



# MADISON Indiana

## City of Madison Plan Commission Certification

To: Madison City Council

From: Amy Williams, Interim Planning Director/Secretary

Date: February 20, 2026

Re: Recommendation for Unified Development Ordinance (UDO) and Official Zoning Map

Pursuant to IC 36-7-4, this notice hereby certifies a favorable recommendation (9 votes in favor; 0 votes opposed) by the Madison Plan Commission to the Madison City Council regarding the adoption of the Madison Unified Development Ordinance (UDO) and Official Zoning Map. The favorable recommendation, as outlined in Resolution 2026-PC-01 (see Attachment A), included the following four amendments to the proposed 12-30-2025 Adoption Draft of the UDO as summarized below and specifically detailed in Attachment B:

- Amendment 1: Clarify rear setback in RF District
  - Page 29: Update the RF rear yard setback to be consistent with the current Riverfront Zoning District adopted in 2025
- Amendment 2: Updated Uses in OS District
  - Page 43: Remove General Retail as a Use in Open Space
  - Page 44: Add footnote to Restaurant and Service-Oriented Retail in Open Space to limit total enclosed building size to 1,500 sq ft
- Amendment 3: Allow Parking in Setbacks and Bufferyards
  - Page 20: Update encroachment section to allow parking to encroach but require all parking to be at least 5 feet from property lines
  - Page 108: Update parking location table footnote / footnote references
  - Page 119: Update allowed uses in bufferyards
- Amendment 4: Misc Typos / Cross Reference Updates
  - Update minor typos or formatting that does not change content and cross references that did not update automatically

### CITY OF MADISON PLAN COMMISSION

Amy Williams, Interim Planning Director/Secretary

*City of Madison acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, etc.) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact ADA Coordinator at 812-265-8300.*

# **Attachment A:**

Resolution 2026-PC-01

**RESOLUTION 2026-PC-1**

**A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF MADISON, INDIANA  
RECOMMENDING REPEALING AND REPLACING THE CITY OF MADISON ZONING  
ORDINANCE, OFFICIAL ZONING MAP, AND SCHEDULE OF DISTRICT REGULATIONS  
AND ADOPTING A UNIFIED DEVELOPMENT ORDINANCE AND ZONING MAPS**

WHEREAS, The City of Madison Plan Commission is the body charged with the duty of reviewing all proposed amendments to the City of Madison Zoning Ordinance; and

WHEREAS, The City of Madison Subdivision Regulations were adopted in June 1997 and Ordinance 2016-19, which made amendments to the Zoning Ordinance from August 1981, was adopted on June 6<sup>th</sup>, 2016; and

WHEREAS, The City of Madison has experienced growth and anticipates development opportunities and challenges will continue in the future which underscores the need for updated zoning and subdivision regulations; and

WHEREAS, The City of Madison adopted a comprehensive plan on September 20<sup>th</sup>, 2016 and other planning initiatives followed, which promoted prudent redevelopment strategies that included infill development for housing rental and home ownership, public-private partnerships, improved transportation networks, and outdoor recreation, as well as, present and future land uses: and

WHEREAS, The City of Madison established a Steering Committee to examine the current zoning Ordinance and draft a new Unified Development Ordinance (UDO) to replace the existing zoning ordinance found in Chapter 155 including the official map and schedule of district regulations; and

WHEREAS, the City of Madison Planning and Zoning Department engaged a consultant to assist the Steering Committee with the creation of a Unified Development Ordinance (UDO) over a period of 12 months which included steering committee meetings, focus groups, surveys, and other public input, which included a public open house held on December 9<sup>th</sup>, 2025; and

WHEREAS, The Steering Committee was comprised of members of the City of Madison Plan Commission, The City of Madison Board of Zoning Appeals, the Jefferson County Plan Commission, Madison Common Council, the Mayor's office, a citizen member, and staff members from the City Planning and Zoning Department; and

WHEREAS, the Plan Commission held a public hearing on February 17, 2026 to consider the proposed UDO and Zoning Map. Following the Public hearing, the Plan Commission voted to forward a favorable recommendation to the City Council to adopt the proposed Unified Development Ordinance and Zoning Map.

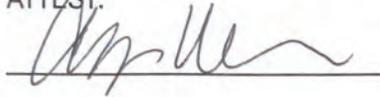
NOW, THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF THE CITY OF MADISON, INDIANA that the current zoning ordinance, schedule of district regulations, and map of the City of Madison be replaced in their entirety with the attached Unified Development Ordinance and its accompanying Zoning Map.

ADOPTED this 17 day of February 2026.



President

ATTEST:



# **Attachment B:**

Amendments to the 12-30-2025 Adoption Draft

## SECTION 2.10 RIVERFRONT (RF) DISTRICT

### A. Riverfront (RF) District Purpose

1. This district is intended to create a vibrant mixed-use district that capitalizes on the city's location along the Ohio River to serve residents with shopping, dining, entertainment, and living options while also supporting tourism and local events within Madison.

### B. Riverfront (RF) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Single-family and two-family use are exempt from this requirement. All uses shall have a parking and occupancy contingency and evacuation plan for flood events approved by the Administrator as part of the development plan.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.
3. There shall be no enclosed occupiable spaces below the highest Flood Protection Grade (FPG). This does not apply to spaces intended primarily for parking, storage, housing a building's utility equipment, or maintenance if the space can be quickly cleared in the event of or protected from a flood. In the event of a conflict, Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances shall supersede this clause.
4. No central trash collection points or dumpsters shall be placed within the required setback adjacent to another parcel and shall comply with *SECTION 8.1F: ADDITIONAL STANDARDS: DUMPSTERS AND TRASH COLLECTION*.

### C. Riverfront (RF) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

### D. Riverfront (RF) District Development Standards

RF District Development Standards		
<b>RF Lot Standards</b>		
Minimum Lot Width / Road Frontage	N/A	
Minimum Lot Area	N/A	
Minimum Setbacks	Front Yard	10 feet or 15 feet if adjacent to Vaughn Drive
	Side Yard	5 feet or 10 feet if adjacent to single or two family dwelling
	Rear Yard: <b>Single/Two Family</b>	5 feet
	<b>Rear Yard: All Other Uses</b>	<b>5 feet or 10 feet if adjacent to single or two family dwelling</b>
Maximum Impervious Surface	100%	
<b>RF Structure Standards</b>		
Maximum Structure Height	15 feet for single and two-family uses or 35 feet for all other uses, measured from a level plane at the average of the highest and lowest FPG on the parcel	
Maximum Ground Floor Area Per Structure	N/A	
Minimum Living Area Per Dwelling	Single and Two-Family	950 sq ft
	Multi-Family	600 sq ft
<b>RF Utility Standards</b>		
Public Water & Sewer	Required	

**Table 1: Permitted Land Uses**

Land Use	Zoning Districts															Overlays Districts			
	AG	RA	HS	OS	R1	R2	R3	HDR	RF	LB	GB	CBD	AB	I1	I2	FH	HD	AP	
Agricultural Land Uses	Agricultural Product Processing	P												P	P	X	X		
	Agritourism	P	S		P												X		
	Concentrated Animal Feeding Operation (CAFO) & Confined Feeding Operation (CFO)	S														X	X	X	
	Equestrian Facility	P	S														X		
	Farmer's Market	P	S		A					A	A	A							
	Hobby Farm	P	P		P													X	
	Livestock, Personal	P	S															X	
	Livestock, Production (Not Requiring IDEM Permit)	P																X	X
	Livestock, Wholesale Trade	S																X	X
	Roadside Stand	P	S		S					S								X	
	Row, Field, Tree & Nursery Corp Cultivation	P			P													X	
	Timber Processing	S														P		X	
	Wildlife & Nature Preserve	P	P	P	P	P	P	P		P								X	
Commercial Land Uses	Amusement Park										P						X	X	
	Auction House	S									S			P	P		X		
	Automotive & Equipment Sales, New & Used									S	P	S		P	P				
	Contractor's Services & Office									S	P			P	P		X		
	Day Care Facility & Preschool, Commercial							S	S	P	P	P		S	S			X	
	Bar, Tavern & Club								P	P	P	P	P	P					
	Bed & Breakfast		S					S	S	P	P	P		P				X	
	Campground & Campsite	S-S			S-S						S-S								X
	Display of Merchandise (Outdoor)									S	S		A	A	A				
	Farm Chemical Supply Sales	S								S	P			P	P		X	X	
	General Retail				S			S		P	P	P	P	P	P				
	Golf Course, Driving Range & Country Club	S			S					S	P			P	P			X	X
	Hotel & Motel									S	P	P	P	S					X

*P* = Permitted/Allowed by Right (Primary or Accessory Use)  
*P-S* = Permitted/Allowed by Right with Additional Standards (see CHAPTER 3)  
*A* = Permitted/Allowed by Right Only as Accessory Use  
*S* = Permitted/Allowed by Special Exception  
*S-S* = Permitted/Allowed by Special Exception with Additional Standards (see CHAPTER 3)  
 [ ] = Blank cell indicates prohibited in zoning district  
*X* = Prohibited in Overlay District (regardless of zoning district)

**Table 1: Permitted Land Uses**

Land Use	Zoning Districts															Overlays Districts		
	AG	RA	HS	OS	R1	R2	R3	HDR	RF	LB	GB	CBD	AB	I1	I2	FH	HD	AP
Kennel, Commercial & Animal Shelter	S									P	P	S		P	P			
Liquor Store										S	P	P		P	P			
Medical Offices & Outpatient Services: Pain Management Clinic														S	S			
Medical Offices & Outpatient Services										P	P	P		P	P			
Parking Garage or Lot (as a Primary Use)									S	S	S	S	P	P	P			
Professional Services & Business Offices				S			S	S		P	P	P	P	P	P			
Restaurant				S <sup>1</sup>				S	P	P	P	P	P	P	P			
Rural Event Venue	S	S		S														X
Service-Oriented Retail				S <sup>1</sup>			S	S		P	P	P		P	P			
Sexually Oriented Business															S-S			X
Shooting Range & Gun Club, Indoor										P	P			P	P			X
Shooting Range & Gun Club, Outdoor	S													S	S			X
Short-Term Rental	S-S	S-S			S-S	S-S	S-S	S-S				S-S						
Stadium, Arena, Auditorium, Racetrack & Assembly (Indoor & Outdoor)	S								S		S	S		P	P			X
Storage Units										S	P			P	P			X
Vehicle & Equipment Service & Repair										S-S	P-S	S-S		P-S	P-S			
Veterinary Services (excluding Kennels)	P									P	P	P		P	P			
Wholesale														P	P			X
Winery, Brewery & Distillery	S								S	P	P	S		P	P			

<sup>1</sup> – Restaurant and service-oriented retail in the OS District shall be limited to a maximum of 1,500 sq ft of total floor area within an enclosed building per parcel

P = Permitted/Allowed by Right (Primary or Accessory Use)  
 P-S = Permitted/Allowed by Right with Additional Standards (see CHAPTER 3)  
 A = Permitted/Allowed by Right Only as Accessory Use

S = Permitted/Allowed by Special Exception  
 S-S = Permitted/Allowed by Special Exception with Additional Standards (see CHAPTER 3)  
 [ ] = Blank cell indicates prohibited in zoning district

X = Prohibited in Overlay District (regardless of zoning district)

5. Stormwater and Flood Hazards. All development shall comply with the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain.
6. Historic District. All construction, demolition, relocation, exterior expansion, or alteration of a primary or accessory structure (including signs) within the Madison Historic District shall comply with the Madison Historic District Design Guidelines and obtain a Certificate of Appropriateness prior to a building permit (if required).
7. Building Codes. If a building or structure is located within 5 feet of a parcel boundary, it shall comply with all applicable building codes (including all fire resistance ratings), regardless if another building or structure is located on the adjacent parcel.

## G. Encroachment into Required Setback

1. Parking lots and spaces shall not may be located within a required setback or bufferyard as outlined in SECTION 8.1D: PERMITTED PARKING LOCATIONS but shall be at least five feet from all property lines. This does not apply to parking for single-family and two-family uses.
2. Architectural features such as cornices, chimneys, eaves, sills, canopies or similar features that do not have structural elements that touch the ground may extend into a required setback a maximum of two feet.

## H. Dedication of Right-of-Way

1. The width of all rights-of-way within and adjacent to a parcel shall comply with the minimum standards outlined in SECTION 8.1F: DEDICATION OF RIGHT-OF-WAY AND PUBLIC IMPROVEMENTS prior to establishing a use or constructing or locating a structure.
2. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated and conveyed to the City of Madison or Jefferson County Board of Commissioners as required to meet the minimum standards prior to the issuance of a Building Permit, even if the parcel is not being subdivided.

## I. Sight Triangle

1. No structure, planting, parking area or similar may encroach into a sight triangle.

## J. Constructing or Placing Structures on Lots

1. Every structure constructed, moved, or placed after the effective date of this UDO, except agricultural structures not used for human habitation, shall:
  - a. Be located on an individual lot which fronts on a public road;
  - b. Be located on a lot that conforms with the minimum lot standards for the district in which it is located; and
  - c. Meet the standards outlined in SECTION 4.8: STRUCTURES, unless it complies with CHAPTER 5: NON-CONFORMING.

## D. Permitted Parking Locations

Permitted Parking Locations		
Zoning District <sup>3</sup>	Shared or On-Site	Permitted Location <sup>1</sup>
AG & RA HS & OS	<ul style="list-style-type: none"> <li>On-Site</li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>
R1, R2, R3 & HDR	<ul style="list-style-type: none"> <li>On-Site</li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>
CBD & RF	<ul style="list-style-type: none"> <li>On-Site</li> <li>Shared Off-Site (within 500 feet)<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Side or Rear Yard<sup>1</sup></li> </ul>
LB, GB & AB	<ul style="list-style-type: none"> <li>On-Site</li> <li>Shared Off-Site (within 500 feet)<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>
I1 & I2	<ul style="list-style-type: none"> <li>On-Site</li> <li>Shared Off-Site (within 1,000 feet)<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>

<sup>1</sup> – See SECTION 2.1.G: ENCROACHMENT INTO REQUIRED SETBACK for parking in setbacks and bufferyards  
 Parking cannot be located within a required setback or bufferyard

<sup>2</sup> – Measured from the closest edge of the parking area to the closest edge of the structure it serves

<sup>3</sup> – If district is exempt from providing minimum number of parking spaces, these standards only apply if parking is provided

## E. Minimum Number of Parking Spaces

1. Minimum Spaces Required
  - a. The required minimum number of parking spaces is based on the land use (not zoning district) and shall comply with TABLE 2: MINIMUM PARKING REQUIRED. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums.
  - b. Any fraction of a required parking space shall be rounded up to the whole number.
  - c. All developments shall comply with the minimum number of handicap spaces required by state and federal regulations. Handicap spaces may count towards the minimum number of required parking spaces.
2. Shared Off-Site Parking
  - a. The number of parking spaces provided for shared parking, where permitted, shall not be less than the minimum number of spaces required for each use as identified in TABLE 2: MINIMUM PARKING REQUIRED.
  - b. Parking spaces for developments with uses that operate at different times may be credited to both uses. If shared parking spaces are not located on the same parcel as the use, all parking spaces used to satisfy the minimum number required shall be within the distance specified in SECTION 8.1D: PERMITTED PARKING LOCATIONS.
  - c. Any parcels with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners and approved by the Administrator. The agreement shall be perpetual and outline provisions for easements (if applicable), maintenance, snow removal, ownership, and liability. If a shared parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new shared parking agreement.

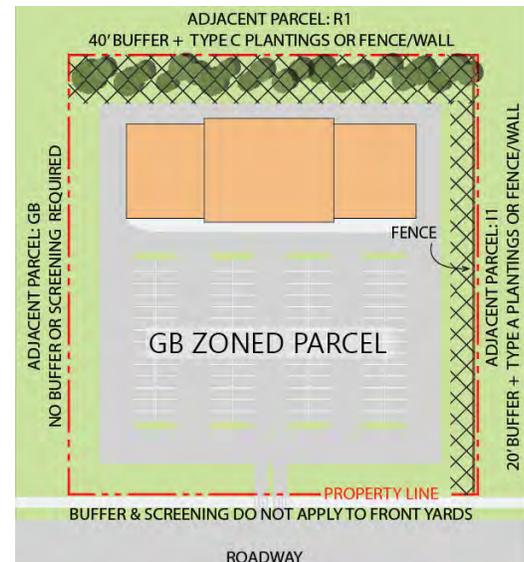
Planting Types	
Planting Type	Minimum Plantings Required Per 100 Linear Feet <sup>1</sup>
Type A	• 2 Shade Trees, 4 Evergreen Trees & 6 Shrubs per 100 linear feet
Type B	• 6 Shade Trees, 10 Evergreen Trees & 12 Shrubs per 100 linear feet
Type C	• 8 Shade Trees, 12 Evergreen Trees & 18 Shrubs per 100 linear feet
Type D	• 10 Shade Trees, 16 Evergreen Trees & 22 Shrubs per 100 linear feet

<sup>1</sup> – Plantings required per 100 linear feet of property line (including driveways).

1. Screening and bufferyards shall be provide as outlined in *TABLE 3: MINIMUM BUFFER AND SCREENING REQUIREMENTS*.
2. If the parcel borders a parcel that is a PUD or a parcel that is outside of Madison’s jurisdiction, the screening and bufferyard requirements shall be based on the zoning district most comparable to this UDO as determined by the Administrator.
3. When screening and/or a bufferyard are required in a zoning district where the proposed use is similar to existing, surrounding uses in terms of land use, size, density, and lot size, the screening and/or bufferyard may be reduced or omitted at the discretion of the Administrator. The Administrator’s approval or denial to reduce or omit screening and/or a bufferyard shall be made in writing, justifying the decision.

## E. Design Standards: Bufferyards

1. Bufferyard Location
  - a. The required bufferyard width is measured from the property line inward.
  - b. Bufferyards are only required for the side and rear yards only (does not apply to front yards).
  - c. The required bufferyard width may include the required front, side, or rear setback outlined in *CHAPTER 2: DISTRICTS*; they are NOT intended to be in addition to these setbacks however, buffer widths do NOT reduce zoning district setbacks.
2. Bufferyard Uses
  - a. A bufferyard may include or be used for the following:
    - i. Passive recreation or common areas (open spaces), including pedestrian or bike trails.
    - ii. Natural water features, landscaping, and planting areas.
    - iii. Drainage and utility easements and related features (including drainage and utility structures), provided that plantings, fences, walls, and/or berms are not located in an easement.
    - iv. Driveways that are used to access a right-of-way or adjacent parcel.
    - v. Signs as permitted by *SECTION 4.7: SIGNS*.
    - vi. **Parking areas and parking lot driving lanes.**
  - b. A bufferyard may NOT include or be used for the following:
    - i. Permanent or temporary structures (excluding those identified above), including buildings, ice skating rinks, swimming pools, and ball/tennis courts.
    - ii. **Parking areas, parking lot driving lanes, and/or loading areas.**
    - iii. Storage of materials, equipment, or vehicles.
    - iv. Uses, activities, and structures not identified above.



Example of Bufferyard Requirements

# **Attachment C:**

12-30-2025 Adoption Draft & Official Zoning Map

# CITY OF MADISON

## UNIFIED DEVELOPMENT ORDINANCE

THE CITY'S COMBINED ZONING AND SUBDIVISION REGULATIONS



**MADISON**  
*Indiana*

Adoption Draft 12-30-2025



# MADISON

*Indiana*

Adoption Date:

## **ACKNOWLEDGEMENTS**

### **TECHNICAL COMMITTEE MEMBERS**

Mark Acosta, Board of Zoning Appeals  
Scott Baldwin, Board of Zoning Appeals  
Bob Courtney, Mayor  
Karl Eaglin, Board of Public Works/Plan Commission  
Chris Hale, Director of Streets, Facilities, and Solid Waste  
Lisa Hammock, Developer  
Brian Jackson, Utility Superintendent  
Mike Pittman, County Surveyor/County Plan Commission  
Tony Steinhardt, Deputy Mayor  
Josh Wilber, Common Council/Plan Commission

### **PLAN COMMISSION MEMBERS**

Mike Armstrong  
Van Crafton  
Karl Eaglin  
Rick Farris  
Zac Laughlin  
Jerry Ralston  
Joel Storm  
Patrick Thevenow  
Josh Wilber, Chairman

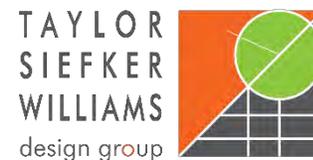
### **ELECTED OFFICIALS**

Bob Courtney, Mayor  
Shirley Rynearson, Clerk Treasurer  
Patrick Thevenow, Common Council District 1  
Carla Krebs- Council President, Common Council District 2  
Lucy Dattilo, Common Council District 3  
Joshua Schafer, Common Council District 4  
Joel Storm, Common Council District 5  
Jim Bartlett, Common Council At-Large  
Joshua Wilber, Common Council At-Large

### **PLAN COMMISSION STAFF**

Joe Jenner, Plan Commission Attorney

### **CONSULTANT**



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# CHAPTER 1: GENERAL PROVISIONS

## INTRODUCTORY PROVISIONS, POWERS & DUTIES

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## **SECTION 1.1 INTRODUCTORY PROVISIONS**

### **A. Title**

1. This ordinance shall be known as the “Madison Unified Development Ordinance” under the jurisdiction of the City of Madison Plan Commission. It may also be referred to as the “UDO” or “ordinance” and the City of Madison may also be referred to as “Madison” or “the City.”

### **B. UDO Intent & Purpose**

1. The intent of this UDO is to promote orderly development while aligning with the vision of the Madison Comprehensive Plan and other purposes included in this UDO to:
  - a. Accomplish the purposes of the IC 36-7-4 series: Local Planning & Zoning;
  - b. Protect and promote the public health, safety, morals, and general welfare in the areas within the jurisdiction of the Plan Commission;
  - c. Guide the orderly, responsible, and sustainable development and redevelopment that support the comprehensive plan and other adopted plans;
  - d. Define the powers and duties of administrative officers and bodies;
  - e. Protect the character and stability of agricultural, residential, institutional, business, commercial, industrial, and natural areas;
  - f. Encourage compatibility between land uses and compatibility with the intensity, development patterns, and character of existing development to protect it from the encroachment of incompatible uses;
  - g. Establish reasonable standards and procedures for subdivisions in order to further the orderly layout and use of land;
  - h. Facilitate development that provides adequate transportation, water, sewage disposal, schools, parks, and other public facilities; and
  - i. Establish procedures for the implementation and enforcement of this UDO, including penalties and recourse for violations or noncompliance with this UDO.

### **C. Combined Ordinances**

1. This UDO is intended to combine Madison’s Zoning Ordinance and Subdivision Control Ordinance into a single document to reduce redundancies and provide more streamlined regulations between these regulations. Chapters 1, 5, and 8 apply to both zoning and subdivision control.
  - a. Zoning Ordinance Provisions. The regulations established for the administration of a Zoning Ordinance under the IC 36-7-4-600 series are covered specifically in this UDO by Chapters 2, 3, and 4.
  - b. Subdivision Control Ordinance. The regulations established for the administration of a Subdivision Control Ordinance under the IC 36-7-4-700 series are covered specifically in this UDO by Chapter 6.
  - c. Combined Provisions. Chapters 1, 5, and 8 apply to both zoning and subdivision control.

#### **D. Authority, Jurisdiction & Applicability**

1. Authority. This UDO is enacted by the legislative body, which includes the Madison Common Council and City Executive (Mayor), pursuant to the authority granted by Chapter 152.14 of the City of Madison, IN Code of Ordinances, the IC 36-7-4-600 series, and other applicable state and federal statutes.
2. Jurisdiction
  - a. The zoning provisions of this UDO shall apply to all land within the jurisdiction of Madison Plan Commission, including all parcels within the city's corporate boundary and all parcels within the city's extraterritorial jurisdiction as allowed by IC 36-7-4-205 and Ordinance 1963-66.
  - b. The subdivision regulations of this UDO shall apply to all land within the Madison Plan Commission jurisdiction, including all parcels within the city's corporate boundary. Additionally, the subdivision regulations of this UDO also apply to all parcels within the city's extraterritorial jurisdiction because the Jefferson County Plan Commission has not adopted a subdivision control ordinance covering those parcels, as allowed by IC 36-7-4-701(c).
3. Applicability. This UDO is not intended to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties. It is also not intended to repeal, abrogate, annul, or in any way interfere with any existing laws or ordinances not specifically repealed by this UDO, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforced by the Plan Commission.
4. Minimum Requirements. The standards and regulations within this UDO are the minimum requirements necessary for the protection of the health, safety, comfort, morals, and general welfare within the jurisdiction.
5. Statutory Changes. If any Indiana Code cited in this UDO has been amended/enacted, this UDO shall be deemed amended, in the minimum way necessary, in order to comply with the new or revised Indiana Code.
6. Repeal. The following chapters of the City of Madison, IN Code of Ordinances (including all amendments to these ordinances) are repealed and replaced by the adoption of this UDO and Official Zoning Map.
  - a. Chapter 150.90 through 150.99: Signs
  - b. Chapter 153: Subdivision Regulations
  - c. Chapter 155: Zoning Code
7. Effective Date. This ordinance shall be in full force and effect upon adoption and/or amendment by the Common Council.

#### **E. Other Approvals**

1. Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the City, Jefferson County, state, or relevant federal agency or entity.

#### **F. Defined Terms**

1. Specific words and terms related to this UDO are as defined in *CHAPTER 8: DEFINITIONS*.

## **G. Severability, Conflicts & Burden of Proof**

1. Severability. If any section, subsection, provision, or the application of any provision of this UDO is declared or held unconstitutional or invalid by the appropriate court, the remainder of this UDO shall not be affected and shall be valid.
2. Conflicts
  - a. Conflicting Standards within this UDO. If two or more standards or regulations within this UDO or within another local ordinance are in conflict or are inconsistent with one another, the most restrictive regulation shall apply
  - b. Conflicts with State and Federal Regulations. If any standard or regulation within this UDO is in conflict with a state or federal standard, the state or federal standard shall apply.
  - c. Conflicts with Figures. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. If there is a conflict between the text and any graphic, illustration, or figure, the text shall apply. A table shall be considered text for the purposes of this code.
  - d. Conflicts with Cross-References. If a cross-reference is provided to reference another section of this UDO or Indiana Code and there is a conflict between the referenced chapter, section, subsection, and/or name, then the referenced name shall apply.
3. Burden of Proof. The burden of demonstrating that an application, development, structure, use of land, or other element that is subject to this UDO complies with all applicable standards, processes, and regulations shall be on the applicant and/or property owner. The burden shall not be on the City or other parties to demonstrate that the standards of this UDO have been met by the applicant and/or property owner.

## **SECTION 1.2 PENDING & APPROVED APPLICATIONS & PERMITS**

### **A. Pending Applications**

1. Applications that are received prior to the effective date or amendment of this UDO shall continue under the respective process(es) and comply with the provisions that were in place at the time of filing. This includes applications before the Common Council, the Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Building Permits (BP).

### **B. Permits Issued**

1. A building permit that was issued prior to the effective date or amendment of this UDO shall remain valid for the timeframe and provisions (including any renewals, if applicable) established by the regulations that were in effect at the time of filing. Permits that have expired under the provisions established by the regulations that were in effect at the time of filing shall be subject to the regulations established by this UDO.

### **C. Approved Primary Plats**

1. Any primary plat that was approved prior to the adoption of this UDO shall continue under the respective process(es) and comply with the provisions that were in place at the time of filing, provided the approved primary plat:
  - a. Has not expired under any previous terms or conditions that were in place; and
  - b. The plat is still valid under the previous regulations.
2. If the previous provisions did not identify an expiration for primary plat approval, then the primary plat shall automatically expire two years after the date of the adoption of this UDO. If a secondary plat for a phase or section of the subdivision is approved with two years of the adoption of this UDO, the expiration shall be automatically extended two years from the date of approval.

### **D. Approved Secondary Plats**

1. The rules and regulations (including lot, structure, and utility standards) as well as any previous terms or conditions that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) as long as the primary plat remains valid and has not expired.

### **E. Commitments or Conditions**

1. Commitments or conditions (whether recorded or not) that were made as part of an approval before the Common Council, PC, and/or BZA (or as part of an application for a Building Permit prior to the adoption of this UDO) shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outline in *SECTION 7.14: DOCUMENT PROCEDURES: WRITTEN COMMITMENTS* of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.

## SECTION 1.3 POWERS & DUTIES

### A. Role of the Administrator

1. Administrator's Duties. The Administrator shall be appointed by the City Executive (Mayor) and be approved by the Plan Commission. The Administrator shall have the following duties:
  - a. Administer the provisions and standards of this UDO;
  - b. Enforce the provisions of this UDO in accordance with its literal terms but shall not have the power to permit any construction, use, or change of use which does not comply with this UDO;
  - c. Issue building permits and certificates of occupancy (in conjunction with the Building Inspector);
  - d. Maintain a permanent file of all permits and applications as public records; and
  - e. Perform all other duties as outlined in the Administrator's job description.
2. Administrative Decisions. If it is necessary to make an administrative decision which is not clearly governed by standards within this UDO, the decision shall be made by the Administrator so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any administrative decision may be appealed to the BZA per *SECTION 7.2: APPLICATION PROCEDURES: APPEAL OF ADMINISTRATIVE DECISION*.

### B. Role of the Advisory Plan Commission

1. PC Establishment. The PC shall be established in accordance with the IC 36-7-4-200 series as an advisory plan commission.
2. PC Jurisdiction. The PC shall have jurisdiction over all land within the limits of the City of Madison, Indiana and all parcels within the city's extraterritorial jurisdiction as allowed by IC 36-7-4-205 and Ordinance 1963-66: An Ordinance to Amend and Supplement the Zoning Ordinance of the City of Madison, Indiana.
3. PC Membership. The PC shall have membership in accordance with IC 36-7-4-207(b) because the city has a parks board but does not have a city civil engineer, and additional members in accordance with IC 36-7-4-214 because the city has jurisdiction outside city limits.
4. PC Organization. The PC shall be organized in accordance with the IC 36-7-4-300 Series.
5. PC Quorum. In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
6. PC Official Action. In accordance with IC 36-7-4-302, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire voting membership of the PC.
7. PC Officers
  - a. President and Vice-President. In accordance with IC 36-7-4-303, at the first regular meeting each year, the PC shall elect a president and a vice president from its members.
  - b. Secretary. In accordance with IC 36-7-4-304, the PC shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.

8. Meetings and Minutes
  - a. Regular Meetings. In accordance with IC 36-7-4-306, the PC shall hold regular monthly meetings as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and record and vote on all actions taken. All minutes and records shall be filed in the office of the Administrator and shall be on public record.
  - b. Special Meetings. In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two members of the PC upon written request to the Administrator.
9. Employees. In accordance with IC 36-7-4-311, the PC may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the PC. The PC may also contract for special or temporary services and professional counsel.
10. PC Powers and Duties. The PC shall have the powers and duties of an advisory plan commission as authorized in the IC 36-7-4-400 series, including but not limited to the following:
  - a. Rules. The PC shall adopt rules for its administration.
  - b. Fees. Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.
  - c. Comprehensive Plan. The PC shall approve and make amendments to the Madison Comprehensive Plan for consideration by the Common Council in accordance with the IC 36-7-4-500 series.
  - d. Development Plans. The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with *SECTION 7.3 APPLICATION PROCEDURES: DEVELOPMENT PLAN* and IC 36-7-4-1400 series.
  - e. Planned Unit Developments (PUD). The PC shall make recommendations to the Common Council concerning the adoption of and amendments to a PUD in accordance with *SECTION 7.7: APPLICATION PROCEDURES: REZONING & PUD DISTRICT* and the IC 36-7-4-1500 series.
  - f. Street Names and Addresses. The PC may make recommendations to name or rename streets, and the City Executive (Mayor) shall name or rename streets. The Jefferson County 911 shall assign street numbers to lots and structures.
  - g. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with *CHAPTER 7: PROCEDURES*, the PC Rules and Procedures, and the IC 36-7-4-700 series, including:
    - i. Primary Plat as described in IC 36-7-4-702; and
    - ii. Secondary Plat as described in IC 36-7-4-709.
  - h. Zone Map Changes. The PC shall make recommendations to the Common Council concerning changes to the Official Zoning Map in accordance with *SECTION 7.7: APPLICATION PROCEDURES: REZONING & PUD DISTRICT*, the IC 36-7-4-600 series, and the IC 36-7-4-1500 series.
11. PC Committees
  - a. Executive Committee. Per IC 36-7-4-408, the PC may establish an executive committee consisting of three to nine PC members that are appointed by the PC.
    - i. A 2/3 majority vote of the entire PC membership is required to establish the executive committee, name of individual members, and adopt rules governing the executive committee's operation.
    - ii. A majority of the executive committee may act on behalf of the PC, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.

- b. Technical Review Committee (TRC). The TRC may assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
  - i. Membership. The TRC may include, but are not limited to, the Administrator; representatives from City departments (Economic and Redevelopment Department; Parks and Recreation Department; Police Department; Street Department); Madison Regional Airport; and/or utility provider(s).
  - ii. Duties. The TRC may be used on an as needed basis and have the following powers and duties to provide review and comment on:
    - 1) Primary and secondary subdivisions;
    - 2) Official Zoning Map amendments (rezoning) and PUD districts;
    - 3) Development plans; and
    - 4) Variances from development standards, variances of use, and special exceptions.
- c. Madison Historic District Board of Review. The Board of Review may assist in the review of applications by providing comments with regard to the design and historic compatibility of development within the adopted historic district.
  - i. Membership. The Board of Review shall include members as outlined in Chapter 151: Historic District of the City of Madison, IN Code of Ordinances.
  - ii. Duties. The Board of Review may be used on an as needed basis and have the following powers and duties to provide review, comment, and recommendations on the following applications within the Madison Historic District:
    - 1) All new primary and accessory structures; and
    - 2) The demolition, relocation, exterior expansion, or alteration of all primary and accessory structures.

### **C. Role of the Board of Zoning Appeals**

- 1. BZA Establishment. The Advisory BZA shall be established in accordance with the IC 36-7-4-900 series and the membership shall be in accordance with IC 36-7-4-902(a) and IC 36-7-4-903(a).
- 2. BZA Jurisdiction. The BZA shall have jurisdiction over all land within the limits of the City of Madison, Indiana and all parcels within the city's extraterritorial jurisdiction as allowed by IC 36-7-4-205 and Ordinance 1963-66: An Ordinance to Amend and Supplement the Zoning Ordinance of the City of Madison, Indiana.
- 3. BZA Organization. The BZA shall be organized in accordance with the IC 36-7-4-900 series.
- 4. BZA Quorum. In accordance with IC 36-7-4-910, a quorum of the BZA consists of a majority of the entire membership of the BZA.
- 5. BZA Official Action. In accordance with IC 36-7-4-911, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
- 6. BZA Officers
  - a. Chair and Vice-Chair. In accordance with IC 36-7-4-912, the BZA shall elect a chair and vice chair from its membership at its first regular meeting each year.
  - b. Secretary. In accordance with IC 36-7-4-913, the BZA shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.

7. BZA Meetings and Minutes
  - a. Minutes. In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
  - b. Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary.
  - c. Special Meetings. A special meeting of the BZA may be called by the chairman or by two members of the BZA upon written request to the secretary.
8. BZA Powers and Duties. The BZA shall have the following powers and duties as authorized in the IC 36-7-4-900 series, including but not limited to the following:
  - a. BZA Rules. The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
  - b. Appeals of Administrative Decisions. The BZA shall make decisions regarding appeals of administrative decisions in accordance with *SECTION 7.2: APPLICATION PROCEDURES: APPEAL OF ADMINISTRATIVE DECISION* and IC 36-7-4-918.1.
  - c. Special Exception. The BZA shall make decision regarding special exceptions in accordance with *SECTION 7.6: APPLICATION PROCEDURES: SPECIAL EXCEPTION & VARIANCE FROM ZONING STANDARDS* and IC 36-7-4-918.2.
  - d. Variance from Development Standards. The BZA shall make decisions regarding variances from development standards in accordance with *SECTION 7.6: APPLICATION PROCEDURES: SPECIAL EXCEPTION & VARIANCE FROM ZONING STANDARDS* and IC 36-7-4-918.5.
  - e. Variance of Use. The BZA shall make decisions regarding variances of use in accordance with *SECTION 7.6: APPLICATION PROCEDURES: SPECIAL EXCEPTION & VARIANCE FROM ZONING STANDARDS* and IC 36-7-4-918.4.

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# CHAPTER 2: DISTRICTS

## ZONING & OVERLAY DISTRICT USES & STANDARDS

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## SECTION 2.1 GENERAL PROVISIONS

### A. Districts Purpose

1. The zoning and overlay districts are intended to provide for orderly and responsible development within the Plan Commission's jurisdiction in order to promote the health, safety, and welfare of the public and community.

### B. Zoning Districts

1. All parcels within the jurisdictional area of the Madison Plan Commission are classified and divided into one of following the zoning districts:

Zoning Districts		
Rural Districts	Agricultural	AG
	Residential Agricultural	RA
Recreation & Natural Area Districts	Hillside	HS
	Open Space	OS
Residential Districts	Low Density Residential	R1
	Medium Density Residential	R2
	High Density Residential	R3
	Historic District Residential	HDR
Commercial Districts	Riverfront	RF
	Local Business	LB
	General Business	GB
	Central Business	CBD
	Aviation Business	AB
Industrial Districts	Light Industrial	I1
	Heavy Industrial	I2
Planned Unit Development	Planned Unit Development	PUD

### C. Overlay Districts

1. The following overlay districts are established and shall apply in addition to the zoning district standards.
2. If there are conflicts between standards within the zoning district and an overlay district, the standards of the overlay district shall apply.

Overlay Districts	
Flood Hazard	FH
Historic District	HD
Airport Protection	AP

#### **D. Official Zoning Map**

1. The location and boundaries of the zoning districts and overlay districts are established on a map entitled the “City of Madison Official Zoning Map,” which shall accompany and be incorporated in and made a part of this UDO by reference. The City of Madison Official Zoning Map may also be referred to as the “Official Zoning Map,” “Zoning Map,” or similar term throughout this UDO and within the zoning map itself.
2. All questions concerning the exact location of zoning district and overlay district boundaries lines shall be determined by the Administrator using the following criteria. An appeal of the Administrator’s interpretation may be filed with the BZA per *SECTION 7.2: APPLICATION PROCEDURES: APPEAL OF ADMINISTRATIVE DECISION*.
  - a. Boundaries of a district shall approximately follow:
    - i. Centerlines of roads, alleys, right-of-way lines, and railroad lines
    - ii. Centerlines of streams, rivers, and other bodies of water
    - iii. Platted lot lines
    - iv. City or other corporate boundaries
    - v. Approximate distance indicated on the map (based on the map scale or other physical or cultural features) for a parcel with more than one zoning district or overlay district
3. The Official Zoning Map is a geographic coverage layer that is maintained as part of the City of Madison’s geographic information system (GIS) under the direction of the Administrator.
  - a. This map shall be updated by the Administrator following approval of map amendments (rezonings), in order to correct drafting errors, clerical errors, or omissions on the map, or as otherwise allowed by this UDO, relevant City ordinance, state statute, or court order.
  - b. The Administrator shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
  - c. The Administrator may authorize printed copies of the Official Zoning Map to be produced.
4. Any parcel, excluding public rights-of-way, that has not been specifically included within a zoning district on the Official Zoning Map is hereby declared to be zoned R1 – Low Density Residential.

#### **E. Permitted Land Uses and Development Standards**

1. Permitted uses and uses permitted by special exception within each district are outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. *CHAPTER 8: DEFINITIONS* specifies how the lot width, setbacks, corner lots, flag lots, and building height are measured and defined. Note that building height exemptions are specified in the definition for building height in *CHAPTER 8: DEFINITIONS*.

#### **F. Required Approvals and Related Standards**

1. Standards for Specific Uses. Additional standards shall apply to the specific uses in all zoning and overlay districts as outlined in *CHAPTER 3: USE STANDARDS*.
2. Site Standards. Additional site development standards shall apply to all parcels within all zoning and overlay districts as outlined in *CHAPTER 4: SITE STANDARDS*.
3. Subdivisions. Any subdivisions, dividing, or splitting of parcels shall comply with *CHAPTER 6: SUBDIVISIONS*.
4. Sewage Disposal. Municipal sewer shall be required as outlined by the zoning district. If a specific land use does not require any form of sewage disposal, municipal sewer is not required but a letter from the Health Department shall be provided by the applicant stating the use does not require sewage disposal.

5. Stormwater and Flood Hazards. All development shall comply with the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain.
6. Historic District. All construction, demolition, relocation, exterior expansion, or alteration of a primary or accessory structure (including signs) within the Madison Historic District shall comply with the Madison Historic District Design Guidelines and obtain a Certificate of Appropriateness prior to a building permit (if required).
7. Building Codes. If a building or structure is located within 5 feet of a parcel boundary, it shall comply with all applicable building codes (including all fire resistance ratings), regardless if another building or structure is located on the adjacent parcel.

#### **G. Encroachment into Required Setback**

1. Parking lots and spaces shall not be located within a required setback or bufferyard as outlined in *SECTION 8.1D: PERMITTED PARKING LOCATIONS*. This does not apply to parking for single-family and two-family uses.
2. Architectural features such as cornices, chimneys, eaves, sills, canopies or similar features that do not have structural elements that touch the ground may extend into a required setback a maximum of two feet.

#### **H. Dedication of Right-of-Way**

1. The width of all rights-of-way within and adjacent to a parcel shall comply with the minimum standards outlined in *SECTION 8.1F: DEDICATION OF RIGHT-OF-WAY AND PUBLIC IMPROVEMENTS* prior to establishing a use or constructing or locating a structure.
2. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated and conveyed to the City of Madison or Jefferson County Board of Commissioners as required to meet the minimum standards prior to the issuance of a Building Permit, even if the parcel is not being subdivided.

#### **I. Sight Triangle**

1. No structure, planting, parking area or similar may encroach into a sight triangle.

#### **J. Constructing or Placing Structures on Lots**

1. Every structure constructed, moved, or placed after the effective date of this UDO, except agricultural structures not used for human habitation, shall:
  - a. Be located on an individual lot which fronts on a public road;
  - b. Be located on a lot that conforms with the minimum lot standards for the district in which it is located; and
  - c. Meet the standards outlined in *SECTION 4.8: STRUCTURES*, unless it complies with *CHAPTER 5: NON-CONFORMING*.

## SECTION 2.2 AGRICULTURAL (AG) DISTRICT

### A. Agricultural (AG) District Purpose

1. This district is intended to preserve productive agricultural land and rural areas without access to adequate utilities in order to provide places for agricultural activities, farmsteads, and rural residential uses while limiting incompatible land uses and urban growth.

### B. Agricultural (AG) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family, and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Agricultural (AG) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Only one primary use is permitted per parcel within this district.

### D. Agricultural (AG) District Development Standards

Agricultural (AG) District Development Standards			
AG Lot Standards			
Minimum Lot Width / Road Frontage		200 feet	
Minimum Lot Area		50,094 sq ft (1.15 acres)	
Minimum Setbacks	Front Yard	50 feet; or 80 feet from center of road if right-of-way is not dedicated by written, recorded document	
	Side Yard	Primary Structure	20 feet
		Accessory Structure	5 feet
	Rear Yard	Primary Structure	10 feet
		Accessory Structure	5 feet
	Maximum Impervious Surface		10% for parcels 5 acres or larger 40% for parcels less than 5 acres
AG Structure Standards			
Maximum Structure Height	Primary Structure	40 feet; or 50 feet for Agricultural Land Uses	
	Accessory Structure	30 feet; or 50 feet for Agricultural Land Uses	
Minimum Living Area Per Dwelling		950 sq ft	
AG Utility Standards			
Public Water & Sewer		Not Required	

## SECTION 2.3 RESIDENTIAL AGRICULTURAL (RA) DISTRICT

### A. Residential Agricultural (RA) District Purpose

1. This district is intended to provide areas for less intensive agricultural and large-lot single-family residential uses. Development in this district is also intended to provide a transition between more intensive and traditional agricultural uses and more suburban residential development.

### B. Residential Agricultural (RA) General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family, and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Residential Agricultural (RA) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Only one primary use is permitted per parcel within this district.

### D. Residential Agricultural (RA) District Development Standards

RA District Development Standards			
RA Lot Standards			
Minimum Lot Width / Road Frontage		75 feet with sewer 150 feet without sewer	
Minimum Lot Area		21,780 sq ft (0.5 acres) with sewer 43,560 sq ft (1 acre) without sewer	
Minimum Setbacks	Front Yard	40 feet <sup>1</sup>	
	Side Yard	Primary Structure	20 feet <sup>1</sup>
		Accessory Structure	5 feet
	Rear Yard	Primary Structure	10 feet <sup>1</sup>
Accessory Structure		5 feet	
Maximum Impervious Surface		40%	
RA Structure Standards			
Maximum Structure Height	Primary Structure	40 feet	
	Accessory Structure	20 feet but shall not exceed height of primary structure	
Minimum Living Area Per Dwelling		950 sq ft	
RA Utility Standards			
Public Water & Sewer		Sewer Not Required Public Water Required	

<sup>1</sup> - The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.

## SECTION 2.4 OPEN SPACE (OS) DISTRICT

### A. Open Space (OS) District Purpose

1. This district is intended to provide areas for conservation and non-commercial recreational uses and also protect the loss of life and property due to flooding.

### B. Open Space (OS) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family, and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Open Space (OS) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel.

### D. Open Space (OS) District Development Standards

Open Space (OS) District Development Standards		
<b>OS Lot Standards</b>		
Minimum Lot Width / Road Frontage	N/A	
Minimum Lot Area	N/A	
Minimum Setbacks	Front Yard	15 feet
	Side Yard	15 feet
	Rear Yard	15 feet
Maximum Impervious Surface	40%	
<b>OS Structure Standards</b>		
Maximum Structure Height	30 feet	
Maximum Ground Floor Area Per Structure	N/A	
<b>OS Utility Standards</b>		
Public Water & Sewer	Not Required	

## SECTION 2.5 HILLSIDE (HS) DISTRICT

### A. Hillside (HS) District Purpose

1. This district is intended to protect areas with steep slopes from development that would be hazardous to the health, safety, and general welfare of the public while also preserving the natural features and scenic beauty of these areas. Limited residential development may be compatible within this district with sound engineering practices and preservation of natural features.

### B. Hillside (HS) District General Standards

1. Development plan approval is required for all new primary and accessory structures within this district for all uses showing compliance with all regulations of this UDO prior to issuance of any building permits.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.
3. The scenic value of the hillside shall be preserved.
4. All construction and design shall use sound engineering practices necessary to minimize impacts to the site and hillside. All structures that require a building permit shall be designed and stamped by a Professional Engineer or Registered Architect licensed to practice in the State of Indiana.
5. No site/land alteration or construction can occur without a hillside permit, including site clearing, removal of soil/fill, constructing driveways, or changing elevations or contours in any way.

### C. Hillside (HS) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Only one primary use is permitted per parcel within this district.

### D. Hillside (HS) District Development Standards

HS District Development Standards		
<b>HS Lot Standards</b>		
Minimum Lot Width / Road Frontage	150 feet	
Minimum Lot Area	43,560 sq ft (1 acre)	
Minimum Setbacks	Front Yard	40 feet <sup>1</sup>
	Side Yard	20 feet <sup>1</sup>
	Rear Yard	20 feet <sup>1</sup>
Maximum Impervious Surface	25%	
<b>HS Structure Standards</b>		
Maximum Structure Height	28 feet, measured from the lowest finished floor elevation	
Minimum Living Area Per Dwelling	950 sq ft	
<b>HS Utility Standards</b>		
Public Water & Sewer	Required within City Limits; Not Required Outside	

<sup>1</sup> - The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.

## SECTION 2.6 LOW DENSITY RESIDENTIAL (R1) DISTRICT

### A. Low Density Residential (R1) District Purpose

1. This district is intended to provide for low-density neighborhood development in areas that are adequately served by public utilities and infrastructure.

### B. Low Density Residential (R1) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Low Density Residential (R1) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Only one primary use is permitted per parcel within this district.

### D. Low Density Residential (R1) District Development Standards

R1 District Development Standards			
R1 Lot Standards			
Minimum Lot Width / Road Frontage		50 feet	
Minimum Lot Area		10,890 sq ft (0.25 acres)	
Minimum Setbacks	Front Yard	30 feet <sup>1</sup> or	
		10 feet for single family attached with rear-loading garages	
	Side Yard	Primary Structure	10 feet <sup>1</sup> or
		Accessory Structure	0 feet between attached dwellings
	Rear Yard	Primary Structure	10 feet <sup>1</sup>
		Accessory Structure	5 feet
Maximum Impervious Surface		70%	
R1 Structure Standards			
Maximum Structure Height	Primary Structure	40 feet	
	Accessory Structure	20 feet but shall not exceed height of primary structure	
Minimum Living Area Per Dwelling		950 sq ft	
R1 Utility Standards			
Public Water & Sewer		Required	

1 - The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.

## SECTION 2.7 MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT

### A. Medium Density (R2) District Purpose

1. This district is intended to provide for moderately dense neighborhood development, including the conversion of older homes from a single dwelling into multiple dwellings and townhomes, in areas that are adequately served by public utilities and infrastructure.

### B. Medium Density (R2) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Medium Density (R2) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Only one primary use is permitted per parcel within this district.

### D. Medium Density (R2) District Development Standards

R2 District Development Standards			
R2 Lot Standards			
Minimum Lot Width / Road Frontage		40 feet	
Minimum Lot Area	All Residential Uses		5,400 sq ft (0.12 acres) per dwelling unit
	All Other Uses		5,400 sq ft (0.12 acres)
Minimum Setbacks	Front Yard		20 feet <sup>1</sup> or 10 feet for single family attached with rear-loading garages
	Side Yard	Primary Structure	8 feet <sup>1</sup> or 0 feet between attached dwellings
		Accessory Structure	3 feet
	Rear Yard	Primary Structure	10 feet <sup>1</sup>
		Accessory Structure	5 feet
	Maximum Impervious Surface		80%
R2 Structure Standards			
Maximum Structure Height	Primary Structure		40 feet
	Accessory Structure		20 feet but shall not exceed height of primary structure
Minimum Living Area Per Dwelling		950 sq ft	
R2 Utility Standards			
Public Water & Sewer		Required	

*1 - The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.*

## SECTION 2.8 HIGH DENSITY RESIDENTIAL (R3) DISTRICT

### A. High Density (R3) District Purpose

1. This district is intended to provide for high-density neighborhood development with a variety of housing types, apartment complexes, and limited neighborhood commercial uses in areas that are adequately served by public utilities and infrastructure.

### B. High Density (R3) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. High Density (R3) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

### D. High Density (R3) District Development Standards

R3 District Development Standards			
R3 Lot Standards			
Minimum Lot Width / Road Frontage		30 feet or 25 feet for single-family attached	
Minimum Lot Area	All Residential Uses	4,400 sq ft (0.10 acres) per dwelling unit	
	All Other Uses	5,400 sq ft (0.12 acres)	
Minimum Setbacks	Front Yard	20 feet <sup>1</sup> or 10 feet for single family attached with rear-loading garages	
	Side Yard	Primary Structure	Single & Two Family: 5 feet <sup>1</sup> or 0 feet if attached
		Accessory Structure	All Other Uses: 10 feet <sup>1,2</sup>
	Rear Yard	Primary Structure	10 feet <sup>1</sup>
		Accessory Structure	5 feet
Maximum Impervious Surface		90%	
R3 Structure Standards			
Maximum Structure Height	Primary Structure	45 feet	
	Accessory Structure	20 feet but shall not exceed height of primary structure	
Minimum Living Area Per Dwelling	Single and Two-Family	950 sq ft	
	Multi-Family	600 sq ft	
R3 Utility Standards			
Public Water & Sewer		Required	

<sup>1</sup> - The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.

<sup>2</sup> -All non-single family & non-two-family uses (including multi-family)

## SECTION 2.9 HISTORIC DISTRICT RESIDENTIAL (HDR)

### A. Historic District Residential (HDR) Purpose

1. This district is intended to preserve and reinforce housing within the Madison Historic District through development standards that reflect the downtown development patterns. This district also provides a transition from the central portion of downtown to less dense areas.

### B. Historic District Residential (HDR) General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.
3. Massing and scale of buildings and structures shall be considered by the Madison Historic District Board of Review.

### C. Historic District Residential (HDR) Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Only one primary use is permitted per parcel within this district. Multiple primary structures are permitted pre parcel except for single-family and two-family uses.

### D. Historic District Residential (HDR) Development Standards

HDR District Development Standards		
HDR Lot Standards		
Minimum Lot Width / Road Frontage		N/A
Minimum Lot Area		N/A
Minimum Setbacks	Front Yard	0 feet
	Side Yard	3 feet <sup>1</sup>
	Rear Yard	3 feet <sup>1</sup>
Maximum Impervious Surface		100%
HDR Structure Standards		
Maximum Structure Height	Primary Structure	45 feet
	Accessory Structure	20 feet but shall not exceed height of primary structure
Maximum Ground Floor Area Per Structure		10,000 sq ft
Minimum Living Area Per Dwelling	Single and Two-Family	950 sq ft
	Multi-Family	600 sq ft
HDR Utility Standards		
Public Water & Sewer		Required

<sup>1</sup> - If the average setback of the 3 parcels on either side of a lot is less than the minimum required for this district, the average can be used as the minimum side and/or rear yard setback

## SECTION 2.10 RIVERFRONT (RF) DISTRICT

### E. Riverfront (RF) District Purpose

1. This district is intended to create a vibrant mixed-use district that capitalizes on the city's location along the Ohio River to serve residents with shopping, dining, entertainment, and living options while also supporting tourism and local events within Madison.

### F. Riverfront (RF) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Single-family and two-family use are exempt from this requirement. All uses shall have a parking and occupancy contingency and evacuation plan for flood events approved by the Administrator as part of the development plan.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.
3. There shall be no enclosed occupiable spaces below the highest Flood Protection Grade (FPG). This does not apply to spaces intended primarily for parking, storage, housing a building's utility equipment, or maintenance if the space can be quickly cleared in the event of or protected from a flood. In the event of a conflict, Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances shall supersede this clause.
4. No central trash collection points or dumpsters shall be placed within the required setback adjacent to another parcel and shall comply with *SECTION 8.1F: ADDITIONAL STANDARDS: DUMPSTERS AND TRASH COLLECTION*.

### G. Riverfront (RF) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

### H. Riverfront (RF) District Development Standards

RF District Development Standards		
<b>RF Lot Standards</b>		
Minimum Lot Width / Road Frontage	N/A	
Minimum Lot Area	N/A	
Minimum Setbacks	Front Yard	10 feet or 15 feet if adjacent to Vaughn Drive
	Side Yard	5 feet or 10 feet if adjacent to single or two family dwelling
	Rear Yard	5 feet
Maximum Impervious Surface	100%	
<b>RF Structure Standards</b>		
Maximum Structure Height	15 feet for single and two-family uses or 35 feet for all other uses, measured from a level plane at the average of the highest and lowest FPG on the parcel	
Maximum Ground Floor Area Per Structure	N/A	
Minimum Living Area Per Dwelling	Single and Two-Family	950 sq ft
	Multi-Family	600 sq ft
<b>RF Utility Standards</b>		
Public Water & Sewer	Required	

## SECTION 2.11 LOCAL BUSINESS (LB) DISTRICT

### A. Local Business (LB) District Purpose

1. This district is intended to provide for small-scale businesses that are located in closer proximity to residential neighborhoods where businesses serve the daily needs of adjacent or nearby residents. This district also provides a transition between residential uses and more intense commercial uses.

### B. Local Business (LB) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Local Business (LB) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

### D. Local Business (LB) District Development Standards

LB District Development Standards			
LB Lot Standards			
Minimum Lot Width / Road Frontage		N/A	
Minimum Lot Area		10,890 sq ft (0.25 acres)	
	Front Yard	20 feet	
Minimum Setbacks	Side Yard	Primary Structure	15 feet
		Accessory Structure	10 feet
	Rear Yard	Primary Structure	15 feet
		Accessory Structure	10 feet
Maximum Impervious Surface		85%	
LB Structure Standards			
Maximum Structure Height		30 feet	
Maximum Ground Floor Area Per Structure		10,000 sq ft	
Minimum Living Area Per Dwelling	Single and Two-Family	950 sq ft	
	Multi-Family	600 sq ft	
LB Utility Standards			
Public Water & Sewer		Required	

## SECTION 2.12 GENERAL BUSINESS (GB) DISTRICT

### A. General Business (GB) District Purpose

1. This district is intended to provide areas for large-scale and more intensive businesses that may have additional impacts with traffic, deliveries, or scale. This district is typically located along major transportation routes in order to support the anticipated traffic of employees and/or customers.

### B. General Business (GB) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. General Business (GB) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

### D. General Business (GB) District Development Standards

GB District Development Standards			
GB Lot Standards			
Minimum Lot Width / Road Frontage		N/A	
Minimum Lot Area		N/A	
	Front Yard	40 feet	
Minimum Setbacks	Side Yard	Primary Structure	20 feet
		Accessory Structure	15 feet
	Rear Yard	Primary Structure	20 feet
		Accessory Structure	15 feet
Maximum Impervious Surface		85%	
GB Structure Standards			
Maximum Structure Height		50 feet	
Maximum Ground Floor Area Per Structure		N/A	
Minimum Living Area Per Dwelling	Single and Two-Family	950 sq ft	
	Multi-Family	600 sq ft	
GB Utility Standards			
Public Water & Sewer		Required	

## SECTION 2.13 CENTRAL BUSINESS DISTRICT (CBD)

### A. Central Business District (CBD) Purpose

1. This district is intended to preserve the heart of Madison through mixed-use development, commercial activity that supports tourism and residents' needs, and requires development patterns and architectural styles that reflect a historic downtown.

### B. Central Business District (CBD) General Standards

1. Development plan approval is required for all new primary and accessory structures within this district for all uses showing compliance with all regulations of this UDO prior to issuance of any building permits.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Central Business District (CBD) Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

### D. Central Business District (CBD) Development Standards

CBD District Development Standards		
<b>CBD Lot Standards</b>		
Minimum Lot Width / Road Frontage		N/A
Minimum Lot Area		N/A
Setbacks	Front Yard	Must be located on the property line (0 feet minimum/maximum setback)
	Side Yard: Minimum	0 feet
	Rear Yard: Minimum	0 feet or 3 feet if rear yard abuts a public alley
Maximum Impervious Surface		100%
<b>CBD Structure Standards</b>		
Maximum Structure Height	Primary Structure	45 feet
	Accessory Structure	20 feet but shall not exceed height of primary structure
Maximum Ground Floor Area Per Structure		N/A
Minimum Living Area Per Dwelling	Single and Two-Family	950 sq ft
	Multi-Family	600 sq ft
<b>CBD Utility Standards</b>		
Public Water & Sewer		Required

## SECTION 2.14 AVIATION BUSINESS (AB) DISTRICT

### A. Aviation Business (AB) District Purpose

1. This district is intended to provide areas for airport uses that serve the community in terms of general aviation, cargo, and commercial air travel to provide economic benefits and emergency response.

### B. Aviation Business (AB) District General Standards

1. Development plan approval is not required prior to issuance of any building permits.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.
3. All activity, development, and/or structures within this district is subject to FAA approval, including but not limited to compliance with FAA Grant Assurances, Section 763 Review, and the Airport Layout Plan (ALP).

### C. Aviation Business (AB) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

### D. Aviation Business (AB) District Development Standards

AB District Development Standards		
<b>AB Lot Standards</b>		
Minimum Lot Width / Road Frontage	N/A	
Minimum Lot Area	N/A	
Setbacks	Front Yard	40 feet
	Side Yard: Minimum	20 feet
	Rear Yard: Minimum	20 feet
Maximum Impervious Surface	100%	
<b>AB Structure Standards</b>		
Maximum Structure Height	40 feet unless greater height is necessary for airport function or required by the FAA	
Maximum Ground Floor Area Per Structure	N/A	
<b>AB Utility Standards</b>		
Public Water & Sewer	Required	

## SECTION 2.15 LIGHT INDUSTRIAL (I1) DISTRICT

### A. Light Industrial (I1) District Purpose

1. This district is intended to provide areas for industrial uses that do not have external impacts or nuisance factors that extend beyond the parcel, including noise, odor, smoke, dust, or excessive traffic. This district is intended for clean, non-hazardous uses that are entirely contained within a building and that generate lower volumes of industrial traffic. This district also provides a transition between more intense commercial uses and heavy industrial uses.

### B. Light Industrial (I1) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Light Industrial (I1) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel.

### D. Light Industrial (I1) District Development Standards

I1 District Development Standards		
<b>I1 Lot Standards</b>		
Minimum Lot Width / Road Frontage		N/A
Minimum Lot Area		10,000 sq ft (0.23 acres)
Minimum Setbacks	Front Yard	50 feet
	Side Yard	25 feet
	Rear Yard	25 feet
Maximum Impervious Surface		85%
<b>I1 Structure Standards</b>		
Maximum Structure Height	Primary Structure	50 feet
	Accessory Structure	30 feet
Maximum Ground Floor Area Per Structure		N/A
<b>I1 Utility Standards</b>		
Public Water & Sewer		Required

## SECTION 2.16 HEAVY INDUSTRIAL (I2) DISTRICT

### A. Heavy Industrial (I2) District Purpose

1. This district is intended to provide areas for industrial uses that have or have the potential for external impacts or nuisance factors that extend beyond the parcel, including noise, odor, smoke, dust, or excessive traffic. Uses in this district may require more extensive community services or may place large demands on the transportation system.

### B. Heavy Industrial (I2) District General Standards

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### C. Heavy Industrial (I2) District Land Uses

1. Land uses permitted by right and land uses permitted by special exception within this district shall comply with *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Multiple primary uses and primary structures are permitted per parcel.

### D. Heavy Industrial (I2) District Development Standards

I2 District Development Standards		
I2 Lot Standards		
Minimum Lot Width / Road Frontage		N/A
Minimum Lot Area		87,120 sq ft (2 acres)
Minimum Setbacks	Front Yard <sup>1</sup>	75 feet
	Side Yard	50 feet
	Rear Yard	50 feet
Maximum Impervious Surface		85%
I2 Structure Standards		
Maximum Structure Height	Primary Structure	60 feet
	Accessory Structure	30 feet
Maximum Ground Floor Area Per Structure		N/A
I2 Utility Standards		
Public Water & Sewer		Required

*1 – Any existing right-of-way that is less than 16 feet in width shall be considered a side yard for this district*

## **SECTION 2.17 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

### **A. Planned Unit Development (PUD) District Purpose**

1. A Planned Unit Development (PUD) District is a zoning district that is intended to allow for flexibility in the design and innovative land development and development of land. A PUD is intended to:
  - a. Encourage and/or be used when the proposed development does not fit within the standards of a single zoning district but is still consistent with the Comprehensive Plan and the overall intent of the zoning provisions of this UDO;
  - b. Promote a variety and mix of uses and/or variety of densities to create a harmonious development.
  - c. Be compatible with the surrounding areas to foster the creation of an attractive, healthful, efficient, and stable environment for living, shopping, and working;
  - d. Be used to create a consistent, overall development on one or more parcels rather than being applied to a small-scale development as a means of avoiding obtaining variances;
  - e. Allow for alternative standards to meet the growing demands of the city by allowing greater flexibility and variety in type, design, and layout of sites, buildings, common area (open space), and amenities; and
  - f. Create an efficient use of land that benefits the community at large.

### **B. Planned Unit Development (PUD) District General Standards**

1. Development plan approval is required for all new primary structures within this district showing compliance with all regulations of this UDO prior to issuance of any building permits. Agricultural, single-family and two-family use are exempt from this requirement.
2. Related standards and additional approvals shall be required as outlined in this UDO and *SECTION 8.1F: REQUIRED APPROVALS AND RELATED STANDARDS*.

### **C. Planned Unit Development (PUD) District Land Uses**

1. Land uses proposed in a PUD cannot conflict with the vision of the Comprehensive Plan, surrounding land uses, and surrounding zoning districts.
2. All permitted uses and special exception uses shall be governed by the PUD District Ordinance that is approved specifically for each PUD. If a land use is not specified within the PUD District Ordinance, it shall be prohibited.
3. All additional standards that apply to specific uses as outlined in *CHAPTER 3: USE STANDARDS* shall apply to the PUD unless it is specifically stated otherwise in the PUD District Ordinance.
4. Variances of use are not permitted within a PUD and require an amendment to the PUD District Ordinance unless allowed by State Statute.

**D. Planned Unit Development (PUD) District Development Standards**

1. Variances from development standards are not permitted within a PUD and require an amendment to the PUD District Ordinance unless allowed by State Statute.
2. There is no minimum lot size for a PUD.
3. All site standards are governed by the PUD District Ordinance that is approved specifically for each PUD. If a standard is not specified in the PUD District Ordinance, it shall be governed by the most similar zoning district and/or site standard within this UDO as determined by the Administrator.
4. All PUDs shall be served by public water and sewer.

**E. Planned Unit Development (PUD) District Procedures**

1. All PUD procedures shall be governed by the procedures outlined in *CHAPTER 7: PROCEDURES* unless otherwise specified in the PUD District Ordinance.
2. The Administrator may administratively approve up to a 5% reduction to the setbacks and/or lot area within a PUD without a public hearing or PC or legislative approval as well as a reduction in the number of buildable lots unless otherwise specified in the PUD District Ordinance.

## **SECTION 2.18 FLOOD HAZARD (FH) OVERLAY**

### **A. Flood Hazard (FH) Overlay Purpose**

1. This overlay district is intended to assist in regulating development within the flood hazard areas by making it easier to locate these areas through by identifying them on the zoning map and also comply with the regulations of the Indiana Department of Natural Resources (IDNR) and Federal Emergency Management Agency (FEMA).

### **B. Flood Hazard (FH) Overlay Boundaries**

1. This overlay boundaries include all special flood hazard areas (SFHA) as indicated on the official zoning map. The boundaries of this overlay shall mirror the boundaries of the special flood hazard areas as shown on the Indiana Floodplain Mapping (“Best Available Data Layer”) of the Indiana Department of Natural Resources (IDNR) / Division of Water and shall be automatically updated as amendments are approved by IDNR.

### **C. Flood Hazard (FH) Overlay General Standards**

1. Development in this district must comply with Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within city limits or the Jefferson County Floodplain Ordinance if located outside of city limits. This include obtaining all required approvals and/or permits prior to issuance of a building permit.
2. All development standards established by the underlying zoning district shall apply unless alternate development standards are specified by this overlay.

### **D. Flood Hazard (FH) Overlay Land Uses**

1. Permitted and special exception uses shall be governed by the underlying zoning district outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES* unless the use is specified as a prohibited use within this overlay in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

## **SECTION 2.19 HISTORIC DISTRICT (HD) OVERLAY**

### **A. Historic District (HD) Overlay Purpose**

1. This overlay district is intended to assist in regulating development within the Madison Historic District by making it easier to locate these areas through by identifying them on the zoning map.

### **B. Historic District (HD) Overlay Boundaries**

1. The boundaries of this overlay shall mirror the boundaries of the Madison Historic District as indicated on the official zoning map. The boundaries of this overlay shall mirror the boundaries of the Madison Historic District and shall be automatically updated as amendments are approved by the Common Council.

### **C. Historic District (HD) Overlay General Standards**

1. All construction, demolition, relocation, exterior expansion , or alteration of a primary or accessory structure within the Madison Historic District shall comply with the Madison Historic District Design Guidelines and obtain a Certificate of Appropriateness prior to a building permit.

### **D. Historic District (HD) Overlay Land Uses**

1. Permitted and special exception uses shall be governed by the underlying zoning district outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES* unless the use is specified as a prohibited use within this overlay in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

## SECTION 2.20 AIRPORT PROTECTION (AP) OVERLAY

### A. Airport Protection (AP) Overlay Purpose

1. This overlay district is intended to assist in regulating development that could create a hazard, nuisance, or public safety concern by interfering with the operation so the Madison Regional Airport and the King's Daughters' Heliport/Helipad.
  - a. AP Height Limit Zone. The intent of this sub-zone is to protect navigable airspaces from obstructions relative to the FAR Part 77 and other FAA guidance through limiting the height of structures within all airport, heliport, and helipad surfaces and zones (such as the runway protection zone, approach zone, conical surface, horizontal surface, transitional surface, etc.).
  - b. AP Noise Zone. The intent of this sub-zone is to reduce noise conflicts between airport uses and activities and surrounding development.

### B. Airport Protection (AP) Overlay Boundaries

1. The boundaries of this overlay shall include two sub-zones as shown on the official zoning map and that are generally described as follows:
  - a. AP Height Limit Zone
    - i. Basis for Boundary
      - 1) The boundary of this sub-zone recognizes that this UDO limits structure height within all zoning districts and that the FAA, INDOT, and airport additionally regulate structure height beyond what is allowed by this UDO. Therefore, the AP Height Limit Zone only includes the area where this UDO could reasonably allow a structure that is taller than what would be allowed by the FAA within the regulated airport surfaces.
      - 2) General topographic conditions were also considered, and the parcel boundary was used in place of the primary surface to allow for future improvements.
      - 3) For example, the FAA approach zone extends 10,000 feet from the end of the primary surface at a 50:1 slope. Accounting for changes in elevation within the area and the maximum structure height allowed by this UDO, at approximately 6,000 feet from the end of the primary surface, the maximum height allowed by the FAA would be greater than the maximum height allowed by this UDO.
    - ii. Boundary Location
      - 1) 6,000 feet from a parcel boundary that has a runway (or supporting airport use) that is regulated by the Federal Aviation Administration (FAA).
      - 2) 2,500 feet from a parcel boundary that has a heliport/helipad that is regulated by the Federal Aviation Administration (FAA).
  - b. AP Noise Zone
    - i. Basis for Boundary
      - 1) The boundary for this sub-zone includes all areas within a noise sensitive area defined by INDOT as well as additional areas on either side of the runway in order to further limit future land use and noise conflicts.
      - 2) To allow for future expansion of the airport and further reduce conflicts, the parcel boundary was used to determine the boundary location (offset) rather than the centerline or end of the runway.
    - ii. Boundary Location. All areas within the following shall be within the AP Noise Zone:
      - 1) 3,000 feet southeast of the Madison Regional Airport, measured from the point along the parcel boundary that is furthest from the edge of the runway, and extended one

- nautical mile (6,076 feet) northeast and southwest, measured from the point along the parcel boundary that is furthest from each end of the runway; and
- 2) 3,000 feet northwest of the Madison Regional Airport, measured from the point along the parcel boundary that is furthest from the edge of the runway; and extended one nautical mile (6,076 feet) northeast and southwest, measured from the point along the parcel boundary that is furthest from each end of the runway.

### **C. Airport Protection (AP) Overlay General Standards**

1. All development within this overlay shall comply with all state and federal regulations, including but not limited to all Federal Aviation Administration (FAA) regulations/guidance (14 CFR Part 77, Indiana Tall Structures Act (IC 8-21-10), and FAA Advisory Circular 150/5200-33A).
2. This overlay and UDO does not supersede state and/or federal regulations. Permits or approval may be required by FAA and/or INDOT even if the use or structure is located outside of this overlay.
3. Artificial or manmade bodies of water or similar features that attract wildlife that may interfere with the safety and operations of the airport shall not be created, built, or expanded within the AP Overlay District unless approved by the Madison Board of Aviation Commissioners.

### **D. Airport Protection (AP) Overlay Land Uses**

1. Permitted and special exception uses shall be governed by the underlying zoning district outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES* unless the use is specified as a prohibited use within this overlay in *SECTION 2.21: PERMITTED & CONDITIONAL USES*. The overlay shall include all sub-zones.

### **E. Airport Protection (AP) Overlay Permits & Approvals**

1. Madison Airport Review. The Administrator shall forward all PC, BZA, and building permit applications within the AP Overlay District to the Airport Manager / Director of Aviation (or their designee) for review and comment prior to approval or issuance of the application.
2. Additional Permits & Approvals in the AP Height Limit Zone
  - a. All new and/or expanded structures within the AP Height Limit Zone shall provide a FAA 460 Airspace Study with a determination of no hazard to air navigation and Tall Structures Permit prior to issuance of any building permit (unless not required by INDOT Office of Aviation).
  - b. This shall be in addition to any necessary documentation to show compliance with all current state/federal regulations, approval(s) from state/federal entities (where applicable), and/or approved and valid state/federal permits (where applicable) prior to the issuance of any required local approvals or permits.
3. Additional Permits & Approvals in the AP Noise Zone
  - a. All parcels within the AP Noise Zone that are used as a residence, school, church, child care facility, medical facility, retirement home, or nursing home shall obtain a Construction within a Noise Sensitive Area Permit prior to issuance of any building permit.
    - i. If the INDOT Office of Aviation does not require a Construction within a Noise Sensitive Area Permit for a parcel within the AP Noise Zone, the applicant shall record a noise sensitive area acknowledgement with the property deed. This statement shall:
      - 1) Be notarized and signed by the property owner(s); and
      - 2) Acknowledge that the property may experience significant levels of aircraft operations and that the property owner(s) is erecting a building and/or establishing a use with full acknowledge and acceptance of the aircraft operations as well as any effects resulting from the aircraft operations.

## SECTION 2.21 PERMITTED & CONDITIONAL USES

### A. Permitted Uses, Special Exception Uses (Conditional Uses), and Prohibited Uses Listed in Table 1: Permitted Land Uses

1. This section identifies the land uses that are “permitted” and uses that are allowed by “special exception” for each zoning district as well as “prohibited” land uses for each overlay district.
2. Any land use that is not permitted by right or special exception in a particular zoning district shall be prohibited unless a Use Variance is approved by the BZA.
3. Any use listed as prohibited within an overlay district is prohibited, regardless of the underlying zoning district.

### B. Decision Process for Land Uses Not Listed in Table 1: Permitted Land Uses

1. Decision Process. If a land use is not included and/or defined in *TABLE 1: PERMITTED LAND USES* the following process shall be used.
  - a. Unlisted Use is Similar to a Listed Use. If the Administrator determines that the unlisted land use is similar to a land use listed in this UDO based on the Criteria for Classifying Unlisted Land Uses, the Administrator shall classify it as the identified similar use and all processes and development standards for the similar use shall apply.
  - b. Unlisted Use is Not Similar to a Listed Use. If the Administrator determines that the unlisted land use is not similar to any listed land use based on the Criteria for Classifying Unlisted Land Uses, the unlisted land use shall be prohibited unless a Use Variance is approved by the BZA.
  - c. Uncertainty or Disagreement. If there is uncertainty or disagreement on classifying an unlisted land use, the Administrator or applicant may request that the BZA classify the land use for a final decision based on the Criteria for Classifying Unlisted Land Uses.
2. Criteria for Classifying Unlisted Land Uses. The following criteria shall be used to determine whether an unlisted land use is similar to a listed use.
  - a. Intensity of Activity and Development. Intensity should compare the number of people using a space, the gross commercial floor area associated with the primary structure, the operation of the business (such as hours of operation and anticipated customer volumes), amount of noise or noxious exhaust, public safety hazards generated on the site, types of vehicles accessing the site, and/or type of storage (indoor or outdoor).
  - b. Character. Character should compare the physical characteristics, structures, scale, or other features.
  - c. Accessory Uses and Structures. Accessory uses and structures should compare the potential for accessory uses and/or structures, and the types of accessory uses and/or structures. If the unlisted use is an accessory use, it should compare if it is incidental to, necessary, and/or compatible with a permitted primary use.
  - d. Intent. Intent should compare the compatibility of the unlisted use with the purpose/intent of the subject zoning district and consistency with the Comprehensive Plan.

**Table 1: Permitted Land Uses**

Land Use	Zoning Districts															Overlays Districts			
	AG	RA	HS	OS	R1	R2	R3	HDR	RF	LB	GB	CBD	AB	I1	I2	FH	HD	AP	
Agricultural Land Uses	Agricultural Product Processing	P												P	P	X	X		
	Agritourism	P	S		P												X		
	Concentrated Animal Feeding Operation (CAFO) & Confined Feeding Operation (CFO)	S														X	X	X	
	Equestrian Facility	P	S														X		
	Farmer's Market	P	S		A					A	A	A							
	Hobby Farm	P	P		P													X	
	Livestock, Personal	P	S															X	
	Livestock, Production (Not Requiring IDEM Permit)	P																X	X
	Livestock, Wholesale Trade	S																X	X
	Roadside Stand	P	S		S					S								X	
	Row, Field, Tree & Nursery Corp Cultivation	P			P													X	
	Timber Processing	S														P		X	
	Wildlife & Nature Preserve	P	P	P	P	P	P	P		P								X	
	Commercial Land Uses	Amusement Park										P						X	X
Auction House		S									S			P	P		X		
Automotive & Equipment Sales, New & Used										S	P	S		P	P				
Contractor's Services & Office										S	P			P	P		X		
Day Care Facility & Preschool, Commercial								S	S	P	P	P		S	S			X	
Bar, Tavern & Club									P	P	P	P	P	P					
Bed & Breakfast			S					S	S	P	P	P		P				X	
Campground & Campsite		S-S			S-S						S-S								X
Display of Merchandise (Outdoor)										S	S		A	A	A				
Farm Chemical Supply Sales		S								S	P			P	P		X	X	
General Retail					S			S		P	P	P	P	P	P				
Golf Course, Driving Range & Country Club		S			S					S	P			P	P			X	X
Hotel & Motel										S	P	P	P	S					X

*P* = Permitted/Allowed by Right (Primary or Accessory Use)  
*P-S* = Permitted/Allowed by Right with Additional Standards (see CHAPTER 3)  
*A* = Permitted/Allowed by Right Only as Accessory Use  
*S* = Permitted/Allowed by Special Exception  
*S-S* = Permitted/Allowed by Special Exception with Additional Standards (see CHAPTER 3)  
 [ ] = Blank cell indicates prohibited in zoning district  
*X* = Prohibited in Overlay District (regardless of zoning district)

**Table 1: Permitted Land Uses**

Land Use	Zoning Districts															Overlays Districts		
	AG	RA	HS	OS	R1	R2	R3	HDR	RF	LB	GB	CBD	AB	I1	I2	FH	HD	AP
Kennel, Commercial & Animal Shelter	S									P	P	S		P	P			
Liquor Store										S	P	P		P	P			
Medical Offices & Outpatient Services: Pain Management Clinic														S	S			
Medical Offices & Outpatient Services										P	P	P		P	P			
Parking Garage or Lot (as a Primary Use)									S	S	S	S	P	P	P			
Professional Services & Business Offices				S			S	S		P	P	P	P	P	P			
Restaurant			S				S	P	P	P	P	P	P	P	P			
Rural Event Venue	S	S	S														X	
Service-Oriented Retail			S				S	S		P	P	P		P	P			
Sexually Oriented Business															S-S		X	
Shooting Range & Gun Club, Indoor										P	P			P	P		X	
Shooting Range & Gun Club, Outdoor	S													S	S		X	
Short-Term Rental	S-S	S-S			S-S	S-S	S-S	S-S				S-S						
Stadium, Arena, Auditorium, Racetrack & Assembly (Indoor & Outdoor)	S								S		S	S		P	P		X	
Storage Units										S	P			P	P		X	
Vehicle & Equipment Service & Repair										S-S	P-S	S-S		P-S	P-S			
Veterinary Services (excluding Kennels)	P									P	P	P		P	P			
Wholesale														P	P		X	
Winery, Brewery & Distillery	S								S	P	P	S		P	P			

P = Permitted/Allowed by Right (Primary or Accessory Use)  
P-S = Permitted/Allowed by Right with Additional Standards (see CHAPTER 3)  
A = Permitted/Allowed by Right Only as Accessory Use

S = Permitted/Allowed by Special Exception  
S-S = Permitted/Allowed by Special Exception with Additional Standards (see CHAPTER 3)  
[ ] = Blank cell indicates prohibited in zoning district

X = Prohibited in Overlay District (regardless of zoning district)

**Table 1: Permitted Land Uses**

Land Use	Zoning Districts															Overlays Districts		
	AG	RA	HS	OS	R1	R2	R3	HDR	RF	LB	GB	CBD	AB	I1	I2	FH	HD	AP
Battery Energy Storage System (BESS), Tier 1	P-S	P-S	P-S	P-S	P-S	P-S	P-S			P-S	P-S	P-S	P-S	P-S	P-S			
Battery Energy Storage System (BESS), Tier 2	S-S														S-S		X	
Chemical Processing															P	X	X	
Data Center														S	S		X	
General Industrial, Light														P	P		X	
General Industrial, Heavy															P		X	
Glass, Glassware & Pottery									S	S	S	S		P	P			
Junkyard, Salvage Yard & Vehicle Impound Lot															S-S	X	X	
Landfill															S	X	X	X
Manufacturing, Heavy															P		X	
Manufacturing, Light														P	P		X	
Meat Processing															S		X	
Mineral & Other Resource Extraction & Processing															S		X	X
Recycling Facility															P	X	X	
Research & Development														P	P			
Solar Energy System (SES), Accessory	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S		P-S	P-S		P-S	P-S	P-S			
Solar Energy System (SES), Commercial	S-S														S-S	X	X	X
Storage, Bulk (Outdoor)										S	S		P	S	P			
Storage, Hazardous Materials (Indoor & Outdoor)															S	X	X	
Trucking Terminal															P		X	
Warehousing, Distribution & Bulk Indoor Storage											S		P	P	P		X	
Waste Transfer Facility															P	X	X	X
Wind Energy System, Commercial	S-S														S-S	X	X	X
Wind Energy System, Mini & Smal	P-S	P-S	P-S	P-S	P-S	P-S	P-S			P-S			P-S	P-S	P-S			

P = Permitted/Allowed by Right (Primary or Accessory Use)  
P-S = Permitted/Allowed by Right with Additional Standards (see CHAPTER 3)  
A = Permitted/Allowed by Right Only as Accessory Use

S = Permitted/Allowed by Special Exception  
S-S = Permitted/Allowed by Special Exception with Additional Standards (see CHAPTER 3)  
[ ] = Blank cell indicates prohibited in zoning district

X = Prohibited in Overlay District (regardless of zoning district)

**Table 1: Permitted Land Uses**

Land Use	Zoning Districts															Overlays Districts		
	AG	RA	HS	OS	R1	R2	R3	HDR	RF	LB	GB	CBD	AB	I1	I2	FH	HD	AP
Accessory Dwelling Unit (ADU)	S-S	S-S			S-S	S-S	P-S	P-S				P-S						
Dwelling, Multi-Family & Condo							P	S	P	P	P	P						X
Dwelling, Single-Family Detached	P	P	S		P	P	P	P	P			S						
Dwelling, Single-Family Attached (Townhome, Patio Home, Etc.)					S	P	P	P	P			S						
Dwelling, Loft												P						
Dwelling, Two-Family (Duplex)						P	P	P	P			S						
Farmstead	P	P															X	
In-Home Childcare	S	S			S	S	S	S			P	P						
Home Based Business	P-S	S-S			S-S	S-S	S-S	S-S			P-S	P-S						
Home Occupation	P-S	P-S	P-S		P-S	P-S	P-S	P-S	P	P-S	P-S	P-S						
Long-Term Care Facility	S-S	S-S			S-S	S-S	P-S	S-S		P-S	P-S	S-S						X
Manufactured Home Park							S-S											X
Recovery Residence	S-S	S-S					S-S			S-S	S-S	S-S						X
Airport & Heliport/Helipad	S	S									S		P	S	S			
Bus Depot & Passenger Transportation Facility													P		P		X	
Emergency Response Facility	P	P	P	P	P	P	P	P		P	P	P	P	P	P			
Cemetery, Columbaria & Mausoleum	S	S	S	P	S	S	S	S		P	P	S		P	P	X		
Correctional Institution	S	S									S			P	P		X	X
Fairgrounds	S										P						X	
Funeral Home, Mortuary & Crematory	S									S	P			P	P		X	
Governmental Office	P	P	P	P	P	P	P	P		P	P	P	P	P	P			
Hospital	S										P	S		P	P			X
Library & Cultural Facility	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P			
Parks & Recreational Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Recycling Drop Off Location										S	P			P	P			X
Religious Activity & Worship	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P			
School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Utility Facility	S-S	S-S	S-S	S-S	S-S	S-S	S-S	S-S		S-S	S-S	S-S	S-S	S-S	S-S			X
Wireless Communication Facility	S-S	S-S	S-S	S-S	S-S	S-S	S-S	S-S		S-S	S-S	S-S	S-S	S-S	S-S			

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P-S = Permitted/Allowed by Right with Additional Standards (see CHAPTER 3)  
A = Permitted/Allowed by Right Only as Accessory Use

S = Permitted/Allowed by Special Exception  
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[ ] = Blank cell indicates prohibited in zoning district

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# CHAPTER 3: USE STANDARDS

## ADDITIONAL STANDARDS FOR PERMITTED & CONDITIONAL USES

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## **SECTION 3.1 GENERAL PROVISIONS**

### **A. Purpose**

1. The use standards within this UDO provide additional requirements for specific land uses that have impacts and conflicts with adjacent properties, nearby areas, infrastructure, and/or the community in order to protect the health, safety, morals, and general welfare of the community.

### **B. Applicability of Specific Land Use Standards**

1. The standards included in this chapter shall the specific land uses outlined in this chapter, regardless of the zoning district in which they are located. These standards are required in addition to all other applicable standards within this UDO.
2. The land uses listed in this chapter shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
3. The land uses listed in this chapter shall meet the respective requirements of this chapter in addition to all other regulations within this UDO. If any development standard within this chapter conflicts with the underlying zoning district standards or other sections of this UDO, the more restrictive shall apply.
4. Any development standard that is not specified within this chapter shall be governed by the requirements of the zoning district.
5. The Administrator shall verify that all land uses outlined in this chapter comply with all applicable standards of this UDO prior to establishment of the use, approval of a Development Plan, or issuance of a building permit.
6. If a special exception approval is required, the BZA may impose additional conditions or commitments necessary to mitigate potential impacts.

## SECTION 3.2 ACCESSORY DWELLING UNIT (ADU)

### A. ADU Purpose

1. These standards are intended to promote additional and affordable housing options within the community, provide housing that allows for care of the elderly or disabled, and allow homeowners to benefit from added income and an increased sense of security.

### B. ADU Applicability & Additional Approvals

1. An ADU (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. An ADU may be a rental unit but shall NOT be used as a short-term rental unless it also complies with all standards and required approvals in *SECTION 3.12: SHORT-TERM RENTAL*.
3. If an accessory structure includes a bathroom, kitchen facilities, and living area for sleeping, it shall be considered an accessory dwelling unit and shall comply with all applicable standards unless a "Use Affidavit" stating the structure will not be used as a dwelling is filed with the Administrator and recorded with the County Recorder.
4. ADUs are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. ADU Additional Standards

Accessory Dwelling Unit (ADU) Standards	
Additional Lot Standards	
Ownership	<ul style="list-style-type: none"> <li>• Parcel shall have an existing, lawfully constructed, single-family dwelling that is owner-occupied (note, dwelling does not have to be primary residence of owner but must be owner-occupied and not renter-occupied)</li> <li>• Shall be under the same ownership as the primary dwelling</li> </ul>
Address	<ul style="list-style-type: none"> <li>• Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity</li> </ul>
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Shall comply with the zoning district setbacks for a primary structure</li> </ul>
Location	<ul style="list-style-type: none"> <li>• Shall be located in the rear yard (behind the rear elevation of the primary dwelling)</li> </ul>
Site Access	<ul style="list-style-type: none"> <li>• Shall use the same driveway that serves the primary dwelling unless approved by the Board of Works</li> </ul>
Maximum Units & Accessory Structures	<ul style="list-style-type: none"> <li>• 1 ADU per parcel</li> <li>• Cannot have accessory structures</li> </ul>

Additional Structure Standards	
Minimum Living Area	<ul style="list-style-type: none"> <li>• 300 sq ft</li> </ul>
Maximum Living Area	<ul style="list-style-type: none"> <li>• 800 sq ft but cannot exceed 50% of the footprint of the primary dwelling</li> </ul>
Architecture & Building Materials	<ul style="list-style-type: none"> <li>• Building form, colors, and materials shall match or be compatible with the primary dwelling</li> </ul>
Dwelling Components	<ul style="list-style-type: none"> <li>• Must be an independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress</li> <li>• Maximum of 1 bedroom</li> </ul>
Permitted Types of Structures	<ul style="list-style-type: none"> <li>• Shall be detached from the primary dwelling unit</li> <li>• Shall be within a lawfully built structure that meets all building code requirements, including all requirements for a single-family dwelling</li> </ul>
Prohibited Types of Structures	<ul style="list-style-type: none"> <li>• Cannot be within a recreational vehicle, travel trailer, motor vehicle, parts of a motor vehicle, or similar structure</li> <li>• Cannot be within any structure not intended for permanent human occupancy</li> <li>• Cannot be within any structure that does not meet all building code requirements for a single-family dwelling or does not meet all use standards for an accessory dwelling unit</li> </ul>

## **SECTION 3.3 BATTERY ENERGY STORAGE SYSTEM (BESS)**

### **A. BESS Purpose**

1. These standards are intended to ensure compatibility with the surrounding land uses; limit the impacts and risk of fire, explosion, and gases on adjacent property and the community; and protect the health and safety of the nearby residents and the community while allowing for alternative energy storage options.

### **B. BESS Applicability & Additional Approvals**

1. Tier 1 BESS and Tier 2 BESS (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
  - a. If BESS is located in conjunction with another energy system, such as solar or wind energy systems, the portion that includes BESS shall comply with all standards within this section and be approved as a separate use as required by *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Tier 1 BESS are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.
3. Tier 2 BESS shall be required to obtain development plan approval prior to issuance of any building permits showing compliance with all regulations of this UDO.
4. All BESS regulated under IC 22-14-8 shall comply with all state regulations and provide documentation and all approvals required by the Department of Homeland Security or other state or federal agencies prior to issuance of any building permits.
5. Tier 2 Battery Energy Storage Systems shall be installed and maintained in compliance with NFPA 1: Fire Code, NFPA 70: National Electric Code, NFPA 855: Standard for the Installation of Stationary Energy Storage Systems. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that BESS are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable.

**C. BESS Additional Standards: Tier 2 BESS**

<b>Tier 2 BESS Additional Standards (Does not apply to Tier 1 BESS)</b>	
<b>Additional Operational Standards</b>	
Emergency Response	<ul style="list-style-type: none"> <li>• Site layout must accommodate adequate access for all first responders, such as EMS, fire, and police</li> <li>• Project operator shall provide and maintain an emergency key box/knox box at all entrances for emergency responders, and the location and access code/key of each emergency key box/knox box shall be provided to local first responders</li> <li>• Project operator shall provide training for all first responder agencies that may be required to provide services, including but not limited to Emergency Management, fire, police, and EMT               <ul style="list-style-type: none"> <li>• This training shall identify any special response needs or processes, orient responders to the site layout and structures on-site, and other information necessary for first responders to safely and quickly respond to an emergency related to the project and/or site</li> </ul> </li> <li>• This does not supersede any requirements for an emergency response plan and training as required by IC 22-14-8-9 and is required in addition to any state and/or federal requirements</li> </ul>
Noise & Vibration <sup>1</sup>	<ul style="list-style-type: none"> <li>• All sound attributable to the BESS shall not exceed an hourly average sound level of 50 A-weighted decibels, measured at the outer wall of a dwelling located on an adjacent non-participating property, which may be waived with written consent from the owner(s) of each impacted nonparticipating property</li> </ul>
Liability Insurance	<ul style="list-style-type: none"> <li>• The project owner and operator of any Tier 2 BESS shall maintain a current commercial general liability policy (which may be combined with umbrella coverage) covering death, bodily injury, and property damage and shall name the City of Madison as an additional insured solely to the extent of liabilities arising under this UDO</li> <li>• The minimum policy coverage shall be a minimum of \$5M per occurrence and \$10M aggregate and shall be non-cancellable without 60 days written notice to the Administrator, Plan Commission, and City of Madison</li> <li>• The applicant shall provide proof of liability coverage in a form acceptable to the city's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount</li> <li>• All liability insurance policies shall be effective prior to the issuance of a building permit and shall be on a per occurrence basis with a general aggregate limit endorsement under the limits of insurance</li> <li>• Certificate(s) of Insurance must be on file with the City before any construction commences and provided annually each year</li> </ul>

Environmental Pollution Liability Insurance	<ul style="list-style-type: none"> <li>• The project owner and operator of any Tier 2 BESS shall maintain an environmental pollution policy, written on an occurrence basis, covering the cleanup of any releases of pollution or other environmental damage that results from the equipment, structures, or operations</li> <li>• The minimum policy coverage shall be \$5M per occurrence</li> <li>• The applicant shall provide proof of liability coverage in a form acceptable to the city's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount</li> <li>• All environmental pollution liability policies shall be effective prior to the issuance of a building permit and shall be on a per occurrence basis with a general aggregate limit endorsement under the limits of insurance</li> <li>• Certificate(s) of Insurance must be on file with the City before any construction commences and provided annually each year</li> </ul>	
<b>Additional Lot Standards</b>		
Prohibited Locations	<ul style="list-style-type: none"> <li>• Tier 2 BESS cannot be located in a flood hazard area, wetland, or waterway regulated by Indiana DNR or USACE</li> </ul>	
Minimum Setbacks <i>(may be waived with written consent from the owner(s) of each impacted nonparticipating property)</i>	From a Right-of-Way	<ul style="list-style-type: none"> <li>• 50 feet from any right-of-way or 80 feet from the center of a road if right-of-way is not dedicated by written, recorded instrument (unless greater is required by this section)</li> </ul>
	From an Existing Dwelling, Church, School, or Cemetery	<ul style="list-style-type: none"> <li>• 500 feet from the closest edge of the primary structure but at least 200 feet from the non-participating property line</li> </ul>
	From a Parcel Without a Dwelling but Platted for Residential or Zoned R1, R2, R3, or HDR	<ul style="list-style-type: none"> <li>• 500 feet from the non-participating property line</li> </ul>
	From All Other Non-Participating Parcels	<ul style="list-style-type: none"> <li>• 200 feet from all other non-participating property lines of an adjacent parcel</li> </ul>
	From a Participating Parcel	<ul style="list-style-type: none"> <li>• 0 feet from the property line of a participating parcel</li> </ul>
Power & Communication Lines	<ul style="list-style-type: none"> <li>• All power and communication lines shall be within an easement, parcel, or a right-of-way</li> <li>• All power and communication lines are 34.5 kilovolts or greater shall be buried underground</li> <li>• Power and communication lines that are less than 34.5 kilovolts may be located above ground</li> <li>• Power and communication lines between the project substation and the point of interconnection with the transmission system can be overhead if it does not exceed half a mile</li> <li>• If located in a right-of-way, the project owner shall obtain approval from:             <ul style="list-style-type: none"> <li>• The Board of Works if within the city; or</li> <li>• The Jefferson County Board of Commissioners, including any required permits from the Jefferson County Highway Department if located outside of city limits</li> </ul> </li> </ul>	

1 – May be waived with written consent from the owner(s) of each impacted nonparticipating property and/or easement

**D. BESS Additional Procedures: Tier 2 BESS**

1. Decommissioning Plan Required for Tier 2 BESS
  - a. Tier 2 BESS shall be not installed unless the project owner submits a decommissioning plan that adequately outlines how the site will be decommissioned. The decommission plan is not required prior to a special exception approval but shall be approved prior to issuance of a building permit.
  - b. The decommissioning plan shall be resubmitted and approved every five years or if the project owner or operator changes.
  - c. If a Tier 2 BESS is not used to store power for 12 consecutive months, the system shall be decommissioned according to the approved plan.
  - d. The decommissioning plan shall include all of the following requirements.

Tier 2 BESS Decommissioning Plan	
Continuity Clause	<ul style="list-style-type: none"> <li>• Shall include that the decommissioning plan is binding upon the property owner and operator as well as any of their successors, assignees, or heirs</li> </ul>
Site Restoration Plan	<ul style="list-style-type: none"> <li>• Outline how the site will be restored to a natural state that includes adequate provisions for removal of all structures and foundations to a depth of 48” and restoration of soil and vegetation</li> <li>• Decommissioning of the system, or a component or portion of the system, must be completed within 12 months of the project, or component or portion of the system, not storing energy</li> <li>• An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning</li> <li>• Disposal of structures, materials, waste, and/or structures (both hazardous and non-hazardous materials) shall meet the provisions of all local, state, and federal ordinances and all materials that can be recycled shall be recycled when feasible</li> </ul>
Emergency Response Plan	<ul style="list-style-type: none"> <li>• Outline compliance with all emergency response requirements outlined in this section</li> </ul>
Decommissioning Costs	<ul style="list-style-type: none"> <li>• Estimated decommissioning costs, including reevaluations of these costs at the required timelines, shall be calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of BESS) and agreed upon by the project owner and the City of Madison</li> <li>• Total estimated decommissioning costs shall not include any estimated salvage value attributable to the BESS at the time of decommissioning, unless the Administrator and the project owner agree to include this value in the estimated cost</li> <li>• The total amount of the bond or other security required under this section shall be reevaluated and adjusted every five years due to changes in costs</li> </ul>
Surety Bond or Equivalent <sup>1</sup>	<ul style="list-style-type: none"> <li>• Provide a surety bond or an equivalent means of security acceptable to the City of Madison (such a parent company guarantee or an irrevocable letter of credit but excluding cash) for 125% of the total estimated decommissioning costs for the BESS prior to issuance of a building permit</li> </ul>
Penalties	<ul style="list-style-type: none"> <li>• Failure to comply with the decommissioning and/or bonding requirements of this UDO shall be liable for each and every violation of non-compliance for civil penalties as outlined in <i>SECTION 7.16: OTHER PROCEDURES: VIOLATIONS &amp; ENFORCEMENT</i></li> </ul>

## SECTION 3.4 CAMPGROUND

### A. Campground Purpose

1. These standards are intended to provide minimum requirements for the protection of the health and safety of the occupants and visitors of campgrounds, recreational vehicle parks, associated recreation areas, and the general public.

### B. Campground Applicability & Additional Approvals

1. Campgrounds (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. All campgrounds shall be required to obtain development plan approval prior to issuance of any building permits (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.
3. A campground with 10 or more campsites is subject to the regulations established by state standards per 410 IAC 6-7.1.

### C. Campground Additional Standards

Campground Standards	
Additional Operational Standards	
Duration	<ul style="list-style-type: none"> <li>• Maximum of 180 overnight stays within 12 consecutive months</li> </ul>
Flood Hazard Area	<ul style="list-style-type: none"> <li>• If located in a flood hazard area (such as a floodplain), adequate access measures and evacuation procedures must be in place and approved by EMS</li> </ul>
Additional Lot Standards	
Minimum Lot Area	<ul style="list-style-type: none"> <li>• 5 acres</li> </ul>
Minimum Setbacks	<ul style="list-style-type: none"> <li>• 25 feet from all property lines unless a larger setback is required by the zoning district or bufferyard</li> </ul>
Maximum Density	<ul style="list-style-type: none"> <li>• 10 campsites per acre</li> </ul>
Site Access & Internal Circulation	<ul style="list-style-type: none"> <li>• The main entrance shall be from a public road and be at least 24 feet in width and paved for the first 200 feet</li> <li>• Internal roads shall be private and at least 10 feet in width for one-way traffic or 20 feet in width for two-way traffic</li> <li>• Internal roads may be gravel or paved</li> <li>• All campsites shall gain access through an internal, private road; campsites shall not gain direct access from any public road</li> <li>• Fire and EMS shall approve site layout for adequate accessibility</li> </ul>

<b>Additional Structure Standards</b>	
Permitted Types of Structures	<ul style="list-style-type: none"> <li>• Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar</li> <li>• Permanent individual lodging structures, such as cabins</li> <li>• Permanent shared structures normally associated with a campground, such as a bathhouse or emergency shelter</li> <li>• Permanent structures for operations (such as office), maintenance, or storage facilities used in the campsite operation</li> <li>• One permanent dwelling is permitted if there is an on-site manager or campground host that lives on the property</li> </ul>
Prohibited Types of Structure	<ul style="list-style-type: none"> <li>• Manufactured, mobile homes, or single-family dwellings (except as permitted for on-site manager or campground host)</li> <li>• Structures not intended for temporary occupancy</li> <li>• Structures not listed as permitted</li> </ul>
Storage of Structures	<ul style="list-style-type: none"> <li>• Storage of unoccupied temporary lodging structures, including RVs, is prohibited</li> <li>• All structures, RVs, trailers, camping units, tents, and belongings shall be removed from the campground when the campsite not is rented or occupied</li> </ul>
<b>Additional Utility Standards</b>	
Sanitary Dumping Station	<ul style="list-style-type: none"> <li>• A central sanitary dumping station or sewer risers at each campsite are required and shall comply with all requirements of the sewer utility and/or IDEM and Indiana Department of Health</li> </ul>

## SECTION 3.5 HOME-BASED BUSINESS

### A. Home-Based Business Purpose

1. These standards are intended to provide opportunities for very limited business activities in residential areas that involve limited clients or employees and ensure that they are incidental and accessory to the residential dwelling, compatible with surrounding uses, and do not create significant traffic, noise, or other nuisances.

### B. Home-Based Business Applicability & Additional Approvals

1. Home-based businesses (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Home-based businesses are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. Home-Based Business Additional Standards

Home-Based Business Standards	
Additional Operational Standards	
Employees	<ul style="list-style-type: none"> <li>• Maximum of 6 employees allowed on-site per day but no more than 2 employees can be on-site at one time, excluding resident(s) of the property</li> </ul>
Clients & Customers	<ul style="list-style-type: none"> <li>• Maximum of 10 clients/business-related visitors allowed on-site per day but no more than 2 clients/business-related visitors can be on-site at one time, excluding resident(s) of the property</li> </ul>
Deliveries	<ul style="list-style-type: none"> <li>• All deliveries or pick-ups shall from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL) and not bulk material delivery using semi-tractor trucks</li> </ul>
Hours of Operation	<ul style="list-style-type: none"> <li>• Limited to 7:00 am to 7:00 pm, seven days a week unless specified otherwise through a special exception approval</li> </ul>
Additional Use Standards	
Accessory Use Only	<ul style="list-style-type: none"> <li>• Must be accessory to a legally permitted single-family dwelling on the same parcel</li> </ul>

<b>Additional Lot Standards</b>	
Location	<ul style="list-style-type: none"> <li>• All business activity must be conducted entirely within the primary dwelling unit and/or a permitted accessory structure or in an area that is not visible from any adjacent parcel or public road at all times</li> </ul>
Site Access	<ul style="list-style-type: none"> <li>• No additional access points and/or driveways shall be permitted without approval from the Board of Works</li> <li>• Any change to an existing driveway access point with a public road (such as widening a driveway where it connects to the public road) shall be approved by the Board of Works.</li> <li>• Adequate measures shall be provided to maintain safety for trucks and vehicles entering the public road at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>• Outdoor display of goods or products for sale is prohibited</li> <li>• All outdoor storage areas or areas used to park equipment or vehicles shall be:               <ul style="list-style-type: none"> <li>• Behind the rear elevation of the primary dwelling unit; and</li> <li>• Within a fully enclosed structure or have a solid fence, masonry wall, or continuous evergreen screen on all sides (excluding driveways) that is 6 feet in height that fully screens the view of all outdoor storage (including all materials, items, equipment, vehicles, etc.) from adjacent properties and public rights-of way</li> </ul> </li> </ul>
<b>Additional Structure Standards</b>	
Character	<ul style="list-style-type: none"> <li>• There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling</li> <li>• All structures shall retain a residential character</li> </ul>

## SECTION 3.6 HOME OCCUPATION

### A. Home Occupation Purpose

1. These standards are intended to provide opportunities for personal home occupation activities in residential areas that do not involve clients or employees and ensure that they are incidental and accessory to the residential dwelling, compatible with surrounding uses, and do not create significant traffic, noise, or other nuisances.

### B. Home Occupation Applicability & Additional Approvals

1. Home occupations (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Home occupations are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. Home Occupation Additional Standards

Home Occupation Standards	
<b>Additional Operational Standards</b>	
Employees	<ul style="list-style-type: none"> <li>• No employees are permitted other than the resident(s) of the property</li> </ul>
Clients & Customers	<ul style="list-style-type: none"> <li>• No clients/business-related visitors are permitted other than the resident(s) of the property</li> </ul>
Deliveries	<ul style="list-style-type: none"> <li>• All deliveries or pick-ups shall from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL) and not bulk material delivery using semi-tractor trucks</li> </ul>
<b>Additional Use Standards</b>	
Accessory Use Only	<ul style="list-style-type: none"> <li>• Must be accessory to a legally permitted single-family dwelling on the same parcel</li> </ul>
<b>Additional Lot Standards</b>	
Location	<ul style="list-style-type: none"> <li>• All business activity must be conducted entirely within the primary dwelling unit and/or a permitted accessory structure or in an area that is not visible from any adjacent parcel or public road at all times</li> </ul>
Site Access	<ul style="list-style-type: none"> <li>• No additional access points and/or driveways shall be permitted without approval from the Board of Works</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>• All outdoor storage (including equipment parking) or display of goods is prohibited</li> <li>• Passenger vehicles that are used by the resident(s) of the property are permitted</li> </ul>
<b>Additional Structure Standards</b>	
Character	<ul style="list-style-type: none"> <li>• There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling</li> <li>• All structures shall retain a residential character</li> </ul>

## SECTION 3.7 JUNKYARD, SALVAGE YARD & VEHICLE IMPOUND LOT

### A. Junkyard, Salvage Yard & Impound Lot Purpose

1. These standards are intended to ensure compatibility with the surrounding land uses and protect the health and safety of people accessing the site.

### B. Junkyard, Salvage Yard & Impound Lot Applicability & Additional Approvals

1. Junkyards (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. These standards apply to junkyards, salvage yards, vehicle impound lots, and similar facilities where junk (see *CHAPTER 8: DEFINITIONS*), vehicles or equipment, parts of vehicles or equipment, and similar items are stored, sorted, dismantled, processed, salvaged, or kept. These standards do not apply to vehicle repair shops.
3. Development plan approval shall be required for all junkyards prior to issuance of a building permit (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. Junkyard, Salvage Yard & Impound Lot Additional Standards

Junkyard Standards	
Additional Operational Standards	
Materials	<ul style="list-style-type: none"> <li>• Burning of any material on site is prohibited</li> <li>• Batteries, lubricants, fluids, coolants, refrigerants, flammable, and all similar components or liquids shall be removed upon receiving an appliance, vehicle, or other material and then recycled or disposed of in accordance with all applicable state and federal laws</li> <li>• Combustible material that can be ignited by an ordinary match shall be placed or stored at least 10 feet from any fence or structure</li> <li>• Materials shall not be placed in a manner that allows the materials to be moved or transferred out of the junkyard by wind, water, or other natural causes</li> <li>• Loose paper and similar materials cannot be stored on site</li> </ul>
Additional Lot Standards	
Location	<ul style="list-style-type: none"> <li>• Cannot be located within a flood hazard area</li> <li>• Cannot be located within 500 feet of the property line of an existing residential use or parcel platted for residential use</li> </ul>
Site Access	<ul style="list-style-type: none"> <li>• All areas used as a junkyard shall be within 200 feet of a fire lane that is at least 15 feet in width</li> <li>• Internal driveways and fire lanes may be gravel</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>• All storage of any junk, materials, or similar activity shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from any public road or adjacent parcel year-round</li> <li>• Cannot be used as a dump by the public</li> </ul>
Screening	<ul style="list-style-type: none"> <li>• A security fence that is 6 feet tall shall be provided along edges of the area used as a junkyard to limit access</li> <li>• All fencing and gates shall be securely locked unless being actively supervised</li> <li>• An emergency key box (such as a knox box) shall be provided and maintained at all entrances for local first responders</li> </ul>

## SECTION 3.8 LONG-TERM CARE FACILITY

### A. Long-Term Care Facility Purpose

1. These standards are intended to ensure compatibility with the surrounding land uses while providing options for elderly, disabled, and similar populations that desire or need an assisted living environment.

### B. Long-Term Care Facility Applicability & Additional Approvals

1. Long-term care facilities (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. These standards only apply to assisted living facilities (see *CHAPTER 8: DEFINITIONS*) and do not apply to group homes, residential treatment facilities or halfway houses, boarding houses, hospitals, outpatient facilities, and similar uses.
3. Long-term care facilities are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. Long-Term Care Facility Additional Standards

Long-Term Facility Standards	
Additional Lot Standards	
Minimum Setbacks	<ul style="list-style-type: none"> <li>• If the adjacent parcel has a residential use or residential zoning, primary and accessory structures shall be at least 1.5 times the minimum setback of the zoning district for the adjacent parcel</li> <li>• Cannot be within a bufferyard, if required</li> </ul>
Maximum Structure Height	<ul style="list-style-type: none"> <li>• If the adjacent parcel has a residential zoning district, structure height shall not exceed the maximum structure height of the zoning district for the adjacent parcel</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• If the adjacent parcel has a residential zoning district, all parking areas shall be located in the side or rear yard and shall be at least 40 feet from any property line</li> </ul>
Screening	<ul style="list-style-type: none"> <li>• A solid fence that is 6-feet tall shall be provided along all property lines that abut a residential zoning district</li> </ul>

## SECTION 3.9 MANUFACTURED HOME PARK

### A. Manufactured Home Park Purpose

1. These standards are intended to provide well-planned manufactured home parks with affordable single-family housing options and high-quality living environment in order to protect the health, safety, morals, and general welfare of residents and the community. These regulations are not intended to supersede IC 36-7-2-12, IC 36-7-4-1106, or any other state statute regarding manufactured homes.

### B. Manufactured Home Park Applicability & Additional Approvals

1. These standards shall apply to all manufactured home parks (see Chapter 8: Definitions). These standards do not apply to manufactured homes placed on individual parcels that are outside of a manufactured home park (see SECTION 8.11: Additional Standards: Manufactured Homes for regulations for manufactured home on individual parcels outside of a park).
2. Manufactured home parks (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in SECTION 2.21: PERMITTED & CONDITIONAL USES.
3. Development plan approval shall be required for all manufactured home parks prior to issuance of a building permit (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. Manufactured Home Park Additional Standards

Manufactured Home Park Standards	
Additional Operational Standards	
Resident Manager	<ul style="list-style-type: none"> <li>• Required to oversee daily operation, rules, and maintenance of the park</li> <li>• Shall reside on-site, and a designated person shall be accessible to contact 24 hours a day/7 days a week for emergencies</li> </ul>
Register of Residents	<ul style="list-style-type: none"> <li>• Shall maintain a current register of all occupants, including the names of all residents; the make, type and serial or license number of each manufactured home; and a location of the space occupied</li> </ul>
Additional Lot Standards	
Minimum Lot Area (Entire Park)	<ul style="list-style-type: none"> <li>• 43,560 sq ft (1 acre)</li> </ul>
Minimum Home Site Area	<ul style="list-style-type: none"> <li>• 3,000 sq ft per home site</li> </ul>
Maximum Density	<ul style="list-style-type: none"> <li>• 8 homes per acre (based on total park area)</li> </ul>
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Governed by the zoning district but shall be at least 20 feet from property line of park boundary</li> <li>• 15 feet from all internal roads</li> <li>• 20 feet between homes</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>• Wrecked, abandoned (unoccupied for more than 6 months and/or deemed unsafe by the Building Inspector), damaged, or dilapidated manufactured homes shall not be kept or stored within the manufactured home park at any time unless permitted by IC 36-7-4-1019 or other state statute</li> <li>• Prohibited structure types (such as campers or RVs) shall not be occupied or stored on any home site but may be stored within a designated area within the park</li> </ul>
Screening	<ul style="list-style-type: none"> <li>• A solid fence that is 6-feet tall shall be provided along all property lines</li> </ul>

Site Access & Internal Circulation	<ul style="list-style-type: none"> <li>• All internal roads shall be paved and comply with the requirements and design specifications for public roads for a major residential subdivision (see <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i>) except the roads shall be private and maintained by the park owner</li> <li>• Each home site shall have direct access to a private road; home sites shall not directly access a public road</li> <li>• Fire and EMS shall approve site layout for adequate accessibility</li> </ul>
Lighting	<ul style="list-style-type: none"> <li>• Shall comply with the street light requirements for a major residential subdivision except the street lights shall be private and maintained by the park owner (including monthly service fees)</li> </ul>
Perimeter & Internal Sidewalks	<ul style="list-style-type: none"> <li>• Shall comply with the internal sidewalk requirements for a major residential subdivision except the sidewalks shall be private and maintained by the park owner</li> <li>• Perimeter sidewalks shall be provided as required by <i>SECTION 6.13: DESIGN STANDARD: SIDEWALKS &amp; TRAILS</i></li> </ul>
Common Area within Manufactured Home Park	<ul style="list-style-type: none"> <li>• Shall comply with the open space requirements for a major residential subdivision (see <i>SECTION 6.10: DESIGN STANDARD: COMMON AREA &amp; AMENITIES</i>)</li> </ul>
<b>Additional Structure Standards</b>	
Permitted Types of Structures	<ul style="list-style-type: none"> <li>• Manufactured home (see <i>CHAPTER 8: DEFINITIONS</i>)</li> <li>• Mobile home (see <i>CHAPTER 8: DEFINITIONS</i>)</li> <li>• Coin-operated laundries, recreational rooms, storm shelters, and similar amenities may be permitted in manufactured home parks</li> </ul>
Prohibited Types of Structures	<ul style="list-style-type: none"> <li>• Cannot be a recreational vehicle, travel trailer, automobile, shipping container, or similar structure</li> <li>• Cannot be a motor vehicle, or a part of a motor vehicle</li> <li>• Cannot be a boat or similar vessel</li> <li>• Cannot be any structure not intended for permanent human occupancy</li> </ul>
Structure Standards	<ul style="list-style-type: none"> <li>• The minimum residential living area requirement of the zoning district does NOT apply to homes in a manufactured home park</li> </ul>

**SECTION 3.10 RECOVERY RESIDENCE**

**A. Recovery Residence Purpose**

1. These standards are intended to ensure compatibility with the surrounding land uses while providing supportive options for individuals to transition from institutionalization (mental health, drugs, etc.) or incarceration.

**B. Recovery Residence Applicability & Additional Approvals**

1. Recovery residences (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Recovery residences are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

**C. Recovery Residence Additional Standards**

Recovery Residence Standards	
Additional Operational Standards	
Occupancy	<ul style="list-style-type: none"> <li>• Occupancy limit shall not exceed two people per occupiable bedroom or occupancy limits permitted by state statutes and regulations</li> </ul>
Additional Lot Standards	
Screening	<ul style="list-style-type: none"> <li>• A solid fence that is 6-feet tall shall be provided along all side and rear property lines that abut a residential zoning district</li> </ul>

## **SECTION 3.11 SEXUALLY ORIENTED BUSINESS**

### **A. Sexually Oriented Business Purpose**

1. These standards are intended to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city's zoning jurisdiction to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the jurisdiction, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The standards have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the chapter to condone or legitimize the distribution of obscene material.

### **B. Sexually Oriented Business Applicability & Additional Approvals**

1. Sexually oriented businesses (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Sexually oriented businesses are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### **C. Sexually Oriented Business Additional Standards**

1. All sexually oriented businesses shall comply with Chapter 112: Sexually Oriented Businesses of the City of Madison, IN Code of Ordinances.

## SECTION 3.12 SHORT-TERM RENTAL

### A. Short-Term Rental Purpose

1. These standards are intended to provide additional standards that comply with compliance with IC 36-1-24 for the protection of the public's health and safety; noise; property maintenance; and nuisance.

### B. Short-Term Rental Applicability & Additional Approvals

1. These standards shall apply to all non-owner-occupied short-term rentals (see *CHAPTER 8: DEFINITIONS*). These standards do not apply to owner-occupied short-term rentals that is the owner's primary residence.
2. Short-term rentals (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
3. Short-term rentals are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. Short-Term Rental Approvals

1. Annual Permit Required
  - a. An annual permit shall be filed by the property owner (or officer/agent if a legal entity) for each parcel that has a short-term rental with the Administrator in accordance with IC 36-1-24-11. A single permit shall include all dwelling units and accessory structures on a parcel.
  - b. In addition to the required application information, the applicant shall provide a short description of how each rental unit on the property is marketed or advertised, including the following:
    - i. The advertised occupancy limits of each short term rental unit.
    - ii. They type of rental unit:
      - 1) A single-family home
      - 2) A dwelling unit in a single-family home
      - 3) A dwelling unit in a two-family or multi-family dwelling
      - 4) A dwelling unit in a condominium, cooperative, or time share
  - c. A permit shall be issued within 30 days of a complete application.
  - d. Permits cannot be transferred to a new property owner, including partial ownership changes. If ownership changes, a new permit is required.
  - e. The property owner shall provide written notice of any changes to information within the permit to the Administrator within 30 days.
  - f. A permit fee shall be paid with all initial applications. Additional fees cannot be charged for annual renewals (including expired permits) unless a permit was revoked.
2. Violations and Enforcement
  - a. If 3 or more citations for ordinance violations are issued to an owner for a property with a short-term rental permit within a calendar year, the Administrator may revoke the permit for that property for a maximum of 1 year. The Administrator shall provide notice and a hearing for revocation as outlined in the IC 36-1-24 series.
  - b. Violations shall be in accordance with IC 36-1-24-18.

**D. Short-Term Rental Additional Standards**

Short-Term Rental Standards	
Additional Operational Standards	
Occupancy	<ul style="list-style-type: none"> <li>• Occupancy limit shall not exceed two people per occupiable bedroom or occupancy limits permitted by state codes and requirements</li> </ul>
Nuisance & Maintenance	<ul style="list-style-type: none"> <li>• Occupants and owners shall comply with all local nuisance, and noise, and property maintenance ordinances</li> </ul>
Tax Liability	<ul style="list-style-type: none"> <li>• Owners may be liable for state gross retail tax and/or innkeeper’s tax as required by Indiana Code</li> </ul>
Additional Structure Standards	
Permitted Types of Structures	<ul style="list-style-type: none"> <li>• Shall be within one of the following legally built structures that meet all applicable building code requirements:               <ul style="list-style-type: none"> <li>• Single-family home</li> <li>• Dwelling unit in a single-family home</li> <li>• Dwelling unit in a two-family or multi-family dwelling</li> <li>• Dwelling unit in a condominium, cooperative, or time share</li> </ul> </li> <li>• If located within an accessory building, it shall comply with <i>SECTION 3.2: ACCESSORY DWELLING UNIT (ADU)</i></li> </ul>
Prohibited Types of Structures	<ul style="list-style-type: none"> <li>• Cannot be a recreational vehicle, travel trailer, automobile, shipping container, or similar structure</li> <li>• Cannot be a motor vehicle, or a part of a motor vehicle</li> <li>• Cannot be a boat or similar vessel</li> <li>• Cannot be any structure not intended for permanent human occupancy</li> </ul>

## **SECTION 3.13 SOLAR ENERGY SYSTEM (SES), ACCESSORY**

### **A. Accessory Solar Energy System Purpose**

1. These standards are intended to minimize impacts on adjacent properties while also allowing for energy collection, storage, and distribution that is accessory to another use where the energy is intended to be used on-site.

### **B. Accessory Solar Energy System Applicability & Additional Approvals**

1. Accessory SES (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Accessory SES are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.
3. All accessory SES shall meet approval of local building code officials, consistent with the current State of Indiana Building Code and the National Electrical Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
4. Accessory SES components must have an Underwriters Laboratory (UL), or equivalent listing, and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.
5. It is recommended that the interconnection application be submitted to the utility prior to applying for required permits with the City.
6. Accessory SES within the Madison Historic District shall be required to receive a Certificate of Appropriateness.

**C. Accessory Solar Energy System Additional Standards**

<b>Accessory Solar Energy System Standards</b>	
<b>Additional Lot Standards</b>	
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Governed by the accessory structure setback for the zoning district in addition to:               <ul style="list-style-type: none"> <li>• Ground-mounted SES shall be located in the rear yard</li> <li>• Building-integrated and roof-mounted SES                   <ul style="list-style-type: none"> <li>• The collector surface and mounting devices may only extend beyond the exterior perimeter of the building on which the system is mounted or built if designed to safely extend beyond the perimeter by a Professional Engineer licensed to practice in the State of Indiana</li> </ul> </li> <li>• Exterior piping for solar hot water systems may extend beyond the perimeter of the building on a side or rear yard</li> </ul> </li> </ul>
Screening	<ul style="list-style-type: none"> <li>• If the total area on a single parcel that used for only ground-mounted accessory SES is larger than 0.25 acres, 6-foot continuous evergreen vegetation, 6-foot opaque fencing, and/or 6-foot berm are required to adequately screen the view of the solar panels and accessory equipment</li> <li>• Accessory SES in residential districts shall be designed to minimize visual impacts from the public right-of-way to the extent that it does not affect the cost or efficacy of the system, consistent with IC 36-7-2-8</li> </ul>
Glare	<ul style="list-style-type: none"> <li>• If reflectors are used, the glare impacting adjacent properties should be minimized. Shall be designed and constructed to minimize glare on adjacent properties and roadways and not interfere with vehicular traffic, including air traffic</li> </ul>
Maximum Impervious Surface	<ul style="list-style-type: none"> <li>• Governed by the zoning district</li> <li>• Ground-mounted SES do not count towards the maximum impervious surface if the soil under the collector is maintained with vegetation and not compacted</li> </ul>
<b>Additional Structure Standards</b>	
Permitted Types of Structures	<ul style="list-style-type: none"> <li>• Ground-mounted               <ul style="list-style-type: none"> <li>• These structures shall not be counted towards the maximum number of accessory structures as regulated by <i>CHAPTER 4: SITE STANDARDS</i></li> </ul> </li> <li>• Building-integrated SES and roof-mounted SES if located on a legally permitted structure and the structure is designed to adequately and safely accommodate the SES, including:               <ul style="list-style-type: none"> <li>• Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated SES</li> <li>• Solar carport SES located within a surface parking lot or parking structure</li> <li>• Solar associated electric vehicle charging equipment</li> </ul> </li> </ul>
Maximum Height	<ul style="list-style-type: none"> <li>• 15 feet for ground-mounted SES, measured at maximum design tilt</li> </ul>

## **SECTION 3.14 SOLAR ENERGY SYSTEM (SES), COMMERCIAL**

### **A. Commercial Solar Energy System Purpose**

1. These standards are intended to minimize impacts on adjacent properties and the larger community while also allowing for energy collection, storage, and distribution that is primarily intended to be used off-site and sent directly into the power grid through a connection point(s).

### **B. Commercial Solar Energy System Applicability & Additional Approvals**

1. Commercial SES (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Development plan approval shall be required for all commercial SES prior to issuance of a building permit (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO and that includes, at a minimum, the following additional information:
  - a. A detailed site plan that includes both existing and proposed conditions, final locations of all solar arrays and all other structures/equipment, property lines, rights-of-way, driving areas or service roads, floodplains, wetlands, protected natural resources, topography, and all other characteristics requested by the Administrator to determine compliance. The site plan should show all zoning districts and/or overlay districts of the subject and adjoining properties.
3. Annual Permit
  - a. The project owner shall obtain an annual permit (beginning the calendar year after the first building permit is issued) in order to operate a commercial SES that is submitted no later than March 15th of each calendar year that includes all required application information, current Certificate of Insurance with the City of Madison listed as additional insured, and proof of surety bond or equivalent.
  - b. The purpose of this permit is to ensure continuity of all required insurance and bonding as well as provide a mechanism to address any pending violations of the UDO; this permit is NOT intended to be a review the approval of the use and cannot revoke a prior special exception approval
4. All commercial SES shall meet approval of local building code officials, consistent with the current State of Indiana Building Code and the National Electrical Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. All solar panels and associated equipment shall be UL Certified.
5. It is recommended that the interconnection application be submitted to the utility prior to applying for required permits with the City.

**C. Commercial Solar Energy System Additional Standards**

<b>Commercial SES Additional Standards</b>	
<b>Additional Operational Standards</b>	
Emergency Response	<ul style="list-style-type: none"> <li>• Site layout must accommodate adequate access for all first responders, such as EMS, fire, and police</li> <li>• Project operator shall provide and maintain an emergency key box/knox box at all entrances for emergency responders, and the location and access code/key of each emergency key box/knox box shall be provided to local first responders</li> <li>• Project operator shall provide training for all first responder agencies that may be required to provide services, including but not limited to Emergency Management, fire, police, and EMT               <ul style="list-style-type: none"> <li>• This training shall identify any special response needs or processes, orient responders to the site layout and structures on-site, and other information necessary for first responders to safely and quickly respond to an emergency related to the project and/or site</li> </ul> </li> </ul>
Noise & Vibration <sup>1</sup>	<ul style="list-style-type: none"> <li>• All sound attributable to the SES shall not exceed an hourly average sound level of 50 A-weighted decibels, measured at the outer wall of a dwelling located on an adjacent non-participating property, which may be waived with written consent from the owner(s) of each impacted nonparticipating property</li> </ul>
Signal Interference	<ul style="list-style-type: none"> <li>• Shall be installed in a manner to minimize and mitigate impacts to television signals; microwave signals; agricultural global positioning systems; military defense radar; radio reception; and weather and doppler radar.</li> </ul>
Glare	<ul style="list-style-type: none"> <li>• Shall be designed and constructed to minimize glare on adjacent properties and roadways and not interfere with vehicular traffic, including air traffic</li> <li>• Projects located within 500 feet of an airport or within any approach zones of an airport must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA</li> </ul>
Construction Management & Road Closures	<ul style="list-style-type: none"> <li>• No public road or right-of-way shall be closed for more than 10 minutes unless it is approved by the entity with jurisdiction over the road prior to the occurrence</li> <li>• The project owner shall notify all property owners within 200 feet of the closed road and all impacted school districts by certificate of mailing at least 10 days before the closure, and a public notice shall be placed in the newspaper at least at least 10 days before the closure</li> <li>• A maintenance of traffic plan must be approved by the entity with jurisdiction over the road</li> </ul>

Road Use	<ul style="list-style-type: none"> <li>• The project owner shall be responsible for obtaining a public road use agreement that is approved by the entity with jurisdiction over the road prior to obtaining building permit (not required to be submitted with or prior to a special exception application).</li> <li>• An updated public road use agreement shall be obtained if the project owner changes</li> <li>• The public road use agreement shall be in effect and maintained by the project owner until the system and all components are fully decommissioned</li> <li>• The public road use agreement shall include, at a minimum, the following:             <ul style="list-style-type: none"> <li>• A point of contact from the project owner</li> <li>• Identification of all public roads that will be used in the transport of equipment and parts for construction, operation, or maintenance of the commercial SES</li> <li>• Designated roads and routes that can be used by any vehicle weighing more than 10 tons</li> <li>• Staging or holding areas that will be used for equipment or vehicles waiting to access a site or parcel</li> <li>• Process for moving oversized equipment and large numbers of vehicles along public roads to prevent congestion, including communication and coordination of this with Jefferson County</li> <li>• Temporary improvements that are necessary and that will be made by the project owner</li> <li>• Provisions for dust control on all public roads</li> <li>• Obligation to repair all public roads, road drainage infrastructure, and other infrastructure as required by this UDO, including a surety bond for the construction period as determined by the entity with jurisdiction over the road</li> </ul> </li> </ul>
Maintenance, Damage & Repair to Infrastructure	<ul style="list-style-type: none"> <li>• All damages to the following infrastructure (including the direct costs incurred by the public entity) caused by the construction, installation, or maintenance of a commercial SES must be completely repaired by the project owner or remedied with the installation of new infrastructure that is the same or better condition and approved by the entity with jurisdiction over the drainage:             <ul style="list-style-type: none"> <li>• Waterways, drainage ditches, field tiles, or other drainage related infrastructure</li> <li>• Public infrastructure, including public roads and rights-of-way</li> </ul> </li> <li>• All repairs must be approved by the entity with jurisdiction over the infrastructure after installation and completed within a reasonable period of time that is specified by the entity with jurisdiction over the infrastructure</li> </ul>
Damage to CSES	<ul style="list-style-type: none"> <li>• All damage from fire, flood, tornado, natural disasters, acts of God, acts of violence, or events over which a project owner has no control shall be repaired by the project owner within 12 months or comply with all requirements of the approved decommissioning plan if power is not generated within 12 months</li> </ul>

<p>Liability Insurance</p>	<ul style="list-style-type: none"> <li>• The project owner and operator of any commercial SES shall maintain a current commercial general liability policy (which may be combined with umbrella coverage) covering death, bodily injury, and property damage and shall name the City of Madison as an additional insured solely to the extent of liabilities arising under this UDO</li> <li>• The minimum policy coverage shall be a minimum of \$5M per occurrence and \$10M aggregate and shall be non-cancellable without 60 days written notice to the Administrator, Plan Commission, and City of Madison</li> <li>• The applicant shall provide proof of liability coverage in a form acceptable to the city's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount</li> <li>• All liability insurance policies shall be effective prior to the issuance of a building permit and shall be on a per occurrence basis with a general aggregate limit endorsement under the limits of insurance</li> <li>• Certificate(s) of Insurance must be on file with the City before any construction commences and provided annually each year</li> </ul>				
<p>Environmental Pollution Liability Insurance</p>	<ul style="list-style-type: none"> <li>• The project owner and operator of any commercial SES shall maintain an environmental pollution policy, written on an occurrence basis, covering the cleanup of any releases of pollution or other environmental damage that results from the commercial SES equipment, structures, or operations</li> <li>• The minimum policy coverage shall be \$5M per occurrence</li> <li>• The applicant shall provide proof of liability coverage in a form acceptable to the city's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount</li> <li>• All environmental pollution liability policies shall be effective prior to the issuance of a building permit and shall be on a per occurrence basis with a general aggregate limit endorsement under the limits of insurance</li> <li>• Certificate(s) of Insurance must be on file with the City before any construction commences and provided annually each year</li> </ul>				
<p><b>Additional Lot Standards</b></p>					
<p>Prohibited Locations</p>	<ul style="list-style-type: none"> <li>• Commercial SES panels, equipment, and buildings cannot be located in a flood hazard area, wetland, or waterway regulated by Indiana DNR or USACE</li> </ul>				
<p>Setback Standards</p>	<ul style="list-style-type: none"> <li>• Setbacks only apply to the placement and location of CSES structures; they do not apply to non-CSES structures (such as a dwelling) that are built after the construction / installation of a CSES structure</li> <li>• Setback distance shall be measured from the closest edge of the CSES structure to the specified location, which shall include the closest edge of a security/perimeter fence, closest edge of the solar energy system array at maximum design tilt, or closest edge of all other CSES structures</li> <li>• Screening materials used to satisfy requirements of this UDO (such as opaque fencing and/or evergreen trees for CSES screening or bufferyard requirements) do not have to comply with these setbacks</li> <li>• Setbacks may be waived with written consent from the owner(s) of each impacted nonparticipating property</li> </ul>				
<p>Minimum Setbacks for CSES Structures (including all fencing)</p>	<table border="1"> <tr> <td data-bbox="527 1654 909 1770"> <p>From a Right-of-Way</p> </td> <td data-bbox="909 1654 1487 1770"> <ul style="list-style-type: none"> <li>• 50 feet from any right-of-way or 80 feet from the center of a road if right-of-way is not dedicated by written, recorded instrument</li> </ul> </td> </tr> <tr> <td data-bbox="527 1770 909 1850"> <p>From an Existing Dwelling, Church, School, or Cemetery</p> </td> <td data-bbox="909 1770 1487 1850"> <ul style="list-style-type: none"> <li>• 500 feet from the closest edge of the primary structure but at least 200 feet from the non-participating property line</li> </ul> </td> </tr> </table>	<p>From a Right-of-Way</p>	<ul style="list-style-type: none"> <li>• 50 feet from any right-of-way or 80 feet from the center of a road if right-of-way is not dedicated by written, recorded instrument</li> </ul>	<p>From an Existing Dwelling, Church, School, or Cemetery</p>	<ul style="list-style-type: none"> <li>• 500 feet from the closest edge of the primary structure but at least 200 feet from the non-participating property line</li> </ul>
<p>From a Right-of-Way</p>	<ul style="list-style-type: none"> <li>• 50 feet from any right-of-way or 80 feet from the center of a road if right-of-way is not dedicated by written, recorded instrument</li> </ul>				
<p>From an Existing Dwelling, Church, School, or Cemetery</p>	<ul style="list-style-type: none"> <li>• 500 feet from the closest edge of the primary structure but at least 200 feet from the non-participating property line</li> </ul>				

	From a Parcel Without a Dwelling but Platted for Residential or Zoned R1, R2, R3, or HDR	<ul style="list-style-type: none"> <li>• 500 feet from the non-participating property line</li> </ul>
	From All Other Non-Participating Parcels	<ul style="list-style-type: none"> <li>• 200 feet from all other non-participating property lines of an adjacent parcel</li> </ul>
	From a Participating Parcel	<ul style="list-style-type: none"> <li>• 0 feet from the property line of a participating parcel</li> <li>• Note that all non-commercial SES structures on a participating parcel (such as a house on a parcel with CSES) must still meet the zoning district setback requirements.</li> </ul>
Screening Standards		<ul style="list-style-type: none"> <li>• Continuous screening that complies with all standards of this section shall be provided along all property lines with CSES structures, excluding security/perimeter fencing and non-commercial SES structures (such as a house on a CSES parcel) as outlined in this section</li> <li>• Additional screening that complies with this section may be required for a special exception approval by the BZA if there is a clear community interest in maintaining a viewshed</li> <li>• All required screening shall be located within 150 feet of the property line and located on the CSES parcel</li> <li>• A site plan shall be submitted with the development plan application that identifies the type and extent of proposed screening as well as the applicant's plan to maintain the required screening materials over the life of the project</li> <li>• Screening may be waived with written consent from the owner(s) of each impacted nonparticipating property</li> </ul>
	Adjacent to a Participating Parcel	<ul style="list-style-type: none"> <li>• Not required</li> </ul>
	Adjacent to a Right-of-Way	<ul style="list-style-type: none"> <li>• Not required unless screening is required by this section for a non-participating parcel across the right-of-way</li> </ul>
Screening Locations	Adjacent to an Existing Dwelling (including an existing dwelling that is separated from the CSES by a right-of-way)	<ul style="list-style-type: none"> <li>• Required along the entire length of the dwelling structure and extended 100 feet past the edge of the dwelling structure in both directions</li> </ul>
	Adjacent to a Parcel Without a Dwelling but Platted for Residential or Zoned R1, R2, R3, or HDR	<ul style="list-style-type: none"> <li>• Required along the entire length of the non-participating parcel</li> </ul>
	All Other Non-Participating Parcels	<ul style="list-style-type: none"> <li>• Not Required</li> </ul>

Screening Materials	<ul style="list-style-type: none"> <li>• Screening shall consist of evergreen trees and/or opaque fencing as outlined below:           <ul style="list-style-type: none"> <li>• Evergreen tree requirements:               <ul style="list-style-type: none"> <li>• Permitted Species: American Holly, Arborvitae (green giant or similar stature), Eastern Red Cedar, or another evergreen approved by the Administrator</li> <li>• Arrangement: Arranged utilizing a triangular spacing pattern with spacing not exceeding 15' between centers unless alternative spacing is necessary due to the species and it is approved of with the development plan or by the Administrator</li> <li>• Height: At least 6 feet tall at the time of planting with a 15-foot mature height</li> <li>• Installation: Consistent with the latest American Standard for Nursery Stock standards</li> </ul> </li> <li>• Opaque fencing requirements:               <ul style="list-style-type: none"> <li>• Permitted Materials: One of the following opaque materials that does not provide gaps or transparency through the fence: pressure treated wood, cedar, wood composite, commercial grade vinyl, or similar material approved with the development plan or by the Administrator</li> <li>• Prohibited Materials: Barbed wire and chain link with privacy slats or fabric or any materials not specified as permitted are prohibited as a screening fence material</li> <li>• Commercial Grade: All screening fences shall be comprised of commercial grade materials, and all iron or steel components shall be galvanized. All fences shall be designed with the structural stability necessary to withstand anticipated conditions (such as wind) and shall comply with all structural design requirements outlined in the state building code</li> <li>• Security Fence: A security/perimeter fence may be used to satisfy required screening if it meets all requirements</li> </ul> </li> </ul> </li> <li>• Existing vegetation or opaque fencing that meets the required standards may be used to satisfy this requirement</li> <li>• All required screening, vegetation, and ground cover shall be maintained by the project owner at all times in good condition and free of weeds, dirt, trash, rust, corrosion, and debris</li> <li>• All required screening and/or plant material that dies or is damaged must be replaced within 3 months</li> </ul>
Ground Cover & Impervious Surfaces	<ul style="list-style-type: none"> <li>• Ground cover (such as grass, pollinator meadow, or other plant materials) shall be installed for the site around and under solar panels and within all setback or buffer areas</li> <li>• Ground cover shall be planted, established, and maintained for the life of the project and shall be planted and maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council</li> <li>• Detailed plans showing compliance with ground cover shall be submitted as part of a Development Plan application</li> <li>• Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards as described in this ordinance</li> </ul>

Power & Communication Lines	<ul style="list-style-type: none"> <li>• All power and communication lines shall be within an easement, parcel, or a right-of-way</li> <li>• All power and communication lines that are 34.5 kilovolts or greater shall be buried underground at a depth of at least 36 inches if located within a CSES fenced area or 48 inches if located outside of a CSES fenced area</li> <li>• Power and communication lines that are less than 34.5 kilovolts (such as module-to-module collection cables and junction boxes) may be located above ground</li> <li>• Power and communication lines between the project substation and the point of interconnection with the transmission system can be overhead</li> <li>• If located in a right-of-way, the project owner shall obtain approval from:             <ul style="list-style-type: none"> <li>• The Board of Works if within the city; or</li> <li>• The Jefferson County Board of Commissioners, including any required permits from the Jefferson County Highway Department if located outside of city limits</li> </ul> </li> </ul>
<b>Additional Structure Standards</b>	
Foundation Design	<ul style="list-style-type: none"> <li>• A Professional Engineer licensed to practice in the State of Indiana shall certify that the foundation and design of the solar panel racking, foundations, and support is within accepted professional standards, given local soil and climate conditions</li> </ul>
Maximum Height	<ul style="list-style-type: none"> <li>• 20 feet, measured at maximum design tilt</li> </ul>
Perimeter Fence	<ul style="list-style-type: none"> <li>• All areas with CSES components (excluding enclosed and secured buildings and drainage areas) shall be completely enclosed with perimeter fencing that is at least 7 feet in height and meets all state law and/or building code requirements</li> <li>• Prohibited fence materials and types include wildlife-friendly fencing and barbed wire fences (except on fencing used to enclose a substation or if barbed wire is required by state or federal law without any alternative design solutions or materials)</li> <li>• All fences shall be maintained at all times, be in good repair, and free of rust and corrosion</li> <li>• All fences shall be designed with the structural stability necessary to withstand anticipated conditions (such as wind) and shall comply with all state building code requirements</li> <li>• If a perimeter fence consists of chain link, it shall be commercial grade and be able to withstand anticipated wind and similar conditions</li> </ul>

**D. Commercial Solar Energy System Additional Procedures**

1. Annual Permit Requirements
  - a. The purpose of this permit is to ensure continuity of all required insurance and bonding as well as provide a mechanism to address any pending violations of the UDO. This permit is NOT intended to be a review the approval of the use and cannot revoke a prior special exception approval.
  - b. The project owner shall obtain a permit from in order to operate a commercial SES that is renewed every three years (concurrent with the reevaluation of decommissioning costs and surety bonds).
  - c. The application shall, at a minimum, include a current certificate of insurance; current proof of surety bond or approved equivalent; the amount of energy produced in the past year; and all other required application information.
  - d. Failure to obtain the permit within 180 days of previous expiration date shall require the decommissioning of the project to commence.

2. Building Permit Requirements
  - a. Development plans approval and Special Exception approval (as required) are require prior to the issuance of any building permits. Approval of the development plan does not indicate compliance with Building Code or Electric Code.
  - b. The applicant shall be responsible for paying for a third-party inspector (if necessary), who is qualified to inspect solar systems and is approved by the County, to inspect all solar structures prior to the issuance of a Certificate of Occupancy.
  - c. All Material Safety Data Sheets for the Solar Panels shall be submitted with the building permit application.
3. Development Plan Required with Special Exception Application
  - a. A development plan application shall be submitted concurrently with a commercial SES special exception application in order to provide the detailed information necessary for a BZA decision that includes, at a minimum, the following information. Note that development plans are not approved by the BZA (as outlined in *SECTION 7.3: APPLICATION PROCEDURES: DEVELOPMENT PLAN*).
    - i. Property lines of the subject parcel(s) and rights-of-way
    - ii. Zoning and overlay districts of the subject and adjoining properties
    - iii. Locations and setbacks of all solar arrays and all other structures/ equipment/ power/communication lines
    - iv. Locations of fences, including type of fence/materials and the square footage within the fenced area on each individual parcel
    - v. Locations of any additional screening and ground cover, including planting types and materials
    - vi. Driving areas, service roads, and access points within each parcel(s)
    - vii. Locations of all floodplains, wetlands, and protected natural resources
    - viii. Topographic contours at intervals of two foot if the general slope of the parcel is less than 5% or intervals of one foot if the slope exceeds 5%. Contours shall be referenced to mean sea level elevations
    - ix. Provisions for glare/aviation protection, signal interference, sound level, and dust control on the site
    - x. Other information or characteristics requested by the Administrator or required by the application to determine compliance with this UDO
  - b. The development plan application cannot be approved prior to the special exception use being approved by the BZA because the use is not permitted by right. Because of this, the development plan application shall only be considered after the BZA approves a special exception application for a commercial SES.
  - c. All BZA approvals of a commercial SES by shall include a written commitment that binds the project owner to the detailed site plan in the development plan application. Any changes to the detailed site plan included in a BZA decision (including any changes to the site plan that result from the development plan application process) shall be approved by the BZA with an amended special exception application (note, the amended special exception application shall only include the change(s) and not consider other factors or a previously approved use that are not changing). Note that any amendments to an approved development plan application shall also be approved as outlined in *SECTION 7.3: APPLICATION PROCEDURES: DEVELOPMENT PLAN*.

4. Decommissioning Plan Information Required with Special Exception Application
  - a. A decommissioning plan is not required to be approved prior to or submitted with a special exception application. However, the following shall be submitted with any special exception application for a Commercial SES use, and the BZA may, at their discretion, include any portions of these documents as written commitments.
    - i. Site restoration plan
    - ii. Commitment letter from a satisfactory bonding entity or financial institution that is able to provide the required surety bond (or equivalent) verifying the project owner's ability to obtain or fund the required surety (or equivalent)
    - iii. Affidavit of responsibility
    - iv. Binding agreement
5. Decommissioning Plan Required Prior to Issuance of Building Permit
  - a. Except as otherwise allowed by IC 36-7-4-1109, no commercial SES shall be installed prior to a decommissioning plan being approved by the City that adequately outlines how the site will be decommissioned.
  - b. The decommissioning plan must be approved prior to issuance of any building permits
  - c. The decommissioning plan shall be resubmitted for approval if the project owner or operator changes.
  - d. If a commercial SES (or a portion or area of the CSES) does not produce power for 12 consecutive months, the system (or the portion or area not producing power) shall be decommissioned according to the approved plan within 3 years of the last date the system (or portion or area) last produced power. This includes fulfilling all requirements of the decommissioning plan. If all requirements of the decommissioning plan are not completed within this time period, the City may collect on the bond to cover any and all remaining decommissioning requirements.
6. Decommissioning Plan Required Elements. The decommissioning plan shall include all of the following requirements except as otherwise required by Indiana Code.

**Commercial Solar Energy System Decommissioning Plan**

Affidavit of Responsibility	<ul style="list-style-type: none"> <li>• A signed and notarized affidavit that is recorded with the Jefferson County Recorder’s Office shall be provided by all property owners acknowledging that the responsibility of decommissioning (including costs to decommission) is ultimately the responsibility of the property owner(s) even if that responsibility and cost is assigned to the operator through a separate agreement</li> <li>• If ownership of a parcel and/or easement related to the project changes, the project owner or operator shall obtain and record a signed and notarized affidavit from the new parcel owner(s)</li> <li>• If the operator fails to comply with any aspect of the decommissioning plan, the property owner(s) shall be ultimately responsible for all aspects of decommissioning and liable for all penalties for failure to comply</li> </ul>
Continuity Clause	<ul style="list-style-type: none"> <li>• A statement that the decommissioning plan is binding upon the property owner and operator as well as any of their successors, assignees, or heirs</li> </ul>
Emergency Response Plan	<ul style="list-style-type: none"> <li>• Demonstrate compliance with all emergency response requirements outlined in this section</li> </ul>
Construction Management Plan	<ul style="list-style-type: none"> <li>• Demonstrate compliance with all construction management requirements outlined in this section</li> </ul>
Road Use Agreement	<ul style="list-style-type: none"> <li>• Demonstrate compliance with all road use standards requirements outlined in this section</li> </ul>
Site Restoration Plan	<ul style="list-style-type: none"> <li>• Details on how the site will be restored to a natural state that includes:                         <ul style="list-style-type: none"> <li>• Removal of all structures and foundations (including above and below ground)</li> <li>• Documentation of existing and restoration of soil and vegetation to a level of productivity that is similar to the soil prior to disturbance</li> <li>• Documentation of existing and restoration of all tillable areas through deep tillage to a depth of 10 to 14 inches deep</li> <li>• Disposal of structures, materials, waste, and/or foundations (both hazardous and non-hazardous materials) shall meet the provisions of all local, state, and federal ordinances</li> </ul> </li> <li>• The project owner and/or operator shall provide adequate assurances that financial resources are or will be available to fully decommission and restore the site</li> <li>• The project operator or property owner may petition the BZA for a variance from the site restoration requirements if the property owner intends to utilize the property for a use permitted in the applicable zoning district, other than the original use, after the site is decommissioned; the BZA shall consider the intended future use of the property and adjacent properties in addition to the standards of evaluation for a variance outlined by this UDO</li> </ul>
Proof of Required Insurance	<ul style="list-style-type: none"> <li>• Proof of all insurance requirements outlined in this section</li> </ul>
Decommissioning Costs	<ul style="list-style-type: none"> <li>• Estimated decommissioning costs (including reevaluations of these costs at the required timelines) calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of commercial SES) that are agreed upon by the project owner and the City of Madison                         <ul style="list-style-type: none"> <li>• Total estimated decommissioning costs shall not include any estimated salvage value attributable to the solar power device(s) at the time of decommissioning, unless the Administrator and the project owner agree to include this value in the estimated cost</li> </ul> </li> <li>• The total amount of the bond or other security required under this section shall be reevaluated and adjusted every three years due to changes in costs</li> </ul>

Surety Bond or Equivalent <sup>1</sup>	<ul style="list-style-type: none"> <li>• A surety bond or an equivalent means of security acceptable to the City of Madison (such a parent company guarantee or an irrevocable letter of credit but excluding cash) shall be provided by the project owner for 125% of the total estimated decommissioning costs for all solar power device(s)</li> <li>• The amount of the bond shall be adjusted, as necessary, every three years after each reevaluation of the cost estimates to ensure it is equal 125% of the reevaluated decommissioning costs</li> <li>• The bond shall be fully executed and effective within 60 days of the date the City approves or accepts the cost estimate(this applies to the initial cost estimate and subsequent reevaluations of the cost estimates)</li> <li>• The term shall be for a minimum of a 1 year period and shall be renewable until all requirements of the decommissioning plan are completed</li> <li>• The bond shall be on a non-cancellable/irrevocable basis with terms that state it shall remain in place / valid until the project has been decommissioned in accordance with the approved Decommissioning Plan or the amount of the bond has been paid to the City</li> <li>• Written notice shall be provided to the Administrator, Plan Commission, and Comon Council within 60 days if the surety bond or equivalent is not renewed</li> <li>• The bond shall be in place prior to the start of any construction activities or site disturbance</li> </ul>
Penalties	<ul style="list-style-type: none"> <li>• Failure to comply with the decommissioning and/or bonding requirements of this UDO shall be liable for each and every violation of non-compliance for civil penalties as outlined in <i>SECTION 7.16: OTHER PROCEDURES: VIOLATIONS &amp; ENFORCEMENT</i></li> </ul>

## SECTION 3.15 UTILITY FACILITY

### A. Utility Facility Purpose

1. These standards are intended to ensure compatibility with the surrounding land uses while providing necessary infrastructure for the health, safety, and welfare of the community.

### B. Utility Facility Applicability & Additional Approvals

1. These standards shall apply to all utility facilities that can be governed under the local zoning jurisdiction as permitted by Indiana Code. These standards do not apply to wireless communication facilities, other public utilities where local zoning jurisdiction is limited by state or federal regulation, solar energy systems, or wind energy systems.
2. Utility facilities (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
3. Development plan approval shall be required for all utility facilities governed by this section prior to issuance of a building permit (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

### C. Utility Facility Additional Standards

Utility Facility Standards	
Additional Lot Standards	
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Governed by the zoning district but shall be at least 50 feet from all property lines</li> </ul>
Screening & Site Security	<ul style="list-style-type: none"> <li>• A security fence that is at least 7 feet tall shall be provided to limit access</li> <li>• Barbed wire is permitted if required by state statute and state building codes</li> <li>• Screening that consists of evergreen trees and/or berms shall be provided and maintained at all times along all property lines that abut an existing residential use or public road</li> <li>• Existing vegetation that meets the required standards may be used to satisfy this requirement</li> <li>• Evergreen trees shall be:                             <ul style="list-style-type: none"> <li>• One or more of the following: American Holly, Arborvitae (green giant or similar stature), Eastern Red Cedar, or another evergreen approved by the Administrator</li> <li>• Arranged utilizing a triangular spacing pattern with spacing not exceeding 15' between centers unless another spacing is necessary due to the plant species and it is approved by the Administrator</li> <li>• At least 6 feet tall at the time of planting with a 15-foot mature height unless approved by the Administrator</li> <li>• Consistent with the latest American Standard for Nursery Stock standards</li> </ul> </li> <li>• Earthen berms shall be at least 6 feet in height with a maximum 2:1 slope</li> <li>• All required screening, vegetation, and ground cover shall be maintained by the project owner at all times in good condition and free of weeds, dirt, trash, rust, corrosion, and debris</li> <li>• All required screening and/or plant material that dies or is damaged must be replaced within 6 months</li> </ul>

**SECTION 3.16 VEHICLE & EQUIPMENT SERVICE & REPAIR**

**A. Vehicle & Equipment Service & Repair Purpose**

1. These standards are intended to mitigate potential impacts to surrounding properties, ensure compatibility with the surrounding land uses, and protect the health, safety, and welfare of the community.

**B. Vehicle & Equipment Service & Repair Applicability & Additional Approvals**

1. Vehicle and equipment service and repair (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. Development plan approval shall be required for all utility facilities governed by this section prior to issuance of a building permit (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

**C. Vehicle & Equipment Service & Repair Additional Standards**

Vehicle & Equipment Service & Repair Standards	
Additional Operational Standards	
Repair and Service Activities	<ul style="list-style-type: none"> <li>• All repair or servicing activities shall be conducted entirely within an enclosed building</li> </ul>
Outdoor Public Address (PA) Systems	<ul style="list-style-type: none"> <li>• Amplified speaker/public address systems are prohibited except within fully enclosed buildings if the parcel abuts a residential zoning district</li> </ul>
Additional Lot Standards	
Outdoor Storage	<ul style="list-style-type: none"> <li>• Vehicles (including all inoperable vehicles), equipment, parts, or other items/materials shall be stored within an enclosed building or in an area that is not visible from any adjacent parcel or public road at all times</li> <li>• If the storage area is not within an enclosed building, it shall be located in the rear yard</li> <li>• This does not apply to temporary parking for employees or customers whose vehicles are not being serviced or repaired</li> </ul>
Minimum Setbacks	<ul style="list-style-type: none"> <li>• 25 feet from any property lines of a parcel that abut a residential zoning district unless a larger setback is required by the zoning district or bufferyard</li> </ul>
Site Access	<ul style="list-style-type: none"> <li>• Service areas and bays shall not gain direct access or allow a vehicle to back directly onto a public road</li> </ul>

## **SECTION 3.17 WIND ENERGY SYSTEM (WES)**

### **A. Wind Energy System Purpose**

1. These standards are intended to establish the necessary standards for regulating the development, operation, and decommissioning of commercial and personal use wind power devices.

### **B. Wind Energy System Applicability & Additional Approvals**

1. Permitted Districts
  - a. Mini, small, and commercial WES (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
  - b. Applications for the modification of an existing structure that does not increase the overall height or appearance shall be considered a permitted use if it was legally permitted and/or approved previously.
2. Development Plan Approval
  - a. Mini and small WES that do not exceed 45 feet in height and are at least 50 feet from any property line or overhead utility easement are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.
  - b. Mini or small WES 45 feet or more in height or that are less than 50 feet from any property line require development plan approval prior to issuance of a building permit showing compliance with all regulations of this UDO.
  - c. Development plan approval shall be required for all commercial WES prior to issuance of a building permit showing compliance with all regulations of this UDO.
3. Building Permits
  - a. No WES of any type shall be installed or constructed until all required approvals and permits have been issued. The City may, at its discretion, delegate or designate other official agencies to accept, review, analyze, evaluate, and make recommendations with respect to the approval, or denial, of proposed WES.
  - b. Any permit issued for a WES shall not be assigned, transferred, or conveyed without prior written notification to the Administrator.
  - c. All applicants shall notify the Administrator of any intended modification of a mini, small, or commercial WES and shall submit an application to modify the height, relocate, or rebuild such a structure.
4. Other Compliance
  - a. All applicants shall construct, operate, maintain, repair, provide for removal of, modify, and/or restore the permitted system in strict compliance with all current applicable local, state, and federal technical and safety-related codes, including, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes and regulations. In the event of a conflict between or among any of the preceding, the more restrictive shall apply.
  - b. All applicants shall obtain, at their own expense, all permits and licenses required by applicable laws, rules, regulations, and/or codes, and the applicant must maintain the applicable permits and licenses, in full force and effect, for as long as required by the City of Madison or any other governmental entity or agency having jurisdiction over the applicant.

**C. Wind Energy System Additional Standards: Mini, Small & Commercial**

<b>Mini, Small &amp; Commercial Standards</b>	
<b>Additional Lot Standards</b>	
Minimum Setbacks <sup>1,2</sup>	<ul style="list-style-type: none"> <li>• 1.2 times the height of the wind power device to nearest edge of right-of-way for any utility transmission or distribution line</li> <li>• 1.5 times the height of the wind power device to the:               <ul style="list-style-type: none"> <li>• Centerline of any runway (public use airport, private use airport, or municipal)</li> <li>• Centerline of any public use highway, street, or road</li> <li>• Centerline of any railroad, easement, or right-of-way</li> <li>• Property line of any nonparticipating property</li> <li>• Nearest edge of the right-of-way or easement for any utility</li> </ul> </li> <li>• 2 times the height of the wind power device to the property line of any undeveloped land that is zoned or platted for residential use.</li> <li>• 3 times the height of the wind power device to the nearest point on the outer wall of a dwelling located on a nonparticipating property transmission or distribution line</li> <li>• 1 mile from any municipal boundary or a state park (only applies to commercial; mini and small are exempt from this specific setback)</li> </ul>
<b>Additional Structure Standards</b>	
Height	<ul style="list-style-type: none"> <li>• No restriction on height of commercial WES, as required by IC 8-1-41-10, other than state and federal regulations</li> </ul>
Industry Standards	<ul style="list-style-type: none"> <li>• All WES shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association</li> <li>• All systems that are over 25 feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions</li> </ul>

*1 – May be waived with written consent from the owner(s) of each impacted nonparticipating property and/or easement*

*2 – Setback measured as a straight line from the vertical centerline of the device base and height measured from the ground elevation at the base of the device to the tip of the blade fully extended upward*

**D. Wind Energy System Additional Standards: Commercial Only**

<b>Commercial Wind Energy System Additional Standards</b> <i>(Does not apply to Mini &amp; Small)</i>	
<b>Additional Operational Standards</b>	
Shadow Flicker <sup>1</sup>	<ul style="list-style-type: none"> <li>No wind power devices shall be installed without providing documentation of all of the following:               <ul style="list-style-type: none"> <li>The project owner has used shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by the wind power device</li> <li>The wind power device(s) has been designed and documentation using industry standard computer modeling is provided that indicates that any dwelling on a nonparticipating property will not experience more than 30 hours per year of shadow flicker under planned operating conditions for the wind power device(s)</li> </ul> </li> <li>After any wind power device is installed or located, the project owner shall work with the property owner of any affected dwelling on a nonparticipating property to mitigate the effects of shadow flicker to the extent reasonably practicable</li> </ul>
Communication Signals	<ul style="list-style-type: none"> <li>All wind power devices must be installed in a manner to minimize and mitigate impacts to television and microwave signals; agricultural global positioning systems; military defense radar; radio reception; and weather and doppler radar</li> </ul>
Noise <sup>1</sup>	<ul style="list-style-type: none"> <li>No wind power devices shall be installed without providing documentation that all devices will operate in a manner such that the sound attributable to the wind power device(s) will not exceed an hourly average sound level of 50 A-weighted decibels, as modeled at the outer wall of an affected dwelling</li> </ul>
Maintenance & Inspection	<ul style="list-style-type: none"> <li>The owner or operator of a commercial WES must submit, on an annual basis, a summary of the operation and maintenance reports to the Administrator in addition to these reports as the Administrator reasonably requests</li> <li>The Administrator is responsible for contacting all owners or operators that do not meet local, State, and/or Federal codes and regulations. Once notified in writing, the owner or operator will be required to address any repairs or alterations within 30 days after receiving notice—or within a longer period of time mutually acceptable to both parties. During this time period, the owner or operator may retain a third-party Professional Engineer licensed in the State of Indiana who is familiar with commercial wind energy systems to submit a report to the Administrator that addresses the repairs or alterations required and suggests alternates or provides evidence that said repairs or alterations are unnecessary. The Administrator will consider any such written report and determine whether the repairs or alterations.</li> </ul>
Liability Insurance	<ul style="list-style-type: none"> <li>The owner or operator of any commercial WES shall maintain a current commercial general liability policy covering death, bodily injury, and property damage and shall name the City of Madison as an additional insured solely to the extent of liabilities arising under this UDO.</li> <li>The applicant shall provide proof of liability coverage in a form acceptable to the city's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount</li> </ul>

**Additional Lot Standards**

Lighting	<ul style="list-style-type: none"> <li>• Except as otherwise allowed by IC 36-7-4-1109 after January 1, 2023, or to the extent permissible under federal law or regulations, all wind power devices must be equipped with a wind turbine light mitigation technology, unless:               <ul style="list-style-type: none"> <li>• The Federal Aviation Administration denies the project owner's application to use a wind turbine light mitigation technology;</li> <li>• The wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or</li> </ul> </li> <li>• The project owner determines that the use of a wind turbine light mitigation technology is not economically feasible</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>• All damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a wind power device must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure that does not impede the natural flow of water. All repairs are subject to applicable federal, state, and local drainage laws and regulations, must be completed within a reasonable period of time, and:               <ul style="list-style-type: none"> <li>• Completed to the satisfaction of the Administrator; and</li> </ul> </li> <li>• Completed as stated in an applicable lease or another agreement with the landowner</li> </ul>
Signs	<ul style="list-style-type: none"> <li>• All systems and their appurtenant structures shall contain a sign(s) no larger than four square feet each that:               <ul style="list-style-type: none"> <li>• Provides the name(s) of the owner(s) and operator(s) of the commercial WES as well as emergency phone number(s) that are visible from the access point(s) of the site and not lighted, unless lighting is required by applicable law, rule, or regulation.</li> <li>• Provides a warning concerning voltage that is placed at the base of all pad-mounted transformers and substations in a conspicuous location.</li> </ul> </li> <li>• No other signage, including advertising, shall be permitted</li> </ul>

**Additional Structure Standards**

Physical Modifications	<ul style="list-style-type: none"> <li>• Any physical modification to the commercial WES that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by a Professional Engineer licensed in the State of Indiana obtain all required building permits</li> </ul>
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*1 – May be waived with written consent from the owner(s) of each impacted nonparticipating property and/or easement*

*2 – Setback measured as a straight line from the vertical centerline of the device base and height measured from the ground elevation at the base of the device to the tip of the blade fully extended upward*

**E. Wind Energy System Additional Procedures: Commercial Only**

- Decommissioning Plan Required for Commercial Wind Energy Systems (does not apply to mini and small). Except as otherwise allowed by IC 36-7-4-1109, no commercial wind power devices shall be installed unless the project owner submits a decommissioning plan that adequately outlines how the site will be decommissioned. The decommission plan shall include all of the following requirements.

<b>Commercial Wind Energy System Decommissioning Plan</b> <i>(Does not apply to Mini &amp; Small)</i>													
Decommissioning Costs	<ul style="list-style-type: none"> <li>Estimated decommissioning costs, including reevaluations of these costs at the required timelines, shall be calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of wind power devices) and agreed upon by the project owner and the City of Madison</li> <li>Total estimated decommissioning costs shall not include any estimated salvage value attributable to the wind power device(s) at the time of decommissioning, unless the Administrator and the project owner agree to include this value in the estimated cost</li> <li>The total amount of the bond or other security required under this section shall be adjusted at each reevaluation or time increment indicated due to changes in costs</li> </ul>												
Surety Bond or Equivalent <sup>1</sup>	<ul style="list-style-type: none"> <li>Provide a surety bond or an equivalent means of security acceptable to the City of Madison (such a parent company guarantee or an irrevocable letter of credit but excluding cash) for the total estimated decommissioning costs for all wind power device(s) in the following amounts and timelines:</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Prior the start date</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">5th anniversary</td> <td style="text-align: center;">_____ 25%</td> </tr> <tr> <td style="text-align: center;">10th anniversary</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">15th anniversary</td> <td style="text-align: center;">_____ 50%</td> </tr> <tr> <td style="text-align: center;">20th anniversary</td> <td style="text-align: center;">_____ 100%</td> </tr> <tr> <td style="text-align: center;">Every 5 years after the 20<sup>th</sup> anniversary</td> <td style="text-align: center;">_____ 100%</td> </tr> </table>	Prior the start date	_____	5th anniversary	_____ 25%	10th anniversary	_____	15th anniversary	_____ 50%	20th anniversary	_____ 100%	Every 5 years after the 20 <sup>th</sup> anniversary	_____ 100%
Prior the start date	_____												
5th anniversary	_____ 25%												
10th anniversary	_____												
15th anniversary	_____ 50%												
20th anniversary	_____ 100%												
Every 5 years after the 20 <sup>th</sup> anniversary	_____ 100%												
Penalties	<ul style="list-style-type: none"> <li>Failure to comply with the decommissioning and/or bonding requirements of this UDO shall be liable for each and every violation of non-compliance for civil penalties as outlined in <i>SECTION 7.16: OTHER PROCEDURES: VIOLATIONS &amp; ENFORCEMENT</i></li> </ul>												

<sup>1</sup> – Timeline is from the start date of the wind power device's full commercial operation

## **SECTION 3.18 WIRELESS COMMUNICATION FACILITY**

### **A. Wireless Communication Facility Purpose**

1. These standards are intended to allow for the appropriate placement of new wireless communication facilities in compliance with state statutes. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.

### **B. Wireless Communication Facility Applicability & Additional Approvals**

1. Wireless communication facilities (as defined in *CHAPTER 8: DEFINITIONS*) shall only be permitted as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.
2. These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.
3. Development plan approval shall be required for all wireless communication facilities prior to issuance of a building permit showing compliance with all regulations of this UDO. Development plan approval is not required if a building permit is not required.
4. An applicant for the placement of a small cell facility and associated supporting structure shall comply with applicable Federal Communications Commission requirements and industry standards for identifying the owner's name and contact information as well as all other state and federal regulations.

**C. Wireless Communication Facility Additional Standards**

<b>Wireless Communication Facility Additional Standards</b>	
<b>Additional Use Standards</b>	
Ability to Prohibit in Areas with Underground or Buried Utilities	<ul style="list-style-type: none"> <li>• With respect to the construction, placement, or use of a small cell facility and the associated supporting structure, the PC may prohibit the placement of a new utility pole or a new wireless support structure in a right-of-way within an area that is designated strictly for underground or buried utilities, if all of the following apply:                             <ul style="list-style-type: none"> <li>• The area is designated strictly for underground or buried utilities before May 1, 2017</li> <li>• No above ground wireless support structure; utility pole; or other utility superstructure exists in the area other than light poles or small cell facilities approved as part of a waiver process described in this chapter.</li> <li>• The PC allows all of the following:                                     <ul style="list-style-type: none"> <li>• The collocation of small cell facilities on existing utility poles, light poles, and wireless support structures as a permitted use within the area</li> <li>• The replacement or improvement of existing utility poles, light poles, and wireless support structures as a permitted use within the area</li> </ul> </li> <li>• Provides a waiver, a zoning process, or another procedure that addresses requests to install new utility poles or new wireless support structures within the area</li> <li>• Upon receipt of an application for the construction, placement, or use of a small cell facility one or more new utility poles or one or more new wireless support structures in an area that is designated strictly for underground or buried utilities, the PC posts notice of the application on the city's website. The notice of the application required by this clause must include a statement indicating that the application is available to the public upon request</li> <li>• The prohibition or other restrictions with respect to the placement of new utility poles or new wireless support structures within the area are applied in a nondiscriminatory manner</li> <li>• The area is zoned strictly for residential land use before May 1, 2017</li> </ul> </li> </ul>
<b>Additional Lot Standards</b>	
Fall Zone Limitation	<ul style="list-style-type: none"> <li>• The Administrator, PC, and BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure</li> <li>• However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator, PC, and BZA provide evidence that the applicant's engineering certification is flawed and this evidence must include a study performed by a professional engineer</li> </ul>

Additional Structure Standards	
Facilities within the Historic District	<ul style="list-style-type: none"> <li>• Subject IC 8-1-32.3-15, a certificate of appropriateness shall be required for the construction, placement, or use of a small cell facility and the associated supporting structure within the Madison Historic District</li> </ul>
Height and Separation	<ul style="list-style-type: none"> <li>• There is not restriction on height of wireless communication facilities and separation between wireless support structures as required by IC 8-1-32.3-17</li> </ul>
FAA Airspace	<ul style="list-style-type: none"> <li>• Wireless communication structures cannot interfere with any airspace regulated by the Federal Aviation Administration (FAA) and shall provide documentation that there is no hazard to air navigation</li> </ul>

**D. Wireless Communication Facility Additional Procedures**

1. Building Permit Required. Wireless facilities shall not be constructed, erected, placed, modified, or altered until a Building Permit has been obtained unless exempt in this section or IC 8-1-32.3.
  - a. Exempt Permits. The PC may not require an application or a permit for, or charge fees for, any of the following:
    - i. The routine maintenance of wireless facilities.
    - ii. The replacement of wireless facilities with wireless facilities that are substantially similar to or the same size or smaller than if the wireless facility is being replaced.
    - iii. The installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables and strung between existing utility poles in compliance with applicable codes by a communications service provider that is authorized to use the public rights-of-way. Applicable codes shall mean uniform building, fire, electrical, plumbing, or mechanical codes that are adopted by a recognized national code organization and enacted solely to address imminent threats of destruction of property or injury to persons, including any local amendments to those codes.
2. PC and BZA Applications. In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure or small cell facility, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
  - a. Information Not Required. Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant’s business decisions with respect to the applicant’s designed service, customer demand, service quality, or desired signal strength to a particular location.
  - b. Confidential Materials. All meetings of the PC and BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, the Administrator, PC, and BZA may not release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.

- c. Consolidation of Multiple Applications. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single BP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
- d. Application Requirements. To be considered complete, the following information shall be provided.
  - i. Applicant Information. A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and the name, business address, and point of contact for the applicant.
  - ii. Location.
    - 1) The location of the proposed or affected wireless support structure or wireless facility.
    - 2) Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
      - a) Would not result in the same wireless service functionality, coverage, and capacity;
      - b) Is technically infeasible; or
      - c) Is an economic burden to the applicant.
  - iii. Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
  - iv. Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under IC 36-7-4-918.2 shall comply with *SECTION 7.6: APPLICATION PROCEDURES: SPECIAL EXCEPTION & VARIANCE FROM ZONING STANDARDS*.
- e. Review of Application
  - i. Prompt Review. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within 10 business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
  - ii. Failure to Notify. If the Administrator fails to notify the applicant within 10 business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

- f. Public Hearing
  - i. Public Hearing Required. When a public hearing is required for a Special Exception, the BZA shall conduct the hearing and take final action within a reasonable period of time.
  - ii. Public Hearing Not Required. When a public hearing is not required, the Administrator shall take final action on the request within a reasonable period of time after the application is filed.
  - iii. Deadline for Final Action. For purposes of this section, “reasonable period of time” shall be determined as follows:
    - 1) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than 45 days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing a building permit.
    - 2) New Wireless Support Structure. If the request involves an application for a BP to construct a new wireless support structure, a reasonable period of time is not more than 90 days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
    - 3) Substantial Modification of a Wireless Support Structure. If the request involves an application for a BP for substantial modification of a wireless support structure, a reasonable period of time is not more than 90 days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
  - iv. Additional Time for Applicant Amendment. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.
  - v. Failure to Take Action. Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

3. Homeowners Association Notice and Collaboration in Areas with Underground or Buried Utilities.
  - a. With respect to applications for the placement of one or more small cell facilities in an area that is zoned strictly for residential land use, and that is designated strictly for underground or buried utilities, the PC shall allow a neighborhood association or a homeowners association to register with the PC to receive notice as required by IC 8-1-32.3-15.
  - b. The PC may collaborate with a neighborhood association or a homeowners association on the preferred location and reasonable aesthetics of new utility poles or new wireless support structures added within the jurisdiction of the neighborhood association or homeowners association according to IC 8-1-32.3-15.
4. Application Fee Limitations (as required by IC 8-1-32.3-16)
  - a. The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
  - b. If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
  - c. A fee described in this section may not include travel expenses incurred by a third party in its review of an application or direct payment or reimbursement of third-party fees charged on a contingency basis.
5. Non-Discrimination. The Administrator, PC, and BZA may not discriminate among communications service providers or public utilities with respect to the following:
  - a. Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
  - b. Authorizing or approving tax incentives for wireless or wireline communications facilities.
  - c. Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.



# CHAPTER 4: SITE STANDARDS

## ADDITIONAL STANDARDS FOR SPECIFIC SITE ELEMENTS

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## **SECTION 4.1 GENERAL PROVISIONS**

### **A. Purpose**

1. The site standards within this UDO provide the minimum requirement for required site elements in order to protect the health, safety, and welfare of the community.

### **B. Applicability of Site Standards**

1. The site standards included in this chapter shall apply to all parcels and all zoning districts, and these standards are required in addition to all other applicable standards within this UDO.

### **C. Thresholds for Compliance with Site Standards**

1. The thresholds that require compliance for a single site standard in this chapter are identified for each site element. Regular maintenance does not require compliance with one or more site standard. For example, if a parking area is resurfaced and does not alter the pavement area, layout, or number of spaces, it would be considered regular maintenance.

## **SECTION 4.2     DRIVEWAYS & SIDEWALKS**

### **A. Purpose**

1. These standards are necessary to ensure safe and proper access to all public rights-of-way, reduce potential conflicts between cars and/or people, increase the safety of all people using and accessing public roads, and prevent damage to public infrastructure as well as extend the non-motorized transportation network and reinforce the character of the community.

### **B. Applicability and Thresholds for Compliance**

1. A driveway or access point shall comply with these standards if any of the following occur:
  - a. A new driveway or access point is constructed.
  - b. An existing, legally permitted driveway or access point is altered, moved, or changed.
2. All sidewalk and streetscape elements (existing and new) shall comply with these standards if any of the following occur:
  - a. A new primary structure(s) is constructed on the parcel.
  - b. A new land use(s) is established on a vacant parcel.
  - c. 50% or more of the sidewalk area on the site is moved, altered or changed
3. An existing, legally permitted driveway or access point does not have to comply with these standards if the existing driveway(s) is not altered, moved, or changed.
4. Existing, legally permitted sidewalks, and streetscape elements do not have to comply with these standards unless the thresholds above are met.

### **C. Required Approvals and Related Standards**

1. All driveways and access shall comply with the Comprehensive Plan and Transportation Plan.
2. All new, expanded, or modified driveways or access points onto a public road and/or alterations within a public right of way shall:
  - a. Obtain a city permit as outlined in Chapter 98.06: Driveways of the City of Madison, IN Code of Ordinances if within city limits; or
  - b. Obtain a Jefferson County driveway permit in compliance with all Highway Department standards if located outside of city limits.
3. All sidewalks and public improvements that will be dedicated or built within the existing public right-of-way shall be approved by the city prior to installation and dedication.
4. All new, expanded, or modified driveways or access points onto a road controlled by INDOT must obtain a permit from INDOT, if required, and, a local driveway permit is not required.
5. All driveways, including culvert design, access points, sidewalks, and streetscape elements shall comply with all standards Chapter 98.06: Driveways of the City of Madison, IN Code of Ordinances, the Design Standards and Specifications Manual, and all other applicable local and state codes, ordinances, or standards.
6. Driveways within a floodplain shall comply with Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances and obtain all related permits.
7. If located within the Hillside District, a hillside permit shall is required prior to site disturbance or issuance of a building permit.
8. All driveways, sidewalks, trails, and streetscape elements shall comply with the Madison Stormwater Management Ordinance and Madison Stormwater Technical Standards Manual (if within city limits), or IDNR Construction Stormwater General Permit (if outside of city limits).

#### **D. Driveway Location and Separation**

1. Driveways must be adequately separated from roadway intersections and other driveways and cannot create traffic or safety hazards and comply with Chapter 98.06: Driveways of the City of Madison, IN Code of Ordinances.
2. All driveways shall be separated from another driveway and/or road as outlined in Chapter 98.06: Driveways of the City of Madison, IN Code of Ordinances and the Design Standards and Specifications Manual.
3. Driveways within a platted subdivision are exempt from these separation requirements.

#### **E. Driveway Design Standards: Single-Family and Two-Family Uses**

1. Driveway Materials
  - a. Within City Limits. All driveways for all uses and zoning districts shall concrete and comply with the Design Standards and Specifications Manual.
  - b. Outside of City Limits. The portion of the driveway for all uses and zoning districts within the right-of-way and the first 40 feet of the driveway from the right-of-way shall be concrete in order to reduce debris on the public road and comply with the Design Standards and Specifications Manual.
2. Driveway Minimum Length. Driveways should accommodate parked vehicles within the driveway and prevent vehicles from parking across public sidewalks or within public roads. To accomplish this, all driveways shall be a minimum of 25 feet in length, measured from the nearest edge of the primary structure to the nearest edge of sidewalk or edge of roadway pavement if there is not a sidewalk. The minimum driveway length does not apply to parcels in the HDR, CBD, and RF districts.
3. Driveway Maximum Width. Driveway width shall comply with the Design Standards and Specifications Manual.
4. Shared Driveways
  - a. A maximum of seven parcels can be served by a shared driveway. Driveways that serve more than seven parcels shall be considered public roads and must be constructed in accordance with the residential road standards as outlined in the Design Standards and Specifications Manual.
  - b. All shared driveways shall have:
    - i. At least a 20-foot easement that is approved by the Administrator and recorded by the property owner.
    - ii. A written and recorded maintenance agreement with the parcels that access the private driveway.

#### **F. Driveway Design Standards: All Other Uses**

1. Driveway Materials and Construction.
  - a. All driveways within all zoning districts shall be graded and surfaced with an all-weather paving material (such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust).
  - b. Commercial and industrial driveway shall be constructed in accordance with the driveway standards as outlined in the Design Standards and Specifications Manual.
2. Driveway Maximum Width. Driveways shall be the minimum width necessary to accommodate safe travel and comply with the Design Standards and Specifications Manual.
3. Shared Driveways. Shared driveways are encouraged.

**G. Driveway Access and Improvements**

1. Driveways cannot gain access directly from any arterial or road designated as limited access unless no other means of access (including a shared driveway) is available.
2. If a parcel adjoins or includes an existing public road that does not conform to the minimum right-of-way dimensions as established by the Design Standards and Specifications Manual, Madison Active Transportation Plan, and/or the Comprehensive Plan, the property owner shall dedicate additional right-of-way width, regardless if the parcel is subdivided or not, as required to meet the city's minimum right-of-way width requirements. This shall be done during the development plan process, the secondary plat process, or building permit process, whichever occurs first. This does not apply to roads owned and/or maintained by INDOT.
3. A development shall be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements within the public right-of-way to mitigate impacts from a development that connects to an existing public road.

**H. Emergency Response / Fire Department Access**

1. Any parcel with a structure(s) with an estimated value that exceeds \$2,000.00 shall be easily accessible to fire and other emergency equipment as outlined in this section. The value shall be determined by the assessed value or appraisal provided by the property owner, whichever is greater.
2. Single-family and two-family residential uses do not have to provide fire apparatus access roads.
3. A fire protection system (fire hydrants) shall be installed, even if the parcel is not being subdivided, that complies with the standards in *SECTION 8.1C: FIRE PROTECTION SYSTEM REQUIREMENTS*.
4. All fire lanes shall comply with this section and all local and state ordinances and regulations, including Chapter 71: Parking, Chapter 92: Fire Prevention, and Chapter 150: Building Regulations of the City of Madison, IN Code of Ordinances, the Design Standards and Specifications Manual, Indiana Building Code, Indiana Fire Code, and all other applicable local, state, and/or federal ordinances and regulations.
5. Fire lanes shall be shown on all development plan applications.
6. Areas designated as fire lanes shall be designed to be completely unobstructed at all times. They shall not be used for vehicle parking or loading/unloading or storage of any objects or materials.

<b>Fire Apparatus Access Road Design Standards</b>	
Location	Within 100 feet of all exterior walls of a primary structure (shall be provided prior to construction and extended, as required, as new construction proceeds)
Minimum Width <sup>1</sup>	20 feet
Minimum Vertical Clearance <sup>1</sup>	13.5 feet
Design Loads	Shall support the heaviest equipment / apparatus used by the responding fire department(s)
Minimum Turning Radius <sup>2</sup> (including Turnaround and Dead-Ends)	Shall allow for adequate movement and turning of the longest piece of fire apparatus used by the responding fire department(s)
Maximum Grade	Shall allow for adequate movement of all equipment / apparatus used by the responding fire department(s)

*1 – Shall be increased if equipment used by the responding fire department(s) requires a larger clearance*

*2 – Does not apply to dead-end fire access roads less than 150 feet in length*

**I. Cross-Development Access**

1. Developments must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, to encourage and facilitate circulation without directly accessing public roads unless the Administrator determines a connection is not appropriate due to current or future land uses or is not feasible due to topographic constraints. This decision shall be documented in writing by the Administrator with justification for it. Single-family and two-family uses are exempt from this requirement.
2. In order to minimize curb cuts and points of conflict, any use that has access onto an arterial road shall provide and utilize a common frontage or access lane that provides shared access between adjacent parcels.

**J. Traffic Analysis**

1. Land uses shall not overburden the surrounding road network. A traffic impact analysis may be required by the Plan Commission at the expense of the applicant.

**K. Required Sidewalks**

1. Sidewalks shall be installed, at the property owner's/applicant's expense, adjacent to all public roads as a parcel is developed or redeveloped, even if the parcel is not being subdivided.
  - a. Parcels within a platted subdivision shall comply with sidewalk requirements in *CHAPTER 6: SUBDIVISIONS*.
  - b. Single-family residential and agricultural uses are exempt from this standard.
  - c. All uses within the Aviation Business (AB) district are exempt from this standard.
2. Sidewalks shall be located within the existing public right-of-way or dedicated and conveyed to the city as public right-of-way and conveyed if improvements cannot be located within the existing public right-of-way.
3. Routine maintenance and cleaning of all sidewalks (such as removing snow, leaves, and debris) within the right-of-way shall be the responsibility of the abutting property owner(s). Replacement and repair of sidewalks within the right-of-way is the responsibility of the City after dedication.
4. A pedestrian connection that is separated from vehicular traffic through curbing, striping, or similar methods shall be provided within all commercial developments between the primary entrance of the primary structure(s) and the public right-of-way, and adjacent parcels (if appropriate). These pedestrian connections shall be located on the parcel and shall not be dedicated as public infrastructure. Uses within the Aviation Business (AB) district are exempt from this standard.

## **SECTION 4.3 LIGHTING**

### **A. Purpose**

1. These standards are necessary to promote the health, safety, and welfare of the community by establishing standards for exterior lighting that will reduce glare and light trespass and provide a secure nighttime environment.

### **B. Applicability and Thresholds for Compliance**

1. All new exterior lighting fixtures shall comply with these standards.
2. All exterior lighting fixtures on a site (existing and new) shall comply with these standards if any of the following occur:
  - a. A new primary structure(s) is constructed on the parcel.
  - b. A new land use(s) is established on a vacant parcel.
  - c. 50% or more of the existing exterior light fixtures on the site are replaced, moved, altered or changed.
  - d. The total number of exterior light fixtures on a parcel are increased by 50% or more.
3. Existing legally permitted exterior lighting fixtures do not have to comply with these standards unless the thresholds above are met.

### **C. Required Approvals and Related Standards**

1. All light fixtures shall be installed in compliance with the latest version of the National Electrical Code (NEC) and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain.
2. All exterior lighting within the Madison Historic District, exterior lighting shall comply with the Madison Historic District Design Guidelines and obtain a Certificate of Appropriateness prior to a building permit.
3. A lighting plan that shows compliance with this section shall be submitted if development plan approval is required or prior to issuance of a building permit, whichever occurs first.

### **D. Exempt Lighting**

1. The following are exempt from the lighting standards:
  - a. All hazard warning lighting required by Federal and State regulatory agencies, and lighting for land uses and structures, such as airports and cell towers, that are regulated by the FAA or other state or federal agency.
  - b. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.
  - c. All traffic control and lighting within the public right-of-way that is approved by a local or state agency.
  - d. Low-wattage lighting used for landscaping, seasonal decorations, underwater lighting (such as in a pool or water feature), recessed in eaves, mounted on single-family structures, carriage lights, and ceiling mounted porch lights that have a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.
  - e. Lighting for temporary events, festivals, and carnivals that is not used for more than a 24-hour period and is not used between midnight and 7:00 am.

### **E. Prohibited Lighting**

1. The following lighting is prohibited in all zoning districts:
  - a. Flashing lights, excluding exempt seasonal displays.
  - b. Searchlights or aerial laser displays that are directed into the sky for the purposes of advertising or drawing attention to a parcel.

### **F. General Design Standards**

1. The Plan Commission may require photometric analysis, at the applicant's expense, to determine impacts on adjacent parcels and roads.
2. The design and size of exterior lighting shall be harmonious with the design of the building, the type of land use, and the type of adjacent land uses. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
3. Pole-mounted lighting fixtures shall not exceed 30 feet in height.

### **G. Fixture Shielding**

1. All lighting fixtures shall be aimed to prevent glare on adjacent properties, public areas or parks, or public right-of-way.
2. All lighting fixtures shall be fully shielded with a 90 degree angle or less and an opaque material. This does not apply to lighting for recreational facilities that is at least 500 feet from any residential use and sign lighting that complies with *SECTION 4.7: SIGNS*.
3. Lighting used to illuminate building facades, walls, landscaping, flags, signs (where allowed), statues, or other site features shall be aimed so that lighting is only directed onto the surface of the object being illuminated and not create glare on adjacent properties or public rights-of-way.

### **H. Lighting Levels**

1. Lighting shall not exceed the following levels:
  - a. 50 foot-candles at point under a canopy, pavilion, drive-thru bay, or similar structure.
  - b. 2.5 foot-candles in parking areas.
  - c. 0.5 foot-candles at any property line that is adjacent to a residential use or residential zoning district.
  - d. 1.0 foot-candles at any property line that is adjacent to a non-residential use, non-residential zoning district, or public right-of-way.

### **I. Sign Lighting**

1. All lighting and illumination for signs shall be located, shaded, shielded, and designed so that all standards within this section, including the lighting levels.
2. All electrical wiring for permanent signs shall be in conduit.

## **SECTION 4.4 OUTDOOR STORAGE & DISPLAY OF MERCHANDISE**

### **A. Purpose**

1. These standards are necessary to provide guidelines for the outdoor storage and display of goods and property, reduce visual obstructions or nuisances, and prevent unsafe conditions to ensure the health, safety, and welfare of the community.

### **B. Applicability and Thresholds for Compliance**

1. All new outdoor storage and display of goods and merchandise shall comply with these standards.
2. All outdoor storage and display of goods and merchandise (existing and new) shall comply with these standards if any of the following occur:
  - a. A new primary structure(s) is constructed on the parcel.
  - b. A new land use(s) is established on a vacant parcel.
  - c. A change in land use(s) occurs, defined as a change from one use(s) listed in *TABLE 1: PERMITTED LAND USES* to another land use(s).
  - d. Exterior structural alteration(s) are made to the primary structure(s), including additions, enlargements, and relocations. Note that an internal remodel/renovation that does not alter the exterior of the structure is not considered exterior structure alterations.
  - e. Any area used for on-site storage or display of goods and merchandise on a parcel is expanded, removed, or moved.
3. Existing, legally permitted outdoor storage or display of goods and merchandise does not have to comply with these standards unless the thresholds above are met.

### **C. Required Approvals and Related Standards**

1. All outdoor storage and display of goods and merchandise shall comply with the Design Standards and Specifications Manual and all other applicable local and state codes, ordinances, or standards.
2. All outdoor storage and display of goods and merchandise within the Madison Historical District shall comply with the Madison Historic District Design Guidelines and obtain a Certificate of Appropriateness prior to a building permit.
3. If located within the Hillside District, a hillside permit shall be required prior to site disturbance or issuance of a building permit.
4. All outdoor storage and display of goods and merchandise shall comply with the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain.

### **D. Permitted Districts & Exemptions**

1. Unless specified in this section, all outdoor storage (defined in *CHAPTER 8: DEFINITIONS*) and outdoor display of merchandise shall be permitted as allowed by the applicable zoning district.
2. Temporary storage containers are permitted as outlined in *SECTION 8.1M: ADDITIONAL STANDARDS: TEMPORARY CONSTRUCTION TRAILERS*.
3. All uses within the Aviation Business (AB) district are exempt from outdoor storage standards within this section.

**E. Inoperable Automotive Vehicle Storage**

1. Vehicles shall only be stored or parked within the right-of-way as allowed by Chapter 71: Parking of the City of Madison, IN Code of Ordinances or other applicable local ordinance.
2. Automotive vehicles, golf carts, trailers, and similar vehicles of any type without plates or in an inoperable condition that are located on a parcel within any zoning districts may only be stored a maximum of 7 consecutive days and cannot be located within bufferyards or setbacks required by this UDO. Any time period beyond this shall require it to be stored within an enclosed building or area that is not visible from a public right-of-way or adjacent parcel. This does not apply to vehicles without plates that located at car or vehicles sales use where the use is permitted within the zoning district or as allowed by *SECTION 3.16: VEHICLE & EQUIPMENT SERVICE & REPAIR*.

**F. Recreational Vehicle (RV), Boat, and Heavy Equipment Storage**

1. Number and Location
  - a. Outdoor storage of all recreational vehicles, boats (including jet skis), and heavy equipment that are located on a parcel and are visible from any public right-of-way, private road/driveway, or adjacent parcel shall comply with this section and Chapter 156: Floodplain Regulations, if located within a floodplain.
  - b. Outdoor storage of all recreational vehicles, boats, and heavy equipment within the right-of-way shall comply with Chapter 71: Parking of the City of Madison, IN Code of Ordinances and all other applicable local ordinances.
  - c. All recreational vehicles, boats (including jet skis), and heavy equipment shall be stored on a paved or gravel surface. This does not apply if the duration is less than seven days or if it is directly related to an active construction project with a valid building permit.
2. Occupancy. A recreational vehicle or boat may only be occupied according to *SECTION 8.1J: ADDITIONAL STANDARDS: RECREATIONAL VEHICLES (RVS)*.
3. Utilities. No RV shall be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored except for the purpose of loading, unloading, or cleaning.

<b>RV, Boat, and Heavy Equipment Storage<sup>3</sup></b>		
<b>Zoning District</b>	<b>Maximum Number Permitted (that are visible from right-of-way, private road/driveway, or adjacent parcel)</b>	<b>Location<sup>1</sup></b>
AG & RA HS & OS	3 <sup>1</sup>	Front, Side, or Rear Yard <sup>2</sup>
R1, R2, R3 & HDR CBD & RF	1 <sup>1</sup>	Front, Side, or Rear Yard <sup>2</sup>
LB, GB & AB I1 & I2	As permitted as a land use by <i>CHAPTER 2: DISTRICTS</i>	N/A

<sup>1</sup> – Heavy equipment cannot be parked or stored for more than 24 hours unless directly related to an active construction project with a valid building permit

<sup>2</sup> – Cannot be located within a required setback or bufferyard and cannot block the sidewalk or public right-of-way or create a safety hazard

<sup>3</sup> – Standards do not apply to RV, boat, and heavy equipment sales where the use is permitted by the zoning district

**G. Outdoor Display of Goods and Merchandise**

1. Outdoor display of goods and merchandise that is immediately available for purchase is permitted as an accessory use only during business hours within commercial and industrial zoning districts.
2. Goods and merchandise that are displayed outside of business hours shall be considered outdoor bulk storage unless it is not visible from any public road or adjacent parcel.
3. Display of goods and merchandise on a public sidewalk or within the public right-of-way shall be approved by the Board of Works.

## SECTION 4.5 PARKING & LOADING

### A. Purpose

1. These standards are necessary to provide adequate off-street parking and loading areas for development, minimize risk to the natural environment, minimize pedestrian and vehicular conflicts, and protect the health, safety, and welfare of the community.

### B. Applicability and Thresholds for Compliance

1. All new parking and loading areas shall comply with these standards.
2. All parking and loading areas (existing and new) shall comply with these standards if any of the following occur:
  - a. A new primary structure(s) is constructed on the parcel.
  - b. A new land use(s) is established on a vacant parcel.
  - c. A change in land use(s) occurs, defined as a change from one use(s) listed in *TABLE 1: PERMITTED LAND USES* to another land use(s).
  - d. 50% or more of the existing parking or loading areas on the site are moved, altered or changed, including altering the layout and circulation (excluding regular maintenance).
  - e. The total number of parking spaces on a parcel are increased by 50% or more.
3. Existing, legally permitted parking and loading areas do not have to comply with these standards unless the thresholds above are met.

### C. Required Approvals and Related Standards

1. All parking and loading areas shall comply with Chapter 70: Traffic Regulations of the City of Madison, IN Code of Ordinances, current ADA standards, the Design Standards and Specifications Manual and all other applicable local and state codes, ordinances, or standards.
2. All parking and loading areas shall comply with the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain.
3. If located within the Hillside District, a hillside permit shall be required prior to site disturbance or issuance of a building permit.
4. Access points onto a public road shall comply with *SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS*.
5. A parking plan that shows compliance with this section and all handicap parking requirements shall be submitted with all development plan applications, if required, or prior to issuance of a building permit, whichever occurs first. The parking plan shall be reviewed by the Administrator for compliance with this UDO and administratively approved if it meets all requirements of this UDO.

**D. Permitted Parking Locations**

Permitted Parking Locations		
Zoning District <sup>3</sup>	Shared or On-Site	Permitted Location <sup>1</sup>
AG & RA HS & OS	<ul style="list-style-type: none"> <li>On-Site</li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>
R1, R2, R3 & HDR	<ul style="list-style-type: none"> <li>On-Site</li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>
CBD & RF	<ul style="list-style-type: none"> <li>On-Site</li> <li>Shared Off-Site (within 500 feet)</li> </ul>	<ul style="list-style-type: none"> <li>Side or Rear Yard<sup>1</sup></li> </ul>
LB, GB & AB	<ul style="list-style-type: none"> <li>On-Site</li> <li>Shared Off-Site (within 500 feet)</li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>
I1 & I2	<ul style="list-style-type: none"> <li>On-Site</li> <li>Shared Off-Site (within 1,000 feet)</li> </ul>	<ul style="list-style-type: none"> <li>Front, Side, or Rear Yard<sup>1</sup></li> </ul>

<sup>1</sup> – Parking cannot be located within a required setback or bufferyard

<sup>2</sup> – Measured from the closest edge of the parking area to the closest edge of the structure it serves

<sup>3</sup> – If district is exempt from providing minimum number of parking spaces, these standards only apply if parking is provided

**E. Minimum Number of Parking Spaces**

1. Minimum Spaces Required

- The required minimum number of parking spaces is based on the land use (not zoning district) and shall comply with *TABLE 2: MINIMUM PARKING REQUIRED*. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums.
- Any fraction of a required parking space shall be rounded up to the whole number.
- All developments shall comply with the minimum number of handicap spaces required by state and federal regulations. Handicap spaces may count towards the minimum number of required parking spaces.

2. Shared Off-Site Parking

- The number of parking spaces provided for shared parking, where permitted, shall not be less than the minimum number of spaces required for each use as identified in *TABLE 2: MINIMUM PARKING REQUIRED*.
- Parking spaces for developments with uses that operate at different times may be credited to both uses. If shared parking spaces are not located on the same parcel as the use, all parking spaces used to satisfy the minimum number required shall be within the distance specified in *SECTION 8.1D: PERMITTED PARKING LOCATIONS*.
- Any parcels with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners and approved by the Administrator. The agreement shall be perpetual and outline provisions for easements (if applicable), maintenance, snow removal, ownership, and liability. If a shared parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new shared parking agreement.

**F. Parking Exemptions and Reductions**

1. CBD District. All uses within the CBD district are exempt from providing the minimum number of required parking spaces except for the following uses:
  - a. Multi-family residential uses in the CBD district with 10 or more units shall comply with the minimum number of required parking spaces in *TABLE 2: MINIMUM PARKING REQUIRED*.
  - b. Multi-family residential uses in the CBD district with 6 to 10 units shall provide at least 50% of the minimum number of required parking spaces.
  - c. Multi-family residential uses in the CBD district with 1 to 5 units are exempt from providing the minimum number of required parking spaces.
  - d. Overnight accommodations (hotel, motel, bed & breakfast, campground/RV park, & short-term rental) in the CBD district shall provide at least 50% of the minimum number of required parking spaces.
2. Residential Uses in All Other Districts. The required minimum number of spaces for all residential uses outside of the CBD district, including multi-family dwellings, shall not be reduced without a variance.
3. Non-Residential Uses in All Other Districts. For non-residential uses, the Administrator may reduce the minimum number of parking spaces required in *TABLE 2: MINIMUM PARKING REQUIRED* if the applicant provides one of the following documented justifications and it is approved by the Administrator:
  - a. Calculations showing the minimum number of spaces needed by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation."
  - b. Documentation based on a reputable source that is approved by the Administrator that the required parking for the specific use exceeds the parking need.

<b>Table 2: Minimum Parking Required</b>	
<b>Accessory Land Uses</b>	<b>Minimum Number of Spaces<sup>1</sup></b>
Accessory Uses	As determined by the Administrator based on similar uses, similar number of employees, or similar number of people accessing the site
<b>Agricultural Land Uses</b>	<b>Minimum Number of Spaces<sup>1</sup></b>
Agricultural Use with Employees	1 space per 2 employees based on the largest shift
Agricultural Use with Employees & Visitors	1 space per 400 sq ft of indoor floor area accessible by visitors <b>OR</b> 1 space per 6 customers based on maximum operation capacity
Agricultural Use without Employees or Visitors	N/A
<b>Residential Land Uses</b>	<b>Minimum Number of Spaces<sup>1</sup></b>
Group Home	1 space per 2 occupiable bedrooms
Manufactured Home Park	2 spaces per dwelling
Multi-Family & Condo	1.5 space per dwelling except 1.0 per dwelling in the CBD & RF districts
Single-Family & Two-Family	2 spaces per dwelling

**Table 2: Minimum Parking Required**

Commercial Land Uses		Minimum Number of Spaces <sup>1</sup>
General & Service-Oriented Retail		1 space per 400 sq ft of floor area accessible by customers <b>OR</b> 1 space per 2 customers based maximum operation capacity
Golf Course & Driving Range		
Kennel & Veterinary Services		
Liquor Store		
Shooting Range		
Private Recreational Facility		1 space per 400 sq ft of indoor floor area accessible by visitors <b>OR</b> 1 space per 6 customers based on maximum operation capacity
Professional & Business Office		0.8 spaces per employee based on the largest shift
Restaurant & Bar		1 space per 6 seats <b>OR</b> 1 per 6 people based on maximum operation capacity <b>OR</b>
Winery, Brewery & Distillery		1 space per 400 sq ft of floor area accessible by customers
Stadium, Arena, Auditorium, Racetrack & Assembly		
Medical Offices & Outpatient Services (No Overnight)		1 space per patient room
Medical Offices & Outpatient Services (With Overnight)		1 space per 4 patient rooms
Nursing Home & Assisted Living Facilities		
Overnight Accommodations (Hotel, Motel, Bed & Breakfast, Campground/RV Park, & Short-Term Rental)		1 space per room or campsite
Day Care Facility		3 spaces per classroom
All Other Commercial Uses		1 space per 400 sq ft of floor area accessible by visitors
Industrial Land Uses		Minimum Number of Spaces <sup>1</sup>
Junkyard, Salvage Yard & Impound Lot		1 space per 400 sq ft of floor area accessible by customers <b>OR</b>
Wholesale		1 space per 2 customers based maximum operation capacity
Landfill, Waste Transfer Station & Recycling Facility		
Manufacturing		1 space per 2 employees based on the largest shift
All Other Industrial Uses		
Institutional Land Uses		Minimum Number of Spaces <sup>1</sup>
Airport & Heliport/Helipad		1 space per 2 employees based on the largest shift <b>OR</b> 1 space per 4 transient parking areas for aircraft (excludes private hangers)
Cemetery, Columbaria & Mausoleum		
Government Facility		1 space per employee based on the largest shift
Utility Facility & Wireless Communication Facility		
Hospital		1 space per 4 patient rooms
School	Non-Driving Age Students	3 spaces per classroom
	Driving Age Students	1 space per 4 students and staff
Religious Activity or Worship		1 space per 400 sq ft of floor area accessible by visitors <b>OR</b>
Cultural Facility (Library, Museum, Etc.)		
Park		1 space per 6 customers/visitors based on maximum operation capacity or anticipated attendance
All Other Pubic & Semi-Public Uses		

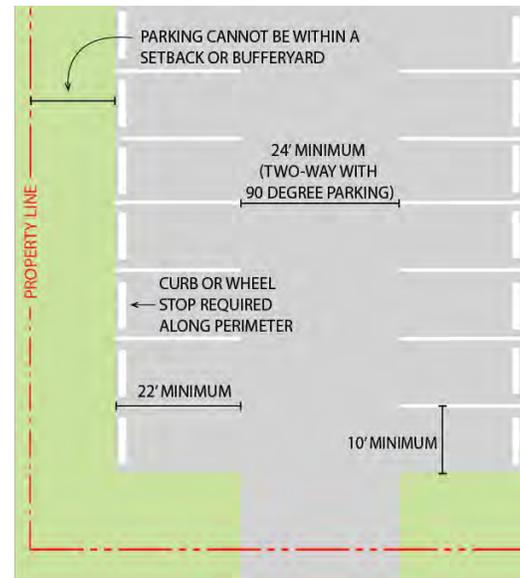
*1 - If a land use includes more than one option for calculating the minimum number of spaces, the lesser value may be used.*

**G. Design Standards: Parking Areas**

1. Parking Materials & Markings
  - a. Parking areas, travel aisles, and loading areas (including all driving lanes and parking surfaces for vehicle, boat, RV, or similar use sales and/or storage) shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
    - i. At the written discretion of the Administrator, a gravel surface may be used for a period not exceeding six months after the date of issuing a temporary Certificate of Occupancy where the ground conditions are not immediately suitable for permanent surfacing as specified in this section.
  - b. Parking spaces shall have curbing, bumper guards, or wheel stops along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area.
2. Parking Layout & Markings
  - a. Individual parking spaces or loading areas cannot allow a vehicle to back into or maneuver within a public road directly from the parking space. All parking spaces and loading areas should be accessed from an internal circulation driveway.
  - b. All parking areas, including travel aisles, shall be striped and channelized (including directional arrows) as necessary to safely direct internal traffic.
  - c. Parking spaces shall be striped.
3. Handicap Accessibility. All parking areas shall conform to state and federal requirements regarding handicap accessibility and applicable ADA requirements.
4. Parking Dimensions. Parking spaces and aisles shall comply with the standards in this section.

Minimum Parking Dimensions		
Parking Space Type	Parking Space Width	Parking Space Length
Non-Parallel Spaces	9 feet	18 feet
Parallel Spaces	10 feet	20 feet
Parking Space Type	Travel Aisle Width (One-Way)	Travel Aisle Width (Two-Way)
0 Degrees	11 feet	20 feet
30 Degrees	11 feet	20 feet
45 Degrees	13 feet	21 feet
60 Degrees	18 feet	23 feet
90 Degrees	24 feet	24 feet

5. **Parking Area Islands & Landscaping.** Parking lot islands and landscaping shall be provided for all parking lots with 30 or more parking spaces that is equal to at least 8% of all areas used for parking and loading (including travel aisles) to minimize traffic conflicts, accommodate drainage, and minimize heat island impacts. All landscape material shall comply with the plant material, installation, and maintenance outlined in *SECTION 8.1G: DESIGN STANDARDS: PLANTINGS* as well as the prohibited tree and shrub lists.
6. **Screening of Parking Areas.** If a parking area (excluding drives) is located within 500 feet of a residential zoning district, it shall be screened with continuous evergreen vegetation, a 6-foot opaque wall or fence, or a 6-foot earthen berm.
7. **Parking Area Maintenance**
  - a. All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris.
  - b. Vegetation shall be replaced as required to maintain the minimum required landscaping.
  - c. Vegetation shall be maintained for adequate sight visibility in all vehicular areas, including in the sight triangle.



Example of Parking Lot Design

## H. Design Standards: Loading Areas

1. Uses may provide loading docks or areas, but no minimum number of loading areas is required.
2. If provided, loading areas shall be at least 12 feet by 45 feet in area with a vertical clearance of at least 14 feet.
3. All loading docks and areas shall be located in the side or rear yard and shall be at least 100 feet from any residential zoning district.
4. If a loading dock or area is located within 500 feet of a residential zoning district, it shall be screened with continuous evergreen vegetation, a 6-foot opaque wall or fence, or a 6-foot earthen berm.
5. All lighting shall conform with *SECTION 4.3: LIGHTING*.

## **SECTION 4.6 SCREENING & BUFFERYARDS**

### **A. Purpose**

1. These standards are necessary to maintain the character of the community through transitions with screening and distance between land uses to minimize the potential impacts such as glare, noise, and other effects.

### **B. Applicability and Thresholds for Compliance**

1. A parcel shall comply with these standards if any of the following occur. Each parcel shall provide the required bufferyard width and required screening (landscaping, fence, or berm) on their parcel, even if an adjacent parcel also has provided a bufferyard and/or plantings.
  - a. A new primary structure(s) is constructed on the parcel.
  - b. A new land use(s) is established on a vacant parcel.
2. If any of the following occur, the screening and bufferyard standards shall be met to the greatest extent possible based on the layout of existing structures and existing site elements, but the parcel is not required to comply with all other site standards within this chapter.
  - a. If there is a change in land use on a parcel or an exterior structural alteration(s) is made to the primary structure(s), the requirements of this section shall be met to the greatest extent possible based on the layout of existing structures and site elements. For example, if a new land use is established in an existing building and the current site would allow for the required plantings to be installed but only 50% of the required bufferyard width, then all of the plantings and half of the bufferyard width shall be provided.

### **C. Required Approvals and Related Standards**

1. All screening and bufferyards shall comply the Design Standards and Specifications Manual and all other applicable local and state codes, ordinances, or standards.
2. All screening and bufferyards shall comply with the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain.
3. A landscape or screening plan that shows compliance with this section shall be submitted if development plan approval is required or prior to issuance of a building permit, whichever occurs first.
4. If located within the Hillside District, a hillside permit shall is required prior to site disturbance or issuance of a building permit.
5. Street trees as outlined in *SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS* and the requirements for Tree Rows as outlined in the Design Standards and Specifications Manual shall apply in addition to the standards of this section.

**D. General Requirements**

<b>Table 3: Minimum Buffer and Screening Requirements</b>		
<b>AG, RA, HS, OS &amp; AB Zoned Parcel</b>		
Zoning of Adjacent Parcel	All Districts	• N/A
<b>R1 or R2 Zoned Parcel</b>		
Zoning of Adjacent Parcel	AG & RA HS & OS	• N/A
	R1, R2, R3 & HDR CBD, RF & AB	
Zoning of Adjacent Parcel	LB, GB & AB	• 20-Foot Buffer <b>OR</b> • 0-Foot Buffer with "Type A" Plantings or a Fence/Wall
	I1 & I2	• 40-Foot Buffer <b>OR</b> • 20-Foot Buffer with "Type B" Plantings or a Fence/Wall
<b>R3 Zoned Parcel</b>		
Zoning of Adjacent Parcel	R3 & HDR CBD, RF & AB	• N/A
	AG, RA, HS & OS R1 & R2	• 20-Foot Buffer <b>OR</b> • 0-Foot Buffer with "Type B" Planting or a Fence/Wall
Zoning of Adjacent Parcel	LB, GB & AB I1 & I2	• 20-Foot Buffer <b>OR</b> • 0-Foot Buffer with "Type A" Planting or a Fence/Wall
	<b>CBD, RF or HDR Zoned Parcel</b>	
Zoning of Adjacent Parcel	All Districts	• N/A unless a multi-family dwelling is adjacent to a single or two family dwelling then Type C Plantings is required
<b>LB, GB or AB Zoned Parcel</b>		
Zoning of Adjacent Parcel	R3 & HDR LB, GB, CBD, RF & AB	• N/A
	AG, RA & HS R1 & R2	• 40-Foot Buffer with "Type C" Plantings or a Fence/Wall • 20-Foot Buffer with "Type A" Plantings or a Fence/Wall
Zoning of Adjacent Parcel	I1 & I2	• 20-Foot Buffer with "Type A" Plantings or a Fence/Wall
	<b>I1 or I2 Zoned Parcel</b>	
Zoning of Adjacent Parcel	AB, I1 & I2	• N/A
	AG, RA, HS & OS R1 & R2	• 60-Foot Buffer with "Type D" Plantings or a Fence/Wall
	R3 & HDR CBD & RF	• 40-Foot Buffer with "Type C" Plantings or a Fence/Wall
	LB, GB & AB	• 20-Foot Buffer with "Type A" Plantings or a Fence/Wall

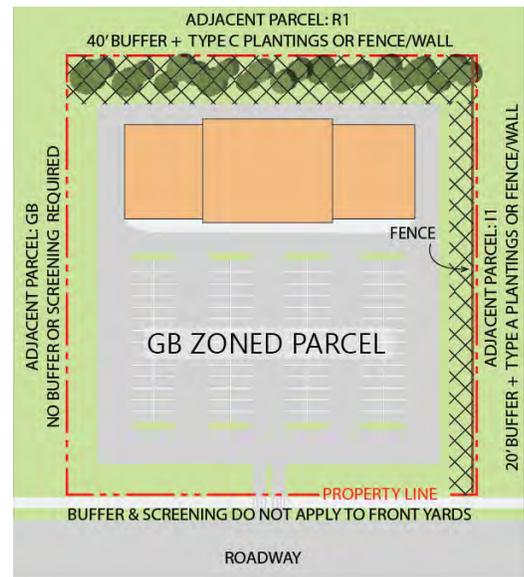
Planting Types	
Planting Type	Minimum Plantings Required Per 100 Linear Feet <sup>1</sup>
Type A	• 2 Shade Trees, 4 Evergreen Trees & 6 Shrubs per 100 linear feet
Type B	• 6 Shade Trees, 10 Evergreen Trees & 12 Shrubs per 100 linear feet
Type C	• 8 Shade Trees, 12 Evergreen Trees & 18 Shrubs per 100 linear feet
Type D	• 10 Shade Trees, 16 Evergreen Trees & 22 Shrubs per 100 linear feet

<sup>1</sup> – Plantings required per 100 linear feet of property line (including driveways).

1. Screening and bufferyards shall be provide as outlined in *TABLE 3: MINIMUM BUFFER AND SCREENING REQUIREMENTS*.
2. If the parcel borders a parcel that is a PUD or a parcel that is outside of Madison’s jurisdiction, the screening and bufferyard requirements shall be based on the zoning district most comparable to this UDO as determined by the Administrator.
3. When screening and/or a bufferyard are required in a zoning district where the proposed use is similar to existing, surrounding uses in terms of land use, size, density, and lot size, the screening and/or bufferyard may be reduced or omitted at the discretion of the Administrator. The Administrator’s approval or denial to reduce or omit screening and/or a bufferyard shall be made in writing, justifying the decision.

**E. Design Standards: Bufferyards**

1. Bufferyard Location
  - a. The required bufferyard width is measured from the property line inward.
  - b. Bufferyards are only required for the side and rear yards only (does not apply to front yards).
  - c. The required bufferyard width may include the required front, side, or rear setback outlined in *CHAPTER 2: DISTRICTS*; they are NOT intended to be in addition to these setbacks however, buffer widths do NOT reduce zoning district setbacks.
2. Bufferyard Uses
  - a. A bufferyard may include or be used for the following:
    - i. Passive recreation or common areas (open spaces), including pedestrian or bike trails.
    - ii. Natural water features, landscaping, and planting areas.
    - iii. Drainage and utility easements and related features (including drainage and utility structures), provided that plantings, fences, walls, and/or berms are not located in an easement.
    - iv. Driveways that are used to access a right-of-way or adjacent parcel.
    - v. Signs as permitted by *SECTION 4.7: SIGNS*.
  - b. A bufferyard may NOT include or be used for the following:
    - i. Permanent or temporary structures (excluding those identified above), including buildings, ice skating rinks, swimming pools, and ball/tennis courts.
    - ii. Parking areas, parking lot driving lanes, and/or loading areas.
    - iii. Storage of materials, equipment, or vehicles.
    - iv. Uses, activities, and structures not identified above.



Example of Bufferyard Requirements

**F. Design Standards: Fence, Wall, and Berms**

1. Fence, Wall, and Berm Location
  - a. Fences, walls, and berms are only required for the side and rear yards only (does not apply to front yards) and shall be located within the bufferyard.
  - b. If the adjacent property owner has previously installed a wall, fence, or berm that complies with the standards in this section, the parcel does not have to provide the required wall, fence, or berm along the portion of the property line where these exist.
2. Materials and Height
  - a. All fences or walls used to satisfy this section shall be opaque and minimum of 6 feet in height.
  - b. All berms used to satisfy this section shall be a minimum 5 feet in height at peak and maximum 3:1 slope that is contained inside the bufferyard.

**G. Design Standards: Plantings**

1. Planting Location
  - a. Plantings are required for all sides of a parcel (side yards, and rear yards) and shall be located within the bufferyard. See *SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS* for street tree requirements.
  - b. Required plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas.
  - c. Plantings used to satisfy this section shall NOT be placed in the following locations unless otherwise required by this UDO or other local ordinance.
    - i. Within a public right-of-way without approval from the Board of Public Works;
    - ii. Within any easement (including a utility or drainage easement) without permission from the easement holder; and
    - iii. A location that will obstruct a driveway or public road sight distance/sight triangle.
2. Plant Material
  - a. Plant material included on the current IDNR list of invasive species cannot be used to satisfy any requirements of this section.
  - b. All plantings must be suitable for Jefferson County's soils, climatic conditions, and the plant's solar exposure.
  - c. Existing plant material that meets the requirements of this section may be counted towards the requirements for plantings.
  - d. All unimproved areas of a bufferyard shall have groundcover.
3. Plant Substitutions
  - a. Plant types may be substituted at the discretion of the Administrator to accommodate rights-of-way, drainage easements, and utility easements.
  - b. Evergreen trees may be substituted for shade trees at the discretion of the Administrator if there is a need to provide year-round screening.
  - c. All substitutions shall be documented in writing by the Administrator, justifying the decision.
4. Parking Lot Screening. Screening and landscaping within or around parking areas shall be provided as outlined in *SECTION 8.1G: DESIGN STANDARDS: PARKING AREAS*.

5. Installation and Maintenance
  - a. In cases where landscaping cannot be completed prior to building occupancy due to weather or similar conditions, a temporary occupancy permit may be issued with a commitment that the landscaping be installed within 120 days of the final inspection.
  - b. At the time of installation, the minimum plant sizes shall meet the standards in this section.
  - c. The property owner is responsible for the regular maintenance of all landscaping materials, fences, walls, and/or berms. All landscape materials shall be alive, healthy, and free from disease and pests, and all landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris.
  - d. All plant material used to satisfy the requirements of this section that dies must be replaced by the property owner within six months to maintain the approved landscape plan. Failure to maintain compliance with the minimum requirements of this section is a violation of this UDO and subject to the provisions of *SECTION 7.16: OTHER PROCEDURES: VIOLATIONS & ENFORCEMENT*.

Installation Requirements	
Shade Trees	2-inch caliper DBH and 8-foot height
Evergreen Trees	5-foot height
Shrubs	18-inch height

**H. Required Streetscape Elements**

1. All trees and plantings located within the public rights-of-way or easements shall be approved by the Board of Works.
2. If an existing tree row is present, trees should be restored as outlined in the Design Standards and Specifications Manual and in compliance with Chapter 100: Trees of the City of Madison, IN Code of Ordinances.
3. All development within city limits shall provide street trees as required by Chapter 100: Trees of the City of Madison, IN Code of Ordinances, including species, spacing, and offset from curbs, sidewalks, corners, and utilities.
4. All developments shall comply with all other city ordinances, standards, design specifications, and guidelines regarding streetscape elements, including but not limited to street light fixtures, plantings, and elements required by the Madison Historic District Design Guidelines (if within the historic district).

## **SECTION 4.7 SIGNS**

### **A. Purpose**

1. These standards are necessary to minimize the abundance of signs, encourage compatibility between sign scale and land use, reduce potential hazards to motorists from sign clutter, and promote the health, safety, and welfare of the community.

### **B. Applicability and Thresholds for Compliance**

1. All new signs shall comply with these standards.
2. All signs (existing and new) shall comply with these standards if any of the following occur:
  - a. A new primary structure(s) is constructed on the parcel.
  - b. A new land use(s) is established on a vacant parcel.
3. If an existing, legally erected sign is expanded, moved or a structural alteration is made to the sign, that sign shall comply with all sign standards within this section. The following are considered regular maintenance and not considered an expansion or a structural alteration:
  - a. Replacement of structural components with components that have identical dimensions
  - b. Changing the copy on a sign
  - c. Painting or updating the finish of the sign or sign components

### **C. Required Approvals and Related Standards**

1. All signs shall comply with the Design Standards and Specifications Manual and all other applicable local and state codes, ordinances, or standards.
2. All signs within the Madison Historical District shall comply with the Madison Historic District Design Guidelines and obtain a Certificate of Appropriateness prior to a building permit.
3. All internal and external illumination, where permitted, shall be installed in compliance with the latest version of the National Electrical Code (NEC) and *SECTION 4.3: LIGHTING*.
4. All signs shall comply with the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain..
5. A sign plan that shows compliance with this section shall be submitted if development plan approval is required or prior to issuance of a building permit, whichever occurs first.
6. All temporary and permanent signs shall obtain a building permit as outlined in *SECTION 7.10: PERMIT PROCEDURES: BUILDING PERMITS*.
7. All murals within city limits shall obtain approval from the Public Arts Commission prior to a build permit.

**D. Exempt Signs**

1. The following are exempt from the standards set forth in this section unless specified otherwise. If any exempt sign contains components that are regulated by this section or do not comply with the sign types in *TABLE 4: EXEMPT SIGNS*, the sign is not considered an exempt sign.
  - a. An exempt sign may be illuminated and still be considered exempt if it complies with *SECTION 4.3: LIGHTING*.

<b>Table 4: Exempt Signs</b>	
Address & Building Identification Signs	Signs that provide adequate property or building identification (including address, building name, and similar) where the total sign structure does not exceed 2 square feet
Flags	Flags of any country, state, unit of local government, institution of higher learning, or similar organization
Historical Marker Signs	Signs that identify historical sites, districts, or buildings that may include monumental citations, historical interest, commemorative or memorial tablets, and similar information where the total sign structure does not exceed 2 square feet
Non-Visible Signs	Signs that are not visible from any public right-of-way, any private road or driveway, or any adjacent parcel
Operational Signs Directional Signs	Signs that provide operational information (including hours of operations, restroom identification, directional/entrances, visitor parking, menus, or similar information) and where the total sign structure does not exceed 2 square feet
Political Signs	Political campaign signs in accordance with IC 36-1-3-11
Public Notice Signs	Signs that notify the public and place by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) where the total sign structure does not exceed 4 square feet
Regulatory, Utility & Safety Signs	Signs that are regulatory or safety notices (including no trespassing, directional, ingress/egress, and traffic) or information about public or private utilities (including locations, cables, lines, and similar notices) where the total sign structure does not exceed 4 square feet
FAA Signs	Signs required by the Federal Aviation Administration (FAA) for safety and navigation
Seasonal Decorations	Temporary decorations that are customarily associated with a national, local, or religious holiday and are displayed for less than 30 consecutive days

**E. Prohibited Signs**

1. Prohibited Types and Features. Any sign that is not expressly permitted in this UDO is also considered prohibited. Furthermore, the following types of signs are expressly prohibited in all zoning districts.

Prohibited Sign Types & Features	
Flashing Signs	Signs that with flashing, blinking, fluttering or use any motion of pictures, or change light intensity or brightness (note scrolling text is permitted where electronic and digital sign components are allowed)
Emitting Signs	Signs that emit audible sound, odor, or visible matter
Human Signs	Signs that are worn or held by a person, unless allowed as a temporary sign and located outside of the right-of-way (on a parcel) and during business hours
Imitation Signs	Signs that emulate emergency service vehicles, road equipment, traffic signs (such as Stop, Slow, or Caution), or similar items
Obscene Signs	Display or convey obscene matter as defined in IC 35-49-2 or other local ordinance
Roof Signs	Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure
Vehicle Signs	Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. This does not include: <ul style="list-style-type: none"> <li>• Passenger vehicles</li> <li>• Non-passenger vehicles (such as box trucks, semi-trucks, trailers, etc.) that are lawfully:                             <ul style="list-style-type: none"> <li>• Parked overnight during non-business hours at a driver’s residence or business;</li> <li>• Parked while conducting lawful business; and</li> <li>• Parked on a construction site in conjunction with construction operations</li> </ul> </li> </ul>

2. Prohibited locations. Signs within all zoning districts shall not be placed in the following locations unless otherwise outlined in this UDO.

Prohibited Sign Locations	
Right-of-Way	Signs within any right-of-way (including on any traffic control device, street sign, tree, utility pole, or similar location) unless permitted by this section and authorized by the Board of Works and/or INDOT
Obstruction or Sight Triangle	Signs that obstruct any sidewalk, public way, door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure. Signs that obstruct the view of vehicular or pedestrian traffic, any sight clearance or sign triangle of an intersection or driveway, roadway sign, signal, or other device
Setback	<ul style="list-style-type: none"> <li>• Permanent signs (measured from nearest edge) that are located within 10 feet of any property line, unless located within the CBD and Madison historic district or otherwise allowed by this section</li> <li>• Signs within the downtown/historic district may be placed up to the property line unless otherwise allowed by this section</li> <li>• Temporary signs are permitted to be located within a required front, side, or rear yard setback or bufferyard unless otherwise stated in this ordinance</li> </ul>

**F. Allowed Signs**

- The temporary and permanent signs in *TABLE 5: ALLOWED SIGNS* shall be permitted in the identified zoning districts, provided they comply with the standards in *CHAPTER 2: DISTRICTS*.

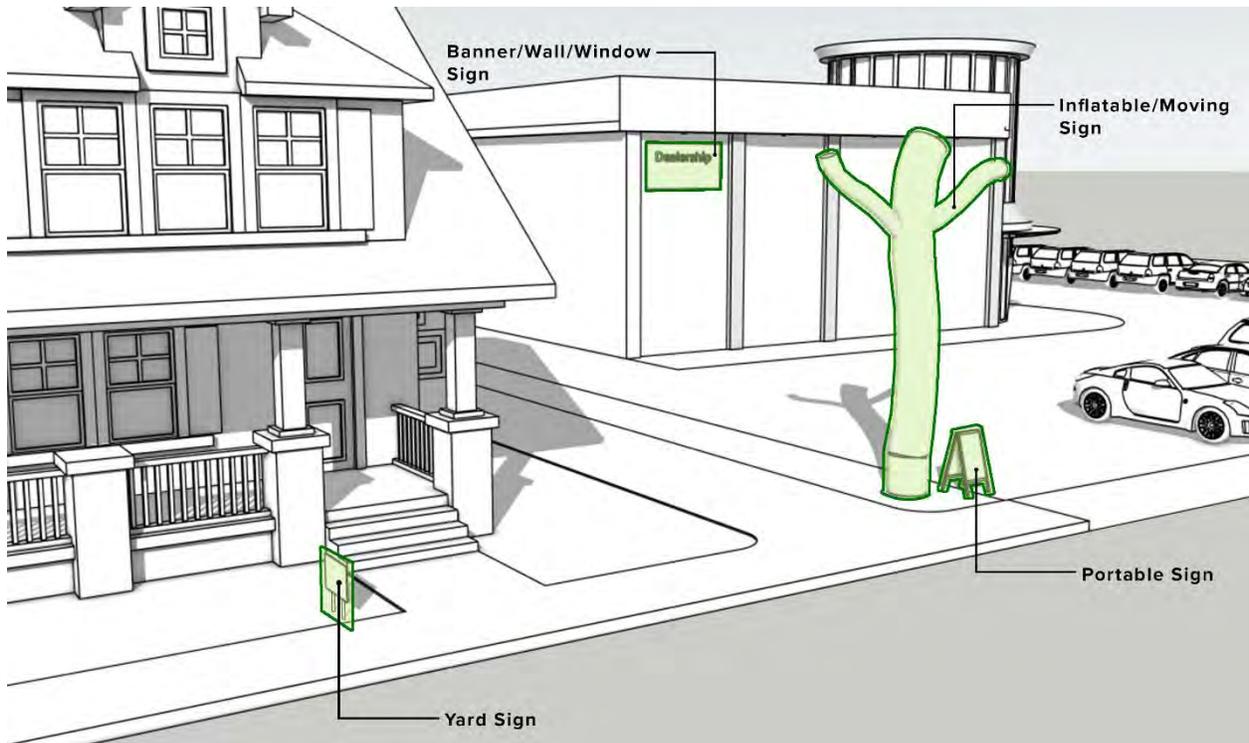
Table 5: Allowed Signs					
Allowed Sign Types		Max Area per Sign Face	Max Height	Max per Parcel	Duration/ Other Standards
<b>AG, RA, HS, OS, R1, R2, R3 &amp; HDR Districts</b>					
Allowed Temporary Signs	Yard Sign	8 sq ft per sign face	4 ft	1 sign	<ul style="list-style-type: none"> <li>For sale, lease, or under construction</li> <li>30 days twice a year<sup>1</sup></li> </ul>
	Mural, Wall & Hanging Sign	2 sq ft per sign face	N/A	1 sign	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Allowed Permanent Signs	Monument (Subdivisions & Schools Only)	32 sq ft per sign face	8 ft	1 double-sided or 2 single-sided per entrance	<ul style="list-style-type: none"> <li>Only permitted at a subdivision or school entrance</li> <li>External illumination permitted</li> </ul>
<b>CBD &amp; RF Districts</b>					
Allowed Temporary Signs	Banner, Wall & Window Sign	16 sq ft per sign face	N/A	16 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>For sale, lease, or under construction</li> <li>30 days twice a year<sup>1</sup></li> <li>Cannot exceed 40% of wall or window</li> </ul>
	Yard Sign	8 sq ft per sign face	4 ft	1 sign	<ul style="list-style-type: none"> <li>Only during business hours</li> <li>May be located within right-of-way if approved by Board of Works</li> </ul>
	Inflatable, Moving & Portable Sign	12 sq ft per sign face	4 ft	1 sign	<ul style="list-style-type: none"> <li>Cannot exceed 50% of awning</li> <li>External illumination permitted</li> <li>Cannot exceed 25% of any window opening or 50% of any wall</li> </ul>
Allowed Permanent Signs	Awning, Wall & Window Sign	16 sq ft per sign face	N/A	50 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>Cannot exceed 80% of any wall</li> <li>Cannot be located on a front façade (permitted on facades facing secondary streets)</li> </ul>
	Mural Sign	100 sq ft per sign face	N/A	1 sign	<ul style="list-style-type: none"> <li>N/A</li> </ul>
	Monument, Pole & Post Sign	32 sq ft per sign face	6 ft	1 sign	<ul style="list-style-type: none"> <li>Minimum of 10-foot clearance above grade and 15-foot above a road or driveway</li> <li>Maximum of 4 feet extension beyond supporting structure</li> <li>Cannot extend above eave or parapet</li> <li>May be located over a public sidewalk if approved by Historic District Board of Review</li> <li>External &amp; internal illumination permitted</li> </ul>
	Projecting & Hanging Sign	8 sq ft per sign face	N/A	1 sign	

**Table 5: Allowed Signs (Continued)**

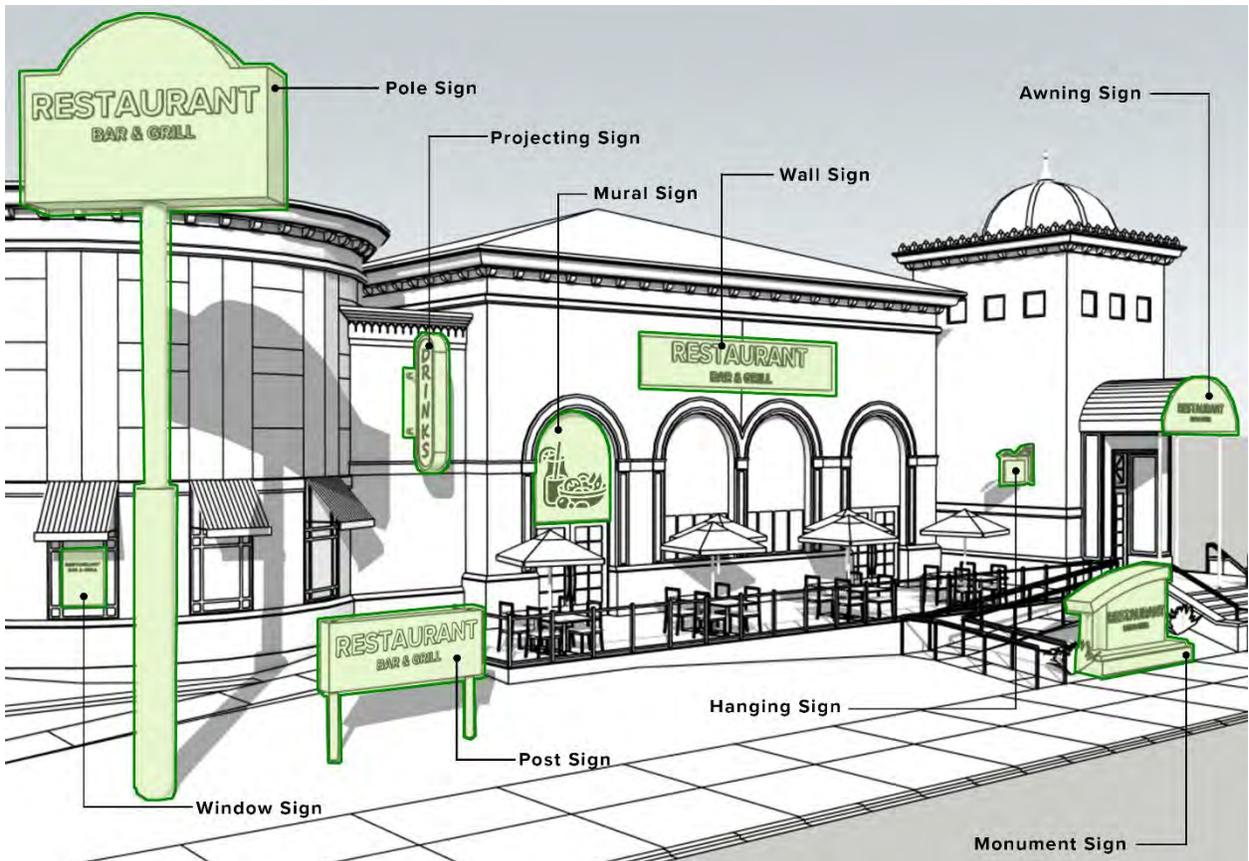
Allowed Sign Types	Max Area per Sign Face	Max Height	Max per Parcel	Duration/Other Standards	
<b>LB &amp; GB Districts</b>					
Allowed Temporary Signs	Banner, Wall, or Window Sign	32 sq ft per sign face	N/A	64 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>For sale, lease, or under construction</li> <li>30 days twice a year<sup>1</sup></li> <li>Cannot exceed 40% of wall or window</li> </ul>
	Yard Sign	16 sq ft per sign face	6 ft	1 sign	<ul style="list-style-type: none"> <li>Cannot exceed 40% of wall or window</li> </ul>
	Inflatable, Moving, or Portable Sign	32 sq ft per sign face	6 ft	32 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>Only during business hours</li> </ul>
Allowed Permanent Signs	Awning, Mural, Wall, or Window Sign	32 sq ft per sign face	N/A	50 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>Cannot exceed 50% of any window opening and awning or 75% of any wall</li> <li>Internal &amp; external illumination permitted</li> </ul>
	Monument, Pole, or Post Sign	50 sq ft per sign face	20 ft	1 sign	<ul style="list-style-type: none"> <li>Internal &amp; external illumination permitted</li> <li>A maximum of 40% of the sign face may include a digital sign component</li> <li>Minimum 10-foot clearance above grade and 15-foot above a road or driveway</li> </ul>
	Projecting or Hanging Sign	12 sq ft per sign face	N/A	1 sign	<ul style="list-style-type: none"> <li>Maximum of 4 feet extension beyond supporting structure</li> <li>Cannot extend above eave or parapet</li> <li>Internal &amp; external illumination permitted</li> </ul>
<b>AB, I1 &amp; I2 Districts</b>					
Allowed Temporary Signs	Banner, Wall, or Window Sign	32 sq ft per sign face	N/A	64 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>For sale, lease, or under construction</li> <li>30 days twice a year<sup>1</sup></li> <li>Cannot exceed 50% of wall or window</li> </ul>
	Yard Sign	32 sq ft per sign face	5 ft	2 sign	<ul style="list-style-type: none"> <li>Cannot exceed 50% of wall or window</li> </ul>
	Inflatable, Moving, or Portable Sign	32 sq ft per sign face	6 ft	48 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>Only during business hours</li> </ul>
Allowed Permanent Signs	Awning, Mural, Wall, or Window	32 sq ft per sign face	N/A	64 sq ft total <sup>2</sup>	<ul style="list-style-type: none"> <li>Cannot exceed 50% of any window opening and awning or 75% of any wall and 15-foot above a road or driveway</li> <li>Internal &amp; external illumination permitted</li> </ul>
	Monument, Pole, or Post Sign	75 sq ft per sign face	20 ft	1 sign	<ul style="list-style-type: none"> <li>Internal &amp; external illumination permitted</li> <li>A maximum of 40% of the sign face may include a digital sign component</li> <li>Minimum 10-foot clearance above grade and 15-foot above a road or driveway</li> </ul>
	Projecting or Hanging Sign	12 sq ft per sign face	N/A	1 sign	<ul style="list-style-type: none"> <li>Maximum of 4 feet extension beyond supporting structure</li> <li>Cannot extend above eave or parapet</li> <li>Internal &amp; external illumination permitted</li> </ul>

<sup>1</sup> – Consecutive days, per calendar year.

<sup>2</sup> – Maximum square footage for entire parcel for that specific sign type.



Example of Temporary Sign Types



Example of Permanent Sign Types

### **G. Design Standards: External & Internal Illumination**

1. Signs shall not be internally or externally illuminated unless specifically allowed in *TABLE 5: ALLOWED SIGNS*.
2. All lighting and illumination for signs shall comply with *SECTION 4.3: LIGHTING*.

### **H. Design Standards: Electronic and Digital Signs**

1. Electronic and digital signs (including electronic variable message signs or EVMS) are only permitted as specifically allowed in *TABLE 5: ALLOWED SIGNS*.
2. Drive-thru menu boards that utilize electronic and digital signs are exempt from the following standards for electronic and digital signs but shall comply with all other applicable sign standards.
3. All electronic and digital signs shall have automatic light intensity sensors that dim the sign to 500 NITS from dusk to dawn and comply with the *SECTION 4.3: LIGHTING*.

### **I. Maintenance, Inspection & Removal**

1. Inspection. Any sign that requires a permit may be inspected periodically by the Administrator for compliance with this UDO and other codes of this or other jurisdictions.
2. Sign Maintenance
  - a. All signs, including the frame, illumination, supporting structures, and all components, shall be professionally installed and be kept in a state of good condition and repair. If failure to maintain a sign is determined by the Administrator, *SECTION 7.16: OTHER PROCEDURES: VIOLATIONS & ENFORCEMENT* shall apply.
  - b. Sign maintenance in all zoning districts that replaces any non-structural portion of the sign that does not change any dimension, location, or similar feature does not require a building permit.
  - c. If a sign is replaced in whole or sign structure component is replaced in part of in whole, a building permit is required.
  - d. Any change to a sign within the Madison Historic District requires a Certificate of Appropriateness (COA) in addition to a building permit as outlined in this section.

## **SECTION 4.8     STRUCTURES**

### **A. Purpose**

1. These standards are necessary to prevent unsafe building and structure conditions and to promote the health, safety, and welfare of the community.

### **B. Applicability and Thresholds for Compliance**

1. All new structures shall comply with these standards.
2. If an existing, legally constructed structure is moved or exterior structural alteration(s) are made to the structure (including additions, enlargements, and relocations), that structure shall comply with all structure standards within this section. Note that an internal remodel/renovation that does not alter a structural component of the exterior is not considered an exterior structure alteration.

### **C. Required Approvals and Related Standards**

1. All primary and accessory structures shall comply with the Design Standards and Specifications Manual and all other applicable local and state codes, ordinances, or standards.
2. All primary and accessory structures within the Madison Historical District shall comply with the Madison Historic District Design Guidelines and obtain a Certificate of Appropriateness (if required) prior to a building permit.
3. All primary and accessory structures shall comply with the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances if located within a floodplain.
4. Building permits are required for all accessory, primary, and temporary structures as outlined in *SECTION 7.10: PERMIT PROCEDURES: BUILDING PERMITS*.
5. If located within the Hillside District, a hillside permit shall be required prior to site disturbance or issuance of a building permit.

### **D. Additional Standards: General**

1. All structures shall conform with all standards set forth in this UDO unless the structure is legally non-conforming as outlined in *CHAPTER 5: NON-CONFORMING*.
2. Structures that are relocated from one parcel to another parcel shall not be moved unless the structure and its placement conform all standards of this UDO.
3. All new primary structures shall be oriented towards the highest classification of road unless within a major residential subdivision. If within the Madison Historic District, building orientation shall comply with the Madison Historic District Design Guidelines.
4. Structures shall not be located within any type of easement, including drainage, access, and utility easements, unless it is specifically allowed by this UDO or local ordinance and it is approved by the easement holder.

### **E. Additional Standards: All Accessory Structures**

1. Permitted Districts. Unless otherwise stated in this UDO, accessory structures that are incidental to a permitted or approved primary use shall be allowed in all zoning districts if it complies with all requirements of this UDO.

2. Subordinate in Nature
  - a. All accessory structures shall be ancillary and complementary to the use of the primary structure.
  - b. Accessory structures are not permitted on a lot prior to any primary structure being constructed except within the AG (or the primary use being established in the event a primary structure is not applicable).
  - c. Accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure(s) except within the AG, AB, I1 and I2 districts.
  - d. The total cumulative square footage of all accessory structures on a parcel cannot exceed 75% of the total footprint of the primary structure(s) except within the AG, RA, LB, GB, AB, I1 and I2 districts. Fences shall not be included in this calculation.
3. Location of Accessory Structures
  - a. Only fences, mailboxes, and signposts (as allowed by *SECTION 4.7: SIGNS*) are allowed to be within the minimum setback for front, side, and rear yards unless otherwise stated in this UDO.
  - b. The following accessory structures shall be located behind the front façade of the primary structure unless otherwise allowed by this UDO (cannot be located in front of the primary structure):
    - i. Accessory structures that require a building permit (see *SECTION 8.1F: STRUCTURES THAT REQUIRE BUILDING PERMITS*), excluding fences, mailboxes, and signposts
    - ii. Enclosed structures or buildings, even if a building permit is not required
    - iii. Commercial mechanical or electrical equipment
    - iv. Swing sets, trampolines, and similar play structures
  - c. All other accessory structures may be located in front of the primary structure but shall not be located within any minimum setback area.
  - d. No free standing accessory building shall be within five feet of another accessory or primary building within all zoning districts. See *CHAPTER 8: DEFINITIONS* for distinction between a building and structure.

**F. Additional Standards: Dumpsters and Trash Collection**

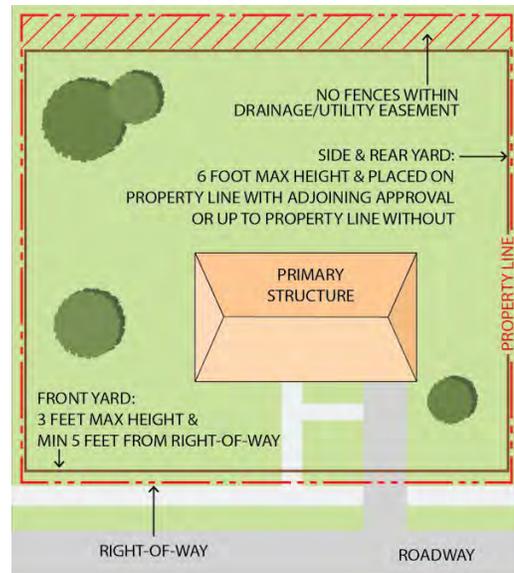
1. Permitted Districts. Dumpsters, including trash collection areas, and similar outdoor trash containers (including commercial grease traps/receptacles) are permitted in all districts except for R1 and R2 districts. Trash receptacles and dumpsters within the Madison Historic District shall also comply with all standards in the Madison Historic District Design Guidelines.
2. Dumpster Locations (excluding personal trash cans). All dumpsters, trash collection areas, and similar outdoor trash containers shall:
  - a. Comply with all development standards outlined in *CHAPTER 2: DISTRICTS*;
  - b. Be located on the same parcel as the use they serve;
  - c. Be located outside of the public right-of-way unless approved by the Board of Works;
  - d. Be behind the front façade of the primary structure;
  - e. Be located outside of any required setback or bufferyard; and
  - f. Comply with the Madison Historic District Guidelines if located in the Madison Historic District.
3. Dumpster Screening. All dumpsters, trash collection areas, and similar outdoor trash containers must be completely screened on all sides by the construction of permanent opaque wooden, brick, solid PVC/vinyl, or masonry fencing so it is not visible from any public right-of-way and adjacent parcels during any time of the year. One side shall be gated and must remain closed unless the receptacles are being accessed.

4. Temporary Dumpsters
  - a. Dumpsters associated with demolition or construction in all zoning districts shall remain on-site no longer than one week prior to construction or demolition and no longer than one week following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements and development standards of the underlying zoning district but do not require screening. A building permit is not required if located on a parcel.
  - b. Temporary dumpsters shall not be placed within the right-of-way without prior approval from the Board of Works. A building permit is not required if located within the right-of-way.

**G. Additional Standards: Fences and Walls**

1. Retaining Walls Exempt. These standards do not apply to retaining walls whose purpose is to provide structural support in grading and elevation changes, and fences within the Madison Historic District that are approved by the Board of Review
2. Location of Fences and Walls
  - a. A fence or wall must be at least five feet from any public right-of-way; if a zoning district allows for a front yard setback that is less than five feet, then the fence may be located at the minimum setback.
  - b. Fences and walls cannot create a traffic hazard, be located within a sight triangle, or be hazardous or dangerous to persons or animals.
  - c. Fences or walls cannot be located within any type of easement, including drainage, access, and utility easements unless approved by the easement holder(s).
  - d. Fences and walls may be placed on the property line (excluding property lines that abut a public right-of-way) with written approval from the adjoining property owner(s). If no agreement is provided, fences and walls may be placed up to the property line.

3. Fence and Wall Materials and Design
  - a. Razor wire, barbed wire, sharpened top spikes, and electrified fences (excluding underground pet fence systems) are prohibited, except for agricultural, industrial, correctional facilities, or utility purposes.
  - b. All other materials that are not traditionally used for fences shall be prohibited (such as pallets).
  - c. All fences and walls within the Madison Historic District shall comply with the Madison Historic District Design Guidelines.
  - d. Structural supports for all non-agricultural fences shall face inward. Fences and walls shall comply with height requirements of this section unless otherwise stated within *CHAPTER 3: USE STANDARDS* or elsewhere within this UDO.



Example of Fence Standards

**Fence & Wall Height<sup>1, 2</sup>**

All Districts

Front Yard: 4 feet maximum  
Side/Rear Yards: 6 feet maximum

1 - Fences for may exceed these heights if a greater height is required by local, state, or federal code, ordinance, or regulation or if a greater height is required elsewhere in this UDO.

2 - Fence height is measured from ground level adjacent to the fence to the top of the fence. Where topography necessitates it, the average site elevation may be used to determine fence height.

#### **H. Additional Standards: Mail Delivery Structures**

1. All structures for centralized mail delivery, such as Cluster Box Units (CBU) and Neighborhood Unit Centers (NUC) (Postal Kiosks), shall be required for all new residential subdivisions (including new phases) and new or remodeled multi-family developments unless alternative mail delivery (such as individual mailboxes) is approved by the United States Postal Service (USPS).
2. All centralized mail delivery structures shall be approved by USPS and conform with all requirements of USPS including, but not limited to, USPS POM Section 631: Modes of Delivery and Section 632: Mail USPS Receptables.
3. All centralized mail delivery structures that are an accessory structure (not directly connected to or part of the primary structure) shall obtain a building permit prior to installation, regardless of size.
4. Centralized mail delivery structures shall be installed, repaired, and maintained by the property owner and/or homeowner's association. The city and/or USPS are not responsible for any centralized mail delivery structures.
5. All areas with a centralized mail delivery structure shall be ADA-accessible or have a vehicular pull-off area outside of the public road.
6. The character and materials of all centralized mail delivery structures shall be consistent with the character and materials of the overall development.

#### **I. Additional Standards: Manufactured Homes**

1. Manufactured homes may be used as a single-family dwelling when located in any district where a single-family dwelling is permitted. Note that a manufactured home within the Madison Historic District must comply with the same design standards, requirements, and approvals as a single-family dwelling.
2. All manufactured homes shall meet the following structure requirements:
  - a. The manufactured home shall be built to the Manufactured Home Construction and Safety Standards (HUD Code) and display a red certification label on the exterior of each transportable section.
  - b. The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
  - c. A concrete block foundation shall be installed for the entire area between the floor joists of the structure and the underfloor grade so that it is completely enclosed on all sides.
  - d. The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure on a parcel.
  - e. The wheels, axles, and hitches shall be removed.
  - f. The front door shall face the primary road from which it gains access.
  - g. The structure shall be covered with an exterior material and roof material customarily used on site-built structures.

#### **J. Additional Standards: Recreational Vehicles (RVs)**

1. Permanent Occupancy of an RV Prohibited. Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for permanent residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
2. Storage of an RV. A recreational vehicle may be stored according to *SECTION 4.4: OUTDOOR STORAGE & DISPLAY OF MERCHANDISE*.

**K. Additional Standards: Swimming Pools**

1. All swimming pools shall be located in the rear yard.
2. All swimming pools shall have the following minimum side and rear yard setbacks:
  - a. 10 feet if the pool is not screened with an opaque fence along the abutting property line;
  - b. 5 feet if the pool is screened with an opaque fence along the abutting property line; or
  - c. The minimum setback of the zoning district if greater.
3. Swimming pools shall comply with all applicable state requirements and are subject to all requirements of the Indiana Swimming Pool Code as amended (675 IAC 20-4-7).

**L. Additional Standards: Temporary Structures**

1. Unless otherwise stated in this UDO, temporary structures that are incidental to a permitted or approved primary use shall be allowed in all zoning districts if it complies with all requirements of this UDO, and a building permit is obtained (if required).
2. If a temporary use permit or temporary structure permit is issued, all temporary uses and structures shall be removed from the site and the site shall be reverted to its original condition, within the timeframe of the permit.

**M. Additional Standards: Temporary Construction Trailers**

1. Temporary construction trailers or similar structures may be permitted on a parcel in all zoning districts for the use of security, storage, of office space during the duration of a valid building permit for the same parcel.

**N. Additional Standards: Temporary Storage Containers**

1. The Administrator has the flexibility to allow additional containers, placement, and length of time when requested in writing by the applicant and on a case-by-case basis.
2. AG, RA, , HS, OS, R1, R2, R3, HDR, CBD & RF Districts. A maximum of one temporary storage container per parcel is permitted if the following conditions are met. A building permit is not required.
  - a. On-site for a maximum of 14 consecutive days every 6 months.
  - b. Located on the driveway or to the rear or side of the primary structure and a minimum of two feet from any adjoining parcel (excluding public rights-of-way).
  - c. Not placed within the right-of-way without prior approval from the Board of Works.
  - d. A maximum size of 120 square feet per container.
  - e. Complies with the Madison Historic District Design Guidelines if it is located within the Madison Historic District.
3. LB, GB, AB, I1 & I2 Districts. A maximum of two temporary storage containers per parcel will be permitted if the following conditions are met. A building permit is required.
  - a. On-site for no more than four total months in a calendar year or the duration of construction, whichever is greater.
  - b. Located in the parking lot or to the rear or side of the primary structure and a minimum of two feet from any adjoining parcel (excluding public rights-of-way).
  - c. Not placed within the right-of-way without prior approval from the Board of Works.
  - d. A maximum size of 320 square feet per container.



# CHAPTER 5: NON-CONFORMING

## NON-CONFORMING LOTS, STRUCTURES & USES

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## **SECTION 5.1 GENERAL PROVISIONS**

### **A. Legally Non-Conforming**

1. There are legally non-conforming lots; legally non-conforming structures; legally non-conforming uses of land; and/or legally non-conforming zoning districts (or a combination thereof) that were lawful before this UDO was passed or amended, but are now prohibited, regulated, or restricted by the terms and/or standards this UDO as of the effective date of this UDO or any amendment(s). Note that a change in ownership of a legally non-conforming lot, structure, and/or use does not invalidate the non-conforming status.
2. It is the intent of this UDO to:
  - a. Permit these legal non-conformities to continue until they are removed but not to encourage their survival.
  - b. Not permit any legal non-conformity to enlarge, expand, extend, or intensify.
  - c. Not use any non-conformity as grounds for adding other structures or uses which are prohibited unless specifically permitted by this UDO and/or state statute.

### **B. Illegal Non-Conforming**

1. Uses, structures, and/or lots (or a combination thereof) that existed at the effective date of this UDO that were not legally established, not legally permitted, or otherwise not legally enacted shall not be validated by virtue of its enactment. All illegal uses, structures, and/or lots shall still be illegal under this UDO and are NOT considered legally non-conforming.

### **C. Burden of Proof**

1. The burden of establishing the legality of a non-conformity under the provisions of this UDO is upon the property owner of the non-conformity and not upon the jurisdiction.

### **D. Incompatible Use**

1. Non-conforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. Unless specifically permitted within this chapter or UDO, a non-conforming use of a structure and/or a non-conforming use of land shall not be extended, enlarged, and/or occupy any additional or other area after the effective date of this UDO or amendment.

### **E. Special Exception Uses**

1. If a use was legally established prior to the effective date of this UDO and is permitted in the zoning district of the parcel as a special exception or conditional use, the use shall be considered an approved special exception and regulated as such. If the use is discontinued or abandoned for any reason, it shall then comply with *SECTION 5.4:NON-CONFORMING USES OF LAND*.

### **F. Current Construction**

1. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development if a valid building permit has been issued prior to the effective date of adoption or amendment of this UDO if actual construction or demolition has been carried on diligently and in a timely manner.

## **SECTION 5.2      NON-CONFORMING LOTS OF RECORD**

### **A. Previously Recorded Lots**

1. If a lawful lot of record exists at the effective date of adoption or amendment of this UDO that would not be permitted to be created by the regulations of this UDO, the lot may be developed if all of the following are met:
  - a. The lot is recorded in separate record (must be a separate parcel).
  - b. The lot has road frontage that is not shared with any existing lot(s) or a recorded easement exists for this purpose.
  - c. All uses, structures, and the lot standards conform with the applicable development standards and other requirements for the zoning district, except for lot area and/or lot width.
  - d. All other provisions of this UDO are met or a variance from the BZA has been approved.

## **SECTION 5.3 NON-CONFORMING STRUCTURES**

### **A. Non-Conforming Structures**

1. Any lawful structure) that exists at the effective date or amendment of this UDO that could not be constructed under the terms of this UDO because of restrictions on living/structure area, lot coverage, height, setbacks/location on the lot, or other UDO requirements concerning the structure may be continued as long as it remains otherwise lawful, provided that all of the following requirements are met:
  - a. The structure is not enlarged, altered, or added onto in a way that increases its non-conformity unless a variance is obtained from the BZA.
    - i. The non-conforming structure(s) may be altered to decrease its non-conformity.
    - ii. The non-conforming structure(s) may be altered if the alternation does not increase the non-conformity and the alternation otherwise meets all standards of this UDO. For example, an addition may be added to a non-conforming structure that does not meet the minimum setback if the addition meets setback.
  - b. The structure is abandoned or unoccupied for any reason for more than one year.

### **B. Non-Conforming Residential Structures**

1. As required by IC 36-7-4-1019, whenever a legal non-conforming structure on a parcel of real property used for residential purposes is damaged or destroyed by any means, the owner of the parcel shall be permitted to reconstruct, repair, or renovate the non-conforming structure if the reconstruction, repair, or renovation meets all of the following requirements:
  - a. The structure will continue to be used for residential purposes.
  - b. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure but may be relocated on the same parcel as long as the non-conformity is not increased.
  - c. The structure is not located within a flood plain (as defined in IC 14-8-2-99).
  - d. If located within the Madison Historic District or an area under the jurisdiction of a Historic Preservation Commission (per IC-36-7-11), reconstruction, repair, or renovation is permitted as outlined above if approved by the Madison Historic District Board of Review.

### C. Non-Conforming, Non-Residential Structures

1. If a non-conforming structure (or portion of a structure) that is used for a non-residential use is destroyed or damaged by any means where the damage is more than 50% of its value (as determined by assessed value or appraisal provided by the property owner, whichever is greater), it shall not be repaired or rebuilt unless it meets all standards of this UDO or complies with one the following exceptions:
  - a. Exemption 1: A variance is approved by the BZA
  - b. Exemption 2: All of the following conditions are met:
    - i. A valid building permit for the reconstruction is obtained within 12 months of when the damage occurred, or at the discretion of the Administrator if additional time is needed for valid reason.
    - ii. The structure does not exceed the square footage of the previous structure.
    - iii. The structure is not moved from the location of the previous structure unless the location decreases the non-conformity.
    - iv. The structure is not located within a flood plain (as defined in IC 14-8-2-99) or subject to the jurisdiction of the Madison Historic District Board of Review (per IC-36-7-11).
  - c. Exemption 3: All of the following conditions are met:
    - i. The structure is located within the Madison Historic District.
    - ii. The structure does not exceed the square footage of the previous structure.
    - iii. The structure is not moved from the location of the previous structure unless it decreases the non-conformity.
    - iv. The reconstruction is approved by the Madison Historic District Board of Review.

### D. Non-Conforming Signs

1. Any lawful sign that exists at the effective date or amendment of this UDO that could not be constructed under the terms of this UDO may be continued as long as it remains otherwise lawful, provided that all of the following requirements are met:
  - a. There is no modification to the size, shape, or height of the sign.
  - b. There is no additional lighting or electronic components added to the sign.
  - c. There are no additional moving parts or mechanisms added to the sign.
  - d. There are no structural alterations (structural elements may be replaced with an equivalent substitution).
  - e. The sign is not moved or relocated.
  - f. The sign is kept in good repair, safe, neat, clean, and attractive condition.
2. If a sign is demolished by any means to the extent of 50% or more of the sign area is damaged or destroyed, the sign shall only be replaced if it conforms with this UDO.

## **SECTION 5.4 NON-CONFORMING USES OF LAND**

### **A. Non-Agricultural Uses**

1. Any lawful use that exists at the effective date or amendment of this UDO that is not permitted under the terms of this UDO may be continued as long as it remains otherwise lawful, provided that all of the following requirements are met:
  - a. The use is not enlarged, increased, intensified, moved (in whole or part), extended, and/or expanded to occupy a greater area within a structure or greater area of land.
  - b. The use is not discontinued or abandoned for any reason for more than 12 consecutive months. Note that any subsequent use shall conform to all regulations of this UDO, and the previous non-conforming use cannot be re-established after it is discontinued or abandoned for more than this time period.
  - c. The use is not changed to another non-conforming use or a use that is not permitted by right.

### **B. Agricultural Uses**

1. Consistent with IC 36-7-4-616, an agricultural use of land that constitutes a legal agricultural non-conforming use may be changed to another agricultural use of land without losing agricultural non-conforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance or special exception if the use has been maintained for at least any three year period in a five-year period.

### **C. Structures and Uses in Combination**

1. If a non-conforming use is located within or occupies a non-conforming structure and the non-conforming structure is removed, demolished, or otherwise is no longer considered legally non-conforming, the non-conforming use shall no longer be considered a non-conforming use and both the use and structure shall comply with all regulations of this UDO.



# CHAPTER 6: SUBDIVISIONS

## TYPES OF SUBDIVISIONS & DESIGN STANDARDS FOR SUBDIVISIONS

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## **SECTION 6.1 GENERAL PROVISIONS**

### **A. Purpose**

1. The purpose of this chapter is to:
  - a. Promote public health, safety, and general welfare of the community;
  - b. Define, regulate, and control the various ways that land can be subdivided within the city's jurisdiction;
  - c. Provide guidance for future growth and development in accordance with the Comprehensive Plan and other guiding plans;
  - d. Limit uncontrolled growth that results in unnecessary public infrastructure;
  - e. Secure efficient and equitable handling of all subdivision plans by providing uniform procedures and standards;
  - f. Promote orderly and efficient growth and development through safe and effective road design, adequate utilities, safe access, and other necessary infrastructure and facilities;
  - g. Provide for roads that are suitable in location, width, and improvement to accommodate potential traffic and adequate access to police, fire fighting, snow removal, sanitation, and road maintenance equipment;
  - h. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;

### **B. Applicability of Subdivision Types and Design Standards**

1. The standards within this chapter shall apply to all areas within the Madison Plan Commission's jurisdiction, including:
  - a. All parcels within the city's corporate boundary; and
  - b. All parcels within the city's extraterritorial jurisdiction, (as allowed by IC 36-7-4-701(c), since the legislative body of the county (Jefferson County Board of Commissioners) has not adopted a subdivision control ordinance covering these lands.
2. Planned Unit Developments (PUDs) are considered a zoning district and not a subdivision type. All PUDs shall conform to the standards within this chapter unless a waiver is approved by the PC.

### **C. Conformance to Applicable Rules and Regulations**

1. Only those subdivision types outlined in this chapter shall be permitted within the jurisdiction. All other subdivisions shall be prohibited.
2. All subdivisions shall comply with the minimum requirements of this chapter and all other applicable laws, rules, and regulations, including but not limited to:
  - a. All requirements of this UDO and the zoning map.
  - b. All applicable state and federal statutory provisions, regulations, and laws, including but not limited to building codes, fire codes, and Americans with Disabilities Act (ADA).
  - c. All regulations of INDOT, if the subdivision contains or any lot abuts a highway under their jurisdiction.
  - d. All standards and regulations adopted by all City of Madison boards, commissions, agencies, and officials (as applicable).
  - e. All rules or regulations of the Jefferson County Health Department, IDEM, and/or water/sewer utility.

- f. All applicable requirements of Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances, the Design Standards and Specifications Manual, the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and other adopted or approved plans and ordinances, including all ordinances related to public roads, drainage systems, and parks (if applicable).
- g. All other applicable local standards, regulations, and laws.
3. No building permit or certificate of occupancy shall be issued for any parcel or plat that was not legally created.
4. Secondary plat approval may be withheld if a subdivision does not comply with all requirements of this chapter, all other sections of this UDO, and all other applicable local, state, and/or federal regulations.

#### **D. Unsuitable Land**

1. If the PC determines that a parcel(s) is unsuitable for subdivision development due to one of the following, the PC shall not approve the subdivision unless the issue is adequately mitigated by the subdivider.
  - a. Constraints due to physical conditions (such as flooding, poor drainage, steep slopes, rock formations, etc.).
  - b. Lack of infrastructure or services (such as water, sewage disposal, schools, roads, other public facilities or services, etc.).
  - c. Excessive expenditure of public funds (such as overly burdensome maintenance costs, etc.).
  - d. Other conditions that may increase the danger of health, life, or property.

## **SECTION 6.2      SUBDIVISION TYPE: EXEMPT**

### **A. Purpose**

1. These standards allow specific situations for the subdivision of land to occur without a required approval process because impacts are minimal or non-existent.

### **B. Verification of Exempt Status**

1. It is the responsibility of the person subdividing land to verify if a subdivision is exempt with the Administrator before recording the lot(s).
2. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of a building permit.

### **C. Types of Exempt Subdivisions**

1. The following subdivisions of land are exempt from the subdivision provisions of this UDO but shall still comply with all zoning provisions.
  - a. A division of land that combines, shifts, or reconstitutes property lines between abutting parcels (platted or un-platted) such that no additional parcels are created and all parcels comply with the standards of this UDO.
  - b. A division of land to correct errors in an existing legal description or boundary, provided that no additional lots are created and all lots conform with the standards of this UDO.
  - c. A division of land that is government or court ordered.
  - d. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement for a public utility or public use.
  - e. A division of land into cemetery plots for the purpose of burial of corpses.
  - f. A division of land for condominiums, pursuant to IC 36-7-4-702 and IC 32-25.

## SECTION 6.3 SUBDIVISION TYPE: MAJOR RESIDENTIAL SUBDIVISION

### A. Purpose

- The purpose of a major residential subdivision, as defined in *CHAPTER 8: DEFINITIONS*, is to allow new subdivisions of land for residential purposes to occur if they meet the outlined process and requirements for this subdivision type.

### B. General Requirements

- The following shall apply to all major residential subdivisions in addition to all applicable design standards in *CHAPTER 6: SUBDIVISIONS* and procedures in *CHAPTER 7: PROCEDURES*:

Major Residential Subdivision Requirements	
Qualification Threshold (must meet at least one)	7 or more parcels, including the remnant or parent parcel
	Remnant or parent parcel was part of a previous minor residential subdivision that was recorded after the effective date of this UDO
	Includes the opening or creation of a new public right-of-way and/or public road
Permitted Land Uses	Includes the extension of a utility main
	Single-family residential uses (attached and detached)
	Two-family residential uses
Number of Re-Subdivisions	Multi-family residential uses
Permitted Districts	No maximum number of re-subdivisions
Minimum Common Area (see SECTION 6.10: DESIGN STANDARD: COMMON AREA & AMENITIES)	AG, RA, R1, R2, R3, RF, HDR, CBD, AB, and PUD
Minimum Parcel Standards (see CHAPTER 2: DISTRICTS)	4% of the gross area (does not apply to the Madison Historic District)
Parcel Access and Right-of-Way (see SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS)	Must comply with minimum development standards for zoning district
	Internal roads must be public roads with dedicated right-of-way
	Additional right-of-way shall be dedicated if the subdivision abuts an existing right-of-way that does not conform to the width
Perimeter Sidewalks (see SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS)	All driveways for individual lots shall gain access from an internal subdivision public road (cannot gain access from existing perimeter road)
	Required along all existing perimeter public roads
	Within City Limits A trail or similar facility may be required instead of perimeter sidewalks at the discretion of the PC
Internal Subdivision Sidewalks (see SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS)	Outside City Limits Not required
	Required along both sides of all internal roads for subdivisions served by sewer; not required for subdivisions served by septic
	A trail or similar facility may be required instead of internal sidewalks at the discretion of the PC
Street Lights (see SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS)	Required every 500 feet adjacent to a public road and at every intersection or as approved by the Board of Works
Other	Covenants are required for maintenance of required common areas

## SECTION 6.4 SUBDIVISION TYPE: MINOR RESIDENTIAL SUBDIVISION

### A. Purpose

1. A minor residential subdivision, as defined in *CHAPTER 8: DEFINITIONS*, is intended to be an expedited process and streamlined design standards for a single-family residential subdivision that meets all of the requirements for minor residential subdivisions.

### B. General Requirements

1. The following shall apply to all minor residential subdivisions in addition to all applicable design standards in *CHAPTER 6: SUBDIVISIONS* and procedures in *CHAPTER 7: PROCEDURES*:

Minor Residential Subdivision Requirements	
Qualification Threshold (Must Comply with All)	7 or fewer parcels, including the remnant or parent parcel
	Cannot include proposed or new rights-of-way
	Cannot include utility main extensions
Permitted Land Uses	Single-family residential uses (attached and detached)
Number of Re-Subdivisions	Parcels may only be subdivided once through the minor subdivision process after the effective date of this UDO (all subsequent subdivisions of any parcel, including the remnant, that was part of a minor residential subdivision shall be a major subdivision)
Permitted Districts	AG, RA, R1, R2, R3, RF, and PUD
Minimum Common Area (see <i>SECTION 6.10: DESIGN STANDARD: COMMON AREA &amp; AMENITIES</i> )	Not required
Minimum Parcel Standards (see <i>CHAPTER 2: DISTRICTS</i> )	Must comply with minimum development standards for zoning district
Parcel Access and Right-of-Way (see <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i> )	No new public rights-of-way or public roads are permitted (it shall be considered a major residential subdivision if new public rights-of-way are proposed)
	Additional right-of-way shall be dedicated if the subdivision abuts an existing right-of-way that does not conform to the width outlined in <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i>
	A maximum of two access points shall be permitted onto existing public roads, and shared driveways and/or private roads shall be required for access to individual lots that comply with <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i>
Perimeter Sidewalks (see <i>SECTION 6.13: DESIGN STANDARD: SIDEWALKS &amp; TRAILS</i> )	Within City Limits Required along all existing perimeter public roads
	Outside City Limits Not required
Internal Subdivision Sidewalks (see <i>SECTION 6.13: DESIGN STANDARD: SIDEWALKS &amp; TRAILS</i> )	Not required
Street Lights (see <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i> )	Not required
Other	No utility main extensions are permitted (it shall be considered a major residential subdivision if utility main extensions are required)

## SECTION 6.5 SUBDIVISION TYPE: DOWNTOWN SUBDIVISION

### A. Purpose

1. A downtown subdivision, as defined in *CHAPTER 8: DEFINITIONS*, is intended to be an expedited process and streamlined design standards for a subdivision that meets all of the requirements for downtown subdivisions.

### B. General Requirements

1. The following shall apply to all minor residential subdivisions in addition to all applicable design standards in *CHAPTER 6: SUBDIVISIONS* and procedures in *CHAPTER 7: PROCEDURES*:

Downtown Subdivision Requirements	
Qualification Threshold (Must Comply with All)	No maximum number of parcels
	Cannot include proposed or new rights-of-way
	Cannot include utility main extensions
Permitted Land Uses	N/A
Number of Re-Subdivisions	No maximum number of re-subdivisions
Permitted Districts	RF, HDR, and CBD
Minimum Common Area (see <i>SECTION 6.10: DESIGN STANDARD: COMMON AREA &amp; AMENITIES</i> )	Not required
Minimum Parcel Standards (see <i>CHAPTER 2: DISTRICTS</i> )	Must comply with minimum development standards for zoning district
Parcel Access and Right-of-Way (see <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i> )	No new public rights-of-way or public roads are permitted (it shall be considered a major residential subdivision or non-residential subdivision if new public rights-of-way are proposed)
	Additional right-of-way shall be dedicated if the subdivision abuts an existing right-of-way that does not conform to the width outlined in <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i>
	Private driveways are permitted and shall comply with the minimum standards in <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i>
	A shared driveway may be required to provide safe access to streets and to allow for alternative lot layouts
Perimeter Sidewalks (see <i>SECTION 6.13: DESIGN STANDARD: SIDEWALKS &amp; TRAILS</i> )	Required along all existing perimeter public roads
Internal Subdivision Sidewalks (see <i>SECTION 6.13: DESIGN STANDARD: SIDEWALKS &amp; TRAILS</i> )	N/A (no new public roads are permitted)
Street Lights (see <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i> )	Must comply with Madison Historic District Design Guidelines or as approved by the Board of Works and/or the Historic District Board of Review
Other	No utility main extensions are permitted (it shall be considered a major residential subdivision or non-residential subdivision if utility main extensions are required)

## SECTION 6.6 SUBDIVISION TYPE: CLUSTER SUBDIVISION

### A. Purpose

1. The purpose of a cluster subdivision, as defined in *CHAPTER 8: DEFINITIONS*, is a type of major residential subdivision intended to allow alternative options for clustering lots, preserving open space, and enhancing the character of the surrounding area. It is intended to cluster development onto a portion of the site to allow for dedicated open space and reduce the public infrastructure that is constructed and maintained; it is not intended to increase the gross or overall density of a subdivision.

### B. General Requirements

1. The following shall apply to all cluster subdivisions in addition to all applicable design standards in *CHAPTER 6: SUBDIVISIONS* and procedures in *CHAPTER 7: PROCEDURES*:

Cluster Subdivision Requirements	
Qualification Threshold	Shall comply with thresholds for a Major Residential Subdivision
Permitted Land Uses	Shall comply with requirements for a Major Residential Subdivision
Number of Re-Subdivisions	No maximum number of subdivisions or re-subdivisions
Permitted Districts	AG, RA, R1, R2, R3, RF, HDR, CBD, and PUD
Minimum Common Area <sup>1, 2</sup> (see <i>SECTION 6.10: DESIGN STANDARD: COMMON AREA &amp; AMENITIES</i> )	25% of the gross subdivision must be dedicated common area but no more than half of the common area can include the following: <ul style="list-style-type: none"> <li>• Drainage areas and bodies of water</li> <li>• Drainage and utility easements</li> <li>• Wetlands (as defined by IDEM and/or IDNR)</li> <li>• Any flora and fauna and their habitats that are regulated by INDR</li> <li>• Slopes greater than 15%</li> </ul>
Minimum Parcel Standards (see <i>CHAPTER 2: DISTRICTS</i> )	Maximum number of lots shall be calculated by the total area within the subdivision divided by the minimum lot area for the subject zoning district as outlined in <i>CHAPTER 2: DISTRICTS</i> All structure standards for the subject zoning shall apply Minimum lot area shall be 2,500 sq ft and all other <u>lot standards</u> shall comply with the R3 district
Parcel Access and Right-of-Way (see <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i> )	Shall comply with requirements for a Major Residential Subdivision
Perimeter Sidewalks (see <i>SECTION 6.13: DESIGN STANDARD: SIDEWALKS &amp; TRAILS</i> )	Shall comply with requirements for a Major Residential Subdivision
Perimeter Subdivision Sidewalks (see <i>SECTION 6.13: DESIGN STANDARD: SIDEWALKS &amp; TRAILS</i> )	Shall comply with requirements for a Major Residential Subdivision
Street Lights (see <i>SECTION 6.12: DESIGN STANDARD: ROADS &amp; DRIVEWAYS</i> )	Shall comply with requirements for a Major Residential Subdivision
Other	All lots must be served by sewer Covenants are required for maintenance of required common areas

1 – No portion of a lot's front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks can be used to satisfy the common area requirement

2 – Common area shall be conveyed to a HOA or public entity and maintained as undeveloped common area into perpetuity. A conservation easement must be recorded with the secondary plat.

## SECTION 6.7 SUBDIVISION TYPE: NON-RESIDENTIAL SUBDIVISION

### A. Purpose

1. The purpose of a non-residential subdivision, as defined in *CHAPTER 8: DEFINITIONS*, is to allow new subdivisions of land to occur for commercial, industrial, mixed use, and all other uses that are not exclusively residential.

### B. General Requirements

1. The following shall apply to all non-residential subdivisions in addition to all applicable design standards in *CHAPTER 6: SUBDIVISIONS* and procedures in *CHAPTER 7: PROCEDURES*:

Non-Residential Subdivision Requirements					
Qualification Threshold	N/A				
Permitted Land Uses	Uses that are not exclusively residential (business, industrial, institutional, mixed use)				
Number of Subdivisions	No maximum number of subdivisions or re-subdivisions				
Permitted Districts	All zoning districts				
Minimum Common Area (see SECTION 6.10: DESIGN STANDARD: COMMON AREA & AMENITIES)	4% of the gross area				
Minimum Parcel Standards (see CHAPTER 2: DISTRICTS)	Must comply with minimum development standards for zoning district				
Parcel Access and Right-of-Way (see SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS)	All internal roads shall be private roads unless: <ul style="list-style-type: none"> <li>• A public road is approved by the PC or</li> <li>• The road provides access to a single-family residential use</li> </ul> Additional right-of-way shall be dedicated if the subdivision abuts an existing right-of-way that does not conform to the width outlined in SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS All driveways for individual lots shall gain access as outlined in SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS				
Perimeter Sidewalks (see SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS)	<table border="0"> <tr> <td>Within City Limits</td> <td>Required along all existing perimeter public roads A trail or similar facility may be required instead of perimeter sidewalks at the discretion of the PC</td> </tr> <tr> <td>Outside City Limits</td> <td>Not required</td> </tr> </table>	Within City Limits	Required along all existing perimeter public roads A trail or similar facility may be required instead of perimeter sidewalks at the discretion of the PC	Outside City Limits	Not required
Within City Limits	Required along all existing perimeter public roads A trail or similar facility may be required instead of perimeter sidewalks at the discretion of the PC				
Outside City Limits	Not required				
Internal Subdivision Sidewalks (see SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS)	Required along both sides of all internal roads A trail or similar facility may be required instead of internal sidewalks at the discretion of the PC				
Street Lights (see SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS)	Required every 500 feet adjacent to a public road and at every intersection or as approved by the Board of Works				
Other	N/A				

## **SECTION 6.8 DESIGN STANDARD: BLOCK & LOT LAYOUT**

### **A. Block and Lot Arrangement**

1. Lot lines shall not cross municipal boundary lines.
2. Blocks should have a sufficient width in order to provide two tiers of lots to maximize public infrastructure.
3. Blocks shall be at least 400 feet but shall not exceed 1,320 feet (or 1,000 feet for arterial roads) in length unless the PC determines that a longer length will not be detrimental to local traffic flow and emergency response.
4. The PC may require pedestrian walks, access easements, or drainage/utility easements through the center of blocks when necessary to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to adjacent uses or facilities.
5. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with this UDO, Building Code, and other local, state, and federal regulations.
6. If the average lot area within a subdivision is more than twice the minimum lot area of the zoning district, the PC may require lots to be arranged to allow for future subdivisions to occur, including future potential public roads and rights-of-way.
7. If a water body is located on a parcel being subdivided, it shall be included as common area that is owned and maintained by the Homeowners Association (HOA) or located on one or more parcels within the subdivision.

### **B. Lot Dimensions**

1. Lot dimensions shall comply with the minimum standards of this UDO.
2. Lots shall be suitable in size and dimensions for the type of development anticipated and not result in insufficient areas to build on after building setback lines are established in accordance with this UDO.
3. Dimensions of corner lots shall be large enough to allow for construction of buildings, noting that corner lots have two front yards.
4. The depth and width of lots reserved or laid out for non-residential purposes shall be adequate to provide off-public road parking and loading facilities required for the intended type of use and development.

### **C. Lot Orientation**

1. The lot line running along a public right-of-way (or private driveway if no public right-of-way) shall be the front line. All lots shall face the front line.
2. Side lot lines shall be at right angles to public road lines (or radial to curving public road lines).
3. Rear lot lines should not abut a side lot line of an adjacent lot wherever feasible.
4. Double frontage, through lots, and reverse frontage lots shall be avoided except where necessary to accommodate existing perimeter roads (exterior lots) within a subdivision or to overcome difficulties of topography and orientation.

## **SECTION 6.9      DESIGN STANDARD: COVENANTS**

### **A. Covenants Required for Common Areas**

1. Covenants are required for any residential subdivision that includes common area or other shared open space to provide a mechanism for maintenance of these spaces and protect property values.
2. Covenants shall not supersede, contradict, or replace any local, state, or federal regulations.
3. Covenants cannot include restrictions that are more stringent than the requirements of this UDO or other city ordinance, such as but not limited to, further restricting the use, maintenance, or modification of the property. This includes any city ordinance or regulation that is effective at the time the covenants are enacted, amended, and/or recorded in addition to any future amendment to this UDO, amendment to other city ordinances, and/or adoption of new city ordinances.
4. A copy of the proposed covenants shall be provided with the secondary plat application, and a copy of the recorded covenants shall be provided to the Administrator, recognizing that covenants may amended over time after they are initially recorded.
5. Covenants shall be indicated or referenced on the secondary plat, and the covenants shall be recorded by the subdivider at the time the secondary plat is recorded.

### **B. Enforcement**

1. The PC, City of Madison, and/or Administrator are not responsible for approving, denying, enforcing, and/or identifying conflicts between the covenants and UDO.
2. Only regulations within this UDO or other adopted ordinances are enforceable by the PC and/or the Administrator. Restrictive covenants will not be enforced by the PC or the Administrator and must be enforced by the Homeowners Association (or the subject property owners) through the civil courts.
3. A Homeowners Association (HOA) or similar organization that is established by the subdivision, property owners, and/or covenants shall not have the authority to implement, enforce, administer, or manage covenants that are more stringent than this UDO and/or other city ordinance as outlined above.

## SECTION 6.10 DESIGN STANDARD: COMMON AREA & AMENITIES

### A. Centralized Mail Delivery

1. If centralized mail delivery is required by the local USPS Postmaster or the designated local USPS Growth Manager, the location of the mail delivery shall be identified on the primary plat and secondary plat.
2. All mail delivery structures shall be located in a common area or easement and comply with *SECTION 8.1H: ADDITIONAL STANDARDS: MAIL DELIVERY STRUCTURES*.
3. All mail units and their location shall be provided to the local Postmaster or Growth Manager for potential comments prior to approval of a secondary plat.

### B. Common Area Standards

1. General Design Standards
  - a. All common areas, open spaces, and other amenities within a subdivision (required and/or voluntarily provided) shall:
    - i. Be of suitable size, dimension, topography, and general character for the intended purpose(s).
    - ii. Have adequate road and/or pedestrian access (through an access easement) to adequately serve the intended purpose(s).
    - iii. Support the goals of the Comprehensive Plan, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and other regulations of the jurisdiction or state.
  - b. Common areas and open spaces shall not be used as a reserve strip or placed in a way that prevents future access from an adjacent parcel to an existing or future public right-of-way.
  - c. Natural features, such as large trees, unusual rock formations, and water courses, and historical assets should be preserved when possible.
  - d. Facilities, if provided, within all common areas and open spaces shall comply with all current ADA regulations.
2. Minimum Design Standards
  - a. Permitted Uses
    - i. The required open space shall be used for an active or passive park, playground, and for useable open space. Utility easements may only be used if they allow recreational purposes and are useable for recreational purposes.
    - ii. Storm drainage features, required buffers, and bodies of water do not qualify as common area unless approved by the PC.
  - b. Minimum Dimensions. All common areas shall be at least 30 feet in width to allow for adequate maintenance and access.
3. Common Area Access and Easements
  - a. All residents within the subdivision shall have the right to access all common areas.
  - b. An access easement (minimum of 30 feet in width) shall be provided for all areas designated or used as common areas or open spaces that are not adjacent to a public road.

Phasing. If open space is provided as a requirement of this UDO, the phasing of development and common areas/amenities is allowed if the minimum common area is proportional to the developed area.

5. Ownership and Maintenance
  - a. The PC shall require proof of the ownership and maintenance agreement for all common areas or open spaces that are not on a lot (such as HOA covenants).
  - b. All common areas and open spaces shall be indicated on the primary plat and the secondary plat and dedicated as common area, unless otherwise allowed by this UDO.
    - i. If areas or land are being dedicated to an entity other than a Homeowners Association, the respective entity accepting the land shall provide written documentation approving the dedication prior to secondary plat approval.
  - c. The city shall not assume responsibility for the maintenance and safety of common areas unless approved by the PC and the Board of Works.
  - d. All common areas and open spaces used for drainage shall comply with the Madison Stormwater Management Ordinance and Madison Stormwater Technical Standards Manual (if within city limits), including all requirements for maintenance and maintenance agreements, or IDNR Construction Stormwater General Permit (if outside of city limits).

## **SECTION 6.11 DESIGN STANDARD: DRAINAGE & UTILITIES**

### **A. Drainage and Land Clearing Requirements**

1. General
  - a. Drainage and stormwater control shall comply with all applicable requirements of Chapter 156: Floodplain Regulations, the Design Standards and Specifications Manual, the Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and other adopted or approved plans and ordinances.
  - b. Drainage and stream channels shall not be altered without approval from all required local and state entities.
  - c. A secondary plat shall not be approved until a stormwater management permit is approved by the city (if within city limits) or an IDNR Construction Stormwater General Permit is approved by INDR (if outside of city limits) unless a permit is not required.
  - d. All stormwater and runoff data, analysis, and calculations as required by IC 36-7-4-702.
2. Site Clearing
  - a. All portions of lots that will be seeded or sodded shall have at least four inches of topsoil on all lots prior to seeding or sodding.
  - b. Cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall not be buried or left on any lot or road after the site clearing has occurred.
3. Maintenance
  - a. Maintenance of drainage facilities shall be the responsibility of the subdivider until it is turned over to another entity (such as a HOA).
  - b. If drainage areas are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, the maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the platted subdivision.

### **B. Water and Sewer Utility Requirements**

1. Required Facilities and Infrastructure. All buildable lots shall install the following facilities and infrastructure in accordance with the minimum standards for the respective utility provider, the Design Standards and Specifications Manual, and/or all other appropriate local, state, and federal agency regulations.
  - a. Public sanitary sewer facilities and infrastructure or other approved on-site sewage disposal system if sewer provider cannot serve the subdivision or lot; and
  - b. A connection to a public water system capable of providing water for health and emergency purposes, including an adequate fire protection system.
  - c. Fire protection facilities and infrastructure, including fire hydrants.
2. Sanitary Sewer and Water Connections
  - a. If a sanitary sewer system and/or public water supply is available within 300 feet of any boundary of a proposed subdivision and easements and/or rights-of-way are in place to access the system, the subdivision shall connect to the system unless the sewer and/or water provider does not accept or does not approve the connection.
  - b. The subdivider shall be responsible for installing the required sewer and water infrastructure to serve each lot to the specifications of the provider, including all required sanitary sewerage facilities (including the installation of laterals in the right-of-way) and water mains and infrastructure (including fire hydrants).

### **C. Fire Protection System Requirements**

1. A fire protection system shall be installed by the subdivider and approved by the Fire Code Inspector (or designee) and shall meet the following:
  - a. NFPA 1231 (Standard on Water Supplies for Suburban and Rural Firefighting, 1989 Edition)
  - b. NFPA 1201 (Recommendations for Developing Fire Protection Services for the Public, 1989 Edition)
  - c. NFPA 291 (Fire Flow Testing and Marking of Hydrants, 1988 Edition)
  - d. American Waterworks Association, Manual M-17 (Installation, Field Testing, and Maintenance of Fire Hydrants, 1980 Edition)
  - e. NFPA 1963 (Standard for Screw Threads and Gaskets for Fire Hose Connections, 1985 Edition)
  - f. Insurance Services Office, "Fire Suppression Rating Schedule"
  - g. Fire Underwriters Survey, "Water Supply for Public Fire Protection"
2. All hydrants shall meet the delivered flow requirements of the NFPA or other nationally recognized authority that is approved by the Fire Code Inspector (or designee).
3. Installation shall conform to the requirements of standards of the National Fire Protection Association, American Waterworks Association, and those of the water utility.
4. Hydrant spacing shall meet the requirements of the National Fire Protection Association or other nationally recognized authority that is approved by the Fire Code Inspector (or designee) but spacing shall not exceed 500 feet.
5. At least one connection of a diameter of 4.5 inches shall be provided for connecting the main intake of fire apparatus pumps that are used by the servicing fire department(s). Threads shall be suitable for those used by the servicing fire department(s).
6. The subdivider shall perform all required testing in conformance with the fire district standards and provide the Fire Code Inspector (or designee) with written results.

### **D. Private Well Standards**

1. Any existing dwellings within a subdivision that are currently served by a private, potable well water supply that will be connected to a new public water supply system shall adhere to the following:
  - a. The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with the rules and regulations of IDEM and IDNR; or
  - b. If the homeowner chooses to keep an existing well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the landowner and inspected by the Jefferson County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor licensed in the State of Indiana and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).

### **E. Easements**

1. All drainage and utility easements shall be shown on the primary plat and the secondary plat.
2. Utility and drainage easements shall be suitable for the size and location of necessary utilities or drainage area and generally be located in public rights-of-way and/or a 15-foot easement centered along the rear lot lines.
3. A drainage and access easement shall be provided along any stream within a floodplain that flows through or adjacent to a subdivision. This easement shall be approved by the Plan Commission and be wide enough to accommodate maintenance and potential enlargement of the stream channel in the future.

## SECTION 6.12 DESIGN STANDARD: ROADS & DRIVEWAYS

### A. General Provisions

1. All public roads shall be planned to meet the goals of the Comprehensive Plan.
2. All roads shall be functionally classified by the Board of Works.
3. All access easements and rights-of-way that provide access to a public road shall be approved by the PC.
4. All public roads, private roads, and driveways shall comply with *SECTION 6.12: DESIGN STANDARD: ROADS & DRIVEWAYS*, Chapter 98.06: Driveways of the City of Madison, IN Code of Ordinances, the Design Standards and Specifications Manual, Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances, Madison Stormwater Management Ordinance, Madison Stormwater Technical Standards Manual, IDNR Construction Stormwater General Permit (if outside of city limits), and all other applicable local and state codes, ordinances, or standards.
5. Whenever access to the subdivision requires the approval from another jurisdiction or agency, the PC shall request an affidavit from the subdivider stating that access is legally enabled by that jurisdiction or agency.

### B. Road Design Standards

1. Roads Within City Limits. All roads within city limits shall comply with the road design standards outlined in this section and *TABLE 6: ROAD DESIGN STANDARDS (WITHIN CITY LIMITS)*.

Table 6: Road Design Standards (Within City Limits)					
	Arterial	Collector	Local	Cul-de-Sac	Alley
Right-of-Way Width	90 feet	70 feet	50 feet	50 feet (radius)	18 feet
Minimum Road Width <sup>1</sup>	48 feet	36 feet	26 feet	26 feet (80 foot diameter)	14 feet
Maximum Grade	5%	7%	7%	7%	7%
Minimum Grade	0.5%	0.5%	0.5%	0.5%	0.5%
Minimum Intersection Angle	90 degrees	80 degrees	70 degrees	70 degrees	70 degrees
Minimum Corner Radius	30 feet	25 feet	20 feet	20 feet	20 feet
Horizontal Curve: Minimum Radius	400 feet	200 feet	100 feet	100 feet	100 feet
Vertical Curve: Minimum Sight Distance	500 feet	300 feet	200 feet	100 feet	100 feet
Vertical Curve: Minimum Curve Length <sup>2</sup>	Sag: 70xA Crest: 80xA	Sag: 40xA Crest: 30xA	Sag: 40xA Crest: 30xA	Sag: 40xA Crest: 30xA	Sag: 40xA Crest: 30xA

<sup>1</sup> – Measured from back of curb to back of curb. If curb and gutter is not required, width may be reduced by 2 feet

<sup>2</sup> – “A” is the difference between the two tangents connecting to the curve

2. Roads Outside of City Limits. All roads outside of city limits shall comply with the following:
  - a. Pavement Width and Curb: The pavement width and curb requirements shall comply with Jefferson County's standards for pavement width and curb as outlined in Table 6.2: Minimum Public Road Design Requirements in the Jefferson County Unified Development Ordinance.
  - b. Pavement Design: The subgrade compaction, flexible pavement standards, and ridged concrete pavement standards shall comply with Jefferson County's standards for pavement width and curb as outlined in Table 6.2: Minimum Public Road Design Requirements in the Jefferson County Unified Development Ordinance.
  - c. Right-of-Way Width. The right-of-way width shall comply with *TABLE 6: ROAD DESIGN STANDARDS (WITHIN CITY LIMITS)*.

### **C. Extension of Infrastructure to Boundary**

1. All public improvements, rights-of-way, public roads, and required easements shall be extended to the boundary lines of subdivision and shall be constructed to promote the logical extension of public infrastructure and connections to adjacent parcels and also continue existing or proposed public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection.
2. The PC may determine that the extension of public infrastructure to the boundary lines of the subdivision is not necessary if it is:
  - a. Not feasible due to topography or other physical conditions; or
  - b. Not necessary or desirable for the coordination of the subdivision based on future development of adjacent parcels.

### **D. Access to Public Roads**

1. Frontage and Access
  - a. All subdivisions shall have direct access and frontage onto an existing public road and public right-of-way. Flag lots that do not meet lot width standards at the minimum front yard setback from the right-of-way are not permitted.
  - b. A subdivision shall not prevent an adjacent property from accessing an existing or proposed public road (such as using reserve strips) or create or perpetuate the land-locking of an adjacent parcel.
2. Individual Lot Access
  - a. Individual lots within a residential subdivision shall not have direct access onto an existing perimeter public road.
  - b. The PC may require one or more of the following for access to individual lots within a non-residential subdivision:
    - i. Frontage or Service Roads. Frontage or service roads that are separated from the arterial or collector road by a planting area or grass strip. These roads shall have access at suitable points onto the public road.
    - ii. Shared Private Driveway. A shared private driveway with an adjacent parcel(s) that includes an access easement to a local road.
    - iii. Other Access Management Techniques. Other, similar treatments deemed necessary for the adequate preservation of the public roadway functionality, safety, protection of properties, and separation of through and local traffic.

3. No Access Easements
  - a. Railroads and Limited Access Highways. A 25 foot “no-access easement” shall be provided along an existing or proposed railroad or a public road that is defined by INDOT as a limited access highway to allow adequate setback from these rights-of-way. This easement may be provided on all individual lots or within a common area abutting these facilities.
  - b. Access to Perimeter Roads. A five foot “no-access easement” shall be provided along an existing public road that abuts the subdivision if the parcel can gain access from a road within the subdivision.
  - c. Prohibited within No Access Easements
    - i. Parking areas, driving lanes/areas, and similar vehicular areas are prohibited within the no-access easement.
    - ii. Structures are prohibited except for fences and structures that do not require a building permit.
  - d. Designated on Secondary Plat. All no-access easements shall be designated on the plat with the following or similar language: "Reserved as buffer/No-Access Easement. Access and the placement of structures within the easement is prohibited."

## **E. Entrance Design for Residential Subdivisions**

1. Minimum Number of Entrances. All major residential and cluster residential subdivisions shall provide the following minimum number of required entrances onto an existing public road based on the total number of lots in the primary plat. Note that the entrance design standards do not apply to minor residential subdivisions.
  - a. Less than 25 Residential Lots. A minimum of one entrance shall be provided.
  - b. 25 to 125 Residential Lots. A minimum of two entrances shall be provided. If the subdivision abuts two separate public roads, access shall be provided onto both roads.
    - i. If the PC determines there is not an appropriate distance between entrances and/or other roadways and intersections, a single entrance with a median divider may be permitted.
      - 1) Each travel lane shall be at least 14 feet wide (excluding curbs and gutters) to allow for emergency access if one travel lane is inaccessible.
      - 2) The median shall be at least 12 feet in width to accommodate a separate left-turn lane if necessary in the future.
      - 3) The median divider shall extend from the intersection with the public road to the first road intersection within the subdivision.
  - c. More than 125 Residential Lots. The number of separate entrances and the location of entrances shall be determined by the PC.
2. Phasing of Entrances
  - a. If a subdivision is phased, the required entrances shall be phased proportionally to the number of lots platted and comply the thresholds indicated in this section. For example, a second entrance is required when the 25th lot is platted. The PC may establish an alternative entrance phasing if necessary for access.
3. Traffic Mitigation Measures Required. The subdivider shall construct any required and approved traffic mitigation measures to provide adequate roadway capacity, safety, and access for the proposed development, such as acceleration lanes, deceleration lanes, or other similar improvements.

## **F. Dedication of Right-of-Way and Public Improvements**

1. If a subdivision abuts or includes an existing public road that does not conform to the minimum right-of-way width as established by this UDO and the Design Standards and Specifications Manual, the subdivider shall dedicate additional right-of-way width as required to meet the minimum standards of this UDO.
2. All public rights-of-way shall be inspected and approved by the Board of Works prior to being accepted as a public right-of-way by the Board of Works.
3. The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public roads within or immediately adjacent to the subdivision if required by the PC to allow for safe and efficient travel.

## **G. General Road Standards**

1. Building sites shall be at or above the grades of the public roads, unless existing topography does not reasonably allow this to occur.
2. Public roads shall be laid out to follow the site topography when possible. They shall avoid long, straight stretches that encourage high speeds; shall permit efficient drainage and utility systems; and shall minimize the number of public roads necessary to provide convenient and safe access to property.
3. All public roads must be located outside of all flood hazard areas unless approved by the Floodplain Administrator.
4. All private and public roads, culverts, drains, bridges, shoulders, drainage improvements and structures, curbs, turnarounds, trails, and sidewalks shall comply with the Design Standards and Specifications Manual and be included in the construction plans approved by the Board of Works.
5. If a proposed public road is extending an existing paved public road that exceeds the minimum dimensions required by this UDO, the PC may require the subdivider to taper or match the width of the existing paved public road if the new road is narrower than the existing road.
6. Roads shall comply with the Design Standards and Specifications Manual and be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer that is licensed to practice in the State of Indiana.
7. Individual subdivisions may warrant additional requirements that are dictated by sound engineering practices as determined by the Board of Works, and if required shall be made conditions of the approval for the primary and/or secondary plat.
8. Bridges and/or culverts required to accommodate site access and circulation shall be installed by the subdivider and approved by the Board of Works.
9. If a body of water or watercourse separates the buildable area of a parcel from the road from which it gains primary access, adequate infrastructure shall be required to be installed by the subdivider.
10. Alleys are encouraged in order to create traditional neighborhood developments that are walkable and well connected.

## **H. Driveway Standards**

1. All shared driveways shall be private and not dedicated as a public road or public right-of-way.
2. All driveways shall comply with this section and *SECTION 4.2: DRIVEWAYS & SIDEWALKS*.

## **I. Cul-de-Sac Design Standards**

1. Cul-de-sacs may be permitted by the PC during primary plat approval. If permitted, all cul-de-sacs shall comply with the following:
  - a. Permanent Cul-de-Sac. A permanent cul-de-sac shall terminate in a circular right-of-way with a turn-around and shall comply with the Design Standards and Specifications Manual. The PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
  - b. Temporary Cul-de-Sac or Stub Street. If the adjacent property is undeveloped and the public road must temporarily be a dead-end (stub street), the right-of-way shall be extended to the property line and a cul-de-sac or “eyebrow” that conforms with the Design Standards and Specifications Manual shall be provided.
2. Cul-de-Sac blocks shall not exceed 800 feet in length unless the PC determines that a longer length will not be detrimental to local traffic flow and emergency response.

## **J. Intersection Design Standards**

1. Right-angle intersections shall be used wherever practical and be maintained for at least 100 feet from the intersection.
2. Proposed new intersections should align with any existing intersections on the opposite side of the public road. If a road is not aligned, the centerlines of the two roads shall be offset at least 150 feet unless there is a median without breaks between these intersections.
3. Intersections shall not have more than four approaches to the intersection. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
4. No intersection shall create a traffic hazard by limiting visibility.
5. Minimum sight distance at intersections (sight triangles) should be determined by a design professional and approved by the Board of Works and PC as part of the primary plat.
6. Intersections shall be designed with a flat grade wherever practical. At the approach to an intersection in hilly or rolling areas, a leveling area shall be provided with a 2% maximum grade for at least 60 feet in distance from the nearest right-of-way line of the intersecting street.

## **K. Curb and Gutter Design Standards**

1. Gutters and curbs shall be provided within:
  - a. Non-residential subdivisions
  - b. Residential subdivisions within the corporate boundary of the city and whenever sidewalks are required
2. Gutters and curbs shall comply with the Design Standards and Specifications Manual. They may be integral concrete curb or combined gutter and curb type and may be designed with either straight or rolled curb section.

#### **L. Public Road Street Lights**

1. Street lights that comply with the Design Standards and Specifications Manual and *SECTION 4.3: LIGHTING*.
2. Street lights shall be installed within the right-of-way by the subdivider within:
  - a. Non-residential subdivisions
  - b. Residential subdivisions within the corporate boundary of the city
  - c. Residential subdivisions outside of the city boundary with a density of 2 dwelling units per acre or less
3. Street lights shall be installed at every intersection within the subdivision and at least every 500 feet adjacent to public roads.

#### **M. Regulatory Road Signs**

1. The subdivider shall install all required regulatory signs on subdivision roads (such as road names, stop signs, speed limits signs, and other regulatory signs) that comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD) and the Design Standards and Specifications Manual and shall be approved by the Board of Works.
2. Maintenance of all road signs and street signs on public roads is the responsibility of the subdivider, or the property owners within the development, until the road is dedicated and accepted for maintenance by the City.
3. The City may approve public road name signs, poles, or hardware outside of the MUTCD (Manual on Uniform Traffic Control Devices) regulatory sign standards if decorative signs, poles, and hardware are requested. The City does not own or maintain decorative signs, poles, or hardware, and all maintenance and/or replacement shall be the responsibility of the Homeowners Association or all property owners within the subdivision equally if a Homeowners Association does not exist.

#### **N. Street Trees**

1. No trees or plantings shall be permitted within the public rights-of-way or easements unless otherwise required or approved by the Board of Works except as outlined in this section and other applicable sections of this UDO.
2. If street trees, as defined by Chapter 100: Trees of the City of Madison, IN Code of Ordinances, are provided or required, they shall comply with all applicable regulations within Chapter 100: Trees of the City of Madison, IN Code of Ordinances including species, spacing, and offset from curbs, sidewalks, corners, and utilities.
3. The following street trees shall be required for all major residential subdivisions, cluster subdivisions, and non-residential subdivisions and approved by the Board of Works prior to installation:
  - a. If an existing tree row is present, trees should be restored as outlined in the Design Standards and Specifications Manual and in compliance with Chapter 100: Trees of the City of Madison, IN Code of Ordinances.
  - b. Street trees may be required by the City Arborist at the subdivision or development entrance as outlined in Chapter 100: Trees of the City of Madison, IN Code of Ordinances.
  - c. Street trees may be required by the City Arborist along public roads within a subdivision that comply with the spacing, offset, and other requirements in Chapter 100: Trees of the City of Madison, IN Code of Ordinances.

## SECTION 6.13 DESIGN STANDARD: SIDEWALKS & TRAILS

### A. General Provisions

1. Sidewalks and/or trails shall be required for major residential, open space, and non-residential subdivisions as outlined in *CHAPTER 6: SUBDIVISIONS*.
2. All sidewalks, even if voluntarily provided, shall comply with the Design Standards and Specifications Manual and all requirements of this section and UDO.
3. A trail or similar facility may be required instead of sidewalks at the discretion of the PC for sidewalks along internal subdivision roads and/or sidewalks along existing perimeter roads. If a trail is required by the PC, the design shall comply with the current Indiana Design Manual (INDOT) for shared-use paths (Chapter 51- Special Design Elements of the Indiana Design Manual), including but not limited to, setbacks/clear zones, width, and surface.

Sidewalk Design Standards	
Minimum Setback	<ul style="list-style-type: none"> <li>• 4-foot setback (minimum) for sidewalk between the back of adjacent curb and edge of sidewalk/trail</li> <li>• 1-foot setback (minimum) between property line (edge of right-of-way) and sidewalk</li> <li>• Area between sidewalk/trail and curb shall include grass or landscaped area</li> <li>• No trees shall be planted within the right-of-way unless required by this UDO, required by a city ordinance, or approved by the Board of Works</li> </ul>
Minimum Width	Shall comply with the Design Standards and Specifications Manual
Surface and Subgrade	Shall comply with the Design Standards and Specifications Manual

### B. Pedestrian Access to Adjacent Parcels

1. If a subdivision is adjacent to a park, school, or other public community facility, the PC may require perpetual unobstructed easements that are at least 20 feet in width in order to facilitate pedestrian access and connectivity. These easements shall be indicated on the primary and secondary plats.
2. Where future development includes land that has been identified by the Comprehensive Plan or other adopted or approved plan as a location for trails or sidewalks, the PC may require the subdivider to construct the trails or sidewalks within their development, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails and sidewalks shall be constructed in accordance with the City of New Castle Utility/Street Standards.

### C. Maintenance and Repair

1. Routine maintenance and cleaning of all sidewalks (such as removing snow, leaves, and debris) within the right-of-way shall be the responsibility of the abutting property owner(s).
2. Replacement and repair of sidewalk within the right-of-way is the responsibility of the City.

## **SECTION 6.14 DESIGN STANDARD: SUBDIVISION & ROAD NAMES**

### **A. Subdivision Name Standards**

1. The proposed subdivision name shall be indicated on the primary plat.
2. The proposed subdivision name shall not duplicate or too closely sound like the name of any other subdivision or development within the jurisdiction and surrounding areas.
3. The PC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.

### **B. Street Name Standards**

1. Proposed public road names shall be indicated on the primary plat.
2. The Administrator shall review and consult with the Board of Works on road names prior to consideration by the PC.
3. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion.
4. A road which is (or is planned) as a continuation of an existing road shall have the same name.
5. The PC shall make recommendations for public road names at the time of primary plat approval, and the City Executive (Mayor) shall approve public road names.
6. All lots shall be designated by a number and the corresponding road name.

## **SECTION 6.15 DESIGN STANDARD: SURVEY MONUMENTS & MARKERS**

### **A. General Provisions**

1. Monuments shall be installed on all lot corners to the standard as set forth under 865 I.A.C. 1-12-18.

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# CHAPTER 7: PROCEDURES

## PROCEDURES FOR ZONING & SUBDIVISION APPLICATIONS & APPROVALS

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## **SECTION 7.1 GENERAL PROVISIONS**

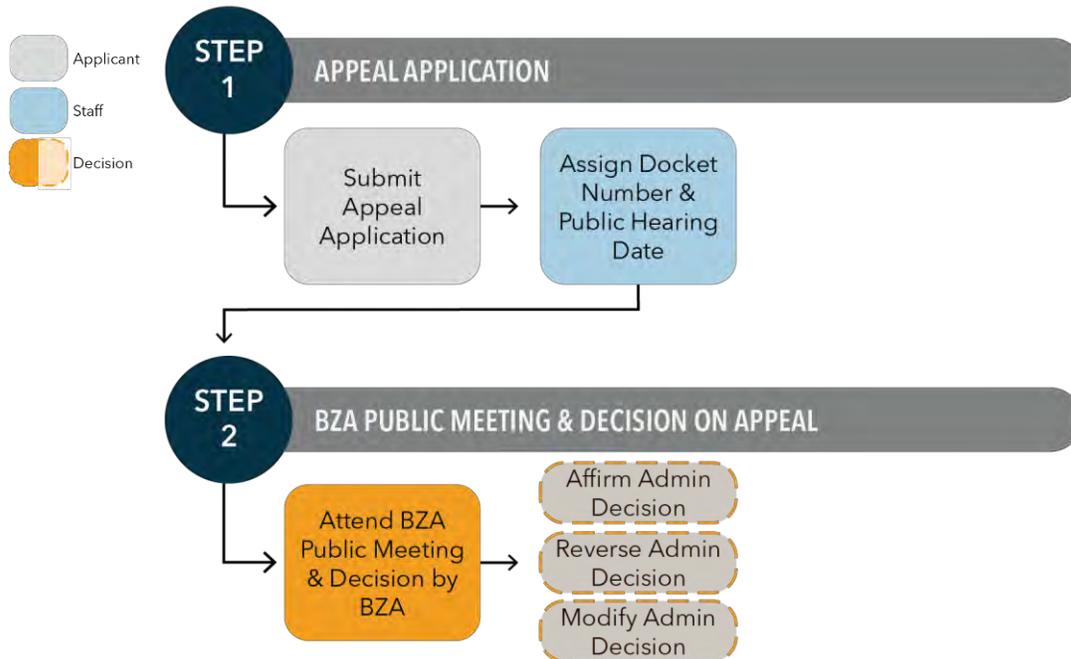
### **A. Compliance with Procedures and UDO Standards**

1. All development, uses of land, and subdivision of land shall be carried out in accordance with the following in order to achieve orderly, planned, efficient, and responsible growth.
  - a. All applicable regulations and procedures within this UDO;
  - b. All requirements outlined in the applicable application packet(s), including submittal deadlines;
  - c. All rules and procedures established by the PC Rules and Procedures and/or BZA Rules and Procedures, including meeting dates or schedule; and
  - d. Any additional standards, conditions, or commitments that may have been required by the PC and/or BZA as part of other or previous approvals for a parcel.
2. The regulations of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
3. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this UDO that is not in conformity with the provisions of this UDO.
4. No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded as required by this UDO.
5. No public road shall be laid out or constructed until the primary plat and construction documents are approved as outlined in this UDO, except public roads built and maintained by the City of Madison, Jefferson County, and/or the State of Indiana.

### **B. Variances and Waivers from Regulations**

1. The BZA may vary the development standards of the zoning provisions of this UDO (standards outlined in Chapters 2, 3, and 4) or grant a variance of use in accordance with the procedures set forth in this chapter.
2. The PC may grant a waiver from the subdivision provisions of this UDO (standards outlined in Chapter 6) in accordance with the procedures set forth in this chapter.
3. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless it complies with this UDO, a variance has been granted by the BZA, and/or a waiver has been granted by the PC.

## SECTION 7.2 APPLICATION PROCEDURES: APPEAL OF ADMINISTRATIVE DECISION



### A. Applicability

1. In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals from any administrative decision (including any order, requirement, or determination) that was made by an administrative official, staff member, hearing officer, or administrative committee or body related to:
  - a. Any standard or regulation within this UDO;
  - b. Enforcement of this UDO; or
  - c. Enforcement of an ordinance adopted under this UDO requiring a building permit.
2. Appeals shall be made pursuant to the IC 36-7-4-1000 series.
3. Zoning decisions, as outlined in IC 36-7-4-1016, cannot be appealed to the BZA and are subject to judicial review by filing a petition for review in the appropriate court in accordance with the IC 36-7-4-1600 series. This includes, but is not limited to, final decisions of the BZA, specific decisions of the PC, final decisions of a preservation commission, and those specifically outlined in IC 36-7-4-1016.

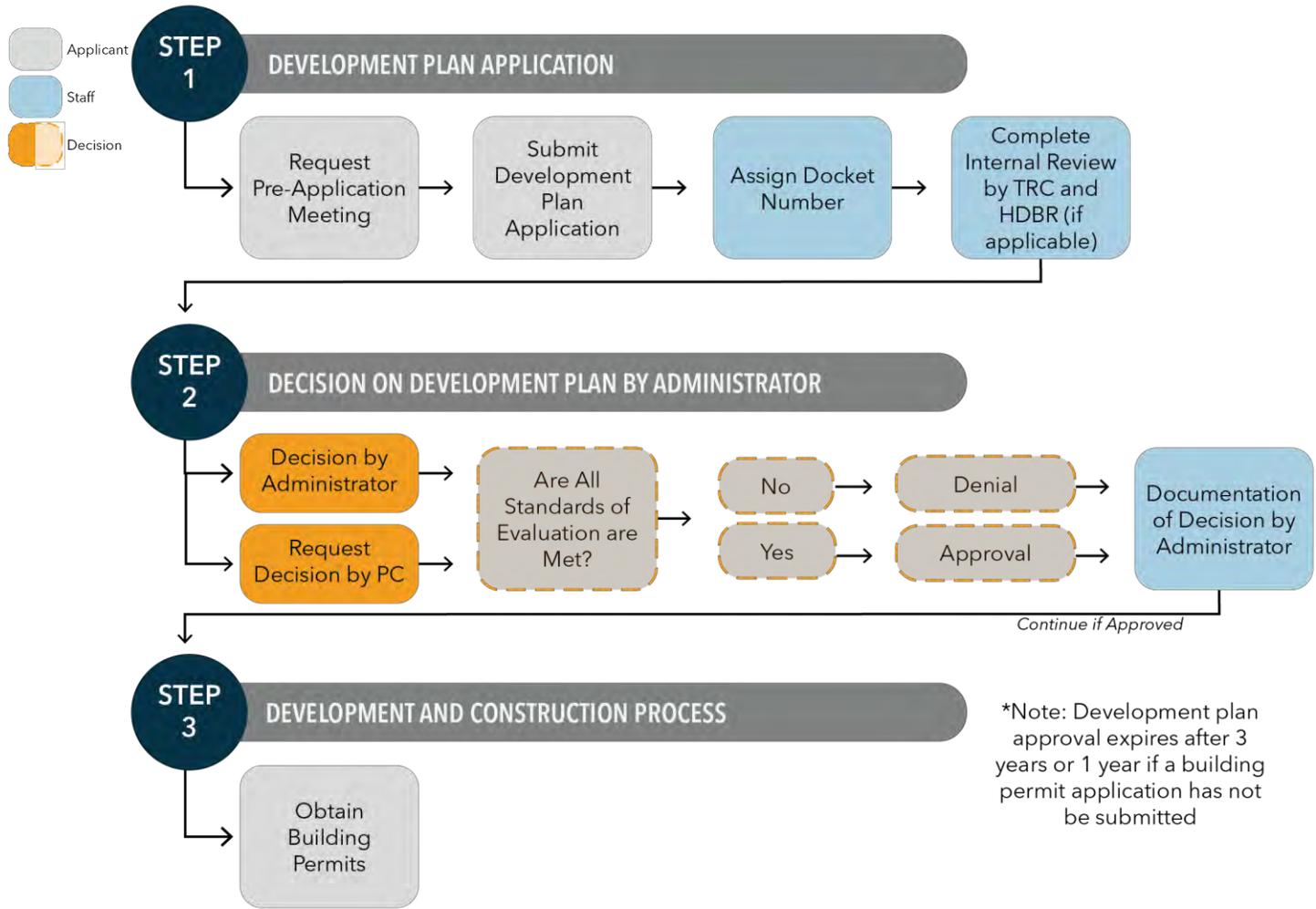
### B. STEP 1: Appeal Application

1. **Submit Appeal Application.** The applicant shall submit a complete application in accordance with the application requirements. The application shall be submitted within 30 days of the decision/interpretation that is the subject of the appeal.
2. **Assign Docket Number & Public Hearing Date.** Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
3. **Public Notice.** No public hearing, public comment, or public notice is required for appeals.

**C. STEP 2: BZA Public Meeting & Decision on Appeal**

1. Attend BZA Public Meeting. The BZA shall consider the appeal at a public meeting. The applicant or their representative shall be in attendance to present their appeal and address any questions or concerns of the BZA. No public comment is required.
2. Final Decision on Appeal by BZA
  - a. The BZA may affirm, reverse, or modify the administrative decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
  - b. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.

**SECTION 7.3 APPLICATION PROCEDURES: DEVELOPMENT PLAN**



**A. Applicability**

1. In accordance with the IC 36-7-4-1400 series and the PC Rules and Procedures, the legislative body authorizes the PC staff to review and approve development plans.
2. All development requirements shall be satisfied before approval of a development plan.
3. A Certificate of Appropriateness (COA) is required for all parcels within the Madison Historic District prior to approval of a development plan.
4. Development plan approval shall be required for all of the following:
  - a. Any new primary structure for all uses except single-family, two-family, or agricultural uses (excluding confined feeding operations) in all zoning districts, unless otherwise stated in this UDO.
  - b. Modifications to a parcel in all zoning districts that meets the thresholds requiring compliance for an individual or all site standards as outlined in *CHAPTER 4: SITE DEVELOPMENT STANDARDS*.
  - c. Any new primary or accessory structure or any relocation, exterior expansion of an existing structure within the Madison Historic District.
  - d. As otherwise required by *CHAPTER 2: DISTRICTS* or other sections of this UDO.

## **B. STEP 1: Development Plan Application**

1. Request Pre-Application Meeting
  - a. Prior to filing a development plan application for a development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone.
  - b. The intent of this meeting is to discuss the procedures for approval and the requirements and regulations for development prior to submitting a development plan application.
2. Submit Development Plan Application. The applicant shall submit a complete a development plan application in accordance with the application requirements, including all requirements as outlined in this section A traffic analysis may be required as outlined in *SECTION 7.13: DOCUMENT PROCEDURES: TRAFFIC IMPACT ANALYSIS*.
3. Assign Docket Number
  - a. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
4. Complete Internal Review
  - a. The Administrator may forward the application to the Technical Review Committee (TRC) for review and comments. At the discretion of the Administrator, the TRC review may be held in-person, virtually (video conference), by phone, or by email.
  - b. If the parcel(s) is located within the Madison Historic District, the Administrator shall also forward the application to the Madison Historic District Board of Review for review.
  - c. After comments (if any) are received, the Administrator shall compile all comments for the public file.
  - d. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

## **C. STEP 2: Decision on Development Plan by Administrator**

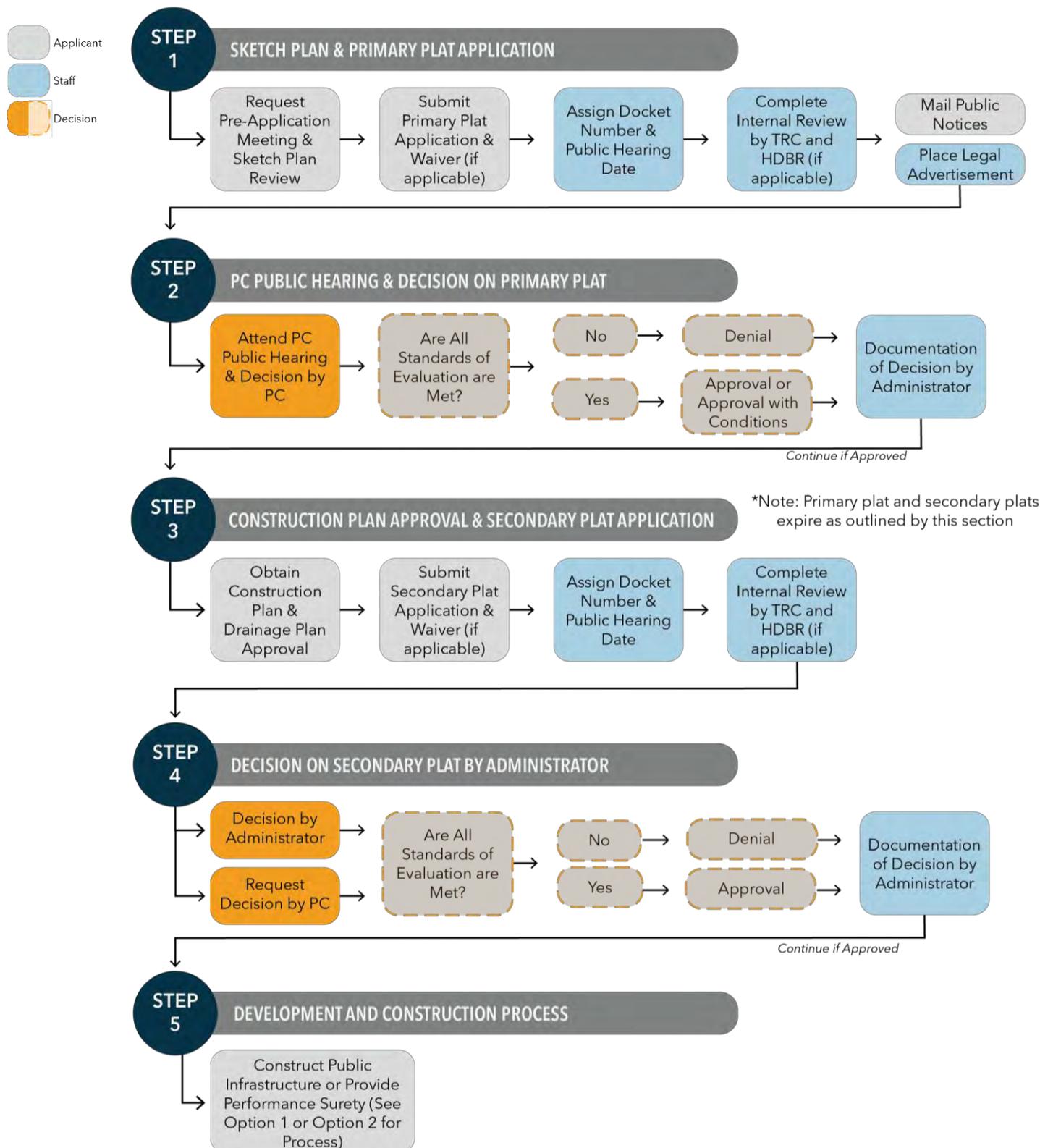
1. Final Decision by Administrator
  - a. Public Notice. No public hearing, public comment, or public notice is required for development plan approval.
  - b. Development Plan Standards of Evaluation. The Administrator shall determine if the development plan complies with the following standards of evaluation.
    - i. The development plan complies with all standards set forth in this UDO.
    - ii. The development plan application has adequately addressed the valid comments from the internal review.
    - iii. All approvals that are required from local, state, and federal entities prior to construction have been obtained, including but not limited to any approvals from the Board of Works, Historic District Board of Review, IDEM, and IDNR.

- c. Decision by Administrator on Development Plan
    - i. Resubmittal. If the proposed development plan does not meet all of the standards as outlined in this UDO, the Administrator may require additional internal review and/or the resubmittal of revised plans before a decision is made.
    - ii. Approval of Development Plan. If the Administrator determines that the development plan complies with all standards of this UDO, the Administrator shall approve the development plan.
    - iii. Denial of Development Plan. If the development plan does not comply with all standards of this UDO and adequate revisions are not made, the Administrator shall deny the development plan application. If the development plan is officially denied, the applicant may resubmit a new development plan application that addresses the reason for denial.
    - iv. Request Decision by PC
      - 1) Applicant Requests PC Decision. In accordance with IC 36-7-4-1404, if the application was denied by the Administrator, the applicant may appeal the decision directly to the Plan Commission. The applicant shall request a public meeting in writing along with an explanation of disagreement. Additionally, the applicant may also request a decision by the PC instead of the Administrator for any reason. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
      - 2) Administrator Requests PC Decision. The Administrator may request a decision by the PC instead of the Administrator for any reason.
      - 3) Public Notice. No public hearing, public comment, or public notice is required for development plan approval.
      - 4) Attend PC Public Meeting. If a decision is requested by the PC, the applicant or their representative shall attend, present their application, and address any questions or concerns at a public meeting before the PC.
  - d. Development Plan Expiration. Development plan approval is valid for three years from the date of approval. However, if applicable local building permits have not been obtained and construction has not commenced within one year of approval of the development plan, the approval shall be void.
  - e. Development Plan Amendment. All amendments or changes to the development plan shall be considered a new development plan application.
2. Documentation of Decision by Administrator. The Administrator shall provide written approval or denial (mail or email). If the development plan is denied, the specific reasons for denial shall be provided.

**D. STEP 3: Development & Construction Process**

- 1. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in *SECTION 7.10: PERMIT PROCEDURES: BUILDING PERMITS.*
  - a. If sidewalks are required by this UDO, construction, inspection, and dedication of the sidewalks shall comply with *SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS.*

**SECTION 7.4 APPLICATION PROCEDURES: MAJOR RESIDENTIAL, CLUSTER & NON-RESIDENTIAL SUBDIVISION**



## **A. Applicability**

1. The following procedures shall apply to all major residential subdivisions, cluster subdivisions, and non-residential subdivisions as outlined in *CHAPTER 6: SUBDIVISIONS* and *CHAPTER 8: DEFINITIONS*.
2. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a secondary plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and the plat is filed with the Jefferson County Recorder's Office.
3. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this UDO until the proposed subdivision has been approved by the PC in accordance with this UDO.

## **B. Step 1: Sketch Plan & Primary Plat Application**

1. Request Pre-Application Meeting & Sketch Plan Review
  - a. Prior to filing a primary plat application for a subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone.
  - b. The applicant shall provide a sketch plan for review during this meeting that is in accordance with the application requirements.
  - c. The intent of this meeting is to discuss the procedures for approval, the requirements and regulations for development, and review the sketch plan prior to submitting a primary plat application.
2. Submit Primary Plat Application
  - a. The applicant shall submit a complete a primary plat application in accordance with the application requirements, including all requirements as outlined this section. A traffic analysis may be required as outlined in *SECTION 7.13: DOCUMENT PROCEDURES: TRAFFIC IMPACT ANALYSIS*.
  - b. If a waiver is being requested, it may be submitted with the primary plat application or secondary plat application (see *SECTION 7.9: APPLICATION PROCEDURES: WAIVER FOR SUBDIVISION STANDARDS*).
3. Assign Docket Number & Public Hearing Date
  - a. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
  - b. In accordance with IC 36-7-4-703 and IC 36-7-4-705, within 30 days of receiving a complete application, the PC shall take action on the application unless state statute provides for a longer timeframe. The PC must also meet with any stakeholders with a financial interest in the application, including the applicant's representative, within this 30 day period.
4. Complete Internal Review
  - a. The Administrator may forward the plans to the Technical Review Committee (TRC) for review and comments. At the discretion of the Administrator, the TRC review may be held in-person, virtually (video conference), by phone, or by email.
  - b. If the parcel(s) is located within the Madison Historic District, the Administrator shall also forward the plans to the Madison Historic District Board of Review for review.
  - c. After comments (if any) are received, the Administrator shall compile all comments for the public file.

- d. In accordance with IC 36-7-4-705, within 15 days of receiving a complete application, the Administrator shall notify the applicant of any deficiencies in the application unless state statute provides for a longer timeframe. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices
  - a. The applicant shall be responsible for completing the required public notices (mailing to all interested parties) in accordance with the PC Rules and Procedures. The Administrator shall be responsible for the required legal notice/advertisement in the newspaper in accordance with the PC Rules and Procedures.
  - b. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

### **C. STEP 2: PC Public Hearing & Decision on Primary Plat**

1. Attend PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Final Decision on Primary Plat by the PC
  - a. Primary Plat Standards of Evaluation. The PC shall consider the primary plat application at a public hearing and shall determine if the primary plat meets the following standards of evaluation.
    - i. The primary plat complies with the standards of this UDO (or has an approved variance and/or waiver);
    - ii. The primary plat uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
    - iii. The primary plat has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies).
  - b. Decision by PC on Primary Plat
    - i. Approval of Primary Plat. If the PC determines that the primary plat complies with the primary plat standards of evaluation, it shall grant primary approval to the plat.
      - 1) In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval of a plat when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
        - d) The manner in which public ways shall be laid out, graded, and improved; and
        - e) A provision for other services as specified in this UDO.
    - ii. Denial of Primary Plat Denial. If the PC determines the plat does not comply with the primary plat standards of evaluation, the PC shall deny the primary plat.
    - iii. No Decision of Primary Plat. In accordance with IC 36-7-4-707, if the PC fails to make written findings and a decision granting or denying primary approval to a plat within 60 days after the public hearing, then the plat is considered to have received primary approval.

3. Documentation of Decision by Administrator
  - a. Documentation of Approval. Within 15 days of the hearing, the Administrator shall provide written approval (mail or email) that is signed by the Administrator. It shall itemize any revisions, and/or conditions, if any, that were required by the PC as a term of its approval.
  - b. Documentation of Denial. Written findings of fact shall be made by the PC that set forth its reasons and a decision denying primary approval. The Administrator shall provide written documentation (mail or email) that is signed by the Administrator stating the specific reasons for denial within 15 days of the hearing. The applicant may then resubmit a new application for a primary plat that addresses the reason for denial.
  - c. Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the PC as a term of its approval.
  - d. Written findings of fact shall be provided, and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within 10 days of the hearing. The applicant may then resubmit a new application for a primary plat that addresses the reason for denial.
4. Expiration of Primary Approval of Plat
  - a. Primary approval of a plat shall be effective for four years from the date of the PC approval. Secondary plat approval of any section or phase shall automatically extend the primary plat approval for four years from the date the secondary plat was approved.
  - b. Failure to receive secondary approval for all or part of the primary plat before this period ends shall invalidate the primary approval of the plat.
  - c. Once primary approval has expired, a new application for primary plat approval shall be submitted in accordance with all applicable ordinances in effect at the time the new application is submitted.
  - d. Upon written request (mail or email) from the applicant that is received at least 30 days prior to the expiration date of the primary plat, the PC may extend approval of a primary plat up to a maximum of two additional years without further public notice, public hearing, or fees.
5. Amendment of Primary Plat. All amendments to a primary plat shall be considered a new primary plat application.

#### **D. STEP 3: Construction Plan Approval & Secondary Plat Application**

1. Obtain Construction Plan & Stormwater Management Approval. The secondary plat shall not be approved until the required construction plans and drainage plans/stormwater management permit are approved by all required entities.
  - a. Prior to submitting a secondary plat application, the applicant shall obtain construction plan approval for all public improvements from the Board of Works and/or the respective entity or utility that will be accepting the infrastructure.
  - b. The applicant shall also obtain drainage plan/stormwater management permit approval by the city prior to submitting a secondary plat application.
2. Submit Secondary Plat Application. The applicant shall submit a complete a secondary plat application in accordance with the application requirements, including all requirements as outlined in this section. A traffic analysis may be required as outlined in *SECTION 7.13: DOCUMENT PROCEDURES: TRAFFIC IMPACT ANALYSIS*. If a waiver is being requested, it may be submitted with the primary plat application or secondary plat application (see *SECTION 7.9: APPLICATION PROCEDURES: WAIVER FOR SUBDIVISION STANDARDS*).

- a. Phases or Sections Permitted. The subdivider may submit a secondary plat for a phase or section of lots as laid out on the primary plat, which shall include all necessary infrastructure serving such lots.
  - i. For only a commercial or industrial subdivision, the subdivider may submit the secondary plat for the entire subdivision, then submit a revised secondary plat for approval that only amends the lot lines on the necessary as individual site users are defined. This amendment will not constitute an amendment to the primary plat; any other changes will require an amended primary plat.
3. Assign Docket Number. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
4. Complete Internal Review
  - a. The Administrator may forward the plans to the Technical Review Committee (TRC) for review and comments. At the discretion of the Administrator, the TRC review may be held in-person, virtually (video conference), by phone, or by email.
  - b. If the parcel(s) is located within the Madison Historic District, the Administrator shall also forward the plans to the Madison Historic District Board of Review for review.
  - c. After comments (if any) are received, the Administrator shall compile all comments for the public file.
  - d. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

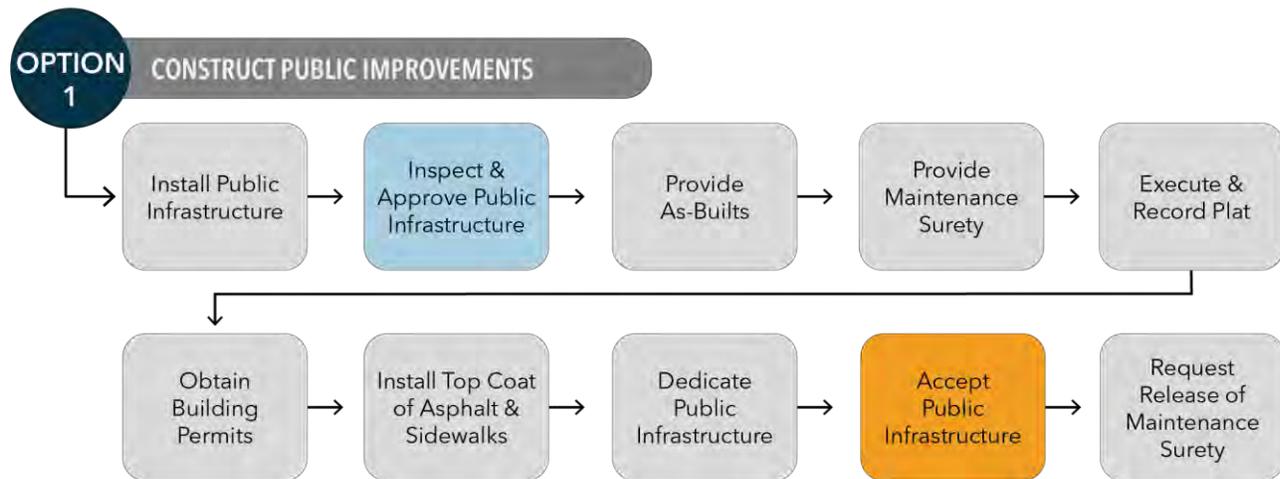
#### **E. STEP 4: Decision on Secondary Plat by Administrator**

1. Final Decision by Administrator
  - a. Public Notice. No public hearing, public comment, or public notice is required for secondary plat approval.
  - b. Secondary Plat Standards of Evaluation. The Administrator shall determine if the secondary plat complies with the following standards of evaluation.
    - i. The construction plans have been approved (as applicable) by the Board of Works.
    - ii. All application requirements are met.
    - iii. The secondary plat complies with all standards set forth in this UDO.
    - iv. The secondary plat substantially conforms to the approved primary plat unless such changes were a condition of the primary plat approval.
      - 1) The secondary plat may be deemed to substantially conform to the primary plat if the layout and geometrics of the secondary plat are substantially the same layout.
      - 2) Substantial changes, such as the addition, removal, or alteration of road patterns, substantial increase in lot sizes, and/or an increase in the total number of buildable lots, shall result in denial of the secondary plat and the applicant shall be required to submit an application for a revised primary plat prior to secondary plat approval.
      - 3) The addition or removal of easements to accommodate utilities or drainage and/or the decrease in the number of lots without other substantial changes (such as road layout), shall not constitute a substantial change in conformity.
    - v. The secondary plat application has adequately addressed the valid comments from the internal review.
    - vi. The public infrastructure has been installed, inspected, and approved by the Board of Works or the applicant has provided a performance surety (see *SECTION 8.1F: STEP 5: DEVELOPMENT & CONSTRUCTION PROCESS*).

- c. Wait Period. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the primary plat as provided in IC 36-7-4-710.
- d. Decision by Administrator on Secondary Plat
  - i. Resubmittal. If the secondary plat standards of evaluation have not been met, the Administrator may require additional internal review and/or the resubmittal of revised items before reconsidering the application.
  - ii. Approval of Secondary Plat. If the Administrator determines that the secondary plat complies with the primary plat standards of evaluation, the Administrator shall grant secondary approval to the plat.
  - iii. Denial of Secondary Plat. If the secondary plat standards of evaluation have not been met and adequate revisions are not made, the Administrator shall deny the secondary plat application. If the secondary plat application is officially denied, the applicant may submit a new secondary plat application that addresses the reason for denial.
  - iv. Request Decision by PC
    - 1) Applicant Requests PC Decision. The applicant may request a decision by the PC instead of the Administrator for any reason. Additionally, if the revised plans have not adequately addressed the valid comments from internal review because the applicant disagrees with the comment(s), the applicant may submit a request for a decision by the PC in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
    - 2) Administrator Requests PC Decision. The Administrator may request a decision by the PC instead of the Administrator for any reason.
    - 3) Public Notice. No public hearing, public comment, or public notice is required for secondary plat approval.
    - 4) Attend PC Public Meeting. If a decision is requested by the PC, the applicant or their representative shall attend, present their application, and address any questions or concerns at a public meeting before the PC.
- 2. Documentation of Decision by Administrator
  - a. Documentation of Approval. The Administrator shall provide written approval (mail or email) that is signed by the Administrator.
  - b. Documentation of Denial. The Administrator shall provide written documentation (mail or email) that is signed by the Administrator stating the specific reasons for denial within 15 days of the decision. The applicant may then resubmit a new application for a secondary plat that addresses the reason for denial.
- 3. Expiration of Secondary Plat. Secondary plats shall be recorded within 1 year of the secondary plat approval date. If the plat is not recorded within this time period, a new application shall be required.
- 4. Amendment of Secondary Plat. All amendments to a secondary plat after the plat is approved (recorded and not recorded) shall be considered a new secondary plat application.

**F. STEP 5: Development & Construction Process**

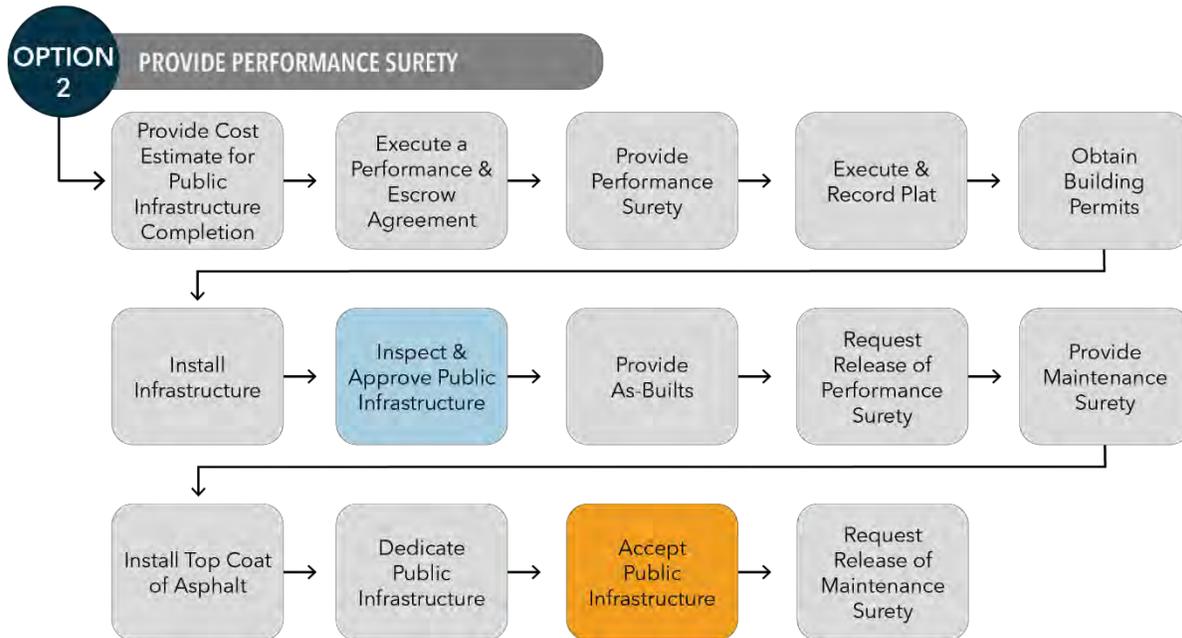
1. Secondary Plat Approval Required Prior to Construction. The secondary plat should be approved prior to installing public infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the secondary plat is done at the risk of the applicant; if changes or revisions to the construction plans and/or secondary plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
2. Construct Public Infrastructure or Provide Performance Surety. Once the secondary plat has been approved, the construction and development process may occur through one of two options as outlined below. The secondary plat shall not be signed or executed prior to one of these occurring.
  - a. Option 1: Construct Public Improvements



- i. Install Public Infrastructure. All public infrastructure, except for the final coat of asphalt on the roadways and internal sidewalks, shall be installed (based on the approved construction plans) and approved by the city within 1 year after approval of the secondary plat unless an alternative timeline is approved by the PC..
  - 1) Until the city accepts the dedication of the public improvements and maintenance, the applicant shall be responsible for all maintenance of the public infrastructure.
  - 2) If an improvement is deferred (installation is delayed) and is approved by the PC through a waiver (see SECTION 7.9: APPLICATION PROCEDURES: WAIVER FOR SUBDIVISION STANDARDS), the subdivider shall provide a separate surety in an amount determined by the city guaranteeing completion of the deferred improvements.
- ii. Inspect and Approve Public Infrastructure. The construction of all public improvements shall be reviewed, inspected, and approved by the Board of Works (if within city limits), Jefferson County Highway Department (if outside of city limits), or the respective utility provider. This includes all required inspections throughout the construction process to ensure that they have been completed in a satisfactory manner. Public improvements includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance. The city does not inspect infrastructure owned by the other providers.
- iii. Provide As-Builts. After all public improvements are approved, the applicant shall provide as-builts for all improvements within the public right-of-way in PDF format, CAD drawings, and a GIS layer with locations of all public infrastructure required by this UDO.

- iv. Provide Maintenance Surety
  - 1) A maintenance surety shall be provided and maintained by the applicant for a period of two years after construction is completed.
  - 2) The maintenance surety shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period.
  - 3) The surety shall:
    - a) Be payable to the City of Madison;
    - b) Be at least 25% of the approved cost estimate for the public infrastructure; and
    - c) Be in the form of a performance bond, certified check, or other form acceptable to the City Attorney.
- v. Execute and Record Plat. The plat shall be executed (signed) by all required parties and recorded in accordance with *SECTION 7.12: DOCUMENT PROCEDURES: RECORDING PLATS*.
- vi. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in *SECTION 7.10: PERMIT PROCEDURES: BUILDING PERMITS*. Development plan approval may also be required prior to obtaining building permits as outlined in this UDO.
- vii. Install Top Coat of Asphalt and Sidewalks. Once development has occurred to the satisfaction of the respective entity accepting the infrastructure and construction has been completed on at least 80% of the lots within the secondary plat, the final coat of asphalt for the roadways shall be installed by the applicant. If sidewalks are required by this UDO, they shall be installed on individual lots prior to issuing a Certificate of Occupancy.
- viii. Dedicate Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the city (if within city limits), county (if within the buffer), or other entity shall be dedicated with a signed Deed of Dedication in the format required by the respective entity. The city and/or county shall only maintain public infrastructure after its dedication unless specified and agreed upon otherwise.
- ix. Request Release of Maintenance Surety. All of the following are required to release a maintenance surety:
  - 1) It has been at least three years since the public infrastructure was inspected and approved by the city.
  - 2) The applicant must request (in writing) that the Board of Works release the surety.
  - 3) The city shall evaluate the performance of the public improvements covered by the maintenance surety to determine if they are functioning as intended or designed. Note that the Board of Works may evaluate this performance at multiple intervals, if desired, before the surety is released.
    - a) If the improvements are functioning as intended or designed, the Board of Works shall release the surety.
    - b) If the improvements are not functioning as intended or designed, the city will require the applicant to fix the deficits to the satisfaction of the city or the city also has the authority to collect on the bond and repair or maintain the affected facilities. If the deficits are corrected to the satisfaction of the city, the Board of Works shall then release the surety.

b. Option 2: Provide Performance Surety

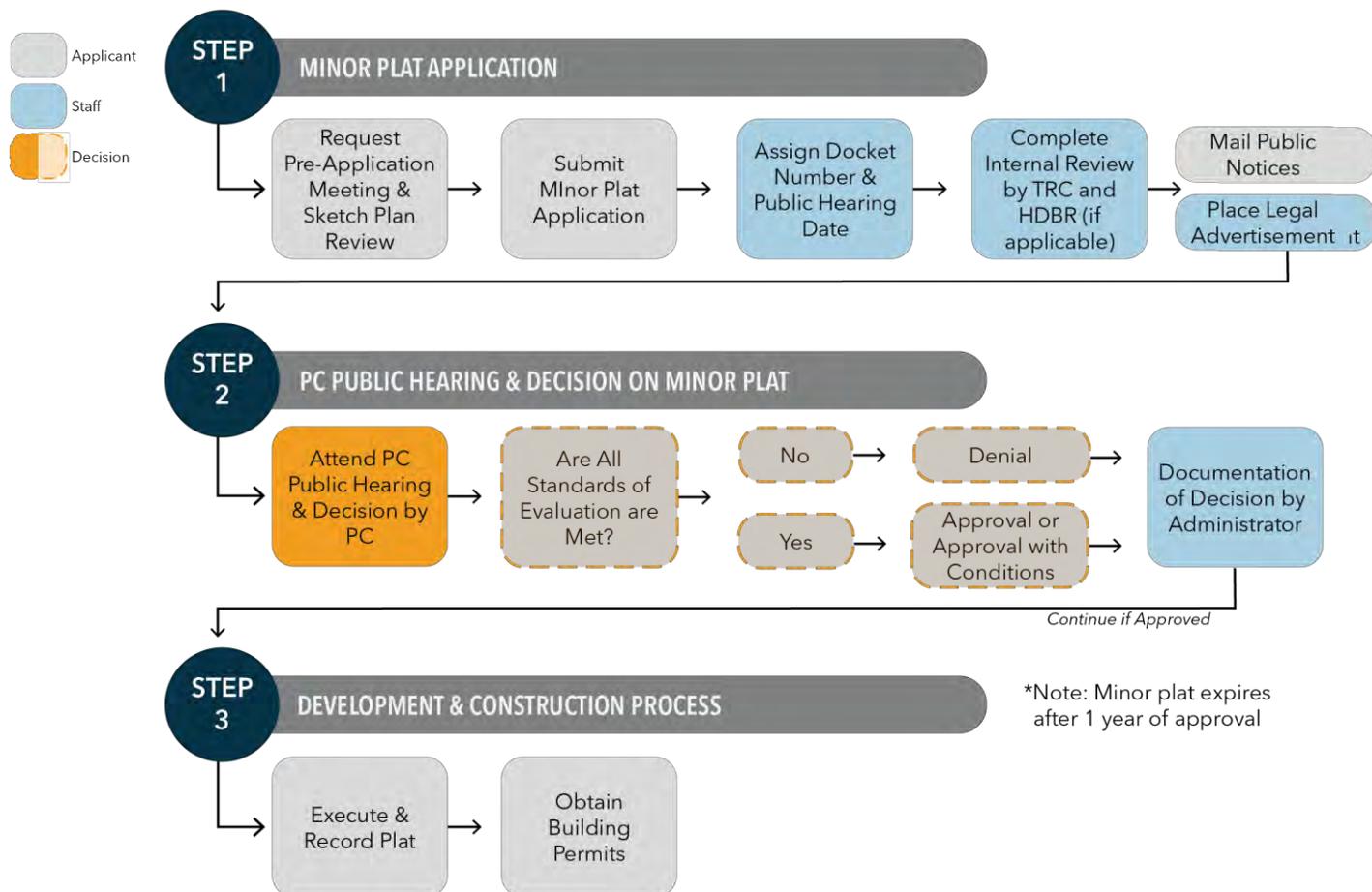


- i. Provide Cost Estimate for Public Infrastructure Completion. The applicant shall submit a reliable cost estimate for completing all of the required infrastructure to the city to review and approve. The cost estimate should include, but is not limited to, the roads, drainage structures, water infrastructure, sewer infrastructure, and all public improvements within the subdivision that are required by this UDO and the Performance and Escrow Agreement.
- ii. Execute a Performance and Escrow Agreement. The applicant shall submit an executed Performance and Escrow Agreement to the city in a form created and approved by the City Attorney. This shall include a maximum timeline of 1 year after posting the performance bond to complete all required public improvements unless an alternative timeline is approved by the PC.
- iii. Provide Performance Surety
  - 1) The applicant shall provide a performance surety for all public infrastructure in the required amount in accordance with this UDO and the executed Performance and Escrow Agreement. The surety shall:
    - a) Be payable to the City of Madison;
    - b) Be at least 125% of the approved cost estimate for the public infrastructure; and
    - c) Be in the form of a performance bond, certified check, or other form acceptable to the City Attorney.
  - 2) If an improvement is deferred (installation is delayed) and is approved by the PC through a waiver (see SECTION 7.9: APPLICATION PROCEDURES: WAIVER FOR SUBDIVISION STANDARDS), the subdivider shall provide a separate surety in an amount determined by the city guaranteeing completion of the deferred improvements.
- iv. Execute and Record Plat. Once the performance surety has been provided and accepted to the satisfaction of the city, the plat shall be executed and recorded in accordance with SECTION 7.12: DOCUMENT PROCEDURES: RECORDING PLATS.

- v. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in *SECTION 7.10: PERMIT PROCEDURES: BUILDING PERMITS*. Development plan approval may also be required prior to obtaining building permits as outlined in this UDO.
- vi. Install Infrastructure. All public infrastructure that serves an individual lot, including sidewalks if required, shall be installed and approved prior to issuing a Certificate of Occupancy. Until the city accepts the dedication of the public improvements and maintenance, the applicant shall be responsible for all maintenance of the public infrastructure.
- vii. Inspect and Approve Public Infrastructure. The construction of all public improvements shall be reviewed, inspected, and approved by the Board of Works (if within city limits), Jefferson County Highway Department (if outside of city limits), or the respective utility provider. This includes all required inspections throughout the construction process to ensure that they have been completed in a satisfactory manner. Public improvements includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance. The city does not inspect infrastructure owned by the other providers.
- viii. Provide As-Builts. After all public improvements are approved, the applicant shall provide as-builts for all improvements within the public right-of-way in PDF format, CAD drawings, and a GIS layer with locations of all public infrastructure required by this UDO.
- ix. Request Release of Performance Surety. All of the following are required to release a performance surety:
  - 1) The required maintenance surety has been provided.
  - 2) The applicant must request (in writing) that the Board of Works release the surety, which cannot occur more than once a month.
  - 3) The Board of Works shall approve the release of all or a portion of the performance surety to the applicant after satisfactory completion and inspection of all or a part of the improvements.
- x. Provide Maintenance Surety
  - 1) A maintenance surety shall be provided and maintained by the applicant for a period of two years after construction is completed.
  - 2) The maintenance surety shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period.
  - 3) The surety shall:
    - a) Be payable to the City of Madison;
    - b) Be at least 25% of the approved cost estimate for the public infrastructure; and
    - c) Be in the form of a performance bond, certified check, or other form acceptable to the City Attorney.
- xi. Install Top Coat of Asphalt. Once development has occurred to the satisfaction of the respective entity accepting the infrastructure and construction has been completed on at least 80% of the lots within the secondary plat, the final coat of asphalt for the roadways shall be installed by the applicant.

- xii. Dedicate Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the city (if within city limits), county (if within the buffer), or other entity shall be dedicated with a signed Deed of Dedication in the format required by the respective entity. The city and/or county shall only maintain public infrastructure after its dedication unless specified and agreed upon otherwise.
- xiii. Request Release of Maintenance Surety. All of the following are required to release a maintenance surety:
  - 1) It has been at least three years since the public infrastructure was inspected and approved by the city.
  - 2) The applicant must request (in writing) that the Board of Works release the surety.
  - 3) The city shall evaluate the performance of the public improvements covered by the maintenance surety to determine if they are functioning as intended or designed. Note that the Board of Works may evaluate this performance at multiple intervals, if desired, before the surety is released.
    - a) If the improvements are functioning as intended or designed, the Board of Works shall release the surety.
    - b) If the improvements are not functioning as intended or designed, the city will require the applicant to fix the deficits to the satisfaction of the city or the city also has the authority to collect on the bond and repair or maintain the affected facilities. If the deficits are corrected to the satisfaction of the city, the Board of Works shall then release the surety.

## SECTION 7.5 APPLICATION PROCEDURES: MINOR RESIDENTIAL (MINOR PLAT) & DOWNTOWN SUBDIVISION



### A. Applicability

- The following procedures shall apply to all minor residential subdivisions as outlined in *CHAPTER 6: SUBDIVISIONS* and *CHAPTER 8: DEFINITIONS*.
- No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a secondary plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and the plat is filed with the Jefferson County Recorder's Office.

### B. STEP 1: Minor Residential (Minor Plat) & Downtown Subdivision Application

- Request Pre-Application Meeting
  - Prior to filing an application for a minor residential or downtown subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone.

- b. The intent of this meeting is to discuss the procedures for approval and the requirements and regulations for development prior to submitting a minor residential or downtown subdivision application.
  2. Submit Minor Residential (Minor Plat) or Downtown Subdivision Application. The applicant shall submit a complete a minor residential or downtown subdivision application in accordance with the application requirements, including all requirements as outlined in this section. For a minor subdivision, the primary plat and secondary plat shall be combined into one application to expedite the process.
  3. Assign Docket Number & Public Hearing Date
    - a. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
    - b. In accordance with IC 36-7-4-703 and IC 36-7-4-705, within 30 days of receiving a complete application, the PC shall take action on the application unless state statute provides for a longer timeframe. The PC must also meet with any stakeholders with a financial interest in the application, including the applicant's representative, within this 30 day period.
  4. Complete Internal Review
    - a. The Administrator may forward the plans to the Technical Review Committee (TRC) for review and comments. At the discretion of the Administrator, the TRC review may be held in-person, virtually (video conference), by phone, or by email.
    - b. If the parcel(s) is located within the Madison Historic District, the Administrator shall also forward the plans to the Madison Historic District Board of Review for review.
    - c. After comments (if any) are received, the Administrator shall compile all comments for the public file.
    - d. In accordance with IC 36-7-4-705, within 15 days of receiving a complete application, the Administrator shall notify the applicant of any deficiencies in the application unless state statute provides for a longer timeframe. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
  5. Complete Public Notices
    - a. The applicant shall be responsible for completing the required public notices (mailing to all interested parties) in accordance with the PC Rules and Procedures. The Administrator shall be responsible for the required legal notice/advertisement in the newspaper in accordance with the PC Rules and Procedures.
    - b. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

### **C. STEP 2: PC Public Hearing & Decision on Minor Residential or Downtown Plat**

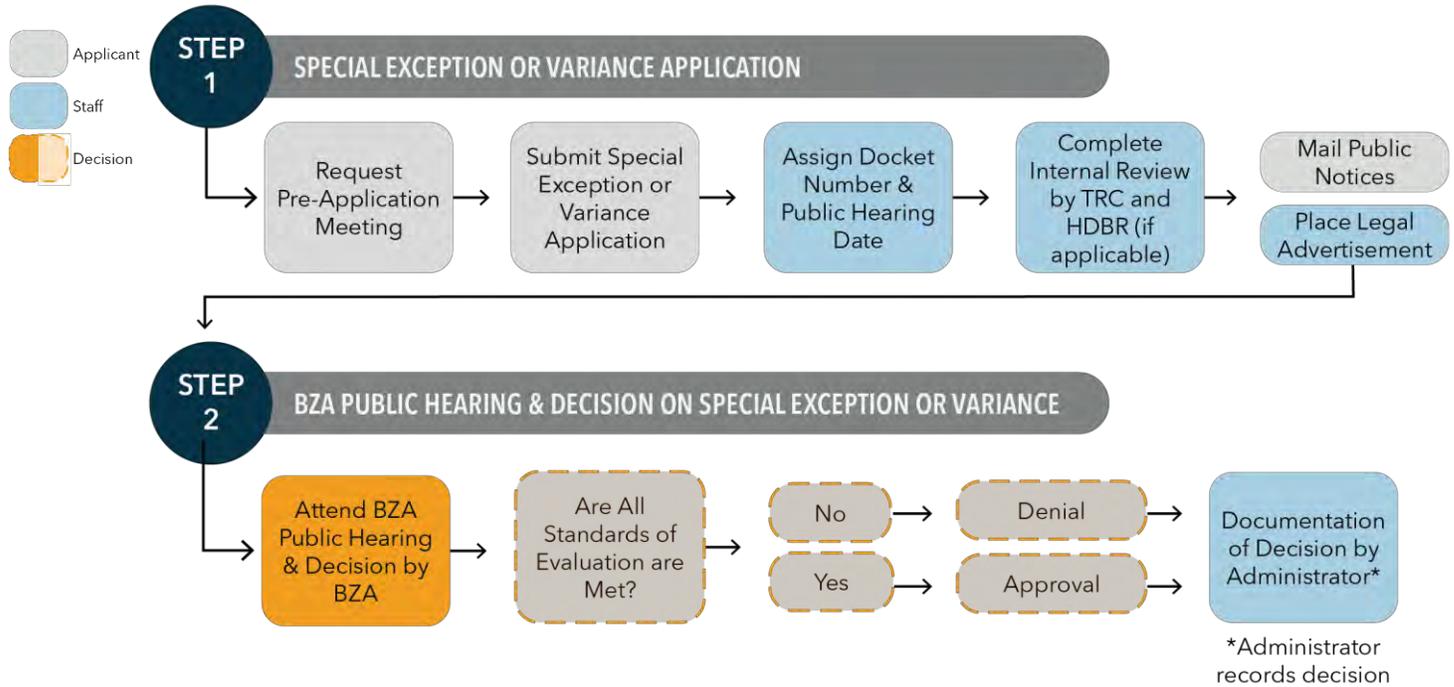
1. Attend PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Final Decision on Minor Residential or Downtown Plat by the PC
  - a. Minor Residential and Downtown Subdivision Standards of Evaluation. The PC shall consider the minor residential or downtown subdivision application at a public hearing and shall determine if the plat meets the following standards of evaluation.
    - i. The plat complies with the standards of this UDO (or has an approved variance and/or waiver);

- ii. The plat uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
- iii. The plat has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies).
- b. Decision by PC on Plat
  - i. Approval of Plat. If the PC determines that the plat complies with the standards of evaluation, the PC shall approve the plat.
    - 1) In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of minor approval of a plat when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
      - a) The manner in which public ways shall be laid out, graded, and improved; and
      - b) A provision for other services as specified in this UDO.
  - ii. Denial of Plat. If the PC determines the plat does not comply with the standards of evaluation, the PC shall deny the plat.
  - iii. No Decision of Plat. In accordance with IC 36-7-4-707, if the PC fails to make written findings and a decision granting or denying primary approval to a plat within 60 days after the public hearing, then the plat is considered to have received primary approval.
- 3. Documentation of Decision by Administrator
  - a. Documentation of Approval. Within 15 days of the hearing, the Administrator shall provide written approval (mail or email) that is signed by the Administrator. It shall itemize any revisions, and/or conditions, if any, that were required by the PC as a term of its approval.
  - b. Documentation of Denial. Written findings of fact shall be made by the PC that set forth its reasons and a decision denying approval. The Administrator shall provide written documentation (mail or email) that is signed by the Administrator stating the specific reasons for denial within 15 days of the hearing. The applicant may then resubmit a new application for a plat that addresses the reason for denial.

**D. STEP 3: Development & Construction Process**

- 1. Execute and Record Plat. The plat shall be executed (signed) by all required parties and recorded in accordance with *SECTION 7.12: DOCUMENT PROCEDURES: RECORDING PLATS*.
  - a. Expiration of Minor Residential and Downtown Plats. Minor residential and downtown plats shall be recorded within 1 year of the plat approval date. If the plat is not recorded within this time period, a new application shall be required.
- 2. Expiration of Minor Residential and Downtown Plats. Minor residential and downtown plats shall be recorded within 1 year of the secondary plat approval date. If the plat is not recorded within this time period, a new application shall be required.
- 3. Amendment of Minor Residential and Downtown Plats. All amendments to a minor residential or downtown plat after the plat is approved (recorded and not recorded) shall be considered a new application.
- 4. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in *SECTION 7.10: PERMIT PROCEDURES: BUILDING PERMITS*.
  - a. If sidewalks are required by this UDO, construction, inspection, and dedication of the sidewalks shall comply with *SECTION 6.13: DESIGN STANDARD: SIDEWALKS & TRAILS*.

## SECTION 7.6 APPLICATION PROCEDURES: SPECIAL EXCEPTION & VARIANCE FROM ZONING STANDARDS



### A. Applicability

1. In accordance with IC 36-7-4-918.2 for special exceptions, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding special exceptions, variances from development standards, and variances of use.
2. Uses permitted by special exception (as listed in *SECTION 2.21: PERMITTED & CONDITIONAL USES*) may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
3. The BZA may require that impact studies be performed or additional information to be provided at the expense of the applicant prior to deciding upon a special exception or variance of use application.
4. If a use was legally established on a parcel as a use that was permitted by right under a previous ordinance and the use is only permitted as a special exception by this UDO on the same parcel, it shall be considered an approved special exception use only on the parcel.

## **B. STEP 1: Special Exception or Variance Application**

1. Request Pre-Application Meeting
  - a. Prior to filing a primary plat application for a special exception or variance, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone.
  - b. The intent of this meeting is to discuss the procedures for approval and the requirements and regulations for development prior to submitting an application.
2. Submit Special Exception or Variance Application. The applicant shall submit a complete a special exception or variance application in accordance with the application requirements, including all requirements as outlined in this section.
3. Assign Docket Number & Public Hearing Date
  - a. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
4. Complete Internal Review
  - a. The Administrator may forward the application to the Technical Review Committee (TRC) for review and comments. At the discretion of the Administrator, the TRC review may be held in-person, virtually (video conference), by phone, or by email.
  - b. If the parcel(s) is located within the Madison Historic District, the Administrator shall also forward the application to the Madison Historic District Board of Review for review.
  - c. After comments (if any) are received, the Administrator shall compile all comments for the public file.
  - d. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices
  - a. The applicant shall be responsible for completing the required public notices (mailing to all interested parties) in accordance with the BZA Rules and Procedures. The Administrator shall be responsible for the required legal notice/advertisement in the newspaper in accordance with the BZA Rules and Procedures.
  - b. In the event the hearing has been properly noticed, the Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

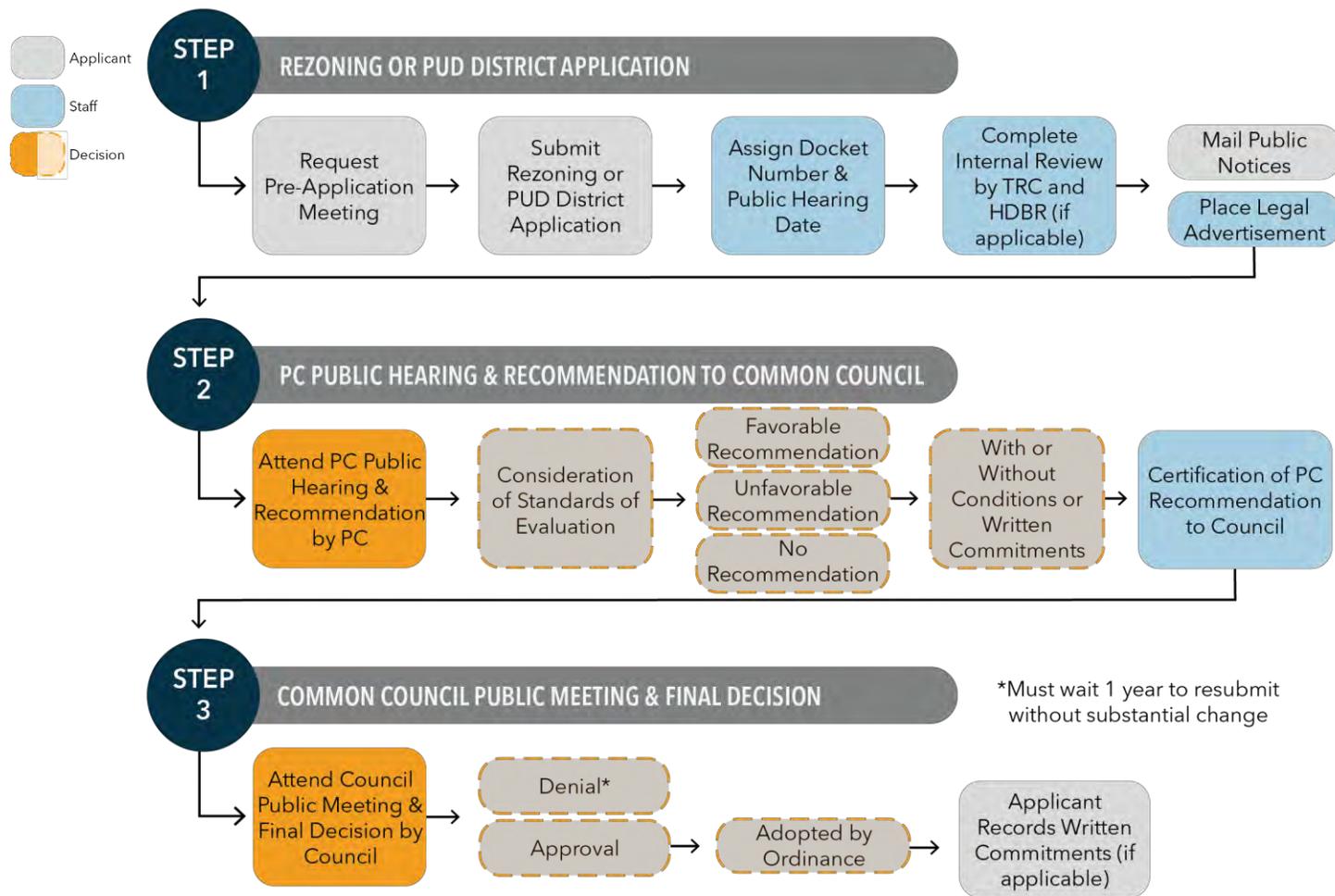
## **C. STEP 2: BZA Public Hearing & Decision on Special Exception or Variance**

1. Attend BZA Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the BZA. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Final Decision on Special Exception or Variance by the BZA
  - a. Standards of Evaluation for Special Exception. The BZA shall consider a special exception application at a public hearing and shall determine if the request meets the following standards of evaluation. All standards shall be satisfied in order to approve the application.
    - i. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
    - ii. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;

- iii. The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- iv. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
- v. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
- vi. The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.
- b. Standards of Evaluation for Development Standards Variance. Per IC 36-7-4-918.5, when considering a development standards variance, the BZA shall consider a development standards variance application at a public hearing and shall determine if the request meets the following standards of evaluation. All standards shall be satisfied in order to approve the application.
  - i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - ii. 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
  - iii. The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This practical difficulty cannot be based upon a personal financial hardship, personal inconvenience, or be self-created.
- c. Standards for Evaluation for Use Variance. Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall consider a use variance application at a public hearing and shall determine if the request meets the following standards of evaluation. All standards shall be satisfied in order to approve the application.
  - i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - iii. The need for the variance arises from some condition peculiar to the property involved;
  - iv. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - v. The approval does not interfere substantially with the Comprehensive Plan.
- d. Decision by BZA
  - i. Approval of Special Exception or Variance. If the BZA finds all of the standards of evaluation have been satisfied, it shall approve the request and shall specify findings of fact supporting the reason for approval. Any approval may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and *SECTION 7.14: DOCUMENT PROCEDURES: WRITTEN COMMITMENTS*.
  - ii. Denial of Special Exception or Variance. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and shall specify findings of fact supporting the reason for denial.
    - 1) If the application is denied by the BZA, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.

- e. Expiration. Approval of a special exception, variance from development standards, or variance of use shall run with the land, unless any the following occur:
    - i. The BZA specifies an expiration date in the approval of a special exception or variance, but the expiration cannot be less than one year from the date of BZA approval.
    - ii. Building permits have not been obtained within three years of the BZA approval;
    - iii. Building permits were obtained and have expired and the approval occurred more than three years ago; or
    - iv. The use has not been established within three years of approval.
  - f. Amendment. A special exception or variance may only be amended by the BZA by submitting a revised application and proceeding through the respective application process.
3. Documentation of Decision by Administrator
- a. Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the BZA as a term of its approval.
  - b. Written findings of fact shall be provided, and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within 10 days of the hearing.
  - c. If the special exception or variance is approved, the administrator shall record the decision in the Jefferson County Recorder's Office.

## SECTION 7.7 APPLICATION PROCEDURES: REZONING & PUD DISTRICT



### A. Applicability

1. In accordance with the IC 36-7-4-600 series for zone map changes, the IC 36-7-4-1500 series for PUD Districts, and the PC Rules and Procedures, the PC shall hear and make recommendations to the Common Council regarding zone map changes and zone map changes to a PUD District. The Common Council shall make final decisions on these applications.
2. Zone map changes and zone map changes to a PUD District may be initiated by the PC, the legislative body, or property owners of 50% or more of the geographic area involved in the petition.

**B. STEP 1: Rezoning or PUD District Application**

1. Request Pre-Application Meeting & Sketch Plan Review
  - a. Prior to filing a rezoning or PUD District application for a rezoning or PUD, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone.
  - b. The intent of this meeting is to discuss the procedures for approval and the requirements and regulations for development prior to submitting a rezoning or PUD application.
2. Submit Rezoning or PUD District Application. The applicant shall submit a complete a rezoning or PUD district application in accordance with the application requirements, including all requirements as outlined in this section.
  - a. Additional Application Requirements for PUD Application. In addition to the required application submittal, the application for a rezoning to a PUD District shall also include:
    - i. PUD District Map. A PUD District Map shall be provided that identifies all areas and/or parcels that are governed by the PUD District Ordinance. If more than one “district” is proposed within the PUD, the districts shall be indicated on this map.
    - ii. PUD District Ordinance. A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format that contains the following sections. Standards that are not defined or specified in the PUD District Ordinance shall be governed by the regulations contained in this UDO, as interpreted by the Administrator. In addition to a map and other supporting drawings, all of the following should be provided in narrative form:
      - 1) Introductory Provisions. Enabling language for the PUD District Ordinance as well as purpose or intent.
      - 2) PUD Uses & Standards. A table of permitted uses and special exception uses and all development standards that are outlined for each zoning district in *CHAPTER 2: DISTRICTS* (structure standards, lot standards, and utility standards) for the PUD. If more than one district is included in the PUD, this shall be provided for each district.
      - 3) Standards for Specific Uses. An alphabetical list of additional development standards that apply to a specific use(s) that are above and beyond the minimums listed in the PUD District(s). Additionally, if any standards for specific uses included in *CHAPTER 3: USE STANDARDS* of this UDO do not apply within the PUD, it shall be specified in this section. If it is not specified, the standards for specific uses included in *CHAPTER 3: USE STANDARDS* shall apply.
      - 4) Site Development Standards. An alphabetical list of all site standards that apply to the PUD, such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, or signs. If it is not specified, the standards for specific uses included in *CHAPTER 4: SITE STANDARDS* shall apply.
      - 5) Definitions. Any terms that are specific to the PUD that are not defined in *CHAPTER 8: DEFINITIONS*.
3. Assign Docket Number & Public Hearing Date
  - a. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
  - b. In accordance with IC 36-7-4-705, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.

4. Complete Internal Review
  - a. The Administrator may forward the application to the Technical Review Committee (TRC) for review and comments. At the discretion of the Administrator, the TRC review may be held in-person, virtually (video conference), by phone, or by email.
  - b. If the parcel(s) is located within the Madison Historic District, the Administrator shall also forward the application to the Madison Historic District Board of Review for review.
  - c. After comments (if any) are received, the Administrator shall compile all comments for the public file.
  - d. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices
  - a. The applicant shall be responsible for completing the required public notices (mailing to all interested parties) in accordance with the PC Rules and Procedures. The Administrator shall be responsible for the required legal notice/advertisement in the newspaper in accordance with the PC Rules and Procedures.
  - b. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

### **C. STEP 2: PC Public Hearing & PC Recommendation to Common Council**

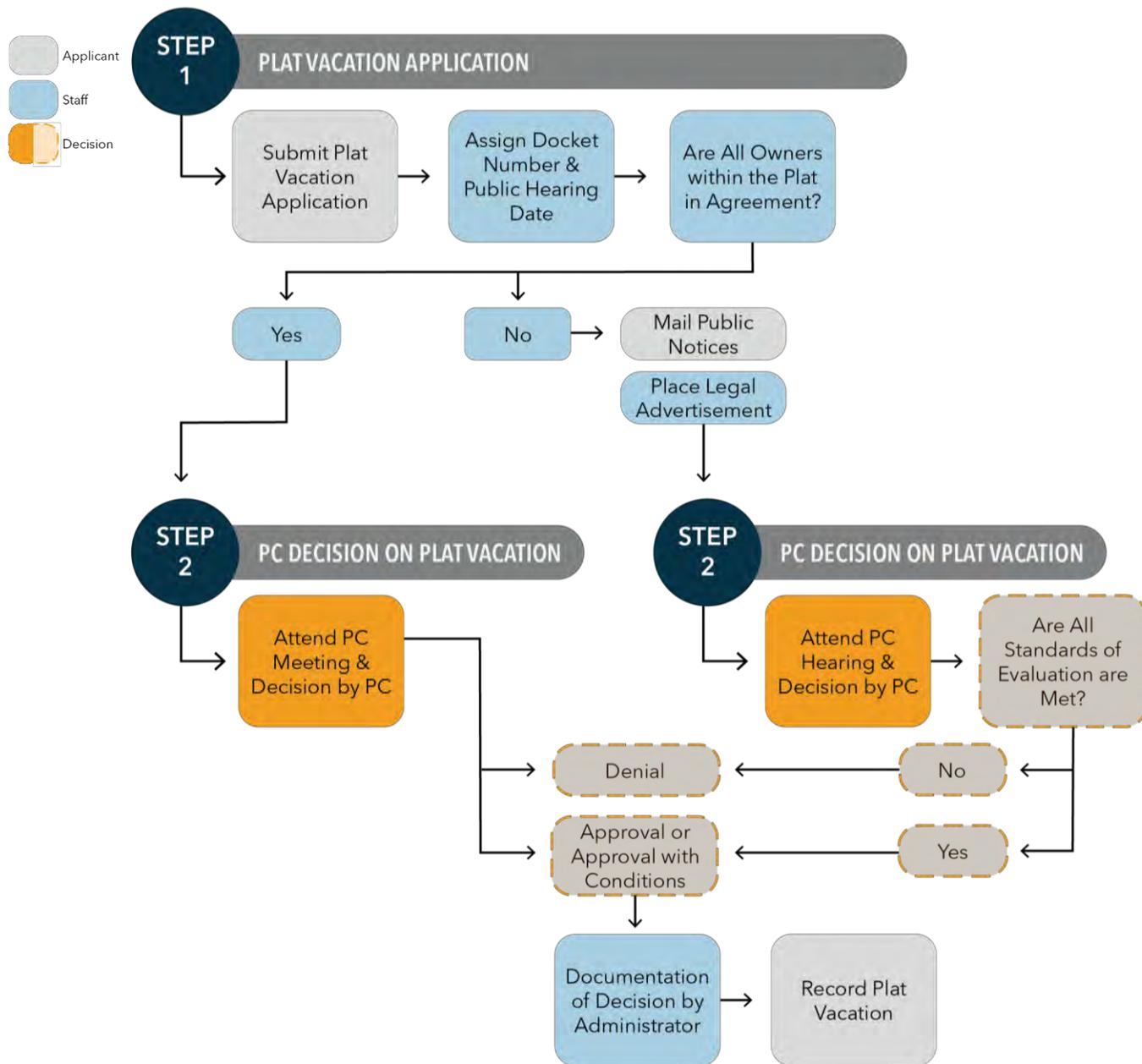
1. Attend PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Recommendation to Common Council on Rezoning or PUD by the PC. The PC shall consider the rezoning or PUD application at a public hearing and the PC and make a recommendation to the Common Council.
  - a. Rezoning and PUD Standards of Evaluation. The Common Council shall pay reasonable regard to the following standards of evaluation.
    - i. The Comprehensive Plan;
    - ii. Current conditions and the character of current structures and uses in each district;
    - iii. The most desirable use for which the land in each district is adapted;
    - iv. The conservation of property values throughout the jurisdiction; and
    - v. Responsible development and growth.
  - b. Recommendation by the PC to the Common Council
    - i. Favorable Recommendation. If the PC feels that the request meets the standards of evaluation, they may forward the application to the Common Council with a favorable recommendation.
    - ii. Unfavorable Recommendation. If the PC does not feel that the request meets the standards of evaluation, they may forward the application to the Common Council with an unfavorable recommendation.
    - iii. No Recommendation. If the PC cannot reach consensus if the request meets the standards of evaluation, they may forward the application to the Common Council with no recommendation.
    - iv. Conditions or Written Commitments. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and *SECTION 7.14: DOCUMENT PROCEDURES: WRITTEN COMMITMENTS*.

3. Certification of PC Recommendation by Administrator
  - a. Within 10 days of the PC recommendation, the Administrator shall certify the PC's recommendation to the Common Council.

**D. STEP 3: Common Council Public Meeting & Final Decision**

1. Final Decision on Rezoning or PUD by the Common Council
  - a. Common Council Public Meeting
    - i. Upon receipt of the certification of the PC recommendation, the Common Council shall vote on the proposed rezoning or PUD at a public meeting within 90 calendar days.
    - ii. Public notice is required as outlined in IC 5-14-1.5-5, but public comment is not required. The applicant or their representative shall be in attendance address any questions or concerns of the Common Council.
    - iii. Final action by the Common Council shall be in accordance with the IC 36-7-4-600 series.
  - b. Final Decision by the Common Council
    - i. Approval of Rezoning or PUD. If the Common Council feels that the request meets the standards of evaluation, they may approve the request as certified. If the proposal is adopted by the legislative body, the ordinance is effective and the PC shall update the official zoning map accordingly. If the approval included written commitments, the applicant shall record the approved written commitments.
    - ii. Denial of Rezoning or PUD. If the Common Council does not feel that the request meets the standards of evaluation, they may deny the request as certified. If the proposal is denied by the Common Council, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
    - iii. No Decision of Rezoning or PUD. If the Common Council fails to act on a request that received a favorable recommendation from the PC, the ordinance (rezoning request or PUD) takes effect as if it had been adopted 90 days after certification. If the Common Council fails to act on a request that received an unfavorable recommendation or no recommendation from the PC, the ordinance (rezoning request or PUD) is denied.
  - c. Expiration. Approval of a rezoning or PUD District shall run with the land unless a condition specifies otherwise.
  - d. Amendment
    - i. Amendment of a rezoning or PUD district shall require a new application and be done in accordance with the IC 36-7-4-600 series for zone map changes and the IC 36-7-1500 series for zone map changes to a PUD District.
    - ii. An amendment of an applicable condition or written commitment shall be done in accordance with IC 36-7-4-1015 and *SECTION 7.14: DOCUMENT PROCEDURES: WRITTEN COMMITMENTS*.

**SECTION 7.8 APPLICATION PROCEDURES: PLAT VACATION**



**A. Applicability**

1. Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats, except:
  - a. As allowed by IC 36-7-3-10(e), the owners of land in a plat that is located outside the corporate boundaries of any municipality may vacate the entire plat without the approval required this section if no lots have been sold, no roads have been constructed in the plat, and all of the owners of land in the plat declare the plat to be vacated in a written instrument.

2. Vacations of plats may be pursued under either IC 36-7-3-10 (if all owners within the plat are in agreement) or IC 36-7-4-711 (when all owners within the plat are NOT in agreement).
3. Platted easements may be vacated in the same manner as public ways and public places, in accordance with IC 36-7-3-12 or with IC 36-7-4-712, whichever is applicable.
4. An instrument recorded under this section terminates:
  - a. The effect of the plat or the portion of the plat declared to be vacated, and
  - b. All public rights in the public ways and public places described in the plat or part of the plat, except that:
    - i. A public way that has been improved, or that is part of an improved plat, may only be vacated in accordance with section IC 36-7-3-12 or IC 36-7-4-712, whichever is applicable.

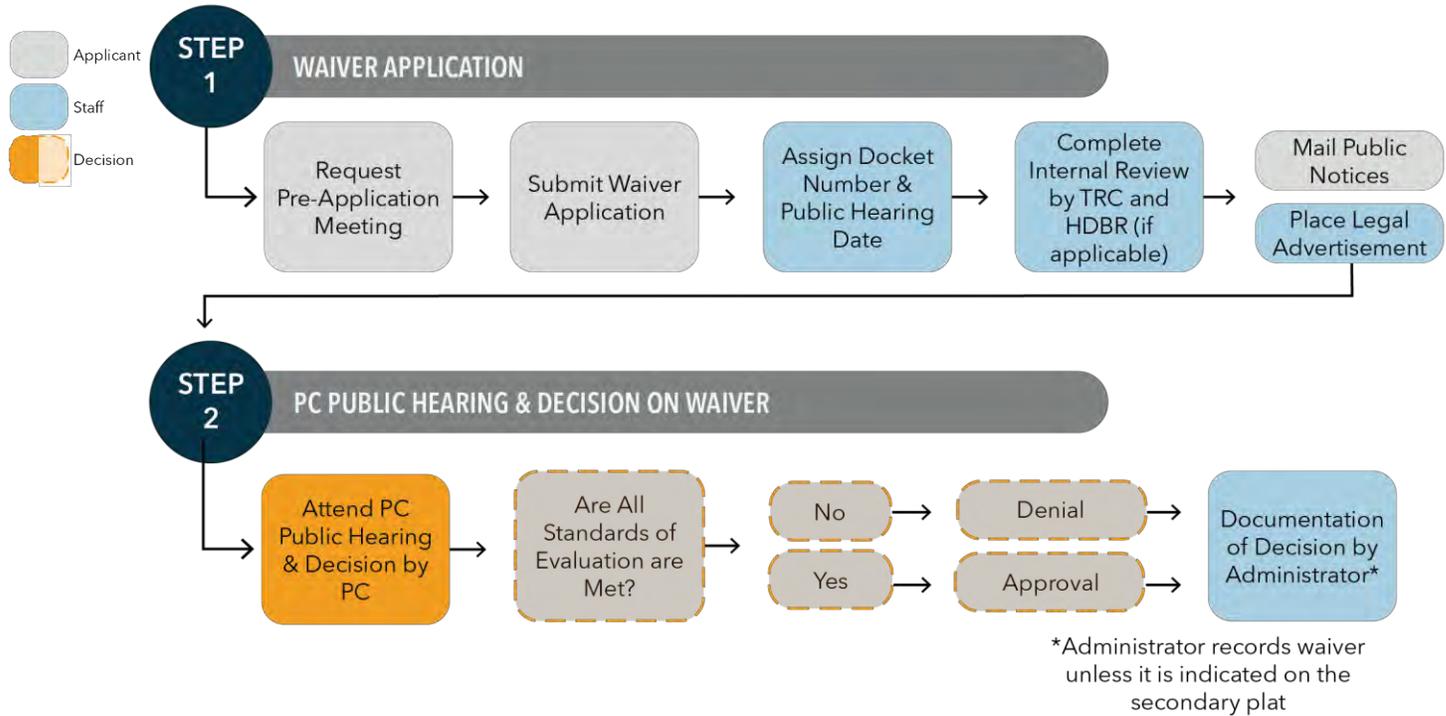
**B. STEP 1: Plat Vacation Application**

1. Submit Plat Vacation Application. The applicant shall submit a complete a plat vacation application (which can include all or only a portion of the plat) in accordance with the application requirements, including all requirements as outlined in this section.
  - a. All Owners in Agreement. As provided in IC 36-7-3-10, if all owners of land in the plat agree on a proposed vacation, the owner(s) must submit the written instrument (document) to the PC for approval and also file a copy of the instrument with the Jefferson County Auditor.
    - i. The written instrument shall declare the plat or a portion of the plat to be vacated, and it must be executed, acknowledged, and recorded in the same manner as a deed to land.
  - b. All Owners NOT in Agreement. As provided in IC 36-7-4-711, if all owners of land in the plat do NOT agree on a proposed vacation, one or more owner(s) must submit the written instrument (document) to the PC for approval. This may also include a request to vacate any recorded covenants filed as a part of the plat as allowed in IC 36-7-4-714.
    - i. The plat vacation shall state the reasons for and the circumstances prompting the request; specifically describe the property in the plat proposed to be vacated; and give the name and address of every other owner of land in the plat.
2. Assign Docket Number & Meeting Date
  - a. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number and create a public file.
  - b. In accordance with IC 36-7-4-711, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.
3. Complete Public Notices
  - a. All Owners in Agreement. No public notice or public hearing is required for approval of a plat vacation pursued under IC 36-7-3-10 where all owners are in agreement.
  - b. All Owners NOT in Agreement
    - i. Public notice and a public hearing is required for a plat vacation when all owners are not in agreement as outlined in IC 36-7-4-711.
    - ii. The applicant shall be responsible for completing the required public notices (mailing to all interested parties) in accordance with the PC Rules and Procedures. The Administrator shall be responsible for the required legal notice/advertisement in the newspaper in accordance with the PC Rules and Procedures.
    - iii. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

**C. STEP 2: PC Decision on Plat Vacation**

1. Attend PC Public Meeting or Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public meeting or public hearing before the PC.
  - a. All Owners in Agreement. Public comments are not required for plats where all owners are in agreement.
  - b. All Owners NOT in Agreement. Public comments shall be permitted in accordance with the PC Rules and Procedures for plat vacations where all owners are not in agreement. At a minimum, this must include a provision giving every other owner of land in the plat an opportunity to comment on the petition.
2. Final Decision on Plat Vacation by PC
  - a. Plat Vacation Standards of Evaluation (When All Owners NOT in Agreement). For plat vacations where all owners are NOT in agreement, the PC shall consider the plat vacation application at a public hearing and shall determine if the plat vacation request meets the following standards of evaluation.
    - i. Conditions in the platted area have changed so as to defeat the original purpose of the plat;
    - ii. It is in the public interest to vacate all or part of the plat; and
    - iii. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.
  - b. Decision by PC on Plat Vacation
    - i. All Owners in Agreement. The PC shall approve or deny the required plat vacation.
    - ii. All Owners NOT in Agreement.
      - 1) If the PC determines that the plat vacation request complies with the plat vacation standards of evaluation (if all owners are not in agreement), it shall approve the vacation.
      - 2) If the PC does not find that all of the standards have been satisfied, it shall deny the plat vacation and shall specify findings of fact supporting the reason for denial.
    - iii. Conditions or Written Commitments. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and *SECTION 7.14: DOCUMENT PROCEDURES: WRITTEN COMMITMENTS.*
3. Documentation of Decision by Administrator. Following the PC decision, the Administrator shall provide written approval or denial of the plat vacation.
4. Record Plat Vacation. The applicant shall, on behalf of the Plan Commission, recorded the written instrument of the plat vacation in the Jefferson County Recorder's Office. The written instrument shall declare the plat or a portion of the plat to be vacated, and it must be executed, acknowledged, and recorded in the same manner as a deed to land.
5. Time Limitation on Future Vacations. After the termination of a vacation proceeding under IC 36-7-3, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for 2 years.

## SECTION 7.9 APPLICATION PROCEDURES: WAIVER FOR SUBDIVISION STANDARDS



### A. Applicability

1. The PC may grant a waiver for a subdivision standard in *CHAPTER 6: SUBDIVISIONS* pursuant to IC 36-7-4-702(c).
2. The applicant must show that practical difficulties and an unnecessary hardship would result if the standards were strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site exist, a departure may be made without compromising the intent of such provisions.
3. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be included as part of the record.
4. If the PC approves a waiver, the plat must still meet all other applicable standards prescribed in this UDO. Variances from the zoning standards of this UDO require a variance by the BZA (See *SECTION 7.6: APPLICATION PROCEDURES: SPECIAL EXCEPTION & VARIANCE FROM ZONING STANDARDS*).

## **B. STEP 1: Waiver Application**

1. Request Pre-Application Meeting
  - a. Prior to filing a primary plat application for a waiver, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone.
  - b. The intent of this meeting is to discuss the procedures for approval and the requirements and regulations for development prior to submitting a waiver application.
2. Submit Waiver Application. The applicant shall submit a complete a waiver application in accordance with the application requirements, including all requirements as outlined in this section. A waiver application may be submitted with a primary or secondary plat application. The application shall state fully the grounds for the application and all the facts relied upon to justify the waiver.
3. Assign Docket Number & Public Hearing Date
  - a. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.
4. Complete Internal Review
  - a. The Administrator may forward the plans to the Technical Review Committee (TRC) for review and comments. At the discretion of the Administrator, the TRC review may be held in-person, virtually (video conference), by phone, or by email.
  - b. If the parcel(s) is located within the Madison Historic District, the Administrator shall also forward the plans to the Madison Historic District Board of Review for review.
  - c. After comments (if any) are received, the Administrator shall compile all comments for the public file.
  - d. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices
  - a. The applicant shall be responsible for completing the required public notices (mailing to all interested parties) in accordance with the PC Rules and Procedures. The Administrator shall be responsible for the required legal notice/advertisement in the newspaper in accordance with the PC Rules and Procedures.
  - b. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

### **C. STEP 2: PC Public Hearing & Decision on Waiver**

1. Attend PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Final Decision on Waiver by the PC
  - a. Waiver Standards of Evaluation. The PC shall consider the waiver application at a public hearing and shall determine if the waiver request meets the following standards of evaluation.
    - i. Practical difficulties and unnecessary hardship may result from the strict application of this UDO;
    - ii. The purpose and intent of this UDO may be better served by an alternative proposal;
    - iii. The waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
    - iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable to other property;
    - v. The relief sought will not contradict the other provisions of this UDO or the intent of the Comprehensive Plan and/or other adopted plan; and
    - vi. Where the waiver impacts the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.
  - b. Decision by PC on Waiver
    - i. Approval of Waiver. If the PC determines that the waiver complies with the waiver standards of evaluation, it shall grant approval.
    - ii. Denial of Waiver. If the PC determines the waiver does not comply with the waiver standards of evaluation, the PC shall deny the request.
3. Documentation of Decision by Administrator.
  - a. The Administrator shall provide written approval or denial (mail or email). If the development plan is denied, the specific reasons for denial shall be provided.
  - b. If the waiver is approved, the administrator shall record the plat unless it was approved concurrently with a secondary plat application and the waiver is indicated on the recorded plat.
  - c. Decision by PC on Waiver
    - i. Approval of Waiver. If the PC determines that the waiver request complies with the waiver standards of evaluation, it shall approve the waiver and shall specify findings of fact supporting the reason for approval.
    - ii. Denial of Waiver. If the PC does not find that all of the standards have been satisfied, it shall deny the waiver and shall specify findings of fact supporting the reason for denial.
4. Documentation of Decision by Administrator
  - a. Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the PC as a term of its approval.
  - b. Written findings of fact shall be provided, and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within 10 days of the hearing.

## **SECTION 7.10 PERMIT PROCEDURES: BUILDING PERMITS**

### **A. Applicability**

1. A building permit shall be required for the erection, alteration, or modification of all structures within the jurisdiction as outlined in this section.

### **B. General**

1. The proposed or intended use, structure, and site development shall comply with all requirements of this UDO, including other required approvals or permits, prior to issuance of a building permit.
2. No change in use of a building or structure shall be made without obtaining all required building permits.
3. A certificate of appropriateness (COA) is required from the Madison Historic District Board of Review for all structures and demolition within the Madison Historic District prior to issuance of a building permit.
4. If a parcel is served by a septic system, a septic permit shall issued by the Jefferson County Health Department, the Indiana Department of Environmental Management (IDEM), or the Health Officer (or other entity allowed by Indiana Code) prior to issuance of a building permit.
5. All commercial or industrial uses, structures, and buildings shall obtain all required state agency approvals and/or permits (including state design release) prior to issuance of a building permit.
6. All inspection(s) shall be completed for all building permits that are constructed in compliance with all provisions of this UDO and other applicable codes.

### **C. Building Permit Application Requirements**

1. The applicant shall submit a complete application for a building permit in accordance with the application packet and in accordance with the application requirements.
2. The fee for building permits shall be paid in accordance with the adopted Fee Schedule.
3. A public record of each building permit shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts and all other state regulations.
4. The building permit shall be posted at all times in a conspicuous place on the property approved for construction.
5. An amendment to an approved building permit may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.

### **D. Building Permit Expiration**

1. Construction shall be started within six months of the issuance of a building permit.
2. All work shall be substantially completed within 18 months of the date of issuance of a building permit. The Administrator may grant up to one extension for a maximum of six months at the request of the applicant if work has started.
3. A new building permit shall be obtained (including a new application fee) if a building permit is expired.

### **E. Certificate of Occupancy**

1. A certificate of occupancy shall not be issued until all work has been completed, including all required site improvements.
2. Buildings or structure shall not be occupied or used until a certificate of occupancy is issued by the Administrator.
3. The certificate of occupancy shall state that the proposed use of the building or land conforms to the requirements of this ordinance and that the Administrator has attested to inspecting the property, structure, and/or building.
4. The Administrator may issue a temporary certificate of occupancy for a period not exceeding 6 months pending completion of modifications in order to comply with this ordinance.

### **F. Structures that Require Building Permits**

1. A building permit shall be required for the erection, construction, installation, moving, addition, or alteration of any structure as outlined below unless specifically stated as exempt in this UDO.
  - a. All new primary structures
  - b. All new accessory structures that are greater than 200 sq ft in floor area
  - c. All structures that include a component that requires a building permit outside of this UDO (such as electrical)
  - d. Wireless communications facilities (including accessory structures), including new wireless support structures or small cell facilities, substantial modification of an existing wireless support structure or small cell facility, and collocation on an existing structure
  - e. All permanent signs as allowed in *SECTION 4.7: SIGNS*
  - f. All non-residential fences and walls
  - g. All non-residential retaining walls
  - h. All temporary uses and temporary structures, including construction trailers and temporary storage containers as outlined in *SECTION 4.4: OUTDOOR STORAGE & DISPLAY OF MERCHANDISE* and *SECTION 4.8: STRUCTURES*.
  - i. All structures not included as exempt within this section or elsewhere in this UDO

### **G. Structures Exempt from Building Permits**

1. A building permit shall not be required for the erection, construction, installation, moving, addition or alteration of the following structures (but shall still meet all requirements of this UDO) unless specifically stated as exempt elsewhere in this UDO.
  - a. Landscaping vegetation
  - b. Accessory structures that are 200 sq ft or less in floor area and not included above, such as swing sets, poles for baseball nets, or mailboxes
  - c. All temporary signs allowed in *SECTION 4.7: SIGNS*
  - d. Routine maintenance of wireless communication facilities or the replacement of wireless facilities that are substantially similar to, the same size as, or smaller than the facility being replaced
  - e. Micro wireless facilities that are suspended on cables strung between existing utility poles within the right-of-way
  - f. Utility installations for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind)
  - g. Ponds and drainage installations
  - h. Residential fences, walls, and retaining walls

## H. Other Permits Required for Structures

1. All temporary uses and temporary structures, including construction trailers and temporary storage containers as outlined in *SECTION 4.4: OUTDOOR STORAGE & DISPLAY OF MERCHANDISE* and *SECTION 4.8: STRUCTURES*, shall obtain a temporary use and/or temporary structure permit.
2. Temporary dumpsters as outlined in *SECTION 4.8: STRUCTURES* shall obtain a dumpster permit.
3. All development within the Hillside (HS) District shall obtain a hillside permit.
4. All other permits as required by local, state, or federal regulation or ordinance shall be obtained as necessary.

## **SECTION 7.11 DOCUMENT PROCEDURES: PLAT DRAWINGS**

### **A. General**

1. The primary plat and secondary plat shall be prepared in accordance with all application requirements, including all drawing requirements and/or checklists.
2. The primary plat and secondary plat shall be prepared and stamped/sealed by a Registered Land Surveyor licensed to practice in the State of Indiana.
3. The primary plat and secondary plat shall be tied to state plane coordinates for horizontal controls.
4. The secondary plat shall be on Mylar and sealed and signed by the professional preparing it.
5. All sheets shall be formatted as 18"x24" unless an alternative sheet size is acceptable to the Administrator and drawn to a convenient scale.
6. The applicant is responsible for all title searches, recorded easements, recorded commitments, and any other items that may affect development and shall include a copy of these documents, if available, to the PC and also disclose to all buyers.

## **SECTION 7.12 DOCUMENT PROCEDURES: RECORDING PLATS**

### **A. Requirements For Recording Plat**

1. The plat shall be signed by the Administrator or Plan Commission president, Board of Works (or their designee), and every person having a security interest in the property before being recorded.
  - a. Plats for minor residential subdivisions and downtown subdivisions do not require Board of Works signature.
2. Prior to recording the plat, the applicant shall pay all applicable development fees to all appropriate bodies if applicable.
3. The applicant shall be responsible for recording the executed secondary plat with the Jefferson County Recorder's Office within 1 year of the signature date. If the applicant fails to record within this time period, the plat shall be null and void.
4. Once recorded, the applicant shall provide the Administrator with a copy of the recorded secondary plat (which shall include all required stamps) in the format(s) required by the Administrator.

### **B. Recording Prohibited Without Approval**

1. Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the Jefferson County Auditor and the Jefferson County Recorder may not record it unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat are without legal effect unless approved by the Administrator.

## **SECTION 7.13 DOCUMENT PROCEDURES: TRAFFIC IMPACT ANALYSIS**

### **A. Applicability**

1. The applicant shall provide a traffic impact statement with the following application types:
  - a. Development Plans
  - b. Major Residential Subdivisions
  - c. Major Non-Residential Subdivisions
  - d. Cluster Subdivisions

### **B. Required Information**

1. A traffic impact statement shall include:
  - a. A statement indicating the expected number of daily trips and peak hour trips; and
  - b. A statement of any existing traffic issues that exist at the proposed access point(s).
2. All calculations and software used in determining trip generation shall be based on accepted industry standards, such references and methods established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration).
3. The PC and/or BZA may require additional analysis to be completed by the applicant to determine impacts to the road network.

## **SECTION 7.14 DOCUMENT PROCEDURES: WRITTEN COMMITMENTS**

### **A. Substantiated Form**

1. A commitment must be substantiated by the form set forth in the PC Rules and Procedures and must identify any specially affected persons or class of specially affected persons who may enforce the commitment.
2. A commitment must be approved by the Administrator prior to recording it with the Jefferson County Recorder's Office.

### **B. Recording**

1. A commitment shall be recorded in the Jefferson County Recorder's Office and takes effect upon the adoption of the proposal by the applicable body to which it relates.
2. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for the public file.

### **C. Persons Bound**

1. Unless it is modified or terminated by the applicable body(ies) to which it relates in accordance with this section, a recorded commitment is binding on the owner(s) of the parcel, a subsequent owner(s) of the parcel, and any other person who acquires interest in the parcel.
2. An unrecorded commitment is binding on the owner(s) of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner(s) of the parcel or a person acquiring an interest in the parcel only if the subsequent owner(s) or the person acquiring the interest has actual notice of the commitment.

### **D. Modification or Termination by PC or BZA**

1. Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the by the applicable body(ies) to which it relates. as appropriate and made at a public hearing after notice of the hearing has been given under the PC Rules and Procedures.

## **SECTION 7.15 OTHER PROCEDURES: FEE SCHEDULE**

### **A. Applicability**

1. Applications and petitions that are filed as required by this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule.
2. Fees shall be collected by the Administrator and shall be made payable to the City of Madison.

### **B. Collection of Fees**

1. PC and BZA Application Fees. Fees shall be collected at the time the application is filed. PC and BZA application fees are non-refundable.
2. Building Permit Fees. Fees will be calculated during the application review process and shall be collected prior to the BP being issued. Fees associated with re-inspections and additional inspections shall be collected prior to a final inspection or issuance of a Certificate of Occupancy as applicable. Building permit fees are non-refundable.
3. Erroneously Paid Fees. Fees paid in error may be refunded at the discretion of the Administrator.

## **SECTION 7.16 OTHER PROCEDURES: VIOLATIONS & ENFORCEMENT**

### **A. UDO Violations**

1. It shall be the duty of the Administrator to periodically research the applicable city and county records and perform the other necessary investigations to detect any violations of the subdivision regulations.
2. The Administrator shall enforce these regulations and make the PC Attorney aware of any violations or lack of compliance with this UDO. The PC Attorney shall take steps necessary under the Indiana Code to enforce any violation of these regulations.

### **B. Building Permit Violations**

1. Any persons or corporation who shall initiate construction prior to obtaining a building permit, Certificate of Occupancy, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
2. Building permits shall be issued and approved by the Administrator and shall only authorize construction based on the plans and applications included in the approved application. Any changes shall require an amended or new building permit.
3. The owner or tenant of any building, structure, or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
4. No building permit or Certificate of Occupancy shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.

### **C. Permits & Approvals with Outstanding Violations**

1. No building permit, PC approval, and/or BZA approval shall be issued for a parcel if there is an outstanding violation that has been issued on the same parcel (unless the approval remedies the violation).

### **D. Complaints**

1. Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the PC as part of the adopted PC Rules and Procedures.
2. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action, and may refer the matter to the PC, BZA, or their attorney for review.
3. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.

## **E. Penalties and Fines**

1. Any person who violates or fails to comply with any provisions of this UDO shall be guilty of an ordinance violation and shall be fined for each individual violation, up to the maximum amount permitted by state law. Each day a violation remains uncorrected shall be a distinct and separate violation subject to an additional fine.
2. The PC's attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this UDO, and/or for a mandatory injunction requiring that a structure in violation of this UDO be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.
3. If the city is required to commence legal action to enforce this UDO, or to collect a fine assessed through this UDO, the violator shall also be responsible for the city's reasonable attorney fees and all costs related to the enforcement or collection.

## **F. Remedies**

1. Any civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.
2. The PC, the BZA, the Administrator, any designated enforcement official, or any person or persons, firm, or corporation (jointly or individually) may institute a suit for injunction in the court of competent jurisdiction to restrain an individual, corporation, or government unit from violating the provisions of this UDO. The PC or BZA may also institute the suit for mandatory injunction directing an individual, corporation, or a governmental unit to remove a structure erected in violation of the provisions of this UDO, or the requirements thereof, or to enforce any other provision of this UDO, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.

## **G. Stay (Temporary Suspension) of Work**

1. When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed (temporarily suspended) unless the Administrator certifies to the BZA, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
2. After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court in which the premises affected are located may grant the restraining order.
3. After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has been filed, the board charged with the enforcement of this UDO may order the work stayed (temporarily suspended) and may call on the police power of the jurisdiction (City of Madison or Jefferson County) to give effect to that order.

4. Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the BZA or the jurisdiction is required to utilize the services of their retained Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or jurisdiction is successful in its enforcement of this UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the jurisdiction's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the legislative body.

#### **H. Appeal of PC Decision**

1. Decisions of the PC under this UDO shall be subject to judicial review as provided in IC 36-7-4-715, IC 36-7-4-1016, and the IC 36-7-4-1600 series.
2. Pursuant to those statutes, a person with standing may seek judicial review of certain PC decisions by filing a petition for judicial review in the applicable county courts within 30 days after the date of the decision at issue, but only after the person with standing has exhausted any and all available administrative remedies with the PC.
3. Nothing in this section expands the rights to review provided by Indiana law.

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# CHAPTER 8: DEFINITIONS

## DEFINED WORDS & TERMS

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## **SECTION 8.1 GENERAL PROVISIONS**

### **A. General Terms and Words**

1. The terms “shall” and “must” are defined as meaning always mandatory and required.
2. The words “may” and “should” are defined as meaning allowed and/or recommended but not required.
3. Words used in the present tense include the future and past tense.

### **B. Terms Not Defined**

1. Any words or terms not defined in this UDO shall be defined using the most recent version of the Merriam-Webster Dictionary. If this dictionary does not define a word or phrase, the Administrator shall provide an interpretation of the definition based on the prevailing definition of the word or phrase at the effective date of this UDO or any amendments.

## SECTION 8.2 UDO DEFINITIONS

**ABANDONED.** Abandonment or cessation of the use of the property or structure for a period of six consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ACCESS.** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACCESSORY DWELLING UNIT (ADU).** A detached dwelling unit that is smaller than the existing single-family structure and provides a separate means of access and complete independent living facilities for one or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary single-family dwelling unit.

**ACCESSORY STRUCTURE.** See STRUCTURE, ACCESSORY.

**ACCESSORY USE.** See USE, ACCESSORY.

**ADDITION.** A structure added to the original structure at some time after the completion of the original, or an extension or increase in floor area or height of a building or structure.

**ADMINISTRATOR.** The person(s) appointed or designated by the City Executive (Mayor) and approved by the Plan Commission to provide staff support to the PC and the BZA and to enforce this UDO under the supervision of the PC. The Administrator and their duties as outlined in this UDO may be designated to other staff as necessary.

**ADULT BUSINESS.** See SEXUALLY ORIENTED BUSINESS.

**AGRICULTURAL PRODUCT PROCESSING.** The cleaning, sorting, packaging, processing, or transforming of raw or unprocessed agricultural products to prepare them for sale, storage, or transport. The site used for processing must be owned, managed, and/or leased by the same entity that owns, manages, and/or leases the ground where the agricultural product(s) was grown or produced. This definition does not include processing of livestock, animals, or meat products.

**AGRITOURISM.** An accessory activity or use located at and accessory to a working farm or an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view in agricultural activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. Wineries, breweries, distilleries that are accessory to a farm or agricultural use that produces product(s) the same or adjoining parcel for the winery, brewery, or distillery is considered agritourism. Restaurants are not considered agritourism for the purposes of this UDO unless they are part of a use that meets this definition.

**AIRPORT.** An area, either on land or water, where aircraft land and take off, usually equipped with hangers, facilities for refueling and repair, and accommodations for passengers (including dining). Airports may or may not be licensed by the Federal Aviation Administration.

**ALLEY.** A right-of-way other than a street or crosswalk designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATION.** Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

**INCIDENTAL ALTERATION.** Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

**STRUCTURAL ALTERATION.** Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

**AMUSEMENT PARK.** A use, typically outdoors, that includes attractions for all ages, such as rides, shows, games of chance or skill, dining, and/or similar entertainment. This can also be referred to as a theme park.

**ANIMAL SHELTER.** See KENNEL, COMMERCIAL.

**ANTENNA.** A device or equipment used to transmit and/or receive radio (electromagnetic) waves.

**APARTMENT.** See DWELLING, MULTI-FAMILY.

**APPEAL.** In accordance with IC 36-7-4-918.1, the appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO that, upon application, the BZA may reverse or affirm, wholly, or partially.

**APPLICANT.** A person or entity submitting an application to the PC or BZA for action or permits that would affect the subject real estate. Applicants that are business entities must be registered with the Indiana Secretary of State.

**ARENA.** A place or area (indoors or outdoors) that is primarily used for spectator sports, entertainment (such as concerts, amusement parks, and similar events), expositions, or similar public gatherings or events. This use may also have accessory uses, such as food vendors or on-site merchandise sales for the event. Examples include, but are not limited to, sports arenas, outdoor movie theaters (no adult entertainment), amphitheaters, race tracks, and other outdoor assembly venues. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include a stadium, , or similar space on the same site or campus as the institutional use or any other use specifically included in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

**ASSEMBLY HALL.** See ARENA or AUDITORIUM.

**ASSISTED LIVING & LONG-TERM CARE FACILITY.** A public or private residential facility (short or long-term) that provides nursing care, room, laundry, administration of medications, special diets, and treatments. It may include rehabilitative and restorative therapies under the order of an attending physician. Other terms for this use may include nursing home, assisted living, supervised group living, or comprehensive care facility. This does not include other facilities such as group homes, residential treatment facilities, halfway houses, boarding houses, hospitals, outpatient facilities, similar uses that do not meet this definition, or other land uses listed in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

**AUDITOR.** The Auditor for Jefferson County, Indiana.

**AUDITORIUM.** An indoor area or building that is primarily used for entertainment (such as concerts, plays, and similar events), lectures, large meetings, and similar indoor gatherings. This use may also have accessory uses, such as food vendors or on-site merchandise sales for the event. Examples include, but are not limited to, convention halls, community theaters, and other indoor assembly venues. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include an auditorium on the same site or campus as the institutional use or any other use specifically included in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

**AUTOMOBILE.** A self-propelled, free-moving vehicle with wheels and licensed by the appropriate state agency as a passenger vehicle.

**BAR.** See TAVERN.

**BATTERY ENERGY STORAGE SYSTEM (BESS).** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 BESS. Note that BESS definitions within this UDO intentionally do not align with IC 22-14-8.

**TIER 1 BESS.** Has an aggregate energy capacity 600kWh or less and consists of only a single energy storage system technology if located in a room or enclosed area. This form of BESS is typically used as on-site backup power for a use or structure.

**TIER 2 BESS.** Has an aggregate energy capacity greater than 600kWh or consists of more than one storage battery technology if located in a room or enclosed area. This form of BESS typically serve a variety of functions for utility operations (such as at a substation) or are associated with large-scale solar, wind, or other power production. Tier 2 BESS must comply with all applicable National Electric Code, National Fire Code, and state code requirements and National Fire Protection Association (NFPA) standards for equipment testing, installation, and safety.

**BED AND BREAKFAST.** With regard to IC 16-41-31-1, a single-family dwelling operator-occupied residence that meets the following conditions, and does not include hotels, motels, boarding houses, or food service establishments:

- Provides sleeping accommodations to the public for a fee;
- Has not more than 14 guest rooms;
- Provides breakfast to the guests as part of the fee;
- Provides sleep accommodations for not more than 30 consecutive days to a particular guest.

A short-term rental is not considered a bed and breakfast.

**BERM.** An earthen mound designed to provide screening and buffering from undesirable views and adjacent incompatible uses.

**BLOCK.** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**BOARD OF ZONING APPEALS (BZA).** The Madison Board of Zoning Appeals. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of this UDO.

**BOARD OF WORKS.** The Madison Board of Public Works.

**BOARDING HOUSE.** See HOTEL.

**BOND.** See SURETY BOND.

**BREWERY.** See WINERY, BREWERY & DISTILLERY.

**BUFFERYARD.** A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

**BUILDING.** A roofed structure that is fully enclosed, permanently attached to the ground, foundation, or another permanent structure, and intended for the shelter, housing, or enclosure of an individual, animal, process, equipment, goods, or materials. Note that a building is considered a structure but not all structures are considered buildings (such as a fence).

**BUILDING CODE.** The set of legal requirements that define the minimum standards for the design, construction, and safety of buildings and structures. For the purposes of this UDO, building code refers to the most recent building codes adopted by the State of Indiana and/or City of Madison, including but not limited to, the Indiana Residential Code, International Fire Code (IFC), International Fuel Gas Code (IFGC), International Plumbing Code (IPC), International Energy Conservation Code (IECC), International Building Code (IBC), and international Mechanical Code (IMC).

**BUILDING HEIGHT.** The vertical distance measured from the lowest finished floor level at the front of the structure (excluding basement or floors below grade) to the bottom of the eave on sloped roofs or the highest point of finished roof surface on a flat roof unless otherwise specified within a specific zoning district. Building height does not include cellular towers, antennas, chimneys, steeples, or agricultural, industrial, mechanical, or electrical appurtenances.

**BUILDING COMMISSIONER.** The Administrator or their designee who is empowered to review, approve, and inspect Building Permits concerning the enforcement of the applicable building codes and the regulations established by this UDO. This can also be referred to as the building inspector or building official.

**BUILDING LINE.** See SETBACK LINE.

**BUILDING PERMIT.** A permit issued by the Administrator, Building Commissioner, or their designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.

**BUSINESS.** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**CAMPGROUND.** A publicly or privately-owned parcel(s) where two or more campsites are available, located, established, or maintained for people to camp for overnight occupancy on a temporary basis in a tent, trailer, camper, recreational vehicle (RV), cabin, or similar means for a rental fee or free of charge. Any site with more than one recreational vehicle that is occupied is considered a campground. This definition is not intended to include manufactured home parks.

**CAMPSITE.** A piece of land, the location, shape, and size of which have been established in an approved recreational vehicle park and campground plan, to be rented for occupancy by a tent or recreational vehicle for a rental fee or free of charge.

**CARGO CONTAINER.** A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels. They are not considered permanent buildings unless they comply with the definition of a building.

**CEMETERY.** A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbaria and mausoleums. It may include mortuaries if operated in conjunction with and within the boundary of the cemetery.

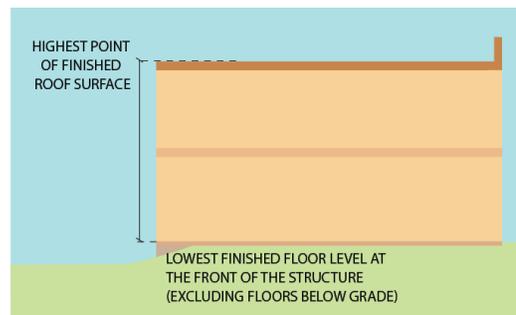
**FAMILY CEMETERY.** A cemetery where only members of a family are buried and burial plots are not available for non-family members or the general public.

**CERTIFICATE OF APPROPRIATENESS.** An approval granted by the Madison Historic District Board of Review approving changes to a property, structure, or building within the Madison Historic District.

**CHANGE IN USE.** A change from one land use classification included on *SECTION 2.21: PERMITTED & CONDITIONAL USES* to another land use classification. A change in ownership does not constitute a change in use.



*Example of Building Height on Sloped Roof*



*Example of Building Height on Flat Roof*

**CHURCH.** See PLACE OF WORSHIP.

**CLUB.** A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business, including restaurants, food service, fitness center, or retail membership clubs.

**COLLOCATION.** The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

**COLUMBARIA.** A structure that is designed to house or hold urns that contain crated remains.

**COMMERCIAL MESSAGE.** Any wording, logo, or other visual representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMITMENT, WRITTEN.** A covenant concerning the use or development of a parcel of real property which is made in writing and recorded by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the legislative body.

**COMMON AREA.** Land, not individually owned, within or related to a development or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate. It can also include open spaces and natural areas and may include turf or lawn areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. For the purposes of this UDO, common area within a platted subdivision is not considered a park.

**COMMUNITY BUILDING.** A building that includes public or shared spaces within a community, neighborhood, or similar geographic area that is intended for gathering, interaction, activities, or similar function. Examples may include community centers, clubhouses, etc.

**COMPREHENSIVE CARE FACILITY.** See ASSISTED LIVING & LONG-TERM CARE.

**COMPREHENSIVE PLAN.** The Comprehensive Plan for the jurisdiction as approved by the legislative body under the IC 36-7-4-500 series and as amended from time to time.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO).** As defined under IC 13-11-2-38.3, a animal feeding operation "that requires a National Pollutant Discharge Elimination System (NPDES) for discharges or potential discharges of water contamination exceeds the animal threshold numbers below:

- 700 mature dairy cows
- 1,000 veal calves;
- 1,000 cattle other than mature dairy cows
- 2,500 swine each weighing 55 pounds or more;
- 10,000 swine each weighing less than 55 pounds;
- 500 horses;
- 10,000 sheep or lambs;
- 55,000 turkeys;
- 30,000 laying hens or broilers with a liquid manure handling system;
- 125,000 broilers with a solid manure handling system;
- 82,000 laying hens with a solid manure handling system;
- 30,000 ducks with a solid manure handling system;
- 5,000 ducks with a liquid manure handling system.

**CONDITIONAL USE.** See SPECIAL EXCEPTION.

**CONDOMINIUM.** A structure, or group of structures, in which dwelling units, offices, or floor area is/are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to IC 32-1-6.

**CONFINED FEEDING.** As defined under IC 13-11-2-39, “the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:

- Animals are confined, fed, and maintained for at least 45 days during any 12 month period; and
- Ground cover or vegetation is not sustained over at least 50% of the animal confinement area.

The term does not include the following:

- A livestock market where animals are assembled from at least two sources to be publicly auctioned or privately sold on a commission basis; and that is under state or federal supervision.
- A livestock sale barn or auction market where animals are kept for not more than 10 days.”

**CONFINED FEEDING OPERATION (CFO).** As defined under IC 13-11-2-40, any confined feeding of:

- At least 300 cattle;
- At least 600 swine or sheep;
- At least 30,000 fowl; or
- At least 500 horses.
- Any animal feeding operation electing to be subject to IC 13-18-10; or
- Any animal feeding operation that is causing a violation of:
  - Water pollution control laws;
  - Any rules of the water pollution control board, or IC 13-18-10.

**CONTRACTOR’S SERVICES & OFFICE.** A structure(s), area(s), or parcel(s) used for conducting business and/or storing materials and/or equipment for contractors in the construction trades.

**CORRECTIONAL INSTITUTION.** A facility designed for the confinement and/or rehabilitation of individuals who have been arrested, detained, or convicted of criminal offenses. Examples include prisons, jails, reformatories, and detention centers.

**COUNTRY CLUB.** See GOLF COURSE.

**COUNTY.** Jefferson County, Indiana and/or the Jefferson County Board of Commissioners.

**COVENANT.** A restriction on the use of a parcel, usually set forth in the deed. Covenants are binding on subsequent owners and may run for specific periods of time.

**CREMATORY (CREMATORIUM).** A place where the bodies of the deceased are cremated. This use may also include auxiliary uses, such as funeral homes, mortuaries, or cemeteries.

**CROP PRODUCTION.** The production, storage, keeping, and/or harvesting of plants and crops, including but not limited to forages and sod crops; grains and seed crops; trees and forest crops; fruits; vegetables; nursery or greenhouse plant products (without general retail sales); and lands devoted to a soil conservation or forestry management program; or similar row, field, tree, or nursery crop production without general retail sales.

**CUL-DE-SAC.** A street that terminates with a vehicular turnaround.

**CULTURAL FACILITY.** A public or nonprofit institution which engages in the cultural, intellectual, scientific, environmental, educational or artistic enrichment, including historical societies, libraries, museums, and performing arts associations.

**DATA CENTER.** A building or area used to house and manage an array of computer systems and associated components (such as servers, networking equipment, storage infrastructure, and/or cooling/power infrastructure) that is used to collect, process, and/or store data. This does not include an on-site, private systems intended to serve a single organization that do not place high demands on utilities and/or resources (such as power or water).

**DAY, BUSINESS.** As defined in IC 1-1-9-1, a day other than a Saturday, Sunday, or a legal state or federal holiday.

**DAY, CALENDAR.** Any day of the week, including weekends.

**DAY CARE FACILITY, COMMERCIAL.** A non-residential structure where at least one person (children or adults) receives care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. This includes both licensed and unlicensed centers as well as child care ministries but excludes in-home childcare.

**DAY CARE, PET.** See KENNEL, COMMERCIAL.

**DEED.** A legal document conveying ownership of real property.

**DENSITY.** The number of dwelling units per acre of land.

**GROSS DENSITY.** The number of dwelling units per acre of land that includes the total land area within a development, including public rights-of-way.

**NET DENSITY.** The number of dwelling units per acre of land that includes only land used for residential purposes and excludes public rights-of-way and common areas.

**DEVELOPER.** Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.

**DEVELOPMENT PLAN.** Approval granted by the PC in accordance with the IC 36-7-4-1400 series for a specific plan for the development of a parcel that:

- Requires approval by the PC (or delegated to the Administrator);
- Includes a site plan;
- Satisfies the development requirements specified in this UDO regulating the development; and
- Contains the plan documentation and supporting information required by this UDO regulating development.

**DISTILLERY.** See WINERY, BREWERY & DISTILLERY.

**DISTRICT, ZONING.** See ZONING DISTRICT.

**DRAINAGE OR STORMWATER ORDINANCE.** Refers to the current ordinance adopted by the City of Madison that regulates drainage, stormwater, and/or MS4 regulations, including all technical standards and specifications.

**DRAINAGE PLAN.** The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site as outlined or required by local or state ordinances.

**DRIVEWAY.** A private access drive to a street or highway for a single residential parcel.

**PRIVATE DRIVEWAY.** A single, shared driveway serving no more than three residential parcels that is privately owned and maintained. Access to four or more residential parcels shall be provided with a publicly dedicated road.

**DRIVING RANGE.** See GOLF COURSE.

**DUMP.** A parcel or portion of a parcel where garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, and other waste, scrap, or discarded material of any kind are disposed of by dumping, burial, burning, or other means. For the purposes of this UDO, a dump is considered a landfill.

**DUMPSTER.** An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle. For the purposes of this ordinance, an area designed or used for trash collection with a similar intensity as a dumpster shall be considered a dumpster.

**DUPLEX.** See DWELLING, TWO-FAMILY.

**DWELLING.** A structure, or part of a building, which is used for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as defined in this UDO.

**ACCESSORY UNIT DWELLING (ADU).** See ACCESSORY DWELLING UNIT (ADU).

**CONDO DWELLING.** See CONDOMINIUM.

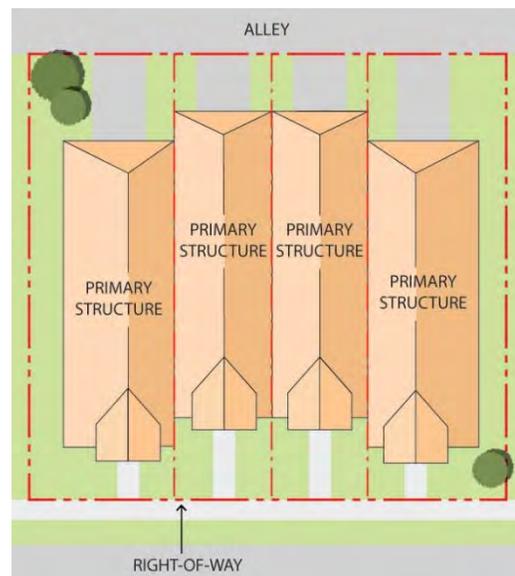
**LOFT DWELLING.** A single parcel containing one or more dwelling units that are located on the upper floor(s) of a building (not on ground floor) where the ground floor is used for non-residential purposes (such as retail or other commercial uses).

**MULTI-FAMILY DWELLING.** A structure that is located on a single parcel containing three or more dwelling units, including units that are located on one or more stories.

**SINGLE-FAMILY DWELLING.** A dwelling on a single parcel containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards. This definition does not include single-family attached dwellings.

**SINGLE-FAMILY ATTACHED DWELLING.** One dwelling on a single parcel with ground-floor outside access, attached to one or more single-family dwellings by common vertical walls without openings between dwellings (the dwelling is built to the lot line where it is attached or touching an adjacent single-family dwelling through a common or exterior wall). Examples include, but are not limited to, townhomes, row houses, and patio homes.

**TWO-FAMILY DWELLING.** A dwelling on a single parcel containing two dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.



*Example of Single-Family Attached Dwelling*

**DWELLING UNIT.** A room or group of rooms designed and equipped exclusively for use as living quarters for only one housekeeping unit and its household employees, including provisions for living, eating, sleeping, sanitation, and cooking. The term shall include manufactured homes but shall not include RVs.

**EASEMENT.** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**PERPETUAL UNOBSTRUCTED EASEMENT.** See PERPETUAL UNOBSTRUCTED EASEMENT.

**UTILITY EASEMENT.** The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

**EAVE.** The horizontal overhang of a sloped roof that projects beyond the building's exterior walls. Note that the angled, overhanging edge of the roof that runs up the slope of a gable end is not considered an eave.

**EMERGENCY RESPONSE FACILITY.** A government facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, police headquarters and substations, and related administrative facilities.

**ENCLOSED.** A structure or area that is enclosed by a wall or walls on all sides and a roof covering the entire structure or area.

**EQUESTRIAN FACILITY.** A use that is intended for accommodating, training, or competing with horses. These facilities can range from barns and stables to larger centers with indoor and/or outdoor arenas that offer services such as riding lessons and boarding.

**ESTABLISHMENT OF A BUSINESS.** Any of the following:

- The opening or commencement of any use as a new business;
- The conversion of an existing business to any other business;
- The addition of any business other than the existing business; or
- The relocation of any business.

**EXECUTIVE DIRECTOR.** See ADMINISTRATOR.

**FAIRGROUNDS.** An area where fairs, exhibitions, and similar events occur that are typically outdoor but may have indoor components.

**FAMILY.** A group of individuals, who may or may not be related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit. This does not include societies, clubs, fraternities, associations, lodges, or similar groups of individuals who are in a group living arrangement. A family cannot exceed two people per occupiable bedroom or the state occupancy and/or fire code regulations.

**FARM.** A parcel or group of parcels where the primary use is for crop production, livestock, or aquaculture.

**FARMSTEAD.** A single-family dwelling that is located on the same parcel as a farm.

**FARMER'S MARKET.** The seasonal selling or offering for sale at retail of vegetables / produce, animal products, flowers, orchard products, and/or similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the products or have taken the same on consignment for retail sale.

**FENCE.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**OPAQUE FENCE.** A fence constructed of a substantial material, such as wood or vinyl, which prevents viewing from one side to the other. For purposes of this UDO, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

**FLAG LOT.** See LOT, FLAG.

**FLOODPLAIN.** The channel proper and the areas adjoining any wetland, lake, or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and flood fringe. The floodplain is further defined into flood zones by Indiana Department of Natural Resources (INDR).

**FLOODPLAIN ORDINANCE.** See Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances.

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

**FLOOD ELEVATION, BASE (BFE).** The elevation of a flood having a 1% chance of being equaled or exceeded in any given year (often called the 1% annual chance flood, 100-year flood, or Regulatory Flood).

**FLOOD FRINGE.** The part of the floodplain outside of the floodway as defined in Chapter 156: Floodplain Regulations of the City of Madison, IN Code of Ordinances.

**FLOOD HAZARD AREA.** Those lands within the jurisdiction of the city that are subject to inundation by the regulatory flood. This is also referred to as the Special Flood Hazard Area.

**FLOOD PROTECTION GRADE (FPG).** Two feet above Base Flood Elevation as defined by IDNR.

**FLOOR AREA.** Area of all floors of all buildings or structures.

**FOOT-CANDLE.** Unit of illuminance measured on a surface where all points are at a distance of one foot from a directionally uniform point source of one candle and equal to one lumen per square foot.

**FOUNDATION.** The supporting member of a wall or structure below or at ground level and includes footings.

**FRONTAGE.** That side of a parcel that abuts and has direct access to a publicly dedicated road.

**FRONTAGE STREET.** A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.

**FULLY SHIELDED.** Light emitted by a lighting fixture, either directly or indirectly, that is projected below a horizontal plane established at the lowest light emitting part of the luminaire. This can also be referred to as full-cutoff, cutoff, or down lighting.

**FUNERAL HOME.** A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

**GARAGE SALE.** The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building.

**GARAGE.** A building used for parking of motor vehicles.

**PARKING GARAGE.** See PARKING GARAGE.

**PRIVATE GARAGE.** An accessory structure that is incidental to a primary structure and that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public. For purposes of this UDO, private garages shall not count towards the minimum living area of a dwelling.

## GENERAL INDUSTRIAL

**HEAVY GENERAL INDUSTRIAL.** A use engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products. These uses can include highly flammable, toxic, or explosive materials needed in the process and have greater than average impacts on the environment and/or the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. This term does NOT include any other use specifically included in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

Examples of heavy general industrial include, but are not limited to, the following:

- Heavy assembling, converting, altering, finishing, processing, or manufacturing of products, components, or materials, such as automobile, truck, boat, RV, or tire assembly, pool or spa manufacturing, glass manufacturing, paper manufacturing, wood or lumber processing (including paper mills), grain milling or processing, and/or advanced manufacturing of a heavy nature
- Blending of materials of a heavy nature that may include metal, concrete, plastic, petrochemicals, other chemicals, and/or heavy machinery, such as concrete batch plants, ammonia or chlorine manufacturing, metal casting or foundries, metal or metal ore production, and/or refining, smelting or alloying
- Storage of larger volumes of materials of a heavy nature, such as outdoor bulk storage

**LIGHT GENERAL INDUSTRIAL.** A use where all activities take place within an enclosed building that does not produce noise, fumes, smoke, odors, glare, or creates health and safety concerns outside of the building. This term does NOT include any other use specifically included in *SECTION 2.21: PERMITTED & CONDITIONAL USES*. Examples of light general industrial include, but are not limited to, the following long as the use complies with the standards of this definition:

- Light assembling, converting, altering, finishing, processing, or manufacturing of products that may include light machinery, components, or materials into finished products, such as household electronics or appliance assembly, food or bakery products, nonalcoholic beverages, paper imprinting and publishing, clothing apparel, paper or wood products (excluding wood or lumber processing, paper mill, or similar), food products, and/or advanced manufacturing of a light nature
- Storage of materials of a light nature, such as distribution, warehouses, and/or cold
- storage facilities

**GENERAL RETAIL.** See RETAIL, GENERAL.

**GLARE.** Light emitting from a luminaire with an intensity / direction that can reduce a viewer's ability to see.

**GRADE.** Defined as:

- The average elevation of the land directly around a building;
- The percent of rise or descent of a sloping surface.

**GRADE, FINISHED.** The final elevation of the average ground level adjoining a building at all exterior walls after development.

**GREENHOUSE, COMMERCIAL.** Land, structures, or a combination thereof for the storage, cultivation, and/or transplanting of live trees, shrubs, or plants offered for general retail sale to the public or wholesale sale on the premises and may also include sale of products used for gardening and landscaping. For the purposes of this UDO, a greenhouse or nursery without retail sales may be considered crop production; a greenhouse or nursery with retail sales is considered general retail.

**GOLF COURSE.** A parcel or area of land that is laid out for playing the game of golf or practicing golf (such as a driving range) and that may include accessory uses, such as a clubhouse, dining, snack bar, pro shop, practice facilities. For the purpose of this UDO, putt-putt or miniature golf shall be considered a golf course.

**GOVERNMENT OFFICE.** A building, structure, or facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

**GUARANTEE.** Cash, letters of credit, bonds, or similar financial instruments deposited with the municipality to ensure that required improvements will be constructed, installed, maintained, or ensured.

**GUN CLUB.** See SHOOTING RANGE.

**HARDSHIP.** An actual or perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this UDO, which may or may not be subject to relief by means of a 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 UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

**HAZARDOUS WASTE.** A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may:

- Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HELIPORT.** An area including a helipad that, either at ground level or elevated on a structure, is licensed by the Federal Aviation Administration for the landing and takeoff of helicopters. It may include accessory uses or structures such as parking, waiting areas, or maintenance equipment.

**HISTORIC DISTRICT BOARD OF REVIEW.** The Madison Historic District Board of Review.

**HISTORIC STRUCTURE.** Any structure that is:

- Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
- Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- Individually listed on the Indiana Register of Historic Sites and Structures; or
- Located in an area designated as a local historic district, including the Madison Historic District.

**HOBBY FARM.** A small-scale farm that is an accessory use where the primary focus is on personal enjoyment and recreation rather than generating income or revenue. Hobby farms cannot include animals.

**HOME OCCUPATION.** Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure or in an area that is not visible from any adjacent parcel or public road at all times on the same parcel as the primary dwelling unit where no clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this UDO, uses such as a short-term rental, child care, or other business activity where non-residents are accessing the site are not considered a home occupation.

**HOME-BASED BUSINESS.** Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure or in an area that is not visible from any adjacent parcel or public road at all times on the same parcel as the primary dwelling unit where limited clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this UDO, uses such as a short-term rental, child care, or other use specifically listed in the Development Standards and Uses tables for each zoning district are not considered a home occupation.

**HOMEOWNERS ASSOCIATION (HOA).** A community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

**HOSPITAL.** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

**HOTEL.** A building in which temporary lodging or board and lodging are provided and offered to the public for compensation. Compensation is usually assessed on a day-to-day basis. Occupancy stays are not intended to be for more than 30 continuous days.

**HOUSEKEEPING UNIT.** A family that shares a common living space and typically have shared expenses and responsibilities.

**IMPERVIOUS SURFACE.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include buildings, structures, sheds, patios, concrete, and asphalt. For the purposes of this UDO, gravel shall be considered an impervious surface. Fences and walls are excluded from impervious surface calculations.

**INDIANA CODE.** The current Indiana Statutes of Code, which codifies all Indiana statutes for reference purposes. This may also be abbreviated as "Indiana Code" or "IC" within this UDO.

**INDUSTRIAL, HEAVY.** See GENERAL INDUSTRY, HEAVY.

**INDUSTRIAL, LIGHT.** See GENERAL INDUSTRY, LIGHT.

**INDUSTRIALIZED BUILDING SYSTEM.** As outlined in IC 22-12-1-14, a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

**INDUSTRIALIZED RESIDENTIAL STRUCTURE.** A structure that is both an industrialized building system and a one or two-family private residence. It is not a manufactured home or mobile home. These structures are often referred to as modular homes.

**INFRASTRUCTURE.** Facilities and services needed to sustain all land use activities.

**IN-HOME CHILDCARE.** A residential structure in which at least six children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For the purposes of this UDO, this use includes both licensed and unlicensed providers, and this use is considered a home-based business.

**INOPERATIVE VEHICLE.** As defined by IC 9-13-2-1, or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than 20 calendar days or on public property without being moved for three calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, which is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

**INSTITUTIONAL USE.** A use listed as an institutional land use in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

**IRREVOCABLE.** Not able to be changed, reversed, or recovered.

**JUNK.** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include: unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

**JUNKYARD.** A place where junk, waste, discarded, salvaged materials, or impounded vehicles are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment. This does not include such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations. An automobile wrecking yard, salvage yard, and vehicle impound lot are considered a junkyard.

**JURISDICTION.** All land within the corporate boundaries of the City of Madison, Indiana as well as all land within the city's extraterritorial jurisdiction.

**KENNEL, COMMERCIAL.** An establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation. Any veterinary facility that provides overnight boarding as its primary service or any outdoor housing of animals is considered a commercial kennel. Dog or pet day cares and animal shelters are considered a commercial kennel.

**LANDFILL.** A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of 40 CFR. This definition includes sanitary landfills.

**LAND USE.** The type of activity on a parcel or how land is being occupied or used.

**LEGISLATIVE BODY.** The Common Council for Madison, Indiana.

**LETTER OF CREDIT.** A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specified bank, usually accepted in the same manner a cash or bonds to ensure the installation or construction of required improvements.

**LIBRARY.** See CULTURAL FACILITY.

**LIGHTING PLAN.** A plan showing the location, height above grade, type of illumination, type of fixture, the effective lumens, and the luminous distribution for each source of light proposed.

**LIGHT TRESPASS.** Direct light produced by an artificial light source that shines beyond the boundaries of the property on which it is located.

**LIVESTOCK.** Animal husbandry activities (breeding and caring for farm animals) or aquaculture activities (farming aquatic organisms such as fish and aquatic plants in controlled water environments) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses that do not require an IDEM permit. This also includes pastureland and meadows used for livestock rearing, harvesting of aquatic animals and organisms, and wholesale trade of livestock.

**PRODUCTION LIVESTOCK.** Animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses that do not require an IDEM permit. This also includes pastureland and meadows used for livestock rearing.

**PERSONAL LIVESTOCK.** The raising of livestock that is not intended to be consumed by others and/or sold. This definition includes livestock for educational purposes, such as 4-H, that is not associated with a retail service (such as a petting zoo or traveling animal exhibit).

**WHOLESALE TRADE LIVESTOCK.** The selling of livestock that occurs on-site, such as animal auctions. This definition does not include educational activities such as 4-H auctions that are not commercial in nature.

**LIVING AREA.** The total interior habitable area of a structure on all floors or levels, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and/or attached garages that are not intended for human habitation.

**MINIMUM LIVING AREA.** The minimum interior habitable area of a structure on all floors or levels that is required for each dwelling unit, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

**LOADING AREA.** An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**LODGE.** See CLUB.

**LONG-TERM CARE FACILITY.** See Assisted Living & Long-Term Care Facility.

**LOT.** A designated parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**CORNER LOT.** A lot or parcel of land at the junction of or abutting two or more intersecting streets. Corner lots have two front yard setbacks and two side yard setbacks.

**FLAG LOT.** A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the “flagpole.” Lot width on flag poles shall be measured at the minimum front yard setback line, meaning the flag pole must comply with the minimum lot width for the zoning district.

**INTERIOR LOT.** A lot that has frontage on only one street.

**THROUGH LOT.** A parcel that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the parcel.

**LOT AREA.** The total area within the lot lines of a parcel, excluding any rights-of-way.

**LOT COVERAGE.** That part of the parcel that is covered by impervious surfaces. See also IMPERVIOUS SURFACE.

**LOT DEPTH.** The average horizontal distance between the front lot line and rear lot line.

**LOT LINE.** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

**FRONT LOT LINE.** Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

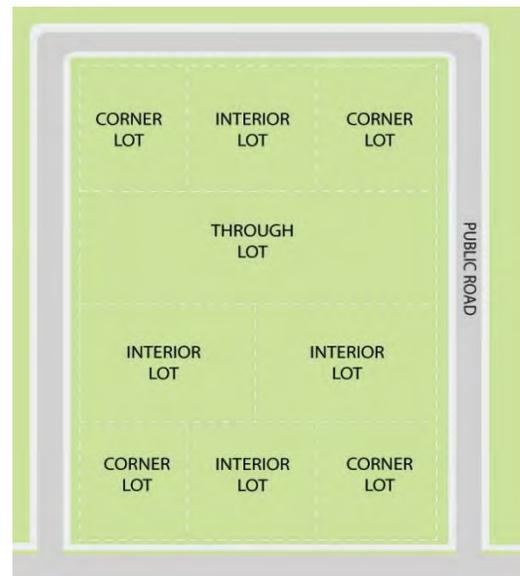
**REAR LOT LINE.** The lot line opposite and most distant from the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

**SIDE LOT LINE.** Any lot boundary-line other than a front lot line or rear lot line.

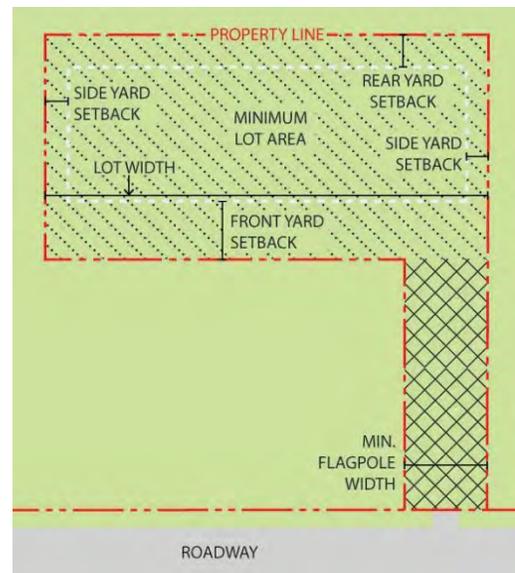
**LOT OF RECORD.** A lot that exists as shown or described on a plat or deed in the records of the County Recorder.

**LOT WIDTH.** The horizontal distance between side lot lines of a lot, measured at the minimum front yard setback. See FLAG LOT for lot width for a flag lot.

**LUMINAIRE.** Complete lighting system consisting of a lamp or lamps and a fixture.



Example of Lot Types



Example of Measurements of Flag Lot

**MANUFACTURED HOME.** Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code; 24 CFR 3280) and displays a red certification label on the exterior of each transportable section. A manufactured home is constructed after June 15, 1976, and, as defined in IC 16-41-27-3.5, is as a structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet. It is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. The term shall also include any structure which meets all the requirements of this definition except the size requirements where the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter. This term shall not include any RV.

**MANUFACTURED HOME PARK.** Consistent with IC 16-41-27-5, a manufactured (or mobile) home park (or community) consists of one or more parcels of land that:

- Are subdivided and contain individual lots that are leased or otherwise contracted
- Are owned, operated, or under the control of one or more persons; and
- Include a total of at least five manufactured homes, mobile homes, or industrialized residential structure that are located for the purposes of being occupied as principal residences.

The term includes the following:

- All real and personal property used in the operation of the manufactured home community;
- A single parcel of land;
- Contiguous but separately owned parcels of land that are jointly operated;
- Parcels of land that are jointly operated and connected by a private road;
- One or more parcels of land, if at least two of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or septic system.

**MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES.** Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et seq.), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

**MANUFACTURING, HEAVY.** See GENERAL INDUSTRIAL, HEAVY.

**MANUFACTURING, LIGHT.** See GENERAL INDUSTRIAL, LIGHT.

**MARKER or MONUMENT.** A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

**MAUSOLEUM.** See CEMETERY.

**MEAT PROCESSING FACILITY.** A building or structure for the preparation of meat for consumption, including the stockyards (temporary storage/sorting of animals), slaughtering of animals, cutting of meat, inspection, packaging, and processing into other products (such as sausage) and similar processes.

**MEDICAL OFFICES & OUTPATIENT SERVICES (NO OVERNIGHT STAYS, NO DISPENSING OF MEDICINE).** A use where patients are admitted for examination and treatment on an outpatient basis (including doctors' offices) by physicians, dentists, other medical professionals, psychologists, or social workers and where such examination and treatment require a stay of less than 24 hours. This use can include on-site administering of medication but does not include a pain management clinic.

**MEDICAL OFFICES & OUTPATIENT SERVICES: PAIN MANAGEMENT CLINIC.** A facility, as defined by the City of Madison Pain Management ordinance (2016-20), that provides as a primary practice component the treatment of patients for pain that includes dispensing or administering controlled substances.

**METES AND BOUNDS.** A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

**MINERAL & RESOURCE EXTRACTION OR PROCESSING.** This use includes removing rock, sand, gravel, minerals (such as oil, gas), or other raw materials from the ground in addition to the processing and/or washing of extracted materials. It can include surface mine/quarry (such as gravel pits, strip mines, open-pit mines, or similar extraction without a roof) or underground mining. Concrete processing is included in this land use category.

**MINIMUM LIVING AREA.** See LIVING AREA, MINIMUM.

**MOBILE HOME.** Now known as a manufactured home, a mobile home was constructed prior to June 15, 1976, and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in IC 16-41-27-4 as a dwelling, including the equipment sold that is a dwelling, which is:

- Factory assembled;
- Transportable;
- Intended for year-round occupancy;
- Designed for transportation on its own chassis; and
- Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

**MODULAR HOME.** A industrialized housing unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. A modular home is placed on a permanent foundation and is built to the Indiana One- and Two-Family Dwelling Code.

**MORTUARY.** A place for the storage of human bodies prior to their burial or cremation.

**MOTEL.** See HOTEL.

**NON-BULK MERCHANDISE.** Items for sale or resale that are in individual units or smaller packages rather than large quantities of materials that are in original bulk packaging or large containers.

**NON-CONFORMING LOT, LEGALLY.** A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NON-CONFORMING STRUCTURE, LEGALLY.** A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this UDO.

**NON-CONFORMING USE, LEGALLY.** A use or activity that was lawful prior to the adoption, revision, or amendment of this UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.

**NUISANCE.** A condition or situation that results in an interference with the enjoyment and use of property.

**NURSERY.** See GREENHOUSE, COMMERCIAL.

**NURSING HOME/ASSISTED LIVING FACILITY.** See ASSISTED LIVING & LONG-TERM CARE.

**OPEN SPACE.** See COMMON AREA.

**OUTDOOR / ON-SITE STORAGE.** The keeping of any goods, junk, material, merchandise, equipment, or vehicles in the same place for more than 24 hours that is not within an enclosed structure or is visible from a right-of-way or adjacent parcel.

**OUTPATIENT SERVICES.** See MEDICAL OFFICES & OUTPATIENT SERVICES.

**PAIN MANAGEMENT CLINIC.** See MEDICAL OFFICES & OUTPATIENT SERVICES: PAIN MANAGEMENT CLINIC

**PARCEL.** See LOT.

**PARENT PARCEL.** The parcel of land for which approval is sought to subdivide it into at least two parcels or other divisions of land for sale, development, or lease.

**PARK.** Areas of land developed for active and/or passive recreation facilities. For purposes of this UDO, common area within a platted subdivision is not considered a park unless otherwise stated in this UDO.

**PARKING AREA.** Any public or private designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

**PARKING GARAGE.** A parking area that is under or within a structure, other than private garage for personal use, for the parking of vehicles.

**PARKING LOT.** An off-street, ground-level open area that provides temporary storage for motor vehicles.

**PARKING SPACE.** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

**PATIO HOME.** See DWELLING, SINGLE-FAMILY ATTACHED.

**PAVED.** An area on the ground surface that is covered with a hard, durable material, such as concrete or asphalt, that is suitable for use in all weather conditions. For the purposes of this UDO, gravel surfaces are not considered paved.

**PERPETUAL UNOBSTRUCTED EASEMENT.** An easement that is self-perpetuating, runs with the land, and cannot be revoked or vacated without approval of all easement holders or parties. No structures can be placed within the easement that limit or impede ADA accessibility.

**PET, HOUSEHOLD.** An animal residing within a dwelling unit, not raised for the production of products or for sale, and limited to dogs, cats, rabbits, hamsters, gerbils, fish, and guinea pigs.

**PLACE OF WORSHIP / RELIGIOUS ACTIVITY.** Defined as:

- A church, synagogue, temple, mosque, or other facility, structure, or area that is used for prayer by persons of similar beliefs; or
- A special-purpose structure or area that is designed and particularly adapted for the primary use of conducting religious services on a regular basis.

**PLAN COMMISSION (PC).** The Madison Plan Commission, which is established by the Common Council as an advisory plan commission under the authority of the IC 36-7-4-200 series.

**PLANNED UNIT DEVELOPMENT (PUD).** A Planned Unit Development is a special zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

**PLAT.** A map, drawing, or chart indicating the subdivision or re-plat of land intended to be filed for record.

**PLAT, PRIMARY.** A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted by the subdivider as part of the subdivision plan.

**PLAT, SECONDARY.** A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this UDO.

**PLOT PLAN.** A scaled, dimensional drawing of a parcel of land showing the actual measurements, the size and location of any existing buildings or any proposed buildings to be erected, the location of the lot in relation to abutting streets, and any other information as required. See also SITE PLAN.

**PRESCHOOL.** A voluntary school readiness program that is not part of a school (see SCHOOL) for children who are at least 3 years of age and not enrolled in at least kindergarten. This does not include uses or preschools that this UDO defines as a school.

**PRODUCE STAND.** See ROADSIDE STAND.

**PROFESSIONAL SERVICES AND BUSINESS OFFICES.** Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This term does NOT include any other use specifically included in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

Examples of this use includes, but are not limited to, the following:

- Professional service offices, such as accounting or financial advisors, advertising or marketing services, architectural or engineering services, attorney or legal, etc.
- Other business offices such as insurance, investment, real estate professionals, travel agency services, etc.
- Other professional or business services that occurs within a business office setting

**PUBLIC AREA.** Places where the public is directly or indirectly invited to visit or permitted to congregate., such as parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures.

**PUBLIC HEARING.** A meeting announced and advertised in advance and open to the public where the public is given an opportunity to talk and participate as outlined by the Rules and Procedures.

**PUBLIC IMPROVEMENT.** Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.

**PUBLIC MEETING.** A meeting announced and advertised in advance and open to the public where the public is not required to be given an opportunity to talk and participate as outlined by the Rules and Procedures.

**PUBLIC SAFETY SERVICES.** See EMERGENCY RESPONSE FACILITY.

**PUBLIC TRANSPORTATION FACILITY.** A structure or area used to move people by means of group or shared transportation, such as bus or train terminal or bus stops along a transportation route.

**PUD DISTRICT ORDINANCE.** A zoning ordinance that meets the requirements of the IC 36-7-4-1500 series and does the following:

- Designates one or more parcels of real property as a PUD district;
- Specifies uses or range of uses permitted in the PUD district;
- Expresses in detailed terms the development requirements that apply in the PUD district;
- Specifies the plan documentation and supporting information that must be supplied before a BP may be issued for development of real property in the PUD district; and
- Specifies any limitation applicable to a PUD district; and
- Meets the requirements of IC 36-7-4-1503.

**PUD DISTRICT.** See PLANNED UNIT DEVELOPMENT (PUD).

**QUALITY OF LIFE.** The attributes or amenities that combine to make an area a desirable place to live.

**RACETRACK.** See ARENA.

**RECOVERY RESIDENCE.** A residential facility for individuals that is designed to facilitate readjustment after institutionalization or incarceration. It may include on-site counseling or similar programs. Other terms for this use may include halfway houses, sober living houses or facilities, or transitional living facilities. This term does not include long-term care facilities or other land uses listed in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

**RECREATION AREA.** An area designated, designed, and equipped for the conduct of sports and leisure-time activities.

**RECREATIONAL FACILITY.** A public or private area or facility to provide periodic and short-term sports or personal leisure activities.

**RECREATIONAL VEHICLE (RV).** A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. An RV may include, but is not limited to, campers, trailers, and other similar vehicles intended for overnight occupancy. A recreational vehicle shall not be used as a primary residence or for permanent occupancy outside of a campground.

**RECREATIONAL VEHICLE PARK.** See CAMPGROUND.

**RECYCLING.** A process by which materials that would otherwise become solid waste are collected, separated, or processed, and converted into materials or products for reuse or sale.

**RECYCLING DROP OFF LOCATION.** An accessory use that includes a place or area that is used for the acceptance of recyclable materials from the public but does not include storage (other than temporary storage between scheduled pickups), separating, and/or processing of recyclable materials.

**RECYCLING FACILITY.** A place or area used for the acceptance of recyclable materials from the public and may include the storage, separating, and/or processing of recyclable materials.

**REDEVELOPMENT.** The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

**REGULARLY.** The consistent and repeated doing of the act so described.

**RE-PLAT.** Defined as:

- The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or
- The alteration of any streets or rights-of-way or the establishment of any new streets or rights-of-way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.

**RESEARCH AND DEVELOPMENT.** An establishment engaged in testing, research, analysis, and product development that could include limited light assembly or limited production of components. This type use occurs within a building that typically resembles an office and/or laboratory setting.

**RESERVE STRIP.** A strip of land between a street and adjacent parcel, which is used or intended to be used as a way to limit access to a current or future road or right-of-way.

**RESTAURANT.** Establishment that provides food and drink service with the majority of sales being food and/or non-alcoholic beverages (versus alcohol) and is open to all ages.

**RETAIL, GENERAL.** Uses whose primary purpose is the sale of goods and merchandise to a consumer. This term does NOT include any other use specifically included in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

Examples of general retail uses include, but are not limited to, the following:

- Department and superstores, such as stores that sell clothing, shoes, accessories, household essentials, home goods, etc.
- Specialty retail stores, such as stores that sell antiques, art or art supplies, auctioned items, books, cameras or photography supplies, collectibles, electronics or appliances, fabrics and sewing supplies, floor coverings (carpet, hardwood, etc.), furniture, flowers or plants (including greenhouses or nurseries), gifts, hardware or similar items, hobby supplies, jewelry, music or musical instruments, office supplies, medical equipment (no medical exams or prescription medicines), pets or pet supplies, sporting goods or recreation equipment, religious goods, toys, video games, etc.
- Supermarkets and grocery stores, such as stores that sell bakery items (without dining), candy, groceries, meat or fish, etc.
- Convenience stores, such as stores that sell gas or fuel, convenience items (snacks, drinks, etc.), etc.
- Drug stores or pharmacies that sell over the counter or prescription medicines (may include licensed medical professionals as an accessory use to a pharmacy if at least 60% of the floor area is dedicated to general retail).
- Discount stores, such as stores that sell second-hand items, items on consignment, thrift items, etc.

**RETAIL, SERVICE-ORIENTED.** Uses whose primary purpose is to provide or sell a service, entertainment, or experience, rather than providing goods and merchandise, that does not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees. Service-oriented retail does NOT include any other use included in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

Examples of service-oriented retail uses include, but are not limited to, the following:

- Hospitality and entertainment services, such as food catering facilities, indoor movie theaters (no adult entertainment), paintball facilities, reception halls or banquet / event facilities, etc.
- Instructional services, such as art studios, dance studios, educational support services, gymnastics or martial arts instruction, etc.
- Food establishments and restaurants (see RESTAURANT), such as quick service and dine-in restaurants
- Marina and docking areas for boats and pleasure craft
- Service and repair services, such as computer or phone repair, jewelry repair, shoe repair, etc. (but does not include automobile, vehicle, or equipment repair or service)
- Personal services, such as banks or credit unions, beauty salons or barber shops, cash advances or payday loans, dry cleaning or laundry receiving station (storefront only), employment services, fitness centers or gyms, laundromats, nail or tanning salons, photography studios, print or copy shops, and/or tailoring or dressmaking, etc.

**REZONE.** Approval granted through the PC and the legislative body in accordance with IC 36-7-4-608 to change the zoning classification of a particular parcel. Also referred to as a zone map change.

**RIGHT-OF-WAY.** Right-of-way is defined as:

- A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses;
- Generally, the right of one to pass over the property of another.

**ASSUMED or APPARENT RIGHT-OF-WAY.** A right-of-way where there is no recorded instrument of right-of-way and the front property line is defined by deed as the centerline of the street road and where the city and/or county have “assumed” or established it as right-of-way without explicit legal documentation through adverse use through a long-term, uninterrupted use and maintenance as allowed by Indiana Code.

**DEDICATED RIGHT-OF-WAY.** A right-of-way that is dedicated for public use and as a public right-of-way through a written, recorded instrument (such as a deed or plat).

**ROAD.** A public or private way that is used for vehicular travel. This can also be referred to as a street, highway, parkway, or similar term.

**PRIVATE ROAD.** A private roadway that serves up to seven single-family and/or two-family dwelling units pursuant to access easements and all requirements of this UDO.

**PUBLIC ROAD.** Any vehicular way, which includes the land between the street lines (whether improved or unimproved) and all right-of-way, and that is:

- An existing state, county, or municipal roadway;
- Shown upon a plat approved pursuant to law;
- Approved by other official action;
- Shown on a plat duly filed and recorded in the Records Office; or
- Shown on the official map or adopted master plan.

**ROAD CLASSIFICATIONS.** Road classifications are determined by the Comprehensive Plan.

**ROADSIDE STAND.** A temporary structure designed or used for the seasonal display or sale of agriculture-related products.

**RULES AND PROCEDURES.** The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

**RURAL EVENT VENUE.** A facility or location where events are permitted to occur on a periodic, reoccurring, or regular basis, generally with a use agreement between a private group or individual and the facility owner, in a predominately rural and/or agricultural area. The event and/or facility may be a primary or accessory use. For purposes of this definition, a rural event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. This definition does not include family events or gatherings that are held on their own property or annual events, fairs festivals, and similar events that occur for a short period once a year.

**SALVAGE YARD.** See JUNKYARD.

**SCHOOL.** Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge. This includes charter schools (as defined by IC 36-7-2.4-2); nonpublic school (as defined by IC 36-7-2.4-3); and public schools (as defined by IC 36-7-2.4-4). This does not include daycares or preschools not covered by the above types of schools.

**SCREENING.** A structure or vegetation that conceals an area from view.

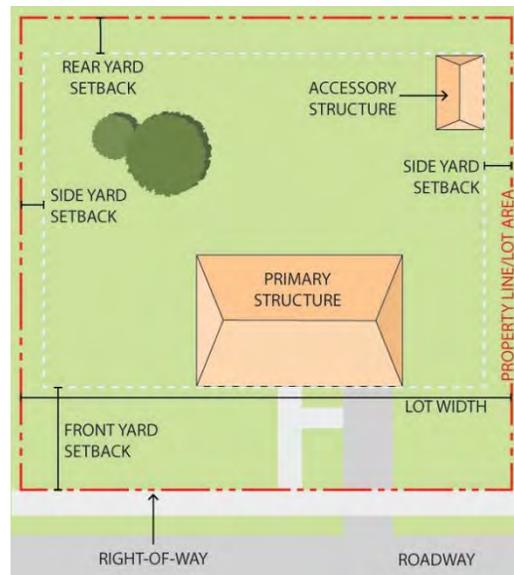
**SEPTIC SYSTEM.** An on-site sewage treatment system as allowed and permitted by IDEM and/or the Jefferson County Health Department.

**SERVICE-ORIENTED RETAIL.** See RETAIL, SERVICE-ORIENTED.

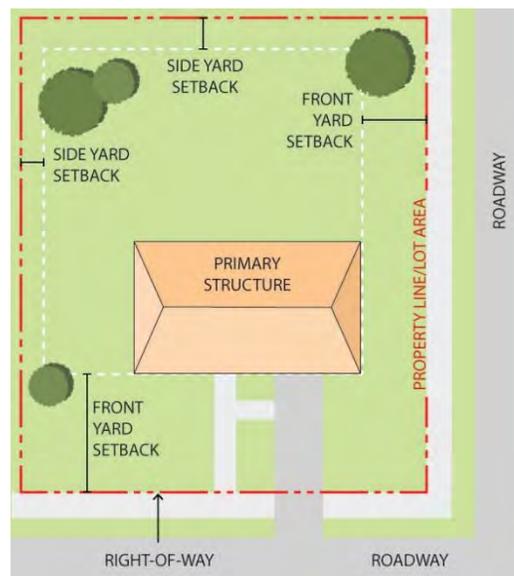
**SETBACK.** The distance between any structure or building and the property line or specified place of measurement. For flag lots, the “flag pole” shall not be used in determining the setbacks.

**CORNER LOT SETBACK.** A corner lot will have two front yard setbacks and two side yard setbacks; it will not have a rear yard setback.

**FRONT YARD SETBACK.** Any property line abutting a public or private street shall be considered a front property line or yard. The minimum front yard setback is measured from the property line. If right-of-way is not dedicated by written, recorded document, the setback shall be measured from the back of curb or the edge of pavement if there is not a curb.



Example of Setbacks



Example of Corner Lot Setbacks

**REAR YARD SETBACK.** The minimum rear yard setback is measured from the rear property line.

**SIDE YARD SETBACK.** The minimum side yard setback is measured from the side property line.

**SETBACK LINE.** A line drawn along the required minimum setback.

**SEWAGE TREATMENT PLANT, CENTRALIZED.** Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

**SEWER.** Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.

**SANITARY SEWER.** A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

**SEWER AND WATER SYSTEM, PUBLIC.** Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

**SEXUALLY ORIENTED BUSINESS.** An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment (IC 12-7-2-1.8), semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

**SHIPPING CONTAINER.** See CARGO CONTAINER.

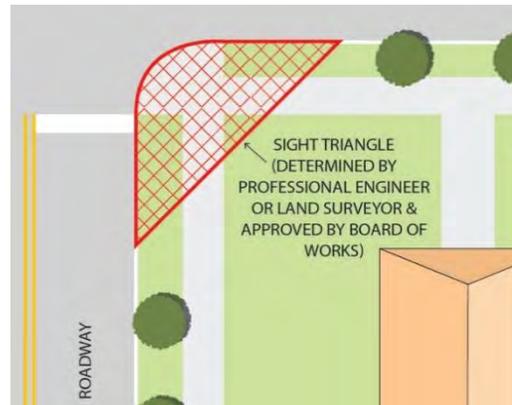
**SHOOTING RANGE.** An area or structure used for the controlled practice of shooting of firearms, archery, or other similar means that are indoor or outdoor facilities. Activities can also include practice, training, or competitions. This can also be referred to as a gun range or firing range.

**SHORT-TERM RENTAL.** In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than 30 days at a time through a short-term rental platform.

**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.

**SIDEWALK.** A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

**SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. This can also be referred to as a vision clearance zone or triangle. The dimensions of a sight triangle will vary depending on the specific site conditions (such as speeds, topography, sight distance, etc. The dimensions of a sight triangle shall be determined for each specific location by a Professional Engineer or Professional Land Surveyor and approved by the Board of Works.



*Example of Sight Triangle*

**SIGN.** Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity.

- ABANDONED SIGN.** A sign that is:  
 Associated with an abandoned use;
- Remains after the termination of the business; and/or
  - Is not adequately maintained or repaired.

**ELECTRONIC VARIABLE MESSAGE (EVMS) SIGN.** A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

**LEGAL NON-CONFORMING SIGN.** A pre-existing, legally permitted 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.

**ILLUMINATED SIGN.** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

**PERMANENT SIGN.** A sign attached to a structure or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.

**TEMPORARY SIGN.** Any sign that is temporarily used for a specific and shorter duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (such as property for sale, special events, grand openings, sales, etc.) or a short period of time.

**SIGN TYPES.** For the purposes of this UDO, the following sign types are defined.

**AWNING SIGN.** A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window or entrance.

**BANNER SIGN.** A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other materials that are not built as a permanent foundation for the sign. Banner signs do not include feather flag signs.

**BILLBOARD SIGN.** See POLE SIGN.

**HANGING SIGN.** A sign that is suspended from the underside of a horizontal plane surface and is supported by that surface, such as a single post or the underside of a ceiling or canopy. Also known as a canopy or swing sign.

**HUMAN SIGN.** A sign that is worn or held by a person for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

**INFLATABLE SIGN.** Any sign or device which is capable of being expanded by any gas or air and used on a temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered (such as an inflatable wind dancer) or otherwise anchored to the ground or structure and feather flag signs.

**MONUMENT SIGN.** A freestanding sign in which the bottom edge of the sign is in contact with the ground or is suspended or supported by two upright posts or braces located within close proximity to the ground (such as 1 foot). Also known as a ground, site, post, or pylon sign.

**MOVING SIGN.** A temporary sign that is designed to rotate or move in a comparable manner by means of electrical, mechanical, and/or wind power.

**MURAL SIGN.** A sign that consists of painting or similar medium that is directly placed on an exterior wall of a building or structure that may or may not contain a commercial message.

**POLE SIGN.** A sign anchored directly to the ground or supported by one post, column, or other vertical structure or support. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground.

**PORTABLE SIGN.** 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; benches; menu or sandwich board 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.

**POST SIGN.** A sign anchored directly to the ground or supported by more than one post, column, or other vertical structure or support. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground.

**PROJECTING SIGN.** A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from that building. Also known as a blade sign.

**ROOF SIGN.** Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure

**VEHICLE SIGN.** A sign that is placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. Vehicle signs do not include:

- Passenger vehicles
- Non-passenger vehicles (such as box trucks, semi-trucks, trailers, etc.) that are lawfully:
- Parked overnight during non-business hours at a driver's residence or business;
- Parked while conducting lawful business; and
- Parked on a construction site in conjunction with construction operations

**WALL SIGN.** Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. Also referred to as a façade sign. See also MURAL.

**WINDOW SIGN.** Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this definition, a “window” is defined as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people inside to see out.

**YARD SIGN.** A temporary or permanent sign that is typically under waist height and are usually supported by metal wire or small stakes driven directly into the ground.

**SIGN AREA.** The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SIGN FACE.** The surface intended for the display of information on the sign.

**SIGN HEIGHT (ABOVE GROUND).** The vertical measurement from the lowest ground elevation at the foundation to the top of the sign structure or its frame/support.

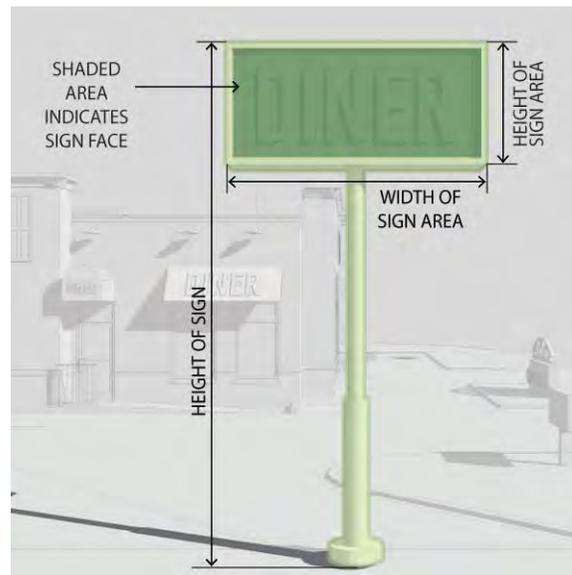
**SIGN STRUCTURE.** The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

**SITE PLAN.** A plan for one or more parcel on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; bufferyards and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.

**SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY SYSTEM (SES).** A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. For purposes of this ordinance, an SES is classified as Accessory SES or Commercial SES.

**ACCESSORY SES.** An SES where the energy, electricity, and/or power where the primary use of the power is on-site and it is located on the same parcel where the power is used in order to reduce on-site consumption of utility power or fuels. Accessory SES can include building-integrated, ground-mounted, pole-mounted, roof-mounted, and solar carport.



*Example of Sign Area and Sign Measurement*

**BUILDING-INTEGRATED SES.** An accessory solar energy system that is an integral part of a primary or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building- integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**COMMERCIAL SES.** A SES where the energy, electricity, and/or power is intended primarily for off-site use. This includes a SES where power is sent to or placed onto the public power grid or a SES that is not located on the same parcel where the power is used. Commercial SES are commonly referred to as solar fields or solar farms.

**GROUND-MOUNTED SES.** A solar energy system mounted on a rack that rests on or is attached to the ground.

**POLE-MOUNTED SES.** A solar energy system mounted on a pole.

**ROOF-MOUNTED SES.** A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof.

**SOLAR CARPORT SES.** A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

**SOLAR COLLECTOR.** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

**SOLAR-READY DESIGNED STRUCTURES.** The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.

**SPECIAL EXCEPTION.** Permission granted by the BZA in accordance with IC 36-7-4-918.2 to allow a use, designated in *SECTION 2.21: PERMITTED & CONDITIONAL USES* as being permitted by special exception in the zoning district, when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this UDO.

**STADIUM.** See ARENA.

**STATE.** The State of Indiana.

**STORAGE UNITS, SELF-STORAGE, OR MINI-STORAGE.** A building(s) or area consisting of individual, self-contained units or spaces leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles (RV's), boats, or other similar items. Common terms also include self-storage or mini-storage facility.

**STORY.** That portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

**STREET.** See ROAD.

**STREET CLASSIFICATION.** See ROAD CLASSIFICATION.

**STRUCTURE.** A combination of materials that are assembled for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

**ACCESSORY STRUCTURE.** A structure detached from a primary structure (not attached to the foundation of the primary structure) located on the same parcel and customarily incidental and subordinate to the primary structure or use. For purposes of this UDO, a fence is considered an accessory structure.

**AGRICULTURAL STRUCTURE.** A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

**ATTACHED STRUCTURE.** A structure which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

**DETACHED STRUCTURE.** A structure having no structural connection with another structure.

**ENCLOSED STRUCTURE.** A structure with a roof/ceiling and walls on all sides.

**PORTABLE STRUCTURE.** Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon.

**PRIMARY STRUCTURE.** A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

**TEMPORARY STRUCTURE.** A structure that is erected without any foundation or footings and is removed within 14 days of being erected. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

**STRUCTURE HEIGHT.** See BUILDING HEIGHT.

**SUBDIVIDER.** Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

**SUBDIVISION.** The division of a lot or parcel of land into two or more lots, parcels, or other divisions of land for sale, development, or lease. A subdivision includes the division or development of any land, whether by deed, metes and bounds description, or other recorded instrument. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, or major residential subdivision.

**CLUSTER SUBDIVISION.** A type of major residential subdivision that sets aside a significant portion of the site as conservation land or open space and clusters housing on the remaining portion.

**DOWNTOWN SUBDIVISION.** Approval granted by the PC in accordance with the IC 36-7-4-700 series for a division of a parcel of land within the HDR, CBD, or RF districts for all types of development that meets the standards outlined in outlined in *CHAPTER 6: SUBDIVISIONS*.

**EXEMPT SUBDIVISION.** Divisions of existing parcels of land that are exempt from the subdivision procedures in this UDO as determined by the Administrator and outlined in *CHAPTER 6: SUBDIVISIONS*.

**MAJOR RESIDENTIAL SUBDIVISION.** Approval granted by the PC in accordance with the IC 36-7-4-700 series for any division of a parcel of land for residential development that meets the standards outlined in outlined in *CHAPTER 6: SUBDIVISIONS*.

**MINOR RESIDENTIAL SUBDIVISION.** Approval granted by the PC in accordance with the IC 36-7-4-700 series for a division of a parcel of land for residential development resulting in seven lots or less and meets the standards outlined in outlined in *CHAPTER 6: SUBDIVISIONS*.

**NON-RESIDENTIAL SUBDIVISION.** Approval granted by the PC in accordance with the IC 36-7-4-700 series for the subdivision of a parcel of land for commercial, industrial development, mixed use, and all other types of development that are not exclusively residential and meets the standards outlined in *CHAPTER 6: SUBDIVISIONS*.

**SURETY BOND.** A three-party contract where one party (the surety) guarantees the performance or obligations of another party (the principal, typically the applicant or developer as it relates to this UDO) to a third party (the obligee, typically the city as it relates to this UDO).

**MAINTENANCE SURETY.** A bond or other form of guarantee for the maintenance of all required public improvements during the construction process.

**PERFORMANCE SURETY.** A bond or other form of guarantee for the installation of all required public improvements during the construction process.

**SWIMMING POOL.** A self-contained body of water at least 24 inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

**TAVERN.** An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold.

**TEMPORARY STORAGE CONTAINER.** A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. These containers are not on a chassis and do not have axles or wheels and do not have permanent foundation or footing. Examples include, but are not limited to, Portable On Demand Storage (PODS), cargo containers, portable storage containers, truck trailers, and build solid waste containers.

**THOROUGHFARE PLAN.** The portion of the Comprehensive Plan which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders, local streets, streets, and rights-of-way within the jurisdictional area, as amended from time to time under IC 36-7-4-506.

**TIMBER PROCESSING.** An industrial process of converting felled trees into finished lumber, wood panels, and other usable timber products.

**TOURIST CABIN or HOME.** See HOTEL.

**TOWNHOME.** See DWELLING, SINGLE-FAMILY ATTACHED.

**TRACT.** See LOT.

**TRANSPARENCY.** With regard to a building façade, the percentage of a street-facing building façade that is covered by glazed elements that are clear and non-reflective and may not be painted or tinted.

**TRUCKING TERMINAL.** A freight or relay station for the transfer or exchange of cargo from one vehicle, form of transportation, or party to another. This does not include long-term or permanent storage.

**UNIFIED DEVELOPMENT ORDINANCE (UDO).** A Unified Development Ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by IC 36-7-4-610 and adopted by the legislative body and which may be amended from time to time.

**USE.** The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

**ACCESSORY USE.** A use that:

- Is clearly incidental and customarily found in connection with a primary structure or use;
- Is subordinate to and serves the primary use;
- Is subordinate in area, extent, intensity, or purpose to the primary use served;
- Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
- Is located on the same parcel as the primary use served.

**PRIMARY USE.** The predominant use of any lot or parcel or as determined by the primary structure.

**TEMPORARY USE.** A use established for no more than 14 consecutive days with the intent to discontinue such use upon the expiration of the time period. A temporary use usually does not involve the construction or alteration of any permanent structure.

**UTILITY.** Defined as any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; and is a closely regulated enterprise with a franchise for providing a needed service.

**PRIVATE UTILITY FACILITY.** Any facility or use that is located on an individual parcel (outside of a public right-of-way) operated by a utility that is not under the jurisdiction or regulation of the Indiana Utility Regulatory Commission (IURC) This term does NOT include any other use specifically included in *SECTION 2.21: PERMITTED & CONDITIONAL USES* (including but not limited to CSES, BESS, and WECS) and does not include public utilities regulated by the IURC or the installation of cables, lines, and similar utilities for home or individual service to a parcel (such as internet, cable, phone).

**PUBLIC UTILITY FACILITY.** As regulated by IC 8-1-2, every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the:

- The conveyance of telegraph and telephone messages;
- The production, transmission, delivery, or furnishing of heat, light, water, or power; or
- Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

**UTILITY MAIN EXTENSION.** The extension of utility infrastructure for future use by surrounding property owners including, but not limited to, water and sanitary sewer.

**VARIANCE.** Permission granted by the BZA in accordance with IC 36-7-4-918.5 to depart from specific development standards for a zoning district within this UDO.

**VARIANCE OF USE.** Permission granted by the BZA in accordance with IC 36-7-4-918.4 to allow a specific use that is not otherwise permitted in a zoning district as a permitted use or special exception use as outlined in *SECTION 2.21: PERMITTED & CONDITIONAL USES*.

**VEHICLE AND EQUIPMENT REPAIR OR SERVICE.** Business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. Uses include, but are not limited to, tire sales and service, automobile washes, and oil change establishments.

**VEHICLE & EQUIPMENT SALES.** Business that sells or leases new and used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles.

**VEHICLE IMPOUND LOT.** See JUNKYARD.

**VETERINARY SERVICES.** A facility where veterinarians provide healthcare and preventive measures for animals. For the purposes of this UDO, if overnight kennels are included within the facility, that portion of the facility shall be considered a kennel. Short-term use of kennels for holding animals before/after procedures and similar needs are permitted with veterinary services.

**WAIVER.** Permission to depart from specific development standards of the subdivision regulations and as specifically identified in this UDO.

**WAREHOUSING AND DISTRIBUTION.** A use and/or facility where goods are received and/or stored for delivery to the ultimate customer at remote locations. For purposes of this UDO, non-hazardous indoor storage is considered warehousing and distribution. For purposes of this ordinance, warehousing and distribution does not include trucking terminals.

**WASTE TRANSFER FACILITY.** A facility where waste is temporarily held before being transported to a landfill, recycling facility, or other treatment facility. Collection can be from individuals or from trash collection trucks. This can also be referred to as a waste transfer station.

**WHOLESALE.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users, or to other wholesalers. For purposes of this UDO, wholesale businesses are not considered general retail.

**WILDLIFE & NATURE PRESERVE.** Open space intended to remain in a predominately natural or undeveloped state to provide possible opportunities for passive recreation.

**WIND ENERGY SYSTEM (WES).** A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

**COMMERCIAL WES (CWES).** The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of more than 100 kW or a system height of more than 80 feet.

**SMALL or MINI WES.** The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity less than 10 kW and a system height of less than 45 feet. For the purposes of this Ordinance, a roof-mounted structure shall be considered a Mini WES if it meets the rated capacity and height requirements set forth in this Section. Only one Mini Wind Energy System may be permitted per principal structure. Mini WES shall be considered an accessory use in all zoning districts.

**WES NONPARTICIPATING PROPERTY.** A lot or parcel of real property that is not owned by a project owner and the following conditions are met.

- The project owner does not seek:
  - To install or locate one or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
  - To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a wind power project;
- The owner of the property does not consent:
  - To having one or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
  - To otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a wind power project.
- The owner of the property does not participate in a wind power project through:
  - A neighbor agreement;
  - A participation agreement; or
  - Another similar arrangement or agreement with a project owner.

**WIND TURBINE LIGHT MITIGATION TECHNOLOGY.** Any technology used in connection with a wind power device to shield, limit, or otherwise mitigate the amount, intensity, character, or visibility of light emitted from the wind power device.

**WINERY, BREWERY & DISTILLERY.** A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

**WINDOW.** An opening in a wall or roof which functions or appears to function to admit light into a building or structure.

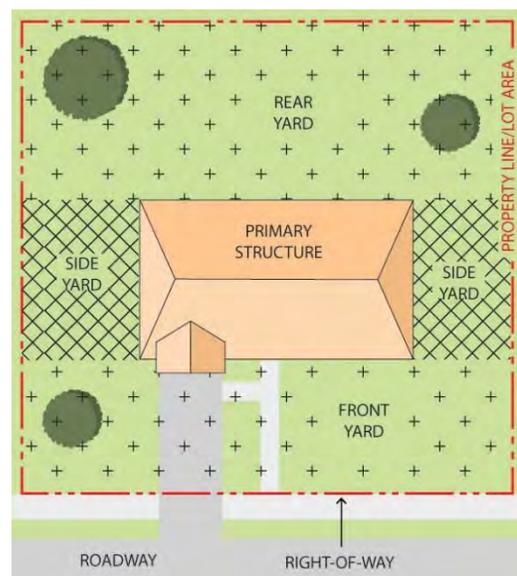
**WIND POWER DEVICE.** A device, including a windmill or a wind turbine, which is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

**WIRELESS COMMUNICATION FACILITY.** Any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

**YARD.** A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

**FRONT YARD.** A space extending across the full width of the parcel between any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.

**REAR YARD.** A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.



Example of Yards

**SIDE YARD.** A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicular from the side lot line to the closest point of the primary structure.

**ZONING DISTRICT.** A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.

**ZONING MAP.** The map or maps that are considered a part of this UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.

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# MADISON

*Indiana*

UNIFIED DEVELOPMENT ORDINANCE

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## ZONING DISTRICTS

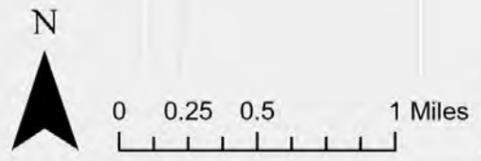
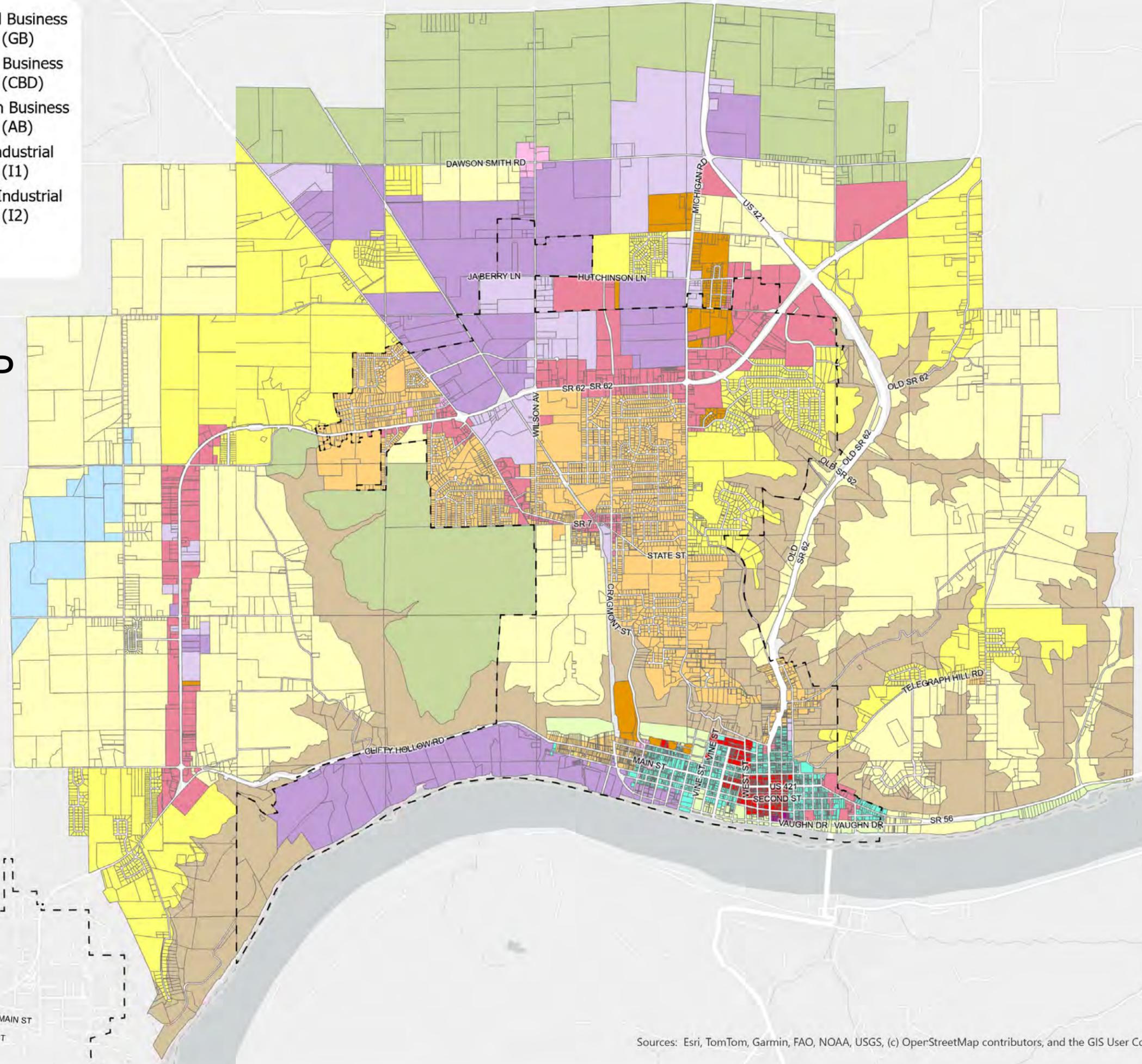
The legacy zoning districts from the 2016 zoning ordinance will be converted to the updated districts within the Unified Development Ordinance (UDO). The following table outlines the conversion from the legacy zoning districts to the UDO districts.

Legacy Districts (2016 Zoning Ordinance)	UDO Zoning Districts
Agricultural (AG)	Agricultural (AG)
Residential Agricultural (RA)	Residential Agricultural (RA)
Hillside (HS)	Hillside (HS)
Open Space (OS)	Open Space (OS)
Low Density Residential (R-4)	Low Density Residential (R1)
Medium Density Residential (R-8)	Medium Density Residential (R2)
High Density Residential (R-32) Residential Mobile Manufactured Home Park (RMH)	High Density Residential (R3)
Historic District Residential (HDR) Professional, Research, Office District (PRO) Specialty District (SD)	Historic Residential (HDR)
Riverfront (RF)	Riverfront (RF)
Local Business District (LB)	Local Business (LB)
General Business District (GB)	General Business (GB)
Central Business District (CBD)	Central Business (CBD)
---	Aviation Business (AB)
Light Manufacturing District (M-1)	Light Industrial (I1)
Heavy Manufacturing District (M-2)	Heavy Industrial (I2)
Planned Unit Development (PUD)	Planned Unit Development (PUD)

-  Municipal Boundary
-  Agricultural District (AG)
-  Open Space District (OS)
-  Hillside District (HS)
-  Residential Agricultural (RA)
-  Low Density Residential (R1)
-  Medium Density Residential (R2)
-  High Density Residential (R3)
-  Historic District Residential (HDR)
-  Riverfront District (RF)
-  Local Business District (LB)
-  General Business District (GB)
-  Central Business District (CBD)
-  Aviation Business District (AB)
-  Light Industrial District (I1)
-  Heavy Industrial District (I2)

# CITY OF MADISON OFFICIAL ZONING MAP

Adoption Draft: 12-30-25

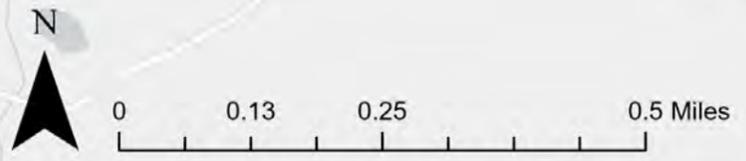
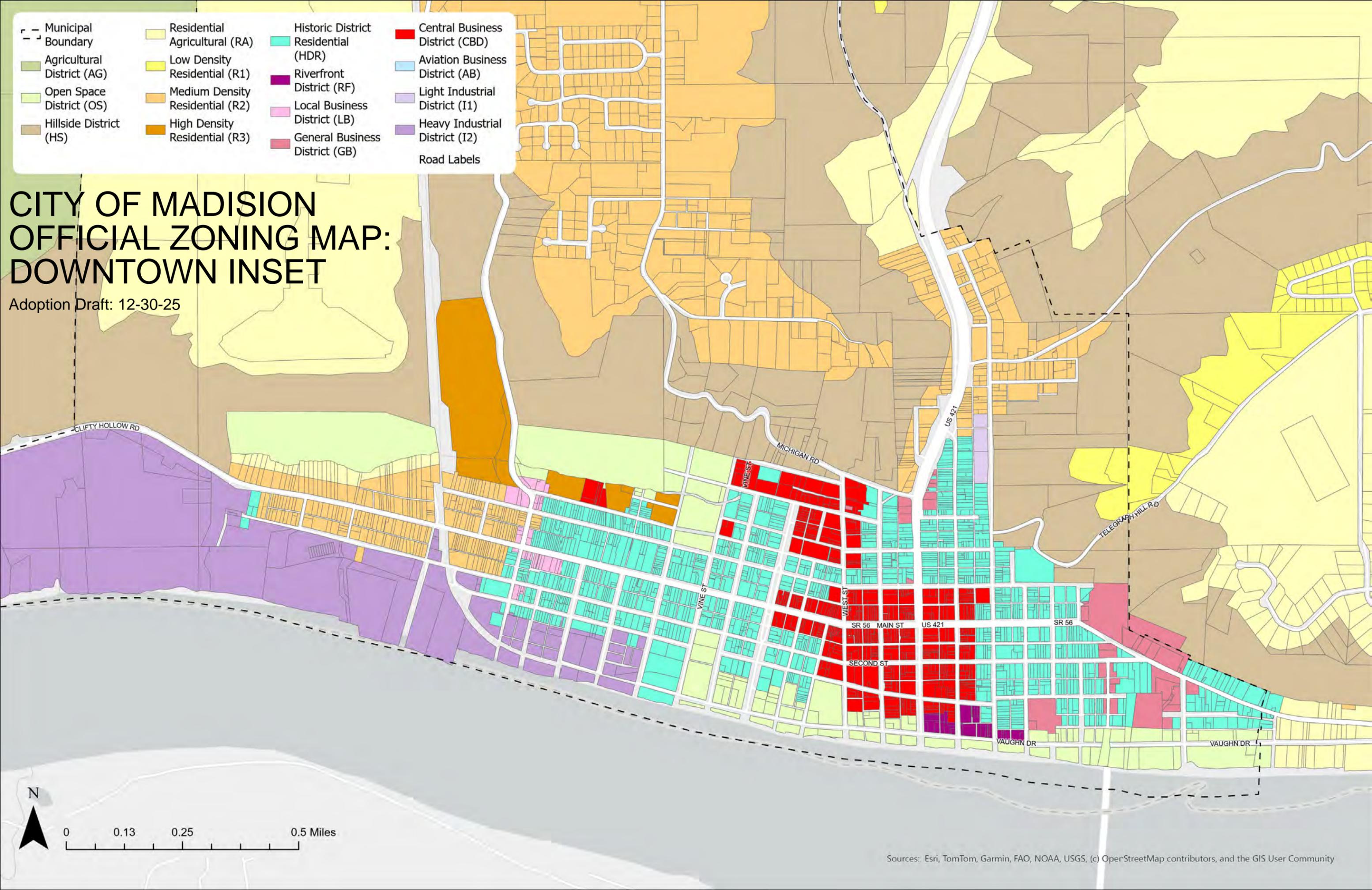


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

- Municipal Boundary
- Agricultural District (AG)
- Open Space District (OS)
- Hillside District (HS)
- Residential Agricultural (RA)
- Low Density Residential (R1)
- Medium Density Residential (R2)
- High Density Residential (R3)
- Historic District Residential (HDR)
- Riverfront District (RF)
- Local Business District (LB)
- General Business District (GB)
- Central Business District (CBD)
- Aviation Business District (AB)
- Light Industrial District (I1)
- Heavy Industrial District (I2)
- Road Labels

# CITY OF MADISON OFFICIAL ZONING MAP: DOWNTOWN INSET

Adoption Draft: 12-30-25



## OVERLAY DISTRICTS

The following overlay districts would be established with the new UDO. While these districts are not an overlay within the current zoning ordinance, they are already in effect through other local ordinances or state or federal regulations as indicated below. The official boundaries of the overlay districts are specified in the UDO and the following maps are intended to graphically represented these areas.

UDO Overlay Districts	Current Governing Regulation
Flood Hazard Overlay (FH)	<ul style="list-style-type: none"><li>• Madison Flood Hazard Area Ordinance (Madison Code of Ordinances, Ch 156: Floodplain Regulations)</li><li>• Indiana Floodplain Mapping (IDNR)</li></ul>
Historic District Overlay (HD)	<ul style="list-style-type: none"><li>• Madison Historic District Ordinance (Madison Code of Ordinances, Ch 151: Historic District)</li></ul>
Airport Protection Overlay (AP)	<ul style="list-style-type: none"><li>• 14 CFR Part 77: Safe Efficient Use, and Preservation of the Navigable Airspace</li><li>• Indiana Tall Structures Act (IC 8-21-10)</li><li>• FAA Advisory Circular 150/5200-33A</li></ul>

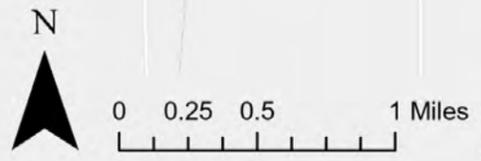


 Municipal Boundary  
 Boundary  
 Flood Hazard Zone 2023

# CITY OF MADISON OFFICIAL ZONING MAP: FLOOD HAZARD OVERLAY

Adoption Draft: 12-30-25

NOTE: The boundaries of this overlay shall mirror the boundaries of the special flood hazard areas as shown on the Indiana Floodplain Mapping ("Best Available Data Layer") of the Indiana Department of Natural Resources (IDNR) / Division of Water and shall be automatically updated as amendments are approved by IDNR.

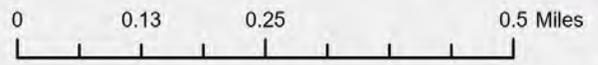
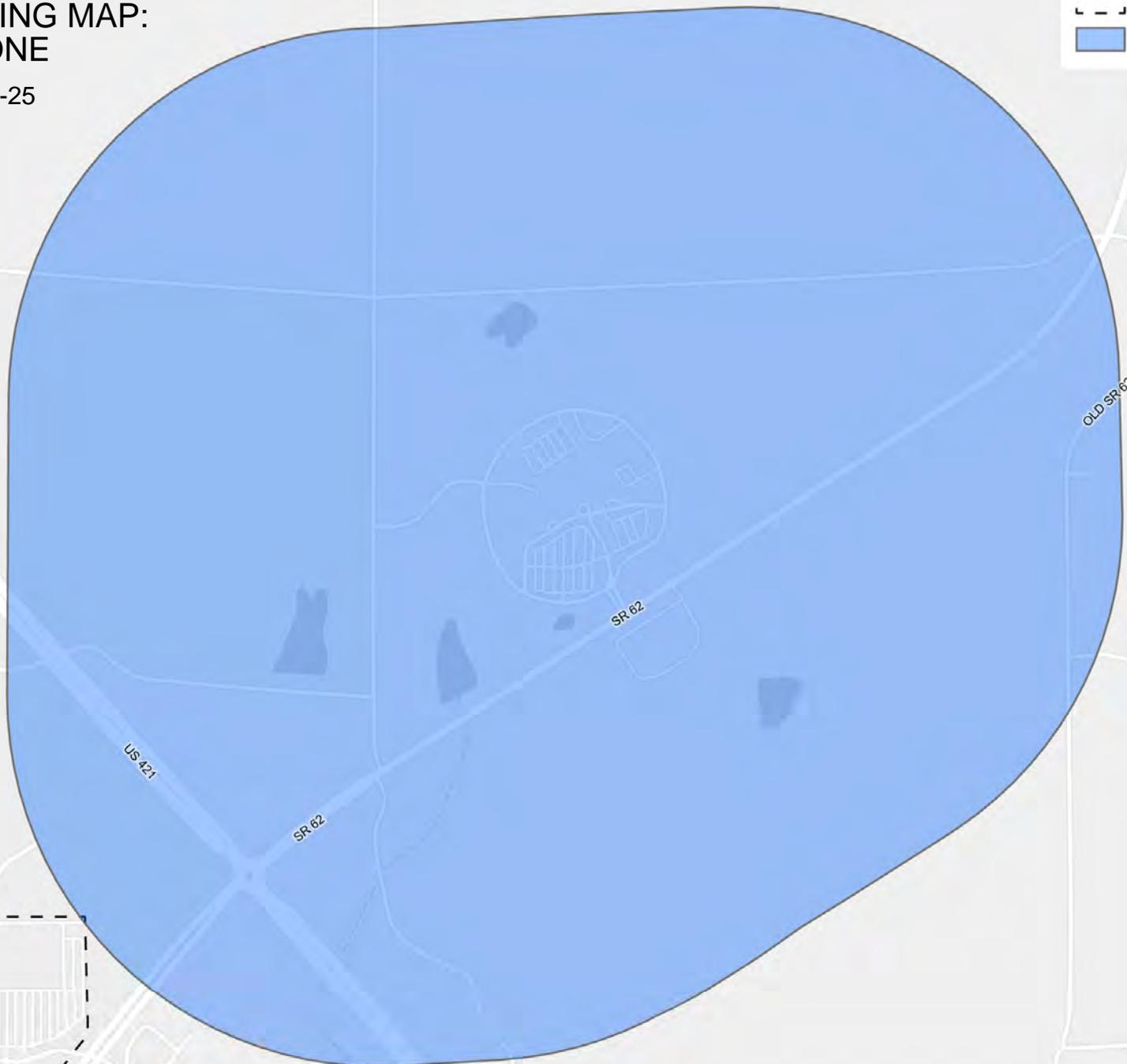


# CITY OF MADISON OFFICIAL ZONING MAP: AP HEIGHT ZONE

Adoption Draft 12-30-25

NOTE: The boundaries of this overlay extend 2,500 feet from a parcel boundary that has a heliport/helipad that is regulated by the Federal Aviation Administration (FAA)

[- - -] Municipal Boundary  
[Blue Box] AP Height Limit Zone



AP Height Limit  
Zone

Municipal  
Boundary

# CITY OF MADISON OFFICIAL ZONING MAP: AP HEIGHT ZONE

Adoption Draft 12-30-25

NOTE: The boundaries of this overlay extend 6,000 feet from a parcel boundary that has a runway (or supporting airport use) or 2,500 feet from a parcel boundary that has a heliport/helipad that is regulated by the Federal Aviation Administration (FAA)



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

- AP Noise Zone
- Municipal Boundary
- Road Labels

# CITY OF MADISON OFFICIAL ZONING MAP: AP NOISE ZONE

Adoption Draft 12-30-25

NOTE: The boundaries of this overlay extend 3,000 feet southeast of the Madison Regional Airport, measured from the point along the parcel boundary that is furthest from the edge of the runway, and extended one nautical mile (6,076 feet) northeast and southwest, measured from the point along the parcel boundary that is furthest from each end of the runway; and 3,000 feet northwest of the Madison Regional Airport, measured from the point along the parcel boundary that is furthest from the edge of the runway; and extended one nautical mile (6,076 feet) northeast and southwest, measured from the point along the parcel boundary that is furthest from each end of the runway.



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

