
Zoning Ordinance
Article Eight

Site Development Plans

Article Eight

Site Development Plans

8.1 Intent

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

8.2 Site Development Plan Required

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



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

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

8.3 Review and Approval Authority

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

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

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

8.4 Review Process and Standards

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

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

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

temporary utility connections, the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

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

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

8.5 **Written Commitments:**

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

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

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

8.6 Appeal of Technical Review Committee Determinations

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

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