6.16 Water Supply Standards

- A. **General Requirements:** Lots in all major subdivisions shall be served by a public water supplier. The appropriate public water supply system shall be designed and installed by the subdivider and dedicated to the appropriate water utility.
- a. The water system shall include all necessary supplemental equipment and machinery including but not limited to all pipes, fire hydrants, and valves.
 - b. Water supply mains and transmission lines shall be located either in the right-of-way adjacent to public streets or in the front yard of lots in easements immediately adjacent to the rights-of-way.
- B. **Installation Standards:** The installation of the water supply system shall be done in accordance with the plans, profiles and specifications prepared by a registered professional engineer and shall be approved by the County and be in conformance with at least the minimum requirements of the Indiana State Board of Health and Indiana Department of Environmental Management (IDEM).
- a. **Distribution system:** No pipe smaller than 6 inches in diameter shall be permitted. Six-inch pipe shall be limited to lengths of not over 800 feet unless looped. In high-volume districts, so designated for purposes of fire protection and prevention, distributors shall be not less than 8 inches and cross-connected within 800 feet. On arterials and for all long lines, distributors shall be 12 inches or larger.
 - b. **Valves.** Valves shall be installed so that no single accident, break, repair or extension will necessitate shutting down a length of pipe greater than 500 feet in high-volume districts, or greater than 1,000 feet in other districts so that flows may be maintained through arterial mains. All taps shall be installed at the same time as the water mains providing service for that development.
 - c. **Hydrants:** Fire hydrants shall be installed meeting the following requirements:
 1. All hydrants, their setting, number, and size of outlets shall conform to standards and specifications of the American Insurance Association and the applicable policies of the fire protection district in which the subdivision is located.
 2. One hydrant shall be placed near each street intersection. Intermediate hydrants shall be placed where the distance between intersections exceeds 600 feet.
 3. In high-value districts, as now or hereafter designated for purposes of fire defense and protection, the distance between hydrants shall not exceed 450 feet.
 4. Dry fire hydrants shall be placed in existing and proposed water bodies consistent with the specific requirements of the appropriate local fire protection district.
- C. **Plans and Specifications:** The plans for the installation of water main supply systems shall be provided by the subdivider and approved by the appropriate water service provider. Upon completion of the water supply installation, the plans for such system "as built", in paper (hard copy) and electronic format, shall be filed with the County Engineer and the appropriate water service provider.

Private Utility Standards

6.17 Private Utility Standards

- A. **General Requirements:** All utility transmission lines providing service to the subdivision, including electrical power, gas, telephone, cable television, data transmission, sewer, and water shall be located underground throughout the subdivision. The location of utility lines shall be shown on the Preliminary Plat and on the Construction Plans.
- B. **Design Requirements:** Service lines for electrical power, natural gas, telephone, cable television, and data transmission utilities shall generally be located in the front yard of lots, included in easements as specified by this Article.

Environmental Standards

6.18 Environmental Standards

- A. **General Requirements:** The following measures to minimize erosion and sedimentation shall be included where applicable in the overall development plan.
- a. Existing features which would add value to residential, commercial, natural, or man-made assets such as trees or other vegetation, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
 - b. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
 - 1. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - 2. Temporary vegetation and mulching shall be used to protect environmentally sensitive areas during development.
 - 3. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
 - c. Development plans shall keep cut/fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 - d. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
 - e. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- B. **Maintenance Requirements:** Design and construction of the erosion control system shall be such that it will be durable and easy to maintain, meeting the requirements of the County Engineer. All erosion control methods shall be consistent with the Erosion Control Standards provided by Article 7 of this Ordinance.

General Drainage Standards

6.19 General Drainage Standards

- A. **General Requirements:** Drainage controls shall conform to the requirements of the Madison County Drainage Board, and shall meet the specifications of the Madison County Engineer and Surveyor.
- a. A storm drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area which drains into the subdivision. All areas included in the drainage area shall be considered based on their present development conditions for the purposes of designing the necessary drainage facilities.
 - b. All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters, storm sewers, and inlets consistent with the specifications of the Madison County Drainage Board.
 - c. All lots within each subdivision shall be provided with a drainage system connected to a working outlet such as a legal drain, a natural stream, a storm sewer, or an existing open ditch. In no case shall a field tile be considered an acceptable outlet.
- B. **Professional Design Requirements:** The plans for the installation of the storm sewer system shall be prepared by a registered professional engineer or licensed surveyor, be provided by the subdivider, and approved by the Plan Commission and the Madison County Drainage Board. In the approval of such plans, the Drainage Board may require off-site improvements of drainage outlets to adequately handle the run-off from the subdivision.
- C. **Detention/Retention Ponds:** To the extent possible, all subdivision detention/retention requirements shall be accommodated in the least number of ponds or dry areas. One large pond or area shall be preferred to a series of smaller ponds or areas. All detention and retention areas shall be placed in a common area under the responsibility of a lot owners association for the subdivision in which they are located. In no case, shall subdivision detention or retention ponds be dedicated to Madison County.
- D. **Floodway Development:** The Plan Commission shall not approve any proposed plat which includes lots platted with buildable areas located in any 100-year floodway. The 100-year floodway may be included as part of the lots, however, the required buildable area for each lot shall be provided outside of the floodway. All such floodways shall be placed within drainage easements.
- E. **Loss of Storage Capacity:** Loss of the 100-year floodplain water storage capacity due to building or filling shall not be allowed. No primary structures are permitted to be constructed in the 100-year floodway fringe unless explicitly permitted by the Madison County Zoning Ordinance. No building or filling is allowed at all in the 100-year floodway.
- F. **Positive Drainage from Structures:** All lots, tracts, or parcels shall be graded to provide proper drainage away from the buildings, and dispose of such water without ponding in locations other than intended dry or wet detention basins.
- G. **Discharge Requirements:** It shall be illegal for sump pumps, down spouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer.
- a. Sump pumps shall be connected to the subsurface drainage system described in this Ordinance.
 - b. Down spouts shall not be connected directly to the subsurface drainage system, but shall outlet into the yard of the structure on which they are located.

Covenant Standards

6.20 Covenant Standards

- A. **General Requirements:** The following paragraphs shall be required to be present as restrictive covenants for all Final Plats to which the Planning Director determines that they apply:
- a. No fence, wall, hedge, tree or shrub which obstructs sight lines between 3 and 8 feet above the grade of the adjacent road shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points along the street rights-of-way located:
 1. 35 feet from their intersection for road classified as arterial by the Madison County Thoroughfare Plan,
 2. 30 feet for roads classified as collectors by the Thoroughfare Plan,
 3. 15 feet for roads classified as local by the thoroughfare plan, and
 4. 10 feet for all private driveways.
 - b. No permanent structure shall be placed within a utility easement, with the exception that the property owner may construct a fence within the easement at his/her own risk. Such fences may be removed or accessed as necessary by any affected easement holder or utility without cost to that holder or utility.
 - c. No driveway shall be located within 40 feet of the intersection of two street right-of-way lines.
- B. **Drainage Covenant:** Each subdivision submitted for approval shall include on the Final Plat a covenant which states that: This subdivision is subject to all drainage system design and construction standards of the Madison County Subdivision Control Ordinance, which provides for the repair and maintenance of the system, including the assessment of owners of lots to maintain swales and participate in the cost of the maintenance of legal drains. All drainage easements shall run to the Madison County Drainage Board.

Flood Hazard Area Standards

6.21 Flood Hazard Area Standards

- A. Plans and materials for all subdivisions located within the 100-year floodplain shall be forwarded, by the developer, to the Indiana Department of Natural Resources for review and comment. The Plan Commission shall require appropriate changes and modifications to the subdivision in order to assure that:
 - a. it is consistent with the need to minimize flood damages;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. adequate drainage is provided so as to reduce exposure to flood hazards;
 - d. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- B. Subdividers shall indicate the 100-year flood elevation, the boundaries of the 100-year floodplain, and the boundaries of the 100-year floodway on all subdivision Preliminary and Final Plats containing any lands within a 100-year floodplain.
- C. All developers of subdivisions, all or a portion of which is located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the Plan Commission and have it filed with and approved by the appropriate community emergency management authorities.

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**Subdivision
Control Ordinance
Article Seven**

**Major Subdivision
Construction Standards**

Construction Standards

7.1 Purpose and Use

The following pages state the construction standards for all major subdivisions. Each section is broken down into specific categories. These categories include:

7.3	Storm Water and Drainage Standards	page 289
7.4	Erosion Control Standards	page 292
7.5	Street Standards	page 293
7.6	Curb & Gutter Standards	page 294
7.7	Street Lighting Standards	page 295
7.8	Street Sign Standards	page 296
7.9	Sidewalk Standards	page 297
7.10	Monument and Marker Standards	page 298

7.2 Additional Construction Standards that Apply

This Article represents general and basic construction standards for the public improvements to be included in major subdivisions of Madison County. The Plan Commission and Board of County Commissioners, through the Planning Director, County Engineer, County Surveyor or other elected or appointed official or board may supplement and clarify the provisions of this Article by the formulation and issuance of detailed requirements, either in manual form or by reference to accepted technical standards which shall be deemed incorporated by reference into this Article.

Storm Water and Drainage Standards

7.3 Storm Water and Drainage Standards

- A. **General Requirements:** A stormwater sewer or a surface drainage system adequate to serve the subdivision and potential subdivisions in the drainage area of which the subdivision is a part shall be provided by the subdivider.
- If, in the opinion of the Plan Commission, a hardship would be created by sizing the system to the entire drainage area, the Plan Commission may recommend that the involved governmental agency join with the subdivider in financing the drainage requirements that are beyond the requirements of the subdivision.
 - When the surface drainage, in the opinion of the Plan Commission, is adequate, easements for such drainage shall be provided.
 - Roadside drainage shall not be disrupted by public driveways or other obstructions.
 - The subdivider shall initiate and petition the Madison County Drainage Board to establish a legal drain and a maintenance assessment fund for the extension of any legal-urban drain, if required.
- B. **Street Drainage System General Requirements:** The streets shall serve as the primary drainage system and be designed to carry, at a minimum, the storm water from the streets and the adjacent land and structures:
- The street drainage system shall consist of curbs, gutters, and storm sewers where required by this Ordinance.
 - Drainage inlets shall be spaced and their capacity shall be adequate to limit the spread of water into the street. Inlets shall be placed at all low points in the grade of the gutter and at intersections to prevent stormwater from flowing across traffic lanes and crosswalks.
 - Storm drainage systems shall be designed to prevent overtopping of curbs by a 10-year storm.
 - Local streets shall have a minimum 12 foot wide section free from water during a 10 year storm.
 - Collector and arterial streets shall have a minimum 24 foot wide section free from water during a 10 year storm.
 - All water shall be contained within the right-of-way for a 50-year storm.
 - Protective gratings shall be placed over all inlets and bar screens placed over all outlet piping 10 inches or larger, and shall be subject to approval by the County Engineer.
 - All streets having curb and gutter on which storm water flows across intersections and/or driveways, shall be provided with concrete cross-gutter at all such intersections and driveways.
- C. **Underdrains:** The sub-divider shall provide for the placement of the under drains 18 inches outside the curb line. The purpose of the subsurface piping system is to provide drainage for the street sub-base and/or the swales.
- The subsurface drainage system shall discharge to the storm sewer system or to the surface drainage system upon approval from the County Engineer.
 - No subsurface drainage system connections will be permitted to the sanitary sewer system.
- D. **Off-street Drainage System General Requirements:** The following standards shall apply to the off-street portion of a subdivision drainage system:

Storm Water and Drainage Standards

(continued)

- a. The design of the off-street drainage system shall include all watersheds affected by the subdivision, and shall extend to a water course or ditch adequate to receive the storm drainage as determined by the County Engineer.
 - b. No storm drainage course, other than those which collect only lot surface drainage within a single block, shall be located within 75 feet of a building, as measured from the top of the ditch bank.
- E. **Side and Rear Yard Swales:** All side and rear yard swales shall meet the following requirements:
- a. The minimum flow line grade of swales shall be 1%.
 - 1. Swales not meeting the 1% minimum grade will be required to install underdrains two feet below the proposed flow line. Swales of less than 1% shall be planted with grass seed.
 - 2. Swales with a slope between 1% and 3% shall be sodded.
 - 3. Swales with a slope 3% or greater shall have a concrete or rip rap surface, or be enclosed in a pipe, as specified by the County Engineer.
 - b. The maximum flow line grade of ditches shall be 7%. Ditches with greater than a 7% flow line grade shall be protected with an erosion control mat.
 - c. The front and back slope of swales shall not be steeper than a 4 (horizontal) to 1 (vertical) slope.
- F. **Detention Ponds:** All storm water detention ponds shall meet the following requirements:
- a. Local basins are those which have a total land area contributing flow to the detention/retention basin, including on-site and off-site areas, of less than 5 acres. Minimum hydraulic performance levels and accepted design methodologies for local basins shall conform to the following:
 - 1. Release, at a minimum, the peak discharge resulting from the 100-year design storm event runoff at the 10-year design storm event runoff peak discharge rate for existing watershed conditions.
 - 2. Release the peak discharge resulting from a 2-year design storm event runoff from the contributing watershed area at the 2-year design storm event runoff peak discharge rate for existing watershed conditions.
 - b. Regional basins are those which have a total land area contributing to the basin, including on-site and off-site areas, of 5 acres or larger. Minimum hydraulic performance levels and accepted design methodologies for regional basins shall conform to the following:
 - 1. Release runoff resulting from a 2-year design storm event over the entire contributing watershed for post-development conditions at a peak rate and velocity no greater than the peak rate and velocity from the 2-year design storm event runoff based on the pre-development watershed conditions.
 - 2. The developed site runoff during both the 10-year and 100-year design storm events shall be designed to be released at a peak rate and velocity no greater than the peak rate and velocity from the 10-year design storm event runoff based on pre-development watershed conditions.
 - c. All detention/retention designs shall use runoff hygrographs and routing techniques.
 - d. The minimum accepted bottom transverse slope of dry detention basins shall be 1% and must be designed to include underdrains. Vegetated bank side-slopes shall be no steeper than 4 (horizontal) to 1 (vertical).
 - e. Vegetated areas of wet detention basins shall have an earthen embankment constructed with side slopes no steeper than 4 (horizontal) to 1 (vertical). Earthen embankments armored with rock rip-rap shall not be accepted.
 - f. The maximum ponding depth for parking lot detention shall be 4 inches for the 100-year storm event runoff from the entire contributing watershed.

Storm Water and Drainage Standards

(continued)

- g. Minimum normal depth of a wet pond, calculated at the shallowest point in the pond, shall be eight 8 feet.
 - h. Emergency spillways shall be capable of handling one and one-quarter times the peak discharge and peak flow velocity resulting from the 100-year design storm event runoff from the entire contributing watershed, assuming post-development conditions, draining to detention/retention facility. However, engineering judgement may dictate use of a higher design standard. Many types of emergency spillways are allowable provided adequate provision is made for the discharge of the flow through the facility and a minimum freeboard of 1 foot is provided for larger regional ponds above the maximum anticipated flow depth through the emergency spillway.
- G. **Drainage Easements:** Drainage Easements shall be provided consistent with the Design Standards provided by Article 6 of this Ordinance. Easements shall be provided on the Final Plat for all existing, constructed, or reconstructed water courses.
- H. **Order of Construction:** The locations, grading, and placement of subgrade (base) material for all roads, public driveways, and public parking areas shall be accomplished as the first work done on any subdivision construction.
- I. **Excavation and Fills:** Excavations and fills shall meet the following requirements:
- a. Fills shall not encroach or impede flows of natural watercourses or constructed channels.
 - b. Grading shall not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the land owner.
 - c. During grading operations, necessary measures for dust control shall be exercised.
 - d. Grading equipment shall not be allowed to cross streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

Erosion Control Standards

7.4 Erosion Control Standards

- A. **General Requirements:** Erosion, and sediment control shall conform with the requirements of the Natural Resource Conservation Service (NRCS) and other provisions of this Ordinance, other requirements adopted by Madison County, or other requirements of the County Engineer.
- B. **Erosion Control Plan Requirements:** No changes shall be made in the contour of the land, nor shall grading, or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed and approved by the County Engineer.
 - a. The erosion control plan shall be submitted as an element of the subdivision construction plans.
 - b. If NRCS review and approval is required, a copy of said approval shall be provided by the subdivider to the Planning Director for the records of the Plan Commission and to the County Engineer.
- C. **Sedimentation Control:** Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the applicant, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his/her expense.
 - a. The County Engineer and/or Planning Director may require the subdivider to remedy any sedimentation that they identify.
 - b. Failure by the subdivider to control sedimentation may be used by the Technical Review Committee or Plan Commission as grounds to deny a Final Plat, by for the Board of County Commissioners as grounds to refuse the acceptance of public improvements, or by the Planning Director as grounds to withhold the issuance of Improvement Location Permits for structures on lots in the affected subdivision.
 - c. The clean-up of all erosion control barriers and the results of any erosion control failure shall be covered by the erosion control bond provided consistent with Article 5 of this Ordinance.
- D. **Watercourse Requirements:** No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Madison County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
 - a. It is the responsibility of the applicant and any person, corporation, or other entity doing any action on or across a communal stream, watercourse, or swale, or upon the flood plain or floodway area of any watercourse during the period of development, to return these areas to their original or equal conditions upon completion of said activities.
 - b. It is the responsibility of the applicant or owner to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing.
 - c. The applicant or owner will assume the responsibility for maintaining in open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this Article, which are necessary for proper drainage.

Street Standards

7.5 Street Standards

- A. **General Requirements:** All streets and alleys shall be completed to grades shown in plans, profiles and cross-sections provided in the approved subdivision Construction Plans.
- All plans shall be prepared by a registered professional engineer or licensed surveyor .
 - All stages of development (street construction) must be inspected consistent with the adopted procedures of Madison County.
- B. **Construction Requirements:** The streets shall be graded, surfaced and improved to the dimensions shown in approved cross-sections, and shall meet the following requirements:

Street Construction Requirements			
Pavement Requirements	Local Road	Collector Road	Arterial Road
Concrete (Option #1)*			
Uniform Design Thickness**	6 inches	7 inches	9 inches
Lime Stabilized Base	12 inches	12 inches	12 inches
Total Thickness**	18 inches	19 inches	21 inches
Asphalt (Option #2)*			
Asphaltic Surface Course	1 inch	1 inch	1 inch
Hot Asphaltic Binder Course	2.5 inches	2.5 inches	2.5 inches
Hot Asphaltic Stabilized Base	3.5 inches	5.5 inches	9.5 inches
Lime Stabilized Base	12 inches	12 inches	12 inches
Total Thickness**	19 inches	21 inches	25 inches
Notes:			
* intersections and parking strips along local streets shall be constructed consistent with collector street requirements.			
** Asphalt, Concrete and pavement base materials measuring less than the specified thickness by more than 1 inch shall not be accepted by the Board of County Commissioners			

- Additional requirements may be imposed by the County Engineer, Planning Director, Plan Commission, or Board of County Commissioners to account for unusual soil conditions, extraordinary traffic volume, heavy loads, or other abnormal use characteristics.
- Poorly drained ground or muck ground may need #2 stone or railroad stone under the base. It shall meet the approval of the County Engineer.
- The final grade of the base and all road surfaces shall be 2% from center to both edges.
- All HAC materials and application must meet INDOT specifications, unless otherwise modified by the provisions of this Ordinance. All HAC mixing and application shall be performed under proper weather conditions as defined by the County Engineer.
- The base for all streets shall extend 2 feet beyond the asphalt road surface on both sides of the road.
- Concrete streets shall have transverse contraction joints every 1/2 street width. Expansion joints shall only be used at cold construction joints or at street intersections. Keyway and tied center line construction joints shall be utilized unless a sawed centerline joint is used. If utilizing a sawed centerline joint, # 5 bars @ 3'0" on center shall be used to tie the two street half sections.

Curb & Gutter Standards

7.6 Curb & Gutter Standards

- A. **Curb and Gutter Standards:** All curbs and gutters shall be constructed to the following specifications.
- a. The base for the curb and gutter shall be well compacted on the existing roadway base.
 - b. Curb and gutter shall be a 6 bag mix of cement for concrete.
 - c. All curbs and gutters shall be poured on site with proper joints. The use of precast sectionalized curbs and gutters shall be prohibited.
 - d. Curbs shall have contraction joints every 10 feet and expansion joints every 100 feet.
 - e. The grade of any curb shall not be less than .50% in order to provide appropriate drainage to storm water inlets.
- B. **Inlet Standards:** Inlets shall be located at all low points in the street grade and other locations as storm water system calculations require.
- a. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of greater than
 - 1. 400 feet on a local road,
 - 2. 300 feet on a collector road, or
 - 3. as specified by the County Engineer based on approved calculations and a 10 year storm design and maximum spread on an arterial road.
 - b. Additional inlets shall be required when encroachment of storm water into the street disrupts traffic under the 10 year storm design.
 - c. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and appropriate for bicycle traffic.

Street Light Standards

7.7 Street Light Standards

- A. Street lights shall be pole mounted on standards of non-corrosive metal not to exceed 28 feet in height. Light standards shall be mounted in appropriate concrete foundations.
- B. Street lights shall consist, at a minimum, of high-pressure sodium bulbs or comparable, a minimum of 100 watts each.
- C. All electric lines providing service to the street lights shall be located underground.

Street Sign Standards

7.8 Street Sign Standards

- A. Street signs shall be installed by Madison County at all locations specific on the Preliminary Plat and otherwise required by the County Engineer and/or Board of County Commissioners.
- B. The subdivider shall assume all costs for street sign installation as the Final Plat for each section or phase of the subdivision is accepted by the Board of County Commissioners. Payment of sign fees shall be provided at the time of Final Plat application, and shall be consistent with the standard rates established by the County Engineer and adopted by the Board of County Commissioners.

Sidewalk Standards

7.9 Sidewalk Standards

- A. Sidewalks shall be concrete within subdivisions in accordance with the Standard Specifications of the Indiana Department of Transportation, latest edition, with contraction (tooled) joints a maximum of every 6 feet apart. Sidewalks shall be a minimum of 4 inches thick in all locations, with a 4 inch base of either compacted stone or sand, and be of a width consistent with the design standards of Article 6 of this Ordinance.
- B. Americans with Disabilities Act compliant ramps for wheelchairs and bicycles shall be provided appropriately on all sidewalks and pathways. Ramps are to be located at all intersections and other transition access points.
 - a. Rolled curbs are not a substitute for wheelchair ramps.
 - b. It is the legal responsibility of the developer to assure compliance with current ADA laws.
 - c. The developer or his engineer may be required to sign-off on the compliance with ADA laws.

Monument & Marker Standards

7.10 Monuments and Marker Standards

- A. Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- B. Permanent concrete markers 30 inches deep with 5/8 inch rebar shall be installed at the perimeter (outside boundary) of the overall subdivision.
- C. Markers consisting of 5/8 inch rebar 8 inches long shall be set in concrete as street control at the following locations:
 - a. the intersection of all street center lines the subdivision.
 - b. the beginning and ending of all curves in street right-of-way lines and centerline of streets at the beginning and ending of all curves and street intersection.
- D. Markers consisting of rebar at least 30 inches long and not less than 5/8 inch in diameter, shall be placed at the following locations:
 - a. all angles formed by the intersection of lot lines,
 - b. all other lot corners not established by a monument, and
 - c. all points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.
 - d. centerline of right of ways.



Madison County, Indiana

Land Use & Development Code Part "C" - Adequate Public Facilities Ordinance

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Madison County, Indiana

Land Use & Development Code Part "D" - Private Well & Water System Standards Ordinance

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Madison County, Indiana Board of Zoning Appeals

Rules & Procedures

Rules and Procedures

Preamble

WHEREAS, the Madison County, Indiana Board of Zoning Appeals is authorized and required by the IC 36-7-4-900 series to supervise and make rules for the filing of appeals of administrative decisions; the application for variances and special uses (special exceptions); the giving of public notice; the conducting of hearings; and the creation, form, recording, modification, enforcement, and termination of commitments; and

WHEREAS, the Madison County, Indiana Board of Zoning Appeals determined that its Rules and Procedures should be printed and organized in a coherent fashion and be made readily available to all applicants and the general public.

NOW, THEREFORE BE IT RESOLVED by the Madison County, Indiana Board of Zoning Appeals that the following Rules and Procedures be adopted:

Article One:	The Board	page 3
Article Two:	Membership, Officers, & Staff	page 4
Article Three:	Meetings	page 7
Article Four:	Petitions	page 10
Article Five:	Public Hearing	page 11
Article Six:	Final Disposition of Petitions	page 16
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The Board of Zoning Appeals

1.1 Board Establishment and Function

The Madison County Board of Zoning Appeals (also referred to in these Rules and Procedures as the “Board”) shall be established and shall function consistently with all applicable provisions of Indiana law, specifically the IC 36-7-4-900 series, as periodically amended.

1.2 Board Name:

The name of the Board shall be the “Madison County, Indiana Board of Zoning Appeals”.

1.3 Board Seal:

The seal of the Board shall be the seal of Madison County, adopted by the Board of County Commissioners of Madison County, Indiana.

1.4 Board Office and Business Days

A. The office of the Board shall be the Madison County Plan Commission Office, located in the Madison County Government Center.

B. The office shall be open to the public on specific business days as specified by the Madison County Board of County Commissioners. For the purpose of these Rules and Procedures, “business day” shall refer to such days when the offices of the Board are open to the public for the transaction of business for the entire period of its normal operating hours, and shall exclude any day on which such offices are not open to the public for the transaction of business or any day when such offices are open for less than the normal operating hours.

1.5 Board Jurisdiction

The jurisdiction of the Board shall include all lands within Madison County, Indiana which are not incorporated as a separate municipality. Further, the Board shall not have jurisdiction to enforce any aspect of the Madison County Zoning Ordinance in any unincorporated area for which jurisdiction has been established by a municipality consistent with the requirements of Indiana law. In no case may the Board exercise jurisdiction over any property owned by the government of the United States of America or the State of Indiana.

1.6 Attorney

The attorney for the Madison County Plan Commission will also serve as the attorney for the Madison County Board of Zoning Appeals.

Membership, Officers, and Staff

2.1 Membership

The Board shall consist of 5 members consistent with the provisions of IC 36-7-4-902. The terms of the Board members at the time of its initial establishment shall be consistent with the provisions on IC 36-7-4-906.

- A. After the initial establishment of the Board, each member shall serve a 4 year term, consistent with the provisions of Indiana law. The terms for all Board members shall expire on the first Monday in January of the appropriate year, based on their individual date of appointment and the requirements of Indiana law.
- B. There shall be no limit to the number of terms, including consecutive terms, which members may serve.
- C. Any member may be removed from the Board and replaced, consistent with any applicable provisions of Indiana law, by the entity which has appointed them. If removing a member prior to the expiration of his/her term, the appointing authority shall mail to them, at their residence, written notice stating the reasons for the removal. Any member who is removed may appeal the removal to the circuit or superior court of Madison County within 30 days of his/her removal.
- D. No member of the Board may hold any other elected or appointed office in Madison County or any state or municipal government with the exception of those which are specified in Indiana law as being necessary to qualify an individual for membership on the Board (such as membership on the Plan Commission per IC 36-7-902).
- E. A member must be a resident of the jurisdictional area of the Board.
- F. The appropriate appointing authority may appoint an alternate member of the Board to participate with the Board in any specific hearing or decision in which the regular Board member appointed by that authority has a conflict of interest as defined in section 3.6 of these Rules and Procedures.

2.2 Oath of Office:

Every newly appointed member of the Board shall subscribe to the following oath of office either in writing, or by making a statement on the record at a Board meeting, before entering into the performance of his/her duties:

"I, _____, do solemnly swear and affirm that I will support the Constitutions of the United States and the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the Madison County, Indiana Board of Zoning Appeals, according to applicable laws, and to the best of my ability."

2.3 Election of Officers & Appointment of a Secretary:

At its first regular meeting each year, the Board shall elect from its members a Chairperson and a Vice-Chairperson.

- A. A person who receives a majority vote of the entire membership of the Board shall be declared elected and shall serve until a new person is declared elected at the annual election the following year. There shall be no limit to the number of terms, including consecutive terms, to which the Chairperson and Vice-chairperson may be elected.
- B. At the same meeting, the Board shall also appoint a Secretary, who is not required to be a member of the Board. The Secretary shall serve at the pleasure of the Board and shall be appointed and dismissed by a majority vote of the entire membership of the Board.

Membership, Officers, and Staff

(continued)

- C. The outgoing Chairperson shall oversee the annual process of electing officers and appointing a Secretary. Candidates for Chairperson, Vice-Chairperson, and Secretary shall be nominated by members of the Board. Each nomination must receive a second from another Board member in order for that candidate to be considered by the Board. Nominations and voting for each office shall occur in the following order: Chairperson, Vice-Chairperson, then Secretary. When it appears that all nominations for each individual office are complete, the Chairperson shall oversee a roll call vote for each candidate in the order in which they were nominated. No nominations for any other office shall be considered until the previously considered office has been filled.

2.4 Vacancies:

- A. The Board shall elect a Chairperson pro tempore from among its members if both the Chairperson and the Vice-Chairperson are temporarily absent or otherwise unable to fulfill their duties.
- B. If the office of Chairperson and Vice-Chairperson becomes permanently vacant (due to death, permanent disability, resignation, or other cause) the Board shall elect a replacement from its membership to complete the unexpired term at the next regular meeting.
- C. If a permanent vacancy occurs among the membership of the Board, the appointing authority shall appoint a new Board member to complete the unexpired term of the vacating member. In no instance shall the new member assume any office held by their predecessor unless they themselves are elected to such office by the Board consistent with these Rules and Procedures.
- D. If the Secretary is absent from any Board meeting, the Chairperson shall appoint a temporary Secretary to serve at that meeting. If the office of Secretary becomes permanently vacant the Board shall appoint a replacement at the next regular meeting.

2.5 Chairperson:

The Chairperson shall preside over all regular and special meetings of the Board in addition to executing the following duties:

- A. the Chairperson shall appoint the members of all necessary committees;
- B. the Chairperson shall rule on all points of procedure, subject to these Rules and Procedures, unless overruled by a majority vote of the Board;
- C. the Chairperson shall sign all official documents on behalf of the Board, or otherwise delegate this duty to the Secretary or Planning Director; and
- D. the Chairperson, with the Planning Director, shall be the spokesperson for all matters relevant to the Board. All press releases and similar public statements issued by the Board shall be provided by either the Chairperson or the Planning Director.

2.6 Vice- Chairperson:

The Vice-Chairperson shall act as Chairperson during the temporary absence or disability of the elected Chairperson. The Vice-Chairperson shall perform the duties imposed on the Chairperson until the Chairperson is able to resume his/her duties, or until the Board elects a new Chairperson.

2.7 Secretary

The Secretary shall oversee (1) the keeping of a complete and accurate record of all proceedings and votes of the Board, (2) the preservation of all papers and documents of the Board, and (3) the preparation and distribution of reports, ordinances and other material related to the Board's activities. The Secretary may be a member of the Board, the Planning Director, or another member of the Board's staff.

Membership, Officers, and Staff

(continued)

2.8 Staff:

The Planning Director and/or his/her assignee, and other employees of the Plan Commission shall serve as the Board staff, and shall provide technical and analytical assistance to the Board.

- A. The Planning Director shall conduct a complete and thorough investigation of all matters that come before the Board and may enlist, at his/her discretion, technical and professional assistance from engineers, architects and other consultants as required.
- B. The Planning Director shall supervise the Board's staff and administer the daily affairs of the Board. Those daily affairs may include, but are not limited to:
 - a. keeping a complete and accurate record of all proceedings and votes of the Board;
 - b. preparing an agenda for all Board meetings;
 - c. providing notice of meetings to Board members and the public;
 - d. arranging for all legal notices required for the business of the Board;
 - e. preparing, publishing, and distributing all reports, ordinances, and other material related to the activities of the Board;
 - f. recommending appointments to the Board;
 - g. interviewing prospective staff members;
 - h. establishing personnel policies and office procedures;
 - i. keeping in safe custody the seal of the Board and affixing the seal to all contracts, instruments, plats, and other documents when authorized by the Board; and
 - j. managing all funds appropriated to the Board by signing all purchase orders and claims, and seeing that monies are paid out in accordance with the adopted procedures of Madison County.
- C. The staff of the Board and the Secretary (if the Secretary is not a member of the Board) shall be hired, appointed, retained, promoted and discharged without regard to age, ancestry, disability, national origin, race, religion, sex, or sexual orientation.
- D. The officers, members, and staff of the Board shall perform such other duties and functions as may, from time to time, be required by the Board, these Rules and Procedures, or Indiana law.

Article Three

Meetings

3.1 Regular Meetings:

The Board shall conduct regular meetings on the 4th Tuesday of each month at 9:00 a.m., local time, in the Commissioner's Court in the Madison County Government Center. If the date of a regular meeting falls on a legal holiday recognized by Madison County, or if it is impossible to conduct the meeting at that time or place, the Chairperson may set an alternative date, time or place for the regular meeting. The Chairperson may cancel the meeting with the consent of a majority of the Board members. Notice of the rescheduled, relocated, or canceled meeting shall be given as required by I.C. 36-7-4-920(b) and the meeting shall be subject to the Indiana Open Door Law.

3.2 Special Meetings:

Special meetings may be called by the Chairperson, upon written request to the Planning Director by 2 Board members, or as determined by a majority of the Board members at a regular meeting.

A. All members shall be notified in writing of the time and place of a special meeting by the Planning Director a minimum of 3 business days prior to the date of the special meeting. Written notice of a special meeting shall not be required if (1) the date, time, and place of a special meeting is fixed at a regular meeting and (2) all members of the Board are present at the regular meeting.

B. Only matters included in the call for a special meeting shall be considered at that meeting.

C. Public notice of the special meeting shall be given in the same manner as required for regular meetings.

3.3 Executive Sessions

The Board may meet in executive session consistent with the provisions of IC 5-14-1.5-6.1

3.4 Open Meetings and Public Hearings:

All meetings and public hearings of the Board, except executive sessions as described in section 3.3 above, shall be open to the public and petitioner(s), remonstrator(s), interested parties, and members of the general public desiring to witness the proceeding or be heard by the Board in accordance with these Rules and Procedures.

3.5 Quorum:

A quorum consists of a majority of the entire membership of the Board. No action of the Board is official unless approved by a quorum of the its members.

A. No action shall be taken, decision made, or opinion expressed by the Board unless a quorum of members are present at a properly scheduled and advertised regular or special meeting.

B. Nothing in this section shall be interpreted as prohibiting members of the Board from gathering at events, community happenings, or on other occasions for the purpose of socialization or the receipt of information not directly related to a matter of business pending before the Board.

3.6 Conflicts of Interest:

No member of the Board may participate in a hearing or decision of the Board concerning any matter in which he/she has a direct or indirect financial interest.

A. Any member with a conflict should notify the Planning Director, in writing, 3 business days prior to the hearing, and shall notify the other members of the Board prior to the beginning of any hearing on a matter that presents a conflict.

B. The notification shall be entered in the Board's records, and that member shall not sit as a member of the Board during the hearing of that matter nor participate as a member in the Board's discussion or decision.

Meetings

(continued)

- C. If an alternate member is used for the hearing of any petition, the name of the alternate and the appointing authority shall be entered into the Board's records.

3.7 Procedural Rules:

The most recent edition of *Robert's Rules of Order* shall govern the conduct of all meetings except to the extent that it conflicts with Indiana law and/or these Rules and Procedures.

3.8 Order and Courtesy:

The Chairperson or his/her designee shall preserve order and may warn any member or other person present that particular conduct is a breach of peace. If any person persists in such conduct following the warning, the Chairperson or designee may call a recess and request the assistance of local law enforcement to restore order as allowed by law.

3.9 Order of Business:

- A. The order of business at all **regular meetings** shall be:

- a. call to order by the Chairperson;
- b. roll call of the Board members, Secretary, and staff, and determination of a quorum;
- c. consideration of the minutes of the previous meeting;
- d. old business (any tabled or continued petitions or other items of business);
- e. new business (all new petitions and business items);
- f. communications (presentation of information by the Chairperson, any Board member, the Secretary, and/or the staff);
- g. report(s) of officers, committees, and/or the staff; and
- h. adjournment.

- B. The order of business for **special meetings** shall be:

- a. call to order by the Chairperson;
- b. roll call of the Board members, Secretary, and staff, and determination of a quorum;
- c. the business for which the special meeting was called; and
- d. adjournment.

3.10 Docketing and Agenda:

- A. The Planning Director shall docket all petitions and other matters for the consideration of the Board consistent with the procedures outlined in the Madison County Zoning Ordinance, applicable provisions of Indiana law, these Rules and Procedures, and any office policies which he/she has adopted.
- B. From the docket, the staff shall prepare an agenda for each meeting which meets the following requirements:
 - a. The agenda shall list all items to be considered by the Board at the regular or special meeting.
 - b. The items shall be listed on the agenda in the order in which the petition or other matter was docketed by the Planning Director.
 - c. The agenda shall either be sent by U.S. Mail or be hand-delivered to all members of the Board; each petitioner or his agent; and any person, party, or group which has filed a written request to receive the agenda for that calendar year.
 - d. The agenda shall be available for public inspection at the Board office no later than 5 business days before any regular meeting.
- C. At his/her discretion, the Planning Director may exclude any petition or other matter from the agenda consistent with the provisions of section 4.6 of these Rules and Procedures.

Meetings

(continued)

- D. No item shall be considered by the Board unless it appears on the agenda.
- E. By a majority vote, the Board may amend the agenda during the course of any meeting.

3.11 Voting

All voting by the Board shall be in the form of either a roll call vote, or a voice vote. Generally a roll call vote shall be used in deciding all petitions. In any instances in which a voice vote is used, any member of the Board may make a motion requesting a roll call vote. Such roll call vote shall be taken if the motion receives a second from another member of the Board. When voting, the Chairperson shall always be the last Board member to vote.

3.12 Minutes and Record of Proceedings

The Board's staff shall maintain minutes of all Board meetings. The minutes of each meeting shall be reviewed by the Board at its subsequent meeting. No minutes shall be considered official until they are approved by a majority vote of the Board and are signed by the Chairperson and the Secretary.

- A. At a minimum, the minutes shall include the names of the Board members in attendance, the names and addresses of the petitioners, their agents, and all other persons appearing before the Board, the docket number of all petitions heard, a description of each location which is subject to a petition or discussion, a summary of all discussion, and a record of all votes taken (including the names of the Board members making and supporting all motions, the record of all roll call votes, and a listing of any conditions specified by the Board and/or commitments made by any petitioner).
- B. The Planning Director shall keep a file for each petition or other matter heard by the Board. The file shall include all forms, correspondence, drawings, public notices, and other materials related to the matter.
- C. All minutes and records of the proceedings of the Board shall be kept in the Board's office and shall be accessible to Board members and the public during normal business hours.

Article Four

Petitions

4.1 Applications:

Every petitioner shall complete an application obtained from the Planning Director. All submitted materials shall be consistent with the applicable provisions of the Madison County Zoning Ordinance, Indiana law, these Rules and Procedures, and the adopted office policies of the Planning Director. The petitioner may be required by the Planning Director or the Board to submit any additional information deemed relevant for the consideration of the petition.

4.2 Filing Calendar:

Every petition shall be filed with the Board consistent with the adopted Calendar of Meeting and Filing Dates.

4.3 Required Forms and Documents:

All applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments, and other documents submitted to the Board must be consistent with the forms established and office policies adopted by the Planning Director and the applicable requirements of the Madison County Zoning Ordinance.

4.4 Fees

All applications and petitions shall be accompanied by the appropriate fees as specified on the adopted Fee Schedule.

4.5 Specified Requests

All petitioners shall be required to specify the appeal(s), variance(s), and/or special use(s) being requested on the appropriate applications. Such requests shall include a citation of the specific provision of the Madison County Zoning Ordinance which is being appealed, from which a variance is sought, or which lists the special use. Any requests which are not specifically listed on the appropriate application forms, even if indicated on proposed plans or other documents, shall not be considered as part of the request presented to the Board.

4.6 Docket and Agenda

No petition shall be docketed, and therefore shall not be placed on the agenda for a Board hearing unless all fees have been paid, all required forms have been submitted, and all materials are deemed to be consistent with the Madison County Zoning Ordinance, Indiana law, these Rules and Procedures, and the adopted office policies of the Planning Director. All petitions which are properly filed shall be docketed for the appropriate meeting of the Board.

Public Hearings

5.1 Hearings:

The Board may conduct a public hearing as a part of any regular or special meeting if the public notice required by State law, these Rules and Procedures, and the applicable provisions of the Madison County Zoning Ordinance is provided.

- A. A public hearing is any proceeding involving the consideration of a variance, a special use approval, or an appeal of an administrative decision.
- B. The conduct of the public hearings shall be governed by the following:
 - a. To the extent necessary for full disclosure of all relevant facts and issues, the Board shall provide all parties and any interested persons the opportunity to present evidence and argument, respond, and submit rebuttal evidence, except as restricted by these Rules and Procedures.
 - b. The Chairperson or his/her designee may administer oaths and rule on any offer of proof or evidence.
- C. All public hearings shall be recorded at the Board's expense. The Board is not required, at its expense, to prepare a transcript, unless required to do so by law. Any person, at the person's expense, may cause a reporter approved by the Board to prepare a transcript from the Board's record, or cause additional recordings to be made during the hearing as long as the additional recording does not cause a distraction or disruption in the opinion of the Chairperson.

5.2 Notice Requirements:

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section and the applicable requirements of the Madison County Zoning Ordinance. Required public notice shall include the following:

- A. The petitioner shall allow the staff to post on the subject property a sign giving notice of the hearing. The sign shall remain on the property until the final decision on the request is made by the Board.
- B. The Petitioner shall prepare a legal notice consistent with the requirements of IC 5-3-1 for publication in a qualifying newspaper of general circulation. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the date of the public hearing. Legal notices shall include the following information:
 - a. the general location of the subject property and a legal description of the land which is included in the petition;
 - b. the street or common address of the real estate;
 - c. that the project plans are available for examination at the office of the Madison County Plan Commission;
 - d. that a public hearing will be held giving the date, place, and hour of the hearing; and
 - e. that written comments on the petition will be accepted prior to the public hearing and may be submitted to the Planning Director.
- C. The petitioner shall prepare and distribute written notice of the public hearing to all property owners within 2 ownerships or 500 feet of the boundaries of the subject property, whichever is less.
 - a. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in section 5.2(B) above.
 - b. The distribution and cost of the notice shall be the responsibility of the petitioner.

Public Hearings

(continued)

- c. The petitioner shall obtain the names and mailing addresses of those to be notified from the Property Transfer Books contained in the Madison County Auditor's Office. The names and addresses of these property owners shall be submitted to the Planning Director at the time the petition is filed.
- d. The notices shall be sent to each property owner at least 1 time, and must be postmarked a minimum of at least 10 days before the date of the public hearing. The mailing shall be via Certified Mail through the United States Postal Service. No other form of mailing shall be accepted.

5.3 Determination of Adjoining Property Owners:

- A. In no case shall streams, rivers, roads or other built or natural features be interpreted as being boundaries for notification if they separate the subject property from the property of those owners specified in section 5.2(C) for the receipt of notice.
- B. For the purpose of these notice requirements, where any such adjacent parcels of land are owned by the petitioner, the subject property shall be deemed to include all of the petitioner's contiguous holdings.
- C. In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice required to be given to the co-owners of such common area may be given to the association of co-owners set forth in condominium instruments recorded in the office of the Recorder of Madison County, Indiana.
- D. For the purpose of determining the names and addresses of legal title owners, the records in the office of the Madison County Auditor which list the current owner of record at the time the notice shall be sent shall be deemed to be the true names and addresses of persons entitled to notice. If notice is sent to such persons for the purposes of the public hearing before the Board, such notice shall be deemed proper.

5.4 Affidavit of Notice:

A copy of the materials provided to each property owner, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Planning Director by the petitioner a minimum of 5 business days prior to the date of the public hearing.

5.5 Defective Notice:

If proper notice has not been given, the Board shall continue the petition until the next regularly scheduled meeting to allow time for un-notified and/or improperly notified persons to prepare for the hearing. Personal appearances by those who where not properly notified shall waive any defect in notice, unless good cause is shown that the defect limited their ability to prepare for the public hearing.

5.6 Communication with Board Members and County Departments:

- A. No person may communicate with any member of the Board with the intent to influence the member's action on a matter pending before the Board. However, not less than 5 business days before the hearing, the staff shall provide each Board member with a written case report describing the relevant facts of all matters. Copies of relevant materials provided by the petitioner, remonstrators, or other interested parties shall be included in the case report. The staff's report may also include a written recommendation for Board action to be taken on any pending matter. Staff case reports shall also be made available to the public a minimum of 5 business days prior to

Public Hearings

(continued)

the hearing.

5.7 Visual Inspection:

Board members should make a reasonable effort to visually inspect properties for which petitions have been filed.

5.8 Appearances:

Appearances by petitioners at public hearings shall be required consistent with the procedures outlined in the Madison County Zoning Ordinance. The petitioner and/or their agent or counsel must appear and present each petition in order for the Board to consider the request.

- A. If no person appears on behalf of a petition, the petition may be tabled until the following regularly scheduled meeting or be dismissed at the discretion of the Board.
- B. Remonstrators and other interested parties may appear at the meeting and make a verbal presentation, or they may submit written comments to the Planning Director. Any written comments filed with the Planning Director before the hearing shall be considered by the Board, and shall be made a part of the record of the hearing without requiring the appearance of the author. All written comments must include the author's signature, printed name, address and telephone number in order to be considered by the Board.

5.9 Continuances:

All continuances for public hearings on petitions shall be subject to the following:

- A. Continuances may be requested by the petitioner, a remonstrator, an interested party, the Board, or the Board's staff as specified below:
 - a. The Board may, at any time and at its own discretion, continue the hearing of any petition at any time during a public hearing prior to a vote being taken on the matter. The Board shall specify a date to which the matter shall be continued.
 - b. The Board's staff may request a continuance not to exceed 60 days in which to further review the petition. The staff may request a continuance at any time during the hearing of any petition, prior to a vote being taken on the matter.
 - c. An interested party may request a continuance not to exceed 60 days. The request shall include the reasons for the request, and shall be either presented in writing to the Planning Director prior to the date of the hearing or verbally during the time specified for interested party comments during the hearing.
 - d. Petitioner(s) or remonstrator(s) may request a continuance to a certain date. The request shall include the reasons for the request, and shall be either presented in writing to the Planning Director prior to the date of the hearing or verbally during the time specified for petitioner/remonstrator comments during the hearing.
- B. Requests for continuance shall generally be approved if good cause is demonstrated by the party requesting the continuance. If approving the continuance, the Board shall specify a date to which the matter shall be continued.
- C. The Board may determine if re-notification of adjoining property owners shall be required if a petition is continued at a hearing for which proper notice was given by the petitioner in compliance with the applicable notice requirements. However, any continuance which is granted for a time period in excess of 60 days shall require re-notification consistent with the provisions of these Rules and Procedures and the applicable requirements of the Madison County Zoning Ordinance.
- D. Petitions shall be dismissed after 180 days of inaction unless good cause is shown.

Public Hearings

(continued)

- E. Generally, any party requesting a continuance should notify the Planning Director of the request prior to the date of the public hearing on the matter. The Planning Director shall inform the Board Chairperson of all such requests prior to the start of the meeting. The Chairperson may seek the approval of the Board to alter the agenda in order to hear all requests for continuance prior to any other business in order to expedite the meeting.

5.10 Amendments to a Petition:

Requests to amend a petition may be filed with the Planning Director in writing prior to the start of any public hearing, or be made orally at the hearing during the petitioner's presentation.

- A. Any remonstrators or interested parties present shall have the right to be heard on any objections they may have to a proposed amendment.
- B. It shall be within the discretion of the Board to grant or deny any requests for amendments and to require re-notification in compliance with these Rules and Procedures. Any proposed amendment which includes an additional appeal, variance, or special use or involves the a greater deviation from the Madison County Zoning Ordinance requirements shall be required to take the form of a new petition and shall meet all of the filing, notification, and other applicable requirements of these Rules and Procedures.

5.11 Presentations:

Public Hearings before the Board shall proceed in the following manner:

- A. To maintain proper order, each petitioner, remonstrator, and interested party shall make their presentations without interruption by any other party. All speakers shall approach the podium when the time for their presentation is announced by the Chairperson. They shall state their name and address for the purposes of the record prior to their presentation, shall be recognized by the Chairperson prior to speaking, and shall address all comments to the Board.
- B. All public hearings shall proceed based on the following order of events:
 - a. the Chairperson shall announce the petition as listed on the agenda and the affected area shall be located on a map of Madison County;
 - b. the staff shall present the case report describing the facts of the petition and verify for the Board whether or not adequate public notice has been provided (petitions for which adequate public notice has not been provided shall be automatically continued until the next Board meeting and proper notice for that meeting shall be required);
 - c. the petitioner shall present facts relating to the case, (the burden to supply all information necessary for a clear understanding of the case shall be upon the Petitioner);
 - d. each remonstrating party shall have the opportunity to present facts relating to the case for their presentations;
 - e. the Chairperson shall then recognize other interested parties for their presentations;
 - f. the Petitioner shall then present rebuttal;
 - g. the Board members and Planning Director may direct questions to any of the previous speakers, with the Board having unlimited time to consider the facts of the matter;
 - h. the staff may present a recommendation for specific action to be taken by the Board;
 - i. the Chairperson shall call for a discussion by the Board members;
 - j. the Chairperson shall call for a motion. A motion shall be made and seconded, and a vote of the Board shall occur. Any Board member or the staff may ask for discussion to occur after the motion and before the vote for the purpose of clarifying the motion. No petitioner or other interested party may participate in this discussion.

Article Six

Final Disposition of Petitions

6.1 Indecisive Vote:

When a motion of the Board fails to receive a majority vote (either in favor or against), and therefore does not result in an official action of the Board, the matter shall be automatically continued, re-docketed and heard again at the next regularly scheduled meeting of the Board.

6.2 Dismissal of Petitions:

The Board may dismiss an petition for lack of action or for lack of jurisdiction. Any petition which has been dismissed by the Board for lack of action shall not be re-filed for consideration by the Board within a period of 1 year from the date of the dismissal, unless a majority vote of the Board grants a request from the petitioner to allow an earlier re-filing of the petition.

6.3 Withdrawal of Petitions:

No petition may be withdrawn by the petitioner after a vote has been ordered by the Chairperson. No petition which has been withdrawn by the petitioner shall again be filed for consideration by the Board within a period of 6 months from the date of withdrawal. A majority vote of the Board may grant a request from the petitioner to allow an earlier re-filing of the petition.

6.4 Refiling Following Adverse Decisions:

Any petition which was denied by the Board shall not be reheard by the Board for the time period specified by the Madison County Zoning Ordinance. However, the Board may allow any such petition to be reheard before the expiration of the waiting period if both of the following conditions are met: (1) a majority of the entire membership of the Board votes in favor of rehearing the petition at a subsequent meeting of the Board, and (2) the petition is filed and considered pursuant to all of the other provisions of these Rules and Procedures.

6.5 Findings of Fact:

The Board shall enter written Findings of Fact into the record in support of its decision on all petitions. The Board shall list the Findings of Fact for each petition into the record orally at the time a determination is made on each petition. The required Findings of Fact shall be based upon the decision criteria provided by the Madison County Zoning Ordinance and the applicable requirements of Indiana law.

6.6 Notice of Action Taken:

Following the Board's action on a petition the staff shall notify the petitioner of the Board's decision and the Findings of Fact in writing.

- A. For all petitions which are approved, the notice shall include the date of approval, a listing of the Findings of Fact, and a listing of any conditions made or commitments accepted as part of the approval.
- B. For petitions which are denied, the notice shall include the date of denial and a listing of the Findings of Fact.
- C. For all petitions which are continued, the letter shall include the date of the meeting at which the continuance was determined, the reasons for the continuance, the date at which the petition will be heard, and whether or not re-notification is required.

6.7 Review by Certiorari

In accordance with IC 36-7-4-1003, each decision of the Board is subject to review by certiorari. Any person aggrieved by a decision of the Board may present, to the circuit or superior court of Madison County, a verified petition asserting that the Board's decision is illegal in whole or in part and specifying the grounds of the illegality. Any such petition must be submitted to the court within 30 days of the decision by the Board.

Article Seven

Amendments and Suspensions

7.1 Amendments:

These Rules and Procedures may be amended by a three-fifths (3/5) vote of the membership of the Board.

7.2 Suspensions:

These Rules and Procedures or any portion of them may be suspended by a four-fifths (4/5) vote of the membership of the Board. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

7.3 Effective Date:

These rules shall enter into effect immediately upon the adoption of this Resolution.

7.4 Federal and State Law:

Notwithstanding any other provisions of these Rules and Procedures, nothing shall require the Board to observe any other act, or do any other thing, in contravention of any applicable Federal or state law. These Rules and Procedures shall be construed in accordance with the laws of the State of Indiana.

7.5 Severability:

Should any provision of these Rules and Procedures be void or unenforceable such provision shall be deemed omitted, and these Rules and Procedures, with such provisions omitted, shall remain in effect.

These Rules and Procedures are hereby adopted on the ____ day of _____, 20____
by the Madison County, Indiana Advisory Board of Zoning Appeals.

Chairperson

Secretary

Madison County, Indiana Plan Commission

Rules & Procedures

Rules and Procedures

Preamble

WHEREAS, the Madison County, Indiana Plan Commission is required by IC 36-7-4-401(a) to (1) supervise, and make rules for, the administration of the affairs of the Commission, (2) prescribe uniform rules pertaining to investigations and hearings, (3) keep a complete record of all the departmental proceedings, (4) record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission, (5) prepare, publish, and distribute reports, ordinances, and other material relating to its activities, (6) adopt a seal, and (7) certify all official acts; and

WHEREAS, the Madison County, Indiana Plan Commission determines that its Rules and Procedures should be printed and be made readily available to all applicants and other interested persons.

NOW, THEREFORE, BE IT RESOLVED by the Madison County, Indiana Plan Commission that the following rules and procedures be adopted:

Article One:	The Commission	page 3
Article Two:	Membership, Officers, & Staff	page 4
Article Three:	Meetings	page 7
Article Four:	Petitions	page 10
Article Five:	Public Hearing	page 11
Article Six:	Final Disposition of Petitions	page 16
Article Seven:	Amendments & Suspensions	page 17

Article One

The Commission

1.1 Commission Establishment and Function

The Madison County Plan Commission (also referred to in these Rules and Procedures as the “Commission”) shall be established and shall function consistently with all applicable provisions of Indiana law, specifically the IC 36-7-4-200, 300, and 400 series, as periodically amended.

1.2 Commission Name:

The name of the Commission shall be the “Madison County, Indiana Plan Commission”.

1.3 Commission Seal:

The seal of the Commission shall be the seal of Madison County, adopted by the Board of County Commissioners of Madison County, Indiana.

1.4 Commission Office and Business Days

A. The office of the Commission shall be the Madison County Plan Commission Office, located in the Madison County Government Center.

B. The office shall be open to the public on specific business days as specified by the Madison County Board of County Commissioners. For the purpose of these Rules and Procedures, “business day” shall refer to such days when the offices of the Commission are open to the public for the transaction of business for the entire period of its normal operating hours, and shall exclude any day on which such offices are not open to the public for the transaction of business or any day when such offices are open for less than the normal operating hours.

1.5 Commission Jurisdiction

The jurisdiction of the Commission shall include all lands within Madison County, Indiana which are not incorporated as a separate municipality. Further, the Commission shall not have jurisdiction to enforce any aspect of the Madison County Zoning Ordinance in any unincorporated area for which jurisdiction has been established by a municipality consistent with the requirements of Indiana law. In no case may the Commission exercise jurisdiction over any property owned by the government of the United States of America or the State of Indiana.

Article Two

Membership, Officers, and Staff

2.1 Membership

The Madison County, Indiana Plan Commission shall consist of 9 members consistent with the provisions of IC 36-7-4-208.

- A. After the initial establishment of the Commission, each member shall serve a 4 year term, consistent with the provisions of Indiana law. The terms for all Commission members shall expire on the first Monday in January of the appropriate year, based on their individual date of appointment and the requirements of Indiana law.
- B. There shall be no limit to the number of terms, including consecutive terms, which members may serve.
- C. A member must be a resident of the jurisdictional area of the Commission.

2.2 Oath of Office:

Every newly appointed member of the Commission shall subscribe to the following oath of office either in writing, or by making a statement on the record at a Plan Commission meeting, before entering into the performance of his/her duties:

"I, _____, do solemnly swear and affirm that I will support the Constitutions of the United States and the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the Madison County, Indiana Plan Commission, according to applicable laws, and to the best of my ability."

2.3 Election of Officers & Appointment of a Secretary and Attorney:

At its first regular meeting each year, the Plan Commission shall elect from its members a President, and a Vice-President.

- A. A person who receives a majority vote of the entire membership of the Commission shall be declared elected and shall serve until a new person is declared elected at the annual election the following year. There shall be no limit to the number of terms, including consecutive terms, to which the President and Vice-President may be elected.
- B. At the same meeting, the Plan Commission shall also appoint a Secretary and an Attorney, who is not required to be a member of the Commission. The Secretary and Attorney shall serve at the pleasure of the Commission and shall be appointed and dismissed by a majority vote of the entire membership of the Commission.
- C. The outgoing President shall oversee the annual process of electing officers and appointing a Secretary. Candidates for President, Vice-President, and Secretary shall be nominated by members of the Commission. Each nomination must receive a second from another Commission member in order for that candidate to be considered by the Commission. Nominations and voting for each office shall occur in the following order: President, Vice-President, then Secretary. When it appears that all nominations for each individual office are complete, the President shall oversee a roll call vote for each candidate in the order in which they were nominated. No nominations for any other office shall be considered until the previously considered office has been filled.

2.4 Vacancies:

- A. The Commission shall elect a President pro tempore from among its members if both the President and the Vice-President are temporarily absent or disabled.

Membership, Officers, and Staff

(continued)

- B. If the office of President or Vice-President becomes permanently vacant (due to death, permanent disability, resignation, or other cause) the Commission shall elect a replacement from its membership to complete the unexpired term at the next regular meeting.
- C. If a permanent vacancy occurs among the membership of the Commission, the appointing authority shall appoint a new Commission member to complete the unexpired term of the vacating member. In no instance shall the new member assume any office held by their predecessor unless they themselves are elected to such office by the Commission consistent with these Rules and Procedures.
- D. If the Secretary is absent from any Commission meeting, the President shall appoint a temporary Secretary to serve at that meeting. If the office of Secretary becomes permanently vacant the Commission shall appoint a replacement at the next regular meeting.

2.5 President:

The President shall preside over all regular and special meetings of the Plan Commission in addition to executing the following duties:

- A. the President shall appoint the members of all necessary committees;
- B. the President shall rule on all points of procedure, subject to these Rules and Procedures, unless overruled by a majority vote of the Commission;
- C. the President shall sign all official documents on behalf of the Commission, or otherwise delegate this duty to the Secretary or Planning Director; and
- D. the President, with the Planning Director, shall be the spokesperson for all matters relevant to the Commission. All press releases and similar public statements issued by the Commission shall be provided by either the President or the Planning Director.

2.6 Vice- President:

The Vice-President shall act as President during the temporary absence or disability of the elected President. The Vice-President shall perform the duties imposed on the President until the President is able to resume his/her duties, or until the Commission elects a new President.

2.7 Secretary

The Secretary shall oversee (1) the keeping of a complete and accurate record of all proceedings and votes of the Commission, (2) the preservation of all papers and documents of the Commission, and (3) the preparation and distribution of reports, ordinances and other material related to Commission activities. The Secretary may be a member of the Commission, the Planning Director, or another member of the Commission's staff.

2.8 Staff:

The Planning Director and/or his/her assignee, and other employees of the Plan Commission shall serve as the Plan Commission staff, and shall provide technical and analytical assistance to the Commission.

- A. The Planning Director shall conduct a complete and thorough investigation of all matters that come before the Commission and may enlist, at his/her discretion, technical and professional assistance from engineers, architects and other consultants as required.

Membership, Officers, and Staff

(continued)

- B. The Planning Director shall supervise the Commission's staff and administer the daily affairs of the Commission. Those daily affairs may include, but are not limited to:
 - a. keeping a complete and accurate record of all proceedings and votes of the Commission;
 - b. preparing an agenda for all Commission meetings;
 - c. providing notice of meetings to Commission members and the public;
 - d. arranging for all legal notices required for the business of the Commission;
 - e. preparing, publishing, and distributing all reports, ordinances, and other material related to the activities of the Commission;
 - f. recommending appointments to the Commission;
 - g. interviewing prospective staff members;
 - h. establishing personnel policies and office procedures;
 - i. keeping in safe custody the seal of the Commission and affixing the seal to all contracts, instruments, plats, and other documents when authorized by the Commission; and
 - j. managing all funds appropriated to the Commission through signing all purchase orders and claims, and seeing that monies are paid out in accordance with the adopted procedures of Madison County.
- C. The staff of the Commission and the Secretary (if the Secretary is not a member of the Commission) shall be hired, appointed, retained, promoted and discharged without regard to age, ancestry, disability, national origin, race, religion, sex, or sexual orientation.
- D. The officers, members, and staff of the Commission shall perform such other duties and functions as may, from time to time, be required by the Commission, these Rules and Procedures, or Indiana law.

2.9 Attorney

The Commission may employ an Attorney.

Article Three

Meetings

3.1 Regular Meetings:

The Commission shall conduct regular meetings on the 2nd Tuesday of each month at 9:00 a.m., local time, in the Commissioner's Court in the Madison County Government Center. If the date of a regular meeting falls on a legal holiday recognized by Madison County, or if it is impossible to conduct the meeting at that time or place, the President may set an alternative date, time or place for the regular meeting. The President may cancel the meeting with the consent of a majority of the Commission members. Notice of the rescheduled, relocated, or canceled meeting shall be given as required by I.C. 36-7-4-920(b) and the meeting shall be subject to the Indiana Open Door Law.

3.2 Special Meetings:

Special meetings shall be called by the President, upon written request to the Planning Director by 2 Commission members, or as determined by a majority of the Commission members at a regular meeting.

- A. All members shall be notified in writing of the time and place of a special meeting by the Planning Director a minimum of 3 business days prior to the date of the special meeting. Written notice of a special meeting shall not be required if (1) the date, time, and place of a special meeting is fixed at a regular meeting and (2) all members of the Commission are present at the regular meeting.
- B. Only matters included in the call for a special meeting shall be considered at that meeting.
- C. Public notice of the special meeting shall be given in the same manner as required for regular meetings.

3.3 Executive Sessions

The Plan Commission may meet in executive session consistent with the provisions of IC 5-14-1.5-6.1.

3.4 Open Meetings and Public Hearings:

All meetings and public hearings of the Commission, except executive sessions as described in section 3.3 above, shall be open to the public and petitioner(s), remonstrator(s) interested parties, and members of the general public desiring to witness the proceeding or be heard by the Commission in accordance with these Rules and Procedures.

3.5 Quorum:

A quorum consists of a majority of the entire membership of the Plan Commission members who are qualified to vote. No action of the Commission is official unless approved by a quorum of the Commission.

- A. No action shall be taken, decision made, or opinion expressed by the Commission unless a quorum of members are present at a properly scheduled and advertised regular or special meeting.
- B. Nothing in this section shall be interpreted as prohibiting members of the Commission from gathering at events, community happenings, or on other occasions for the purpose of socialization or the receipt of information not directly related to a matter of business pending before the Commission.

3.6 Conflicts of Interest:

No member of the Commission may participate in a hearing or decision of the Commission concerning any matter in which he or she has a direct or indirect financial interest. Any member with a conflict should notify the Planning Director, in writing, 3 business days prior to the hearing, and shall notify the other members of the Commission prior to the beginning of any hearing on the matter. The notification shall be entered in the Commission's records.

Meetings

(continued)

3.7 Procedural Rules:

The most recent edition of *Robert's Rules of Order* shall govern the conduct of all meetings except to the extent that it conflicts with Indiana law and/or these Rules and Procedures.

3.8 Order and Courtesy:

The President or his/her designee shall preserve order and may warn any member or other person present that particular conduct is a breach of peace. If any person persists in such conduct following the warning, the President or designee may call a recess and request the assistance of local law enforcement to restore order as allowed by law.

3.9 Order of Business:

A. The order of business at all **regular meetings** shall be:

- a. call to order by the President;
- b. roll call of the Commission members, Secretary, and staff, and determination of a quorum;
- c. consideration of the minutes of the previous meeting;
- d. old business (any tabled or continued petitions or other items of business);
- e. new business (all new petitions and business items);
- f. communications (presentation of information by the President, any Commission member, the Secretary, and/or the staff);
- g. report(s) of officers, committees, and/or the staff; and
- h. adjournment.

B. The order of business for **special meetings** shall be:

- a. call to order by the President;
- b. roll call of the Commission members, Secretary, and staff, and determination of a quorum;
- c. the business for which the special meeting was called; and
- d. adjournment.

3.10 Docketing and Agenda:

A. The Planning Director shall docket all petitions and other matters for the consideration of the Commission consistent with the procedures outlined in the Madison County Zoning and Subdivision Control Ordinances, applicable provisions of Indiana law, these Rules and Procedures, and the office policies which he/she has adopted.

B. From that docket, the staff shall prepare an agenda for each meeting which meets the following requirements.

- a. The agenda shall list all items to be considered by the Commission at the regular or special meeting.
- b. The items shall be listed on the agenda in the order in which the petition or other matter was docketed by the Planning Director.
- c. The agenda shall either be sent by U.S. Mail or be hand-delivered to all members of the Commission, each petitioner or his agent, and any person, party, or group which has filed a written request to receive the agenda for that calendar year.
- d. The agenda shall be available for public inspection at the Plan Commission Office no later than 5 days business before any regular meeting.

C. At his/her discretion, the Planning Director may exclude any petition or other matter from the agenda consistent with the provisions of section 4.5 of these Rules and Procedures.

D. By a majority vote, the Commission may amend the agenda during the course of any meeting.

Meetings

(continued)

3.11 Voting

All voting by the Commission shall be in the form of either a roll call vote, or a voice vote. Generally a roll call vote shall be used in deciding all petitions. In any instances in which a voice vote is used, any member of the Commission may make a motion requesting a roll call vote. Such roll call vote shall be taken if the motion receives a second from another member of the Commission. When voting, the President shall always be the last Commission member to vote.

3.12 Minutes and Record of Proceedings

The Plan Commission's staff shall maintain minutes of all Commission meetings. The minutes of each meeting shall be reviewed by the Commission at its subsequent meeting. No minutes shall be considered official until they are approved by a majority vote of the Commission and are signed by the President and the Secretary.

- A. At a minimum, the minutes shall include the names of the Commission members in attendance, the names and addresses of the petitioners, their agents, and all other persons appearing before the Commission, the docket number of all petitions heard, a description of each location which is subject to a petition or discussion, a summary of all discussion, and a record of all votes taken (including the names of the Commission members making and supporting all motions, the record of all roll call votes, and a listing of any conditions specified by the Commission and/or commitments made by any petitioner).
- B. The Planning Director shall keep a file for each petition or other matter heard by the Commission. The file shall include all forms, correspondence, drawings, public notices, and other materials related to the matter.
- C. All minutes and records of the proceedings of the Commission shall be kept in the Commission's office and shall be accessible to Commission members and the public during normal business hours.

Article Four

Petitions

4.1 Applications:

Every petitioner shall complete an application obtained from the Planning Director. All submitted materials shall be consistent with the applicable provisions of the Madison County Zoning and Subdivision Control Ordinances, Indiana law, these Rules and Procedures, and the adopted office policies of the Planning Director. The petitioner may be required by the Planning Director or the Commission to submit any additional information deemed relevant for the consideration of the petition.

4.2 Filing Requirements:

Every petition shall be filed with the Commission consistent with the adopted Calendar of Meeting and Filing Dates.

4.3 Required Forms and Documents:

All applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments, and other documents submitted to the Commission must be consistent with the forms established and office policies adopted by the Planning Director and the applicable requirements of the Madison County Zoning and Subdivision Control Ordinances.

4.4 Fees

All applications and petitions shall be accompanied by the appropriate fees as specified on the adopted Fee Schedule.

4.5 Docket and Agenda

No petition shall be docketed, and therefore shall not be placed on the agenda for a Commission hearing unless all fees have been paid, all required forms have been submitted, and all materials are deemed to be consistent with the applicable provisions of the Madison County Zoning and Subdivision Control Ordinances, Indiana law, these Rules and Procedures, and the adopted office policies of the Planning Director. All petitions which are properly filed shall be docket for the appropriate meetings of the Madison County Technical Review Committee and the Commission.

Article Five

Public Hearings

5.1 Hearings:

The Plan Commission may conduct a public hearing as a part of any regular or special meeting if the public notice required by State law, these Rules and Procedures, and the applicable provisions of the Madison County Zoning and Subdivision Control Ordinances is provided.

- A. A public hearing is any proceeding involving the recommendation of amendments to the Comprehensive Plan, Zoning Ordinance (including the Zoning Map), or Subdivision Control Ordinance; the consideration of a subdivision preliminary plat by the Commission; the consideration of a site development plan by the Commission; or the consideration of an appeal to the Commission. It specifically does not include the Plat Committee or Technical Review Committee meetings required herein.
- B. The conduct of the public hearings shall be governed by the following:
 - a. To the extent necessary for full disclosure of all relevant facts and issues, the Commission shall provide all parties and any interested persons the opportunity to present evidence and argument, respond, and submit rebuttal evidence, except as restricted by these Rules and Procedures.
 - b. The President or his/her designee may administer oaths and rule on any offer of proof or evidence.
- C. All public hearings shall be recorded at the Commission's expense. The Commission is not required, at its expense, to prepare a transcript, unless required to do so by law. Any person, at the person's expense, may cause a reporter approved by the Commission to prepare a transcript from the Commission's record, or cause additional recordings to be made during the hearing as long as the additional recording does not cause a distraction or disruption in the opinion of the Commission President.

5.2 Notice Requirements:

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section and the applicable requirements of the Madison County Zoning and Subdivision Control Ordinances, excluding Plat Review Committee and Technical Review Committee. Required public notice shall include the following:

- A. The petitioner shall allow the staff to post on the subject property a sign giving notice of the hearing. The sign shall remain on the property until the final decision on the request is made by the Plan Commission.
- B. The petitioner shall prepare a legal notice consistent with the requirements of IC 5-3-1 for publication in a qualifying newspaper of general circulation. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the date of the public hearing. Legal notices shall include the following information:
 - a. the general location of the subject property and a legal description of the land which is included in the petition;
 - b. the street or common address of the real estate;
 - c. that the project plans are available for examination at the office of the Madison County Plan Commission;
 - d. that a public hearing will be held giving the date, place, and hour of the hearing; and
 - e. that written comments on the petition will be accepted prior to the public hearing and may be submitted to the Planning Director.
- C. The petitioner shall prepare and distribute written notice of the public hearing to all property owners within 2 ownerships or 500 feet of the boundaries of the subject property, whichever is

Public Hearings

(continued)

less.

- a. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in section 5.2(B) above.
- b. The distribution and cost of the notice shall be the responsibility of the petitioner.
- c. The petitioner shall obtain the names and mailing addresses of those to be notified from the Property Transfer Books contained in the Madison County Auditor's Office. The names and addresses of these property owners shall be submitted to the Planning Director at the time the petition is filed.
- d. The notices shall be sent to each property owner at least 1 time, and must be postmarked a minimum of at least 10 days before the date of the public hearing. The mailing shall be via Certified Mail through the United States Postal Service. No other form of mailing shall be accepted.

5.3 Determination of Adjoining Property Owners:

- A. In no case shall streams, rivers, roads or other built or natural features be interpreted as being boundaries for notification if they separate the subject property from the property of those owners specified in section 5.2(C) for the receipt of notice.
- B. For the purpose of these notice requirements, where any such adjacent parcels of land are owned by the petitioner, the subject property shall be deemed to include all of the petitioner's contiguous holdings.
- C. In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice required to be given to the co-owners of such common area may be given to the association of co-owners set forth in condominium instruments recorded in the office of the Recorder of Madison County, Indiana.
- D. For the purpose of determining the names and addresses of legal title owners, the records in the office of the Madison County Auditor which list the current owner of record at the time the notice shall be sent shall be deemed to be the true names and addresses of persons entitled to notice. If notice is sent to such persons for the purposes of the public hearing before the Commission, such notice shall be deemed proper.

5.4 Affidavit of Notice:

A copy of the materials provided to each property owner, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Planning Director a minimum of 5 business days prior to the date of the public hearing.

5.5 Defective Notice:

If proper notice has not been given, the Commission shall continue the petition until the next regularly scheduled meeting to allow time for un-notified and/or improperly notified persons to prepare for the hearing. Personal appearances by those who were not properly notified shall waive any defect in notice, unless good cause is shown that the defect limited their ability to prepare for the public hearing.

5.6 Communication with Commission Members and County Departments:

- A. Written comments must be received by the staff no later than 5 business days before the hearing. The staff shall provide each Commission member a written case report describing the relevant

Public Hearings

(continued)

facts of all matters pending before the Commission. Copies of relevant materials provided by the petitioner, remonstrators, or other interested parties shall be included in the case report. The staff case report may also include a written recommendation for Commission action to be taken on any pending matter. Staff case reports shall also be made available to the public a minimum of 5 business days prior to the hearing.

5.7 Visual Inspection:

Commission members should make a reasonable effort to visually inspect properties for which petitions have been filed.

5.8 Appearances:

Appearances by petitioners at public hearings shall be required consistent with the procedures outlined in the Madison County Zoning and Subdivision Control Ordinances. The petitioner and/or their agents or counsel must appear and present each petition in order for the Commission to consider the request.

- A. If no person appears on behalf of a petition, the petition may be tabled until the following regularly scheduled meeting or be dismissed at the discretion of the Commission.
- B. Remonstrators and other interested parties may appear at the meeting and make a verbal presentation or they may submit written comments to the Planning Director. Any written comments filed with the Planning Director before the hearing shall be considered by the Commission, and shall be made a part of the record of the hearing without requiring the appearance of the author. All written comments must include the author's signature, printed name, address and telephone number in order to be considered by the Commission.

5.9 Continuances:

All continuances for public hearings on petitions shall be subject to the following:

- A. Continuances may be requested by the petitioner, a remonstrator, an interested party, the Commission, or the Commission's staff as specified below:
 - a. The Commission may, at any time and at its own discretion, continue the hearing of any petition at any time during a public hearing prior to a vote being taken on the matter. The Commission shall specify a date to which the matter shall be continued.
 - b. The Commission's staff may request a continuance not to exceed 60 days in which to further review the petition. The staff may request a continuance at any time during the hearing of any petition, prior to a vote being taken on the matter.
 - c. An interested party may request a continuance not to exceed 60 days. The request shall include the reasons for the request, and shall be either presented in writing to the Planning Director prior to the date of the hearing or verbally during the time specified for interested party comments during the hearing.
 - d. Petitioner(s) or remonstrator(s) may request a continuance to a certain date. The request shall include the reasons for the request, and shall be either presented in writing to the Planning Director prior to the date of the hearing or verbally during the time specified for petitioner/remonstrator comments during the hearing.
- B. Requests for continuance shall generally be approved if good cause is demonstrated by the party requesting the continuance. If approving the continuance, the Commission shall specify a date to which the matter shall be continued.
- C. The Commission may determine if re-notification of adjoining property owners shall be required if a petition is continued at a hearing for which proper notice was given by the petitioner in compliance with the applicable notice requirements. However, any continuance which is granted for a

Public Hearings

(continued)

time period in excess of 60 days shall require re-notification consistent with the provisions of these Rules and Procedures and the applicable requirements of the Madison County Zoning and Subdivision Control Ordinances.

- D. Petitions will be dismissed after 180 days of inaction unless good cause is shown.
- E. Generally, any party requesting a continuance should notify the Planning Director of the request prior to the date of the public hearing on the matter. The Planning Director shall inform the Commission President of all such requests prior to the start of the meeting. The President may seek the approval of the Commission to alter the agenda in order to hear all requests for continuance prior to any other business in order to expedite the meeting.

5.10 Amendments to a Petition:

Requests to amend a petition may be filed with the Planning Director in writing prior to the start of any public hearing, or be made orally at the hearing during the petitioner's presentation.

- A. Any remonstrators or interested parties present shall have the right to be heard on any objections they may have to a proposed amendment.
- B. It shall be within the discretion of the Commission to grant or deny any requests for amendments and to require re-notification in compliance with these Rules and Procedures. Any proposed amendment to modify additional standards or regulations shall be required to take the form of a new petition and shall meet all of the filing, notification, and other applicable requirements of these Rules and Procedures.

5.11 Presentations:

Public Hearings before the Commission shall proceed in the following manner:

- A. To maintain proper order, each petitioner, remonstrator, and interested party shall make their presentations without interruption by any other party. All speakers shall approach the podium when the time for their presentation is announced by the President. They shall state their name and address for the purposes of the record prior to their presentation, shall be recognized by the President prior to speaking, and shall address all comments to the Commission.
- B. All public hearings shall proceed based on the following order of events:
 - a. the President shall announce the petition as listed on the agenda and the affected area shall be located on a map of Madison County;
 - b. the Commission's staff shall present the case report describing the facts of the petition and verify for the Commission whether or not adequate public notice has been provided (petitions for which adequate public notice has not been provided shall be automatically continued until the next Commission meeting and proper notice for that meeting shall be required);
 - c. the petitioner shall present facts relating to the case, (the burden to supply all information necessary for a clear understanding of the case shall be upon the Petitioner);
 - d. each remonstrating party shall have the opportunity to present facts relating to the case;
 - e. the President shall then recognize other interested parties;
 - f. the Petitioner shall then be allowed to present rebuttal;
 - g. the Commission members and Planning Director may direct questions to any of the previous speakers, with the commission having unlimited time to consider the facts of the matter;
 - h. the staff may present a recommendation for specific action to be taken by the Commission;
 - i. the President shall call for a discussion by the Commission members; and
 - j. the President shall call for a motion. A motion shall be made and seconded, and a vote of the

Public Hearings

(continued)

Commission shall occur. Any Commission member or the staff may ask for discussion to occur after the motion and before the vote for the purpose of clarifying the motion. No petitioner or other interested party may participate in this discussion.

Final Disposition of Petitions

6.1 Indecisive Vote:

When a motion of the Commission fails to receive a majority vote of the Commission (whether in favor or against), and therefore does not result in an official action of the Commission, the matter shall be automatically continued, re-docketed and heard again at the next regularly scheduled meeting of the Commission.

6.2 Dismissal of Petitions:

The Commission may dismiss an petition for lack of action or for lack of jurisdiction. Any petition which has been dismissed by the Commission for lack of action shall not be re-filed for consideration by the Commission within a period of 1 year from the date of the dismissal, unless a majority vote of the Commission grants a request from the petitioner to allow an earlier re-filing of the petition.

6.3 Withdrawal of Petitions:

No petition may be withdrawn by the petitioner after a vote has been ordered by the President. No petition which has been withdrawn by the petitioner shall again be filed for consideration by the Commission within a period of 6 months from the date of withdrawal. A majority vote of the Commission may grant a request from the petitioner to allow an earlier re-filing of the petition.

6.4 Refiling Following Adverse Decisions:

Any petition which was denied by the Commission shall not be reheard by the Commission for the time period specified by the Zoning and/or Subdivision Control Ordinance. However, the Commission may allow any such petition to be reheard before the expiration of the waiting period if both of the following conditions are met: (1) a majority of the entire membership of the Commission votes in favor of rehearing the petition at a subsequent meeting of the Commission, and (2) the petition is filed and considered pursuant to all of the other provisions of these Rules and Procedures.

6.5 Certification:

Following the Commission's action on a petition the staff shall notify the petitioner of the Commission's decision in writing. For all petitions, the letter shall state the Findings of Fact which were made by the Commission consistent with the appropriate decision criteria and other requirements of the Madison County Zoning and/or Subdivision Control Ordinance and Indiana law.

- A. For all petitions which are approved, or for which a favorable recommendation is made to the Board of County Commissioners, the notice shall include the date of approval and a listing of any conditions made or commitments accepted as part of the approval.
- B. For petitions which are denied, or for which an unfavorable recommendation is made to the Board of County Commissioners, the notice shall include the date of the denial and a listing of detailed reasons for the negative finding.
- C. For all petitions with are continued, the letter shall include the date of the meeting at which the continuance was determined, the reasons for the continuance, the date at which the petition will be heard, and whether or not re-notification is required.

Article Seven

Amendments and Suspensions

7.1 Amendments:

These Rules and Procedures may be amended by a two-thirds (2/3) vote of the membership of the Commission.

7.2 Suspensions:

These Rules and Procedures or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Commission present.

7.2 Suspensions:

These Rules and Procedures or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Commission present. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

7.3 Effective Date:

These rules shall enter into effect immediately upon the adoption of this Resolution.

7.4 Federal and State Law:

Notwithstanding any other provisions of these Rules and Procedures, nothing shall require the Commission to observe any other act, or do any other thing, in contravention of any applicable Federal or state law. These Rules and Procedures shall be construed in accordance with the laws of the State of Indiana.

7.5 Severability:

Should any provision of these Rules and Procedures be void or unenforceable such provision shall be deemed omitted, and these Rules and Procedures, with such provisions omitted, shall remain in effect.

These Rules and Procedures are hereby adopted on the ____ day of _____, 20____
by the Madison County, Indiana Plan Commission

President

Secretary

**ORDINANCE NO. 2009-BC-0-07
OF THE BOARD OF COMMISSIONERS
OF MADISON COUNTY, INDIANA**

**AN ORDINANCE AMENDING TEXT OF THE MADISON COUNTY
LAND USE AND DEVELOPMENT CODE,
ORDINANCE NO. 2002-BC-0-6**

WHEREAS, the Madison County Planning Commission did on November 18, 2008, pursuant to *Indiana Code § 36-7-4-607*, in accordance with *Indiana Code § 36-7-4-604*, conduct a public hearing concerning certain amendments to the Madison County Land Use and Development Code heretofore approved; and

WHEREAS, after conducting said hearing, the Madison County Planning Commission did certify the recommendation to the Madison County Board of Commissioners; and

WHEREAS, the Madison County Board of County Commissioners did hold a public meeting to consider the recommendation submitted; and

WHEREAS, the Board of County Commissioners concur in the recommendations of the Madison County Planning Commission regarding the amendment as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MADISON, INDIANA THAT ORDINANCE NUMBER 2002-BC-0-6, IS HEREBY AMENDED AS FOLLOWS :

1. Part A, Article 15, Wind Energy Conversion Systems, amended to add:

Sec. 1 WIND ENERGY CONVERSION SYSTEMS

A. **PURPOSE.** This Zoning Code is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Madison County is safe and effective;
2. To facilitate economic opportunities for Madison County and its residents;
3. To assist in the reduction of carbon-based emissions; the dependence of petroleum and coal-based energy systems; and
4. To provide a regulatory scheme for the construction and operation of Wind Energy Facilities in Madison County, subject to reasonable restrictions, in order to preserve the public health, safety and general welfare.

B. INTENT

It is the intent of the Wind Energy Conversion Systems (WECS) siting regulations to provide a regulatory scheme for the construction and operation of WECS in the county; subject to reasonable restrictions these regulations will preserve the health, safety and general welfare of the public.

C. DEFINITIONS

1. **WIND ENERGY CONVERSION SYSTEM ("WECS")** means all necessary devices that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including but not limited to the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s), switching stations, communications facilities, and other required facilities and equipment, as related to a WECS project.
2. **APPLICANT** The owner, owners, or legal representative of real estate who makes application to Madison County for action affecting the real estate owned thereby.
3. **FINANCIAL ASSURANCE/COMMITMENT** the sources of private or public funds or combinations thereof that have been identified which will be sufficient to finance public facilities or private development necessary to support development and that there is reasonable assurance that such funds will be timely put to that end. Examples include a surety bond, cash escrow, irrevocable letter of credit or combinations thereof.
4. **METEOROLOGICAL TOWER** means a tower that provides a platform for instrumentation to evaluate meteorological conditions. For the purpose of this ordinance, a meteorological tower is a temporary structure that is intended to be on any one site for a period of five (5) years or less.
5. **OPERATOR** means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
6. **OWNER** means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) within one year of such event.
7. **PROFESSIONAL ENGINEER** means a qualified individual who is licensed as a professional engineer in any state in the United States.

8. **PRIMARY BUILDING/STRUCTURE** The building or structure in which the primary use of the lot or premises is located or conducted. With respect to residential uses, the primary structure or building shall be the main dwelling.
9. **SUBSTATION** means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
10. **SWITCHING STATION** shall be an apparatus/structure in the system similar to a substation but not necessarily increasing voltage into the grid.
11. **WECS PROJECT** means the collection of WECS and Substations as specified in the siting approval application pursuant to this Ordinance.
12. **WECS TOWER** means the support structure to which the nacelle and rotor are attached, free standing or guyed structure that supports a wind turbine generator.
13. **WECS TOWER HEIGHT** means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
14. **BOCA** refers to the Building Officials and Code Administrators International.

D. **APPLICABILITY**

This Ordinance governs the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 1.25 MW or less who locate the WECS(s) on their property must obtain a variance to this Ordinance in order to be exempt from regulation by this ordinance. This ordinance applies to all townships.

E. **PROHIBITION**

No applicant or entity shall construct, operate, or locate within Madison County a wind energy conversion system (WECS) without having fully complied with the provisions of this Ordinance.

F. **CONFLICT WITH OTHER REGULATIONS**

Nothing in this Ordinance is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration rule and regulations and shall comply with the notification requirements of the FAA. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that is more restrictive or that imposes higher standards shall govern.

G. APPLICATION REQUIREMENTS

Prior to construction of a WECS, the applicant shall obtain approval for the following: (1.) an application for a Special Exception to provide for WECS use from the Madison County Planning Commission (MCPC) to permit a WECS in the following zoning districts: Agriculture (AG), General Industrial (GI), and Heavy Industrial (HI). WECS are not permitted in any other zoning districts. (2.) Request a variance from the Madison County Board of Zoning Appeals (BZA) for any variances anticipated for the WECS project as described below and in Section 10 of this Ordinance, and; (3.) An Improvement Location Permit from the Madison County Planning Commission/Permit Office, as described below and the Madison County Land Use & Development Code, Article 13, page 201.

1. The Application for WECS Special Exception

- a. The application shall be filed with the MCPC and include the following items:
 1. A WECS Project summary, including, to the extent available: (1.) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2.) a description of the Applicant, Owner, and Operator, including their respective business structures.
 2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) with WECS on their properties, if known.
 3. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than five foot intervals.
 4. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet): the proposed location of the wind energy facility (including planned locations of each WECS Tower, guy lines and anchor bases (if any); WECS access roads; Substations; electrical cabling; and ancillary equipment). In addition, the site plan shall show: Primary Structures within one quarter of one mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; location of all above-ground utility lines within a distance of two (2) times the WECS Tower Height of any WECS Tower; recognized historic or heritage sites as

noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources; and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.

5. Location of all existing underground utility lines associated with the WECS.
 - b. In determining whether to approve the application for WECS Special Exception, the MCPC shall determine whether the application satisfies each of criteria set forth in this Ordinance for special exception, and make written findings thereof.
 - c. The Special Exception granted by the MCPC for a WECS Project shall be valid for a period of one (1) year, after which approval shall terminate and be of no further force or effect if construction in earnest of the approved WECS has not commenced. The Applicant shall be granted a one (1) extension up to two (2) years from the date of the MCPC approval if the Applicant presents its request for an extension to the MCPC and provides a report to the MCPC which shows the progress made on the WECS Project. Thereafter, an additional extension shall be at the MCPC's discretion.
 - d. The fee for the application for special exception shall be payable at the time of submission of the application. The fee shall be \$20,000.00, of which 50% shall be applied toward fees for Improvement Location Permits. In the event that the Improvement Location Permit fees are less than \$10,000.00, the County shall retain the unused Improvement Location Permit fees. The application fee shall be used to defray the costs associated with the application for a special exception, including professional fees and expenses. In the event that the Improvement Location Permit fees are more than \$10,000.00, the applicant shall be required to pay to the County the cost of each of those permits. Failure to do so will nullify the Special Exception grant.
2. **The Application for a Variance**
 - a. Contemporaneously with the Application for special exception, the applicant shall submit an application for variance from developmental standards sought as part of the WECS project. A single application for variance may be submitted for all variances sought.
 - b. The fee for any variance is as in the fee schedule.

3. **Aggregated Project Applications**

Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews and as appropriate, approvals.

4. **The Application for Improvement Location Permit**

- a. The Applicant shall apply to the Building Commissioner for an Improvement Location Permit, as described in the Madison County Land Use & Development Code, Section 13, page 201. In addition to the information required on the Improvement Location Permit Application, the Applicant shall provide the following information to the Building Commissioner prior to the issuance of an Improvement Location Permit:
 1. Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS
 2. Location of all underground utility lines associated with the WECS site.
 3. Dimensional representation of the structural components of the tower construction including the base and footings.
 4. Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 5. Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 6. Certification by a registered professional engineer that the tower designs is sufficient to withstand wind load requirements for structure as defined by International Code Council.
 7. All turbines shall be new equipment commercially available. Used, experimental or proto-type equipment still in testing shall be approved by the MCPC as per the normal special exception process.
 8. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the MCPC.
 9. No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the MCPC.
 10. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
 11. A revegetation plan for restoring areas temporarily disturbed during construction.

12. A fire protection plan for construction and operation of the facility.
 13. Any other item reasonably requested by the MCPC.
 14. A drainage plan for construction and operation must be developed and approved by the Madison County Drainage Board.
 15. An erosion control plan must be developed in consultation with the Madison County Soil and Water Conservation District.
- b. Each WECS Tower shall require an Improvement Location Permit. The fee for each Improvement Location Permit shall be \$1,800.00 per MW, which shall be used to defray the costs of professional services, as well as other expenses associated with the issuance of Improvement Location Permits.

H. SETBACK REQUIREMENTS

1. No WECS or meteorological tower shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county and owner of any utility easement if applicable.
2. Installation of any WECS or meteorological tower may not be nearer than 1.1 times the height of the WECS tower height to any property lines, dedicated roadway, railroad right-of-way or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower. New structures built adjacent to wind power facilities shall maintain these same minimum setback requirements. Participating landowners within the area comprising the WECS may waive property line setbacks with written approval from all landowners sharing such property line.
3. Except as provided herein the setback distance for any WECS shall be, at a minimum, 1,000 feet or more from any existing or occupied residence or 1,500 feet or more from any platted major subdivision, as defined in the subdivision control ordinance. A turbine with a capacity of 1.25 MW or less may be placed as near as 600 feet from an occupied residence with the prior written approval of the owner. The setback distance will be followed except in specific instances allowed by the BZA.
4. The setback distance for the WECS will be, at a minimum, 1,500 feet from any platted community under the zoning jurisdiction of a separate municipality. Distance shall be measured from the center of the foundation at the base of the WECS to the closest Corporate Limit boundary line.

I. SAFETY DESIGN AND INSTALLATION STANDARDS

1. Equipment Type

a. Turbines

All turbines shall be constructed of new, commercially available equipment.

b. Meteorological towers

Meteorological towers may be guyed.

2. Design Safety Certification

All WECS shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

3. Controls and Brakes

a. Braking System

All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

b. Operation Mode

All Mechanical brakes shall be operated in a fail-safe mode.

4. Electrical Components

a. Standards

All electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.

b. Collection cables

All electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior County approval.

c. Transmission Lines

All transmission lines that are buried shall be trenched at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owner's designee until the same reach the property line or a substation adjacent to the property line.

5. **Color and Finish**

In addition to all applicable FAA requirements, the following shall also apply:

a. Wind Turbines and Towers

All wind turbines and towers that are part of WECS shall be white, grey, or another non-obtrusive color.

b. Blades

All blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.

c. Finishes

Finishes shall be matte or non-reflective.

d. Exceptions

Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

6. **Warnings**

a. Towers, Transformers, and Substations

A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.

b. Guy Wires and Anchor Points

For all guyed towers, visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground. In addition, visible fencing shall be installed around anchor points of guy wires.

c. Meteorological Towers

All Meteorological Towers shall meet all FAA regulations as applicable.

7. Climb Prevention

- a. All WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:
 - 1. Fences with locking portals at least six (6) feet in height; or
 - 2. Anti-Climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
 - 3. Locked WECS Tower doors.

8. Blade Clearance

- a. The minimum distance between the ground and any protruding blades(s) utilized on all WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

9. Lighting

- a. Intensity and Frequency

All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.

- b. Strobe Lights

Red strobe lights shall be required for night-time illumination to reduce harm to migrating birds. Red pulsating incandescent lights are expressly prohibited.

- c. Shielding

Except with respect to lighting required by the FAA, All lighting shall be shielded so that no glare extends substantially beyond the boundaries of any WECS.

10. Materials Handling, Storage and Disposal

- a. Solid Wastes

All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and

equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

b. **Hazardous Materials**

All hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

J. **OTHER APPLICABLE STANDARDS**

1. **Guyed Wire Anchors**

No guyed wire anchors shall be allowed within any required road right-of-way setback.

2. **Sewer and Water**

All WECS facilities shall comply with the existing septic and well regulation as required by the Madison County Health Department and/or the State of Indiana Department of Public Health.

3. **Noise and Vibration**

At no point within 200 feet of a primary residence may the sound pressure levels from a wind turbine exceed the following sound levels. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI). This standard shall supersede any noise standard(s) set forth in any other Madison County Ordinance.

Octave Bands for Madison County In Hertz (Hz), per ANSI	Maximum Permitted Sound Level (in decibels)					
	(Measured	200	feet	from	edge	of any
	Primary Structure.)					
63						75
125						70
250						65
500						59
1000						53
2000						48
4000						44
8000						41

4. **Utility Interconnection**

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

5. Signage

- a. In addition to complying with Sign standards, the following signage regulations and standards shall also apply. In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by the Madison County Land Use & Development Code, the most restrictive regulation or standard shall apply.

1. Surface Area

No sign shall exceed sixteen (16) square feet in surface area.

2. Height

No sign shall exceed eight (8) feet in height.

3. Manufacturers or owner's company name and/or logo.

The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment.

4. Development Signs

No more than two (2) ground/monument identification signs relating to the development shall be located on any portion of the project site.

5. Other signs and logos

No other advertising signs or logos shall be erected, placed or painted on any WECS, including, but not limited to, off-premise advertising signs (billboards) or free-standing pole signs.

6. Feeder Lines

With the exception of minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. To wit, all communications and feeder lines installed as part of any WECS shall be buried underground.

7. Other Appurtenances

No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the MCPC.

K. USE OF ROADS/SERVICES

An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall prior to construction:

1. Identify All Such Public Roads and Services;

a. Roads

1. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Madison County Engineer/Highway Department. The Engineer shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
2. Any road damage caused by the construction of the WECS project equipment, the installation of same, or the removal of same, shall be repaired to the satisfaction of the Madison County Engineer. The Engineer must choose to require either remediation of road repair upon completion of the project or is authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by the Engineer shall be required by the Engineer to insure the County that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.
3. Newly constructed WECS access roads may not impede the flow of water and shall be approved by the Madison County Drainage Board.

b. Dust and Debris Control

Reasonable dust and debris control measures will be required by the County during construction of the WECS. For instance, a storm water run off fence shall be required on all construction sites during construction and installation.

c. Sewer and Water

Any facility shall comply with existing septic and well regulation as required by the Madison County Health Department and the State of Indiana Department of Public Health.

d. Drainage Repair

All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to near original condition, and so as not to impede the natural flow of water.

All repairs must be completed within sixty (60) days and must be approved by the Madison County Drainage Board.

L. OPERATION AND MAINTENANCE

1. Physical Modifications

In general, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall confer with the Planning Commission to determine whether the physical modification requires re-certification.

2. Inspections

Inspections, at a fee to be determined from time to time by the Madison County Planning Commission and paid by the applicant, may be made by Madison County Planning Commission no more than once annually to certify the safety and maintenance of the WECS and any accessory structures.

3. Interface

No WECS shall be constructed so as to interfere with any county, state or federally owned and operated microwave transmissions. The applicant, owner and/or operator shall minimize and if necessary mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. In addition, the applicant, owner, and/or operator shall:

b. Notification of existing communication tower owners

The applicant shall notify all existing communication tower owners within two (2) miles of the proposed WECS upon application to the county for permits.

c. Mitigating interference following a complaint

If after construction of the WECS, the owner or operator receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate said interference.

d. Failure to remedy a complaint

If the interference is not remedied within thirty (30) days the WECS shall remain inactive until the interference is remedied. Remedies may include relocation or removal.

e. Declaration of Public Nuisance

Any WECS thereof declared to be unsafe by the Madison County Planning Commission Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in this Chapter.

f. Operation and Maintenance Summaries and Reports

The owner or operator shall submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition, the applicant shall also make available operation and maintenance reports as the County reasonably requests.

g. Access to the Site and Facility

The Madison County Planning Commission Staff, along with licenses third party professionals retained by the County for the specific purpose of conducting inspections of the WECS shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner or operator, or his/her agent, on the premises where a WECS has been constructed to inspect all parts of said WECS installation and to require that repairs or alterations be made. The owner or operator of a WECS may retain a licensed third party professional engineer familiar with WECS systems to prepare and submit to the Madison County Planning Commission staff a written report which addresses the repairs or alterations requested, and which suggests alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within thirty (30) days after receiving notice from the Madison County Planning Department staff that repairs or alterations requested, or within a longer period of time mutually acceptable to both parties. The Madison County Planning Commission staff will consider any such written report and determine whether the repairs or alterations should be made as originally requested or

as suggested in the written report. In the event of a dispute between the Madison County Planning Commission staff and the owner or operator, or the owner or operator's third party professional engineer, as to the repairs or alterations which are being required, the decision of the Plan Commission shall be final.

M. DECOMMISSIONING PLAN

Prior to receiving an Improvement Location Permit, or siting approval under this Ordinance, the County and the applicant, owner and/or operator shall formulate a decommissioning plan outlining the anticipated means and cost of removing a WECS at the end of their serviceable life or upon becoming a discontinued or abandoned use to ensure that the WECS is properly decommissioned. A decommissioning plan shall include, at a minimum, language to the following.

1. Assurance

Written assurances will be provided that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.

2. Cost Estimates

The applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning WECS.

3. Financial Assurance

Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, or other security acceptable to the County, for the cost of decommissioning each tower constructed under the permit. Said security will be released when each tower is properly decommissioned as determined by the Madison County Planning Commission.

4. Discontinuation and Abandonment

a. Discontinuation

All WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Madison County Planning Commission outlining the steps and schedule for returning the WECS to service.

b. Abandonment by the Owner or Operator

In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Madison County Planning Commission representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.

c. Removal

An applicant's obligations shall include removal of all physical material pertaining to the project improvements to a depth of four (4) feet below ground level within ninety (90) days of the discontinuation or abandonment of the facility, and restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner, or by Madison County at the owner's expense.

d. Written Notices

Prior to implementation of the existing procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

e. Unresolved Defaults

If the County determines at its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provision(s) addressing the resolution of such default(s) shall govern.

f. Costs Incurred to the County

If the County removes a tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. By approval, the permittee or grantor grants a license to Madison County to enter the property to remove a tower pursuant to the terms of an approved decommissioning plan.

N. LIABILITY INSURANCE

The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and name Madison County as an additional insured with dollar amount limits of at least two million dollars (\$2,000,000) per occurrence, and five million dollars (\$5,000,000) in the aggregate, and a deductible of no more than five thousand (\$5,000).

This Ordinance shall be in full force and effect upon passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Planning Commission of Madison County, Indiana on the 10th day of February, 2009.

MADISON COUNTY PLAN COMMISSION

ATTEST:

Beverly Guignet
Beverly Guignet, Secretary

BY:

Bill Maxwell
Bill Maxwell, President

THIS ORDINANCE WAS PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 21st day of April, 2009.

MADISON COUNTY BOARD OF COMMISSIONERS

BY:

Paul F. Wilson
Paul F. Wilson, President

Jeffrey L. Hardin
Jeffrey L. Hardin, Member

John M. Richwine
John M. Richwine, Member

ATTEST:

Kathy Swoops Wright
Kathy Swoops-Wright, County Auditor

Publish:

Anderson Herald-Bulletin & Elwood Call-Leader

PREPARED BY:

Cory A. Wilson, Executive Director
Madison County Plan Commission

REVIEWED FOR LEGAL SUFFICIENCY:

Gerald P. Shine, Jr. (#297-48)
Attorney for Madison County Plan Commission

2/10/2009

ORDINANCE NO. 2009-BC-0-8
OF THE BOARD OF COMMISSIONERS
OF MADISON COUNTY, INDIANA

AN ORDINANCE AMENDING TEXT OF THE MADISON COUNTY
LAND USE AND DEVELOPMENT CODE, ORDINANCE NO. 2002-
BC-0-6

Fees:

CONSTRUCTION PERMITS

Residential

A) Improvement Location Permit/Structural (including accessory structures and mini-barns, as defined by the Zoning Code):

1. Base Fee: \$75.00
 2. \$0.05 additional charge for each square foot of floor area in excess of 1,200
- * if construction has already started, the cost of the permit fee will be doubled

B) Electrical Permit:

1. Base Fee: \$50.00, plus inspection fee: \$40.00 = \$90.00.

C) Plumbing Permit:

1. Base Fee: \$50.00, plus inspection fee: \$40.00 = \$90.00.

D) HVAC Permit:

1. Base Fee: \$50.00, plus inspection fee: \$40.00 = \$90.00.

E) Driveway/Curb-cut Permit:

1. Base Fee: \$50.00, plus inspection fees.

F) Footer, Foundation and Under Slab Inspections are \$40.00 each

Commercial

A) Improvement Location/Structural Permit:

1. Base Fee: \$175.00 (3,000 sq. ft. and under)
 2. \$0.10 additional charge for each square foot of floor area in excess of 3,000
- * if construction has already started, the cost of the permit fee will be doubled

B) Electrical Permit:

1. Base Fee: \$125.00, plus inspection fee: \$40.00 = \$165.00.

C) Plumbing Permit:

1. Base Fee: \$125.00, plus inspection fee: \$40.00 = \$165.00.

D) HVAC Permit:

1. Base Fee: \$125.00, plus inspection fee: \$40.00 = \$165.00.

E) Driveway/Curb-cut Permit:

1. Base Fee: \$100.00 (per cut), plus inspection fees.

Demolition

- A) Base Fee \$15.00 plus inspection fee: \$40.00 = \$55.00.

Signs

A) Sign Permit (Installation and Replacement):

1. Non-illuminated Base Fee: \$75.00, plus inspection fees
2. Illuminated Base Fee: \$125.00, plus inspection fees

Cellular Facilities

A) New Tower:

1. \$200.00 Base Fee, plus inspection fees.

B) Co-Location:

1. \$100.00 Base Fee, plus inspection fees.

C) New/Replacement Equipment Cabinet (if no new tower or co-location):

1. \$100.00 Base Fee, plus inspection fees

Non-Categorized

- A) Non-Categorized (as required by law): \$75.00, plus inspection fees

Inspection Fees

- A) Each Inspection (includes re-inspection): \$40.00

B) Signs:

1. Non-illuminated: \$50.00
2. Illuminated: \$60.00

SUBDIVISION PLAT APPLICATION FEES

- A) Preliminary Plat (or re-plat) Application: \$300.00, plus \$10.00 per lot, and all legal notice advertising costs.

- B) Secondary (Final) Plat (or re-plat) Application: \$300.00 plus \$10.00 per lot, and all legal notice advertising costs.

- C) Minor Preliminary Plat (or re-plat) Application (as defined in the Subdivision Control Ordinance): \$250.00 plus \$10.00 per lot, and all legal notice advertising costs.

- D) Minor Secondary Plat (or re-plat) Application: \$250.00 plus \$10.00 per lot, and all legal notice advertising costs.

PLANNED UNIT DEVELOPMENT (PUD) PLAN APPLICATION FEES

- A) Preliminary Plan Application: \$1,000.00, plus \$10.00 per lot, and all legal notice advertising costs.
- B) Secondary (Final) Plan Application: \$500.00, plus \$10.00 per lot, and all legal notice advertising costs.

PLAN COMMISSION AND BOARD OF ZONING APPEALS PETITION FEES

- A) Zoning Map Change (except for PUD Zoning): \$500.00 plus \$90.00 for each acre or any portion thereof over 1 acre, and all legal notice advertising costs.

* If development is via the Administrative Plat Process as outlined in the Subdivision Control Ordinance, only the base fee of \$500 shall be charged for the Zone Map Change

- B) Special Use: \$300.00

C) Waivers:

1. Single or Two-family Dwelling Use: \$300.00 plus \$50.00 for each variance of development standards requested.
2. Commercial or Industrial Use: \$500.00 plus \$100.00 for each variance of development standards requested.
3. All other uses: \$400.00 plus \$100.00 for each variance of development standards requested.

D) Variance of Development Standards:

1. Single or Two-family Dwelling: \$300.00 plus \$50.00 for each additional variance of development standards requested.
2. Commercial or Industrial: \$500.00 plus \$100.00 for each additional variance of development standards requested.
3. Signs: \$500.00 plus \$100.00 for each additional variance of development standards requested.

E) Special Uses:

1. Residential: \$300.00 plus \$50.00 for each variance of development standards requested.
2. Commercial or Industrial Use: \$500.00 plus \$100.00 for each variance of development standards requested.

- F) Plat Amendment: \$250.00

H) Vacation:

1. Street or Alley: \$100.00.
2. Plat: \$250.00.

l) Appeal to the Plan Commission: \$250.00

This Ordinance shall be in full force and effect upon passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Planning Commission of Madison County, Indiana on the 10 day of March, 2009..

MADISON COUNTY PLAN COMMISSION

ATTEST:

BY: Bill Maxwell
Bill Maxwell, President

Beverly Guignet
Beverly Guignet, Secretary

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3/19/2009