MADISON COUNTY

UNIFIED DEVELOPMENT ORDINANCE

Approval Copy – October 30, 2026

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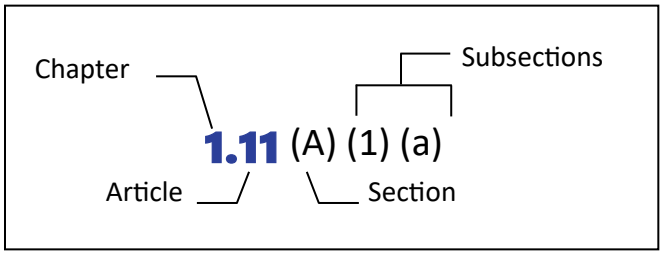
Chapter 1
Basic Provisions

1.1 Title

This Ordinance shall be formally known as the “Madison County Unified Development Ordinance,” and it may be cited and referred to as the “Zoning Ordinance,” “Subdivision Control Ordinance,” or “Ordinance.”

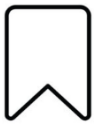
1.2 Ordinance Format and Navigation

Format. The Ordinance follows this structure:



How to Use Hyper-Linked Cross-References

- Certain aspects of the electronic format of this Ordinance allow the user to quickly navigate the Ordinance by clicking on hyperlinks.
- Article headings in the chapter’s table of contents will direct the user to that article within the chapter.
- In-line text cross-references to other articles within this document which are colored and emphasized will direct the user to the cross-referenced article.
- On the Permitted Use Table, ***3.2 Land Use Matrix***, click the use name to link to a description of the use and any conditions or limitations associated with the use.
- When using a digital version of the Ordinance, opening the bookmarks icon on the left side of the screen will allow navigation throughout the document.
- Cross-references to documents and websites outside of this document are provided for convenience only. The accuracy of these links is not guaranteed.



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1.3 Defined Words & Construction

Words used in a special sense in this Ordinance are defined in ***Chapter 10: Definitions***. 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.

A. The following rules of construction apply to the text of the Ordinance:

1. The particular will control the general.
2. The words "shall" and "will" are always mandatory. The words "should" and "may" are permissive and discretionary.
3. 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.
4. A building or structure includes any part of the building or structure.
5. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for".
6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two 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:
    a. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
    b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
    c. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
8. 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.
9. The word "County" means Madison County, Indiana. The word "State" means the State of Indiana.

1.4 Jurisdiction

A. This Ordinance applies to all land within the jurisdiction of the Madison County Advisory 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, this Ordinance does not apply to any area for which a municipality has established an extraterritorial jurisdiction consistent with the provisions of Indiana law.

B. This Ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (***IC 36-1-3-4*** and ***IC 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 Authority

This Ordinance is adopted by Madison County pursuant to its authority under the laws of the State of Indiana, ***IC 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.

1.6 Purpose

This Ordinance is intended to guide the growth and development of the County in accordance with the Madison County Comprehensive Plan, to promote public health, safety, and general welfare, 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 plan for the future development of the County to the end:

   1. That the community grows only with adequate public ways, utilities, health, education, and recreation facilities;

   2. That the needs of agriculture, industry, and business be recognized in future growth;

   3. That residential areas provide healthful surroundings for family life;

   4. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and

   5. That the community strives for high aesthetic value and quality planning and design.

C. Protect the distinct character of the County while supporting sustainable economic development and community vitality;

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 platted and re-platted land in order to further the orderly layout and use of land;

H. Require proper legal descriptions, legal recording, and documenting 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 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, 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.

1.7 Compliance

A. 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.

B. 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.

1.8 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.

1.9 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.

1.10 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.

1.11 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 this Ordinance 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 Ordinance, the term “state agency” shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

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 Zoning Ordinance or Subdivision Control Ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.13 Zoning Map

A. **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."

B. **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 on which they were last modified printed on them.

C. **Location of the Official Zoning Map**. The Official Zoning Map is in the office of the Department and may be maintained as an ***electronic zoning map***.

D. **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.

E. **Regular Revisions**. The Official Zoning Map should be formally revised 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.

F. **Damaged, Destroyed, or Lost Official Zoning Map**. If 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.

G. **Official Zoning Map Standards**. District boundaries on the Official Zoning Map shall be interpreted as follows:

1. District boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines.
2. 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.
3. District boundaries indicated as parallel to or extensions of the above listed features shall be construed as so.
4. 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.

5. 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 Administrator shall determine the applicable zoning for properties divided into several zoning districts consistent with this section.
6. If the Administrator cannot determine the location of a district boundary by 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.
7. Any ruling of the Administrator pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

1.14 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 Administrator. Appeals of the Administrator's determination may be brought before the Board of Zoning Appeals.

1.15 Incorporation of Other Documents

A. Improvement Location Permits, site plans, and subdivision plats must conform to the principles and standards established by this Ordinance.

B. The following documents are incorporated, as amended, by cross-reference into this Ordinance. In addition to the regulations in this Ordinance, the following documents may apply to your property:

- ***The Comprehensive Plan***
- The Thoroughfare Plan
- The Construction Standards and Specifications
- ***Parks, Trails, and Open Spaces Master Plan***
- ***Stormwater Technical Standards Manual***
- ***Madison County Drainage Ordinance***
- Madison County Noise Ordinance

1.16 Repealer

The Madison County, Indiana Zoning Ordinance dated July 15, 2002, its associated Zoning Map and any revisions, and the Madison County Subdivision Control Ordinance dated July 15, 2002 are hereby repealed. This Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinances as of the effective date.

1.17 Transition Rules

A. Any application for an Improvement Location Permit that has been filed with the Administrator or the Administrator's 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 Ordinance.

B. Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees which 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 Administrator 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 if such application is no longer required by the terms of this Ordinance, the application will be dismissed.

D. All variances, special uses, 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 one year after the effective date of this Ordinance.

   1. All Improvement Location Permits issued prior to the effective date of this Ordinance shall be void 6 months after their date of issue if construction has not begun.

   2. 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 Administrator, construction has otherwise ceased.

   3. All approvals which expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.

E. **Subdivision Regulations**. Any subdivision 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 filing.

F. All new parcels shall meet the requirements of this Ordinance unless:

   1. An Improvement Location Permit for the site has been issued and is still valid, or

2. A parcel was approved as a buildable lot by the Plan Commission prior to the effective date of this Ordinance.

G. **Previous Approvals**. Any plat or other approval granted prior to the effective date of this Ordinance that has not yet been executed will expire one year after the effective date of this Ordinance, unless otherwise provided by *IC 36-7-4-1109*. If an expired approval is resubmitted, it must comply with all applicable requirements of this Ordinance.

1.18 Effective Date

The Effective Date of this Ordinance is the latest of:

- The final day notice of the adoption of the penalty provisions of this Ordinance is published under *IC 36-7-4-610(a)*.
- The day this Ordinance is filed with the County Recorder's office under *IC 36-7-4-610(f)*.
- December 31, 2026.

1.19 Nonconforming Structures, Lots, and Uses

A. **Intent**

Upon adoption of this Ordinance, 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 section provides the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming.

B. **Distinction Between Illegal Nonconforming and Legal Nonconforming**

1. Illegal 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 laws 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.

2. Legal Nonconforming. Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of this Ordinance or a change to this Ordinance (including the Official Zoning Map). The structure, lot or use has not changed, but due to this 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".

C. **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 Ordinance, a sign shall include the sign face and any supports, poles, or frames.

A legal nonconforming sign may continue if it remains the same or fits within the below described tolerances.

1. 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.
2. 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.
3. If a sign is moved for any reason other than an act of God, for any distance, it shall thereafter conform to the provisions of this Ordinance.
4. 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. A legal nonconforming sign is not required to be brought into conformance with this Ordinance if the face is changed but the sign itself is not increased in size or altered in shape.
5. Any legal nonconforming sign damaged or destroyed by more than 50% of the replacement cost cannot be restored unless the replacement sign conforms to the regulations of the zoning district where it is located. This regulation does not authorize the creation of a new nonconformity or increase the degree of any nonconformity existing prior to such damage or destruction. Restoration or repair of the sign must be started within 6 months from the date of damage or destruction and diligently prosecuted to completion.

D. **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:

1. 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.
2. 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.
3. If a building or structure is moved for any reason other than an act of God, for any distance, it shall thereafter conform to the provisions of this Ordinance.
4. Except for single-household dwellings, any legal nonconforming structure damaged or destroyed by more than 50% of the replacement cost cannot be restored unless the replacement structure conforms to the regulations of the zoning district where it is located. This regulation does not authorize the creation of a new nonconformity or increase the degree of any nonconformity existing prior to such damage or destruction. Restoration or repair of the building or other structure must be started within 6 months from the date of damage or destruction and diligently prosecuted to completion.

E. **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 the minimum lot area standard at the time it was created, shall be deemed buildable for a single-household residence.

F. **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:

1. Structure Expansions related to Nonconforming Uses

    a. No 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 section. New structures are prohibited on properties with existing legal nonconforming uses.

    b. Parcels that were zoned business and/or industrial on the Official Zoning Map that was in effect prior to July 15, 2002, and are currently zoned AG or CR, may be expanded by Special Use approval 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 development plan approval from the Madison County Technical Review Committee must be obtained.

2. A legal nonconforming use of a structure may be extended throughout the building, but the use cannot extend to occupy any land outside the building.

3. If no structural alterations are made, any nonconforming use may be changed to another nonconforming 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.

4. 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.

5. If a legal nonconforming use is intentionally discontinued for one 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.

6. When a legal nonconforming use has been changed to a conforming use, it cannot be changed back to a nonconforming use.

7. 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 **Part B: Flood Hazard Area Standards** 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.

G. **Repairs and Maintenance**

The following applies to legal nonconforming structures and legal nonconforming uses of structures, or structures and land in combination:

1. 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.

2. 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.

3. Nothing in this article 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.

H. **Standards for Nonconforming Uses**

The Administrator 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.

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Chapter 2
Districts

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 are indicated on the Official Zoning Map and labeled using the two-digit codes.

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 the uses and development standards expressly permitted and noted for each district apply to that district.

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

CR - Conservation Residential. 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-Household Residential. This district is established to provide for the low-density development of large single-household detached homes on medium-sized lots.

R2 - Single-Household Residential. This district is established to provide for the medium density development of medium-sized single-household detached homes on medium-sized lots.

R3 - Single and Two-Household Residential. This district is established to provide for the high-density development of medium to small-sized single-household detached and attached homes on small-sized lots.

MR - Multihousehold Residential. This district is established to provide for the high-density development of duplexes, condominiums, and apartment complexes.

MH - Manufactured Home Park. This district is established to provide for the development of lease-lot residential parks which provide dwelling sites for mobile and class B manufactured homes.

PR - Park & Recreation District. 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. 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. 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. 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. This district is established to provide for the development of 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. This district is established to provide for the development of primarily enclosed small business parks, warehousing, assembly facilities, and other quasi-industrial operations including contractor operations such as landscaping, concrete and blacktop enterprises, and similar operations needing a base for storage and miscellaneous operations.

GI - General Industrial. This district is established to provide for the development of manufacturing and waste disposal facilities which may involve outdoor operations.

HI – High Impact. This district is intended to provide a land use category for high impact industrial operations. Development standards in this district should promote economic vitality while minimizing impacts on adjacent properties through intentional development that occurs in a reasonable time, place, and manner.

2.2 Standard District Land Uses

Specific land uses are either Permitted, Not Permitted or a Special Use in each Zoning District. Madison County's permitted and special uses for each district are noted on the two-page spread for each district in this chapter and ***3.2 Land Use Matrix***. The ***3.2 Land Use Matrix*** is the controlling source for any conflict between the matrix and any other provision of this Ordinance.

Any use not listed as a permitted or special use is considered not permitted unless the Administrator determines otherwise. The Administrator may determine into which category any questionable use should be placed if it is not specifically listed but similar to another use that is a permitted or special use. The determination must be documented in memorandum or email and placed in a file for such decisions. This determination may be appealed to the Board of Zoning Appeals.

2.3 Establishment of Overlay District

The overlay district 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. 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 ***Chapter 8: Process and Permits*** of this Ordinance. Planned unit developments shall be indicated on the Official Zoning Map using the two-digit PD code.

2.5 Agriculture District (AG)

AG - PURPOSE

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 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.

Public water/sewer or private wells and septic systems may be used, except Major Subdivisions must connect to public sanitary sewer and water systems.

AG - PERMITTED USES

Only the following uses are permitted in this district. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop processing (of materials produced on-site)
- Agricultural crop production
- Agricultural crop storage (of materials produced on-site)
- Agricultural Products Sales, Distribution, and Storage, distribution, and storage
- Grazing and pastureland
- Livestock
- Private farm stand

Agricultural Uses (cont.)
- Farm implement storage (operable implements used in the farming operation – not for sale)

Institutional/Public Uses
- Nature preserve
- School (P-12)
- Church or other place of worship

Communication/Utilities
- Utility, Minor Impact

Residential Uses
- Dwelling, single-household
- Accessory Dwelling Unit
- Manufactured home, Class A
- Residential facility for developmentally disabled/mentally ill
- Child Care Home
- Home-based business

AG - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

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

Communication/Utilities
- Utility, Major Impact
- Wireless telecommunications facility/tower

Institutional/Public Uses
- Police, fire, or rescue station
- Government office/facility
- Parks and Recreation area

Industrial Uses
- Contractor's workshop
- Meat Processing Plant
- Mineral extraction and processing
- Mini-warehouse storage facilities
- Private air strip
- Solid fill

Commercial Uses
- Event Center
- Recreational vehicle park

Business Uses
- Kennel
- Recreational uses (large scale)
- Shooting Range

Residential Uses
- Bed and breakfast facility

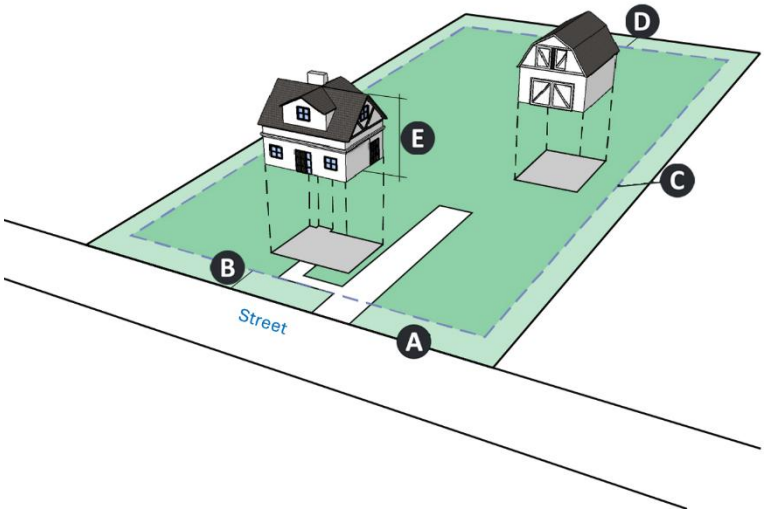
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AG - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	2 acres	Ⓑ Minimum Front Setback	50 feet
Minimum Lot Width	200 feet	Ⓒ Minimum Side Setback	10 feet
Ⓐ Minimum Road Frontage	150 feet (residential primary uses) 50 feet (non-residential primary uses)	Minimum Corner Side Setback	25 feet
		Ⓓ Minimum Rear Setback	20 feet
		***Note**: For lots less than 2 acres that were legally created under a prior ordinance:* Minimum side and rear setbacks - 10 feet	

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	1,100 square feet
Ⓔ Maximum Primary Structure Height (1)	35 feet
Maximum Accessory Structure Height (1)	35 feet
Maximum Primary Structures per Lot	1 (residential uses)
(1) Agriculture-related structures exempt	



Additional Development Standards that Apply to AG

3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.2 Accessory Standards
4.9 Home-Based Business Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.15 Fence & Wall Standards
5.17 Buffer Yard Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.6 Conservation Residential District (CR)

CR - PURPOSE

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 maintaining 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 should strive to establish this district as a transitional area between higher density residential and commercial development and agricultural districts.

Public water/sewer or private wells and septic systems may be used, except Major Subdivisions must connect to public sanitary sewer and water systems.

CR - PERMITTED USES

Only the following uses are permitted in this district. Please refer to the ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Grazing and pastureland
- Livestock
- Agricultural crop production
- Private farm stand
- Agricultural crop processing (materials produced on-site)
- Agriculture crop storage (materials produced on-site)
- Agricultural products (seeds, fertilizer, etc.) sales and distribution
- Farm implement storage (operable implements used in the farming operation – not for sale)

Institutional/Public Uses
- Nature preserve
- School (P-12)
- Church or other place of worship

Communication/Utilities
- Utility, Minor Impact

Residential Uses
- Dwelling, single-household
- Accessory Dwelling Unit
- Manufactured home, Class A
- Residential facility for developmentally disabled/mentally ill
- Child Care Home
- Home-based business

CR - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

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

Communication/Utilities
- Utility, Major Impact
- Wireless telecommunications facility/tower

Institutional/Public Uses
- Park and recreation area/uses
- Police, fire, or rescue station
- Government office/facility

Commercial Uses
- Event Center
- Kennel
- Recreational uses (large scale)
- Recreational Vehicle Park

Industrial Uses
- Contractor's Workshop
- Mineral extraction and processing
- Private Air Strip
- Solid fill

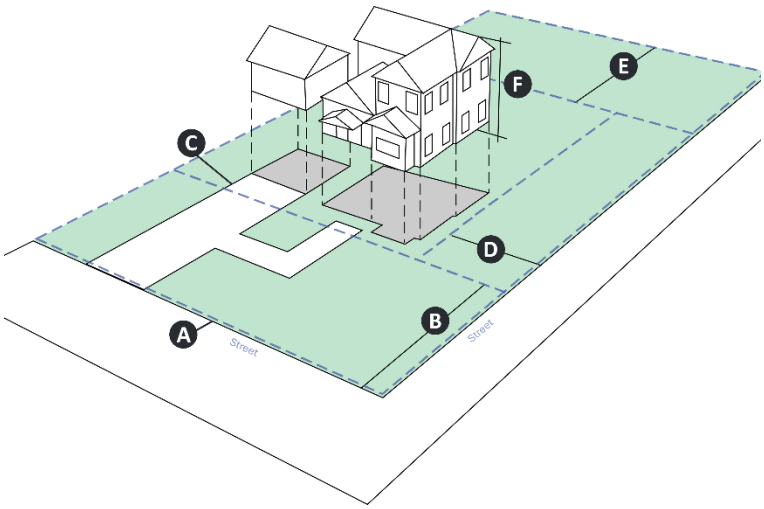
Residential Uses
- Assisted living/retirement facility
- Bed and breakfast facility
- Nursing Home

CR - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	2 acres (septic system) 1 acre (public sewer)	Ⓑ Minimum Front Setback	50 feet
Minimum Lot Width	100 feet	Ⓒ Minimum Side Setback	10 feet
Ⓐ Minimum Road Frontage	75 feet (residential primary uses) 50 feet (non-residential primary uses)	Ⓓ Minimum Corner Side Setback	25 feet
		Ⓔ Minimum Rear Setback	20 feet
		***Note**: For lots less than 2 acres that were legally created under a prior ordinance:* Minimum side and rear setbacks - 10 feet	

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	1,100 square feet
Ⓕ Maximum Primary Structure Height (1)	35 feet
Maximum Accessory Structure Height (1)	35 feet
Maximum Primary Structures per Lot	1 (residential uses)
(1) Agriculture-related structures exempt	



Additional Development Standards that Apply to CR

3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.2 Accessory Standards
4.9 Home-Based Business Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.15 Fence & Wall Standards
5.17 Buffer Yard Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.7 Single-Household Residential District (R1)

R1 - PURPOSE

The **R1 District** is intended to provide for the development of single-household detached homes. The provisions that regulate this land use district should provide for the development of low density residential neighborhoods.

Madison County's Plan Commission 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 in proximity to **CR Districts** in a way that does not inhibit farming practices.

Connection to public water and sewer systems is required. A legal, nonconforming lot may use private wells and septic systems when no public water or sewer systems are available.

R1 - PERMITTED USES

Only the following uses are permitted in this district. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural 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)
- Grazing and pastureland
- Private farm stand

Institutional/Public Uses
- Nature preserve
- School (P-12)

Residential Uses
- Dwelling, single-household
- Accessory Dwelling Unit
- Manufactured home, Class A
- Residential facility for developmentally disabled/mentally ill
- Child Care Home
- Home-based business

R1 - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Communication/Utilities
- Utility, Minor Impact
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

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

Industrial Uses
- Solid fill

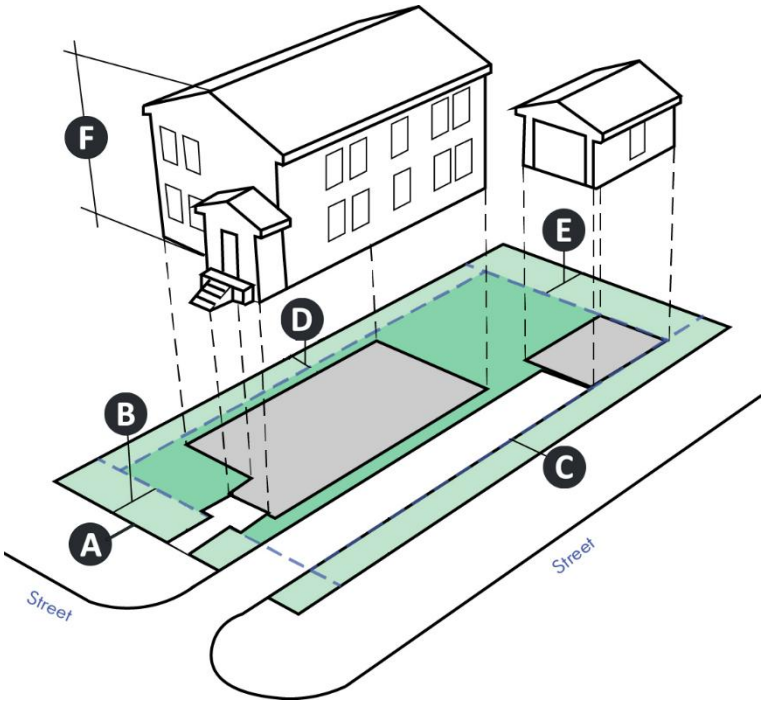
Residential Uses
- Assisted living/retirement facility
- Nursing home
- Bed and breakfast facility

R1 - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	12,000 square feet	B Minimum Front Setback	30 feet
Minimum Lot Width	80 feet	C Minimum Side Setback	5 feet
A Minimum Road Frontage	60 feet	D Minimum Corner Side Setback	20 feet
		E Minimum Rear Setback	10 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	1,500 square feet
F Maximum Primary Structure Height (1)	35 feet
Maximum Accessory Structure Height (1)	25 feet
Maximum Primary Structures per Lot	1 (residential uses)



Additional Development Standards that Apply to R1

3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.3 Accessory Standards
4.9 Home-Based Business Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.11 Sight Visibility Standards
5.12 Open Space Standards
5.13 Farm Animal Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.8 Single-Household Residential District (R2)

R2 - PURPOSE

The **R2 District** is intended to provide for the development of medium-sized single-household 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 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 in proximity to **CR Districts** in a way that does not inhibit farming practices.

Connection to public water and sewer systems is required. A legal, nonconforming lot may use private wells and septic systems when no public water or sewer systems are available.

R2 - PERMITTED USES

Only the following uses are permitted in this district. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural 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)
- Grazing and pastureland
- Private farm stand

Institutional/Public Uses
- Nature preserve
- School (P-12)

Residential Uses
- Dwelling, Single-household
- Dwelling, Duplex
- Accessory Dwelling Unit
- Manufactured home, Class A
- Residential facility for developmentally disabled/mentally ill
- Child Care Home
- Home-based business

R2 - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Communication/Utilities
- Utility, Minor Impact
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

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

Industrial Uses
- Solid fill

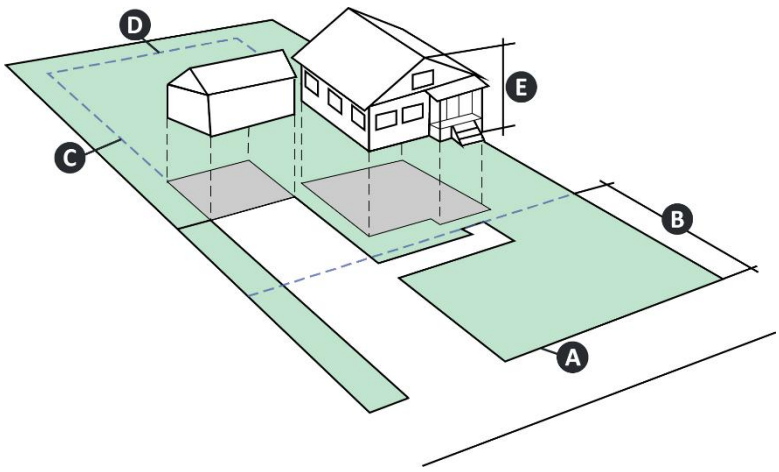
Residential Uses
- Assisted living/retirement facility
- Nursing home
- Bed and breakfast facility

R2 - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	8,000 square feet	Ⓑ Minimum Front Setback	30 feet
Minimum Lot Width	70 feet	Ⓒ Minimum Side Setback	5 feet
Ⓐ Minimum Road Frontage	50 feet	Minimum Corner Side Setback	20 feet
		Ⓓ Minimum Rear Setback	10 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	1,100 square feet
Ⓔ Maximum Primary Structure Height (1)	35 feet
Maximum Accessory Structure Height (1)	25 feet
Maximum Primary Structures per Lot	1 (residential uses)



Additional Development Standards that Apply to R2
3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.3 Accessory Standards
4.9 Home-Based Business Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.11 Sight Visibility Standards
5.12 Open Space Standards
5.13 Farm Animal Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.9 Single & Two-Household Residential District (R3)

R3 - PURPOSE

The **R3 District** is intended to provide the development of small-sized single and two-household (duplex) 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 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 in proximity to **CR Districts** in a way that does not inhibit farming practices.

If available, connection to water and sewer is required.

R3 - PERMITTED USES

Only the following uses are permitted in this district. Please refer to *3.2 Land Use Matrix* and *3.3 Use Descriptions and Standards* for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural crop processing (of materials produced on-site)
- Agricultural crop storage (of materials produced on-site)
- Farm implement storage (operable implements used in the farming operation – not for sale)
- Grazing and pastureland
- Private farm stand

Institutional/Public Uses
- Nature preserve
- School (P-12)

Residential Uses
- Dwelling, Single-household
- Accessory Dwelling Unit
- Manufactured home, Class A
- Dwelling, two-household
- Residential facility for developmentally disabled/mentally ill
- Child Care Home
- Home-based business

R3 - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Communication/Utilities
- Utility, Minor Impact
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

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

Industrial Uses
- Solid fill

Residential Uses
- Assisted living/retirement facility
- Bed and Breakfast Facility
- Nursing home

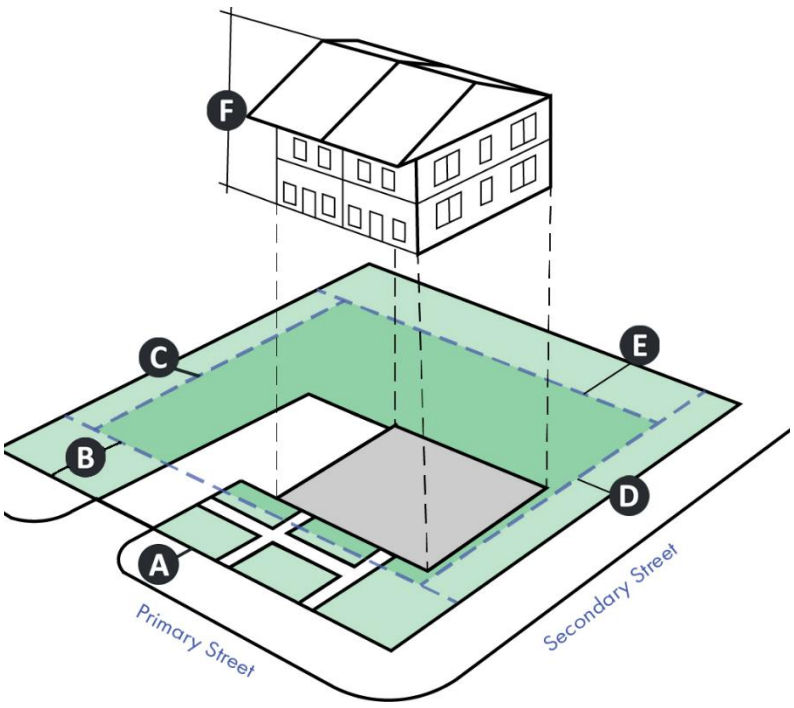
10.30.2026 APPROVAL DRAFT

R3 - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	6,000 square feet *(single-household detached)* 4,000 square feet/dwelling unit *(duplex)*	Ⓑ Minimum Front Setback	30 feet
Minimum Lot Width	60 feet (single-household) 35 feet per dwelling unit (duplex)	Ⓒ Minimum Side Setback	5 feet
Ⓐ Minimum Road Frontage	45 feet (single-household) 25 feet per dwelling unit (duplex)	Ⓓ Minimum Corner Side Setback	15 feet
		Ⓔ Minimum Rear Setback	10 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	1,000 square feet
Ⓕ Maximum Primary Structure Height (1)	35 feet
Maximum Accessory Structure Height (1)	25 feet
Maximum Primary Structures per Lot	1 (residential uses)



Additional Development Standards that Apply to R3

3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.3 Accessory Standards
4.9 Home-Based Business Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.11 Sight Visibility Standards
5.12 Open Space Standards
5.13 Farm Animal Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.10 Multihousehold Residential District (MR)

MR - PURPOSE

The **MR District** is intended for multi-household 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 should strive to integrate this district with high density single and two-household residential developments and neighborhood-serving and general commercial facilities. This district should be protected from conflicting land uses and be in proximity to open space, services, and retail establishments.

If available, connection to water and sewer is required.

MR - PERMITTED USES

Only the following uses are permitted. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural 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)
- Grazing and pastureland

Institutional/Public Uses
- Nature preserve
- School (P-12)

Residential Uses
- Dwelling, multi-household
- Residential facility for developmentally disabled/mentally ill
- Assisted living/retirement facility
- Accessory Dwelling Unit
- Nursing home
- Child Care Home
- Home-based business

MR - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Communication/Utilities
- Utility, Minor Impact
- Solar energy system CS-SES
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

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

Industrial Uses
- Solid fill

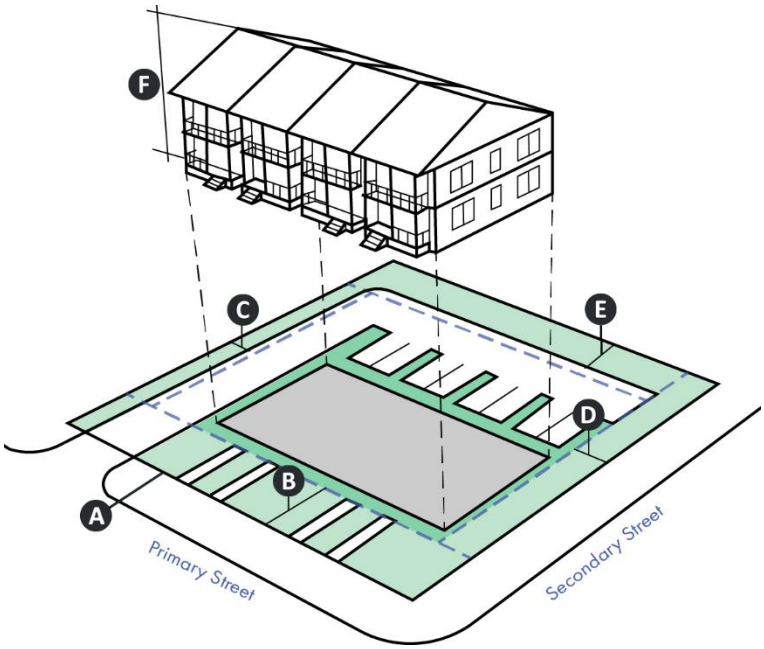
Residential Uses
- Bed and Breakfast Facility

MR - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	22,000 square feet	Ⓑ Minimum Front Setback	30 feet
Minimum Lot Area per Unit	5,000 square feet	Ⓒ Minimum Side Setback	30 feet
Maximum Lot Area per Unit	8,000 square feet	Ⓓ Minimum Corner Side Setback	30 feet
Minimum Lot Width	100 feet	Ⓔ Minimum Rear Setback	10 feet
Ⓐ Minimum Road Frontage	70 feet	Minimum Common Open Space	15%

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	800 square feet
Ⓕ Maximum Primary Structure Height (1)	35 feet
Maximum Accessory Structure Height (1)	25 feet
Maximum Primary Structures per Lot	none



Additional Development Standards that Apply to MR
3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.4 Accessory Standards
4.9 Home-Based Business Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.11 Sight Visibility Standards
5.12 Open Space Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.11 Manufactured Home Park District (MH)

MH - PURPOSE

The **MH District** is intended to provide a land use district for manufactured home parks in the community. Manufactured Home Parks is established according to *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 close to parks, open space, services, and retail establishments and avoid locations near conflicting land uses.

If available, connection to water and sewer is required.

MH - PERMITTED USES

Only the following uses are permitted. Please refer to *3.2 Land Use Matrix* and *3.3 Use Descriptions and Standards* for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural 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)
- Grazing and pastureland

Institutional/Public Uses
- Nature preserve
- School (P-12)

Residential Uses
- Manufactured home, Class B
- Dwelling, mobile home
- Mobile/manufactured home park
- Accessory Dwelling Unit
- Child Care Home
- Home-based business

MH - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Communication/Utilities
- Utility, Minor Impact
- Solar energy system CS-SES
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

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
-

Residential Uses
Manufactured home, Class A

Industrial Uses
- Solid fill

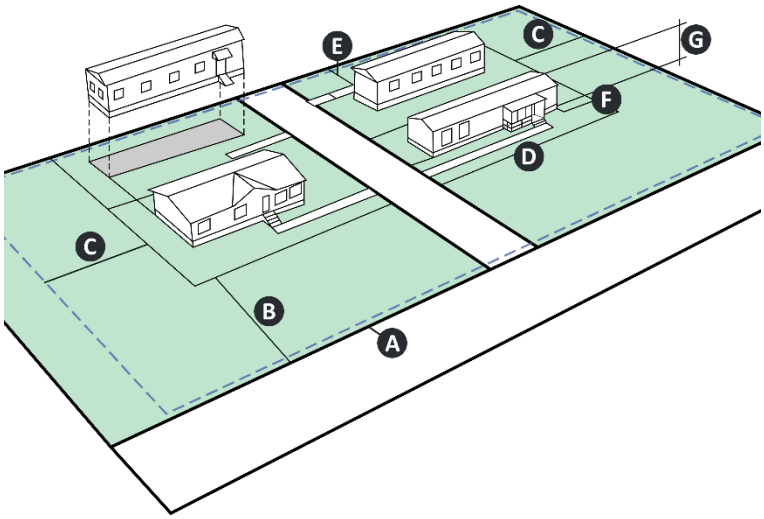
MH - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Size	10 acres	Minimum Dwelling Site Size	4,000 square feet
Minimum Lot Width	300 feet	D Minimum Dwelling Site Width	40 feet
A Minimum Road Frontage	225 feet	E Minimum Dwelling Front Setback	10 feet from edge of pavement of interior roads
B Minimum Lot Front Setback	50 feet	F Minimum Dwelling Side, Corner Side, & Rear Setback	7 feet
C Minimum Lot Side, Corner Side, & Rear Setback	30 feet	Minimum Common Open Space	10%

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	750 square feet
G Maximum Primary Structure Height	24 feet
Maximum Accessory Structure Height	15 feet
Maximum Primary Structures per Lot	none

The provisions of ***5.3(G) Residential Building Standards*** do not apply to the **MH District**



Additional Development Standards that Apply to MH

3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.4 Accessory Standards
4.9 Home-Based Business Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.10 Loading Standards
5.11 Sight Visibility Standards
5.12 Open Space Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

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2.12 Park & Recreation District (PR)

PR - PURPOSE

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 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.

May use public sewer and water or a private well and septic system.

PR - PERMITTED USES

Only the following uses are permitted. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural 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)
- Grazing and pastureland

Commercial Uses
- Recreation uses (medium scale)
- Recreation uses (large scale)
- Recreational vehicle park

Institutional/Public Uses
- Government office/facility
- Parks and recreation uses
- Nature preserve
- School (P-12)

Residential Uses
- Accessory Dwelling Unit

PR - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Communication/Utilities
- Utility, Minor Impact
- Solar energy system CM-SES
- Solar energy system CS-SES
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

Institutional/Public Uses
- Police, fire, or rescue station
- Church or other place of worship

Industrial Uses
- Solid fill

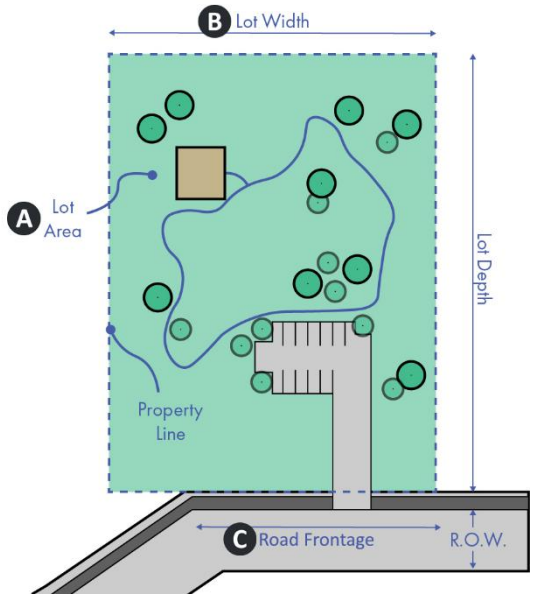
Residential Uses
- Bed and Breakfast Facility

PR - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
A Minimum Lot Area	2 acres	Minimum Front Setback	30 feet
B Minimum Lot Width	100 feet	Minimum Side Setback	15 feet
C Minimum Road Frontage	75 feet	Minimum Corner Side Setback	22 feet
		Minimum Rear Setback	15 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Maximum Primary Structure Height	35 feet
Maximum Accessory Structure Height	25 feet
Maximum Primary Structures per Lot	n/a



Additional Development Standards that Apply to PR

3.3(I) Seasonal Farm Worker Housing
3.3(V) Recreational Vehicle Park
3.4 Temporary Uses and Structures
4.1 & 4.5 Accessory Standards
4.10 Satellite Dish Standards
5.7 Property Maintenance
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.13 Institutional District (IS)

IS - PURPOSE

The **IS District** is intended to provide a land use category for public or 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 should only apply this district where appropriate to establish these institutions for service to the community.

The Plan Commission should also strive to provide appropriate signage, lighting, and parking in the **IS District**.

If available, connection to water and sewer is required.

IS - PERMITTED USES

Only the following uses are permitted. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural 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)
- Grazing and pastureland

Institutional/Public Uses
- Church or other place of worship
- Government office/facility
- Hospital
- Institutional uses (large scale)
- Institutional uses (medium scale)
- Institutional uses (small scale)
- Nature preserve
- Parks and recreation uses
- Police, fire, or rescue station
- School (P-12)

Institutional/Public Uses (cont.)
- Hospital

Communication/Utilities
- Utility, Minor Impact

Residential Uses
- Accessory Dwelling Unit
- Assisted living/retirement facility
- Child Care Home
- Group residential facility
- Home-based business
- Nursing home

IS - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Residential Uses
- Bed And Breakfast Facility

Communication/Utilities
- Solar energy system CM-SES
- Solar energy system CS-SES
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

Commercial Uses
- Shooting Range

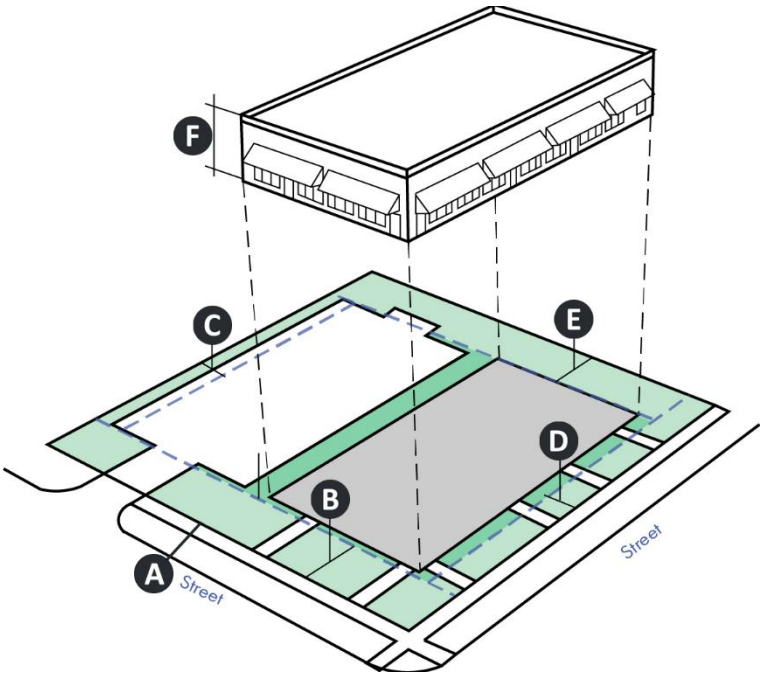
Industrial Uses
- Solid fill

IS - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	10,000 square feet	Ⓑ Minimum Front Setback	30 feet
Minimum Lot Width	100 feet	Ⓒ Minimum Side Setback	25 feet
Ⓐ Minimum Road Frontage	75 feet	Ⓓ Minimum Corner Side Setback	25 feet
		Ⓔ Minimum Rear Setback	25 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Ⓕ Maximum Primary Structure Height	35 feet
Maximum Accessory Structure Height	25 feet
Maximum Primary Structures per Lot	none



Additional Development Standards that Apply to IS
3.3(I) Seasonal Farm Worker Housing
3.3(II) Mobile/Manufactured Home Park
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.6 Accessory Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.6 Performance Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.10 Loading Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.14 Local Commercial District (LC)

LC - PURPOSE

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 non-conflicting with residential areas of Madison County.

Madison County's Plan Commission should strive to use this district selectively, in areas where small scale commercial centers are appropriate to service neighborhoods.

The Plan Commission should also strive to exclude businesses from the **LC District** that have an adverse effect on existing or future neighborhoods.

LC - PERMITTED USES

Only the following uses are permitted. Please refer to *3.2 Land Use Matrix* and *3.3 Use Descriptions and Standards* for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural crop processing (of materials produced on-site)
- Agricultural crop storage (of materials produced on-site)
- Farm implement storage (operable implements used in the farming operation – not for sale)
- Grazing and pastureland

Commercial Uses
- Personal service uses
- Office uses
- Retail uses (small scale)

Institutional/Public Uses
- Church or other place of worship
- Government office/facility
- Nature preserve
- Police, fire, or rescue station
- School (P-12)

Residential Uses
- Dwelling, single-household (upper floors)
- Dwelling, two-household (upper floors)
- Dwelling, multi-household (upper floors)
- Accessory Dwelling Unit

LC - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock
- Animal boarding
- Farmer's market (for products grown off-site)
- Farm implement sales/service

Communication/Utilities
- Utility, Minor Impact
- Solar energy system CM-SES
- Solar energy system CS-SES
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

Institutional/Public Uses
- Hospital
- Institutional uses (small scale)
- Institutional uses (medium scale)
- Parks and recreation area

Commercial Uses
- Auto-oriented uses (small scale)
- Alcohol-related uses
- Recreation uses (small scale)
- Recreation uses (medium scale)
- Retail uses (medium scale)

Residential Uses
- Assisted living/retirement facility
- Nursing home
- Dwelling, single-household

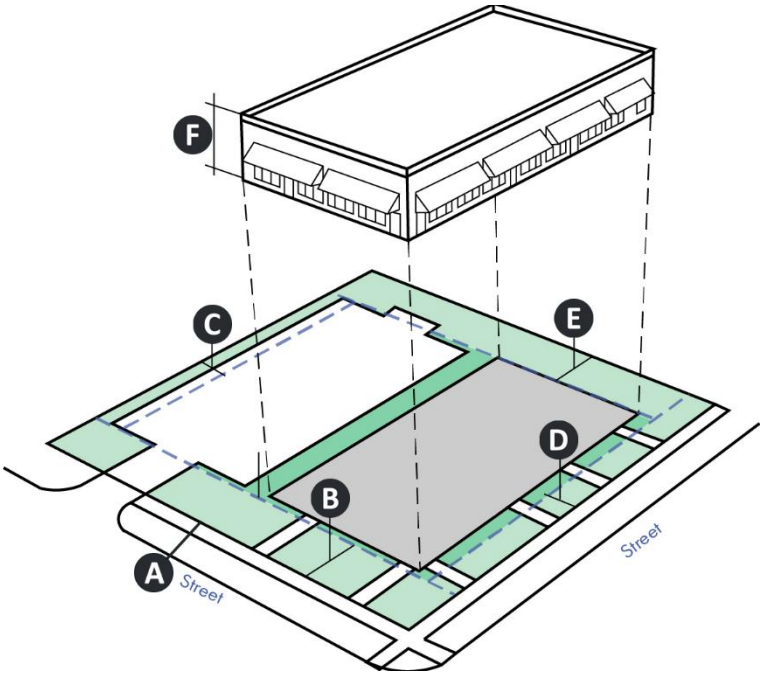
Industrial Uses
- Solid fill

LC - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	5,000 square feet	B Minimum Front Setback	20 feet
Minimum Lot Width	70 feet	C Minimum Side Setback	15 feet
A Minimum Road Frontage	50 feet	D Minimum Corner Side Setback	15 feet
		E Minimum Rear Setback	15 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Minimum Living Area per Unit (excludes garage)	800 square feet
F Maximum Primary Structure Height	35 feet
Maximum Accessory Structure Height	15 feet
Maximum Primary Structures per Lot	1



Additional Development Standards that Apply to LC

3.3(I) Seasonal Farm Worker Housing
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.6 Accessory Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.6 Performance Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.10 Loading Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.15 General Commercial District (GC)

GC - PURPOSE

The **GC District** provides 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 should strive to use this district to encourage a strong and stable area for commerce.

The Plan Commission 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 facing the major streets, and traffic conflicts in the **GC District**.

If available, connection to water and sewer is required.

GC - PERMITTED USES

Only the following uses are permitted. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural Crop Processing
- Agriculture crop storage
- Commercial greenhouse
- Farmers market
- Agricultural Products Sales, Distribution, and Storage, distribution, and storage
- Farm implement storage
- Farm implement sales/service
- Grazing and pastureland

Communication/Utilities Uses
- Utility, Minor Impact

Commercial 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)

Institutional/Public Uses
- Hospital
- Nature preserve
- Police, fire, or rescue station
- Institutional uses (medium scale)
- School (P-12)

Residential Uses
- Dwelling, single-household (upper floors)
- Dwelling, two-household (upper floors)
- Dwelling, multi-household (upper floors)
- Accessory dwelling unit

GC - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock
- Animal boarding

Commercial Uses
- Adult uses
- Auto-oriented uses (large scale)
- Alcohol-related uses
- Mini warehouse storage facility

Institutional/Public Uses
- Government office/facility
- Institutional uses (small scale)
- Institutional uses (large scale)
- Church or other place of worship
- Parks and recreation area

Industrial Uses
- Solid fill

Residential Uses
- Dwelling, single-household

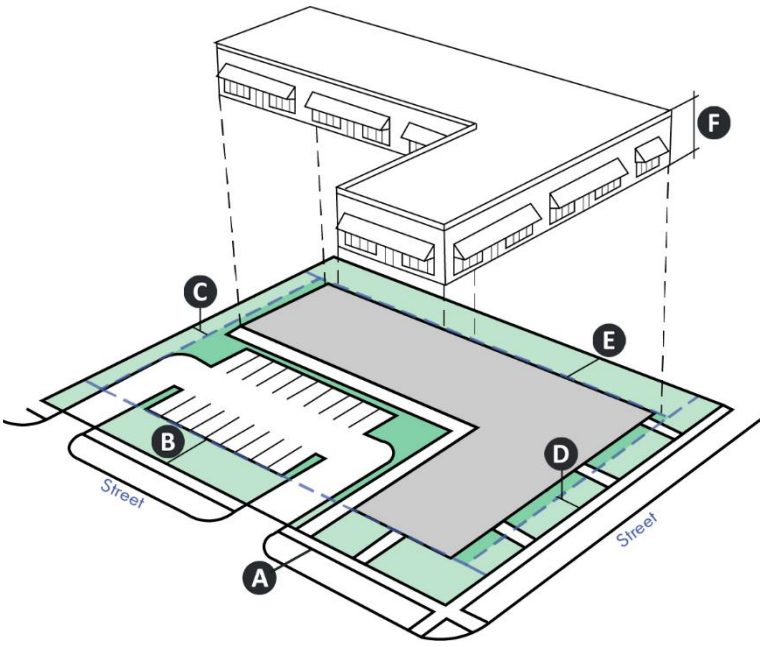
Communication/Utilities
- Wireless telecommunications facility/tower
- Solar energy system CM-SES
- Solar energy system CS-SES

GC - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	20,000 square feet	Ⓑ Minimum Front Setback	30 feet
Minimum Lot Width	150 feet	Ⓒ Minimum Side Setback	25 feet
Ⓐ Minimum Road Frontage	100 feet	Ⓓ Minimum Corner Side Setback	25 feet
		Ⓔ Minimum Rear Setback	25 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Ⓕ Maximum Primary Structure Height	35 feet
Maximum Accessory Structure Height	25 feet
Maximum Primary Structures per Lot	None



Additional Development Standards that Apply to GC

3.3(I) Seasonal Farm Worker Housing
3.3(V) Adult Uses
3.3(V) Retail Uses (Large Scale)
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.6 Accessory Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.6 Performance Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.10 Loading Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.16 Highway Commercial District (HC)

HC - PURPOSE

The **HC District** provides 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 should strive to provide highway-oriented business and services, while minimizing light pollution, large parking lots along the major roadways, and 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.

HC - PERMITTED USES

Only the following uses are permitted. Please refer to *3.2 Land Use Matrix* and *3.3 Use Descriptions and Standards* for more information.

Agricultural Uses
- Agriculture crop production
- Agricultural 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
- Grazing and pastureland

Commercial 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)

Institutional/Public Uses
- Hospital
- Nature preserve
- Police, fire, or rescue station
- School (P-12)

Communication/Utilities
- Utility, Minor Impact

Residential Uses
- Accessory dwelling unit

HC - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Animal Boarding
- Livestock

Institutional/Public Uses
- Church or other place of worship
- Government office/facility
- Parks And Recreation Area

Industrial Uses
- Solid fill

Commercial 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

Communication/Utilities
- Solar energy system CM-SES
- Solar energy system CS-SES
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

Residential Uses
- Dwelling, single-household

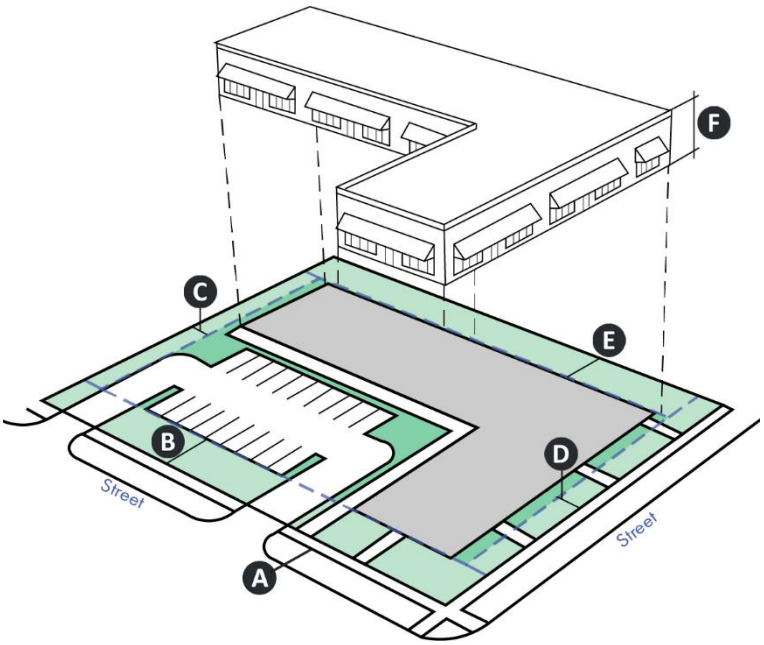
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HC - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	20,000 square feet	Ⓑ Minimum Front Setback	40 feet
Minimum Lot Width	150 feet	Ⓒ Minimum Side Setback	25 feet
Ⓐ Minimum Road Frontage	100 feet	Ⓓ Minimum Corner Side Setback	30 feet
		Ⓔ Minimum Rear Setback	25 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Ⓕ Maximum Primary Structure Height	40 feet
Maximum Accessory Structure Height	25 feet
Maximum Primary Structures per Lot	None



Additional Development Standards that Apply to HC
3.3(I) Seasonal Farm Worker Housing
3.3(V) Retail Uses (Large Scale)
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.6 Accessory Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
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5.9 Parking Standards
5.10 Loading Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.17 Light Industrial District (LI)

LI - PURPOSE

The **LI District** is intended to provide a land use category for assembly, contractor's warehouse, 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 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**.

LI - PERMITTED USES

Only the following uses are permitted in this district. Please refer to *3.2 Land Use Matrix* and *3.3 Use Descriptions and Standards* for more information.

Agricultural Uses
- Agriculture crop production
- Agricultural Crop Processing (of materials produced on-site)
- Agriculture crop storage (of materials produced on-site)
- Agricultural Products Sales, Distribution, and Storage and distribution
- Farm implement storage

Agricultural Uses (cont.)
- Farm implement sales/service
- Commercial greenhouse
- Grazing and pastureland

Commercial Uses
- Corporate office uses

Institutional/Public Uses
- Hospital
- Nature preserve
- Police, fire, or rescue station
- School (P-12)

Communication/Utilities
- Utility, Minor Impact

Industrial Uses
- Contractor's Workshop
- Industrial uses (low impact)
- Mini-Warehouse Storage Facilities

Residential Uses
- Accessory Dwelling Unit

LI - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock
- Livestock auction and sale facility

Industrial Uses
- Agricultural crop production and storage
- Solid fill

Institutional/Public Uses
- Institutional uses (small scale)
- Institutional uses (medium scale)
- Institutional uses (large scale)
- Church or other place of worship
- Government office/facility
- Parks And Recreation Area

Commercial Uses
- Truck stop
- Kennel
- Office uses
- Shooting Range

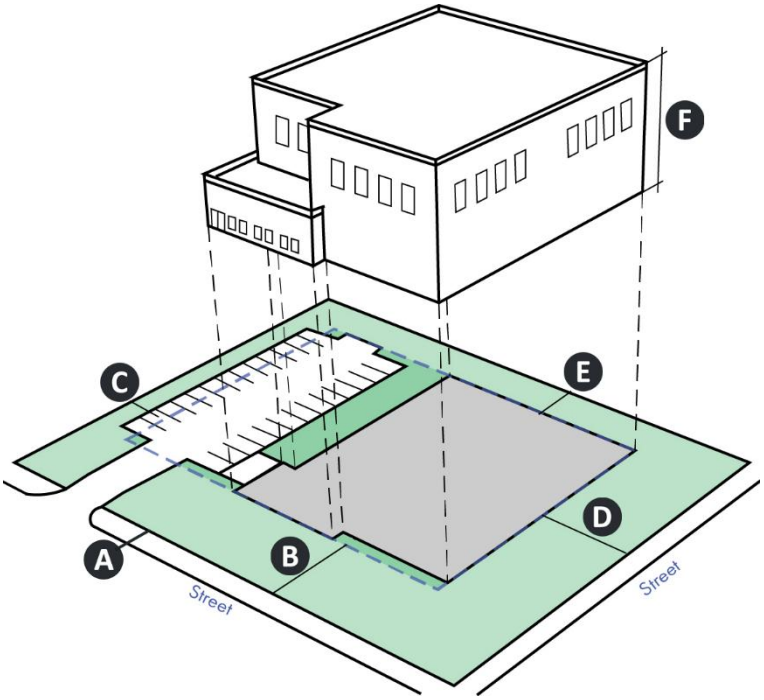
Communication/Utilities
- Solar energy system CM-SES
- Solar energy system CS-SES
- Solar energy system NC-SES
- Utility, Major Impact
- Wireless telecommunications facility/tower

LI - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	25,000 square feet	Ⓑ Minimum Front Setback	35 feet
Minimum Lot Width	150 feet	Ⓒ Minimum Side Setback	25 feet
Ⓐ Minimum Road Frontage	100 feet	Ⓓ Minimum Corner Side Setback	30 feet
		Ⓔ Minimum Rear Setback	25 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Ⓕ Maximum Primary Structure Height	40 feet
Maximum Accessory Structure Height	25 feet
Maximum Primary Structures per Lot	1



Additional Development Standards that Apply to LI
3.3(I) Seasonal Farm Worker Housing
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.6 Accessory Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
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5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

2.18 General Industrial District (GI)

GI - PURPOSE

The **GI District** provides a land use category for a variety of industrial operations such as assembly, fabrication, or processing of goods and materials and may include outdoor operations or storage. 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. The district should be used in combination with the **LI** district in areas with convenient access to major transportation routes.

Madison County's Plan Commission 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**.

GI - PERMITTED USES

Only the following uses are permitted in this district. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for more information.

Agricultural Uses
- Agricultural crop production
- Agricultural 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)
- Grazing and pastureland

Industrial Uses
- Contractor's Workshop
- Mineral extraction and processing
- Industrial uses (low impact)
- Agricultural crop production and storage (materials produced off-site)
- School (P-12)

Institutional/Public Uses
- Nature preserve

Communication/Utilities
- Utility, Minor Impact

Residential Uses
- Accessory Dwelling Unit

GI - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Agricultural Uses
- Livestock

Industrial Uses
- Industrial uses (heavy impact)
- Solid fill
- Junk yard/scrap/sanitary landfill
- Meat Processing Plant

Institutional/Public Uses
- Church or other place of worship
- Government office/facility
- Hospital
- Utility, Major Impact

Commercial Uses
- Shooting Range

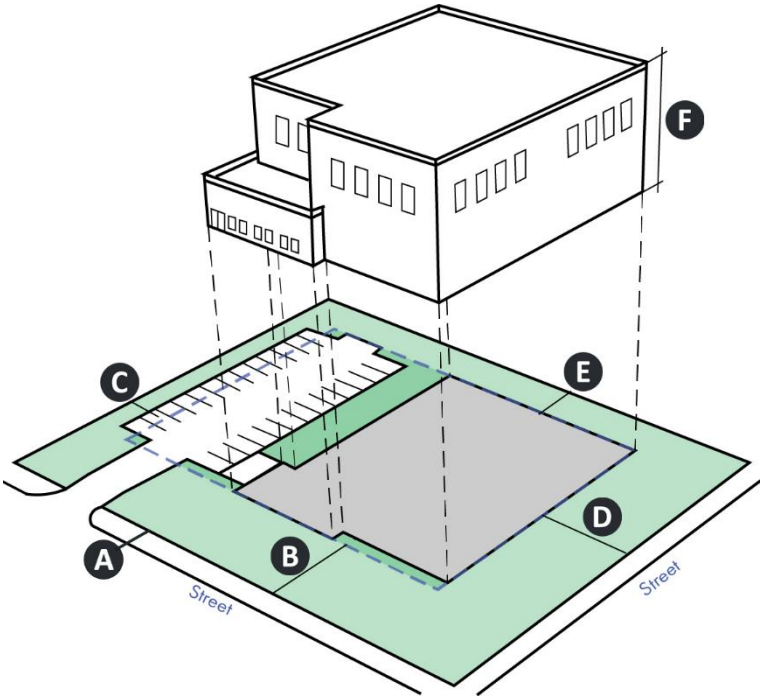
Communication/Utilities
- Solar energy system CM-SES
- Solar energy system CS-SES
- Solar energy system NC-SES
- Wireless telecommunications facility/tower

GI - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	25,000 square feet	Ⓑ Minimum Front Setback	35 feet
Minimum Lot Width	150 feet	Ⓒ Minimum Side Setback	25 feet
Ⓐ Minimum Road Frontage	100 feet	Ⓓ Minimum Corner Side Setback	30 feet
		Ⓔ Minimum Rear Setback	25 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Ⓕ Maximum Primary Structure Height	40 feet
Maximum Accessory Structure Height	25 feet
Maximum Primary Structures per Lot	1



Additional Development Standards that Apply to GI
3.3(I) Seasonal Farm Worker Housing
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.6 Accessory Standards
4.10 Satellite Dish Standards
4.11 Short-Term Rentals
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.6 Performance Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.10 Loading Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
5.19 Lighting Standards
5.21 Sign Regulations
Part B: Flood Hazard Area Standards

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2.19 High Impact District (HI)

HI - PURPOSE

The **HI District** provides a land use category for high impact industrial operations. The provisions that regulate this land use should make this district compatible with **LI**, **GI**, **GC**, and **HC** districts and environmentally sensitive areas. Development standards in this district should recognize the need for quality time, place, and manner to minimize impacts on adjacent properties while encouraging economic vitality.

The Madison County Plan Commission should zone property as **HI** only after determining that the site is appropriate for any of the possible uses allowed in the zoning district. All development in the **HI** district requires approval from the Madison County Plan Commission, the Board of Health, and all applicable State agencies. The Board of Zoning Appeals should allow a special use only when it is clearly harmonious with the surrounding areas. Uses in the **HI District** should require significant buffering and separation from adjacent uses and environmental features.

Madison County's Plan Commission should strive to provide for industrial operations while minimizing light, noise, water, and air pollution. Development in the **HI District** should be very sensitive to issues regarding wellhead protection and pedestrian and vehicular safety.

If available, connection to water and sewer is required.

HI - PERMITTED USES

Only the following uses are permitted in this district. Please refer to ***3.2 Land Use Matrix*** and ***3.3 Use Descriptions and Standards*** for parking requirements and more information.

Agricultural Uses

- Agricultural crop production
- Agricultural crop processing (of materials produced on-site)
- Agriculture crop storage (of materials produced on-site)

Communication/Utilities

- Utility, Minor Impact

Commercial Uses

- Shooting Range

Institutional/Public Uses

- School (P-12)

HI - SPECIAL USES

For this district, the following uses require special use approval by the Board of Zoning Appeals.

Communication/Utilities

- Solar Energy System CL-SES
- Solar Energy System CS-SES
- Solar Energy System CM-SES
- Solar Energy System NC-SES
- Utility, Major Impact
- Wind Energy Conversion System
- Wireless Telecommunication Facility/Tower

Industrial Uses

- Building material demolition site
- Industrial Use (Heavy Impact)
- Junk yard/Scrap metal yard/Sanitary Landfill/Refuse Dump
- Manufacturing/fabrication facility
- Solid fill
- Solid Waste Management
- Any Use permitted in the GI District

HI - DEVELOPMENT STANDARDS

Lot Requirements		Building Placement Requirements	
Minimum Lot Area	5 acres	Minimum Front Setback	200 feet
Minimum Lot Width	250 feet	Minimum Side Setback	200 feet
Minimum Road Frontage	150 feet	Minimum Corner Side Setback	200 feet
		Minimum Rear Setback	200 feet

A setback is the minimum required distance a building or structure must be located from a property line, street, or right-of-way.

Building Requirements	
Maximum Primary Structure Height	40 feet
Maximum Accessory Structure Height	25 feet
Maximum Primary Structures per Lot	none



Additional Development Standards that Apply to HI

3.3(I) Seasonal Farm Worker Housing
3.4 Temporary Uses and Structures
3.7 Wireless Telecommunication Facilities
4.1 & 4.6 Accessory Standards
4.10 Satellite Dish Standards
5.4 Lot, Block, and Yard Standards
5.5 Height Standards
5.6 Performance Standards
5.7 Property Maintenance
5.8 Environmental Standards
5.9 Parking Standards
5.10 Loading Standards
5.11 Sight Visibility Standards
5.13 Farm Animal Standards
5.14 Public Improvement Standards
5.15 Fence & Wall Standards
5.16 Landscaping Standards
5.17 Buffer Yard Standards
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Part B: Flood Hazard Area Standards

2.20 Corridor Development Overlay District

A. 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.

B. 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 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.

C. Overlay District Boundaries. The Overlay District applies 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.

1. Applicability. If any portion of a piece of property lies within the Overlay District, the requirements of this section apply to the entire parcel.
2. Zoning Map. The boundaries for the Corridor Development Overlay District are shown on the Official Zoning Map.

D. Permitted Uses. Junk yards are not permitted in the Overlay. All other uses permitted, not-permitted, and permitted as special uses in any underlying zoning district to which the Corridor Development Overlay District is applied are unaffected by the presence of the overlay district.

E. Development Standards. All single and two-household residential and agricultural uses are exempt from the development standards of the overlay district and must 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:

1. 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.
2. Properties located in the Corridor Development Overlay District shall also be subject to any additional development standards established in this article.
3. 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.

F. Overlay District Improvement Standards

1. Signage. A free-standing sign cannot exceed 15 feet in height.
2. 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.
3. 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.

   i. The enclosure shall not exceed 8 feet in height.

   ii. No stored products or waste containers or materials may exceed the height of the enclosure.

   iii. An opaque 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.

4. Building Materials. The primary building material for all facades facing public streets shall be brick, fiber-cement siding, 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.

5. Roofs. Sloped roofs must either be standing seam metal or dimensional shingles and sloped between 15 and 45 degrees. Dormers and roof accents are exempt from the slope requirements.

6. 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.

      i. 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.

      ii. 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.

7. Lighting. Spot lights and uplighting to illuminate building facades are prohibited.

8. Entrance Drives. Entrance drives accessing lots from an arterial or collector road must be approved by the County Engineering Department. 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.

9. 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.

10. 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 must also be provided adjacent to a parking area.

    a. Walkways shall be concrete and shall be a minimum of 5 feet in width.

    b. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.

    c. 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.

    d. The Administrator may accept a covenant to build the walkway at a future time if the Administrator 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.

Chapter 3
Land Uses

3.1 Uses

A. **Applicability**. Land can only be used, and structures can only be used, erected, or structurally altered, for allowable uses in the Zoning District where they are located.

B. **Land Use Specified**. Each land use is either a permitted, not permitted, or a Special Use in each Zoning District as set forth in ***3.2 Land Use Matrix*** (the "Use Table") or elsewhere in this Ordinance. The ***3.2 Land Use Matrix*** is the controlling source for any conflict between the matrix and any other provision of this Ordinance.

C. **Special Uses**. A Special Use designation identifies a use that requires a greater degree of scrutiny because of the potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Special Use for its characteristics and impacts to determine suitability in a zoning district. The approval of the Special Use is subject to a public hearing by the Board of Zoning Appeals according to ***8.7 Special Use Process***.

D. **Unlisted or Questionable Land Uses**. Any use not expressly listed in the use table or otherwise authorized by this Ordinance is prohibited. If a proposed use is not specifically listed, the Administrator shall determine the appropriate zoning district placement for that use based on its similarity to listed uses in terms of character, intensity, and potential impacts on surrounding properties. The Administrator shall document such determinations in writing, including the findings and reasoning supporting the decision. Where the Administrator finds a proposed use to be particularly ambiguous or without a reasonably similar listed use, the Administrator may refer the matter to the Plan Commission for a recommendation prior to issuing a determination. Any determination made under this article may be appealed to the Board of Zoning Appeals consistent with ***8.8 Administrative Appeals***.

E. **Primary Use Classifications**. All primary land uses in the Use Table are organized into one of the following 6 general land use classifications:

- Agricultural Primary Uses
- Residential Primary Uses
- Institutional/Public Primary Uses
- Communication/Utilities Primary Uses
- Commercial Primary Uses

- Industrial Primary Uses

F. **Explanation of Table Cell Entries. Each of the cells on the Land Use Matrix indicates whether a use is permitted or not and what limitations apply to the specific use. If the use name is emphasized, click on the use name to be directed to any specific conditions associated with the use in *3.3 Use Descriptions and Standards*.**

- Permitted Use ("P"). A "P" in a table cell indicates the use is permitted in the respective zone district and subject to compliance with any applicable use limitations.
- Use Not Permitted (blank cell). A blank table cell indicates the use is **not** permitted in the zone district.
- Use Subject to Special Use Review ("S"). An "S" in a table cell indicates the use is generally appropriate in the zoning district and goes through Special Use review. Special Uses may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "S" uses are subject to BZA public hearing according to ***8.6 Special Uses***, which grants the Board the authority to impose conditions on the specified use to mitigate any potential impacts.

3.2 Land Use Matrix

P = Permitted Use S = Special Use	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI	HI
AGRICULTURAL USES															
Agricultural Crop Processing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Product Storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Products Sales, Distribution, and Storage	P	P									P	P	P		
Animal Boarding	S	S								S	S	S			
Commercial Greenhouse	S	S									P	P	P		
Confined Feeding Operation	S														
Farm Implement Sales/Service	S	S								S	P	P	P		
Farm Implement Storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farmers Market	S	S								S	P	P			
Grazing/Pastureland	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Livestock	P	P	S	S	S	S	S	S	S	S	S	S	S	S	
Livestock Auction/Sale Facility	S	S											S		
Private Farm Stand	P	P	P	P	P										
Seasonal Farm Worker Housing	S	S													
RESIDENTIAL USES															
Dwelling, Single-Household	P	P	P	P	P					S	S	S			
Dwelling, Duplex				P	P										
Dwelling, Multi-Household						P									
Dwelling, Upper Floor										P	P				
Dwelling, Manufactured Home Class A	P	P	P	P	P		S								
Dwelling, Manufactured Home Class B							P								

P = Permitted Use S = Special Use	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI	HI
Dwelling, Mobile Home							P								
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Assisted/Living/Retirement Facility		S	S	S	S	P			P	S					
Bed And Breakfast Facility	S	S	S	S	S	S		S	S						
Child Care Home	P	P	P	P	P	P	P		P						
Group Residential Facility	P	P	P	P	P	P			P						
Home-Based Business	P	P	P	P	P	P	P		P						
Mobile/Manufactured Home Park							P								
Nursing Home		S	S	S	S	P			P	S					
INSTITUTIONAL/PUBLIC USES															
Government Office/Facility	S	S	S	S	S	S	S	P	P	P	S	S	S	S	
Hospital									P	S	P	P	P	S	
Institutional Uses (Small Scale)			S	S	S	S	S		P	S	S		S		
Institutional Uses (Medium Scale)									P	S	P		S		
Institutional Uses (Large Scale)									P		S		S		
Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks And Recreation Area	S	S	S	S	S	S	S	P	P	S	S	S	S		
Place of Worship	P	P	S	S	S	S	S	S	P	P	S	S	S	S	
Police, Fire or Rescue Station	S	S	S	S	S	S	S	S	P	P	P	P	P		
School (K-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMUNICATION/UTILITIES															
Solar Energy System CL-SES															S
Solar Energy System CM-SES								S	S	S	S	S	S	S	S
Solar Energy System CS-SES						S	S	S	S	S	S	S	S	S	S
Solar Energy System NC-SES			S	S	S	S	S	S	S	S	S	S	S	S	S
Utility, Minor Impact	P	P	S	S	S	S	S	S	P	S	P	P	P	P	P
Utility, Major Impact	S	S											S	S	S

P = Permitted Use S = Special Use	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI	HI
Wind Energy Conversion System															S
Wireless Telecommunication Facility/Tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL USES															
Adult Uses											S				
Alcohol Related Uses										S	S	S			
Auto-Oriented Uses (Small Scale)										S	P	P			
Auto-Oriented Uses (Medium Scale)											P	P			
Auto-Oriented Uses (Large Scale)											S	P			
Event Center	S	S													
Kennel	S	S											S		
Office Use, Corporate Campus												P	P		
Office Use, Professional										P	P	S	S		
Personal Service Uses										P	P				
Recreation Uses (Small Scale)										S	P	S			
Recreation Uses (Medium Scale)								P		S	P	S			
Recreation Uses (Large Scale)	S	S						P							
Recreational Vehicle Park	S	S						P							
Retail Uses (Small Scale)										P	P	S			
Retail Uses (Medium Scale)										S	P	S			
Retail Uses (Large Scale)											P	P			
Shooting Range	S								S				S	S	P
Truck Stop												P	S		
INDUSTRIAL USES															
Ag. Crop Production/Storage													S	P	
Building Material Demolition Site															S
Contractor's Workshop	S	S											P	P	

P = Permitted Use S = Special Use	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI	HI
Industrial Uses (Low Impact)													P	P	
Industrial Uses (Heavy Impact)														S	S
Junk Yard/Scrap Metal Yard/Sanitary Landfill/Refuse Dump														S	S
Manufacturing/Fabrication Facility															S
Meat Processing Plant	S													S	
Mineral Extraction and Processing	S	S												P	
Mini-Warehouse Storage Facilities	S										S	S	P		
Private Air Strip	S	S													
Solid Fill	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Solid Waste Management															S

Data Centers, Energy Storage Systems (ESS), Carbon Capture and Sequestration (CCS), Small Modular Reactors (SMRs), and other emerging technologies uses are prohibited. A forthcoming Emerging Technology Ordinance will establish the definitions, review procedures, and development standards necessary to evaluate and regulate these uses before they are authorized.

3.3 Use Descriptions and Standards

I. Agricultural Uses

Agricultural Crop Processing (Materials Produced On-Site): An establishment primarily engaged in the transformation of raw agricultural products into a different form, state, or product. This includes, but is not limited to, cleaning, grading, sorting, packaging, canning, preserving, milling, extracting, or otherwise preparing agricultural commodities (such as crops, livestock, and dairy) for distribution, further manufacturing, or consumption. This use typically involves machinery and may include ancillary activities such as storage, loading, and administrative offices directly related to the processing operation. This use excludes slaughterhouses.

Agricultural Crop Production: Commercial agricultural field and orchard uses, including production of field crops, flowers and seeds, fruits, grains, ornamental crops, tree nuts, trees, sod, and vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field, not involving a permanent structure.

Agricultural Product Storage (Materials Produced On-Site): The storage of agricultural products, crops, and related materials that are grown, raised, or produced on the same property or agricultural operation. This includes the storage of grain, hay, silage, feed, seed, and fertilizer in structures such as silos, barns, grain bins, hay storage buildings, and similar agricultural storage facilities. Storage must be directly related to and accessory to active agricultural operations conducted on the premises. This use does not include the storage of agricultural products produced off-site or commercial storage operations serving multiple properties.

Agricultural Products Sales, Distribution, and Storage: An establishment primarily engaged in agricultural support activities including: (1) the processing, storage, and distribution of raw grains and manufacturing of animal feed; and/or (2) the retail or wholesale sale of agricultural seeds, fertilizers, pesticides, and other farming supplies. This classification encompasses facilities that perform grain processing, feed manufacturing, large-scale storage and handling of agricultural commodities, and the distribution of agricultural inputs and supplies necessary for crop production operations.

Animal Boarding: Any combination of structures or land for the boarding, breeding, or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit. This use does not include animals used for agricultural purposes.

Commercial Greenhouse: A commercial establishment primarily engaged in the cultivation, propagation, and protection of plants in a controlled or semi-controlled environment in a structure constructed with transparent or translucent materials over a framework. This use is characterized by the manipulation of internal conditions, including temperature, humidity, light, and ventilation, to optimize plant growth, typically for commercial purposes or research.

Confined Feeding Operation: Any confined feeding of at least 300 cattle; 600 swine or sheep or 30,000 fowl; 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***. For use standards, see ***3.6 Confined Feeding Operations*** for additional standards.

Farm Implement Sales/Service: Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes of farming and ranching.

Farm Implement Storage (Operable Implements): Storage of operable farm equipment, machinery, and supplies used for soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes of farming and ranching.

Farmers Market (Products Grown Off-Site): The periodic selling of vegetables, produce, fresh flowers, arts and crafts items, and food and beverages, but excluding second-hand items, occurring in a pre-designated area, where the vendors are generally individuals who have raised the produce or have taken the product on consignment.

Grazing/Pastureland: Land where the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock.

Livestock: Grazing animals kept in open fields or structures for training, boarding, home use, sales, or breeding and production, including cattle, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, and alpacas. Beekeeping is excluded from this use.

Livestock Auction/Sale Facility: Establishments where the public may consign livestock for sale bidding or commission. It does not include breed or livestock associations operating in compliance with Future Farmer and 4-H groups, auction sales conducted with county, state, or private fairs, or auction sales conducted for a person whose livestock are sold on the premises of the person.

Private Farm Stand: The retail sale of agricultural crops, produce, flowers, plants, or other horticultural products that are grown, cultivated, or produced primarily on the same property. This use includes farm stands, seasonal produce markets, pick-your-own operations, and similar direct-to-consumer sales activities where the retail component is accessory to and directly related to the on-site agricultural production.

Seasonal Farm Worker Housing: A dwelling located on a farm for the purpose of housing an employee of that farm operation and the employee's family. Also included in this use type are multifamily dwellings for seasonal employees in connection with an orchard or other agricultural uses that rely on seasonal employees requiring housing. All seasonal housing units used in support of farming operations must meet these requirements:

A. **Basic Equipment and Facilities**. To qualify for occupancy, a dwelling unit must have:

   1. A kitchen sink;
   2. A private bathroom with a toilet, sink, closet, and bathtub or shower;
   3. Garbage disposal facilities or containers;
   4. A safe, unobstructed means of egress leading to safe and open space at ground level.

B. **Light, Ventilation, and Heating**. Every dwelling unit must include:

   1. Adequate ventilation for every habitable room;
   2. Water heating facilities properly installed and maintained in good and safe working order;

3. 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;
4. 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;
5. Screens and closing devices for all doors and windows (and any other opening) opening directly from a dwelling unit to outdoor space; and
6. Screens of other devices for every opening which might otherwise allow the entry of rodents into the dwelling unit.

C. **Safe and Sanitary Maintenance**

1. Foundations, floors, walls, ceilings, and roofs shall be maintained in good repair and shall remain reasonably weather-tight, water-tight, rodent-proof, and provide adequate privacy;
2. 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;
3. 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;
4. Every inside and outside stair and every porch or like structure shall be constructed to be safe to use and capable of supporting the load that will be placed upon it through normal use;
5. 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
6. Every bathroom floor surface shall be constructed and maintained to be reasonably impervious to water and to permit the floor to be easily kept in a clean and sanitary condition.

D. **Space Requirements**

1. 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;
2. 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;
3. 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;
4. The ceiling height of all habitable rooms must be at least 7 feet from the interior floor level.

E. **License**. Seasonal housing requires a license from the Administrator consistent with the adopted licensing policies and procedures of the Administrator.

1. The licensing procedure may include a fee and an inspection of the housing units by the Administrator.
2. The occupancy of any seasonal housing without a license constitutes a violation of this Ordinance and shall be subject to the penalties provided by ***Chapter 9: Enforcement***.
3. 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.

II. Residential Uses

Dwelling, Single-Household: A detached residential dwelling unit designed for and occupied by one household proposed to be constructed after the effective date of this Ordinance.

Dwelling, Duplex: A residential building containing 2 dwelling units designed for occupancy by not more than 2 households.

Dwelling, Multi-Household: A residential building designed for or occupied by 3 or more households, with the number of households in a residence not exceeding the number of dwelling units.

Dwelling, Upper Floor: One or more residential dwelling units, with up to one household permitted per unit, allowed on the upper floor of a building that contains predominantly non-residential uses on the ground floor.

Dwelling, Manufactured Home Class A: A dwelling unit constructed in a factory on a permanent chassis, bearing a HUD certification seal issued pursuant to the Federal Manufactured Housing Construction and Safety Standards (42 U.S.C. § 5401 et seq.), and installed and anchored on a permanent foundation and perimeter enclosure in accordance with the Indiana One and Two Family Dwelling Code, as amended. A Class A Manufactured Home meets the requirements of ***5.3(G) Residential Building Standards***.

Dwelling, Manufactured Home Class B: A dwelling unit constructed in a factory on a permanent chassis, bearing a HUD certification seal issued pursuant to the Federal Manufactured Housing Construction and Safety Standards (42 U.S.C. § 5401 et seq.), and installed and anchored on a permanent foundation and perimeter enclosure in accordance with the Indiana One and Two Family Dwelling Code, as amended, but does not meet the Class A Manufactured Home standards.

Dwelling, Mobile Home: A dwelling unit constructed in a factory prior to June 15, 1976, bearing a seal of compliance with standards established by the Indiana Administrative Building Council pursuant to Indiana Public Law 135 (1971), transported to a site on its own chassis, and connected to required utilities.

Accessory Dwelling Unit: A self-contained living unit internal to or on the same lot or parcel as a single-household dwelling that:

A. Does not exceed the lesser of 75% of the habitable gross floor area of the single-household dwelling or 1,000 square feet.

B. Includes its own cooking, sleeping, and sanitation facilities, and

C. Complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws.

The term does not include a manufactured home as defined in ***IC 36-7-4-1106(b)*** that is subject to the standards and requirements set forth in ***IC 36-7-4-1106***. See ***4.7 Accessory Dwelling Units*** for additional standards.

Assisted Living/Retirement Facility: A residential community for those who require long-term assistance with activities of daily living, including limited on-site rehabilitation and medical care. The building does not contain equipment for surgical care or for treatment of disease or injury. This facility is not for residents needing 24-hour monitoring and medical assistance by trained medical staff and treatment for mental illness or alcohol or drug addiction. Assisted living communities primarily have apartment-like private rooms. They may provide memory care services for those with Alzheimer's or dementia.

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

Child Care Home: As defined by ***IC 12-7-2-28.6*** and for the purposes of this 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 6 and no more than 16 children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative; or those which are at least 14 years of age) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than 4 hours but less than 24 hours in each of 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***

Home-Based Business: A business based in the dwelling of its owner or operator which results in minimal (no impact to structure or surroundings) business practices. The intent is protect the residential character of the neighborhood. See ***4.9 Home-Based Businesses*** for additional standards.

Group Residential Facility: A facility licensed by the State of Indiana to provide a homelike setting to the developmentally disabled and/or the mentally ill. This provides the benefits of a group living situation as an alternative to hospitalization or institutionalization. A minimum separation of 3,000 feet is required between Group Residential Facilities.

Mobile/Manufactured Home Park: A parcel of land containing 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 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.

A. All home sites must 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.

   1. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

2. 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.

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 current standards.

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.

III. Institutional/Public Uses

Government Office/Facility: A building or facility used in government operations. Government buildings and facilities include office space for the operation of administrative functions, police, fire, public works, emergency services, disaster relief, garages, and storage facilities.

Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term “hospital” does not apply to institutions operating primarily for the treatment of insane persons, drug addicts, liquor addicts, and other types of cases necessitating the restraint of patients, and the term “hospital” does not include convalescent, nursing, shelter, or hotel/motels.

Institutional Uses (Small Scale): Uses such as an institutional facility for the developmentally disabled, institutional facility for mentally ill, child daycare center, adult day care center, group home, and similar small-scale facilities providing care, support, or social services to individuals, typically operating at a neighborhood scale with limited traffic generation and building size.

Institutional Uses (Medium Scale): Uses such as a funeral home/mortuary, cemetery, public lot, crematory, armory, library, museum, post office, recreation center, community center, service/fraternal/labor organization office, and meeting hall.

Institutional Uses (Large Scale): Uses such as a university or college campus, major government complex, convention center, sports or civic arena, and similar large-scale facilities serving a regional population, typically

characterized by substantial building footprints, high traffic generation, extended or 24-hour operations, and significant infrastructure demands.

Nature Preserve: A tract of land managed primarily for the protection and conservation of native flora, fauna, and ecosystems in their natural or restored state. Active development, grading, vegetation removal, and impervious surfaces are prohibited except as minimally necessary to support conservation management, scientific research, or environmental education. Passive, low-impact public access — such as unpaved nature trails, wildlife observation areas, and interpretive signage — may be permitted, provided such access does not materially disturb the natural environment or native habitat. Nature preserves shall not include active recreational facilities such as playing fields, playgrounds, pavilions, or paved parking areas.

Parks and Recreation Area: An area of land designated and improved for active or passive recreational use by the public or residents of a defined community. Parks and recreation areas may include both natural open space and developed facilities, such as playgrounds, athletic fields, courts, aquatic facilities, picnic shelters, band shells, pedestrian and multi-use trails, restroom facilities, maintenance buildings, and paved parking areas. Landscaping, grading, and site improvements are permitted in support of recreational programming and public use. Parks and recreation areas are distinguished from nature preserves in that ecological preservation is not the primary management objective, and active recreational development is expressly permitted.

Place of Worship: A facility used primarily for religious worship, spiritual practice, or religious instruction, including but not limited to churches, chapels, synagogues, mosques, temples, meetinghouses, and similar facilities operated by a religious organization or institution. The term may include accessory uses customarily associated with religious activity, such as a fellowship hall, administrative offices, classrooms used for religious education, and on-site housing for clergy when located on the same lot as the principal place of worship. The term does not include facilities used primarily for day care centers, private schools, or other secular community services, unless such uses are expressly permitted as accessory uses elsewhere in this Ordinance.

Police, Fire, or Rescue Station: A facility operated by a governmental agency or authorized emergency services organization for the housing of emergency response personnel, vehicles, and equipment, including fire trucks, ambulances, rescue apparatus, and police patrol vehicles. This use includes administrative offices, training facilities, vehicle maintenance bays, equipment storage, and living quarters incidental to emergency response operations.

School (K-12): A public or private institution that 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.

IV. COMMUNICATION/UTILITIES

Solar Energy System: A facility or installation designed to capture solar radiation and convert it into usable energy, including photovoltaic panels, solar collectors, concentrated solar power systems, and associated equipment such as inverters, transformers, battery storage systems, transmission lines, and support structures. See ***3.8 Solar Energy Systems*** for additional standards.

Utility, Major Impact: A utility use that, due to its nature or large scale, could have an adverse impact on surrounding properties. Examples include sanitary sewer treatment plants and solid waste facilities. A Major Impact Utility must meet the following standards:

A. Sanitary sewage treatment plants must be at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

B. Solid waste facilities must be in a completely enclosed structure and at least 500 feet from any residential district.

C. The expansion of transmission line capacity does not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.

D. Where permitted, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Utility, Minor Impact: A utility use that due to its nature or small scale is unlikely to have an adverse impact on surrounding properties. Examples include public well fields, pump houses, utility substations, water towers, telephone switching stations and completely enclosed utilities. A Minor Impact Utility must meet the following standards:

A. Electric substations are prohibited in residential districts.

B. Exposed electric substation transformers must be enclosed by a fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons.

C. A minor impact utility use must be at least 50 feet from the nearest boundary of any lot containing a single- or two-household dwelling use existing at the time of application for the utility use unless the utility has been sited and designed to assure its compatibility with adjacent dwelling units.

D. Building materials and company vehicles must be screened or located so as not to be visible from a perimeter street or adjacent residential use.

Wind Energy Conversion System: All necessary devices that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines. See ***3.9 Wind Energy Conversion Systems*** for additional standards.

Wireless Telecommunication Facility/Tower: Licensed public commercial telecommunication services, including but not limited to cellular, digital, personal communication services (PCS), enhanced specialized mobile radio (ESMR), paging, and other similar services that are marketed to the public. See ***3.7 Wireless Telecommunication Facility/Tower*** for additional standards

V. Commercial Uses

Adult Uses. Establishments with up to 25% of its stock in trade or its dollar volume in trade in sexually oriented businesses. Adult uses must be located a minimum of 2,500 feet from any church, park, school, or other adult use.

Adult Uses may include:

A. **Adult Bookstore**. An establishment having more than 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.

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

C. **Adult Retail Store**. An establishment having more than 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.

D. **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.

Alcohol Related Uses: A commercial enterprise whose primary activity is the sale of alcoholic beverages. Uses may include a bar tavern, night club, liquor store.

Auto-Oriented Uses (Small Scale): Uses may include a gas station, electric vehicle charging, drive-thru ATM, restaurant (with drive-in service), restaurant (with drive-thru service). See also ***4.8 Electric Vehicle Charging***.

Auto-Oriented Uses (Medium Scale): Uses may include a bus station, auto repair and body shop, car wash, vehicle detailing/accessory shop, oil change facility

Auto-Oriented Uses (Large Scale): Uses may include a hotel/motel, manufactured/mobile home sales and service, auto sales and service, motorcycle sales and service, boat and RV sales-service

Event Center: A building or facility designed or used to accommodate gatherings such as weddings, receptions, banquets, meetings, reunions, or similar private or public assemblies. The use typically includes indoor assembly space and may include outdoor ceremony or gathering areas, catering or warming kitchens, restrooms sized for peak occupancy, and parking areas sufficient to serve maximum capacity.

Kennel: An establishment housing 4 or more dogs, cats, or other small animals, and where boarding, grooming, breeding, training, or selling of animals for commercial or non-commercial purposes. This use does not include any operation meeting the definition of a Confined Feeding Operation (CFO) or Concentrated Animal Feeding Operation (CAFO) under Indiana statutes. The following standards apply to all kennels:

A. **Building**. The parts of a building where animals are serviced shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so that no unreasonable noise or odor can be detected off premises.

B. **Outdoor Areas**. No part of an outdoor animal care or run area shall be closer than 200 feet from any property line abutting a residential zoning district or use, except property owned or occupied by the owner or operator.

C. **Fence**. The entire perimeter of the outdoor kennel area shall be enclosed with an opaque fence that meets the following standards:

1. Minimum depth underground: 12 inches.
2. Minimum height: 7 feet from grade.
3. Minimum fence setback: 20 feet from any adjoining property line.

Office Use, Corporate Campus: Large-scale office developments with multiple buildings or substantial single structures designed for corporate headquarters and major business operations, featuring integrated complexes with shared amenities, coordinated architecture, and extensive parking within a landscaped campus setting. May include subordinate retail or service uses that primarily serve on-site employees.

Office Use, Professional: A room or group of rooms used for the affairs of a business, profession, service industry, or government, primarily administrative in nature, or used for providing services to clients that do not include the exchange of physical goods. This use may include veterinarian office/hospital, radio/TV station, print shop/copy center. Medical/dental clinic, business/financial service office, bank/financial institution, investment firm, secretarial service, temp. service agency, employment service, general, insurance office, law office, real estate office, title company, travel agency, medical/dental office, architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and Realtors or insurance agents and brokers.

Personal Service Uses: Uses may include a photographic studio, dance or martial arts studio, barber/beauty shop, tanning salon, dry cleaners, self-service laundry, fitness center, tailor, pressing shop, shoe repair, etc.

Recreation Uses (Small Scale): Uses may include a billiard/arcade room, video/dvd store, banquet hall, bowling alley, theater, etc.

Recreation Uses (Medium Scale): Uses may include a driving range, miniature golf course, skating rink, swimming pool, theater, etc.

Recreation Uses (Large Scale): Uses may include a golf course, commercial athletic courts and fields, riding stables, public fishing facility, campground, racetrack, motocross track, go-kart track. A Private Off-Road Track is a Special Use.

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.

A. Recreational vehicle parks must have direct access to a public road and include sufficient entrances and exits to facilitate the safe movement of recreational vehicles in and out of the park.

B. All recreational vehicle parks must designate specific locations for recreational vehicles through signage or the provision of waste disposal and fresh water hook-ups.

1. The density of the park area cannot exceed 15 recreational vehicles per acre.
2. The minimum area of a recreational vehicle park cannot be less than 5 acres.
3. Recreational vehicles must be separated from each other and all other park buildings by a minimum of 10 feet.

4. 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 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 period.

Retail Uses (Small Scale): Uses may include an ice cream shop, restaurant (without drive-thru service) delicatessen, bakery (retail), art gallery, craft/fabric shop, flower shop, gift shop, convenience store (with gas pumps), news dealer/bookstore, music/instrument shop, etc.

Retail Uses (Medium Scale): Uses may include a butcher/meat locker, pharmacy, jewelry store, antique shop, apparel/footwear shop, auto part sales (without on-site repair) garden shop, sporting goods, pet shop, variety store, building finishes store (paint, windows, wallpaper)

Retail Uses (Large Scale): These standards apply to retail development when a structure exceeds 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 complementary to, adjacent land uses and the physical characteristics of Madison County.

Uses may include grocery/supermarket, department store, furniture store, home electronic/appliance store, office supply store, building supply store.

A. **Architectural Design Standards**

1. Facades and Exterior Walls. Facades and exterior walls shall generally be articulated to visually reduce the scale of the building and provide visual interest.
    a. All buildings shall be designed with a minimum of 8 external corners.
    b. Front facades more than 200 feet in length must incorporate wall plane projections or recesses along at least 20% of their length. Such projections or recesses should be at least 4 feet deep.
    c. Facades that face a public street must have arcades, display windows, entry areas, awnings, or similar design elements at the ground floor along at least 60% of their horizontal length.
    d. If used, building penthouses shall be incorporated into the building facade design and make use of exterior materials consistent with the facades.
2. Tenant Spaces. Tenant spaces located within a structure exceeding 25,000 square feet in gross floor area must meet the following requirements when located along a front facade of the building:
    a. Each tenant space may have a customer entrance separate from the main entrance(s) of the building.
    b. The ground level facade of each tenant space must be transparent between the height of 3 and 8 feet above the exterior grade level for at least 60% of the tenant frontage.

3. Roofs

a. 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.

b. Flat roofs shall feature parapets concealing roof-top equipment. The average height of the parapets should be 15% to 30% of the height of the supporting wall.

c. Sloped roofs shall:

i. Feature a roof plane change, gable, or dormer for every 100 feet horizontal length.

ii. Sloped roof exterior material shall either be standing seam metal or dimensional shingles.

iii. Sloped roofs shall include overhanging eaves which extend a minimum of 3 feet beyond the supporting walls.

iv. 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 facades. Permitted materials include stone, brick, glass, ornamental metal, architectural precast (panels or detailing), or architectural metal panels. Smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels are prohibited on a front building facade.

e. Customer Entrances. All customer entrances located on a front facade, must be clearly defined and highly visible. Each entrance shall feature a combination of 3 or more of the following features:

- canopies and porticos;
- overhangs;
- recesses or projections;
- arcades;
- raised, corniced parapets;
- peaked roof forms;
- arches;
- outdoor patios;
- display windows;
- architectural details, such as tile work and moldings which are integrated into the building structure and design; or
- fixed-in-place planters or wing walls that incorporate landscaped areas and places for sitting.

B. **Building Orientation**. The building must face and have its main entrance on the side of the building fronting on a public street.

1. In cases where a building fronts on more than one public street, if the streets are of different classifications in the Madison County Thoroughfare Plan, the building must face the street with the highest classification. Main entrances may be located on the corner of a building which faces two public streets.

2. No loading docks, overhead service doors, or trash collection bins may be placed on, or adjacent to any facade which faces a public street.

Shooting Range: A facility, whether operated indoors or outdoors, that provides a controlled environment for the discharge of firearms, archery equipment, air guns, or other projectile-launching devices for purposes including sport shooting, recreational target practice, competitive marksmanship, firearms safety and training, law enforcement or military qualification, and similar activities. A Shooting Range may be operated as a private membership club, a commercial enterprise open to the general public, or a non-commercial facility operated by a governmental entity or nonprofit organization for public safety or educational purposes. A Shooting Range does not include a temporary range erected solely for a single organized event lasting no more than 72 consecutive hours, provided such event is otherwise consistent with all applicable setback and noise requirements of this Ordinance.

Shooting ranges must comply with the following conditions:

A. **Setbacks**. All firing lines and target frames shall observe the following minimum setbacks from property lines and protected uses. These setbacks are measured from the nearest point of the firing line, not from any structure.

	Outdoor Range	Indoor Range
Property line (general)	300 ft	50 ft
Residential use or district	500 ft	100 ft
School, church, park, or daycare	1,000 ft	200 ft
Public road right-of-way	300 ft	50 ft
Water supply well or water body	500 ft	200 ft

The BZA may reduce any setback listed above upon a finding that proposed engineered safety berms, baffles, or other containment structures fully prevent projectile overflight and adequately attenuate noise to applicable standards, and upon review of a certified range safety plan prepared by a qualified range designer.

B. **Safety and Containment**

1. All outdoor ranges shall be designed, constructed, and operated in accordance with the safety standards of the National Rifle Association (NRA) Range Source Book or a comparable standard acceptable to the Administrator.

2. Bullet-stop berms shall be constructed of compacted earthen material or equivalent engineered containment and shall be of sufficient height and depth to fully contain all projectiles from the maximum-power firearms permitted on the range.

3. Side berms or baffles shall be provided as necessary to prevent lateral projectile escape in accordance with the approved safety plan.
4. No range shall be operated unless all required safety berms, baffles, and downrange containment are in place and inspected.
5. All enclosed range buildings shall incorporate appropriate ballistic wall, ceiling, and floor construction consistent with the calibers permitted on the range.

C. **Noise**

1. Outdoor ranges shall not operate before 8:00 a.m. or after 9:00 p.m. on any day, unless a different schedule is approved by the BZA as a condition of Special Use approval.
2. The operator shall take all reasonable measures to minimize noise impact on adjacent properties, including orientation of firing lanes, installation of acoustic baffles, and enforcement of caliber restrictions.
3. The BZA may require a noise study, prepared by a qualified acoustical engineer, as a condition of Special Use approval when the proposed range is located within one mile of a residential district boundary or residential use.
4. IC 35-47-11.1 (ranges exempt from local noise ordinances) is acknowledged; however, the hours and mitigation standards above are intended to operate as compatible land use conditions, not as noise ordinance enforcement.

D. **Environmental and Stormwater**

1. All outdoor ranges shall implement best management practices (BMPs) for lead management consistent with the U.S. Environmental Protection Agency (EPA) guidance document Best Management Practices for Lead at Outdoor Shooting Ranges, as amended.
2. Stormwater management facilities shall be designed to prevent off-site discharge of lead-contaminated runoff. No discharge from active range areas shall enter a natural waterway without treatment adequate to meet applicable water quality standards.

Truck Stop: A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

VI. Industrial Uses

Agricultural Crop Production/Storage (Materials Produced Off-Site): Facilities that process, package, or store agricultural crops grown elsewhere, such as grain elevators, produce warehouses, and crop processing plants. Characterized by truck traffic and industrial equipment, but excludes actual farming activities on the property.

Building Material Demolition Site: A facility where buildings and construction materials are dismantled and processed for salvage, recycling, or disposal, including associated storage and processing activities using heavy machinery and equipment.

Contractor's Workshop: An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes: general building contractors; plumbing, heating, air-conditioning; painting and paper hanging; electrical work; masonry, stonework, and plastering; carpentry and floor works; roofing, siding, and sheet metal work; glass and glazing work; installing building equipment; and special trade contractors.

Industrial Uses (Low Impact): 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. Uses may include a wholesale facility, distribution facility, bakery (commercial), warehouse/packaging facility, assembly facility, boat/RV storage facility, engineering/research laboratory, food production/processing, IT operations facility, printing/publishing facility, contractor offices/workshop, tree trimming office/workshop, tool and dye shop, welding shop, auction house or lot, lumber yard.

Industrial Uses (Heavy Impact): 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. Uses may include bottled gas storage/distribution, incinerator, explosives manufacturing and storage, resource/material processing, fertilizer or pesticide manufacturing, manufacturing/fabrication facility, power generation plant.

Junk Yard/Scrap Metal Yard/Sanitary Landfill/Refuse Dump: A facility for the collection, storage, processing, and disposal of waste materials, discarded property, and refuse, which may include:

A. **Junk Yard**. An outdoor area where non-organic waste and discarded property, including automobiles, farm implements, and trucks, is accumulated for salvage, reuse, or resale. This classification includes facilities that store or permit the accumulation of combustible, organic, or non-metal scrap materials such as wood, paper, rags, garbage, tires, bones, and shattered glass, but excludes industrial scrap metal operations.

B. **Scrap Metal Yard**. A general industrial use, operating independently or ancillary to another industrial use, engaged exclusively in handling new and salvaged metal materials including pipes, wire, beams, machinery parts, and other metal items. Operations may include storing, grading, processing, melting, cutting, dismantling, compressing, and preparing metal materials for reuse, sale, or shipment to other industries. This classification excludes junk yards, dumps, and automobile graveyards.

C. **Sanitary Landfill/Refuse Dump**. A facility for the systematic disposal and burial of solid waste materials in accordance with applicable environmental regulations and waste management standards.

Such facilities typically involve heavy machinery operations, material processing activities, and may require special operational controls regarding screening, hours of operation, and environmental protection measures.

Manufacturing/Fabrication Facility: A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operations

and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties. This use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Meat Processing Plant. A facility where livestock, poultry, or other animals are killed and processed for consumption, including the dressing, cutting, trimming, curing, smoking, salting, packing, or rendering of carcasses or animal byproducts incidental to the slaughtering operation. The term includes custom-exempt slaughter facilities operating under USDA exemption and state-inspected processing plants, but excludes on-farm slaughter conducted solely for the personal use of the farm operator and that operator's household where no sale of products occurs. All approvals are subject to the following conditions in addition to applicable district bulk standards.

A. **Minimum Lot Size**. The site shall contain a minimum of 10 acres. The BZA may require additional acreage based on the scale of operations, prevailing winds, and proximity to sensitive receptors.

B. **Setbacks from Adjoining Uses**. All structures, holding pens, waste management systems, and processing areas shall be set back at least 500 feet from any property line adjoining a residential use or residential zoning district, and 300 feet from all other property lines.

C. **Odor and Noise Mitigation**. The applicant shall submit an odor and noise management plan prepared by a qualified professional. Best management practices for ventilation, carcass handling, and waste storage shall be implemented. Outdoor blood, offal, or rendering operations are prohibited.

D. **Wastewater and Stormwater**. All liquid waste, blood, and process water shall be managed pursuant to a state or county approved wastewater management plan. Discharge to open drainage ditches, tile lines, or surface water is prohibited.

E. **Solid Waste and Rendering**. All animal byproducts, condemned material, hides, and solid waste shall be stored in enclosed, covered, leak-proof containers and removed or processed no less than every 48 hours. Burial on-site is prohibited unless expressly permitted by the Indiana State Board of Animal Health (BOAH).

F. **Screening and Buffering**. A Buffer Yard Type 2 is required along all property lines visible from a public right-of-way or adjoining residential use. Holding pens and loading areas shall be screened with a solid fence or berm of not less than 6 feet in height.

G. **Hours of Operation**. Animal delivery, slaughter, and rendering activities that generate audible noise beyond the property line is limited to 6:00 a.m. – 8:00 p.m., Monday through Saturday. The BZA may impose additional restrictions based on proximity to residential uses.

H. **Pest Control**. The operator shall maintain an active integrated pest management (IPM) plan addressing flies, rodents, and other pests.

I. **Expansion and Change of Use**. Any material expansion of slaughter capacity, addition of rendering operations, or change in species processed beyond those approved in the original special use approval requires a new or amended special use approval.

Mineral Extraction and Processing: Establishments primarily engaged in the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools, or other concentrations in the earth's crust, including the preliminary treatment of such ore or building stone. Mineral Extraction is prohibited within urban areas as defined in ***IC 36-7-4-1103***. This use also includes establishments primarily engaged in the extraction of sand and gravel from an open pit to be processed and sold for commercial purposes. Uses in this category must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show that a smaller separation will have no significant effect on the nearby residential district.

Mini-Warehouse Storage Facilities: A building containing small, independent, fully enclosed storage compartments that are leased or rented to persons exclusively for the storage of their household goods or individual property.

Private Air Strip: A privately-owned facility for aircraft landing and takeoff that is for personal use and not open to the public.

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.

Solid Waste Management: A facility that collects, stores, transports, treats, and disposes of solid waste. [No manufacturing, remanufacturing, fabrication, or processing of new products occurs in this facility. This use may include a waste transfer station. A Solid Waste Facility must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.]

3.4 Temporary Uses and Structures

A. **General Temporary Use and Structure Standards**

1. Temporary structures are permitted in any zoning district provided that the use is a permitted use in that zoning district.
2. Temporary structures must meet all development standards for a permanent structure unless otherwise specified in this article.
3. Temporary uses and/or structures which seek extensions of the initial time limits established for that use or structure in this article 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.
4. Semi-trailers, Personal-On-Demand Storage (PODS), truck box beds, busses, shipping containers, and similar structures are permitted for up to 8 months in any 1-year period unless special use approval is granted by the BZA. These structures are prohibited within any right-of-way or any required setback, easement, or buffer yard.

5. All temporary structures or uses 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.
6. All temporary uses or structures must be removed, and the original site reverted to its original condition within the duration of the permit.
7. Any trailer used as a temporary structure must be equipped with skirting on all four sides which match the exterior material of the trailer.
8. No extensions of the time limits described in this article shall be considered for any temporary use or structure that violates any conditions listed in this article or any other provision of this Ordinance.
9. Temporary uses and structures which represent a public nuisance in the opinion of the Administrator 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.
10. Any temporary structure used to house a permitted use (such as temporary school classrooms) is 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.

B. **Model Homes and Temporary Sales Trailers**

1. Temporary model homes and temporary sales trailers are 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.
2. Model homes and temporary home sales trailers must be located on a lot in the development in which the homes are for sale. No other structures are permitted on any lot occupied by a model home or temporary sales trailer.
3. A maximum of one temporary home sales trailer is permitted per builder, or subsidiary company of each builder, if applicable, marketing homes in each development.
4. The placement of temporary trailers must 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 and24 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.

i. Exterior lighting shall be shielded to reduce glare and light trespass on to adjacent lots.

ii. Except for interior lighting in a maximum of two rooms, all interior and exterior lighting, must be turned off daily from 9:00 p.m. to 8:00 a.m.

e. Parking. Temporary home sales facilities shall conform with the following parking requirements:

i. Model homes shall provide a minimum of two off-street parking spaces for the use of salespersons and potential buyers.

ii. 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.

iii. Temporary sales trailers shall be prohibited from providing off-street parking of any type for any purpose.

f. Landscaping. Temporary home sales facilities shall conform with the following landscaping requirements:

i. Model homes shall provide landscaping consistent with the requirements of this Ordinance for homes to be constructed in the development.

ii. Temporary sales trailers shall provide a landscape area extending from the trailer for five (5) feet in each direction.

iii. Such landscaping shall include variety of shrubs and other materials consistent with the landscaping design of the property and the development.

iv. 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.

5. 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.

6. Any builder using a temporary home sales trailer and either constructing an approved model home consistent with this article 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.

C. **Construction Trailers**. Construction trailers are permitted subject to the following conditions:

1. The location and footprint of the construction trailer must be indicated on the approved site development plan

2. The construction trailer must be used in conjunction with an approved construction project only during actual construction work.
3. 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.
4. 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.

D. **No Permit Required**. A permit is not required for the following temporary uses and structures:

1. Garage or yard sales are permitted for a total of 10 continuous days per lot.
2. Children's roadside stands.
3. 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.
4. 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.

3.5 Agricultural Preservation

A. **Intent**. A primary objective of the County's land use policy is to preserve the majority of the County's quality farmland for agricultural use. This is done by preserving the best land for agricultural use while minimizing conflicting uses in the agricultural zones that would interfere with continued agricultural activity. Preservation of farmland should be achieved by:

1. Direct residential growth away from areas of quality farmland and into cities and towns.
2. Utilizing the least productive farmland where possible for industrial, commercial, or residential growth.
3. Providing an extensive, well-insulated agricultural area to encourage continued agriculture and agricultural-related industries.
4. Preventing the County from becoming the recipient of leapfrog development and exurban sprawl.

B. **Agriculture as a Primary Use**. Lands set aside for agricultural uses should reflect the better agricultural soils as well as including those areas to be protected from unnecessary development. Where feasible, soils classified as good for agricultural purposes should be preserved for agricultural use. In planning for agricultural land, it is the County's policy to consider agricultural land as "developed land" that is being used to produce a product, and not as "undeveloped farmland awaiting another use." Farming is a land-intensive manufacturing process converting raw materials into a product comparable to other industrial operations, with occasional accompanying nuisances of noise, odor, and dust. The Agricultural Districts should not be considered as a holding zone, but as a zone utilizing the County's natural resources for the benefit of the entire community. The County should protect the Agricultural Districts from interference by incompatible uses that breakdown the integrity of the districts and interfere with normal and customary operations within the districts.

C. **Protection of Existing Agricultural Uses**. Existing agricultural and forestry uses are protected by Indiana's Right-to-Farm statutes (see ***IC 32-30-6***).

D. **Limited Residential Uses**. Within the Agricultural Districts, residential development should occur in limited amounts consistent with the County's land use goals. The Agricultural Districts are not an appropriate place for dense residential growth to occur. The limited residential development that does occur should be directed toward lower quality agricultural soils and locations limiting the operation of existing agricultural uses.

E. All Final Plats within an Agriculture District must include the following Deed of Dedication Agricultural Zone Covenants:

"The owner of the real estate shown and described in this plat (the "Real Estate"), for and in consideration of the right to develop the Real Estate for uses other than agricultural uses, makes the following covenants for all current and future owners and occupants of the Real Estate.

1. *All current and future owners:*
    a. *Acknowledge and agree that the Real Estate is in or adjacent to an area zoned for agricultural uses, which uses include, but are not limited to, production of crops, animal husbandry, land application of animal waste, the raising, breeding, and sale of livestock and poultry, including confined feeding operations, use of farm machinery, sale of farm products, and spraying applications.*
    b. *Waive any and all objections to any agricultural use, including those listed above, on any parcel zoned for such uses within two miles of any boundary of the Real Estate, whether the use currently exists, or is established, enlarged, or occurs due to a use change in the future.*
    c. *Agree that current or future agricultural uses do not constitute a nuisance as long as they are not negligently maintained, do not cause bodily injury to third parties, or directly endanger human health.*
    d. *Agree that this covenant is for the benefit of, and enforceable by, the Madison County Plan Commission and all persons engaged in agricultural uses within two miles of any boundary of the Real Estate.*
    e. *May not adversely affect the surface or subsurface drainage of any adjoining property.*
2. *If any current or future owner or occupant of the Real Estate objects to or opposes an agricultural use within a two-mile radius that is not negligently maintained, the owner or operator of the agricultural use is entitled to any reasonable attorney's fees incurred in opposing any objection or action.*
3. *If any of the provisions of this covenant are determined to be unenforceable, in whole or in part, for any reason, the remaining covenants remain fully operative."*

3.6 Confined Feeding Operations

A. **Defined**

1. 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 45 days during any 12 month period; and (2) ground cover or vegetation is not sustained over at least 50% of the confinement area. The term does not include (1) a livestock market where animals are assembled from at least 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 10 days.

2. Confined Feeding Operation. Any confined feeding of at least 300 cattle; 600 swine or sheep or 30,000 fowl; 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.

B. **Scope and Purpose**

Madison County recognizes that agriculture is the foundation of our county's economy and that the industry continues to evolve with new technologies and market trends. To protect public health and safety, this Ordinance considers the environmental effects of modern agriculture. The Plan Commission understands that Madison County's diverse geologic, topographic, and social conditions dictate that regulations for Confined Feeding Operations (CFOs) may need to vary depending on location.

The regulations for CFOs are established to encourage flexible development that adapts to changing needs. This promotes efficient land use, preserves natural features, improves the quality of new development, and ensures the economical provision of infrastructure, all while conserving land value.

These regulations supplement all existing rules from the Indiana Department of Environmental Management (IDEM), the Environmental Protection Agency (EPA), and other federal, state, or local agencies.

C. **Pre-Applicant Permit**

1. A pre-application permit for a CAFO/CFO may be filed with the Department before an applicant submits their IDEM permit application. This pre-application permit, along with a site plan, will prevent any landowner from obtaining a building permit for a new residence within the established setbacks for 12 months. This 12-month period can be extended by the Madison County Board of Zoning Appeals.

   A building permit for a residence within the setback can only be granted if the landowner provides a written waiver. This waiver must acknowledge that a CAFO/CFO is being requested and must consent to its approval. The waiver, including the legal description of the real estate, must be recorded with the Madison County Recorder.

2. Public Notification and Filing Requirements

   a. The applicant shall notify all property owners within 2,500 feet of the proposed CAFO/CFO by certified mail.

   b. This notification must be in a form approved by the Department and sent no later than 3 days after the pre-application permit is filed.

   c. The applicant shall file a list of notified property owners and proof of notification with the Department no later than 10 days after the pre-application permit filing. Upon the successful filing of this documentation, the permit will be issued.

D. Confined feeding operations are exempt from the ***5.13 Farm Animal Capacity*** requirements.

E. In addition to any applicable local, state, and federal requirements, confined feeding operations must meet the following standards.

1. 40 acres is the minimum lot size.

2. Structures used for confined feeding operations, including waste disposal lagoons, must be setback at least 100 feet from all property lines.

3. The Indiana Department of Environmental Management application must be submitted along with the other supporting material for the special use approval application; including a copy of the manure management plan approved during the Indiana Confined Feeding Regulation program permitting process.

4. A minimum separation of 1,320 feet is required between a confined feeding operation and any residentially zoned property. A structure used in the CAFO/CFO must have at least 500 feet of separation from any existing residential dwelling unit unless written consent is obtained from the residential property owner.

5. A confined feeding operation may not be expanded or enlarged unless approved by the Board of Zoning Appeals.

6. Applicants must not have any outstanding unresolved violations with the Indiana Department of Environmental Management or similar local, state, or federal regulatory agency. All 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 one year. This prohibition is extended to 5 years for falsification of the reports concerning waters of the State.

7. Upon permanent termination of operation, the CAFO/CFO owner must remove all manure from the storage structure and properly land apply within 180 days. The structure must be closed, according to ***327 IAC 15-15-19***, within 3 years. Failure to do so shall authorize County to close the structure at the expense of the owner.

8. A special use shall not be granted until written approval by IDEM is granted and received.

F. **Manure Application**

1. A CAFO/CFO outside of Madison County approved by IDEM must obtain a permit prior to manure application within Madison County. The manure requirements approved by IDEM apply unless modified by Madison County.
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. Manure storage and staging areas are subject to accepted agronomic standards and the manure management summary presented.
4. Manure application shall be by injection, unless approved by the Madison County Board of Zoning Appeals.
5. A designated green space/filter strip at least 25 feet wide is required along each side of any surface water, open ditch, or water source.
6. A minimum separation of 500 feet is required between the manure application and any sensitive area, surface water, or public water supply intake structure.
7. Manure cannot be applied within 25 feet of the top of bank of any open drain or public roadway.
8. The County may hire a geotechnical soils engineer to conduct monitoring well tests. 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. Assessments shall be approved by the Madison County Planning Commission.
9. Two monitoring wells shall be installed, for each CAFO/CFO pit, lagoon, or building at locations determined by the geotechnical soils engineer. Each well must be 2" in diameter and placed within 50 feet of the structure, pit, or lagoon that will have storage and/or hold manure. The wells must extend down to 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 is on top of the bedrock. To establish a baseline, the wells are tested for nitrates/nitrites prior to commencing operations at the CAFO/CFO. Annual testing is required and test records maintained. If two consecutive tests show elevated levels of nitrates/nitrites, the geotechnical soils engineer shall notify the Administrator and forward copies of the tests. The Administrator will notify IDEM and submit the tests for their review.
10. During installation of the monitoring wells, soil borings and logs must be kept and reviewed by the geotechnical soils engineer. The engineer submits a report to the Administrator recommending if a liner should be required. If the engineer recommends a liner, the liner type, and basis for the recommendation are forwarded to IDEM for their review and comment during the IDEM permitting process.
11. In the case of a building with a pit, two options are available:
    a. 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), Volclay Panels, or equal, (perimeter foundation walls), and the use of Waterstop RX, or equal, in all concrete joints.

b. Option #2 is to apply a membrane system to the interior walls (and columns) of the manure pit. Instead of using prefabricated membranes, a spray-applied system (Strataseal, or equal) shall be utilized.

c. 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.

3.7 Wireless Telecommunication Facility/Tower

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 are licensed public commercial telecommunications services, including cellular, digital, personal communication services (PCS), enhanced specialized mobile radio (ESMR), paging, and other similar services that are marketed to the public.

The purpose of these standards 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. **Approvals**. The placement of telecommunications facilities must meet the following approval requirements:

1. A new antenna on an existing tower (including legal non-conforming towers) and existing alternative structures (such as a water tower, building, or church steeple) is approved by the Administrator.
2. A new accessory structure to support the installation of an antenna on an existing tower or alternative structure is approved by the Administrator.
3. A new tower is approved by the Administrator when it is a permitted use and by the BZA when it is a special use in the zoning district.

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:

1. 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.
2. 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.
3. 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.

4. 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.
5. The applicant is unable to enter a commercially reasonable lease term with the existing tower owner or land owner.
6. Additional land area is not available.

C. **Design Requirements**. All telecommunications facilities must meet the following design requirements:

1. Towers and antennas should generally be designed to blend into the surrounding environment through 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.
2. 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.
3. 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 Administrator, during all seasons may other materials be used.
4. Lighting is only permitted for safety or security reasons or when required by the federal or state authorities. All ground level security lighting shall be oriented inward and shielded to not project onto surrounding properties.
5. 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 more than 75 feet. Each additional user shall be assumed to have an antenna loading equal to that of the initial user. 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:

1. All telecommunications facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
2. Vehicular access to the tower and equipment building shall be provided along existing driveways, whenever feasible.
3. The premises where the tower is located must 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.

4. 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 the right-of-way, public street, highway, sidewalk, or property line.
5. Security fence must surround the tower and equipment building site including any guy wires and anchors. An area at least 10 feet wide may remain outside of the fence to provide required landscape screening.
6. Evergreen buffer plantings shall be located around the outermost perimeter of the security fence of all wireless telecommunications facilities.
    a. If evergreen hedges are used, they must be a minimum of 5 feet tall at the time of planting and planted a maximum of 3 feet on center.
    b. If evergreen trees are used, they must be a minimum of 6 feet tall at the time of planting and planted a maximum of 10 feet on center.
    c. Existing trees and shrubs must be preserved to the maximum extent possible.

E. **Construction Requirements**. All antennas, tower and accessory structures constructed must comply with the following construction requirements:

1. All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission.
2. 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.
3. 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.
4. Towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
5. 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, colocation, and strength requirements for natural forces; ice, wind, earth movements, etc.
6. 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.
7. Towers and antennas shall be designed and constructed to withstand wind gusts of at least 80 miles per hour with one-half inch of ice, at a minimum, while accommodating any co-location requirements.

F. **Existing Facilities**. The following apply to existing antennas and towers:

1. Existing towers may not be replaced or structurally altered without complying in all respects to the requirements of these standards.
2. Any request to install an antenna to be located on a legal, non-conforming tower will only require an Improvement Location Permit and a copy of the contract between the applicant and the owner of the tower.

3. If a legal, non-conforming tower is damaged or destroyed, 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 is 10% more than the cost of a new tower of like kind and quality, then the tower must fully comply with all requirements in these standards.

G. **Inspection**. All towers may be inspected periodically by the Administrator 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.

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 financial surety in an amount and duration necessary to ensure the tower's and/or antenna's removal.

I. **Agricultural and Residential Districts - Additional Telecommunication Facilities Standards**. Wireless telecommunications facilities must meet the following additional requirements in Agricultural and Residential Districts:

1. The tower shall be a monopole design and setback from any property line a distance equal to at least 100% the height of the tower.
2. Towers shall not be permitted in any required front yard.
3. The maximum height of the tower shall be 199 feet in all districts. The maximum height of any accessory structure shall be 15 feet.
4. The facility must be enclosed by an opaque fence, or brick or stone wall. Opaque gates matching the wood fence or painted to match the wall must be provided to access the facility.

J. **PR, IS, LC, GC Districts - Additional Telecommunication Facilities Standards.** Wireless telecommunications facilities must meet the following additional requirements in the PR, IS, LC, GC Districts:

1. 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.
2. The maximum height of the tower shall be 199 feet. The maximum height of any accessory structure shall be 15 feet.
3. The tower shall be placed no closer than 500 feet to any residentially zoned or used property.

K. **HC, LI, GI, HI Districts - Additional Telecommunication Facilities Standards**. Wireless telecommunications facilities must meet the following additional requirements in the HC, LI, GI, HI Districts:

1. 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.
2. The maximum height of the tower shall be 199 feet. The maximum height of any accessory structure shall be 15 feet.
3. The tower shall be placed no closer than 500 feet to any residentially zoned or used property.

3.8 Solar Energy Systems

A. **Purpose**. This article is adopted for the following purposes:

1. To ensure that any development and production of solar-generated electricity in Madison County is safe and effective;
2. Meet the goals of the community as expressed in the 2035 Forward Madison County Comprehensive Plan, including specifically: (1) protecting farmland to preserve its agricultural use; (2) maintain aesthetics for the preservation of the rural character in the unincorporated areas and protect the associated agricultural heritage; and, (3) support the growth of agriculture as a vital element of economic development;
3. Encourage use of industrial rooftops and non-productive land including brownfields to protect prime farmland;
4. To facilitate economic opportunities for Madison County and its residents;
5. To assist in the reduction of carbon-based emissions; the dependence of petroleum and coal-based energy systems;
6. To develop standards for solar-generated energy, utilize natural resources and ecologically sound energy resources, support Indiana's renewable energy source potential and other economic development tools; and,
7. To provide a regulatory scheme for the construction and operation of Solar Energy Facilities in Madison County, subject to reasonable restrictions, to preserve the public health, safety, and general welfare.

B. **Intent**

It is the intent of this article to provide guidance for the development, construction and operation of Solar Energy Systems (SES) in Madison County, Indiana through reasonable guidelines and restrictions on the development, construction, operation, rehabilitation, decommissioning and restoration of SES, and to preserve the health, safety and general welfare of Madison County residents and public. This article embraces the spirit of the following statement from the American Planning Association:

> "Solar facilities can be appropriately located in areas where they are difficult to detect, the prior use of the land has been marginal, and there is no designated future use specified (i.e., not in growth areas, not on prime farmland, and not near recreational or historic areas). A solar facility located by itself in rural area, close to major transmission lines, not prominently visible from public rights-of-way or adjacent properties, and not located in growth areas, on prime farmland, or near cultural, historic, or recreational sites may be an acceptable land use with a beneficial impact on the community."

As intended in this article, SES consists of the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer, and landscaping. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. Systems governed by this Ordinance fit into one of four system types:

- Noncommercial (NC-SES) (5 acres or less and/or less than 1 MW/ac);

- Commercial - small scale (includes commercial building solar) (CS-SES) (5 acres maximum and less than 1 MW/ac unless the building is larger than 5 acres in which case the commercial scale operation can exceed 5 acres and be subject to any limitation that may be cited as conditional to approval by the Madison County Board of Zoning Appeals;
- Commercial - medium scale (CM-SES) (6 to 75 acres including required buffers and/or more than 1 MW/ac and less than 15MW/ac); and,
- Commercial - large scale (CL-SES) (76 to 400 acres including required buffers and/or greater than 16 MW/ac)

No unique SES project, either singly or as a combination of contiguous parcels, shall exceed 400 acres including required buffers. (Note, the average farm in Madison County is approximately 312 acres per the National Agricultural Statistical Service.) A three mile neutral zone is required between unique SES projects.

The maximum duration of a special use will be 30 years and after the end of the special use permit, the permit will expire.

C. **Definitions**

Battery Back-Up: A battery system that stores electrical energy from a solar PV system, making the electricity available for future use. Battery Back-Up systems are common in Off-Grid Systems and Hybrid Systems.

Building Integrated Photovoltaic System: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semi-transparent skylight systems, roofing materials, and shading over windows.

Concentrated Solar Thermal Power (CST): Solar Energy Systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish, and solar power tower.

Electric and Magnetic Fields (EMF): According to the National Institute of Environmental Health Sciences, electric and magnetic fields (EMFs) are invisible areas of energy, often referred to as radiation, that are associated with the use of electrical power and various forms of natural and man-made lighting. EMFs are typically grouped into one of two categories by their frequency (below). It should be noted that Solar Panels are classified as Non-ionizing.

- Non-ionizing: low-level radiation which is generally perceived as harmless to humans.
- Ionizing: high-level radiation which has the potential for cellular and DNA damage.

Electricity Generation (also known as production, output): The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt- hours (MWh).

Electrical Equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

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 lever of credit or combinations thereof.

Ground-Mount System: A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home, building or utility. Ground-mount systems may be applicable when insufficient space, structural and shading issues or other restrictions prohibit rooftop solar.

Hybrid Solar Photovoltaic Systems (aka grid-tied PV with battery back-up): Solar photovoltaic electricity generation systems designed to serve the electrical needs of the building to which it is connected, thus offsetting a home or business's electricity usage, while also utilizing a battery back-up in the event of a power outage. This is the only system that provides the ability to have power when the utility grid is down. Typical system components include PV panels, inverter(s) and required electrical safety gear, battery bank, and a charge controller.

International Residential Code (IRC): Part of the International Building Code (IBC), the IRC sets building standards for residential structures.

Inverter: A device that converts the direct current (DC) electricity produced by a solar photovoltaic system to usable alternating current (AC).

Megawatt (MW): Equal to 1000 Kilowatts; a measure of the use of electrical power.

Megawatt AC (MWac): One Megawatt alternating current (the capacity of the inverters and the max that can be output onto the grid.

Megawatt DC (MWdc): One Megawatt direct current (the total capacity of the panels)

Megawatt-hour (MWh): A unit of energy equivalent to one Megawatt (1 MW) of power expended for one hour of time.

National Electrical Code (NEC): Sets standards and best practices for wiring and electrical systems.

Net Metering: A billing arrangement that allows customers with grid connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.

Off-Grid Solar Photovoltaic Systems with battery back-up: Solar photovoltaic electricity systems designed to operate independently from the local utility grid and provide electricity to a home, building, boat, RV (or remote agricultural pumps, gates, traffic signs, etc.). These systems typically require a battery bank to store the solar electricity for use during nighttime or cloudy weather (and/or other back-up generation). Typical system components include PV panels, battery bank, a charge controller, inverter(s), required disconnects, and associated electrical safety gear.

Opaque: Not transparent or translucent; impenetrable to light; not allowing light to pass through. As applied to this Ordinance, it refers to completely excluding visual contact (100% opacity) with solar panels and equipment.

Operator: The entity responsible for the day-to-day operation and maintenance of the SES, including any third-party contractors.

Owner: The entity or entities with an equity interest in the SES(s), including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the SES (unless the property owner has an equity interest in the SES or (ii) any person holding a security interest in the SES 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 SES within one year of such event.

Passive Solar: Techniques, design, and materials designed to take advantage of the sun's position throughout the year (and the local climate) to heat, cool, and light a building with the sun. Passive solar incorporates the following elements strategically to maximize the solar potential of any home or building (namely, maximizing solar heat gain in winter months and minimizing solar heat gain in summer months to reduce heating/cooling demand and maximizing the use of daylight to reduce demand for electricity for lighting): strategic design and architecture, building materials, east west and building lot orientation, windows, landscaping, awnings, and ventilation.

Photovoltaic (PV) System: A solar energy system that produces electricity using semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.

Prime Farmland: Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management and acceptable farming methods are applied.

PV-Direct Systems: The simplest of solar photovoltaic electric systems with the fewest components (no battery back-up and not interconnected with the utility) designed to only provide electricity when the sun is shining. Typical system components include PV panels, required electrical safety gear, and wiring.

Racking: Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.

Roof-Mount System (aka roof-mounted, building-mounted): A solar energy system consisting of solar panels are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

Solar Access: The ability of one property to continue to receive sunlight across property lines without obstruction from another's property that contains buildings, foliage, or another impediment.

Solar Array: Multiple solar panels combined to create one system.

Solar Collector: A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or for the transfer of stored heat.

Solar Easement: An easement recorded pursuant to ***IC 32-23-4***, obtained for the purpose of ensuring exposure of a solar energy device or a passive solar energy system to the direct rays of the sun. Solar Easements are further described and regulated in this article below. Solar easements are to follow the State requirements of Recording (***IC 32-23-2-5***).

Solar Energy System (SES): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer yard, and landscaping. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

Solar Glare: The potential for solar panels to reflect sunlight, with intensity sufficient to cause annoyance, discomfort, or loss in a visual performance and visibility.

Solar photovoltaic (Solar PV) System: Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity in the form of direct current (DC) when they are exposed to sunlight. A typical PV system consists of PV panels (or modules) that combine to form an array. Other system components may include racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.

Solar Panel (or module): A device for the direct conversion of sunlight into usable solar energy (including electricity or heat).

Solar Thermal System (aka Solar Hot Water or Solar Heating Systems): A solar energy system that directly heats water or other liquid using sunlight. Consists of a series of tubes that concentrate light to heat either water or a heat-transfer fluid (such as food-grade propylene glycol, a non-toxic substance) in one of two types of collectors (flat-plate collectors and evacuated tube collectors). The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Substation: The apparatus that connects the electrical collection system of the SES and increases the voltage with connection with the utility's transmission lines.

Waiver Agreement: An agreement to modify a standard required in this Ordinance which is entered into by and between the landowner burdened by lessening the standard required by this Ordinance and the applicant requesting the modification of the standard required by this Ordinance. An agreement to modify a standard required by this Ordinance, or a "waiver agreement", is permissible only when a waiver of such standard is specifically authorized by this Ordinance. In order to be valid, a "waiver agreement" must: (1) Be in writing; (2) Specifically state that the document is a waiver agreement; (3) Briefly describe the standard or requirement which is being modified; (4) Briefly describe the standard agreed upon by the parties to the waiver agreement;

(5) Be executed in a manner free from coercion or duress; (6) Be executed by both parties to the waiver agreement; (7) Be subject to the approval of the Administrator; and (8) Filed with the Department.

Watts (W): A measure of the use of electrical power; [power (Watts) = voltage (volts) x current (Amps) or by the formula W=VA].

D. **Applicability**

This article governs the siting, development, operation, rehabilitation, decommissioning and restoration of Solar Energy Systems (SES), which generate electricity to be sold in the wholesale market or retail market, or which are used to generate electricity for private use, commercial use, and public use. This article applies to all unincorporated areas of the County.

1. When any part of the development, construction, rehabilitation, operation, decommissioning or restoration of a SES requires action, recommendations, hearing and/or decision pursuant to this Ordinance, notice shall be given.
2. Provisions of this Ordinance that are specifically made applicable to a specific type of SES such as Noncommercial (NC-SES), Small-Scale Commercial (CS-SES), or Medium- or Large-Scale Commercial (M/CL-SES), shall apply to that type of SES. Provisions without reference to a specific type of SES, shall apply to all SES unless determined otherwise by the Administrator.

E. **Exemptions**

1. A roof-mounted NC-SES or any stand-alone systems (e.g., a flagpole light, single solar lights, etc.) with an aggregate collection and/or focusing area of 8 square feet or less are exempt from this article.
2. SES constructed prior to the effective date of this article shall not be required to meet the terms and conditions of this article. Any physical modification to an existing SES, whether it was built before the effective date must be approved by the Administrator. Routine maintenance or like-kind replacements do not require a permit.

F. **Petitions and Applications**

Non-commercial and small commercial SES can be approved by the Department based on information provided in the Improvement Location Permit in use at the time. (ILP) Where permitted by the zoning district, Medium-scale commercial projects (CM-SES) must be approved for a special use by the Board of Zoning Appeals prior to issuing a building permit. Large-scale commercial projects (CL-SES) projects must be on property zoned “High Impact District” and forwarded to the Board of Zoning Appeals for a special use petition to be heard at a public hearing. Any project except for a noncommercial (NC-SES) requires a pre-project meeting with the Administrator. Specific filing requirements will be provided at that time.

Prior to the issuance of an Improvement Location Permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner or the property owner’s successors, and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjacent or other property or the growth of any trees or vegetation on such property, or (b) the right to prohibit the development on or growth of any trees or vegetation on such property

This disclaimer is subordinate to any solar easements entered into with adjacent landowners and subject to the terms agreed to therein.

G. **Technical Requirements for Noncommercial (NC-SES)/Commercial Small (CS-SES)**

1. Safety Design and Installation Standards for Noncommercial and Commercial Small Solar Energy Systems (NC-SES) and Fees

   a. Interference. When selecting a site for solar panels, all applicants shall take into consideration the potential maximum allowable structure height and possible landscaping of the adjacent properties to avoid interference and potential loss of efficiency from the sun to the solar panel surface.

   b. Roof-mounted and Wall-mounted NC-SES and CS-SES are a permitted accessory use in all zoning districts under the following requirements:

      i. A roof-mounted or wall-mounted NC-SES and CS-SES may be located on a principal or accessory building.

      ii. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three (3) feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.

      iii. Wall-mounted NC-SES and CS-SES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

      iv. Roof-mounted and wall-mounted NC-SES and CS-SES may be installed on legal nonconforming buildings if the installation of the SES does not increase the nonconformity.

      v. Parcels with a residential use in a commercial district or industrial district shall conform to the developmental standards of the residential districts as determined by the Administrator to be the current use on the property.

      vi. Roof-mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjoining street unless the applicant demonstrates to the Administrator that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

      vii. For roof and wall-mounted systems, the applicant shall provide evidence that the roof or wall can hold the load imposed on the structure.

      viii. Roof and wall-mounted NC-SES and CS-SES shall be in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, and provide for smoke ventilation opportunities. Roof and wall-mounted NC-SES and CS-SES shall be in accordance with the Indiana Fire Code.

c. Ground-Mounted NC-SES

i. Setback

- The minimum yard setbacks from front, side, and rear property lines shall be equivalent to the building setback in the zoning district.
- Ground-mounted NC-SES and CS-SES shall only be permitted in the rear and side yard.
- No part of an NC-SES and CS-SES shall be located in front of a Primary Structure.

ii. Ground-mounted NC-SES and CS-SES shall not exceed 15 feet in height above the ground elevation surrounding the systems. In residential zone districts the maximum height of a ground-mounted NC-SES shall be 10 feet.

iii. Safety/warning signage as required by applicable law concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures

iv. Ground-mounted NC-SES and CS-SES shall not be placed within any legal easement or right-of-way location or placed within any storm water conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed storm water conveyance system except by permission granted in writing by the County Drainage Board.

v. Parcels with a residential use in a commercial district or industrial district shall conform to the developmental standards of the residential districts as determined by the Administrator to be the current use on the property.

d. Electrical Components

i. Standards. Electrical components shall conform to applicable local, state, and national safety codes for similar systems.

ii. All on-site utility, transmission lines, and plumbing shall be placed underground in compliance with all laws and applicable regulations.

iii. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the requirements of the Indiana Building Code and IDEM regulations when in use and when no longer used shall be disposed of in accordance with all applicable laws and regulations.

e. Utility Interconnection. An NC-SES and CS-SES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as required by applicable law.

f. Color, Finish and Glare

i. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjacent properties and streets.

ii. To the extent reasonably possible, NC-SES and CS-SES shall be designed using such features as colors, materials, textures, screening, and landscaping to blend into their settings and avoid visual blight. The NCSES and CS-SES shall remain painted or finished in the color or finish that was

originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective, neutral color like white, gray or another non-obtrusive color. Finishes shall be matte or non-reflective.

iii. The property owner has the burden of mitigating any glare produced so as not to have significant adverse impact on adjacent uses. Mitigation is accomplished by siting, panel orientation, landscaping and/or other means. The determination of the Administrator shall be conclusive relative to the property owner's compliance with this standard.

g. Signage. No portion of the NC-SES and CS-SES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the NC-SES and CS-SES provided they comply with ***5.21 Sign Regulations***. Appropriate Warning signs will be allowed.

h. Solar Easements

i. Where a subdivision or land development proposes a NC-SES and CSSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements prescribed in ***IC 32-23-2-5*** or subsequent amendment(s).

ii. Any such solar easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar easement shall meet the requirements of ***IC 32-23-4.4-5*** and include but not be limited to the following:

- A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees at which the solar easement extends over the real property that is subject to the solar easement, and a description of the real property to which the solar easement is appurtenant.
- Restriction on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- Terms and conditions, if any, under which the easement may be revised or terminated;
- An explanation of the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

H. **Technical Requirements for Commercial Solar Energy Systems (APPLIES TO CM-SES AND CL-SES)**

1. Prime Farmland

No more than 10% of a CM- or CL-SES may be located on Prime Farmland as designated on the Soil Data Access (SDA) Prime and other Important Farmlands report for Madison County in the "Farm Class" column as "All areas are prime farmland" or "Farmland of statewide importance", and as indicated "Prime Farmland" (in light green) on the ***Prime Farmland Map***. A letter from the Madison County Natural Resources Conservation Services (NRCS) or another qualified source stating that no more than 10% of the proposed project is on Prime Farmland shall be included with the Improvement Location Permit and

project application. Madison County reserves the right to use its own Geographic Information System mapping to verify the stated percentage.

2. Property Value Guarantee Agreements

Property Value Guarantee will be offered by the solar developer to all non-participating residents and landowners within three miles of a CM and CL-SES. Fair market value will be established by, at a minimum, two licensed appraisers acceptable to both the developer and the county. If the property value of a home decreases and a home or landowner is unable to sell their property after the CM or CL SES is erected, the developer will pay that landowner the difference or buy the property at the baseline fair market value determined prior to construction of the SES.

No permit for construction shall be given by any department until all property value guarantee agreements have been filed with the Department. A surety bond shall be provided in the amount of three percent of the assessed value of all properties within three miles of any part of the solar facility for the life of the project. The surety bond shall be used to pay for appraisals, cover decreases in value of affected homes, buyouts, and other uses to achieve the goals of this article.

3. Safety, Design, and Installation Standards for Commercial Solar Energy Systems

a. Setbacks and Siting of Facilities

i. Minimum setbacks are as follows:

- NC-SES and CS-SES - same as the zoning district
- CM-SES - 400' from any adjoining road or from the property line of a non-participating homeowner to the beginning of the project.
- CL-SES - 450' from any adjoining road or from the property line of a non-participating homeowner to the beginning of the project.
- Setbacks apply to the entire SES including solar panels, racking, underground cabling, fencing, access roads/lanes, ingress/egress roads, and other power equipment.

Increased setbacks (i.e., greater than those for the zoning district) only apply to non-participating homeowners in the vicinity of a proposed solar project and do not apply to parcels of vacant farmland. Such vacant farmland shall follow the typical setbacks of their Zoning District. Adjacent homeowners may waive the setback requirements by execution of a Waiver Agreement.

ii. Substation Setbacks. The substation setbacks shall be the same as those of the SES. An adjacent landowner may waive this setback requirement by execution of a waiver agreement.

iii. Poles and Underground Wiring. For all poles carrying overhead wiring and for any underground wiring connecting the racks and components of a SES and/or to connect a SES to a substation for connection to or other direct connection to a utility's electric transmission line, there are no setback requirements from property lines of adjoining landowners so long as the poles and underground wiring are located within a recorded easement for such purpose.

iv. Easements. Ground-mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, regulated drain easement, special flood hazard area, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system except by written permissions granted by the Madison County Drainage Board, and owner of the land and/or right-of-way and/or easement. This would include but not be limited to state, county, and/or privately owned waterways, ditches, drainage tiles, retention areas and designated swales.

v. Inverters. Any inverter shall be a minimum of seven hundred fifty (750) feet from any dwelling and encapsulated.

vi. Roads and Drives. Driveway cuts for ingress/egress roads into a SES shall be no closer than 300 feet from the property line of an adjoining landowner.

vii. Horizontal Extension of SES. The furthest horizontal extension of a SES, excepting the SES collection system, SES transmission lines, ingress/egress road and SES access roads/lanes, shall not extend into a setback which is otherwise required for the zoning district in which the SES is located or into a required buffer yard or into a setback required for an adjacent zoning district nor be less than fifteen (15') feet from any structure or public right-of-way easement for any aboveground telephone line, electrical transmission line, electrical distribution line or other above ground communication or transmission line.

viii. Enclosure Guarantee. A SES shall not enclose more than two sides of a nonparticipating residential property.

b. Equipment Type

i. All SES shall be constructed of commercially available equipment and conform to applicable industry standards, as well as all local state and federal regulations. All panel brands and models used must have a full Toxicity Characteristic Leaching Procedure (TCLP) test showing that the proposed model of panels will not be considered hazardous waste at the end of life of the panel. Panels may not include GenX chemicals, PFAS compounds, or heavy metals that are exposed to precipitation.

ii. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the requirements of the Indiana Building Code and IDEM regulations when in use and when no longer used shall be disposed of in accordance with all applicable laws and regulations.

c. Electrical Components

i. Standards. Electrical components of all SES shall conform to applicable local, state, and national safety codes for similar SES.

ii. Cables and lines. All cables and lines on site, except transmission cables and lines, shall be buried no less than thirty-six (36") inches underground. Transmission cables and lines shall be buried no less than sixty (60") inches underground with a warning mesh located at thirty-six inches (36") deep. No plow type installations are permitted, only open trenching or boring installations. All

underground cabling will be marked at road crossings, creeks, riverbeds and property lines with a metal or fiberglass post at least five (5) feet in height.

iii. Battery Storage requires a separate permit from the Department.

d. Foundations. A qualified engineer shall certify, prior to application for building permits, that the foundation and design of the solar panel racking, and support is within accepted professional standards, given local soil and climate conditions.

e. Color, Finish, and Glare. In addition to any applicable Federal Aviation Administration (FAA) requirements that now exist and the same are amended from time to time, the following shall also apply:

i. The SES shall remain painted or finished in the color or finish that was originally applied by the manufacturer provided the exterior surface of any visible components are non-reflective, a neutral color like white, gray or another non-obtrusive color. Finishes shall be matte or non-reflective.

ii. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjacent properties, structures, and roadways.

iii. The applicant has the burden of proving that any color, finish, or glare produced does not have significant adverse impact on adjacent uses either through siting or mitigation.

f. Materials Handling, Storage, and Disposal

i. Solid wastes. All solid wastes whether generated from supplies, equipment, parts, packaging, operation, maintenance, rehabilitation, decommissioning, restoration of the facility, or otherwise, including, but not limited to, old parts and equipment related to the maintenance, rehabilitation, decommissioning, or restoration of any, shall be removed from the site promptly and disposed of in accordance with all federal, state, and local regulations, laws, and ordinances. The SES owner and SES operator shall have the same responsibility for compliance hereof.

ii. Hazardous materials. All hazardous materials or hazardous waste related to the construction, operation, maintenance, rehabilitation, decommissioning, or restoration of any SES or otherwise generated by the facility shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal regulations and laws. The SES owner and the SES operator shall have the same responsibility for compliance hereof.

g. Sewer and Water. All SES facilities shall comply with the septic system and well regulations as currently required or as hereinafter amended, of the Madison County Health Department and the State of Indiana Department of Public Health.

h. Utility Interconnection. A SES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the interconnection agreement with the electrical utility, as any applicable federal and state regulations now exist and as the same are from time to time amended.

i. Signage. Signs shall comply with ***5.21 Sign Regulations***.

i. Development Signs. An identification sign relating to a SES may be located on each side of the fenced facility area provided that there shall be no more than one (1) sign located on any side of the SES fenced facility area unless additional identification signs are required to provide reasonable notice to the general public.

ii. A sign shall be securely posted on each gate entry point clearly displaying an emergency telephone number(s) and other contact information.

iii. All ingress/egress roads to a SES shall have posted in a conspicuous location a 911 address road sign indicating the assigned address for that location.

iv. Warning signs shall comply with applicable laws.

v. No portion of the SES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the SES provided they comply with the prevailing sign regulations.

vi. All signage required or permitted by this Ordinance shall be made of materials and constructed in a manner to be durable and long lasting. The same shall be painted or made of material with a distinct, high contrast background and be weatherproof paint or other weatherproof material to promote safety and protect the public from hazards and/or potential hazards.

j. Collection cable/lines. Collection cables, collection lines, and communication lines installed as part of any SES shall not be considered essential services.

k. Other Appurtenances. No appurtenances other than those associated with the SES construction operations, maintenance, repair, replacement, rehabilitation, decommissioning, restoration, removal, and permit requirements shall be connected to the SES area except after notice of hearing and the hearing before the BZA pursuant to the applicable Ordinance(s) of this Ordinance.

l. Height. Ground-mounted SES arrays shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

m. Fence

i. For security, all ground-mounted SES shall be completely enclosed by a minimum six (6) foot high fence with a locking gate accessed by a keypad or Knox box with key.

ii. The fence should be located between the access road/lane and any required landscaping in the Buffer Yard unless otherwise approved by subsection of this Ordinance.

iii. A fence in an agriculture district zone located on the property lines is the sole responsibility of the SES owner/operator.

n. Noise. No operating SES shall produce noise that exceeds any of the following limitations except during construction or maintenance. Adequate setbacks, barriers, enclosures, use of quieter equipment, or other effective means of reducing noise shall be used to comply with these limitations:

i. Fifty dBA, as measured at the property line of any adjacent residentially zoned lot;

ii. Forty-five dBA, as measured at any existing adjacent residence between the hours of nine p.m. and seven a.m.; and

iii. Sixty dBA, as measured at the property lines of the project boundary, unless the owner of the affected property agrees to a higher noise level, as follows: The owner of an adjacent property that would otherwise be protected by the sixty dBA noise limitations may voluntarily agree, by written waiver, to a higher noise level. Any such agreement must specifically state the noise standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the solar energy system developer, effective for the life of the project. This waiver must be recorded and cross-referenced with the affected property (properties).

iv. The Administrator may hire an appropriate company, at the SES's owner or SES's operator's expense, to determine if noise levels have been exceeded.

o. Ingress/Egress and Perimeter Access

i. At a minimum, a twenty-feet wide ingress/egress easement must be provided from a public street, legally established access drive/road or another roadway into the site. This access shall be graveled or paved a minimum of twelve (12) feet, and design accepted by the Administrator upon written approval of the local Fire Department with primary jurisdiction. Approvals must meet all state and federal regulations.

ii. At a minimum, a twelve (12) feet wide perimeter access road/lane shall be provided around the perimeter of the SES between the solar arrays and required fence to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Part of this access may be well-maintained grass lane. The design of the perimeter access road/lane shall be accepted by the Administrator upon written approval from the local Fire Department with primary jurisdiction. Approvals must meet all state and federal regulations.

p. Lighting. The ground-mounted SES shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority. Such lighting shall be shielded and downcast so as not to affect adjacent properties.

q. Power and Communication Lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Administrator in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Administrator. Power and communication lines between the project and the point of interconnection with the transmission system may be overhead.

r. Wildlife and Environmental Impact Mitigation. The petitioner shall provide with the application submitted for the SES analysis conducted by a qualified third-party professional to conduct an analysis to identify and assess any potential impacts on wildlife and impacts on the natural environment and provide recommendations to be incorporated in the project design. The level of detail in the analysis will be determined prior to the application during the application meeting between the developer and

the Administrator and will be based on the perceived level of potential impacts in the area being sited for the proposed SES.

s. Electro-magnetic Field. Electro-magnetic fields have the potential to create health issues for people with pacemakers and similar devices. Signage should be placed on site alerting potential visitors to the possibility of harm. All property owners living adjacent to any commercial solar field shall be notified of the possibility of health issues associated with the presence of the SES.

t. Sub-surface and surface drains (regulated and non-regulated)

i. Damages, including but not limited to damming, cutting, removing, and blocking, to surface, sub-surface drains, or any other drainage infrastructure, by any cause connected with the project during construction, post construction, while in operation, or before the decommissioning is complete, must be restored by the SES owner to a condition that is equal to or better than the preexisting conditions within three (3) months after receipt of notice of such damage, unless such repair is rendered impractical by weather or other natural force. The SES owner shall be responsible for all expenses related to repairs, relocations, reconfigurations, and replacements of drainage infrastructure and systems that are damaged.

The SES owner shall post a "5A" surety bond in an amount determined by the Drainage Board, payable to the Drainage Board to address any need for drainage tile repair, replacement or rerouting caused by construction activities or installation of the Project, such bond to be posted within 45 days after commencement of the construction of the SES and SES facilities. The bond is to remain in effect for a period of five (5) years after the first day the SES is in operation. The Drainage Board shall determine and adjudicate whether claims brought by an adjacent property owner for damage was and is a direct result from the project based on substantial evidence. The Drainage Board may waive the posting of a bond or modify the requirements of this article.

- The SES owner and operator of the SES shall fully comply with Indiana Code requirements regarding regulated drains except as otherwise approved by the Drainage Board and any other entities with concurrent jurisdiction, including, but not limited to, the Storm Water Management Ordinance.
- The owner, operator, and/or petitioner shall enter into an agreement with the Drainage Board and County Surveyor to retain an appropriate inspector, at the owner/operator's sole expense. The inspector will ensure that all drainage infrastructures was installed according to specifications of the drainage plans and according to the requirements in the Storm Water Management Ordinance and any additional written requirements from the Drainage Board and County Surveyor. The Drainage Board may waive the requirements of this article.

u. Buffer from Water Sources. No solar facility shall be sited within one mile of any FEMA/DNR floodplain, major named creek, the White River, and any natural flowing spring well.

4. Operation and Maintenance

   a. Repair. The SES owner and/or operator shall repair, maintain, and replace the SES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the SES in good repair and operating condition.

   b. Operation and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.

   c. Physical Modifications. Any physical modification to any SES or a part thereof which materially alters the mechanical load, mechanical load path, or major electrical components shall require recertification by all appropriate regulatory authorities. Like-kind replacements shall not require recertification, unless required by a regulatory authority. Prior to making any material physical modification, other than a like kind modification, the owner or operator of such SES shall confer with the Administrator, County Surveyor, County Engineering Department, and any other appropriate regulatory authority as to whether the proposed physical modification requires re-certification of such SES.

   d. Groundwater Monitoring. Prior to construction, the owner/operator shall engage at the owner/operators' expense an independent third party to develop a groundwater monitoring program within the fence line of the SES which will include, but not be limited to, the establishment of baseline levels of ground water and for monitoring to continue annually for the life of the Project, with the final monitoring taking place within sixty (60) days after the completion of decommissioning. The results of the monitoring program are to be submitted to the Administrator within thirty (30) days of the owner/operator receiving the results from each monitoring every two years or in event of breakage of panels through storms or accidents or at the request of the Administrator. Results shall also be provided to any necessary government agencies as required by law.

   e. Declaration of Public Nuisance. Any SES declared unsafe by the County Commissioners by being in breach of, or out of compliance with its SES permit(s) may seek to be rehabilitated and declared safe by appropriate repair(s) and other essential steps necessary to eliminate the breach(es). An SES declared by the County Commissioners by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, abandonment or as provided herein to be determined unsafe, is hereby declared to be a public nuisance.

      A Rehabilitation Plan shall be submitted to the County Commissioners within 60 days. This plan shall provide procedures to rehabilitate the SES in a time not to exceed three hundred sixty-five (365) days except in the event of force majeure, including but not limited to unavailability of components or parts, strikes, and moratoriums which said majeure extends said time to 18 months total or a reasonable extension agreed to by the County Commissioners. In the absence of an approved Rehabilitation Plan or meeting the agreed to time schedule(s), or failure to execute the required repair(s), in the time determined reasonable by the County Commissioners, such SES shall be demolished and removed in accordance with the Decommissioning-Restoration Plan and Agreement.

f. Public Nuisance Waiver. In the instance that an unavoidable Act of God inhibits, damages, or destroys part of, or the majority of, the SES, the three hundred sixty-five (365) day public nuisance removal timeline will be waived so long as the SES owner and/or SES operator provides a Rehabilitation Plan to remedy the damage and said plan is submitted to, and approved by, the County Commissioners. Said plan will outline the necessary protocol and time schedule for returning the SES to energy production and must be submitted to the County within sixty (60) days of the date the damage was incurred, or a time determined reasonable by the County Commissioners.

g. Adverse Effects

i. To the extent possible the SES owner and/or operator shall minimize and/or mitigate all adverse effects created by the development of a SES.

ii. If the planning commission receives a complaint about the SES operation, the Administrator shall make an appropriate investigation and determine if the complaint is meritorious, and if so, follow the county enforcement process.

h. Liability Insurance. Prior to the initiation of construction and/or any operation, the owner and operator of an SES shall maintain a commercial general liability policy covering death, bodily injury and property damage, which may be combined with umbrella coverage, and shall be required to name Madison County, Indiana as an additional insureds solely to the extent of liabilities arising under this Ordinance, and said policy shall carry dollar amounts satisfactory to the County Commissioners and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner and operator and said County Commissioners and provided in the Decommissioning-Restoration Plan and Agreement or other appropriate plan or agreement between the County Commissioners and SES owner and SES operator.

5. Application for a Commercial SES. Applications for SES shall include the following information and be completed on a Madison County Improvement Location Permit form being used at the time of the application.

a. Contact information of SES Applicant. The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the applicant(s), together with a description of the applicant's business structure and overall role in the proposed project.

b. Contact information of SES Owner. The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the SES owner(s), together with a description of the owner's business structure and overall role in the proposed SES, and documentation of real estate ownership of any real property upon which any part of the proposed SES is to be located. The SES owner shall inform the Administrator of any change of SES ownership, in whole or part, and shall furnish the required information regarding such owner.

c. Contact information of SES Operator. The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project. The SES operator shall inform the Administrator of any change of the SES operator and furnish the required information regarding such operator.

d. Legal description. The legal description and the 911 Emergency Address of the real property upon which the SES is to be located.

e. SES Description. The SES description and information including, but not limited to the following:

i. Type of solar technology (e.g. solar panels, solar shingles, etc.)

ii. Solar panel mounting technique (e.g. ground-mount, roof-mount, etc.);

iii. Solar panel installation height;

iv. Nameplate generating capacity;

v. The means of interconnecting with the electrical grid;

vi. The potential equipment manufacturer(s); including information sheets and installation manuals;

vii. Accessory structures and other appurtenances; and,

viii. Other information as determined by the Administrator.

f. Preliminary Site Plan

i. A site plan, drawn to scale, including distances pertaining to all applicable setback and buffer requirements. All drawings shall be at a scale of one (1") inch equals thirty (30') feet. Any other scale must be approved by the Administrator. No individual sheet or drawing shall exceed twenty-four (24") inches by thirty-six (36") inches without the prior consent of the Administrator.

ii. The preliminary site plan shall illustrate the following:

- Property lines upon tract(s) subject to the application, together with property lines and with the names of owners or record of each adjacent tract(s).
- Location and name/number of public roads surrounding, abutting, and/or traversing the SES and any SES ingress/egress road.
- Substations: location
- Location of electrical cabling outside of fenced areas
- Ancillary equipment
- Proposed solar arrays, connecting lines, and all affiliated installations and structures
- Proposed access points, interior drives, security features, and fencing
- Surface water drainage patterns
- Woodlands, grasslands, and farmland identification
- Soil types
- Area designated Prime Farmland on each participating parcel.
- Any structure within one quarter (1/4) mile of the proposed SES boundary.
- The location of any airport within one (1) mile of the proposed SES boundary.

- Setback lines: Distances from the SES to each required setback.
- The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one (1) mile of a proposed SES.
- The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of a proposed SES.
- Location of any Special Flood Hazard Area as determined by the Federal Emergency Management Agency (FEMA) and by the Indiana Department of Natural Resources (IDNR), whichever is more stringent.
- Location and height of fencing, access roads, berms and landscaping associated with any buffer zone.

g. Topographic Map. A United States Geological Survey (USGS) topographical map, or map with similar data, of the property and the surrounding area, with contours of not more than two-foot intervals.

h. Wetland Delineation. A Wetland delineation and report shall be submitted on properties proposed for use as a CM-SES or a CL-SES.

i. Landowner Agreements

   i. Fully executed leases signed by the landowner for every parcel under contract (financial information can be redacted) of any description signed by participating landowners authorizing the placement of the identified SES on landowner's property.

   ii. Fully executed Setback Waiver Agreements, if applicable, signed by adjacent landowners.

   iii. An executed copy of any other waiver agreement signed by adjacent landowner(s).

   iv. A copy of any recorded Solar Easements from adjacent landowners.

j. Engineering Certification. For all SES and SES facilities, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the Improvement Location Permit Application, that all structural aspects of the SES design are within accepted professional standards, and the structure or substrate the solar technology will be affixed to will tolerate the installed weight of said technology (e.g. roof structure, soils, etc.).

k. Proof of Correspondence and Cooperation with Wildlife Agencies. For the purposes of demonstrating compliance with required permits, the applicant shall provide written documentation that the applicant is in direct correspondence, cooperation and in compliance and shall remain in compliance with all applicable regulations and requirements of the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. The application shall include the documentation of the wildlife and environmental analysis conducted under ***3.8(H)(3)(r) Wildlife and Environmental Impact Mitigation***.

l. Solar Easement. A Solar Easement may be entered into between affected parties as described in this Ordinance and must be submitted with the SES application.

m. Waivers. All waiver agreements shall be in writing and follow the requirements specified in ***8.27 Waivers and Modifications***. Copies of all waivers are required as part of the SES application.

6. Community Meeting. Prior to submission of an application for an Improvement Location Permit for a CL-SES, a community information meeting, open and advertised to the public, shall be hosted by the project developer. The purpose of the meeting is outreach, with the intent of providing complete information to the community in an informal setting. The meeting shall not be construed to be a local government meeting or formal public hearing. A summary and report regarding the community meeting shall be submitted to the Department at the time of the application for the Special Use Permit. The report shall include a list of the landowners who were invited, a record of attendees, and copies of all written comments received.

7. Emergency Services Plan. Prior to issuance of a building permit, the SES owner or operator shall provide a plan including but not limited to the project summary, electrical schematic, and site plan to the appropriate local safety officials including the Madison County Emergency Management, Sheriff Department, the responding Fire Department, and Madison County Building Inspector. Upon request the owner or operator shall cooperate with local safety officials in developing an emergency response plan. Any specialized training necessary will be provided at the operator's expense. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

8. Operation and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the SES which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the facility. Maintenance of vegetation within the buffer strip and underneath the ground-mounted solar arrays should be included in the plan and consistent with the requirements in this article.

9. Emergency Response. The owner/operator of the SES shall conduct, at the expense of the owner/operator, biannual training drills with local emergency responders.

10. Decommissioning-Restoration Plan and Agreement (for CM-SES and CL-SES). Prior to receiving an Improvement Location Permit (ILP), under this Ordinance, the applicant, owner and operator shall submit and shall enter into a Decommissioning-Restoration Plan and Agreement with the County Commissioners outlining the anticipated means, costs and method of payment of all costs in carrying out such Decommissioning-Restoration Plan and Agreement at the end of the SES life or the life of any part of a SES, upon becoming an abandoned use, or being declared a public nuisance.

    a. Discontinuation and Abandonment

        i. Owner operator shall give written notice of intent to abandon use of an SES facility 60 days prior to the discontinuation of electrical production to the County Commissioners and Plan Commission.

        ii. An SES or portion of an SES shall be considered an abandoned use after one (1) year without energy production unless a Rehabilitation Plan developed by the SES owner and SES operator is submitted to, and approved by, the County Commissioners outlining the necessary procedures

and time schedule for commencing or returning the SES to energy production as provided in this Ordinance. Failure by the SES owner and/or operator to commence energy production at such SES or return such SES to energy production within the time schedule which has been approved by the County Commissioners, said SES or portion of SES shall be considered an abandoned use and/or a public nuisance.

b. Removal and Restoration. The SES owner and/or the SES operator is required to remove all physical material pertaining to the SES above ground level and all improvements of said SES below ground level for all SES's declared irreparably damaged, and/or an abandoned use and/or a public nuisance. All panels broken or at the end of life must be recycled. Any agreements with participating landowners that differ from these requirements must be submitted to the Administrator, and the Administrator has the discretion to approve or require a variance heard by the BZA. All materials shall be removed, and the SES site restored within three hundred sixty-five (365) days of the discontinuation of energy production or in accordance with agreements developed under this Ordinance. An SES which is irreparably damaged, abandoned or declared to be a public nuisance shall within said time limit (365 days) require the SES owner and/or SES operator to have completed restoration of the SES site to as near as practicable to the original condition of the SES site prior to the development of such SES. If the property has been timbered or trees removed within two (2) years prior to the initial landowner agreements, the original condition means replanted with trees of similar species as originally removed, unless otherwise agreed to by the landowner. If any portion of the SES is found to be hazardous in nature by state or federal regulatory agency(ies) or required to be recycled, the SES owner and/or SES operator is required to remove in a manner as prescribed by law. Owner/operator must remediate all land to its original state and relative fertility based on soil tests pre-construction paid for by developer chosen by the county.

c. Identification and Removal of Hazardous Materials. During any construction, removal, or restoration effort, the SES owner/operator shall identify all hazardous materials as regulated by state and federal regulatory agencies, such as the EPA and IDEM, as well as non-hazardous materials and indicate the appropriate handling, storage, and transport during disposal.

d. Performance Guarantee. Prior to issuance of an ILP, the applicant must provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County Commissioners in the amount of 150% of the estimated decommission and restoration cost to allow for the anticipated increase in future costs of decommission. Estimates shall be determined by a licensed engineer.

   Unless otherwise agreed to by all parties, every five (5) years, or upon request of the Madison County Planning Commission, a new engineer's estimate of probable cost of Decommissioning and Restoration, shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary. A new estimate will be submitted to the Commissioners prior to the sale of any portion of the SES and the Performance Guarantee adjusted appropriately and made part of the sales agreement.

All expenses involved in such removal and restoration shall be paid by the SES owner and SES operator, or removal and restoration will be completed by Madison County at the SES owner's expense and SES operator's expense as specifically provided by the Decommissioning-Restoration Plan and Agreement.

If the owner/operator defaults or decommissions, the county retains the right, after appropriate court order, to enter the property and remove any parts of the SES with funds from the surety on file.

e. Written Notices. Prior to implementation of any procedures or remedy for the resolution of any SES owner's and/or operator's failure to decommission the SES pursuant to the Plan Decommissioning-Restoration Plan and Agreement, and/or Rehabilitation Plan and/or the Ordinance, the County Commissioners 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, except upon such longer time to which all said parties agree, for good faith negotiations between the SES owner and/or operator and the County Commissioners or its duly appointed representative, to resolve the default(s). In the event the negotiations fail to resolve the default issue(s), either party may pursue any and all remedies available by the terms of the Ordinance and/or Decommissioning-Restoration Plan and Agreement and/or Rehabilitation Plan

f. Costs Incurred by Madison County. In the event, after written notice, the owner and/or operator shall fail to enter into a Rehabilitation Agreement or decommission the SES in accordance with this Ordinance and the Decommissioning-Restoration Plan and Agreement, the owner and/or operator shall pay all reasonable costs, including reasonable attorney fees, incurred by the County to remove the SES.

11. Drainage Agreement, and Road Use and Maintenance Agreements. Prior to issuing an Improvement Location Permit, the applicant must provide a Drainage Agreement and a Road Use and Maintenance Agreement approved by the County Commissioners or their designees. The Drainage Agreement must prescribe or reference provisions to address field tile damages and repairs thereof for any field tile owned by Madison County. The Road Use Agreement should specify provisions to remedy any road damage caused by the SES.

    For repair of drainage infrastructure or systems damages by any cause connected with the Project, Petitioner shall restore the drainage infrastructure or system to pre-existing conditions or better within a period of three (3) months after receipt of notice of such damage unless such repair is rendered impractical by weather or other natural force. Petitioners shall be responsible for all expenses related to repairs, relocations, reconfigurations, and replacements of drainage infrastructure and systems that are damaged as a direct result of the Project. Petitioner shall post a "5A" surety bond in an amount to be determined by the Madison County Drainage Board ("Drainage Board"), payable to the Drainage Board to address any need for drainage tile repair, replacement or re-routing caused by construction activities or installation of the Project, such bond to be posted within 45 days after commencement of Project commercial operations date and to remain in effect for a period of five (5) years thereafter. The Drainage Board shall determine and adjudicate whether claims brought by an adjacent property owner for damage to drainage tile directly result from the project based on substantial evidence.

Petitioner shall fully comply with Indiana Code requirements regarding legal drains except as otherwise approved by the Drainage Board and any other necessary bodies, including, but not limited to, the Storm Water Management Ordinance. Petitioner shall repair documented damages to County roads damaged during construction or operations to the pre-construction condition pursuant to the direction of the Madison County Highway Superintendent. Petitioner shall post a "5A" surety bond in an amount to be determined by the Madison County Board of Commissioners to address said repairs.

Petitioner shall pursue an agreement with the Drainage Board and Madison County Surveyor ("Surveyor"). Petitioner shall comply with the reasonable direction of the Surveyor regarding (a) retention at Petitioner's sole expense of an appropriate inspector including a "not to exceed" budget; (b) notification to the Surveyor when all drainage improvements and work within the public right-of-way have been completed and inspected by the inspector; and (c) timeline and process for repair of any damage caused by the Project.

12. Erosion Control Plan. An erosion control plan shall be developed in accordance with protocol of the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction(s). The area beneath the ground-mounted SES is considered pervious cover. However, use of impervious construction materials within the SES would cause areas to be subject to the impervious surface's limitations for the applicable Zoning District. Natural (pervious) ground covers are required beneath the solar arrays.

13. Solar Easements. Where a land development proposes an SES, solar easements may be provided. Said easements shall be in writing and shall be subject to the conveyance and instrument recording requirements prescribed in ***IC 32-23-2-5*** or subsequent amendment. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall and shall be defined and limited by conditions stated in the instrument of conveyance. If necessary, an SES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s). Copies of such easements shall be submitted as part of the application process with proof of recording in the Madison County Recorder's Office.

14. Economic Development Agreement (ONLY APPLICABLE TO CL-SES). Due to the complexity of large-scale alternative energy projects, the county requires an Economic Development Agreement or other appropriate instrument to address the taxing, land use, property assessment, as well as other issues related to such a project. The county is required to ensure the prevention of large tax shifts that may otherwise be incurred by the taxpayers of the county and more particularly of those taxing units upon which the project resides due to any reduction in tax base caused by these said projects. Therefore, in cooperation with all parties, an agreement shall be established that allows for an acceptable solution for the proper taxation of said SES. Any agreement drafted and/or implemented shall be developed in conjunction with and be approved by the board of County Commissioners and any other Board or Council as may be required by law prior to the issuance of any permits and or the commencing of construction.

15. Pre-construction requirements for an SES. In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, and/or operator proposing to use any county road(s), for the purposes of transporting any component of an SES, substation and/or any other equipment for the construction, operation or maintenance of an SES shall comply with the following preconstruction

requirements. All roads and services that will be used for transportation of construction materials, construction of the SES, and/or maintenance of the SES shall be identified. If the route includes a public road, such route shall be approved by the Madison County Engineering Department. To the extent possible, state or federal Highways shall be utilized for the purposes of transporting any component of an SES, substation and/or any other equipment for the construction, operation, or maintenance of an SES.

The applicant, owner, and/or operator shall conduct a pre-construction baseline survey in coordination with, and acceptable to, the Madison County Engineering Department. This survey shall be a part of the Road Use and Maintenance Agreement to determine existing road conditions for assessing current needed improvements and potential future damage. The survey shall include, but not be limited to, photographs, and/or video, or a combination thereof, and a written agreement to document the condition of the public facility as the same exists on the date of the baseline survey.

Any material change of location of the SES fenced boundary and any material change in the location of SES facilities outside of the SES fenced boundary prior to construction shall be furnished to the Administrator, County Engineering Department, County Surveyor and any other person(s) designated and authorized by the County Commissioners. It shall be the duty and responsibility of the applicant, owner and/or operator to obtain any variance required by such change and to comply with any other requirement necessitated by such change. Any variance required by this article shall be obtained prior to construction or implementation of such change.

16. Construction Requirements. During construction, the applicant shall demonstrate and document to the satisfaction of the County Engineering Department, County Highway Superintendent, County Surveyor, Administrator and any other person(s) designated and authorized by the County Commissioners, that the following requirements are being met:

    - All reasonable dust control measures required by the County Commissioners during construction of the SES are being followed together with any additional steps or adjustments for dust control which may from time to time be required by the County Commissioners.
    - Reasonable storm water best management practices as required by the approved Drainage Plan/Agreement.
    - Near a residence or public use noise shall be kept to a minimum during the hours of 7pm to 7am.

17. Post-Construction Requirement for an SES. Post-construction, the applicant shall comply with the following provisions:

    a. Road Repairs. Any road damage caused by the transport of any matter or material utilized in any way regarding the SES, in the construction of the SES, the installation of the same, and/or the removal and decommissioning of the same, shall be repaired to the satisfaction of the Madison County Engineering Department (as per the Road Use and Maintenance Agreement). The County Engineering Department may choose to require either remediation of road(s) upon completion of the SES or said Engineer is authorized to collect fees for oversized load permits. Further, a surety bond or letter of credit in an amount to be determined by the County Engineering Department may be required by the County to ensure that future repairs are completed to the satisfaction of the County Commissioners. The cost of

such bond or letter of credit shall be paid by the SES owner and said bond shall remain in full force and effect until the decommissioning and restoration is fully completed as prescribed by this Ordinance and the Decommissioning-Restoration Plan and Agreement.

b. As-Built Plans Requirement. Where upon completion of all development, the exact measurements of the location of utilities, structures and components erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, and/or operator shall submit a copy of the final as built survey to the Administrator with the locations of the SES facilities shown thereon. Said Administrator, after being satisfied that the locations of the SES facilities are substantially similar to the locations on the originally approved final plan(s) or as the same were from time to time amended, shall approve, date and sign said as-built survey for the SES, which the applicant, owner, and/or operator shall then record and provide Plan Commission a copy of said recorded Plans.

c. Change in Ownership. It is the duty and responsibility of the SES applicant, SES owner and/or SES operator and any subsequent SES owner and SES operator, in addition to the notice requirements of any SES plan(s) and SES agreement(s) to notify by written notice the County Commissioners and Administrator of any change in the ownership of the SES or any part of the ownership thereof to and through the time that the final Decommissioning-Restoration Plan and Agreement are concluded and all applicable acceptances, releases and performance standards of any description have been met and concluded and accepted by the appropriate local, state, federal or private authority, department, agency, and person(s) and all financial payments or other financial obligations are fully satisfied and all appropriate parties are in receipt thereof.

18. Indemnification. The applicant, owner and/or operator of the SES project shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liability whatsoever, including attorney fees without limitation, arising out of acts or omissions of the applicant, owner and/or operator associated with the construction and/or operations and/or design of the SES project.

3.9 Wind Energy Conversion Systems

A. **Purpose**. The intent of these regulations is:

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 Conversion Systems, in order to preserve the public health, safety and general welfare.

B. **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. 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 5 years or less.
3. Operator means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
4. 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.
5. Switching Station shall be an apparatus/structure in the system similar to a substation but not necessarily increasing voltage into the grid.
6. WECS Project means the collection of WECS and Substations as specified in the siting approval application pursuant to this Ordinance.
7. 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.
8. WECS Tower Height means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
9. BOCA refers to the Building Officials and Code Administrators International.

C. **Applicability**. These regulations govern the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets. Owners of WECSs with a maximum generating capacity of 1.25 MW located as an accessory use on their property are exempt from these regulations.

D. **Prohibition**. No person shall construct, operate, or locate a wind energy conversion system (WECS) in Madison County without having fully complied with the provisions of this Ordinance.

E. **Application Requirements**. Prior to construction of a WECS, the applicant shall obtain approval for the following:

- A site development plan approved by the Plan Commission,
- A special use permit approved by the Board of Zoning Appeals based on the approved site development plan, and
- An Improvement Location Permit.

1. Application for WECS Site Development Plan

   a. In addition to the requirements of ***8.21 Site Development Plan***, the following information is required in the application:

      i. 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.

      ii. 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 (5) foot intervals.

      iii. A site plan at an appropriate scale showing the proposed location of the wind energy facility (including 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.

      iv. Location of all existing underground utility lines associated with the WECS.

      v. 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.

   b. In determining whether to approve the application for WECS special use, the Plan Commission shall determine whether the application satisfies each of criteria set forth in this Ordinance for special use, and make written findings thereof.

   c. The special use granted by the Plan Commission 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 Plan Commission approval if the Applicant presents its request for an extension to the Plan Commission and provides a report to the Plan Commission which shows the progress made on the WECS Project. Thereafter, an additional extension shall be at the Plan Commission's discretion.

d. The fee for the application for special use 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 use, 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 Use grant.

2. The Application for a Variance

   a. Contemporaneously with the Application for special use, 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. In addition to the information required on the Improvement Location Permit Application, the Applicant shall provide the following information prior to the issuance of an Improvement Location Permit:

      i. Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS

      ii. Location of all underground utility lines associated with the WECS site.

      iii. Dimensional representation of the structural components of the tower construction including the base and footings.

      iv. Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.

      v. Manufacturer's specifications and installation and operation instructions or specific WECS design information.

      vi. 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.

vii. All turbines shall be new equipment commercially available. Used, experimental or prototype equipment still in testing shall be approved by the Plan Commission as per the normal special use process.

viii. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the Plan Commission.

ix. 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 Plan Commission.

x. 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.

xi. A revegetation plan for restoring areas temporarily disturbed during construction.

xii. A fire protection plan for construction and operation of the facility.

xiii. Any other item reasonably requested by the Plan Commission.

xiv. A drainage plan for construction and operation must be developed and approved by the Madison County Drainage Board.

xv. 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.

F. **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 this 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.

G. **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:

      i. Fences with locking portals at least six (6) feet in height; or

      ii. Anti-Climbing devices fifteen (15) feet vertically from the base of the WECS tower; or

      iii. 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.

H. **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 In Hertz (Hz) per ANSI	Maximum Permitted Sound Level (in decibels)*
63	75
125	70
250	65
500	59
1000	53
2000	48
4000	44
8000	41

*Measured 200 feet from the edge of any primary structure

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 ***5.21 Sign Regulations***, 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 this Ordinance, the most restrictive regulation or standard shall apply.

i. Surface Area. No sign shall exceed sixteen (16) square feet in surface area.

ii. Height. No sign shall exceed eight (8) feet in height.

iii. 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.

iv. 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.

v. 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 Plan Commission.

l. **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

i. 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 Engineering/Highway Department. The Engineer shall conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage.

ii. 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 Engineering Department. The Engineering Department 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 Engineering Department shall be required by the Engineering Department 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.

iii. 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.

J. **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 recertification.

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. Interference. 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:

   a. 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.

   b. 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.

   c. 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.

   d. 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 be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in this article.

   e. 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.

   f. Access to the Site and Facility. The Madison County Planning Commission Staff, along with licensed 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 their 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 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.

K. **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 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 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 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.

L. **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).

3.10 Data Center [RESERVED]

3.11 Battery Energy Storage Systems (BESS) [RESERVED]

3.12 Carbon Capture and Sequestration (CCS) [RESERVED]

3.13 Small Modular Reactors (SMR) [RESERVED]

3.14 Emerging Technologies [RESERVED]

3.15 Property Value Guarantee [RESERVED]

Chapter 4
Accessory Uses and Structures

4.1 General Accessory Standards

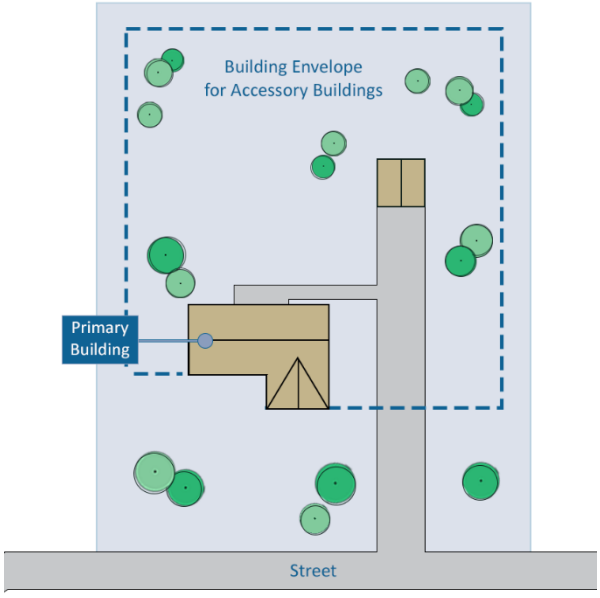
A. No accessory structures shall be placed in any required setbacks or rights-of-way, and shall otherwise comply with all Development Standards for the zoning district in which they are located, except that accessory structures of 400 sq. ft. or less may be located no closer than 5 feet to a side, street side, or rear property line. Detached garages must meet the setback requirements for the zoning district.

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 such as swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals are exempt from these standards unless otherwise stated in this Ordinance.

D. Accessory structures shall comply with the following location requirements:

1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
2. No accessory structures shall be placed closer than 10 feet from a septic tank or any part of the septic field (fingers).
3. A minimum separation of 10 feet shall be provided between an accessory structure and any primary structure or other accessory structure.
4. Unless otherwise permitted by this Ordinance, all accessory structures, except for gazebos and decks, shall be located behind the front facade of the primary structure. In no case can any accessory structure be



located closer to the front property line than the required front setback. See *4.2(F)*

E. No vehicle may be used as an accessory structure.

F. Barns and other similar agricultural buildings shall be considered primary structures on property primarily used for agricultural purposes. All other structures on property used for agriculture, including dwellings, shall be considered accessory structures.

G. Accessory structures and uses permitted with special use approval are specified in *Chapter 3: Land Uses*.

H. Agricultural uses listed in *Chapter 3: Land Uses* are permitted as accessory uses and structures.

I. A Homestead Vendor is a permitted accessory use in dwellings in all zoning districts.

4.2 AG and CR Districts - Specific Accessory Standards

These accessory use and structure standards apply to the AG and CR Districts.

A. In the AG and CR districts, the following accessory uses are permitted.

1. Recreational raising of animals, and
2. Outdoor storage of agricultural products and materials used in agricultural production.

B. Small-Scale Contractor Office

1. Defined. An accessory use of a property that allows for reasonable low-impact and small-scale business practices of a contractor or trade professional in the AG and CR zoning districts while maintaining residential and rural character and the viability of farming operations. The use is limited to administrative functions, record-keeping, and indoor storage of tools, materials, and machinery, while the labor is conducted predominantly off-site at a client's location (e.g., landscaping contractor, plumber, electrician, etc.). One truck or vehicle and trailer (both operable and with current license plates) is permitted to be parked outside. If more than one employee will visit the site or more than two vehicles or trailers will be parked outside on the site, Special Use approval is required.
2. Standards. Small-Scale Contractor Office must comply with the following standards:
   a. Minimum lot area: 1 acre.
   b. At least 1 person residing on the premises must be the owner of the Small-Scale Contractor's Office. One employee, other than those residing at the dwelling unit, is permitted.
   c. No retail sales, manufacturing operations, or meetings with clients are permitted on-site.
   d. The use may include incidental indoor storage, maintenance, and repair of the tools, equipment, and machinery used for the Small-Scale Contractor's Office.
   e. No exterior storage or display of equipment or materials, including vehicles (operable or inoperable), equipment, or appliances being serviced by the Small-Scale Contractor's Office.
   f. No more than 40% of the total floor area of the primary structure shall be used for the Small-Scale Contractor's Office. Business practices are permitted in accessory structures.

g. The Small-Scale Contractor's Office must not require any exterior structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.

h. The Small-Scale Contractor's Office is allowed one identification sign no more than 4 square feet attached to the primary structure. No off-site signs or signs in the yard of the property are permitted.

i. The Small-Scale Contractor's Office 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.

j. The Contractor's Office must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers.

k. The Small-Scale Contractor's Office must not involve:

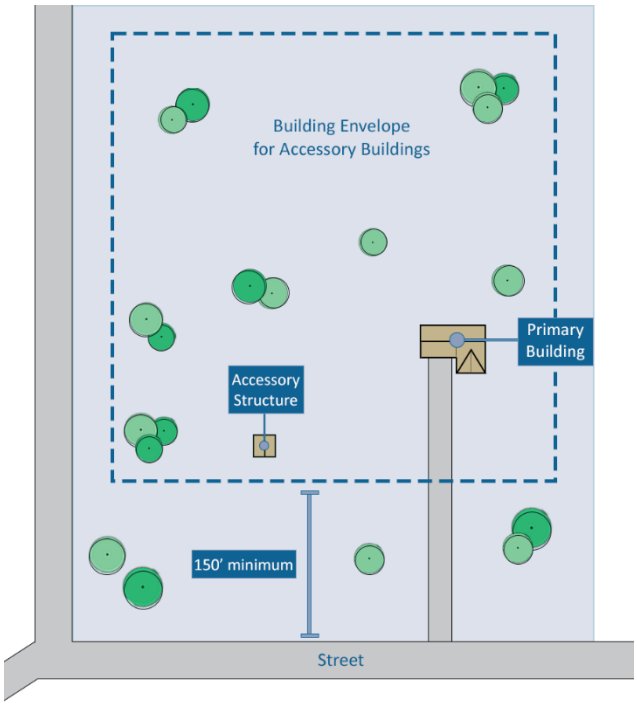
- Activities that create noise, vibration, glare, dust, fumes, odors, or similar impacts detectable beyond the property lines.
- The use, storage, or generation of junk, waste, debris, or hazardous materials beyond quantities typically found at a residential property.
- Fueling, vehicle maintenance, or waste handling activities.

C. Additional agricultural structures are permitted as accessory structures.

D. In AG and CR, 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 of allowing a homeowner/builder a place to store materials for that home. A written commitment is required that the home will be started within two years and that there will be no business activity from the accessory structure.

E. Semitrailers, Personal-On-Demand Storage (PODS), truck box beds, busses, shipping containers, intermodal shipping containers, and other similar items may be used as accessory structures if the following conditions are met:

1. An Improvement Location Permit is obtained
2. Parcel is 4 acres or larger.
3. The unit is entirely located in the rear yard.
4. The unit is placed on a concrete pad or piers or a gravel foundation of #2 stone at least 4 inches deep.
5. The unit is:
   a. Screened by vegetation or fencing if located within 100 feet of a property line;
   b. Enclosed in a building (e.g. a barn); or
   c. Painted to match/complement the primary building and the unit has a pitched roof.



F. Accessory buildings larger than 400 square feet may be located in front of the primary structure if:

1. The parcel is 2 acres or larger, and
2. The accessory building is set back at least 150 feet from the right-of-way line.

4.3 R1, R2, and R3 Districts - Specific Accessory Standards

These accessory use and structure standards apply to the R1, R2, and R3 Districts.

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

1. Child day-care home,
2. Home-based business (type I)

B. The following accessory structures are permitted at any dwelling unit.

1. Antennas and satellite dishes,
2. Bath houses, hot tubs and saunas,
3. Attached and detached decks and patios,
4. Detached garages and car ports,
5. Gazebos,
6. Greenhouses
7. Mini-barns, sheds and other storage buildings,
8. Privacy fences,
9. Sport courts, and
10. Swimming pools

C. Semitrailers, Personal-On-Demand Storage (PODS), truck box beds, busses and other similar items are prohibited as accessory structures.

4.4 MR and MH Districts - Specific Accessory Standards

These accessory use and structure standards apply to the MR and MH Districts. 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.

4.5 PR District - Specific Accessory Standards

These accessory use and structure standards apply to the PR District. 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 accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility; and

B. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park facility.

4.6 LC, GC, HC, IS, LI, GI, HI Districts - Specific Accessory Standards

These accessory use and structure standards apply to all Commercial and Industrial Districts.

A. Outdoor storage shall be permitted as an accessory use subject to the following requirements:

1. In the Commercial Districts, outdoor storage shall be limited to seasonal sales of finished products;
2. In the IS and LI districts, outdoor storage shall be limited to finished products; and
3. In the GI and HI districts, outdoor storage of finished products and materials used in production shall be permitted.

B. The following accessory structures are permitted:

1. Antennas and satellite dishes,
2. Attached and detached decks and patios,
3. Gazebos,
4. Mini-barns, sheds, and other storage buildings,
5. Trash receptacles, and
6. Similar structures related to the primary use.

4.7 Accessory Dwelling Unit

A. Standards that apply to all Accessory Dwelling Units

1. No more than one accessory dwelling unit is permitted on any lot or parcel.
2. The accessory dwelling unit must share the same sewage disposal and water supply systems as the principal dwelling unit.
3. The living area of an accessory dwelling unit cannot exceed 75% of the interior habitable gross floor area of the principal dwelling unit or 1,000 square feet.

4. The owner of the property must live on the premises, either in the principal dwelling unit or the accessory dwelling unit, and maintain that address as the primary place of residence.
5. No new access points or driveways may be created or installed on the abutting street for vehicular access to the accessory dwelling unit.
6. If separated from the principal dwelling unit, the accessory dwelling must meet all setback requirements of the principal building.
7. The principal dwelling and the accessory dwelling will remain in the same ownership, unless the dwellings can be subdivided into individual building lots, each of which complies with the requirements of the Ordinance.

B. R1, R2, and R3 Districts - Specific Accessory Dwelling Unit Standards. A detached accessory dwelling unit must conform to all applicable building design and material requirements of ***5.20 Architectural Standards***, applicable to the principal building.

C. Agriculture Districts - Specific Accessory Dwelling Unit Standards.

1. An accessory dwelling unit may be located in a detached building larger than the principal building if the living area of the accessory dwelling unit does not exceed 75% of the interior habitable gross floor area of the principal dwelling unit or 1,000 square feet.
2. A mobile home may be used as a temporary accessory dwelling unit with special use approval. The special use approval is only valid for one year but may be renewed with a new special use approval.

4.8 Electric Vehicle Charging

A. Applicability

These standards apply to electric vehicle charging equipment installed outdoors or in parking structures. Charging equipment installed entirely within an enclosed building (three or more walls) is exempt from this section but must comply with applicable building and electrical codes. Electric vehicle charging spaces count toward the minimum required parking standards.

B. Definitions

Charging Equipment. Equipment that provides electrical energy to charge plug-in electric vehicles, including charging ports, connectors, cables, and associated electrical equipment.

Charging Level. The rate at which charging equipment delivers electricity:

- Level 1: 120-volt AC (standard household outlet)
- Level 2: 208-240 volt AC (typical public/commercial chargers)
- DC Fast Charging: 400+ volt DC (rapid charging stations)

Port. Each individual charging connection point. Each port counts as one charger for purposes of these regulations.

C. General Standards

1. Code Compliance. All charging equipment must comply with:
   - National Electrical Code (NFPA 70), Article 625
   - Americans with Disabilities Act (ADA) accessibility standards
   - International Building Code and International Fire Code (latest adopted editions)
2. Height Limit. Charging equipment cannot exceed 8 feet in height.
3. Location Restrictions. Charging equipment cannot:
   - Be erected within, intrude upon, or interfere with any street right-of-way or public pedestrian way
   - Obstruct ADA-compliant accessible routes or parking access aisles
   - Reduce required parking below minimum standards
4. Utility Coordination. Applicant must demonstrate adequate electrical service capacity or provide plans for service upgrades.

D. Charging Spaces in Residential Districts

1. Charging equipment is permitted in driveways, garages (attached or detached), and parking areas accessory to a dwelling unit.
2. Setbacks
   - Front Lot Line: 20 feet minimum
   - Corner, Side or Rear Lot Line: 10 feet minimum
3. Screening. Chargers visible from the street or adjacent residential properties must be:
   a. Screened with landscaping or fencing; or
   b. Shall be finished in neutral colors matching the principal structure.

E. Charging Spaces in Non-Residential Districts

1. Charging equipment must be:
   a. Mounted against the side or rear wall of the principal building; or
   b. Located in rear or side parking areas set back at least 50 feet from street right-of-way
2. Parking Space Standards
   - Each space reserved for EV charging shall be clearly marked with pavement markings and signage stating “EV Charging Only” or equivalent
   - At least one space per site shall be ADA-accessible
3. Protection. Chargers shall be protected by one of the following:
   - Wheel stops placed 3 feet from charger base

- Concrete or steel bollards (minimum 4-inch diameter) placed 3-4 feet from charger
- Raised curb or concrete pad separating charger from vehicle travel path
- Wall-mounted installation on protective wall

4. Pedestrian Access. A clear, ADA-compliant pedestrian path shall be maintained from the parking area to building entrances.

F. Automobile Fueling/Charging Stations (Stand-Alone Facilities)

Stand-alone EV charging facilities serving as a principal use shall comply with ***3.3(V) Auto-Oriented Uses (Small Scale)*** plus the requirements of this section.

G. Maintenance and Operations

1. Chargers shall be maintained in working order. Damaged chargers posing safety hazards shall be disconnected and repaired or removed within 7 days. Inoperable chargers shall be repaired within 30 days or removed.
2. The owner/operator shall provide 24-hour emergency contact information to the Administrator.

H. Application Requirements

1. An Improvement Location Permit and electrical permit are required for all charging equipment installations.
2. A site plan is required for non-residential installations. The plan must show:
   - Charger location and quantity
   - Parking space layout and dimensions
   - Pavement markings and signage
   - Electrical service routing
   - ADA-compliant access path
   - Bollard/wheel stop protection details
   - Lighting plan (if applicable)

4.9 Home-Based Business Standards

A. Where allowed on the ***Land Use Matrix***, home-based businesses are permitted subject to the standards listed in Section B below. Expanded operational allowances identified in Section C may be authorized through Special Use approval granted by the Board of Zoning Appeals.

B. General Standards. All home-based businesses must comply with the following standards:

1. At least one person residing on the premises must be the primary operator of the home-based business.
2. No retail sales or manufacturing operations are permitted.

3. No exterior, structural, or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit are permitted.
4. No exterior storage or display of products, equipment, or materials related to the home-based business is permitted.
5. The home-based business 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.
6. The home-based business must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers.
7. One identification sign, not exceeding 2 square feet in area, attached to the primary structure is permitted. No off-site signs or signs placed in the yard of the property are permitted.
8. No clients, associates, or persons visiting, shopping, meeting, or otherwise conducting business at the location of the home-based business are permitted, and therefore no additional off-street parking spaces are permitted.
9. No employment of any person other than those residing at the location of the home-based business is permitted.
10. Equipment used for the home-based business must be limited to small business office equipment.
11. The home-based business must be conducted within the primary structure and must utilize no more than twenty-five percent (25%) of the total floor area of the primary structure. In the AG and CR districts, the home-based business is also permitted to operate within an accessory structure.
12. No additional entrances to the dwelling unit are permitted.

C. Expanded Standards with Special Use Approval. Within the AG, CR, R1, R2, and R3 districts, a home-based business may be expanded to include the following allowances upon approval of a Special Use permit by the Board of Zoning Appeals (see ***8.6 Special Uses***). The BZA must find that any expansion remains compatible with the residential or rural character of the surrounding area.

1. Permitted Uses. The home-based business may include automotive, furniture, and appliance repair.
2. Non-Resident Employee. One employee who does not reside at the location of the home-based business is permitted.
3. Work Vehicles. Up to 3 properly licensed work vehicles and trailers related to the home-based business may be stored on the property.
4. Floor Area and Location. The home-based business may utilize up to 40% of the total floor area of the primary structure. Business operations within accessory structures are permitted.
5. Signage. The identification sign may be increased to a maximum of 4 square feet in area, attached to the primary structure. No off-site signs or signs placed in the yard of the property are permitted.
6. Parking. Up to 2 additional off-street parking spaces may be provided to accommodate clients or employees.

D. Nuisances. Home-based businesses which comply with the requirements of this article but are deemed by the Administrator to be a nuisance or detract 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.

4.10 Satellite Dish Standards

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.

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 dishes shall be described as follows:

   1. Satellite dishes are one meter or less in diameter at any location, and 2 meters or less in diameter located in a commercial or industrial area.

   2. Satellite dishes over 2 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 article, 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:

   1. 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.

   2. All wiring shall be buried underground at a depth of not less than 2 feet.

   3. 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 dishes 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:

   1. The dish shall be an accessory use, subordinate to the primary use on the property.

   2. The dish shall conform with the required front yard setbacks for the district in which it is located.

   3. The dish shall not be placed in, or overhang any public right-of-way or utility easement.

   4. 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

F. Satellite dishes 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.

1. The dish shall be an accessory use, subordinate to the principal use of the property.
2. 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.
3. The dish shall not be placed in, or overhang, any public right-of-way, easement, or required buffer yard.
4. If mounted on the primary structure, the antenna shall not extend more than 3 feet above the roof line.
5. 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.

4.11 Short-Term Rentals

These standards are intended to ensure compatibility between short-term rentals (commonly referred to as Airbnb or VRBO) and the residential character of the surrounding neighborhood. Short-term rentals must meet the standards contained in this article and be operated so the average neighbor, under normal circumstances, is not aware of their existence.

The following circumstances do not constitute a short-term rental:

- Family occupancy: Any member of a family and the family's guests may occupy a dwelling if owned by the family. Family occupancy extends to guest houses or similarly separate dwellings legally located on the same premises as the primary building and used without remuneration to the owner.
- House sitting: During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
- Dwelling sales: Occupancy of up to 90 days after closing by a prior owner after the sale of a dwelling is permitted.
- Estate representative: Occupancy by a personal representative, trustee, or guardian of the estate, with or without remuneration is permitted.

All short-term rentals are subject to the following performance standards:

A. When provided off-street parking must occur only on designated paved portions of the lot, such as driveways.

B. Rental of the dwelling is done in a manner consistent with the character of the surrounding neighborhood.

C. The owner provides the renter the following information prior to occupancy and posts this information in a conspicuous location within the dwelling:

- Notification of the maximum occupancy permitted in the dwelling;
- The name and telephone number of the contact person who may be reached any time the dwelling is rented;

- Notification and instructions of the parking locations;
- A copy of this article, as amended; and
- Notification that a renter may be cited or fined by the County, in addition to any other remedies available at law, for violating any provisions of this article.

D. The owner's contact person must always be available to accept calls when the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within 3 hours to address issues.

E. The appearance of the dwelling must not conflict with the residential character of the neighborhood. The dwelling must be properly maintained and kept in good repair, so the use does not detract from the general appearance of the neighborhood.

F. Renters must not encroach on neighboring properties.

G. The premises must be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular, weekly schedule.

H. Renters must not create a nuisance. For purposes of this article, a nuisance includes, but is not limited to, any activity that violates the County noise regulations or fireworks regulations.

I. Short-term rentals must not be used to house sex offenders; operate a structured sober living home; manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or operate an adult business as defined in ***IC 12-7-2-1.8***.

Chapter 5
Development Standards

5.1 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) are subject to all Development Standards and regulations for the applicable zoning district.

5.2 Expansion/Modification - 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 chapter 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 chapter. 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.

5.3 Buildings

A. Every building erected must be located on a lot and in accordance with this Ordinance.

B. A lot used for single-household residential purposes must have only one principal building devoted to residential use, except as otherwise permitted in this Ordinance.

C. A lot used for multi-family purposes may have more than one principal building devoted to residential use.

D. A lot in a non-residential district may have more than one principal building devoted to non-residential uses.

E. Primary buildings and building additions must comply with the setback and height requirements of the zoning district where the building is located.

F. **Prohibition on Shipping Containers as Residential Dwellings**. A shipping container (a metal box used to transport goods by sea or land) is not designed to be used as a home and does not meet the minimum standards for safety, insulation, and ventilation. Therefore, a shipping container is prohibited to be used as a residential dwelling unit.

G. **Residential Building Standards**. All Single-Family Dwellings must meet the following standards:

1. The dwelling unit must be installed on a permanent foundation.
2. Each dwelling unit must be at least 20 feet wide and have a minimum living area of 950 square feet, unless otherwise specified in this Ordinance.
3. The main roof of the dwelling unit must have a minimum 4:12 roof pitch. Elements such as porches, bays, and dormers may have a lower roof pitch.
4. Roof Materials
    a. Permitted roof materials include: architectural asphalt shingles, standing seam metal, clay or concrete tile, slate, wood shingles or shakes, composite or synthetic materials designed to replicate the appearance of slate, wood shake, or tile.
    b. Prohibited roof materials include: exposed rolled roofing paper or tar paper, corrugated fiberglass panels, unpainted or unfinished metal, and materials not specifically listed as permitted above.
5. Exterior Siding Materials
    a. Permitted siding materials include: brick, stone or manufactured stone, wood siding, fiber cement siding, vinyl siding, stucco or synthetic stucco (EIFS), and cedar shakes or shingles. Architectural metal panels may be used as building accents.
    b. Prohibited siding materials include: aluminum siding and any material not specifically listed as permitted above.
    c. A combination of materials may be used on a single structure, provided all materials are from the permitted list. Any change in siding material should occur at inside corners, outside corners, or along trim lines

5.4 Lot, Block, and Setback Standards

Lot and setback standards are found on the two-page spreads in ***Chapter 2: Districts***.

A. **Front Setbacks**. The front setback is measured from the edge of the existing right-of-way or proposed right-of-way as specified in the Thoroughfare Plan, whichever is greater.

B. **Setback Standards**. No portion of any structure or material for sale stored outdoors is allowed to be located within the required setbacks. Structures include: 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 are permitted within the required setbacks at normal grade level.

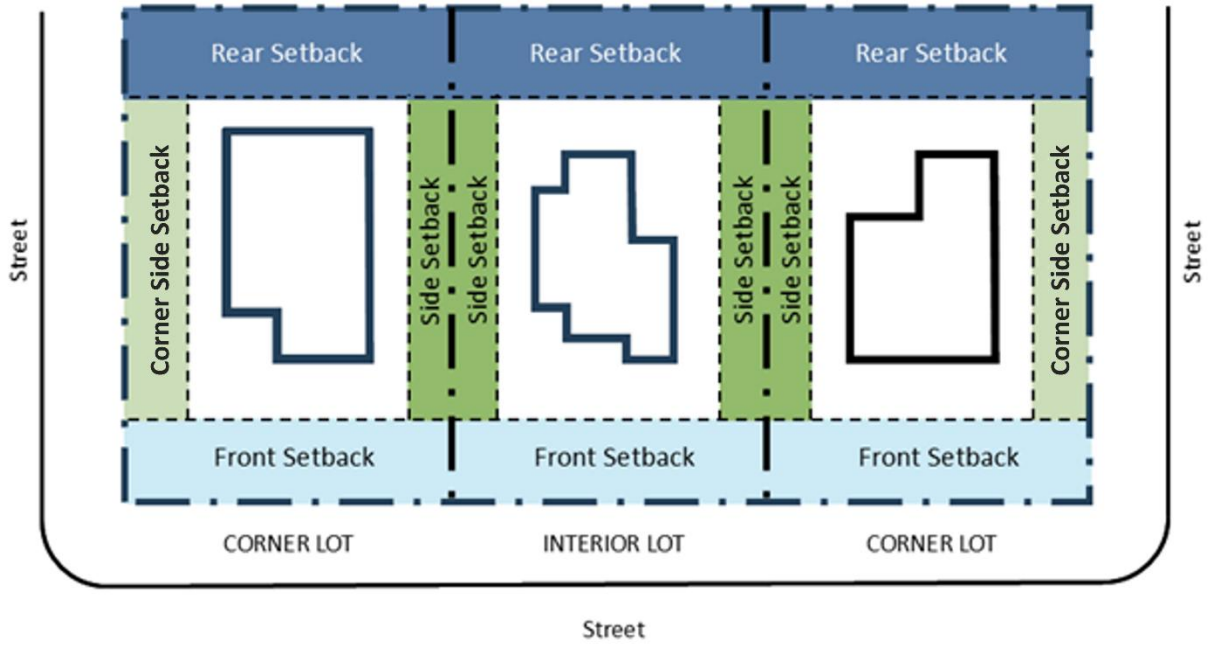
C. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots, such as flag lots shall be avoided.

D. Lots abutting a watercourse, drainage way, channel, stream, or floodplain 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.

E. 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.

F. Block length, width, and acreage within bounding streets shall be such as to accommodate the size of lot required by this Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic.

G. Blocks shall not exceed 800 feet in length, nor be less than 300 feet in length. In the case of a residential 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.



5.5 Height Standards

In all zoning districts:

A. The maximum height permitted shall be as noted in the Two-Page Layout for each Zoning District found in ***Chapter 2: Districts***.

B. No structure may be erected or changed to make its height greater than specified in the applicable zoning district, except as noted below.

C. Structures such as church steeples, water towers, and utility transmission towers may be twice the permitted height regulations, but cannot exceed a total height of 75 feet:

D. Necessary mechanical appurtenances and elevator bulkheads may exceed the permitted height standards by up to 15 feet, but shall be completely shielded from view by design features of the building:

E. The height of telecommunication towers and antenna shall meet the requirements of ***3.7 Wireless Telecommunication Facility/Tower***.

5.6 Performance Standards

This Performance Standards article applies to all zoning districts:

Uses commencing operation after the effective date of this Ordinance must comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. “Right to Farm” laws may supersede these guidelines as they pertain to farming and agricultural uses.

A. **Air Pollution**. No use on a property shall 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 shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.

C. **Fire Protection**. Firefighting equipment and prevention measures acceptable to the local Fire Departments shall 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 shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise shall 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. See also the Madison County Noise Ordinance.

E. **Odor**. No use on a property shall 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 shall cause vibrations to be detectable beyond lot lines without the aid of instruments.

G. **Heat and Glare**. No use on a property shall produce heat and glare in such a manner as to create a hazard to neighboring property. No such heat or glare shall interfere with the reasonable enjoyment of neighboring property, or the safety of transportation routes.

H. **Waste Matter**. No use on a property shall accumulate waste within the lot or discharge waste matter beyond the lot lines.

I. **Water Pollution**. No use on a property shall produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

5.7 Property Maintenance

A. All land and exterior areas under roof but not enclosed must be maintained free from:

1. Accumulation of garbage, debris, or blight, including graffiti, tires, broken glass, or anything posing a hazard to public health;
2. Tarps, plastic sheeting, or similar materials used as screening, fencing, or wall covering;
3. Abandoned vehicles or inoperable vehicle parts, visible from a right-of-way, except a single inoperable vehicle undergoing minor repair work, not to exceed 72 hours; or lawful commercial activities involving vehicles as allowed by this Ordinance;
4. Appliances, machinery, freezers, refrigerators, or other household items;
5. Any object or landscaping that interferes with the use of any sidewalk, street, alley, highway, or visibility of a traffic light or sign;
6. Landscaping visible from public property that is substantially dead, damaged, or characterized by uncontrolled growth;
7. Anything posing an imminent hazard to public health and safety;
8. Any unprotected well or excavation more than 2 feet deep;
9. Any wall or fence missing blocks, boards, or other material, or is otherwise deteriorated to constitute a hazard to people or property; and
10. Graffiti visible from a public area or right-of-way.

B. These standards exclude: items kept in covered bins or receptacles; a lawfully established junkyard; any neatly stored materials used in the development of property; and items stored or kept in enclosed trailers or vehicles.

C. These standards do not apply to the orderly storage of materials in side and rear yards of residential uses provided:

- The storage does not exceed 10% of the area of the yard, and
- The storage does not exceed the height of any fence or wall enclosing the storage area.

D. All premises must be kept free from rodent infestation and other noxious pests.

E. All premises must prevent the accumulation of stagnant water.

F. All fences and walls must be safe, structurally sound, and uniform in color, structure, and design. They must not constitute a hazard or be in disrepair. Repair of an existing fence or wall must be made with the same or similar materials.

G. Occupied buildings must have an adequate number of garbage receptacles maintained in clean condition and good repair. The owner or occupant must arrange for the regular removal of garbage from the premises.

H. Vacant lots or land subject to enforcement action for dumping must be secured to prevent future dumping.

I. Unenclosed or unsecured excavations, septic tanks, cesspools, and similar conditions must be fully restored to a safe, serviceable condition, or filled with clean fill. Excavations must be maintained in a secure manner to prevent a hazard to public health and safety.

J. Buildings or structures determined to be unsafe or dangerous as defined in the Building Code must be abated in accordance with the provisions of that code.

5.8 Environmental Standards

This Environmental Standards article applies to all zoning districts:

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 25%, adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature as determined by the Administrator, County Engineering Department, 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 Department 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 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 an undisturbed natural state. If landscaped, it shall be planted with trees and shrubs in accordance with the requirements of this Ordinance.

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. **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 10 days after the removal or destruction of the natural cover to prevent erosion.

F. **Surface Water**. It is the responsibility of the landowner of any parcel being developed 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 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 encroachment. On-site detention for a 100 year storm event shall be required unless a written statement by the County Engineering Department 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 Engineering Department, and Madison County Drainage Board.

G. **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.

H. **Regulated Drain Setbacks**. Permanent structures, including fences, cannot be placed within 75 feet of the existing top of bank of a regulated open drain or regulated drain tile unless approved by the Madison County Engineering Department and the Madison County Drainage Board.

I. **Projects Affecting Regulated Drains**. Regulated drains are under the jurisdiction of the Madison County Drainage Board. The Madison County Drainage Board or Madison County Engineering Department shall review and approve all development or projects directly affecting a regulated open ditch or tile per *IC 36-9-27-13* of the Indiana Drainage Code.

J. **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 Corps of Engineers, the Indiana Department of Environmental Management.

K. **Retention, Detention, and Pond Edges**. All retention and detention pond edges must be planted and maintained with a buffer of natural plantings within 20 feet of the top of bank. The use of "rip-rap" or any other engineered hard edges is prohibited except around inlets and outlets.

L. **Code Compliance/Hazardous Waste**. All development must follow *Title 13 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 *Title 13*.

M. **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 *Title 13*.

N. **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.

O. **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.

5.9 Parking Standards

A. **Parking Standards in All Zoning Districts**

1. Two off-street parking spaces, paved with asphalt or concrete, are required per dwelling unit. Farm-related dwelling units may use gravel instead of paving. Off-street parking spaces may not encroach into a public right-of-way, required buffer yard, 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 to prevent vehicles from having to back into or maneuver in public streets.

2. 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.
3. 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, must be closed when not in use, and shall consist of 6 foot tall, 100% opaque doors.
4. No vehicle or tractor/trailer of any type may be used predominantly for the purpose of personal storage.
5. In all zoning districts, no tractor/trailer of any type shall be parked on a residential street without flashers on between the hours of 8 a.m. and 6 p.m.

B. **MR, MH Districts - Parking Standards**

Two paved off-street parking spaces are required per 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.

C. **PR, IS, LC, GC, HC, LI, GI, HI Districts - Parking Standards**

All required parking spaces and parking lots must conform to all of the following requirements:

1. 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.
2. Drainage. Parking areas must be constructed to allow proper drainage which shall be subject to the review and approval of the Administrator and County Engineering Department.
3. Locations. Parking lots shall not be located in any required setback from a public street, or within any required buffer yard.
4. Curbs and Wheel Stops. All parking areas shall be completely curbed and wheel stops shall be provided as necessary to protect pedestrians and/or landscaping.
5. Off-site Parking. Parking spaces required in this article may be provided either on the premises or on an off-site lot located within 700 feet of the premises.
    a. 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.

b. Two or more uses for which the normal hours of operation do not overlap may share parking either on or off-site.

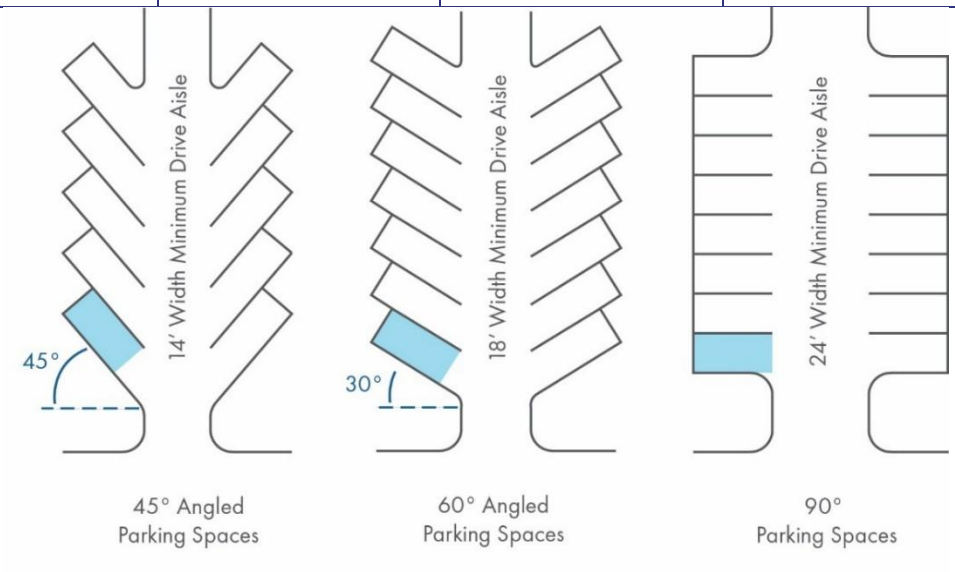
c. A permanent documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The permanent written agreement must include: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed and approved by the Administrator. The agreement 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.

6. Accessible Parking. Accessible parking spaces shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act.

7. Parking Space and Interior Drive Dimensions. Parking spaces and interior drives shall conform with ***Table 5-1: Parking Space Dimensions***.

Table 5-1: Parking Space Dimensions

Angle of Parking	Minimum Driving Aisle Width (feet)	Minimum Parking Space Size (feet) Width	Length
Parallel	12	8	20
Up to and including 45 degrees…	14	9	18
Up to and including 60 degrees…	18	9	18
Up to and including 90 degrees.	24	9	18



8. Spaces Required. The minimum number of parking spaces required per property is determined by adding up the spaces required for each applicable statement in ***Table 5-2: Non-Residential Required Parking Spaces*.**

Table 5-2: Non-Residential Required Parking Spaces

For this table, 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, event center, 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 students 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 sq. ft. 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 hangar or tie-down spaces at an airport or heliport

A. **R1, R2, R3, MR, MH Districts - Parking of Vehicles**

1. Parking of Recreational Vehicles. 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 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 property at any one time.

   c. In no case shall the vehicle be used for overnight sleeping or living.

2. Parking of Commercial Vehicles

   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.

5.10 Loading Standards

This Loading Standards article applies to all zoning districts:

Off-street loading berths must be provided in connection with any building that requires the receipt or distribution of materials and merchandise by trucks or similar vehicles. Loading berths must meet the minimum requirements of this section.

A. **Location**. Required off-street loading berths must be located on the same lot as the use, and no portion of the vehicle can project into a street, alley, or other public right-of-way. Loading berths cannot be located within 50 feet of the 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 wide and 60 feet long, including the apron. All loading spaces shall be provided with a vertical clearance of at least 15 feet.

C. **Access**. Loading berths shall be designed with access to a street or alley in a manner that does not interfere with traffic movements, require maneuvering within the right-of-way, or require loading/unloading vehicles to back into a public right-of-way.

D. **Surfacing**. Loading berths shall have a hard surface of asphalt or concrete.

E. **Space Allowed**. Loading berths cannot be used to satisfy any off-street parking requirements.

F. **Landscaping**. The paved surface of loading areas is considered part of the parking lot and shall be factored into calculations for required landscaping as specified by ***5.16 Landscaping Standards***.

G. **Berths Required**. Off-street loading berths are required as follows:

Table 5-3: Loading Berth Requirements

Building Gross Floor Area	Number of 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

5.11 Sight Visibility Standards

This Sight Visibility Standards article applies to all districts:

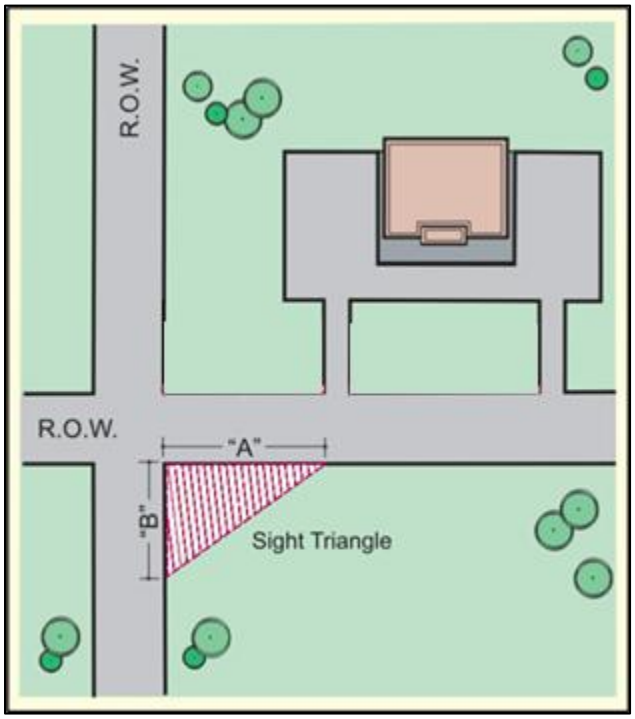
A. **Intent**. The intent of Sight Visibility Standards is to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

B. All intersections must maintain an area (Sight Triangle Area) 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 Triangle is illustrated below.

C. The Sight Triangle Area is established by connecting points located along the intersecting rights-of-way at the distances from the point of intersection required by the table below.

Table 5-4: Sight Triangle Segment Length

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



5.12 Open Space Standards

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

Table 5-5: 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 MR and MH zoning districts shall meet the following requirements:

1. Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.
2. 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.

3. 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.

    a. All common open spaces shall have at least 20 feet of frontage on a public or private street which includes sidewalks.

    b. 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.

    c. 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.

    d. Access easements shall be provided for any private sidewalks providing access to the common open space for people outside the development.

    e. 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.

5.13 Farm Animal Standards

A. These Farm Animal Standards apply in all zoning districts. The keeping of farm animals is regulated based on two factors: the size of the area designated for animals and the type of animals kept. To account for differences in the impact of large and small animals, these standards use the concept of Animal Units as a common unit of measure.

B. **Calculating Maximum Animal Units**. The maximum number of animal units permitted on a property is determined by multiplying the total acreage of the area allocated to animals by 2 animal units per acre. (Example: A 5-acre area allocated to animals permits a maximum of 10 animal units.)

C. **Area Allocated to Animals**. The area allocated to animals is the total area, measured in acres, designated by the property owner for the keeping, grazing, or ranging of farm animals. This includes all paddocks, pastures, pens, runs, and rotational grazing areas to which animals have access as part of a managed rotational system. When multiple contiguous parcels under common ownership are used for animals, the designated area may cross parcel boundaries and the acreage of all included parcels may be combined into a single calculation.

D. **Reduction in Designated Area**. Any reduction in the area allocated to animals that results in a nonconforming animal density shall require the property owner to reduce the number of animal units to achieve compliance within 30 days of such reduction.

E. **Allocating Animal Units**. Once the maximum number of animal units is established, the property owner may allocate those units among animal types using the table below. The total number of animal units represented by all animals kept on the property cannot exceed the calculated maximum.

Table 5-6: Farm Animal Capacity Requirements

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

"How many animals can I have on my property?"

Example Property: **20 acre parcel with 12 acres dedicated to animals**

Maximum Number of Animal Units (12 x 2) = **24 Animal Units Available**

Animal Type	Number of Animals on the Property	Calculation	Animal Units Required
Chickens	50	50 X 0.1	5
Turkeys	6	6 x 0.5	3
Sheep	10	10 x 1	10
Horses	2	2 x 1.5	3
		Total Animal Units Used	**21** *(less than the max of 24)*

F. **Setbacks Required**. On lots 10 acres or smaller, all farm animal stalls, stables, or other place of boarding must be at least 50 feet from all property lines, except as otherwise specified in this Ordinance.

G. **AG and CR Districts – Additional Farm Animal Standards**

1. An animal area of at least 2 acres is required for medium and large animals.
2. On lots less than 1 acre of dedicated animal area, farm animals are permitted per **R1, R2, R3 Districts – Additional Farm Animal Standards** below.

H. **R1, R2, R3 Districts – Additional Farm Animal Standards**

1. A dwelling unit in a single-household detached house or a duplex is permitted up to 0.8 animal units regardless of the size of the lot. Farm animals are prohibited for dwelling units within multi-family buildings (e.g., triplexes, townhomes, apartments).
2. Chicken coops and similar places of boarding must meet the setbacks of a primary structure.
3. Pigs, roosters, and other farm animals that may create a disturbance to neighbors are prohibited.

5.14 Public Improvement Standards

This Public Improvement Standards article applies to all districts.

A. **General Requirements**. Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.

1. The Madison County Plan Commission, based on the recommendations of the County Engineering Department, County Surveyor, and Administrator, shall make determinations as to needed street, utility, and drainage improvements.
2. All public improvements must be constructed to comply with all applicable standards included in this Ordinance and any other adopted construction standards of Madison County.

B. **Street Design Considerations**. In designing and approving subdivision streets, the following factors shall receive consideration:

1. accessibility for emergency vehicles and school buses;
2. safety for both vehicular and pedestrian traffic;
3. efficiency of service for all users;
4. connectivity between subdivisions and the development of complete communities;
5. liabilities or amenities as affected by traffic elements in the circulation system; and
6. economy of both construction and use of land.

C. **Sidewalks**. All developments must install sidewalks along any public streets within and adjacent to the development.

1. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way.
2. Sidewalks shall be separated from the back of curb by a planting strip 10 feet wide along arterial and collector roads and at least 6 feet wide along local roads. Generally, the back of the sidewalk shall be at least 1 foot inside of the right-of-way line.
3. Sidewalks shall be a minimum of 5 feet in width in residential areas and 8 feet width in nonresidential and mixed use areas and constructed according to all applicable Madison County construction standards.
4. Smooth transitions (slow tapers) are required if a sidewalk is to be transitioned from one width to another.
5. 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.
6. 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. **Internal Pedestrian Ways**. All developments must install walks or paths providing for pedestrian and bicycle movement between public sidewalks and the structures on the site.

1. These walks must be concrete at least 5 feet wide.
2. Walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.

E. **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.

1. 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.
2. Continuation of Subdivision Streets. Rights-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.
    a. 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.
    b. No subdivision shall be designed so as to create or perpetuate the land-locking of any adjacent undeveloped tract.
3. 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.
    a. 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.
    b. 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.
    c. 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.

F. **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:

1. marginal access streets;
2. reverse frontage contained in a non-access reservation along the rear property line having a minimum width of 5 feet;

3. lots with rear service ways, or

4. any other such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

G. **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).

1. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

2. 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.

H. **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.

I. **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.

1. Additional dedication of right-of-way shall be required consistent with the adopted Madison County Thoroughfare Plan.

2. 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.

J. **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.

K. **Private Streets**. Private streets shall be prohibited.

1. In no case shall this be interpreted as being in conflict with the shared drive requirements of this Ordinance.

2. 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.

a. A road way easement shall be provided which equates the right-of-way requirements for like classified public streets.

b. 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.

c. Street lights, curbs and gutters, and sidewalks shall be provided for all private streets consistent with the requirements for like-classified public streets.

d. 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.

L. **Street Geometric Standards**. 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.

M. **Street Measurement**. Street width shall be measured from back of curb to back of curb.

N. **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;

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

O. **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.

P. **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.

Q. **Vertical Grade Requirements**. The maximum vertical grade shall not 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.

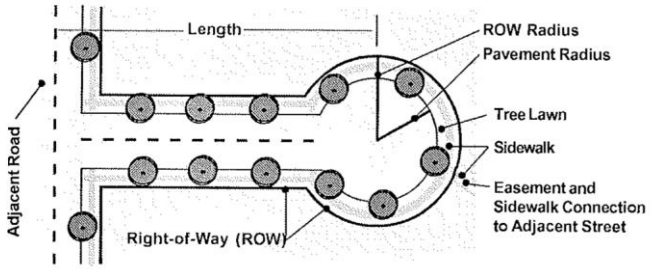
R. **Street Geometric Design Requirements**. All streets shall conform to the minimum specifications for design established by the County Engineer.

S. **Cul-de-sac Standards**.

1. 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 do to the presence of natural barriers, or
    b. the construction of a through street is not possible do to of presence of adjacent development which provides no opportunities for connecting any through street.
2. 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.
        i. 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.

ii. The sidewalks shall be constructed consistent with the sidewalks construction standards provided in this Ordinance.

iii. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.



3. Cul-de-sacs shall be distinguished from the shared drives required for minor subdivisions in ***6.5(B) Design Standards***. Shared private drives shall be permitted serving a maximum of 4 lots, which are not part of a larger subdivision.

T. **Street Dedications**. All developments must 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.

U. **Street Construction**. New developments must install the portion of new roads shown in the Thoroughfare Plan within or adjacent to a property being developed if either of the following conditions are present:

1. The development has direct access to the road proposed by the Thoroughfare Plan; or
2. The road proposed in the Thoroughfare Plan will provide previously unavailable access to other properties controlled by the owner of the new development.

V. **Public Utilities**. All new developments must connect to public sanitary sewer, water, and storm water drainage systems, where available.

1. Storm water drainage systems in developments cannot result in any additional run-off being transferred to adjacent properties other than through proper easements established for that purpose.
2. Water and sewer mains must be sized to serve areas likely to develop and served by the extensions of the development.
3. Fire hydrants, knox boxes, and other firefighting infrastructure shall be installed consistent with the requirements of the appropriate fire department.
4. 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. 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 Ordinance.

5. 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. 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 hi gh-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.

W. **Easements**. No structure, except for fences, may be located in, or otherwise obstruct any easement. Fences are permitted within easements with written approval from the easement holder. Approval of the Administrator, County Surveyor, and County Engineering Department is required for all fences proposed for placement in easements held by Madison County.

X. **Dry Fire Hydrants**. In locations where fire hydrants served by a public water system cannot be provided, dry hydrants shall be provided in lakes and storm water ponds subject to the specifications of the appropriate local fire department.

Y. **Monuments and Markers**. Monuments and markers shall be placed per Indiana Administrative Code (865 IAC 1-12).

5.15 Fence & Wall Standards

A. **General Standards**.

1. Fences and walls are permitted in all zoning districts without a permit subject to the following requirements:

   a. All fences and walls shall present the finished, 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 within any easement without written permission from the easement holder.


Structural Side of Fence


Finished Side of Fence

2. Fences specifically required by this Ordinance for screening, swimming pools, telecommunications facilities, or other purposes may exceed the maximum heights established by this section.

3. The height of a fence is determined by measuring from the highest grade to the highest point of the fence, including any posts or finials.

B. **R1, R2, R3, MR, MH, PR Districts – Fence and Wall Standards**

1. Fences and walls cannot exceed 6 feet in height in any side, street side, or rear yard or 3 feet in height in any front yard.

2. Electrified, barbed wire, razor wire, and stockade fences are prohibited on all lots not primarily used for agricultural purposes.

C. **AG, CR Districts – Fence and Wall Standards**

Fences and walls cannot exceed 8 feet in height on any side yard or rear yard. Fences and walls cannot exceed 5 feet in height in any front yard or street side yard.

D. **IS, LC, GC, HC, LI, GI, HI Districts – Fence and Wall Standards**

Fences and walls cannot exceed 8 feet in height on any side, street side, or rear yard and are prohibited in any front yard.

5.16 Landscaping Standards

A. **General Standards**. This Landscaping Standards article applies to all districts.

1. Intent. Landscaping is an essential element 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.

2. Planting Standards. All plant materials shall be living plants and shall meet the following requirements:

a. The landscaping required by this section is considered as being in addition to any other landscaping requirements.

b. Existing vegetation that is retained may be counted towards the minimum landscaping requirements. Vegetation listed on the Prohibited Plant List cannot count toward the landscape requirements.

c. New plants required by this Ordinance shall be measured consistent with the American Nursery Standards Institute (ANSI) standards.

i. All deciduous trees shall be at least 2 ½ inches in diameter at the time of planting.

ii. All evergreen trees shall be at least 6 feet in height at the time of planting.

iii. All shrubs shall be at least 12 inches in height at the time of planting.

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 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 Administrator.

g. Required foundation plantings must be within 10 feet of the structure's foundation and should consist of perennial 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.

3. 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 should be considered in selecting plant species.

4. Lots Abutting Streets

a. For all lots where the rear yard abuts an existing right-of-way, 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:

i. 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.

ii. 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.

- 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.
- 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.

B. **MR, MH, PR, IS, LC, GC, HC, LI, GI, HI Districts – Landscaping Standards**

1. Parking Lot Landscaping. Parking lot landscaping shall be provided as follows:

a. Perimeter Screening. All parking areas, including parking spaces, interior drives, and loading berths, must be screened on each side adjoining a residential use or district. The screening must be placed within 5 feet of the parking area and shall consist of either: (i) evergreen trees, or (ii) a combination of an earthen berm, shrubs, and evergreen trees. All screening shall provide a barrier at least 4 feet in height at the time of installation.

b. 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.

i. Landscape islands with a surface area equal to 8% of the area of the parking lots (including all parking spaces, interior drives, loading berths, drop-off/pick-up lanes, and access drives beyond the right-of-way) shall be provided in all parking lots with more than 15 parking spaces.

ii. The required landscape areas shall meet the following requirements:

- All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two sides by pavement. Landscaping on the perimeter of the parking area is not counted toward this requirement.
- All landscape islands must be a minimum of 150 square feet in area.
- 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.
- Individual landscape areas larger than those described above are permitted as long as the additional area is more than the required minimum total.
- At least one canopy tree and two shrubs shall be provided for every 150 square feet of interior landscape area.

2. Design Requirements. Landscaping provided at the perimeter and interior to parking areas shall meet the following design requirements:

a. Parked vehicles may hang over the interior landscaped area up to 2 ½ feet. Curbs or wheel stops shall be provided to ensure no greater overhang of the landscaped area.

b. Areas not landscaped with hedges, walls, or trees shall be provided with grass or other acceptable ground cover.

5.17 Buffer Yard Standards

This Buffer Yard Standards article applies to all zoning districts:

A. The purpose of a buffer yard is to reduce the potential conflicts between uses in differing zoning districts by using setbacks and landscaping. The potential degree of conflict between two zoning districts determines the extent of buffer yard required.

B. The following matrix determines the type of buffer yard required to be installed on the subject property:

Table 5-7: 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:														
	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI	HI
AG															
CR															
R1	1														
R2	2														
R3	2	1													
MR	3	3	2	2	2										
MH	3	3	3	3	3	2		2	1	1	1	1	1	1	1
PR															
IS	3	3	2	2	2	2	2	1							
LC	3	3	3	3	3	2	2	2							
GC	3	3	3	3	3	3	3	2	2	1					
HC	3	3	3	3	3	3	3	2	2	2					
LI	2	2	3	3	3	3	3	3	2	2					
GI	2	2	3	3	3	3	3	3	3	3	2	2	1		
HI	3	3	3	3	3	3	3	3	3	3	3	3	3	1	

C. The following standards apply to all buffer yards:

1. The buffer yard standards apply along the property lines where the two conflicting zoning districts meet.
2. The developer or owner of the subject property is solely responsible for installing the buffer yard.
3. The buffer yard and required landscape materials cannot be placed within any right-of-way or septic field. The buffer yard and landscape materials may be placed within a required setback or an easement with the permission of the easement holder.
4. All required buffer yard trees should be irregularly spaced and designed to provide the appearance of a natural landscape. A minimum 10-foot separation is required between trees.
5. Required canopy trees must have a minimum caliper of 2½-inch caliper. Required evergreen trees must be 6 feet in height.
6. All portions of the buffer yard not planted with trees or shrubs shall be covered with grass or other ground covering vegetation.
7. No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this Ordinance.
8. All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse. All unhealthy or dead plants shall be replaced by the end of the next planting season. 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 public safety.

D. The required buffer yards shall meet the following minimum requirements:

1. Buffer Yard Type 1. Buffer Yard Type 1 must be at least 10 feet wide and planted with 1 canopy tree for every 30 feet of contiguous boundary between the subject and adjoining properties.

2. Buffer Yard Type 2. Buffer Yard Type 2 must be at least 20 feet wide and planted with 1 deciduous canopy tree and 2 evergreen trees for every 25 feet of contiguous boundary between the subject and adjoining properties.

3. Buffer Yard Type 3. Buffer Yard Type 3 must be at least 25 feet wide and planted with at least 1 canopy tree for every 20 feet of contiguous boundary between the subject and adjoining properties. Additionally, a minimum 5-foot-tall opaque wooden fence or brick or stone wall, a minimum 5-foot-tall undulating mound planted with shrubs, or a row of evergreen trees planted not more than 10 feet on center is required along the boundary between the subject and adjoining properties.

   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 must be at least 18 inches in height measured from grade at the time of planting.

5.18 Street Tree Standards

A. **General Requirements**. All developments are required to provide street trees along all streets within and abutting the developments.

1. Street trees shall be planted either in the right-of-way, or within 10 feet of the right-of-way on adjacent property included in a street tree easement.

2. Street trees shall be provided in the right-of-way unless, in the opinion of the Administrator, that location would present a hazard for underground or overhead utilities or public safety.

3. 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.

   a. The Administrator shall determine whether existing trees may be used to satisfy the street tree requirement at the time of Preliminary Plat review.

   b. The Administrator may require the provision of maintenance bonds consistent with 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:

1. All street trees shall be a minimum of 2 ½ inch caliper at the time of planting. as measured consistent with the American Nursery Standards Institute (ANSI), Street trees shall be spaced a maximum of 40 feet on center

2. 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.

3. 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 ***5.11 Sight Visibility Standards***.
4. No tree shall be planted within 10 feet of any fire hydrant or 2 lateral feet of any underground utility service, unless otherwise approved by the utility.
5. A minimum separation of 2 feet is required between trees and 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.
6. Street trees shall be selected from the Approved Street Tree list below:

Table 5-8: Approved Street Trees

Common Name	Scientific Name
American Elm	
Accolade Elm	*Ulmus Japonica x Wilsoniana "Morton"*
Homestead Elm	*Ulmus "Homestead" (complex hybrid)*
Frontier Elm	*Ulmus Carpinifolia x Parvifolia "Frontier"*
American Sweetgum	*Liquidambar Styraciflua*
Buckeye	
Ohio Buckeye	*Aesculus Glabra*
Red Buckeye	*Aesculus Pavia*
Ginkgo	
Fairmount Ginkgo	*Ginkgo Biloba "Fairmount"*
Sentry Ginkgo	*Ginkgo Biloba "Sentry"*
Upright Ginkgo	*Ginkgo Biloba "Upright"*
Hickory	
Bitternut Hickory	*Carya Cordiformis*
Shagbark Hickory	*Carya Ovata*
Honey Locust	
Majestic Honey Locust	*Gleditsia Triacanthos Inermis "Majestic"*
Moraine Honey Locust	*Gleditsia Triacanthos Inermis "Moraine"*
Shademaster Honey Locust	*Gleditsia Triacanthos Inermis "Shademaster"*
Skyline Honey Locust	*Gleditsia Triacanthos Inermis "Skyline"*
Sunburst Honey Locust	*Gleditsia Triacanthos Inermis "Sunburst"*
Hornbeam	
American Hornbeam	*Carpinus Caroliniana*
Upright European Hornbeam	*Carpinus Betulus "Fastigiata"*
Linden	
Greenspire Linden	*Tilia Cordata "Greenspire"*
Chancellor Linden	*Tilia Cordata "Chancellor"*
Swedish Upright Linden	*Tilia Cordata "Swedish Upright"*
Silver Linden	*Tilia Cordata "Silver"*
Basswood	*Tilia Americana*
Maple	
Sugar Maple	*Acer Saccharum*
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 "King Crimson"*
Royal Red Norway Maple	*Acer Platanoides "Red Norway"*
Summershade Norway Maple	*Acer Platanoides "Summershade"*
Common Name	**Scientific Name**
Oak	
Basket Oak	*Quercus Michauxii*

Common Name	Scientific Name
Single Oak	*Quercus Imbricaria*
Red Oak	*Quercus Borealis*
Willow Oak	*Quercus Phellos*
Bur Oak	*Quercus Macrocarpa*
Chinkapin Oak	*Quercus Muehlenbergii*
River Birch	*Betula Nigra*
Tulip Tree	*Liriodendron Tulipifera*

5.19 Lighting Standards

A. **Applicability**. This Lighting Standards article applies to all districts except AG and CR:

B. **Intent**. Lighting on each lot shall be designed to reduce light pollution while providing illumination necessary for security, and safe pedestrian and vehicle traffic movements.

C. All lighting must be shielded to prevent direct lighting on streets, alleys, and adjacent properties.

D. Ground lighting used to cast light on building facades, features of buildings, or signs must have shields to ensure 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 public street, sidewalk, or parking lot.

E. Lighting fixtures and poles for parking lots must be consistent in color, size, height, and design.

F. Parking lot lights must utilize cutoff luminaires with 90 degrees or less of an angle (downlighting).

G. Light poles in parking lots or vehicular areas cannot exceed 20 feet in height.

H. Freestanding lights and lights mounted on walls or facades must have cutoff luminaires with 90 degrees or less of an angle (downlighting).

I. All lighting fixtures and poles within a single development must be consistent in style, design, and color.

J. Lighting from a property cannot cause more than a 1/2 foot-candle of illumination beyond the property line of the property. The only exceptions to this standard are:

   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 where the properties abut.

   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 where the properties abut.

K. 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.

L. **R1, R2, R3 Districts - Specific Lighting Standards**

   The lighting standards in this article only apply to common areas or rights-of-way.

   1. 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.

2. The specific locations of the street lighting shall be determined by the Plan Commission, the County Engineering Department, and the County Commissioners, based on the lighting options made available by the appropriate local electric company.
3. Street lights shall be located within the right-of-way, adjacent to the road. The light fixtures shall be located in the planting strip separating the road pavement from the sidewalk.
4. Costs related to the installation of street lighting are the responsibility of the subdivider. Costs relating to the use and maintenance of the street lights are the responsibility of the lot owners in the subdivision.

5.20 Architectural Standards for Small-Scale Residential Dwellings

A. **Applicability**. These Architectural Standards for Small-Scale Residential Dwellings apply to the CR, R1, R2, R3, MR districts.

1. New single- household dwelling units within a subdivision containing 5 or more houses, or
2. Attached residential buildings containing up to 6 dwelling units within a building (e.g., duplexes, triplexes, quadplexes, or small apartment buildings).



B. **Intent**. Architectural standards are established to promote safe, sustainable, and aesthetically harmonious development within Madison County. The standards aim to achieve the following objectives:

- **Ensure consistency and quality**. Promote a consistent and high-quality architectural aesthetic throughout the county, enhancing the overall visual appeal and contributing to a sense of place.
- **Preserve property values**. Maintain and enhance the value of individual properties and the overall project/jurisdiction through well-considered design and construction practices.

- **Facilitate efficient construction**. Through established standards, designers, contractors, and regulatory bodies can work efficiently with a common understanding of expectations, minimizing delays and inconsistencies during the construction process.
- **Respect context and character**. Ensure that new development respects the existing character and context of the surrounding area, contributing positively to the built environment.

C. **Neighborhood Design Standards for Appearance from the Street**. The relationship of buildings to each other and to streets is important in creating community character. The standards in this section seek to improve architectural diversity along roadways, improve the appearance of houses backing up to existing public streets, and enhance the visible facades of corner lots.



1. Homes Facing Streets. To improve the architectural diversity along a streetscape, homes of the same elevation and color scheme are not permitted next to or directly across the street from each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home and the five homes directly across the street from the subject home. Figures 5-1, 5-2, and 5-3: Architectural Diversity Standards illustrate the application of this requirement for various lots within a subdivision. In the illustrations:
   - Lots indicated with the number 1 must use a different elevation and color scheme than the subject property, however, they may use the same trim color as the subject property.
   - Lots indicated with the number 2 must use a different color scheme than the subject property, however, they may use the same trim color and brick or stone color as the subject property. These lots may use the same building elevation as the subject property.
   - Lots indicated with the number 3 may use the same elevation and color scheme as the subject property.

   In determining if a building elevation meets these standards, the reviewer evaluates differentiation in the colors of the (a) siding, (b) siding accents, (c) trim, (d) front door, (e) shutters, and (f) brick or stone.

Figure 5-1: Architectural Diversity Standards – Midblock Lot

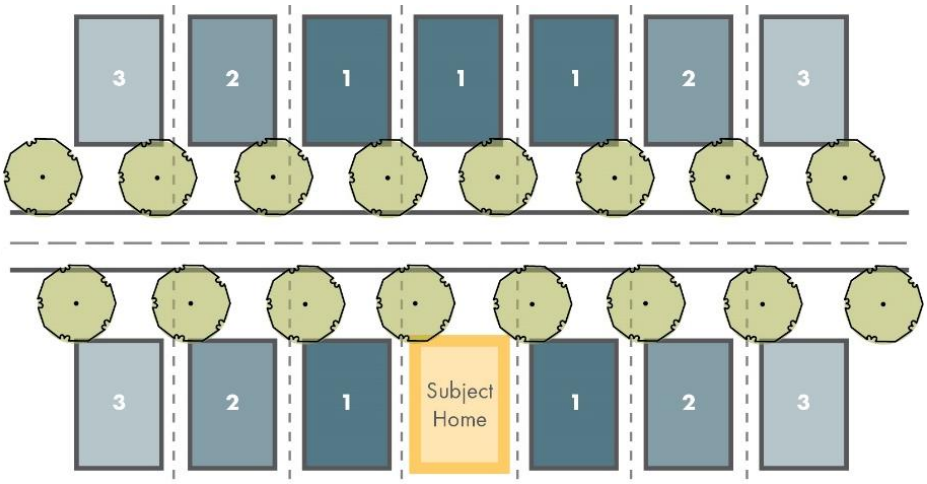


Figure 5-2: Architectural Diversity Standards – Cul-de-sac Lot

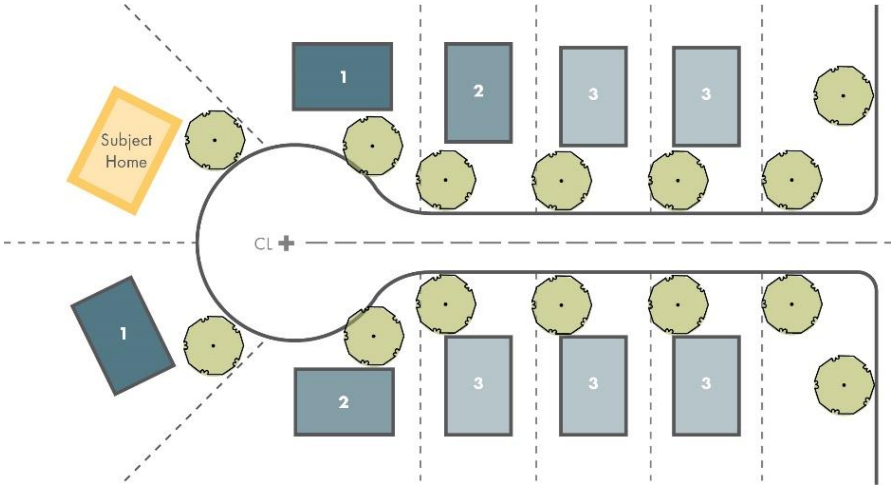
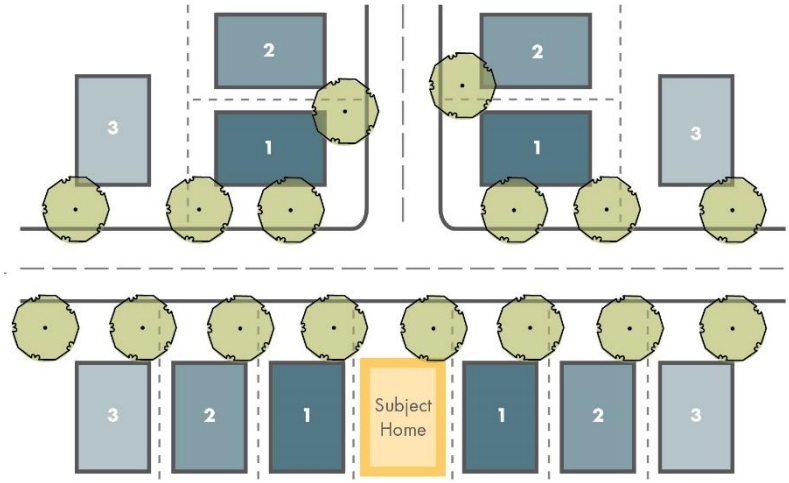


Figure 5-3: Architectural Diversity Standards – Lot at Intersection

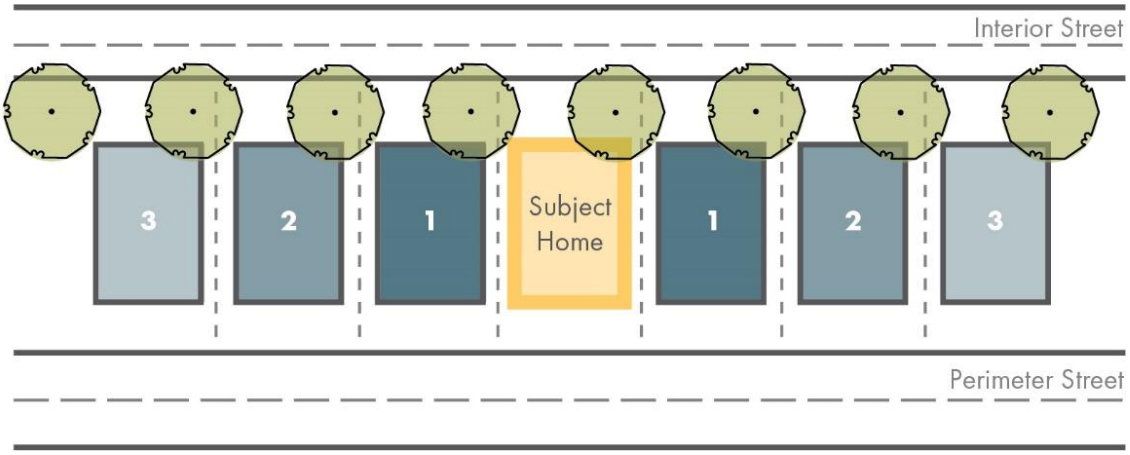


2. Perimeter Lot Enhancements (Homes Backing Up to Existing Streets). These standards are intended to improve the appearance at the interface between new residential developments and existing perimeter streets. Long, straight lines of homes, berming, or landscaping parallel to perimeter streets is discouraged. Homes facing the perimeter street and variation in the distance between homes and perimeter streets is encouraged.

   a. For purposes of this section, a perimeter lot includes lots abutting a perimeter street or a common area abutting a perimeter street. If a lot abutting a common area is not within the viewshed from the perimeter street, then the perimeter lot standards do not apply.

   b. Homes of the same elevation and color scheme are not permitted next to each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home. In Figure 5-4: Perimeter Architectural Diversity Standards the homes located on the same side of the street as the subject lot illustrate this requirement.

Figure 5-4: Perimeter Architectural Diversity Standards



3. Corner Lot Enhancements

   a. Corner lot side facades adjacent to the street must have similar architectural design and detailing as the front façade. Compliance with this standard may be observed by the placement and amount of front façade elements repeating onto the side façade such as:

      - Gables, dormers, shed roofs, or other roof accents,
      - A roofline change at least 1/3 of the length of the façade,
      - Similar use of exterior materials and trim,
      - An exterior fireplace chase finished in masonry materials,



- A second-floor cantilever projecting at least 12 inches over the first floor and for at least 1/3 of the length of the façade,
- Multiple masonry material detailing (e.g., quoins, keystones, arches, soldier courses), as architecturally appropriate,
- At least 45 square feet of windows, or
- Larger windows a minimum of 15 square feet each with proportions consistent with the architectural style of the home. At least 3 windows are required.

Corner side façade has gable accent and larger, trimmed windows.

b. Corner Lot Landscaping Requirements. Corner lots must plant 1 tree and 8 shrubs on the street side yard. Grass in the street side yard must match the type installed in the front yard.



Corner lot landscaping with additional trees and shrubs.

D. **Building Design Standards for Individual Homes**. Individual residential dwelling units must provide elements of architectural design to enhance the building's design and minimize the occurrence of flat, blank walls on homes. The standards in this section seek to reach this goal by requiring articulation of the building's facades, creating visual interest using multiple colors, materials, or textures, providing minimum window requirements, and encouraging elements that enhance roof design.



1. Building Articulation. Front facades and rear facades of residential buildings must be articulated to avoid flat building facades. These variations in the façade plane may be achieved through:

   - Projections or recessions created by one offset at least 4 feet deep and a minimum height equivalent of one story or two offsets at least 2 feet deep and a minimum height equivalent of one story.
   - Front-load garage doors recessed at least 2 feet behind the front façade of the building or 4 feet behind the posts of the front porch.
   - A covered porch with at least 40 square feet in area on the front facade or street side facade.
   - A sunroom or screened porch at least 64 square feet in area on the street side facade or rear facade.



Front façade shows building articulation through a covered porch.

- An exterior fireplace chase extending at least 18 inches from the building facade, finished in masonry material, and extending above the roofline.
- A bay window projecting at least 12 inches from the wall.
- A second-floor cantilever projecting at least 12 inches over the first floor for at least 30% of the length of the building facade.
- A covered patio or covered porch, as a projection or recession, at least 120 square feet in area.



Front façade shows building articulation through a bay window.

2. Exterior Variety. At least 3 exterior colors, materials, or patterns must be used on each building facade. A well-chosen selection of contrasting field and accent colors can draw attention to architectural details. Care should be taken in selecting a color palette that accents the building's architecture while being harmonious in the context of the surrounding neighborhood.



Front façade uses variety of different exterior patterns, colors, and textures.

3. Exterior Materials
   a. Prohibited materials include aluminum siding.
   b. Permitted Materials include fiber cement siding, stucco, brick, stone, wood, vinyl.
   c. Vinyl Siding. Vinyl siding used on residential dwellings must meet the following specifications:
      i. Material Requirements
         - Vinyl must have a minimum thickness of 0.044 inches with a minimum butt or panel projection of ¾ inch.
         - Heavy duty lock extended return leg is required.
         - A full rollover/ double nail hem or approved hammer stop is required if the vinyl is less than 0.048 inches thick.
         - The maximum panel width between butts is 5 inches, except for panels with foam backing.
      ii. Sheathing Requirements
         - Use of 7/16-inch minimum thickness OSB or plywood is preferred.

- Rigid foam insulation boards must have a minimum thickness of ½ inch, have a reinforced plastic membrane surface on both sides, and a minimum compression strength of 15 PSI.
- All sheathing materials must have a weather resistant barrier.

iii. Construction/Installation Requirements

- Shutters, downspouts, utility connections and other attachments must be connected to the building in a manner that does not restrict the movement of the vinyl siding. All attachment hardware must pass through the siding into substrate with nail-holding strength. All penetrations in the siding must be properly sealed to prevent moisture infiltration.
- All wall penetrations must be properly flashed according to the manufacturer's instructions.
- Installers must be certified by the Vinyl Siding Institute.

4. Windows. Exterior walls of a dwelling unit must provide windows and architectural detailing as follows:

a. At least 75 square feet of windows on the rear façade of the building.

b. At least 45 square feet of windows on a side façade of the building.

c. Windows on the front elevation of the building that are located within masonry materials must have architecturally appropriate detailing around the windows, such as soldier courses, arches, keystones, or quoins. Shutters may be used in place of architectural detailing.

d. For windows not located within masonry materials, window trim at least 5½" wide is required around windows on the front façade and trim at least 3½" wide is required around windows on all other facades. Shutters may be used in place of this trim requirement.



Front façade windows showing masonry soldier courses and shutters.



Example of masonry window arch



Example of keystone above window

5. Main Roof Design. The main roof of the dwelling must contain elements that add design interest such as:

- Changes in the roofline (either ridgeline direction or ridgeline elevation),
- Changes in roof pitch,
- Dormers,
- Gables,
- Hip roof,
- Shed roof accent, or
- Other elements that enhance the character of the house.



Roof design shows changes in roofline, gables, and a shed roof on the porch.



Dormer with a shed roof.



Roof style is a hip roof.

6. Roof Overhang. A minimum overhang of 11 inches (measured prior to the installation of masonry materials) is required on the main roof of the building. This requirement does not apply to dormers, shed roofs, secondary gables, porches, and similar architectural features.

E. **Modifications**. The Plan Commission or Administrator may adjust or waive the requirements of this section to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

5.21 Sign Regulations

A. **Intent**. The intent of this section 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.

B. **General Sign Standards**. This section applies to all zoning districts:

Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign, or cause the same to be done without first obtaining a sign permit from the Administrator.

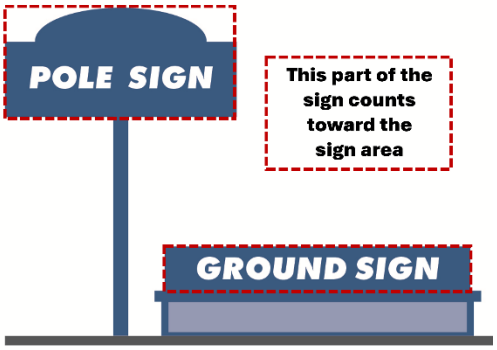
1. Inspection. Signs for which a permit is required may be inspected periodically by the Administrator for compliance with this section.
2. Removal of Sign. The Administrator may order the removal of any sign erected or maintained in violation of this section.
3. Maintenance. All signs and their components shall be kept in good repair and in safe, neat, clean, and attractive condition. If failure to maintain a sign is determined by the Administrator, a written notice will be given to the owner, business operator, or lessee of the property consistent with the provisions of ***Chapter 9: Enforcement***.
4. 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 this requirement, the sign shall include all supports, poles, and other structural elements. Removal of only the sign face is not considered compliance with this provision.
5. Illuminated Signs. All illuminated signs must meet the standards specified in the State Electrical Code. In addition, all illuminated signs shall comply with the following standards.
    a. 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.
    b. 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. No light shall shine directly onto adjacent property.
6. Sign Measurement Standards
    a. For a wall sign which is framed, outlined, or painted to provide a background for a sign display, the area and dimensions must include the entire portion within the background or frame.

b. For a wall sign comprised of individual letters, figures, or elements on the surface of a building one or more rectangles to determine the area of the elements in the sign.

Figure 5-5: Measuring using multiple rectangles



c. For a detached sign, the sign area includes the frame, if any, but does not include:



   i. A pole or structural support unless the support is internally illuminated or part of the display.

   ii. Architectural features that are part of the building or freestanding structure which are an integral part of the sign.

d. A multi-faced sign is calculated by measuring each sign face and adding them together.

e. If 2 sign faces are placed back-to-back, this is measured and counted as one sign. If one of the sign faces is larger, the sign area is calculated using the larger of the 2 faces.

f. If 2 sign faces are placed back-to-back and separated by more than a 45-degree angle, each face is calculated independently, and they are counted as a multi-faced sign.

g. The height of a detached sign is measured as the vertical distance from the highest point of the sign to the grade of the ground immediately beneath the sign (not including any artificial mounds or berms).

h. The setback of a sign is measured from the leading edge of the sign to the property line.

C. **Exempt Signs**. The following signs are exempt from all provisions of this Ordinance.

1. All flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.

2. 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.

3. 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.
4. Utility signs are permitted to mark cables and lines for public and private utilities.
5. 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.
6. 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 feet in non-residential zoning districts.
7. Political signs that comply with the requirements of ***IC 36-1-3-11***.

D. **Prohibited Signs**. The following types of signs are expressly prohibited in all zoning districts.

1. Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
2. Signs that emit audible sound, odor, or visible matter.
3. Signs that purport to be, 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.
4. Signs that may be construed as a light of an emergency or road equipment vehicle.
5. Signs that hide any traffic or roadway sign, signal, or device from view.
6. Signs that interfere with the Sight Visibility Area as defined in ***5.11 Sight Visibility Standards***.
7. Signs located in any right-of-way, septic field, or easement (except for a sign easement).
8. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
9. 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.
10. Signs consisting of banners, streamers, pennants, and/or inflatable devices with alone or in combination with other such signs.

E. **Off-Premise Signs**. Off-premise signs are classified as either Class I, Class II, or Class III, depending on the maximum square feet of sign area per side of sign, as follows.

Table 5-9: Off Premise Signs

Off-Premise Sign	Maximum Square Feet of Sign Area Per Side
Class I	1000 square feet

Class II	16 square feet
Class III	4 square feet

Political signs, or agricultural seed signs identifying test plots are not considered off-premise signs. All classes of off-premise signs are prohibited in all zoning districts with the exceptions described below:

1. General Conditions for all Classes of off-premise signs:
    a. A sign permit shall be obtained from the Administrator for all off-premise signs.
    b. Multiple faces mounted on the same structures shall be considered one sign. “Double stacked” signs shall be prohibited.
    c. 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 are prohibited.
    d. Double-sided signs are permitted.
    e. Setbacks are 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. Class I off-premise signs are permitted in any commercial or industrial zoning district within 200 feet of any United States Interstate Highway or State Highway. Class I off-premise signs must meet the following requirements:
    a. Class I off-premise signs must be setback a minimum of 50 feet from any public right-of-way and 300 feet from any other property line.
    b. A Class I off-premise sign cannot be located any closer than 3,000 feet to any other off-premise sign.
    c. A Class I off-premise sign cannot exceed 40 feet in height. No sign face area shall exceed 60 feet in length or 25 feet in height.
    d. 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).
3. Class II off-premise signs are permitted in any commercial or industrial zoning district within 200 feet of any United States Interstate Highway or State Highway. Class II off-premise signs must meet the following requirements:
    a. Class II off-premise signs must be set back a minimum of 50 feet from any public right-of-way and 100 feet from any other property line.
    b. A Class II off-premise sign cannot be located any closer than 3,000 feet to any other off-premise sign.
    c. A Class II off-premise sign cannot exceed 8 feet in height. No sign face area shall exceed 4 feet in length or 4 feet in height.

4. Class III off-premise signs are 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. Class III off-premise signs shall meet the following requirements:

   a. Class III off-premise signs must be setback a minimum of 20 feet from any public right-of-way and 100 feet from any other property line.

   b. A Class III off-premise sign cannot be located any closer than 500 feet to any other off-premise sign.

   c. A Class III off-premise sign cannot 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.

F. **Temporary Home Sales Facility Sign Standards**

One temporary sign identifying a temporary home sales facility is permitted for facilities meeting the requirements of the ***3.4 Temporary Uses and Structures***. The sign is subject to the following requirements:

1. The sign may be illuminated consistent with the overall illumination requirements for temporary home sales facilities established in ***3.4 Temporary Uses and Structures***.
2. Maximum Size. 24 square feet in area. 6 feet high from ground level.
3. Setback. A minimum of 10 feet from the right-of-way of any public street or other property line.
4. A sign permit is required.

G. **AG District - Permanent Sign Standards**

1. One sign is permitted per property used for agricultural purposes.
2. Maximum Size. 32 square feet in area. 6 feet high.
3. Setback. A minimum of 10 feet from the right-of-way of any public street or other property line.
4. A sign permit is required, unless otherwise specified.

H. **CR, R1, R2, R3, MR, MH Districts - Permanent Sign Standards**

The following permanent sign standards apply in the CR, R1, R2, R3, MR, and MH Districts.

1. Wall Sign. One on the primary structure of each dwelling unit.
   a. Maximum Size. Not to exceed a combined area of 2 square feet in area.
   b. No illumination is permitted.
   c. A sign permit is required.
2. Entry Signs. Two for residential developments are permitted at each entrance to the development.
   a. Maximum Size. 32 square feet in area. 4 feet high. Mounding or other alterations of the natural ground level cannot be used as a point of reference for measuring sign height.
   b. Setback. A minimum of 2 feet from the right-of-way of any public street.
   c. A sign permit is required.



I. **PR, IS Districts - Permanent Sign Standards**

The following permanent sign standards apply in the PR and IS Districts.

1. Ground Sign
   a. One per entrance in conjunction with a permitted or approved special use.
   b. Maximum Size. 50 square feet in area and 6 feet high.
   c. A sign permit is required.
2. Wall Sign
   a. One sign in conjunction with a permitted or approved special use.
   b. Maximum Size. 32 square feet in area.
   c. A sign permit is required.
3. Directional Signs
   a. Maximum Size. 6 square feet in area. 4 feet high.
   b. Setback. A minimum setback of 2 feet from any public right-of-way is required.
   c. A sign permit is not required.





J. **LC District** - Permanent Sign Standards

The following permanent sign standards apply in the LC District.

1. Maximum Signage Allowed. One square foot of signage is allowed for every 1 foot of the front facade of the building that is occupied by that use, up to a maximum of 100 square feet.

   For example: If a use occupies a tenant space in a commercial building and that space includes 50 feet of the building's frontage then 50 square feet of signage would be allowed for the use.



1. Sign Type. Any combination of the following signs may be used if they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this article.

2. Wall Sign

   a. Located on the facade of the primary structure.

   b. Maximum Size. 50 square feet in area.

   c. A sign permit is required.



3. Awning Sign. Awning signs are printed on awnings mounted on the facade of the primary structure. A sign permit is required.

4. Projecting Sign

a. At least 8 1/2 feet above grade level, at its lowest point (except for the supporting building, structure, or column).

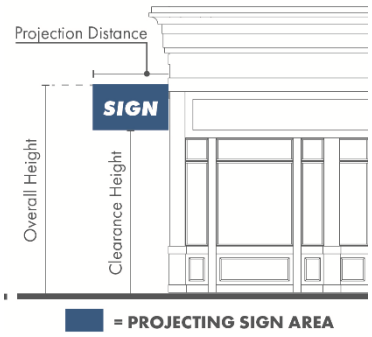
b. In no case shall it extend more than 4 feet beyond its supporting structure.

c. Permission must be granted by the Board of County Commissioners if the proposed sign extends into the right-of-way.

d. A projecting sign cannot exceed 12 square feet in area.

e. Only 1 projecting sign is permitted per use.

f. A sign permit is required.

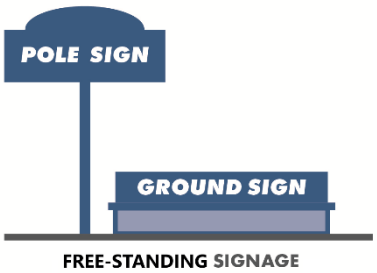


5. Free-standing Sign

a. Maximum Size. 6 feet in height or 50 square feet in area.

b. Setback. A minimum of 10 feet from the public right-of-way.

c. A sign permit is required.



6. Changeable Copy Signs and Time/Temperature Signs

a. Changeable copy signs and time/temperature signs are counted toward the maximum allowable square footage.

b. These signs must be mounted according to the development standards.

c. A sign permit is required.



7. Multi-Tenant Joint Entrance Signs

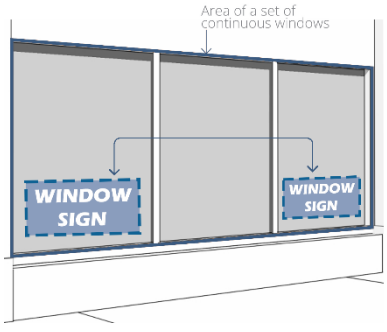
a. Structures and/or centers containing multiple uses may establish 1 sign at each entrance for the joint use of all tenants.

b. Individual free-standing signs for each tenant are prohibited.

c. Maximum Size. 18 feet in height. The maximum sign area cannot exceed an average of 24 square feet per tenant.

d. Setback. 10 feet from all public rights-of-way.

e. A sign permit is required.



8. Window Signs

a. Non-Illuminated Window Signs

i. Must not exceed 25% of the window area.

ii. Not counted toward the total area allowed per use.

iii. A sign permit is not required.



b. Illuminated Window Signs

i. Any portion of the sign exceeding 25% of the window area is counted toward the total sign area.

ii. A sign permit is required.

9. Directional Signs

a. Maximum Size. 6 square feet in area. 4 feet high.

b. Setback. 2 feet from all public rights-of-way.

c. Not be counted toward the total area allowed per use.

d. A sign permit is not required.

K. GC District - Permanent Sign Standards

The following permanent sign standards apply in the GC District.

1. Maximum Signage Allowed. One and one-quarter square feet of signage is allowed for every 1 foot of the front façade of the building that is occupied by that use, up to a maximum of 150 square feet per 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.



1. Sign Types. Any combination of the following signs may be used if they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this article.

2. Wall Sign

   a. Located on the facade of the primary structure.

   b. Maximum Size. 75 square feet in area.

   c. A sign permit is required.



3. Awning Sign. Awning signs are printed on awnings mounted on the facade of the primary structure. A sign permit is required.

4. Projecting Sign

a. At least 8 1/2 feet above grade level, at its lowest point (except for the supporting building, structure, or column).

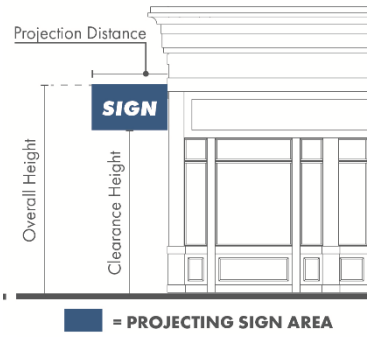
b. In no case shall it extend more than 4 feet beyond its supporting structure.

c. Permission must be granted by the Board of County Commissioners if the proposed sign extends into the right-of-way.

d. A projecting sign cannot exceed 12 square feet in area.

e. Only 1 projecting sign is permitted per use.

f. A sign permit is required.

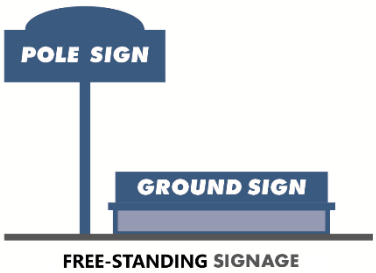


5. Free-standing Sign

a. Maximum Size. 15 feet in height or 75 square feet in area.

b. Setback. A minimum of 10 feet from the public right-of-way.

c. A sign permit is required.



6. Changeable Copy Signs and Time/Temperature Signs

a. Changeable copy signs and time/temperature signs are counted toward the maximum allowable square footage.

b. These signs must be mounted according to the development standards.

c. A sign permit is required.



7. Multi-Tenant Joint Entrance Signs

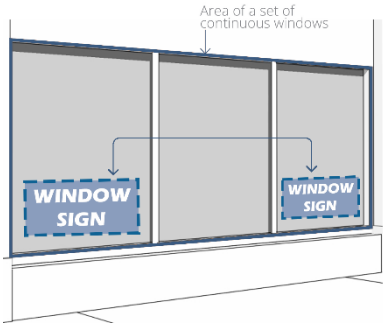
a. Structures and/or centers containing multiple uses may establish 1 sign at each entrance for the joint use of all tenants.

b. Individual free-standing signs for each tenant are prohibited.

c. Maximum Size. 18 feet in height. The maximum sign area cannot exceed 40 square feet per tenant.

d. Setback. 10 feet from all public rights-of-way.

e. A sign permit is required.



8. Window Signs

a. Non-Illuminated Window Signs

iii. Must not exceed 25% of the window area.

iv. Not counted toward the total area allowed per use.

v. A sign permit is not required.



b. Illuminated Window Signs

vi. Any portion of the sign exceeding 25% of the window area is counted toward the total sign area.

vii. A sign permit is required.

9. Directional Signs

a. Maximum Size. 6 square feet in area. 4 feet high.

b. Setback. 2 feet from all public rights-of-way.

c. Not be counted toward the total area allowed per use.

d. A sign permit is not required.

L. HC District - Permanent Sign Standards

The following permanent sign standards apply in the HC District.

1. Maximum Signage Allowed. 2 square feet of signage shall be allowed for every 1 foot of the front facade of the building that is occupied by that use, up to a maximum of 350 square feet per 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 200 square feet of signage would be allowed for the use.



1. Sign Types. Any combination of the following signs may be used if they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this article.

2. Wall Sign

a. Located on the facade of the primary structure.

b. Maximum Size. 75 square feet in area.

c. A sign permit is required.



3. Awning Sign. Awning signs must be printed on awnings mounted on the facade of the primary structure. A sign permit is required.

4. Projecting Sign

   a. At least 8 1/2 feet above grade level, at its lowest point (except for the supporting building, structure, or column).

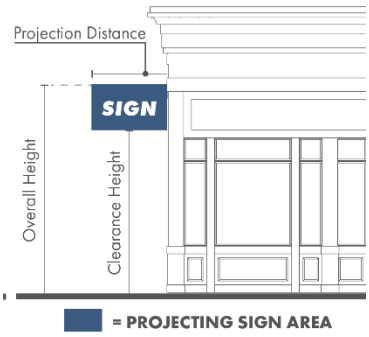
   b. In no case shall it extend more than 4 feet beyond its supporting structure.

   c. Permission must be granted by the Board of County Commissioners if the proposed sign extends into the right-of-way.

   d. A projecting sign cannot exceed 12 square feet in area.

   e. Only 1 projecting sign is permitted per use.

   f. A sign permit is required.



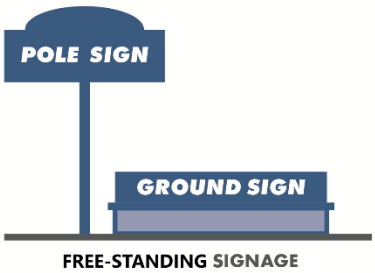
5. Free-standing Sign

   a. Maximum Size. 15 feet in height or 75 square feet in area.

   b. Setback. A minimum of 10 feet from the public right-of-way.

   c. Limited to 1 sign per lot unless located on a corner lot. Then 1 additional sign is permitted on the other street.

   d. A sign permit is required.



6. Changeable Copy Signs and Time/Temperature Signs

   a. Changeable copy signs and time/temperature signs are counted toward the maximum allowable square footage.

   b. These signs must be mounted according to the development standards.

   c. A sign permit is required.



7. Multi-Tenant Joint Entrance Signs

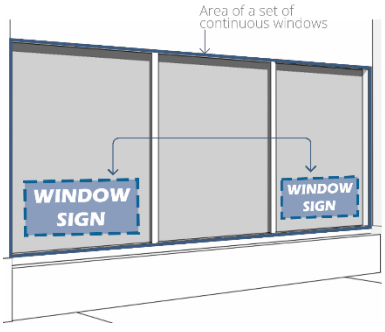
   a. Structures and/or centers containing multiple uses may establish 1 sign at each entrance for the joint use of all tenants.

   b. Individual free-standing signs for each tenant are prohibited.

   c. Maximum Size. 20 feet high in height. The maximum sign area cannot exceed 40 square feet per tenant.

   a. Setback. 10 feet from all public rights-of-way.

   b. A sign permit is required.



8. Window Signs

a. Non-Illuminated Window Signs

i. Must not exceed 50% of the window area.

i. Not counted toward the total area allowed per use.

ii. A sign permit is not required.



b. Illuminated Window Signs

i. Any portion of the sign exceeding 50% of the window area is counted toward the total sign area.

ii. A sign permit is required.

9. Directional Signs

a. Maximum Size. 6 square feet in area. 4 feet high.

b. Setback. 2 feet from all public rights-of-way.

c. Not be counted toward the total area allowed per use.

d. A sign permit is not required.

M. **LI, GI, HI Districts – Permanent Sign Standards**

The following permanent sign standards apply in the LI, GI and HI Districts.

1. Maximum Signage Allowed. 1¼ square feet of signage shall be allowed for every 1 foot of the front facade of the building that is occupied by that use, up to a maximum of 350 square feet per 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.



1. Sign Types. Any combination of the following signs may be used if they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this article.

2. Wall Sign

   a. Located on the facade of the primary structure.

   b. Maximum Size. 150 square feet in area.

   c. A sign permit is required.



3. Awning Sign. Awning signs must be printed on awnings mounted on the facade of the primary structure. A sign permit is required.

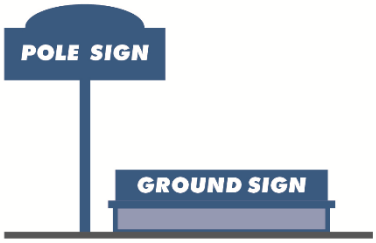
4. Free-standing Sign

   a. Maximum Size. 15 feet in height or 75 square feet in area.

   b. Setback. A minimum of 10 feet from the public right-of-way.

   c. Limited to 1 sign per lot unless located on a corner lot that 1 additional sign is permitted on the other street.

   d. A sign permit is required.



FREE-STANDING SIGNAGE

5. Changeable Copy Signs and Time/Temperature Signs

   a. Changeable copy signs and time/temperature signs are counted toward the maximum allowable square footage.

   b. These signs must be mounted according to the development standards.

   c. A sign permit is required.



6. Multi-Tenant Joint Entrance Signs

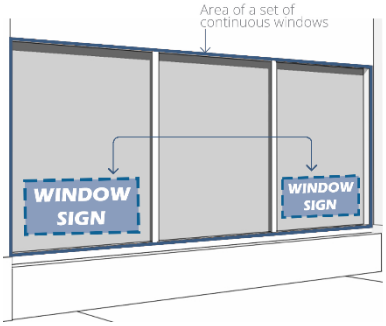
   a. Structures and/or centers containing multiple uses may establish 1 sign at each entrance for the joint use of all tenants.

   b. Individual free-standing signs for each tenant are prohibited.

   c. Maximum Size. 18 feet in height. The maximum sign area cannot exceed 32 square feet per tenant.

   a. Setback. 10 feet from all public rights-of-way.

   b. A sign permit is required.



7. Window Signs

   a. Non-Illuminated Window Signs
      i. Must not exceed 25% of the window area.
      ii. Not counted toward the total area allowed per use.
      iii. No sign permit is required.

   b. Illuminated Window Signs
      i. Exceeding 25% of the window area is counted toward the total sign area.
      ii. A sign permit is required.



8. Directional Signs

a. Maximum Size. 6 square feet in area. 4 feet high.

b. Setback. 2 feet from all public rights-of-way.

c. Not be counted toward the total area allowed per use.

d. A sign permit is not required.

5.22 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.

1. Streets which are designed and/or shall function as the extension of an existing street shall be named consistent with the existing street.
2. 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.
3. Street names that may be spelled different but sound the same as existing streets shall not be used.
4. All street names and addresses are subject to review and approval by the Plan Commission for consistency with the County 911 emergency phone system.
5. The Board of County Commissioners shall have final authority to name all streets at the time of acceptance of public improvements.

5.23 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, unless otherwise approved by the Administrator, easements shall be provided in the following manner:

1. 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.
2. Water supply service may also be provided in the right-of-way. 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:

1. provide continuity from block to block,
2. be located along rear, side, or front lot lines as necessary, and
3. 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.

5.24 Entrance/Drive Standards

This Entrance/Drive Standards article applies to all districts.

A. 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.

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):

- 32 feet if from a non-residential zoning district onto an Arterial,
- 30 feet if from a non-residential zoning district onto a Collector,
- 26 feet if from a non-residential zoning district onto a Local Road,
- 30 feet if from a multi-family residential zoning district onto an Arterial or Collector,
- 28 feet if from a multi-family residential zoning district onto a Local Road,
- 28 feet if from a single- or two- household residential zoning district onto any type of street, or
- 22 feet if from a single- household 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-household 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.

D. The number of entrances or drives provided shall meet the following requirements:

1. Single and two- household residences shall be limited to one drive per dwelling unit;
2. If a manufactured home park or multi-family development has 40 or more dwelling units, there must be 2 access points from the public road. Individual dwelling sites may only have driveways 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 Plan Commission may determine that the following are necessary:

1. an acceleration or deceleration lane, or
2. a passing blister at a new entrance or drive.

Chapter 6
Subdivision

6.1 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 the Department, 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.

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.

F. **Permitted Uses**. No land shall be subdivided unless the intended use of the individual lot is in conformance with this 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.

J. Existing natural features which add value to the 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.

6.2 Exemptions

The following subdivisions of land are exempt from the provisions of this Ordinance subject to the specifications of this article. 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. All parcels of the subdivision must be 40 acres or greater in area and meet the minimum public road frontage requirements of the zoning district in which the subdivision is located.

B. **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.

C. **Right-of-Way Acquisition**. A division of land for federal, state, or local government to acquire right-of-way.

D. **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 more closely align with the development standards of this Ordinance.

6.3 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 this Ordinance, such change shall be reviewed by the Administrator.

6.4 Minor Subdivision Intent

The intent of the minor subdivision process is to allow a procedure for the creation of low-density development of rural lands consistent with the agricultural characteristics of Madison County.

6.5 Minimum Standards for a Minor Subdivision

A. **Parcel Zoning and Density Standards**. Minor subdivisions shall be permitted in all zoning districts as established by this Ordinance.

1. Parent Tract Defined. The Subdivision approval is based upon the parcel number and the characteristics of the Parent Tract legally established on July 15, 2002.
2. Subdivisions Permitted. The creation of additional lots uses a sliding scale based on the acreage as follows:
    a. Parent tracts between 6 and 10 acres are permitted 1 additional lot (for a total of 2 lots including the remainder from the parent tract).
    b. Parent tracts between 10 and 15 acres are permitted 2 additional lots (for a total of 3 lots including the remainder from the parent tract).
    c. Parent tracts 15 acres or more are permitted 3 additional lots (for a total of 4 lots including the remainder from the parent tract).
    d. 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.
3. Exception. A habitable residence built prior to November 10, 1975, may be separated from the parent tract through the minor subdivision process provided that both the lot and the remaining tract conform with all requirements of this 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.
4. Subdivision Rights. All subdivision rights established by this article run with the parent tract. Further subdivision of any lot created from a parent tract must follow ***6.9 Major Subdivision Review Process***.
5. Further Subdivision. Once all of the permitted lots have been split from the parent tract, any further subdivisions must follow the major subdivision process established by ***6.9 Major Subdivision Review Process***.
6. Any subdivision which includes the creation of new interior streets or common areas is considered a major subdivision and follows ***6.9 Major Subdivision Review Process***.

B. **Design Standards**. All minor subdivisions shall conform to the following design standards:

1. All lots must conform with all applicable requirements of this Ordinance, including, but not limited to, lot size, setbacks, frontage on a public road, and lot width.
2. All road cuts are subject to the approval of the Madison County Engineer.
    a. A private road may serve as the primary means of access for up to 3 lots. A private road serving more than 3 lots triggers ***6.9 Major Subdivision Review Process***.
    b. Lot frontage on a private road is considered as meeting the road frontage requirements of this Ordinance.
    c. All driveways shall be designed to prevent vehicles from being required to back onto the public road.

3. All driveways shall be constructed consistent with the requirements of the Madison County Construction Standards and approved by the County Engineering Department.

4. Permanent documentation of any private road or shared driveway agreement must be recorded on the final plat. The documentation shall include provisions for 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 Administrator.

5. 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 ***IC 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."

6. The applicant shall dedicate right-of-way consistent with the right-of-way widths specified in the Thoroughfare Plan along all public road frontages of new lots and, if required by the Plat Committee, additional right-of-way along the remainder of the parent tract. The Plat Committee determines the need for additional right-of-way based upon the reasonable relationship of the expansion or change of land use to the needs created by the development. Appeals of the Plat Committee's requirement for additional right-of-way are made to the Planning Director as an ***8.8 Administrative Appeal***.

7. Adequate ingress and egress to the remainder of the parent tract and adjacent properties must be maintained, planned for, and provided.

6.6 Minor Subdivision Application and Review Procedure

A. **Application Requirements**. In order to begin the subdivision process, the applicant shall file an application for preliminary plat approval with the Administrator. This application shall be:

1. Made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;

2. Accompanied by a digital copy and the specified number of hard copies of a preliminary plat as required by this article;

3. Accompanied by a fee in the amount established by the adopted fee schedule.

4. A copy of the recorded deed proving ownership.

An application will not be processed until the application is filled out correctly, all applicable attachments are presented to the Administrator, and all applicable fees have been paid for the application.

B. **Plat Committee Review Process**. For the purposes of this section, "days" excludes all weekends and holidays.

1. Upon receipt of a complete application, the Administrator shall distribute copies of the application to Plat Committee members in digital format, unless otherwise requested by a Committee member.

2. Within 5 days, the Plat Committee members must review the application and provide any and all feedback in writing to the Administrator, including a vote of approval or rejection. In the event a Committee member fails to provide written feedback to the Administrator, that member is deemed as voting for approval of the application.

3. Based upon the feedback provided by Committee members, the Administrator reviews and satisfies any issues raised by the Committee members. Any significant changes made to the application must be brought to the attention of all Committee members.



C. **Review Criteria**

1. In reviewing the application, the Plat Committee considers the provisions of this Ordinance and other applicable standards of Madison County.

2. The Committee shall make comments regarding the application and either approve, approve with conditions, require further review, or deny the application.

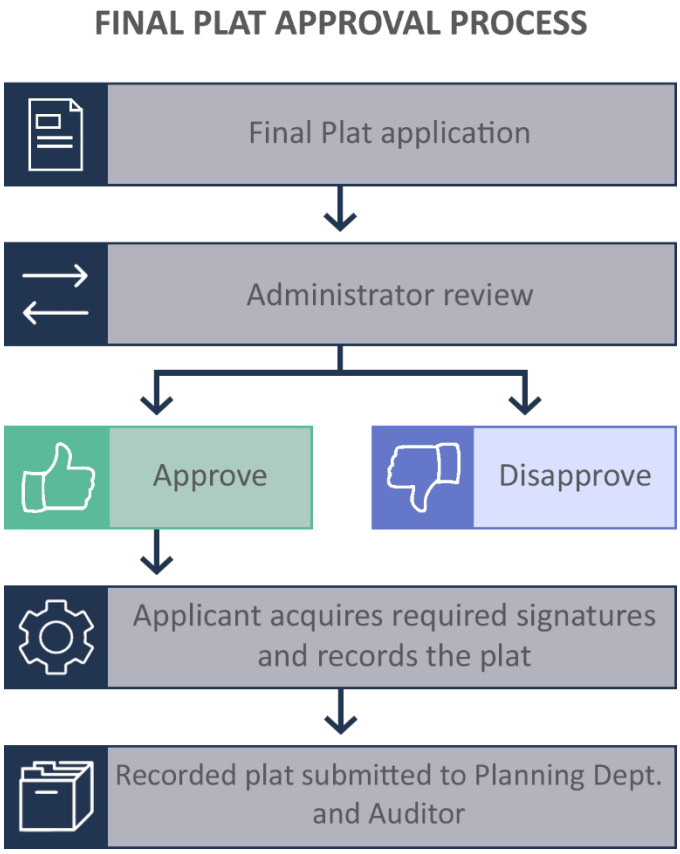
   a. The Committee shall approve the application if it is found to be consistent with the requirements of this Ordinance.

   b. 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 effect 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 Administrator for the records of the Plan Commission.

   c. The Committee shall require further review of the application if addressing the comments of the Committee will require significant alterations in the lots, topography, drainage ways, driveways, or other features.

D. **Final Plat Procedure**. For the purposes of this section, "days" excludes all weekends and holidays.

1. After the Plat Committee's approval of the preliminary plat, a final plat is submitted to the Administrator for review. The purpose of this review is to verify mathematical closures, verbiage, spelling, and proper ownership of the property described in the preliminary plat. Minor modifications will be made as appropriate by the Administrator.
2. After the Administrator's review is completed, the Administrator shall notify the professional land surveyor of any revisions needed and verify Drainage Board approval has been obtained.
3. The applicant (professional land surveyor) is responsible for making any revisions noted by the Administrator, acquiring the appropriate signatures, and to submit recorded copies of the final plat to both the Department and the Auditor's Office.



E. **Waivers**. The Plat Committee has the authority to grant waivers to the requirements of this Ordinance per *8.27 Waivers and Modifications*.

6.7 Minor Subdivision Submission Requirements

The Minor Subdivision application shall be accompanied by a preliminary plat, drawn to a scale of not more than 100 feet to an inch, and showing the following information:

A. **Property Name**. The property address, general location, and name – Preliminary Minor Subdivision Plat YY-P-001.

B. **Property Ownership**.

1. The name, address, telephone number, and email address of the legal owner, the developer of the property or their 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.
2. The name and address, including telephone number, and email address of the professional person(s) responsible for the subdivision design and for surveys.

C. **Existing Covenants and Easements**. Documentation of any existing covenants and easements affecting the property.

D. **Property Legal Description**. The location of the property, the name of the local jurisdiction, lot, section, township, range and county, nearest crossroads or address, graphic scale, north arrow, and date.

E. **Development Description**.

1. A legend and notes, including a graphic scale, north point, and date.
2. A vicinity map on the plat that includes:
   - The location of the proposed subdivision within the County.
   - All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
   - Existing and proposed driveways located on either side of all roads adjacent to the subject property.
   - Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
3. An indication of the land to be considered the remainder of the parent tract.
4. Lot numbers and the area for each lot within the parent tract (listed in gross and net square footage and acres), plus all setback lines, lot dimensions, and road frontage widths.
5. All existing and proposed easements, including the location, width, and purpose of each easement.
6. All existing rights-of-way adjoining the site indicating the street names and rights-of-way widths.
7. The location(s) of any existing structure(s) on the site.
8. The location of natural streams, regulated drains, 100-year floodplains, floodways, water courses, marshes, wooded areas, and other structures or significant features.
9. The location of all existing and proposed private roads and driveways, provisions for the construction and maintenance of shared driveways, and no-access easements.

F. **Subdivision Covenants**. With the final plat, any protective covenants applicable to the subdivision are subject to the approval of the Administrator 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 on the final plat.

G. **Preliminary Plat**. All preliminary plats must be prepared by a registered land surveyor.

H. **Boundary Survey Requirement**. A recorded boundary survey must be prepared for all final plats, pursuant to ***865 IAC1-12***. The instrument number for the recorded boundary survey must be affixed to the final plat. The boundary survey is to include any and all improvements located within the final plat. Exceptions to this rule include when one lot makes up the final plat and all improvements on the parent tract are wholly within the one lot. A statement must be made on the final plat.

I. **Drainage Board Approval**. Drainage Board approval is required before the final plat can be recorded.

J. **Statements**. Any statements, changes, or requirements placed on the final plat by the Plat Committee, the Madison County Drainage Board, and any other government entities reviewing the plat are the responsibility of the applicant. If these statements, changes, or requirements were requested, but not placed on the final plat, the applicant is required to make the changes and resubmit the correct final plat to the Administrator.

6.8 Major Subdivision Intent

The intent of a major subdivision process is to allow for subdivisions of land that are not exempt subdivisions or minor subdivisions.

6.9 Major Subdivision Review Process

The following is a brief overview of the major subdivision process. The details of the major subdivision process are provided throughout this article.

A. The petitioner submits an application for Sketch Plan Review and the appropriate supportive materials for the review and comment of the Administrator.

B. The petitioner submits an application for preliminary plat approval and the appropriate supportive materials to the Administrator for review by the Plat Committee.

C. The petitioner corresponds with all applicable regulatory agencies for all other permits necessary. These may include:

1. the Madison County Health Department;
2. the Madison County Soil and Water Conservation District office;
3. the Madison County Surveyor and Drainage Board;
4. the Madison County Auditor's Office;
5. the Madison County Sheriff Department;
6. the appropriate local fire district;
7. the appropriate local school corporation;
8. the Indiana Department of Transportation;
9. the Indiana Department of Environmental Management;
10. the Indiana Department of Natural Resources;
11. the Madison County Engineering Department; and
12. all applicable utility companies.

D. The Administrator 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.

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. After preliminary plat approval, the petitioner applies for construction plan approval and final plat approval. If conditions were attached to the preliminary plat approval, the petitioner must meet all conditions prior to final plat approval.

J. The Technical Review Committee considers the construction plans and final plat. If revisions are required, the petitioner revises and resubmits the construction plans and/or final plat. Once approved, the construction plans are stamped "Approved for construction" and the final plat 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.

K. The petitioner constructs the subdivision, coordinating the appropriate inspections with the Administrator and other appropriate County officials and agencies.

L. The Board of County Commissioners considers the acceptance of the public improvements and the signing of the final plat.

M. 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 Administrator for the records of the Plan Commission.

N. If the petitioner elects to record the final plat prior to installing the improvements, performance bonds must be submitted to and accepted by the County Commissioners prior to recording the final plat.

6.10 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 shall be on street lay out and block arrangement.

B. **Procedure**. The subdivider shall follow the procedure for major subdivisions provided in ***6.9 Major Subdivision Review Process***, but in terms of lot arrangement shall only be required to show two defined lots and a block layout.

1. 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.

2. All commercial and industrial preliminary plats shall expire within 10 years of the date of preliminary plat approval by the Plan Commission.

6.11 Major Subdivision Sketch Plan Procedure

A. **Application Requirements**. In order to begin the subdivision process, the applicant files an application for Sketch Plan Review with the Administrator. This application includes:

1. Application forms available at the Plan Commission Office, signed by the owner and developer and notarized;
2. The specified number of copies of a Sketch Plan;
3. A fee in the amount established by the adopted fee schedule;
4. An area map indicating all contiguous holdings of the property owner with an indication of the portion which is proposed to be subdivided.
    a. The map shall include the dates the respective holdings of land were acquired, together with the book and page or instrument number of each conveyance to the present owner as recorded in the County Recorder's office.
    b. 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 Administrator may request a complete list of all directors, officers, and a listing of stockholders if less than 10 in number.

B. **Review Procedure**. The Administrator 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 Administrator 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.

1. The Administrator shall approve the sketch plan if it is conceptually consistent with the requirements of this Ordinance and the Madison County Comprehensive Plan.
2. The Administrator shall approve the sketch plan with modifications if specific conceptual adjustments are needed to meet the requirements of this Ordinance. The petitioner shall address the comments of the Administrator on the preliminary plat for the proposed subdivision.
3. The Administrator shall recommend re-submittal of an application for Sketch Plan Review if the proposed subdivision is conceptually inconsistent with the requirements of this Ordinance or the Comprehensive Plan. If re-submittal is recommended, the petitioner may provide a revised application to the Administrator within 90 days of the date of the re-submittal application without a new application and fee being required.

C. **Review Criteria**. In taking into consideration the requirements of this process and Ordinance, particular attention is 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 Comprehensive Plan.

D. **Expiration of Approval**. The petitioner shall file an application for preliminary plat approval with the Administrator 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 expires. The petitioner is required to submit a new application for Sketch Plan review, including all applicable fees, consistent with the requirements of this article.

6.12 Major Subdivision Sketch Plan Document Requirements

Sketch plans submitted to the Administrator must be drawn to a scale of not more than 100 feet to an inch and shall show the following:

A. **Property Name**.

1. The name of the subdivision if the subject property is within an existing subdivision;
2. 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 approval is still in effect; or
3. Name of property if no subdivision name has been chosen.

B. **Property Ownership**.

1. The name, address, and telephone number of the owner, the developer, and copies of last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
2. The name, address, and telephone number of each person responsible for the subdivision design, the design of the public improvements, and the surveys.

C. **Existing Covenants and Easements**. Documentation of any existing covenants and easements affecting the property.

D. **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.

E. **Development Description**.

1. 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.
2. 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.
3. Approximate topography, at the same scale as the sketch plan, normally showing 2 foot contour intervals, but the Administrator may require 1 foot intervals on very flat land or permit 5 foot intervals on very steep slopes.
4. The approximate location and widths of proposed streets.

5. 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.
6. The approximate location, dimension, and areas of all proposed or existing lots shown in feet and in acres.
7. The approximate location, dimension, and areas of all parcels of land proposed to be set aside for open space, or for another use of property owners in the proposed subdivision.
8. The location of temporary stakes to enable the Administrator to find and appraise features of the Sketch Plan in the field.

F. **Vicinity Map**. A vicinity map showing streets and other general development of the surrounding area.

G. **Contiguous Holdings Description**. Whenever the Sketch Plan covers only a part of a property owner's contiguous holdings, the applicant shall submit 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.

6.13 Major Subdivision Preliminary Plat Procedure

A. **Application Requirements**. The applicant shall file an application for preliminary plat approval and the specified number of copies with the Administrator. This application shall:

1. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
2. Be accompanied by all required approvals of the Madison County Drainage Board.
3. Be accompanied by the specified number of copies of a preliminary plat meeting the requirements provided by this article;
4. Be accompanied by a fee in the amount established by the adopted fee schedule; and
5. Be accompanied by a copy of all comments received from the appropriate local utility providers. (At a minimum, the Developer shall provide an affidavit indicating that a copy of the proposed preliminary plat has been provided to all appropriate local utilities).

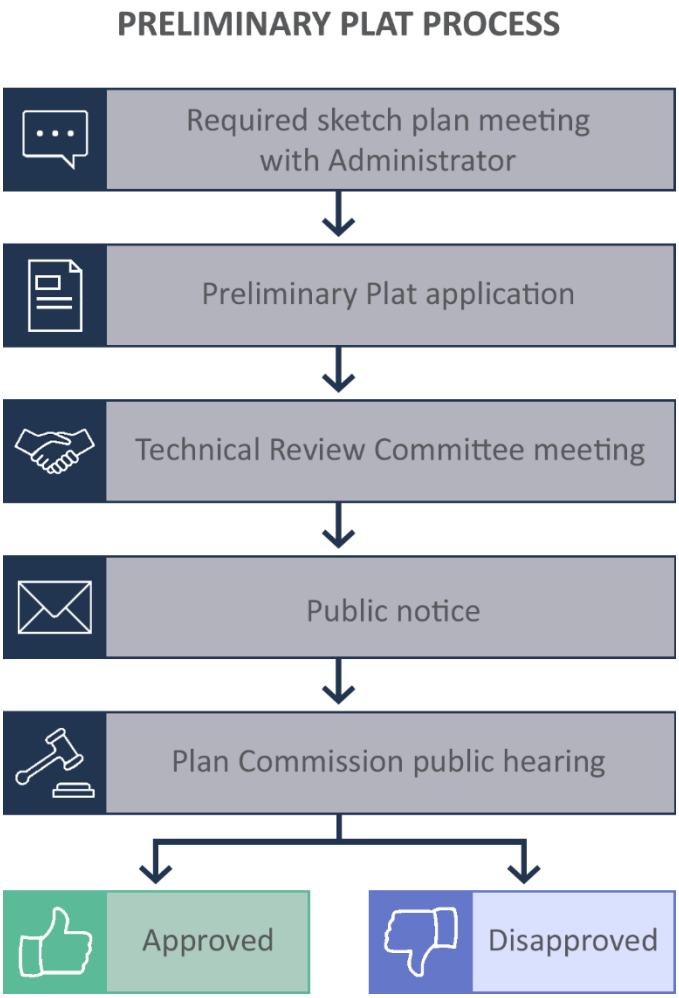
B. **Processing Standards**. An application will not be processed until the application is filled out correctly, all applicable attachments are presented to the Administrator, and all applicable fees have been paid.

C. **Meeting Dates Established**. The Administrator 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 are based on the adopted Calendar of Meeting and Filing Dates.

D. **Technical Review Committee**. The Administrator places the application for preliminary plat approval on the agenda for the applicable meeting of the Technical Review Committee.

1. In reviewing the application, the Technical Review Committee considers the provisions of this Ordinance and other applicable adopted requirements.

2. The Committee makes comments regarding the application. Based on those comments, the Administrator shall either forward the application to the Plan Commission or require further review. Within 15 days of the plat application, the Administrator must notify the applicant of any deficiencies in the application.



a. The Administrator 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 Administrator in preparation for the Plan Commission hearing by the date specified on the adopted Calendar of Meeting and Filing Dates.

b. The Administrator 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 Administrator 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 this Ordinance.

F. **Plan Commission Hearing**. The Administrator 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.

1. 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 Administrator, and testimony from the petitioner and any interested parties. After the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the application for preliminary plat approval.

    a. The Plan Commission shall approve the preliminary plat if it is found to be completely consistent with the decision criteria provided by this article.

    b. 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.

    c. The Plan Commission shall table the preliminary plat consistent with the adopted Rules and Procedures of the Plan Commission.

    d. The Plan Commission shall deny the preliminary plat if it is found to be inconsistent with the decision criteria and requires modifications that would result in changes to the layout of public improvements, lots, drainage systems, or other characteristics of the subdivision.

    e. Within 15 days of the Plan Commission's decision, the Commission must provide the applicant with written findings of its decision, including the deficiencies of the application, if any. If the Commission fails to make written findings for its decision within 60 days of the public hearing, the plat is considered to have received preliminary plat approval.

2. The Plan Commission shall make written findings documenting its decision. The Administrator 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 Administrator shall maintain 1 file copy of the preliminary plat application and plat.

3. Approval of a preliminary plat by the Commission is not final approval of the subdivision.

4. The approval of the preliminary plat expires 3 years from the date of the Commission's decision if the applicant has not proceeded with the development by applying for construction plan approval.

    a. Extensions of time may be granted by the Plan Commission upon the request of the petitioner.

    b. In the case of preliminary plats which are divided into sections for the purpose of a phased construction, the preliminary plat expires 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.

5. 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 considers the following criteria.

1. The degree to which the proposed preliminary plat is consistent with the provisions of the Comprehensive Plan;
2. The degree to which the proposed preliminary plat is consistent with the requirements of this Ordinance;
3. 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
4. The degree to which the proposed preliminary plat is consistent with all adopted construction standards for public improvements in Madison County, and standard engineering practices.

6.14 Major Subdivision Preliminary Plat Requirements

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**.

1. The name of the subdivision if the subject property is within an existing subdivision; or
2. 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**.

1. The name, address, and telephone number of the property owner, the developer of the property, and citation of last instrument conveying titles to each parcel of involved in the proposed subdivision.
2. The name, address, and telephone number of the person(s) responsible for the subdivision design, the design of the public improvements, and surveys.

C. **Existing Covenants and Easements**. Documentation of any existing covenants and easements affecting the property.

D. **Property Description**.

1. A dimensioned drawing of the parcel of land which is being subdivided, including any remaining tract.
2. Subdivision boundary lines showing dimensions, bearings, and references to section, township, range and lines or corners.

E. **Development Description**.

1. A legend and notes, including a graphic scale, north point, and date.

2. 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.
3. The approximate location of any existing or proposed wells and/or the municipal water system.
4. Preliminary plat approval certificate for signing by the Plan Commission President and Secretary.
5. 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.
6. All existing and proposed easements, including the location, width, and purpose of each easement.
7. 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.
8. Any parcels of land proposed to be dedicated or reserved for common areas, schools, parks, playgrounds, or other public, semi-public, or community purposes.
9. 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.
10. The location(s) of any existing structure(s) on the site and a description of its future demolition or incorporation into the proposed subdivision.
11. 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.
12. All proposed sidewalks or pedestrian trails.
13. All locations of existing and proposed street lights and street signs.
14. A statement of the expected demand of the subdivision for capacity at the applicable wastewater treatment facility.
15. All proposed landscaping, signage, development entrance features, screening, and attempts at preserving natural terrain and open space. (The Plan Commission, Technical Review Committee, or Administrator 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).
16. 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.

F. **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.

G. **Subdivision Covenants**. Any protective covenants applicable to the subdivision. 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.

H. **Contiguous Holding Description**. Whenever the preliminary plat covers only a part of a landowner's contiguous holdings, the petitioner shall submit a sketch of the entire holding showing the probable future street and drainage systems for the remaining portion of the tract.

I. **Drainage Plan and Report**. A drainage plan and report as required by the Madison County Drainage Board and County Engineer.

J. **Vicinity Description**. A vicinity map including the following information:

1. Location of the proposed subdivision within the County.
2. 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 conveyance of ownership.
3. Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision.
4. 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.
5. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
6. 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.
7. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
8. 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:

1. 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.
2. 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 Engineering Department.

6.15 Major Subdivision Construction Plan 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,

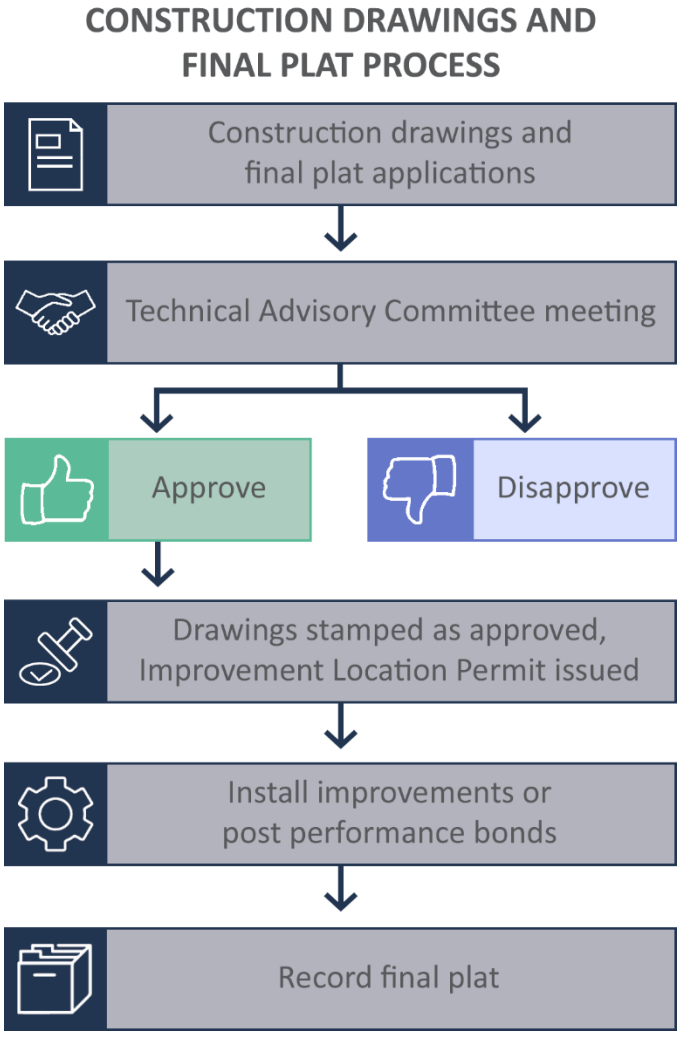
utilities, and other facilities. The applicant shall file an application for construction plan approval and the specified number of copies with the Administrator. This application shall:

1. Be made on forms available at the Plan Commission office and signed by the owner and developer and notarized;
2. Be accompanied by the specified number of copies of the construction plans per the requirements provided by this article; and
3. Be accompanied by a fee in the amount established by the adopted fee schedule.

B. **Processing Standards**. An application will not be processed until the application is filled out correctly, all applicable attachments are presented to the Administrator, and all applicable fees have been paid.

C. **Technical Review Committee**. The Administrator places the application for construction plan approval on the agenda for the applicable meeting of the Technical Review Committee and distribute copies of the submittals to the Committee members.

1. 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.



2. In reviewing the application, the Technical Review Committee considers if 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.
3. 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.
    a. 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.
    b. 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 Administrator within 90 days of the Committee meeting.

c. 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 Administrator for review prior to that meeting consistent with the adopted calendar of meeting and filing dates.

d. 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.

4. Upon approval of construction plans by the Technical Review Committee, the Administrator shall mark one set as "approved" and return it to the applicant with an Improvement Location Permit for the approved construction.

6.16 Major Subdivision Construction Plan Requirements

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 (as specified by the County Engineering Department). Plans shall be drawn on standard 24 by 36 inch sheets at a scale at least 1 inch = 50 feet. The plans shall show:

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 pro- posed 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 Administrator 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 Administrator, County Engineering Department, or Technical Review Committee.

6.17 Major Subdivision 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 their expense, without reimbursement by the local government or any improvement district therein.

B. The petitioner shall be required to maintain at their expense a licensed civil engineer or surveyor who shall certify that the subdivision construction complies with the approved construction plans at the time the final plat approval request is submitted to the Administrator.

C. If the Administrator or County Engineering Department 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.

6.18 Major Subdivision Final Plat Procedure

A. **Application Requirements**. The applicant shall file an application for final plat approval and the specified number of copies with the Administrator. This application shall:

1. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
2. Be accompanied by the specified number of copies of the final plat meeting the requirements provided by this article;
3. Be accompanied by the original documents and the specified number of copies of the surety required by this Ordinance for all public improvements.
4. Be accompanied by “as-built” drawings showing the location, dimensions, and materials used to construct all improvements within the subdivision.
5. Be accompanied by an electronic version of the final plat and “as-built” drawings in a format specified by the Administrator.

6. 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.

7. 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 Administrator.

C. **Technical Review Committee**. The Administrator places the application for final plat approval on the agenda for the applicable meeting of the Technical Review Committee and distribute copies of the submittals to the Committee members.

1. In reviewing the application, the Technical Review Committee considers 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. Within 15 days of the plat application, the Administrator must notify the applicant of any deficiencies in the application.

2. 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.

   a. 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.

   b. 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.

   c. The Committee shall deny the final plat if the application materials are inconsistent with the approved preliminary plat or construction plans.

D. The Administrator 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.

E. If the Committee disapproves the final plat, the Administrator 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 article.

F. Approval of the final plat shall be effective for 3 years 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, at the request of the petitioner.

6.19 Major Subdivision Final Plat Requirements

A. All final plats shall be shown at scale and shall include the following information on a sheet meeting the requirements of the Madison County Recorder:

1. Accurate boundary lines, with dimensions and angles, which provide a survey per state statute in state plane coordinates.
2. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Accurate metes-and-bounds description of the tract boundary.
5. Source of title of petitioner to the land as shown by the last entry in the books of the County Auditor.
6. Name of subdivision followed by the words “Final Plat.”
7. Name, address, and phone number of the petitioner.
8. North point, graphic scale, and date.
9. Street names.
10. Complete curve table for all curves included in the plat.
11. 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.
12. Lot numbers and dimensions including the square footage of each lot.
13. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
14. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
15. Building lines and setback dimensions throughout the subdivision.
16. Location, type, material, and size of all monuments and markers.
17. Construction plans and specifications for the improvements required by this Ordinance.
18. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
19. Certification by a registered land surveyor.
20. 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.
21. Certificate of approval by the Administrator and Plan Commission.

B. All final plats shall also show any other information or data requested by the Administrator necessary to clarify conditions and terms of plat approval.

6.20 Major Subdivision 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 Administrator shall place the application on the agenda of the Board of County Commissioners.

A. The County Commissioners shall review the application materials, the Technical Review Committee report prepared by the Administrator, the condition of the public improvements, and maintenance surety provided by the developer. The County Commissioners consider input from the County Attorney, County Engineering Department, and other county departments responsible for the maintenance of the improvements.

B. If the condition of the public improvements and the maintenance surety are deemed to be acceptable, the County Commissioners shall sign the final plat, accepting the improvements.

6.21 Major Subdivision Recording of Final Plat

A. The petitioner must record 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. 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 acceptance of those improvements for maintenance.

6.22 Surety

A. At the time when the final plat approval request is provided to the Administrator 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 Developer 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:

1. The surety shall be drawn in favor of the "Madison County Board of County Commissioners;"

2. The surety shall be in an amount and time period determined by the County Engineering Department, 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 Engineering Department 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.

3. The surety shall list the subdivision name, subdivision, 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 a "maintenance" or a "performance" surety. The surety shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution.

4. 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.

    a. Performance surety shall be provided for any public improvements which are incomplete in total or in part at the time of final plat acceptance. The acceptance of performance surety is considered by the Board of County Commissioners, upon the recommendation of the County Engineering Department and Administrator.

    b. 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 Administrator and County Engineering Department, extend the time period allowed for the completion of improvements and the validity of the performance surety.

5. 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.

6. 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.

7. A developer may request permission of the Board of County Commissioners to delay the installation of the 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 surface layer of asphalt.

D. **Release of Performance Surety**

1. Upon completion of the public improvements for which performance surety has been provided, the Developer 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 Developer'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.

2. The Administrator and County Engineering Department 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.

3. Before any performance surety covering a street installation is released, the Administrator, Board of County Commissioners, or County Engineering Department may request that core borings of the street be done at the Developer's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis.

4. If the Administrator and County Engineering Department 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.

5. If the Administrator or County Engineering Department reports that the public improvements have not been completed in a satisfactory manner, the Board of County Commissioners may deny the request for the release of the performance surety, providing a written statement of denial to the Developer which includes a detailed list of required corrections. The Developer shall make the required corrections and reapply for the release of the surety.

6. In reviewing requests for the release of performance surety, the Administrator, County Engineering Department, and Board of County Commissioners shall consider the following:

   a. Whether the improvements were completed in a manner consistent with the approved preliminary plat, approved construction plans, and all applicable standards and requirements;

   b. Whether the report provided by the Developer's engineer is complete and satisfactory; and

   c. Whether the public improvements are in good condition and appropriate for use by the public.

      - All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
      - All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
      - All erosion control measures shall be consistent with applicable standards for the limiting of erosion and sedimentation.
      - The areas adjacent to all sidewalks shall be graded and seeded.
      - All street trees shall be healthy, and the planting area shall be graded.

7. 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 County Commissioners and the Developer are unable to reach agreement on an extension of the time frame for the surety and the completion of the public

improvements, the County Commissioners 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.

E. **Release of Maintenance Surety**

1. The Developer 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 are subject to periodic inspection by the County. Written notice shall be provided to the Developer of any defects that are detected and any corrections that are required. The Developer 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 Administrator or County Engineering Department, 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.
2. Two months prior to the expiration of the surety, the Developer 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 Developer's engineer certifying that the improvements remain free of construction related defects.
3. The Administrator and County Engineering Department 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.
4. If the Administrator and County Engineering Department 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.
5. If the Administrator and/or County Engineering Department 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 Developer which includes a detailed list of required corrections. The Developer shall make the required corrections and reapply for the release of the surety.
    a. Subject to the approval of the Board, the Developer 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

County Commissioners meeting at which notice of the required corrections is provided to the Developer.

6. In reviewing requests for the release of maintenance surety, the Administrator, County Engineering Department, and Board of County Commissioners shall consider:

   a. Whether the improvements are free of construction related defects;

   b. Whether the report provided by the Developer's engineer is complete and satisfactory;

   c. Whether the public improvements are in good condition and appropriate for use by the public.

      - All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
      - All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
      - All erosion control measures shall be effective consistent with applicable standards for the limiting of erosion and sedimentation.
      - The areas adjacent to all sidewalks shall be graded and seeded.
      - All street trees shall be healthy and exhibiting a normal growth pattern.


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Chapter 7
Administration

7.1 Administrative Officer

A. **Administrator Defined**. The Administrator of this Ordinance shall be the Madison County Planning Director. The Administrator 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, Administrator shall include any authorized representative(s).

C. **Duties**. The Administrator has the principal responsibility for administration and enforcement, or coordination of the enforcement, of this Ordinance. The duties of the Administrator, or the Administrator's designee, include:

1. Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
2. 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;
3. Maintaining permanent and current records documenting the application of this Ordinance including all maps, amendments, special uses, variances, administrative determinations, and appeals;
4. Receiving, processing, and referring to the Plan Commission all amendment applications;
5. 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 Code.
6. 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 Code.

7.2 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:

1. Adopt, reject, or amend the comprehensive plan, strategic plans, or unified development ordinance that has been certified and submitted by the Plan Commission;
2. Adopt, reject, or amend proposals to amend or partially repeal the text of the comprehensive plan, strategic plans, or unified development ordinance that has been certified and submitted by the Plan Commission;
3. Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
4. Adopt, reject, or amend proposals for rezoning to a planned unit development district that have been certified and submitted by the Plan Commission;
5. Adopt, reject, or amend proposals to adopt or amend a fee schedule that have been certified and submitted by the Plan Commission; and
6. All additional duties as permitted by Indiana Code.

B. Board of County Commissioners' powers include:

1. Initiate amendments to the text of the comprehensive plan, strategic plans, or unified development ordinance;
2. Initiate amendments to the Official Zoning Map; and
3. All additional powers as permitted by Indiana Code.

7.3 Board of Zoning Appeals

A. **Establishment**. 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.

B. **Membership**. The Board of Zoning Appeals (Board or 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 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.

C. **Powers and Duties**. 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.

1. 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 Administrator 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 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 Code; and

   d. All additional duties as permitted by Indiana Code.

2. Board of Zoning Appeals powers include any powers as permitted by Indiana Code.

D. **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.

E. **Facilities and Funding**. Madison County shall provide suitable facilities for the holding of Board 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.

F. **Filing**. All applications for variances, special uses, and requests for administrative appeal shall be filed by the applicant with the Administrator in the form prescribed by the Board.

7.4 Floodplain Administrator

A. The Administrator, or designated staff of the Department, is designated as the Floodplain Administrator.

B. The Floodplain Administrator has the duties outlined in **Part B: Flood Hazard Area Standards**.

7.5 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:

1. Adopt and maintain a Board of County Commissioners approved comprehensive plan, and unified development ordinance as authorized under Indiana Code;

2. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the comprehensive plan, and unified development ordinance;

3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission;

4. Record and file bonds and contracts for development and land use activities;
5. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission;
6. Adopt and maintain a permitting process and seal used to certify official or approved documents;
7. Review this Ordinance on an annual basis to evaluate the effectiveness of the regulations, identify any conflicts or inconsistencies, and recommend amendments to the County Commissioners to ensure it remains consistent with the Comprehensive Plan and current development trends.
8. Certify and submit recommendations to the Board of County Commissioners including new versions of, and revisions to the Comprehensive Plan, Unified Development Ordinance, and Official Zoning Map;
9. Certify and submit recommendations to the Board of County Commissioners for adopting a planned unit development district;
10. Maintain monetary and fiscal records of the Plan Commission;
11. Prepare and submit an annual budget to the County Council;
12. Approve or deny preliminary plats, re-plats, and the vacation of plats of subdivisions;
13. 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;
14. 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;
15. Enforce regulations and procedures of the comprehensive plan, and unified development ordinance to the extent of local resolutions, ordinances, and State of Indiana Law;
16. Grant or deny requests for waivers of the requirements of the unified development ordinance; and
17. All additional duties as permitted by Indiana Code.

B. Plan Commission powers include:

1. Hire, remove, and determine job descriptions for support staff to the Plan Commission;
2. Determine the compensation for support staff and Plan Commission members as provided within the annual budget of the Plan Commission;
3. Establish advisory committees as necessary, made up of county officials and the general public;
4. Establish an executive committee;
5. Seek funding assistance through grant programs as necessary;
6. Distribute copies or summaries of the comprehensive plan and unified development ordinance to the general public and development community; and
7. All additional powers as permitted by Indiana Code.

7.6 Plat Committee

A. **Membership**. The Plat Committee shall consist of a Plan Commission member appointed annually by the Plan Commission for a term of one year, the Administrator, the Surveyor or Surveyor's designated representative, the County Engineer or Engineer's designated representative and the Soil Conservation Officer or Officer's designated representative.

B. **Duties**. The Plat Committee holds hearings to review and approve or disapprove plats and replats on behalf of the Plan Commission. The Plat Committee may grant a waiver from standards in the subdivision regulations and can impose conditions on the approval of plats to ensure compliance with the subdivision regulations.

7.7 Technical Review Committee

A. **Committee Intent**. The Madison County Technical Review Committee (also known and referred to in this Ordinance as the "TRC") 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.

1. Approval Authority. The Technical Review Committee shall have the authority to approve Site Development Plans as defined by ***Chapter 8: Process and Permits***.

2. Review Authority. The Technical Review Committee has the powers and duties to:

   a. Review and evaluate applications for preliminary plats and waivers and make recommendations to the Plan Commission and Administrator, according to the procedures and standards for waivers set forth in the subdivision regulations.

   b. Review and evaluate all site development plans, and make recommendations to the Plan Commission and Administrator, according to the procedures and standards for site development plan review.

   c. Take other actions as delegated by the Plan Commission or Administrator that may be desirable and necessary to implement the provisions of this Ordinance.

3. Appeal Rights. All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in this section.

B. **Committee Structure**. The Plan 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:

1. The Technical Review Committee shall, at a minimum, consist of the following members:

   a. The Administrator and other staff of the Plan Commission as determined by the Administrator;

   b. a member of the staff of the local Soil and Water Conservation District or his/her appointee;

c. the County Engineer or his/her appointee;

d. member of the Plat Book Maintenance Department;

e. the County Surveyor or his/her appointee;

f. a member or appointee of the County Drainage Board as determined by the Drainage Board; and

g. a member of the staff of the Madison County Health Department.

2. The Administrator may appoint additional members to participate on the Technical Review Committee.

3. 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 Administrator prior to the appropriate meeting.

   a. 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.

   b. 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.

   c. The Administrator shall determine the action to be taken on each petition by the Committee based on the comments of the Committee members.

4. The Administrator 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 Administrator may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request.

5. All petitions that 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.

   a. Prior to that meeting the petitioner shall address the comments of the Committee, making appropriate modifications to the application materials.

   b. 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.

   c. 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 Administrator. 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 Administrator 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:

1. A letter to the petitioner stating the action taken by the Committee, and
2. 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**. The Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, Madison County Construction Standards, any adopted standards of the Drainage Board, and any other adopted and applicable standards of Madison County, the State of Indiana, and/or the Federal government.

1. Where the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
2. 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 this 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.

1. The appealing party shall be required to provide the Administrator with written notice of the appeal within 30 days of the date of the Committee decision.
2. The Administrator shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.
3. Public notice for the meeting shall be required, consistent with the provisions of this Ordinance.
4. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.

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Chapter 8
Process and Permits

8.1 Types of Petitions and Permit Applications

A. Madison County hereby requires that an application be submitted for the following types of petitions:

1. Variances (development standards, flood hazard area standards, and use),
2. Special Use,
3. Administrative Appeal,
4. Zoning Map Amendment,
5. Planned Unit Development,
6. Preliminary Plat
7. Final Plat
8. Site Development Plan
9. Construction Plans

B. Madison County hereby requires that an application be submitted for the following types of permit:

1. Improvement Location Permit (also known as a Building Permit)
2. Sign Permit (permanent and temporary)
3. Certificate of Occupancy
4. Temporary Use

C. All applications shall be obtained through the Administrator's office. Fees shall be paid at the Administrator's office at the time petitions are submitted, or upon permit approval.

1. Applications must be submitted on the Administrator's forms, completed in full in ink or typed, and signed. Notarization is required where applicable.
2. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Administrator and the applicable Rules of Procedures of the Plan Commission and Board of Zoning Appeals.

3. All petitions and permit applications shall be assigned reference and/or docket numbers by the Administrator. Petition applications shall be scheduled by the Administrator 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.

4. Per *IC 22-13-2-16*, buildings or structures associated with the operations of a Homestead Vendor or Small Farm are exempt from plan review, an Improvement Location Permit, a building permit, or a certificate of occupancy. However, such buildings and structures must obtain a driveway permit for new access points and must comply with the regulations of this Ordinance, such as setbacks, parking requirements, and signage standards.

8.2 Development Standards Variances

A. Decision Criteria. 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 written findings of facts that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

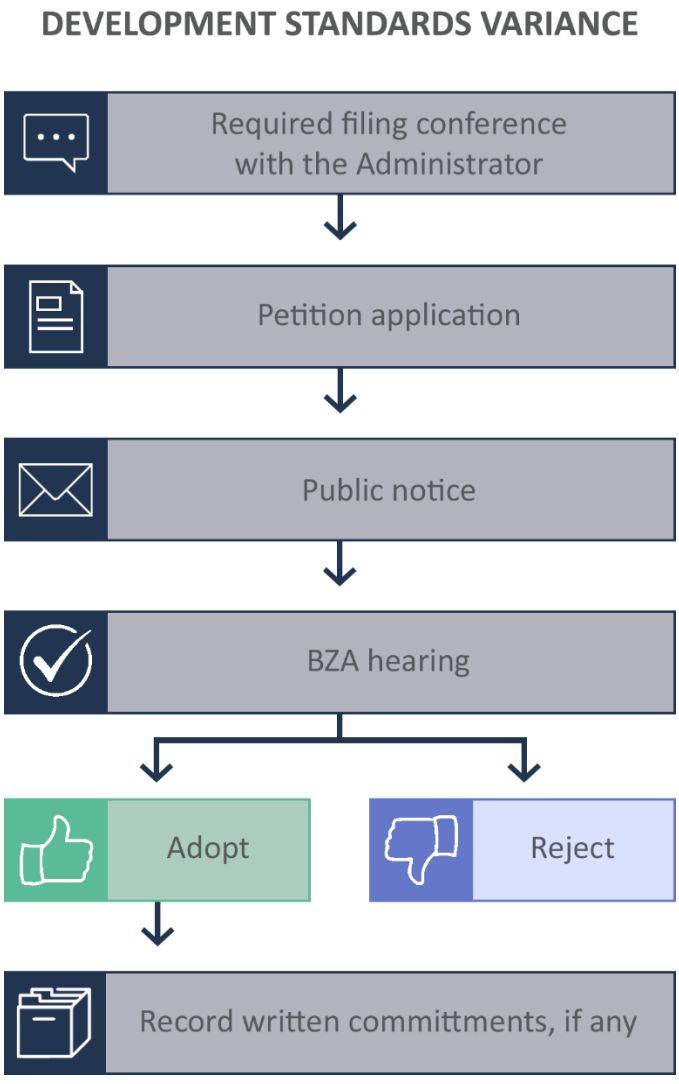
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

3. 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 reasonable conditions upon its approval as it deems necessary to ensure the decision criteria will be served.

C. The Board may require the property owner 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 shall run with the parcel until such time



as: (a) the property conforms with the Ordinance as written, or (b) the variance is terminated.

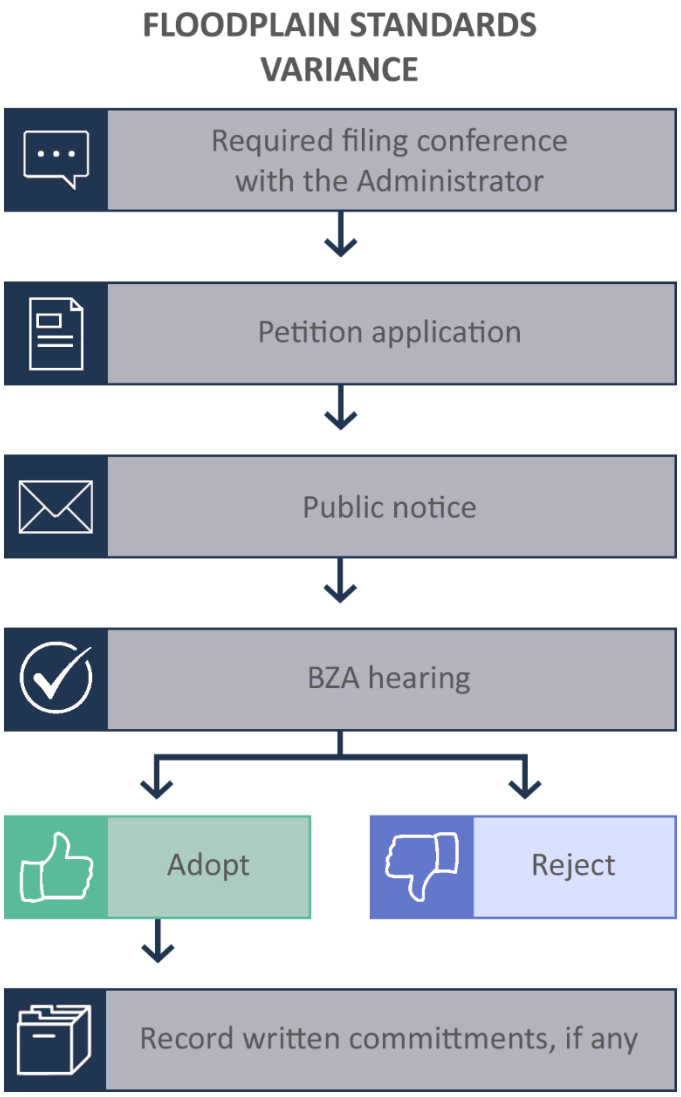
E. Approvals granted by the Board must be commenced within 1 year from the date of approval. The Board may grant 1-year extensions of this requirement.

F. Any petition denied by the Board cannot be reheard for 1-year.

8.3 Floodplain Standards Variances

A. Decision Criteria. The Board may grant a variance from the Flood Hazard Area Standards of this Ordinance only if, after a public hearing, it makes written findings of facts that:

1. There exists a good and sufficient cause for the requested variance;
2. The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant; and
3. 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 may only issue a variance to the Flood Hazard Areas Ordinance subject to ***Part B: Flood Hazard Area Standards***.

C. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.

D. The Board 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.

E. The Board may impose such reasonable conditions upon its approval as it deems necessary.

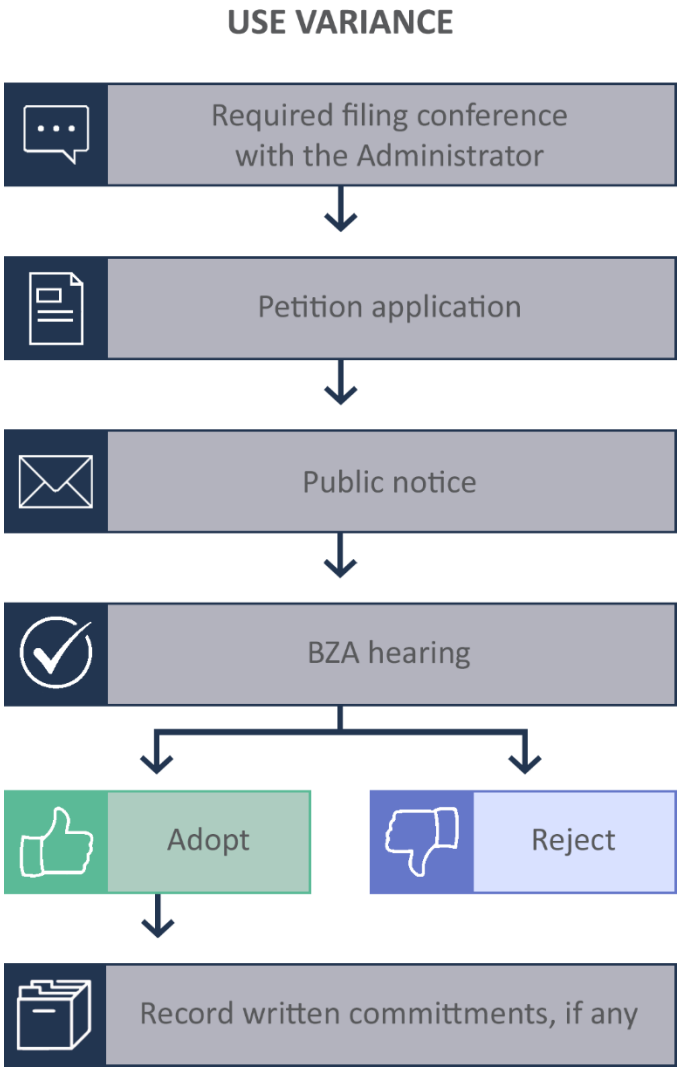
F. The Board may require the property owner to make written commitments concerning the use or development of the property and have such commitments recorded in the Madison County Recorder's Office.

G. A floodplain standards variance granted by the Board and executed in a timely manner as described in this article shall run with the parcel until such time as: (a) the property conforms with the Ordinance as written, or (b) the variance is terminated.

8.4 Use Variances

A. Decision Criteria. A use variance may be approved upon determining:

1. The use will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The need for the variance arises from some condition particular to the property involved.
4. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property.
5. The use does not interfere substantially with the Comprehensive Plan.



B. Possible Action. The BZA may approve, approve with conditions, deny, or continue the application according to *IC 36-7-4-918.4*.

C. Conditions of Approval. Reasonable conditions may be imposed on the approval of a use variance to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.

D. Commitments. The BZA may require the property owner to make written commitments concerning the use or development of the property (see *8.29 Written Commitments*).

E. Resubmittal of a Use Variance Application. The BZA will not consider an application that is substantially similar to a use variance application denied within the prior 12 months. The Administrator determines if the new information constitutes a substantive change.

F. Effect of Approval. Approval of a use variance does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for

permits or approvals required, such as approval of a site plan, Improvement Location Permit, building permit, and certificate of occupancy.

G. **Acknowledgement of Variance**. Approval of a use variance must be recorded in an acknowledgement of variance instrument prepared by the Administrator. The instrument specifies the use variance granted and any commitments made or conditions imposed in granting of the variance. The applicant must record the instrument in the Office of the County Recorder within 14 days of the variance approval. The applicant must return a copy of the recorded instrument to the Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded instrument is provided to the Department.

H. **Compliance and Violations**. A permit will not be issued unless it complies with an approved use variance, conditions of approval, and commitments. Violations of an approved use variance, conditions of approval, and commitments are subject to enforcement procedures.

8.5 Variance Process

The following procedure shall apply to all variance petitions;

A. **Pre-Filing Conference**. Prior to filing, the applicant must meet with the Administrator to review the request, approval process, and submittal requirements.

B. **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, including:

1. A site plan drawn to scale, signed, and dated, clearly showing the entire layout of the property and all features relevant to the variance request.
2. 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 in the variance decision criteria.

C. **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. Proof of notification and affidavit shall be submitted to the Administrator prior to the Public Hearing.

D. **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.

1. The Administrator presents the petition and addresses the required findings of fact at the public hearing.
2. The Board shall consider a report from the Administrator, testimony from the petitioner, and testimony from the public and interested parties.
3. 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.

4. The Board may approve, approve with conditions, deny, or table the petition.
    a. The petition shall be approved if findings of fact are made consistent with the requirements of the variance decision criteria and Indiana Code.
    b. 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.
    c. The petition shall be denied if findings of fact consistent with the requirements of the variance decision criteria and the Indiana 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.
    d. The petition shall be tabled consistent with the Board's Rules and Procedures.

8.6 Special Uses

Special uses require Board of Zoning Appeals approval.

A. Decision Criteria. The Board may approve a special use if, after a public hearing, it makes written findings of facts that:

1. The proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The requirements and development standards for the requested special use as prescribed by this Ordinance will be met;
3. 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
4. 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 may examine the following:

1. Topography and other natural site features;
2. Zoning of the site and surrounding properties;
3. Driveway locations, street access, and vehicular and pedestrian traffic;
4. Parking amount, location, and design;
5. Landscaping, screening, and buffering;
6. Open space and other site amenities;
7. Noise production and hours of operation;
8. Design, placement, architecture, and building material of the structure;
9. Placement, design, intensity, height, and shielding of lighting;

10. Traffic generation; and

11. General site layout as it relates to its surroundings.

C. The Board may impose reasonable conditions on its approval it deems necessary to ensure the decision criteria above will be served.

D. The Board may require the property owner 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 are limited to, and run with, the petitioner 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 a new special use approval is granted by the Board.

G. Approvals granted by the Board expire 1 year from the date of approval, if not commenced. The Board may grant 1-year extensions.

H. Any petition denied by the Board cannot be reheard for 1-year.

8.7 Special Use Process

The following procedure applies to special use petitions:

A. Pre-Filing Conference. Prior to filing, the applicant must meet with the Administrator to review the request, approval process, and submittal requirements.

B. 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, including:

1. A site plan drawn to scale, signed, and dated, clearly showing the entire layout of the property and all features relevant to the special use request.

2. A letter of intent to the Board describing the details of the special use request including but not limited to:

   a. The ways in which the special use shall comply with the applicable development standards of this Ordinance,

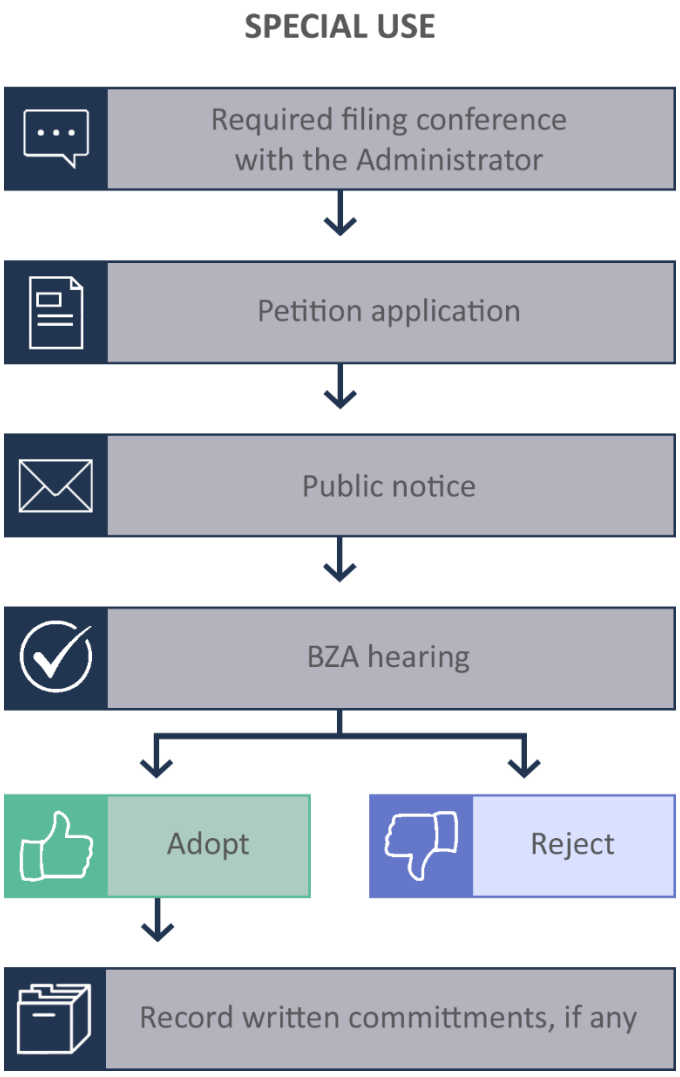
   b. The ways in which the special use shall be consistent with the decision criteria, and

   c. Any written commitments being made by the petitioner.

C. Notification. Notification for the scheduled public hearing regarding the special use request shall be completed consistent with the Rules and Procedures of the Board. Proof of notification and affidavit shall be submitted to the Administrator prior to the Public Hearing.

D. Public Hearing. The Board will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the special use application and required supportive information.

1. The Administrator presents the petition and addresses the required findings of fact at the public hearing.
2. The Board shall consider a report from the Administrator, testimony from the petitioner, and testimony from the public and interested parties.
3. 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.
4. The Board may approve, approve with conditions, deny, or table the petition.
    a. The petition shall be approved if findings of fact are made consistent with the decision criteria and Indiana Code.



    b. The petition may be approved with modifications if the Board 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.
    c. The petition shall be denied if findings of fact consistent with the decision criteria and the Indiana Code are not made. Petitions that are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.
    d. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board.

8.8 Administrative Appeals

A. The Board may grant an appeal of any decision, interpretation, or determination made by the Administrator, 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 as follows:

1. Upon determination by the Administrator that possible grounds for termination exist, the matter shall be placed on the Board agenda for a public hearing.
2. At the public hearing, the approval shall be terminated if a finding is made by the Board that the approval was the result of fraud or the misrepresentation of facts.
3. No administrative appeal may be reviewed by the Board 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.

8.9 Administrative Appeal Process

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, including:

1. Copies of all materials submitted to the staff member or administrative board upon which the decision being appealed was based.
2. Copies of any written decisions which are the subject of the appeal.
3. 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 Board.

C. Public Hearing. The Board 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.

1. The applicant or applicant's representative presents the appeal and addresses any questions from the Board at the public hearing.
2. The Board shall consider a report from the Administrator, testimony from the applicant, and testimony from any interested parties.

3. 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.
4. The Board may grant, grant with modifications, deny, or table the appeal.
    a. The appeal shall be approved if findings of fact are made consistent with the requirements the decision criteria and Indiana Code.
    b. The appeal shall be granted with modifications if the Board 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.
    c. The petition shall be denied if findings of fact are made supporting the administrative decision.
    d. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board.

8.10 Hearings

A. The Board shall fix a reasonable time for the hearing of administrative appeals, special uses, 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.

8.11 Appeals of BZA Decisions

Every decision of the Board of Zoning Appeals is subject to judicial review as prescribed in ***IC 36-7-4-1600*** series. Such appeals shall be presented to a court of jurisdiction within 30 days of the Board's decision.

8.12 Special Use and Variance Execution and Termination

A. A special use or variance terminates 1 year from the date the special use or variance is granted, if subsequent project approvals are not obtained.

B. A variance or special use may be terminated by the Board under the following procedure:

1. Upon determination by the Administrator that possible grounds for termination exist, the matter shall be placed on the Board agenda for a public hearing.
2. 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:
    a. the execution of the approval is not consistent with any requirement of this Ordinance,
    b. the execution of the approval is not consistent with any condition of approval,
    c. the execution of the approval is not consistent with any written commitment, or
    d. the approval was the result of fraud or the misrepresentation of facts.
3. A special use or variance cannot be reviewed by the Board for the same cause more than once in any 1 year period.

8.13 Text Amendments to the UDO

A. Petition Initiation. 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 *IC 36-7-4-602(b)* and *IC 36-7-4-607.5* and according to the Plan Commission Rules and Procedures. The Plan Commission shall prepare the petition for the text amendment. The Administrator serves as the petitioner for the proposal.

B. Notification. Notification for the scheduled public hearing regarding the proposed text amendment shall be completed consistent with the Plan Commission's Rules and Procedures.

C. Plan Commission Public Hearing. The Plan Commission will conduct 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 proposed text amendment.

1. The Administrator presents the petition and addresses any questions the Commission may have at the public hearing.
2. The Commission shall consider a report from the Administrator and testimony from the public and interested parties.
3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Plan Commission's Rules and Procedures.
4. Within 60 days after the public hearing, the Commission shall forward the petition to the Board of County Commissioners with a favorable recommendation, an unfavorable recommendation, no recommendation, or table the request.
    a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria.
    b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent the decision criteria.
    c. 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.
    d. The petition shall be tabled consistent with the Plan Commission's Rules and Procedures.

D. Certification. The Plan Commission shall certify its recommendation by resolution to the County Commissioners within 10 business days after the Commission determines its recommendation. The Administrator shall forward to the County Commissioners 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 County Commissioner's consideration.

E. Board of County Commissioner's Hearing. The County Commissioners shall hold a public hearing at their first regular meeting after the Plan Commission's certification. The County Commissioners must vote on the proposal within 90 days of the Plan Commission's certification.

1. The County Commissioners shall provide notification of action on the ordinance consistent with Indiana Code.

2. The County Commissioners may adopt, reject, or amend the proposal. If the County Commissioners adopt or amend the proposal, it takes effect. If the County Commissioners reject the proposal, further consideration of the proposal is prohibited for one year after the date of the proposal's rejection.

F. Decision Criteria. In reviewing the text amendment petition, the Plan Commission and County Commissioners shall pay reasonable regard to the following:

1. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports;
2. The current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout Madison County; and
5. Responsible growth and development.

8.14 Rezones (Zoning Map Amendments)

The following procedure shall apply to all rezone (zoning map amendment) petitions:

A. Petition Initiation. Proposals for rezones may be initiated by either the Plan Commission, the County Commissioners, or through a petition signed by property owners of at least 50% of the land involved.

1. The Plan Commission shall prepare the petition for zoning map amendment if either the Plan Commission or the County Commissioners has initiated the petition. The Administrator serves as the petitioner for such proposals.
2. Any property owners requesting a zoning map amendment shall be the petitioners and assume responsibility for preparing application materials. Prior to filing, the property owners must meet with the Administrator to review the request, approval process, and submittal requirements.

B. Application. The petitioner shall submit a rezoning application 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:

1. A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, rights-of-way, and floodplains.
2. A letter of intent to the Plan Commission stating the reasons for the rezone request, 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.

C. Technical Review. The application materials shall be reviewed by the Madison County Technical Review Committee consistent with the provisions of the decision criteria.

1. The Administrator shall present the proposed rezone and answer questions regarding the petition at the meeting.
2. 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 Administrator 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 Plan Commission's Rules and Procedures.

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 rezone application and required supportive information.

1. The petitioner or petitioner's representative presents the petition and addresses any questions the Commission may have at the public hearing.
2. The Commission shall consider a report from the Administrator, testimony from the petitioner, and testimony from the public and interested parties.
3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Plan Commission's Rules and Procedures.



4. The Commission shall forward the petition to the Board of County Commissioners with a favorable recommendation, an unfavorable recommendation, no recommendation, or table the request.
    a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria.
    b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent the decision criteria.
    c. 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.
    d. The petition shall be tabled consistent with the Plan Commission's Rules and Procedures.

F. Certification. The Plan Commission shall certify its recommendation by resolution to the County Commissioners within 10 business days after the Commission determines its recommendation. The Administrator shall forward to the County Commissioners 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 County Commissioner's consideration.

G. Board of County Commissioner's Hearing. The County Commissioners shall hold a public hearing at their first regular meeting after the Plan Commission's certification. The County Commissioners must vote on the proposal within 90 days of the Plan Commission's certification.

1. The County Commissioners shall provide notification of action on the ordinance consistent with Indiana Code.
2. The County Commissioners may either adopt or reject the ordinance. If the County Commissioners adopt the ordinance, it takes effect. If the County Commissioners reject the ordinance, it is defeated. If the County Commissioners fail to act within the 90 day time frame specified above, the ordinance is deemed approved or defeated consistent with the provisions of ***IC 36-7-4-608***. The County Commissioners may also seek modifications or additions to any written commitments as described in ***8.29 Written Commitments***.

H. Decision Criteria. In reviewing the rezoning petition, the Plan Commission and County Commissioners shall pay reasonable regard to the following:

1. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports;
2. The current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout Madison County; and
5. Responsible growth and development.

8.15 Planned Unit Developments

A. District Intent. 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. 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.



B. Origination of Proposals. Any applicant may propose a Planned Unit Development District. The applicant must act as developer or sponsor of the development. A 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.

C. **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.

D. **Permitted Uses**. 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.

E. **Miscellaneous Standards**.

1. Minimum Site Frontage. 300 feet on a Public Street with access from said Public Street to qualify for a PD.
2. Maximum Site Coverage. Square footage of all primary and accessory structures, and impervious structures, and impervious surface cannot exceed 75% of the site area.
3. Maximum Structure Height.
    a. 50 feet for the Primary Structure
    b. 20 feet for Accessory Structures
4. Minimum Open Space. 15% (gross area) for Planned Developments in which 45% or more of the land area is used for residences.

8.16 PUD 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 Administrator'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, approve with conditions, disapprove, or forward with no recommendation 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 holds 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 ***Chapter 6: Subdivision***.

I. The Technical Review Committee reviews the Detailed Development Plan and Preliminary Plat application.

J. The Drainage Board reviews the Detailed Development Plans and Preliminary Plat for compliance with this Ordinance and other applicable ordinances.

K. The Plan Commission holds a public hearing then takes action on the Detailed Development Plan and Preliminary Plat.

L. The Plan Commission may approve, approve with conditions, disapprove, or forward with no recommendation the application.

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 applicable development requirements.

N. The petitioner files construction plans of the public improvements for review as required in ***6.15 Major Subdivision Construction Plan Procedure***.

O. After construction plan approval, the petitioner either may commence with construction of public infrastructure or post a performance surety per ***6.22 Surety***.

P. The petitioner files final plat documents for review by the Drainage Board and the Plan Commission.

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

8.17 PUD 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 Administrator 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 Administrator shall meet with the Developer and their representatives and shall provide comments within 30 days of submittal.

8.18 PUD 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 including:

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 this Ordinance 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:

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 numbers of the professionals responsible for preparation of the plan; and
   f. A legend and notes including a graphic scale, north arrow, and date.
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 appropriates 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. 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 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 for which the land in each district is adapted;
4. The conservation of property values throughout Madison County; and
5. Responsible growth and development

E. Plan Commission. The Plan Commission will hold a public hearing consistent with its Rules of Procedure.

1. The petitioners and their representatives present their proposal at the meeting.
2. The Commission shall consider a report from the Administrator, 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. After the public hearing, the Plan Commission shall either forward the Conceptual Development Plan to the County Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the petition.
    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.
    c. The Plan Commission shall certify its recommendation to the Board of County Commissioners within 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 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 is deemed approved 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. Effect 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 becomes effective and 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.

8.19 PUD 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 3 years 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 in ***6.13 Major Subdivision Preliminary Plat Procedure***. Any preliminary plat approval shall be conditioned subject to the approval of the Detailed Development Plan by the Plan Commission.
2. A statement indicating financial responsibility sufficient to complete the public improvements shown on the Detailed Development Plan.

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 owners' 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. 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 consistent with its Rules of Procedure.

1. The petitioners and/or their representatives shall present their proposal at the meeting.
2. The Commission shall consider a report from the Administrator, testimony from the petitioner, reports of consultants, and testimony from the public and interested parties.
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. 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 and the approved Conceptual Development.
    c. The Plan Commission shall certify its recommendation to the Board of County Commissioners within 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 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 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 plan is deemed approved or defeated consistent with the provisions of ***IC 36-7-4-608***. The board may also seek modifications or additions to any written commitments.

8.20 PUD Provisions

A. Minor Modifications. The Administrator may approve minor modifications of the Detailed Development Plan without a public hearing in a manner consistent with the purpose or intent of the Conceptual Development Plan. Modifications cannot 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 Administrator 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.

B. Covenants and Maintenance. Covenants required by the Plan Commission shall provide that their benefits be specifically enforceable by the Plan Commission or County Commissioners.

1. Adequate provisions shall be made for a private organization (e.g., an Owner's Association) with direct responsibility to provide for the operation and maintenance of all common areas and facilities that are a part of the Planned Unit Development. Legal assurances shall be provided showing that the private organizations are self-perpetuating.

2. All common areas and 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.

C. 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.

D. Construction. No construction or installation work may commence on any public improvement until construction plans and specifications have been approved as required in this Ordinance.

E. Extension. 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.

F. 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. Additionally, the applicant for a Planned Unit Development Plan shall also be responsible for any costs incurred in the filing of the Final Plat, construction plans, or amendments and the costs of any paid consultants to the 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 performed. No Improvement Location Permits or building Permits shall be issued for any construction in any PD district until such fees and costs are paid.

8.21 Site Development Plans

The intent of these Site Development Plan requirements 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. Site Development Plans shall be required for all developments for which an Improvement Location Permit is required by this Ordinance which are located in the following zoning districts:

MR MH PR IS LC GC HC LI GI HI

The following types of development shall be exempt from the requirements of this article, but shall be required to obtain an 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 Administrator shall have the discretion to require projects to undergo a site plan review independent of zoning district.

8.22 Site Development Plan Review Process and Standards

The Technical Review Committee shall have the authority to review and approve Site Development Plans required by this Ordinance. Site Development Plans are subject to the following review and approval process:

A. General Requirements. All applications may be obtained through the Administrator's office. Fees shall be paid at the Administrator's office at the time the petition and permit applications are submitted.

1. All applications shall be made on forms provided by the Administrator. 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).
2. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Administrator and the applicable Rules and Procedures of the Plan Commission.
3. All petitions and permit applications shall be assigned reference and/or docket numbers by the Administrator. Petition applications shall be scheduled by the Administrator 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 Administrator. Supportive information shall include.

1. 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.
2. 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.
3. A site plan, drawn to scale, clearly showing all aspects of the property and all features relevant to the Site Development Plan, including:
    a. All proposed setbacks, buffer yards, and structure heights;
    b. All proposed buildings, structures, fences or walls, areas of outdoor storage, permanent dumpsters, and other improvements;
    c. 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);

d. All proposed open spaces;

e. 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);

f. All proposed public improvements including sidewalks, street trees, and right-of-way dedications; and

g. All proposed locations for temporary uses, such as seasonal sales areas.

4. A landscaping plan, drawn to scale, 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.

5. 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.

6. A site drainage plan, 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.

7. 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 temporary utility connections, the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

8. 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.

1. The applicant or applicant's representative presents the Site Development Plan and addresses any questions the Committee may have.

2. 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.

3. The Committee may approve, deny, table, or forward to the Plan Commission the Site Development Plan.

   a. The Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.

   b. 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 Committee 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.

c. The Committee shall deny the Site Development Plan if it is found to be inconsistent with the requirements of this Ordinance and the applicable adopted requirements of Madison County.

d. 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 ***8.26 Notice of Public Hearing***.

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.

1. Either the applicant or applicant's representative must be present at the public hearing to present the Site Development Plan and address any questions the Commission may have.
2. The Commission shall consider a report from the Administrator describing the finding of the Technical Review Committee and testimony from the applicant and any interested parties in making its decision.
3. The Plan Commission shall approve, approve with modifications, deny, or table the Site Development Plan application.

   a. The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.

   b. 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.

   c. 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.

   d. The petition shall be tabled based on a request by the Administrator 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.

4. Assurance of Completion of Improvements. The Plan Commission may approve a Site Development Plan with the condition that a surety complying with the requirements of ***6.22 Surety*** be provided that guarantees the timely completion of any proposed public improvements included in the development.

F. Findings of Fact. The Administrator 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 Administrator shall make copies of the written findings of fact available to the applicant within 5 days of the date of the decision.

G. 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.

8.23 Improvement Location Permit

The following procedure applies to Improvement Location Permit applications:

A. Permits Required. No structure or major infrastructure shall be erected, moved, altered, or added to, without an Improvement Location Permit issued by the Administrator. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance and other applicable regulations of Madison County.

B. Madison County requires that an Improvement Location Permit be obtained for the following:

1. 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);
2. Any temporary use of land or temporary structure;
3. Signs (see ***8.24 Sign Permits***);
4. Swimming pools (in ground or above ground);
5. Additions to any structures;
6. Demolition;
7. Surface and sub-surface drainage work and/or grading (including land alteration) excluding agricultural uses;
8. Removal of trees and plants within buffer yards and approved landscaping areas otherwise required by this ordinance;
9. Adding or subtracting dwelling units or leased space in multifamily or commercial structures;
10. Placement or replacement of manufactured or mobile homes;
11. Parking lot construction or alteration;
12. Mineral extraction;
13. Telecommunication facilities;
14. Any exterior construction that adds to or alters the height of the existing structure; and

15. Any building or structure customarily used in connection with a farm other than a residence is an agricultural building or structure. All agricultural building or structures constructed in the normal course of agricultural business for the support of individual farms shall require an Improvement Location Permit subject to placement requirements established by this Ordinance but shall be exempt from building code inspections and building inspection fees. However, if any agricultural structure requires plumbing, heating, sewage, electrical installation, or office space; such structure will be subject to the applicable commercial permit fees and inspections contained in the ordinance. Review of an exempt agricultural building or structure Improvement Location Permits shall require the following:

    a. A signed and recorded affidavit affirming that the applicant is, in fact, building an exempt agricultural structure.

    b. A site plan to ensure that encroachment into designated floodplains, easements, public rights-of-way, or other non-buildable areas does not occur.

    c. Building plans to ensure compliance with this Ordinance's development standards, and applicable codes.

    d. An on-site inspection for compliance with all applicable ordinances.

    e. Issuance of a Certificate of Compliance before occupancy of the structure. A certificate of compliance for agricultural exempt buildings is required to be completed, signed and filed with the Department so as to verify setbacks, easements, establish any applicable flood hazard requirements and clearly indicate no building inspections will be conducted by county officials.

C. Application Requirements. All applications for Improvement Location Permits shall be accompanied by:

1. A detailed site plan, drawn to scale with the dimensions indicated showing the following:

    a. The entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;

    b. All existing and proposed structures or other site improvements with dimensions of such improvements;

    c. The distances from proposed improvements to the property lines;

    d. The location of any existing or proposed septic/leach field;

    e. The location of any existing or proposed driveway and/or parking area;

    f. Elevations of structures or alterations;

    g. Natural, physical, or hazardous conditions existing on the lot;

    h. The location of any required landscaping, labeled according to size and species, and

    i. The location, type, and dimensions of any storm water structures or conduits.

2. 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);

3. A driveway permit;

4. An indication of the number of dwelling units, or rental units the building is designed to accommodate (if applicable); and

5. Drainage Board approval for stormwater systems and ponds.

D. Copies. A copy of all submitted plans and application materials shall be retained by the Administrator for the permanent records of the Madison County Plan Commission.

E. Expiration of Permits.

1. Initiation of Work. If the work described in any Improvement Location Permit has not begun within 6 months from the date of issuance, the permit shall expire. No written notice shall be given to the persons affected.

2. Completion of Work. If the work described in any Improvement Location Permit has not been completed within 2 years of its date of issuance, the permit shall expire. No written notice of expiration shall be given to the persons affected. The Administrator 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 Administrator.

3. An extension of time may be granted by the Administrator if an applicant shows that an extraordinary event (as defined in *IC 36-7-4-1109.1*) prevented the applicant from meeting the time requirements described above.

4. Timing for the review of permit applications, requests for time extensions, and appeals follows the requirements of *IC 36-7-4-1109.2* through *IC 36-7-4-1109.4*.

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 Administrator shall not issue any Improvement Location Permits for the proposed construction, reconstruction, alteration, or use which would circumvent 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.

8.24 Sign Permits

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.

1. Application. Application for a permit shall be filed with the Administrator and shall be accompanied by information as may be required to assure compliance with the laws and regulations of the County, including:
    a. 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.
    b. A dimensioned drawing showing the size of the sign face area and the height of the sign.
2. Effect of Sign Permit Issuance. A sign permit issued under the provisions of this article 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.
3. 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.

1. Application. Application for a permit shall be filed with the Administrator and shall be accompanied by information as may be required to assure compliance with the laws and regulations of the County, including:
    a. Type of temporary sign to be used.
    b. Period of time the temporary sign is to be used.
    c. Location at which the temporary sign is to be used.
2. Effect of Sign Permit Issuance. A sign permit issued under the provisions of this article 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.
3. 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.

8.25 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 Plan 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.

8.26 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 Administrator shall set a date for a public hearing, if required. For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this article. Required public notice shall include:

A. Notice Sign. The petitioner shall allow the Plan Commission 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 or BZA.

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. Legal notice shall be published in the newspaper once, not less than 10 days nor more than 20 days prior to the public hearing. Legal notices shall include:

1. The general location of the subject property and a legal description of the land;
2. The street or common address of the real estate;
3. That the project plans are available for examination at the office of the Madison County Plan Commission;
4. That a public hearing will be held and giving the date, place, and hour of the hearing; and
5. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Administrator.

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.

1. The notice shall contain the same information as the legal notice which is published in the newspaper.
2. The distribution and cost of the notice shall be the responsibility of the petitioner.
3. 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 Administrator at the time of filing for a petition requiring a public hearing as specified by this Ordinance.
4. 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.

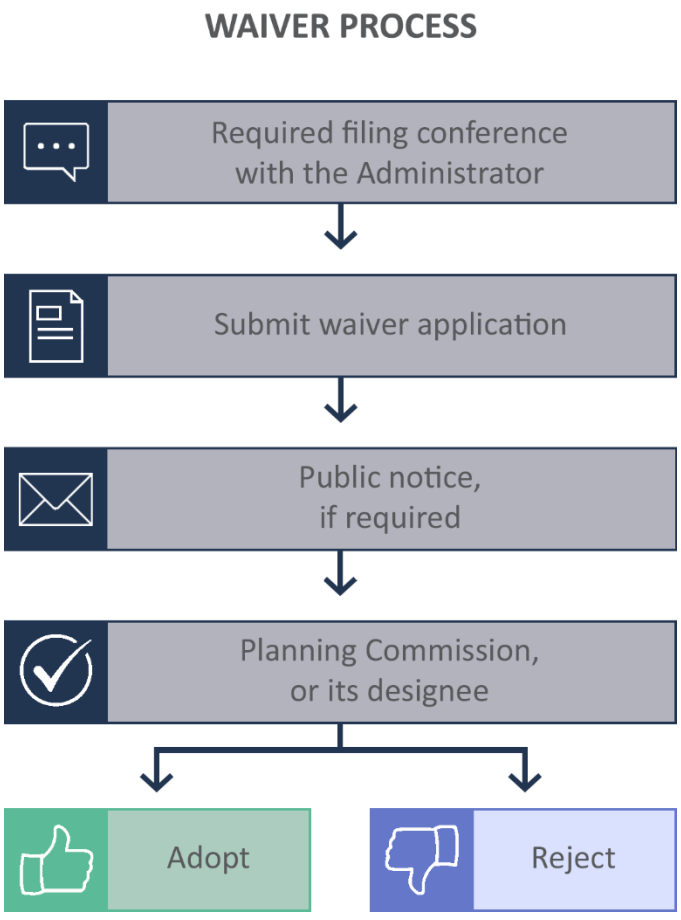
5. A copy of the materials provided to each property owner, all certified mail return receipts, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Administrator a minimum of 3 business days prior to the date of the public hearing.

8.27 Waivers and Modifications

A. General Provisions. In connection with a preliminary plat, final plat, or site development plan if the Plan Commission (or its designee) finds that practical difficulties may result from the strict compliance with these regulations, or the intent of these regulations may be better served by an alternative proposal, it may modify or waive the provisions in ***Chapter 5: Development Standards*** and ***Chapter 6: Subdivision*** so that substantial justice may be done and public interest served. A modification or waiver cannot be granted in relief of mere inconveniences or financial disadvantages of the applicant.

B. Decision Criteria. When evaluating petitions for modifications and waivers, the Plan Commission considers:

1. The proposed modification is not detrimental to the public safety, health, or welfare;
2. The proposed modification results in a development that enhances the use or value of area properties;
3. The strict application of the Ordinance standard results in a less desirable development when compared to proposed development;
4. The proposed development is consistent or compatible with other development located in the area; and
5. The modification is consistent with the purpose and intent of the Comprehensive Plan and this Ordinance.



C. Public Facility Waiver. Where the modification or 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 modification or waiver by the Plan Commission shall conflict with the powers and duties of the Board of Zoning Appeals.

E. Procedure. The procedure for reviewing a modification or waiver request is as follows:

1. At the time of filing a plat or site development plan, the petitioner must submit a detailed written statement documenting all modifications or waivers requested as part of the petition and reasons for the requests consistent with the decision criteria outlined above.

2. Only those standards specifically described in the modification and waiver requests may be reviewed by the Plan Commission.

3. Modifications and waivers are considered at the time the plat or site development plan is reviewed by the Commission. The Commission may make reasonable conditions an element of any modification or waiver approval. All 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 a waiver approval associated with a plat shall be included in writing on the recorded plat of the subdivision.

8.28 Removal of Easements

Easements of record may be removed through one of two processes, depending on whether the easement was established by a recorded plat or by a separately recorded instrument, as set forth below.

A. Vacation of Platted Easements. Easements established through a recorded plat may be vacated in accordance with *IC 36-7-3-16*, following the same procedure applicable to the vacation of public ways and public places under *IC 36-7-3-12*. The County Commissioners address vacations if all or the only part of the easement to be vacated is located outside the corporate boundaries of a municipality.

1. Prepare and File the Petition. The petitioner shall prepare and file a written petition with the Administrator for consideration by the County Commissioners. The petition must:

   - Identify and legally describe the easement proposed to be vacated, with reference to the recorded plat on which the easement appears;
   - State the reasons for and circumstances prompting the vacation request; and
   - Provide the names and addresses of all owners of land that abuts the easement proposed to be vacated.

2. Notice. Upon receipt of the petition, the clerk of the County Commissioners shall provide public notice of the petition and the scheduled hearing in the manner prescribed by *IC 36-7-3-12(c)*. Notice includes public notice per *IC 5-3-1* plus notice provided via certified mail to all abutting property owners identified in the petition.

3. Public Utility Notification. Prior to the hearing, the petitioner shall notify all public utilities that may have facilities located within or adjacent to the easement proposed to be vacated. Any public utility actively occupying and using the easement area at the time the vacation proceedings are instituted shall not be deprived of that use by virtue of the vacation, unless the utility files written consent to waive its rights in the vacation proceedings.

4. Public Hearing. The County Commissioners shall hold a public hearing on the petition within 30 days after the petition is received. Any person aggrieved by the proposed vacation may file a remonstrance or objection prior to or at the hearing. Grounds for remonstrance include a finding that the vacation would hinder the orderly development of the surrounding area, the easement continues to serve a public purpose, or similar conditions.

5. County Commissioner Action. Following the public hearing, the County Commissioners may, by ordinance, approve the vacation of the platted easement. The clerk of the County Commissioners shall furnish a

certified copy of the vacation ordinance to the County Recorder for recording and to the County Auditor. Upon recording, the easement shall be deemed extinguished and of no further force or effect.

6. Appeal. Within 30 days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the circuit court, superior court, or probate court of the county. The court shall try the matter de novo and may award damages.

B. Release of Non-Platted Easements

Easements established by a separately recorded instrument, rather than by a recorded plat, may be removed by recording a release of easement in the office of the County Recorder, without the need for a public hearing or legislative action. The following steps are required:

1. Confirm Eligibility. Confirm that the easement to be released was created by a separately recorded instrument (such as a deed, recorded agreement, or easement document) and is not depicted on a recorded subdivision plat. If the easement appears on a recorded plat, the vacation procedure under Section A above applies.
2. Obtain Agreement of the Easement Holder. A release of easement requires the consent and signature of the party holding the easement interest (the dominant estate holder or grantee). The property owner (the servient estate holder) alone cannot unilaterally extinguish a recorded easement. The petitioner shall obtain a signed release document from the easement holder prior to recording.
3. Prepare the Release Document. The release of easement document shall be prepared and must contain:
    - Cross-reference the original easement instrument being released, including the recording information (instrument number, deed book and page, or other identifying reference) from the County Recorder's records; and
    - Reflect the name of the current owner of the property to whom the easement is being released, as shown in the property tax records of the county at the time of recording.
4. Execute and Acknowledge the Document. The release document shall be executed and acknowledged in the same manner as required for a deed to real property, including notarization.
5. Record with the County Recorder. The executed and acknowledged release document shall be recorded in the office of the County Recorder. Upon recording, the easement shall be deemed extinguished and of no further force or effect.

8.29 Written Commitments

An applicant may be required to make a commitment to the Plan Commission, BZA, or Administrator as a condition of approval of a rezoning proposal, a preliminary plat, a site plan, a plat vacation, special exception, variance, or modification.

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 during the review and approval process.

B. All commitments shall be considered by the body to which the commitment is being made.

C. The applicant must record the commitments in the Office of the County Recorder within 14 days of the approval of the application. The applicant must return a copy of the recorded commitments to the Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded commitments is provided to the Department.

D. The written commitments shall be binding on the subject property.

1. The written commitments shall be binding on current and subsequent owners of the subject property, and any person or entity that acquires an interest any portion of in the subject property.

2. A commitment may be modified or terminated only by a decision of the Plan Commission, BZA, or County Council to which the commitment was made. The decision is made at a public hearing by the Plan Commission, BZA, or County Council after notice has been provided according to the applicable Rules of Procedure. The modification or termination of the commitments is not effective until:

   a. Written in a form approved by the Administrator;

   b. Approved by the Plan Commission, BZA, or County Council;

   c. Executed by the current property owner of the real estate; and,

   d. Recorded in Office of the County Recorder. The applicant is responsible for recording the commitments and providing a copy of the recorded commitment to the Administrator.

A commitment may contain terms stating the commitment automatically terminates: (i) if the property's zoning classification is changed; (ii) if the commitment's use is changed; or (iii) otherwise according to the rules of procedure of the Plan Commission or BZA. If not otherwise provided, commitments remain in effect until otherwise modified or terminated per ***8.29(D)(2)*** above.

8.30 Inspections and Permits

A. Notification Required. The petitioner shall notify the Administrator at least 72 hours prior to the planned installation of improvements within the development. The Administrator 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 Administrator reserves the right to withhold Improvement Location Permits if the Developer fails to properly install, maintain, or otherwise provide for, all of the public improvements shown on the construction plans.

1. 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.

2. Within 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 street trees shown on the associated construction plans, whether all lots in the development are built upon or not.

3. The Developer is responsible for installing sidewalks through any common areas included in the final plat and connecting them to existing and/or proposed sidewalks in other areas of the development, or adjacent sidewalk/pedestrian paths in other developments at the time the streets and other public improvements in each phase of construction are completed.

8.31 Administrative Adjustment

A. Purpose. The Administrative Adjustment provides a streamlined mechanism for minor deviations from numerical development standards where strict application would produce a result inconsistent with the intent of the zoning district or this Ordinance, without materially affecting surrounding properties or the public interest.

B. Authority. The Administrator may approve, approve with conditions, or deny an Administrative Adjustment in accordance with this Section. This authority does not extend to variances, special exceptions, or other relief governed elsewhere in this Ordinance or Indiana Code.

C. Applicability

1. Eligible Standards. An Administrative Adjustment may be requested for any numerical development standard in this Ordinance, such as setbacks, building height, lot dimensions, parking counts, landscaping quantities, open space requirements, and sign dimensions.

2. Limitation. An adjustment cannot exceed 10% of the applicable standard. This limit cannot be compounded with any prior variance, adjustment, or other relief previously granted for the same standard on the same property.

3. Ineligible Matters. An Administrative Adjustment cannot be granted for:

   - Any standard imposed as a condition of approval. Relief from such conditions must be sought from the original approving authority,
   - Use regulations,
   - Flood hazard area standards, or
   - Any standard for which the BZA has denied a variance within the preceding 12 months, unless circumstances have materially changed.

D. Application Requirements. The petitioner submits a detailed written statement documenting the specific standard and deviation requested expressed numerically and as a percentage; a dimensioned site plan; a written narrative addressing the approval criteria; and the applicable fee.

E. Approval Criteria. The Administrator may only approve an Administrative Adjustment upon finding all of the following:

1. Ordinance Intent. The adjustment is consistent with the purpose of this Ordinance and the intent of the applicable zoning district.
2. Compatibility with Surroundings. The adjustment will not adversely affect adjacent or nearby properties with respect to privacy, light and air, parking and circulation, drainage, nuisance conditions, or the scale and character of surrounding development.
3. Physical Site Conditions. The need for the adjustment is attributable to parcel shape, size, topography, orientation, existing easements or rights-of-way, utility locations, or preservation of natural features — not solely to achieve greater economic return or development yield.
4. Minimum Relief. The adjustment is the minimum necessary to achieve a reasonable development outcome and does not constitute de facto variance-level relief.
5. No Conflicting Approvals. The adjustment does not conflict with any overlay standard, subdivision regulation, or condition of any prior approval on the subject property.
6. Public Interest. The adjustment will not be detrimental to public health, safety, or general welfare.

F. Procedure. The Administrator must act on a complete application within 10 business days. The determination is issued in writing, with findings, and notice provided to the applicant and all adjoining property owners. Approved adjustments are retained in the Department's official records.

G. Effect, Appeal, and Expiration. An approved Administrative Adjustment runs with the land. Any adversely affected party may appeal to the BZA within 30 days of the Administrator's determination. The approval expires if the associated permit is not issued within 12 months, with one extension of up to 6 months available for good cause.

Chapter 9
Enforcement

9.1 Authority

The Plan Commission, Board of Zoning Appeals, Board of County Commissioners, and/or Administrator (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 seq.*** and all other applicable state laws.

9.2 Violations

Complaints made pertaining to this Ordinance shall be investigated by the Administrator. Also, any violations suspected by the Plan Commission, Board of Zoning Appeals, County Commissioners, or Administrator 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 Administrator and should reflect what is warranted by the violation.

9.3 Inspection of Property

Investigations of property may be done by the Administrator 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.

If the Administrator 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 Administrator.

9.4 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 Administrator.

9.5 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.

9.6 Violations During the Construction/Building Process

The Administrator 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 Administrator 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 Administrator.

B. Reasons for a Stop-Work-Order include, but are not limited to:

   1. Not complying with development standards and/or any regulations of this Ordinance or the Subdivision Control Ordinance;
   2. Not obtaining an Improvement Location Permit prior to the start of construction of any improvement for which a permit is required by this Ordinance;
   3. Not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special use, or other approval;
   4. Not meeting the conditions or commitments of a special use, variance, or zoning amendment;
   5. Not meeting the conditions of site development plans, planned unit development detailed plans, covenants, or written commitments which are enforceable by the Plan Commission;
   6. Illegal use or expansion of use of structures, or structures and land in combination;
   7. Work inconsistent with approved site development plan or final plat;
   8. Grading/drainage activities causing off-site harm; and
   9. Construction endangering life, property, or utilities.

C. Stop Work Orders shall be served by posting the order on-site and mailing via first class mail to the owner/contractor of record. The order shall be effective upon posting.

D. Stop Work Orders may be rescinded by the Administrator by written notice upon the execution of a Corrective Action Agreement that specifies all corrective measures, deadlines, inspections, and where warranted, an

escrow/surety to ensure completion. Failure to meet Corrective Action Agreement milestones reinstates the previously issued Stop Work Order

E. Stop Work Orders are independent civil violations, independent of other civil remedies provided by state law or county ordinance.

9.7 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 Administrator. 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 Administrator 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 Administrator 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.

9.8 Procedure for Violations

The procedure for violations of this Ordinance is as follows:

A. The Administrator 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 30 days of the mailing date or posting of notice.

B. The Notice of Violation shall contain:

1. Property and violator information
2. Factual basis for violation
3. Code Section violated
4. Corrective actions required
5. Deadline to Cure
6. Proposed penalty
7. Right to request internal administrative appeal within 10 days

8. Consequences of non-compliance (court action, liens, penalties)

C. Within 10 calendar days of Notice of Violation mailing, a recipient may request a conference/administrative review with the Administrator (or designee). The Administrator shall issue a written determination within 10 calendar days of the conference. That determination is final County administrative action, without prejudice to judicial remedies.

D. 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.

9.9 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 Administrator, or a person, firm, or organization selected by the Administrator, without prior notice to the property owner or other person responsible for the violation.

A. Immediate public risk violations shall include:

1. Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of this Ordinance;

2. 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

3. Any other immediate threat to public welfare as determined by the Board of County Commissioners, Plan Commission, Board of Zoning Appeals, Administrator, 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 Administrator in a manner that results in minimal damage to the material and the property upon which it is located.

C. The Administrator 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.

1. Staff must take time-stamped photos or video of the violation, and complete an incident report prior to the abatement.

2. The notice shall be sent to the property owner via certified mail within 24 hours of the seizure.

3. The notice shall include the following:

   a. a description of the materials seized,

   b. 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,

c. the address and phone number of the Plan 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

d. instructions describing how, where, and when the seized items may be claimed.

D. The property owner can request an administrative hearing within 10 days of the abatement to contest "immediate risk" determination or costs, which decision shall be made within 10 days of the hearing, and which decision is subject to judicial review.

E. The Administrator 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 Administrator regarding the future use of the item in a manner consistent with this Ordinance.

F. Neither the Administrator, 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.

G. Abandonment of Property: Any property seized under this article shall be deemed abandoned within 30 days. The County shall have the discretion to dispose or sell the abandoned property, with proceeds applied to costs, and any surplus payable to the owner on claim within 30 days of sale.

H. All costs of removal, storage, disposal, staff time, and legal expenses will be charged to the property owner. Any costs that remain unpaid shall be certified for collection or constitute a lien upon the real property of the responsible party.

9.10 Fines and Penalties

The County's violation noticing and fining process is shown on the following table:

Notice of Violation (30 Days to Resolve)	No fee if resolved within 30 days of notice
Notice of Penalty – 1st Citation (30 Days to Resolve)	$100
Notice of Penalty – 2nd Citation (30 Days to Resolve)	$500
After the 2nd Citation, if the penalties are not paid and the violation is not corrected, the Administrator may elect to assess additional fines or refer the matter to the Board of Zoning Appeals or the County Attorney.	At Administrator's discretion, up to $2000 per day in accordance with Madison County Code.

The Administrator may extend the number of days to resolve and suspend fines accruing if the violator executes a corrective action agreement and posts a bond/escrow if so requested by the Administrator.

9.11 Appeals or Trials

A. Any person receiving a notice of violation may appeal the Administrator's interpretation of the Ordinance to the BZA according to ***8.8 Administrative Appeals***. All other enforcement disputes are appealed to a court of

jurisdiction. A written statement from the person in violation, either filing an Administrative Appeal or giving notice of the filing of an action with a court, shall be submitted to the Administrator 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 in violation has 30 days from the date of the notice of violation to file for a hearing with the BZA or court of jurisdiction. An Administrative Appeal must complete the hearing process with the BZA within 6 months. Failure to meet these deadlines will reinstate all fines due by the person in violation. Filing of a timely appeal only tolls the accrual of civil penalties if a stay is granted by the BZA or granted by judicial order.

C. No additional notices will be issued by the Administrator if the person in violation has submitted an appeal or notice of court review.

9.12 Enforcement, Remedies, and Injunctive Relief

A. The Administrator or any enforcement official designated by this Ordinance may bring an action in the Circuit or Superior Court of Madison County to invoke 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:

1. 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;
2. All commitments made in accordance with ***IC 36-7-4 et seq***.; and
3. All conditions imposed in accordance with ***IC 36-7-4 et seq***.

B. The Administrator, 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 seq.*** or any ordinance adopted under ***IC 36-7-4 et seq.*** which includes but is not limited to this Ordinance and the Subdivision Control Ordinance.

C. The Administrator, 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 Administrator, 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 seq.*** may be brought in the Circuit or Superior Court of the County by any specially affected person who was designated in the written commitment.

Chapter 10
Definitions

10.1 Interpretation of Terms or Words

A. Words used in a special sense in this Ordinance are defined in the Definitions section of the Madison County, Indiana Unified Development Ordinance. 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 according to a common dictionary (e.g., the most recent edition of Merriam-Webster's Collegiate Dictionary).

B. Descriptions of specific uses listed on the Land Use Matrix are found in ***3.3 Use Descriptions and Standards***.

C. Whenever any words and phrases in this Ordinance are defined in State laws regulating the creation and function of various planning agencies, such definition shall apply to such words and phrases, except when the context requires otherwise.

D. The following rules of construction shall apply to the text of the Ordinance:

1. The particular will control the general.
2. The words "must", "shall", and "will" are always mandatory and not discretionary. The words "may" and "should" are permissive.
3. 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.
4. A building or structure includes any part thereof.
5. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied.
6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, a firm, an organization, a trust, a limited liability company, or any other similar legal entity.
7. The word "lot" includes the words "plot", "tract", or "parcel".

8. 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:
   a. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
   b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
   c. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
9. 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.
10. The word "county" means Madison County, Indiana. The word "state" means the State of Indiana.

E. Abbreviations used in the Ordinance:

AASHTO: American Association of State Highway and Transportation Officials

ANSI: American National Standards Institute

BESS: Battery Energy Storage System

BFE: Base Flood Elevation

BZA: Board of Zoning Appeals

CCF: Cellular Communications Facilities

CFR: Code of Federal Regulations

DNR: Department of Natural Resources (Indiana)

EV: Electric Vehicle

EVCF: Electric Vehicle Charging Facility

EVCS: Electric Vehicle Charging Station

FAA: Federal Aviation Administration

FCC: Federal Communications Commission

FEMA: Federal Emergency Management Agency

FIA: Federal Insurance Administration

FIRM: Flood Insurance Rate Map

IAC: Indiana Administrative Code

IC: Indiana Code

IDEM: Indiana Department of Environmental Management

ILP: Improvement Location Permit

INDOT: Indiana Department of Transportation

NAVD: North American Vertical Datum of 1988 (as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within a floodplain)

NFIP: National Flood Insurance Program

PC: Plan Commission

PD: Planned Unit Development

ROW: Right-of-way

SES: Solar Energy System

TRC: Technical Review Committee

UDO: Unified Development Ordinance

WECS: Wind Energy Conversion System

10.2 Definitions

The terms or words used in the text of this Ordinance have the following meanings, unless a contrary meaning is (i) required by the context of a particular sentence or phrase, or (ii) specifically prescribed in a particular sentence or phrase.

Aa

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.

Abut: To physically touch or border upon; or to share a common property line.

Access: A way or means of approach to provide physical entrance to a property.

Accessory Structure, Building, or Use: A subordinate structure, building, or use that is:

1. Customarily associated with the primary structure, building, or use,
2. Appropriately and clearly incidental and subordinate in use, size, bulk, area, and height to the primary structure, building, or use, and
3. Located on the same lot as the primary structure, building, 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.

Addition: A structural modification to the original structure after completion of the original.

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

Adjacent: Lying near, close; contiguous; adjoining; neighboring.

Adjoining: Being in contact at some point or line; contiguous; bordering.

Administrator: The individual or group responsible for the implementation and enforcement of the ordinances. The Administrator shall be the administrator for the Unified Development Ordinance.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under *IC 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 Districts: The 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.

Aisle: The traveled way where cars enter and depart parking spaces.

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

Amenity: A natural or man-made feature that enhances a property.

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 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, Primary 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.

Awning: A roof-like cover, often fabric, metal, or glass, which protects from the weather or is a decorative embellishment, is attached to a structure, and projects from a wall or roof of a structure over a window, walk, door, or a similar feature.

Bb

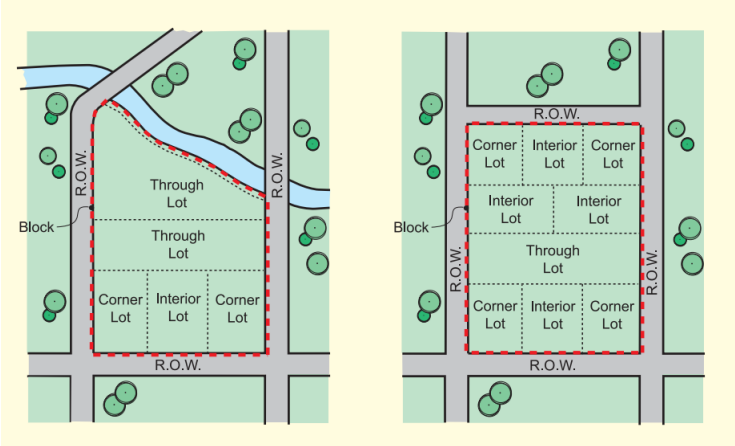
Basement: That portion of a building with an interior vertical height clearance of not less than 6.5 feet and having one-half or more of its interior vertical height clearance below grade level.

Battery(ies): A single cell or a group of cells connected electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this Ordinance, batteries utilized in consumer products are excluded from these requirements.

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: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines on municipalities.



Board: The Board of Zoning Appeals.

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

Bond: See ***Surety***.

Buffer: That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual screening to separate a potentially incompatible use from an abutting use.

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals, and permanently affixed to the land.

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 Height: See ***Structure Height***.

Building Permit: A permit issued by the Department in compliance with the terms and provisions of the Building Code.

Building, Nonconforming: A legally existing building which fails to comply with regulations set forth in this Ordinance applicable to the district in which such building is located.

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***.

Cc

Caliper: A standard trunk diameter measurement for trees, taken 6 inches above the finished grade for trees with a diameter of 4 inches or less, and 12 inches above the finished grade for larger sizes.

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.

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.

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.

Commercial Zoning District: Refers to the Local Commercial (LC), General Commercial (GC), and Highway Commercial (HC) zoning districts.

Commission: See ***Advisory Plan Commission***.

Common Area: An area held in common ownership by an owners' association, not located in rights-of-way, and not located on individually owned private property.

Community Rating System (CRS): A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management regulations to develop extra measures to provide protection from flooding.

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 ***IC 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: A condition placed on the approval of a rezone, plat, site plan, or variance by the approving body (Plan Commission, BZA, Administrator). The condition is reasonably necessary to satisfy the requirements specified in this Ordinance (for example, conditioning approval of a site plan on the modification of a landscape plan to meet the requirements of this Ordinance). Conditions of approval are not recorded and are typically satisfied by modifying the plans submitted for approval.

Condominium: Real estate lawfully subject to *IC 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.

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.

Construction Standards: The standards and specifications governing the construction of improvements within the County or Town, as applicable.

Contaminant: Any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined in the Federal Water Pollution Control Act (*33 U.S.C. 251 et seq*., as amended)), hazardous waste (as defined by the Federal Solid Waste Disposal Act *42 U.S.C. 690 et seq*., as amended)), any constituent of a hazardous waste, or any combination of the above, that (a) is injurious to human health, plant, or animal life, or property; (b) interferes unreasonably with the enjoyment of life or property; or (c) is otherwise violative of *IC Title 13* or any rules adopted thereunder. Examples of contaminants include fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, and petroleum products.

Corridor Development District: Refers to the Corridor Development (CD) Overlay District.

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 end open to traffic and being permanently terminated by a vehicular turnaround.

Dd

Days: Calendar days unless expressly stated business days. When a deadline falls on a County holiday or weekend, the deadline moves to the next business day.

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.

Density: A unit of measurement representing the number of units per acre of land on the aggregate total land to be developed.

Department: The Madison County Planning Department.

Detached Building: A building that has no structural connection with another building on the same lot and is entirely surrounded by open space.

Developer: A person that improves or proposes to improve a parcel of land, which may or may not be the property owner.

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 parking lots, 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; (8) the division of land into parcels; (9) any change in intensity of the use of land, such as increasing number of dwelling units in a structure or change from a less intense use to a more intense use; (10) any activity that alters a shore, river, stream, lake, pond, canal, marsh, woodlands, wetlands, aquifer, or other resource area; or (11) 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 this Ordinance.

Domestic Pets: Companion animals commonly kept as pets, for protection, companionship, or 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, potbelly pigs, ferrets, and snakes if cared for in the manner described above. Wild, vicious, or exotic animals are not considered domestic pets.

Drives, Private: See ***Road, Private***.

Driveway: A privately owned driving surface which provides access to a lot, or to a use located on such lot, from a street and runs generally perpendicular to property lines.

Dwelling: A building or structure or portion thereof, which is designed and used primarily 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 family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Ee

Easement: Authorization 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.

Electric Vehicle (EV): EV means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and that operates either partially or exclusively on electrical energy from the grid or an off-board source that is stored on-board via a battery for motive purposes. Electric Vehicle includes: a battery electric vehicle and a plug-in hybrid electric vehicle. Electric Vehicle does not include an electric bicycle.

Electric Vehicle Supply Equipment (EVSE): EVSE are the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

EVCS Bay. An EVCS bay is an EVCS parking space for vehicles that are larger than a typical parking space, which can fit buses, vans, semi-trucks, or vehicles with trailers or other attachments that cannot fit into a regular parking space.

Elevation Certificate. A certified statement from FEMA that verifies the existing grade, pad, floorings, and/or structure elevation.

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 this 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).

Ff

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, or raised and maintained for, or in support of, the production of food or other goods. 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.

Nothing in this Ordinance shall be interpreted as regulating the keeping of household pets. For the purpose of this Ordinance, farm animals shall be defined as those which are raised and maintained for, or in support of, the production of food or other products.

Farm Animal Unit: A unit of measurement to compare various animal types based upon differences in physical size, maintenance needs, nuisance issues, and other differences of various farm animals.

Fence. Any artificially constructed barrier of one or more materials erected to enclose or screen areas of land.

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

Final Plat: See ***Plat, Final***.

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**.

Floor Area, Gross: 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 used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

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: See ***Lot Line, Front***.

Front Yard: See ***Yard, Front***.

Frontage: See ***Lot Frontage***.

Gg

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 non-residential uses.

Garbage. All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials. (For reference, see ***IC 13-7-1***).

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

Grade. The average level of the finished surface on the ground adjacent to the exterior walls of the building or structure.

Grade, Natural. The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Hh

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this 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 this 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-Based Business. An occupation or business activity carried on within a legally established dwelling unit by a resident of the dwelling per ***4.9 Home-Based Business Standards***.

Homestead Vendor. Per ***IC 16-42-5.4-1***, a person that prepares and sells food products or meat products from the property or at a farm market, and which the person does not receive more than $1,500,000 in gross sales in a single year.

Household. An individual, or 2 or more persons related blood, marriage, or adoption, or a group of not more than 4 persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Ii

Impervious Surface: Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

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. Also known as a Building Permit.

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

Indiana Code. The latest edition with any amending supplements of the Indiana Statutes Code Edition (abbreviated as IC herein), which codifies all Indiana statutes for reference purposes.

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 Light Industrial (LI), General Industrial (GI), and High Impact (HI) Zoning Districts.

Inoperable Motor Vehicle. Any automobile, truck, semi-trailer, school bus, or recreational vehicle that lacks a motor, drive train, wheels, axles, or a transmission.

Institutional District: Refers to the Institutional (IS) Zoning District.

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***.

Intersection: A crossing or meeting of 2 streets, or a street and a driveway.

Interstate: See ***Limited Access Highway***.

Jj

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.

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.

Kk

Ll

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.

Landscape Material. Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes, and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

Legal Nonconforming Lot or Structure. Any continuously occupied, lawfully established structure or building prior to the effective date of the this Ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to the date specified in the Unified Development 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 Unified Development Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Unified Development Ordinance.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established lawfully prior to the effective date of the Unified Development 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.

Loading Space. An off-street portion of a parcel designated for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel.

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

Local Street: See ***Local Road***.

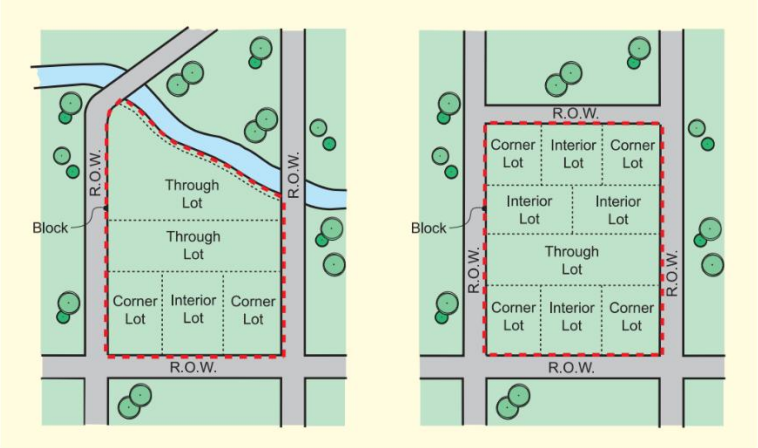
Lot: A contiguous area of land separated from other areas of land by separate description for purpose of sale, lease, transfer of ownership or separate use. It may be a single parcel separately described or a combination of such parcels when adjacent to one another and used as one lot.

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

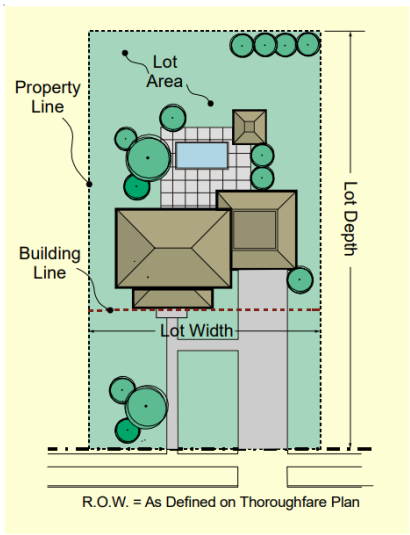
B. Lot, Flag: A lot characterized by its distinctive shape, resembling a flag on a pole. It consists of two main parts: the pole and the flag. The pole is a narrow strip of land that provides access from a public street to the main body of the lot. The flag is the main, wider portion of the lot where the primary building or use is typically located. The flag is usually situated behind other lots with direct frontage on the public street, making it less visible from the public right-of-way.

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

D. Lot, Through: A lot fronting on 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.



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 Line, Front: The line separating a lot from the abutting street or street right-of-way. For a corner lot, a line separating the narrowest street frontage of the lot from the street, unless otherwise determined by the Administrator.

Lot Line, Rear: The line opposite the front lot line. In the case of a lot that is pointed at the rear, the rear lot line is an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

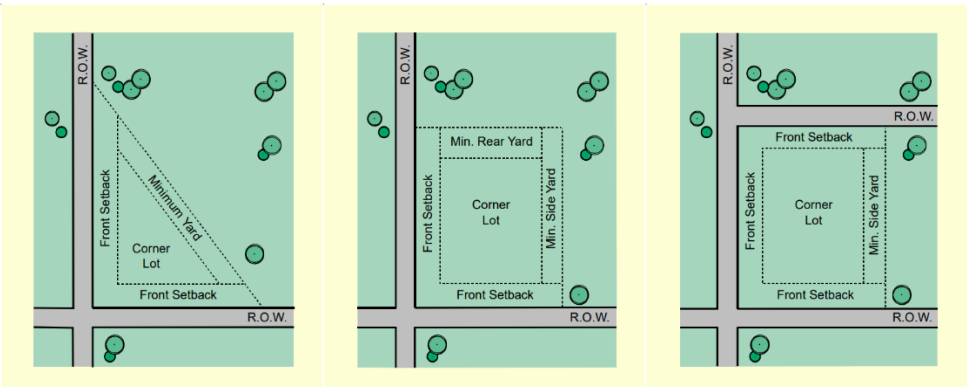
Lot Line, Side: Any lot line other than the front, street side, or rear lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot Line, Street-side: A lot line, other than a front lot line or a rear lot line, that abuts a street. A street-side lot line does not include lot lines that abut an alley.

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 horizontal distance measured between the side lot lines along the front setback 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, Developed: A lot with buildings or structures.

Lot, Improved: See ***Lot, Buildable***.

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 square inch for every one square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade; or such enclosed space shall be usable for the parking of vehicles and building access.

Mm

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 Type 1: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the Federal Manufacturing Housing Construction and Safety Standards Law (*42 U.S.C. §§ 5401 et seq*.), and which also complies with the following specifications: (1) Must have been constructed after January 1, 1981, and must exceed 950 square feet of occupied space per *IC 36-7-4-1106(d)*; (2) Is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One- and Two-Family Dwelling Code; (3) Has wheels, axles, and towing chassis removed; (4) Has a pitched roof with a minimum rise of two to 12; and (5) Consists of two or more sections which, when joined, have a minimum width of 23 feet.

Manufactured Home Type 2: A dwelling unit built in a factory and bearing a seal of compliance with Federal Manufacturing Housing Construction Safety Standards or *IC 22-12-1-5*, which must have a minimum of 720 square feet and is installed and anchored according to manufacturer's specifications, but which need not be anchored to a permanent foundation and perimeter wall, and which need not have a pitched roof or siding of materials customarily used for site-constructed homes.

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*.

Minimum Living Area: The smallest floor area required within a dwelling unit that is necessary to provide adequate space for basic residential living functions. This area shall be measured as the total interior floor area of habitable rooms, excluding unfinished basements or attics, garages, and areas with ceiling heights less than 7 feet.

For the purposes of this Ordinance, habitable rooms include living rooms, dining rooms, bedrooms, kitchens, and other rooms designed and intended for human occupancy, but exclude bathrooms, utility rooms, closets, hallways, and storage areas.

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

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.

Nn

Nonconforming Building or Structure: A building, structure, or portion thereof that is not in compliance with this Ordinance or any subsequent amendments.

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: Any continuous, lawful land use having commenced prior to the time of adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Oo

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.

Off-Street Parking: The provision of parking spaces that are not located on any public right-of-way.

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 floodplains; 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***.

Overlay District: A special-purpose zoning district that encompasses all or a portion of one or more underlying zones and imposes additional requirements beyond those required by the underlying zone.

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.

Pp

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 of record split by an existing public road is considered 2 Parent Tracts.

Park and Recreation District: Refers to the Park and Recreation (PR) Zoning District.

Parking Area: The hard surfaced area required for the parking of automobiles, including all maneuvering areas and aisles.

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

Parks and Recreation District: Refers to the Parks and Recreation (PR) Zoning District.

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.

Perimeter Street: Any existing street to which the parcel of land to be subdivided abuts on only one side.

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.

Personal Garden: A private facility or area for the cultivation of vegetables, grasses, fruits, flowers, shrubs, vines, and trees as an accessory use by a resident or occupant of the site, whether it be for purposes of producing food or materials. This definition does not include high weeds and grass, nor does it include farming or beekeeping for commercial purposes.

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 tract or parcel of land developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes, or similar attributes that typically would not be easily achieved under conventional zoning districts.

Planned Unit Development District: Refers to the Planned Unit Development (PD) District.

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

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***.

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 ***IC 36-7-4-700*** series, is the plat document in recordable form. A Final Plat shall substantially conform with the preceding Preliminary 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 ***IC 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 this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this 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.

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

Prime Farmland: According to the United States Department of Agriculture (USDA), prime farmland is the land best suited to food, feed, forage, fiber, and oilseed crops. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if the land is treated and managed according to acceptable farming methods.

Private Road: See ***Road, Private***.

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.

Public Sewer 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 or 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.

Qq

Rr

Recreational Vehicle: A portable structure designed as a temporary dwelling for travel or vacation uses in a recreational park that: (1) Is identified on the unit by the manufacturer as a travel trailer or a motor home; and (2) Of a size that is street legal; or (a) Is a structure mounted on an automobile or truck; and (b) Is designed to be used for sleeping and human habitation.

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 that have common transportation interests.

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 floodplains 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, Manufactured Home Park (MH), and Multifamily Residential (MR) Zoning Districts.

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: Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare for passage of pedestrians, vehicles, or utilities, as set forth in a written grant, declaration, or conveyance that is recorded in the office of the Madison County Recorder.

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 this Ordinance)

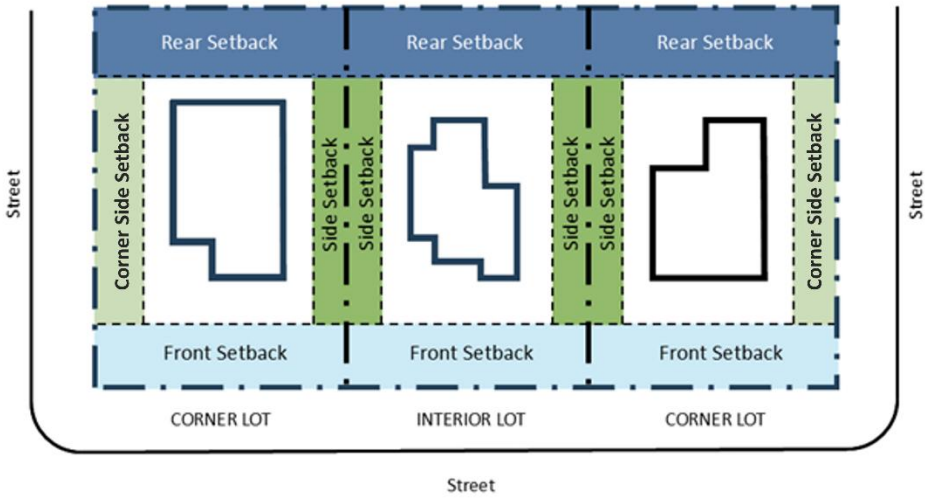
Ss

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

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.

Serving Unit: A room in a building accessed through a window, an accessory structure, or a location on the lot that is part of a drive-through feature, used to receive payment and/or provide service related to the primary use.

Setback: That distance measured perpendicularly from the property line to the closest point of the building, structure, sign structure, parking area, or any other improvement.



Setback Line: A line that establishes the minimum or maximum distance that all or part of a structure can be located from a lot line or right-of-way line.

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 4 regardless of the number of bedrooms.

Short-Term Rental: A dwelling, or portion of a dwelling, rented for no more than 30 consecutive days.

Short-Term Rental Platform: In accordance with ***IC 36-1-24-7***, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant. Examples include Airbnb or VRBO.

Sight Visibility Triangle: A triangular space at the street corner of a corner lot, or at the intersection of a driveway/alley and a road, free from any kind of obstruction of the sight lines between 3 and 8 feet above a street. The triangular space is formed by the intersecting centerlines of the streets or driveways and a tangent determined based upon the street classifications as prescribed in this Ordinance. See ***5.11 Sight Visibility Standards***.

Sign: Any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar

character, that is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, designed to identify, inform, or attract attention, and is visible from outside a building.

Sign, Awning: A sign incorporated into or attached to an awning.

Sign, Changeable Copy: A sign designed to allow the changing of a copy through manual, mechanical, or electrical means, including time and temperature.

Sign, Directional: A sign that informs a pedestrian or driver of a direction or a location to which traffic is advised to move within the site for traffic control and public safety purposes.

Sign, Free-standing: A sign anchored to the ground or supported by one or more posts, columns, or vertical structures or supports, and not attached to any building.

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, Illegal: Any of the following: (1) a sign erected without first obtaining a permit when required; (2) a sign that doesn't comply with all regulations in effect at the time of its construction or use; (3) a sign that was legally erected but whose use has ceased because the occupant it identifies is no longer on the premises; (4) a sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value; (5) a sign that is a danger to the public or is unsafe; or (6) a sign that pertains to a specific event that has not been removed within the required number of days after the occurrence of the event.

Sign, Illuminated: A sign lighted by any electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

Sign, Multi-Tenant Joint Entrance: A sign for an integrated development that contains two or more unrelated and separately operated uses and/or organizations, which is designed to have two or more spaces to display tenants' names on one sign structure.

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 this Ordinances. Murals not meeting the definition of a sign are not regulated by this Ordinance.

Sign, Off-Premise: A sign that identifies, informs, or attracts attention to a location or property that the said sign is not located at. This includes billboard and outdoor advertising signs.

Sign, On-Premises: A sign that is located on the same located on the same premises that it identifies, informs about, or attracts attention to.

Sign, Permanent: A sign constructed of durable materials, affixed to a building or structure that is permanently affixed to the ground, intended to exist for the duration of time that the use or occupant is located on the premises, or for the duration of time as permitted by off-premise sign regulations.

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, Projecting: A sign attached to a building or other structure and extending in whole or in part more than 12 inches from the face of the building or a structure.

Sign, Temporary: An on-premises sign not fixed to a permanent foundation, easily removable from its location, and designed and intended to be displayed on the premises for a limited time.

Sign, Wall: A sign attached to or affixed directly to the wall of a building or structure, parallel to the plane of the building or structure and extending less than twelve (12) inches from the building or structure.

Sign, Window: A sign painted on or affixed to the interior or exterior of a window or placed immediately behind a window pane to attract the attention of the people outside the building.

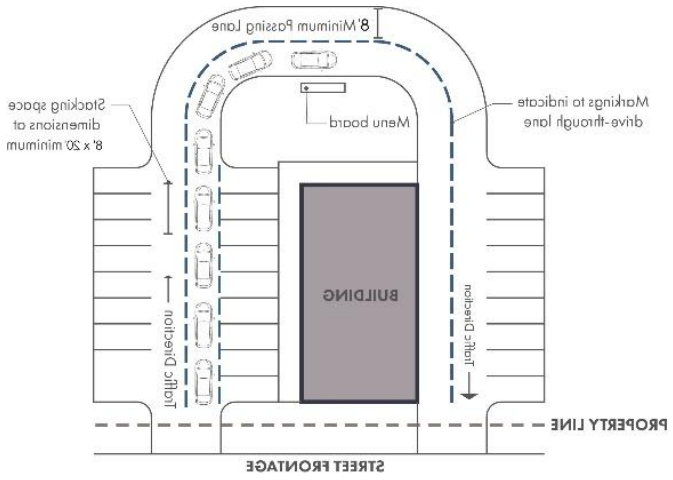
Site Development Plan (Site Plan): The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the plan commission and/or staff for approval prior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

Small Farm. Per *IC 16-42-5.4-4*, land that is used primarily for growing crops or raising livestock from which a person prepares and sells food products, and from which not more than $1,500,000 in gross revenue is received from meat products cultivated or harvested crops, or the sale of food products in a single year.

Solid Waste: Any garbage, refuse, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term "solid waste" does not include: (1) Solid or dissolved material in a domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under *Section 402 of the Federal Water Pollution Control Act Amendments*; (2) Source, special nuclear, or byproduct material as defined by the *Atomic Energy Act of 1954*; (3) Manures or crop residues returned to the soil as part of a total farm operation; or (4) Vegetative matter at composting facilities registered under *IC 13-7-35*. (For reference see *IC 13-7-1*).

Stacking Space: An off-street area, separate from or in addition to the required parking area, reserved for the temporary retention of vehicles that are queuing up or utilizing the services of a drive-through service unit.

Special Use: A use that is designated by this 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, buses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.

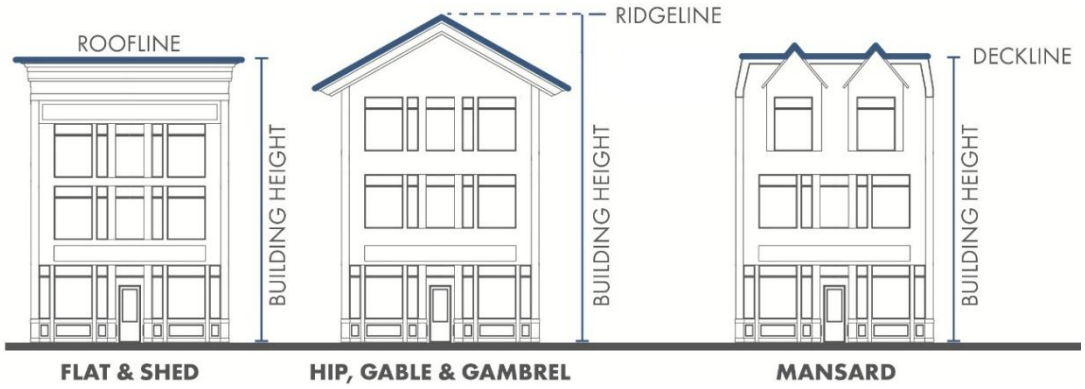
Story: That portion of a building included between the surface of any floor and the surface of the floor above it. If there is no floor above it, then the space between such floor and the ceiling next about it shall be the story.

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 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: Anything constructed or erected, the use of which requires permanent location on the ground or is attached to something having a permanent location on the ground, except public utility, communication, and electrical transmission lines, and support equipment and facilities.

Structure Height: The vertical distance measured from the ground level immediately under the structure to the highest point of the roof or top-most point of a structure that doesn't have a roof (e.g., sign, cell tower, etc.). Chimneys and roof-mounted mechanicals are exempt from the height measurement.



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 of offer, sale, lease, or development, either on the installment plan or upon all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of land opened for residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision, Major: The subdivision of a tract of land into five or more parcels or lots, including any remainder of the original tract, or any subdivision involving the creation of new streets to an adjoining property, now in the future.

Subdivision, Minor: The subdivision of a tract of land into four or fewer lots, including any remainder of the original tract, that does not involve the creation of new streets to an adjoining property, now or in the future.

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 structure's 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 with 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.

Tt

Technical Review Committee: A committee that assists in the evaluation of development applications, makes recommendations to the applicable reviewing authority, or reviews and makes a final decision on certain kinds of petitions or permits based on their compliance with technical standards, ordinances, and regulations in the manner prescribed by this Ordinance. The membership of the Committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in road design and construction; sewer and water facility design and construction; solid waste; health requirements for water and sewer facilities; recreation and open space; environmental planning criteria related to geology, vegetation, noise, and water systems, and urban design.

Thoroughfare Plan: The official plan adopted as part of the Madison County Comprehensive Plan, December 17, 2024, 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.

Thoroughfare Plan/Street Classification Widths: The widths of local, collector, and arterial roads' rights-of-way as prescribed by the Madison County Thoroughfare Plan, unless a specific width is delineated by another article of the development code.

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, shortwave radio, antennas and satellite dishes but which may be included in other sections of this Ordinance).

Traffic Control Device: Any sign, light, signal, or other device located at an intersection, including, but not limited to, stop signs, yield signs, caution signs, flashing lights, or traffic lights, the purpose of which is to cause through traffic to slow and exercise caution when proceeding through an intersection.

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).

Treatment: When used in connection with a waste that is determined to be hazardous waste under *IC 13-7-8.5-3*, means any method, technique, or process designed to change the physical, chemical, or biological character or composition of the waste so as to: (1) Neutralize the waste; (2) Render it: (a) Nonhazardous or less hazardous; (b) Safer to transport, store, or dispose of; (c) Amenable to recovery or storage; or (d) Reduce in volume; or (3) Recover energy or material resources from the waste. (For reference, see *IC 13-7-1*).

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Chapter 2: Districts* of this Ordinance. The two-page layout includes permitted uses, special uses, and basic zoning district information.

Uu

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or combination of tanks: (1) That is used to contain an accumulation of any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products, or any other potential contaminant to the underground aquifer; and (2) The volume of which (including the volume of the underground connected pipes) is 10% or more beneath the surface of the ground.

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.

Vv

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by the Unified Development 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 Unified Development Ordinance.

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 that due to mechanical defect or failure or incorrect or unapparent licensing is not physically or legally able to be operated.

Ww

Waiver: A specific modification or lessening of the regulations established by this Ordinance that may be granted by the Plan Commission as permitted by this Ordinance.

Waste Management: Any business, operation, process, or function associated with the generation, storage/transportation, processing, or disposal of solid or hazardous waste.

Wetland: (1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. (2) For purposes of this classification wetlands must have one or more of the following three attributes: (a) At least periodically, the land supports primarily hydrophytes (water plants); (b) The substrate is primarily undrained hydric soil; and (c) The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season each year.

Written Commitments: Commitments made by a property owner as part of the approval of a rezone, plat, site plan, or variance concerning the use or development of the property. Commitments follow the requirements of *8.29 Written Commitments*. Commitments are recorded in the Office of the County Recorder and run with the property.

Xx

Yy

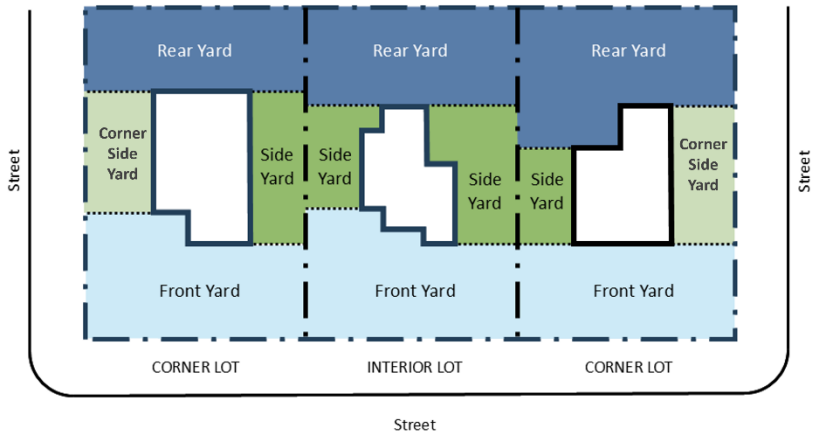
Yard: An open space on the same lot with a building or structure, unoccupied and unobstructed between the building and the nearest lot line, except as otherwise permitted by this Ordinance.

A. Front Yard. A yard extending across the full width of the lot between any primary building and the front lot line, the depth of which is the least distance between the front lot line and the building.

B. Side Yard. A yard extending the full depth of the lot between the side of any primary building and the side or street-side lot line, the width of which is the least distance between the (street-) side lot line and the side of such primary building.

C. Corner Side Yard. A yard, unobstructed to the sky, extending fully across the lot while situated between the side lot line and the established street side building line.

D. Rear Yard. A yard extending across the full width of the lot between the rear of any primary building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such primary building.



Yard, Required: An open space unobstructed to the sky, extended fully across the lot situated between a lot line and a setback line. Required yards may be a front yard, a side yard, a street-side yard, or a rear yard, depending on which lot line the required lot line abuts.

Zz

Zoning Administrator: See ***Administrator***.

Zoning District: See ***District***.

Zoning Map: See ***Official Zoning Map***.

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