
Madison County, Indiana

Land Use & Development Code Basic Provisions

Basic Provisions

1.1 Title

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

1.2 Defined Words & Construction

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

1.3 Jurisdiction

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

1.4 Purpose

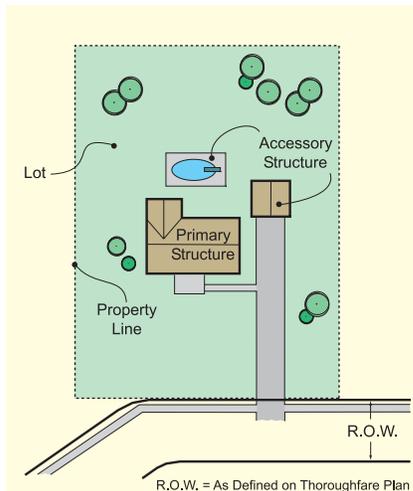
The purpose of this Code is to provide a common means of organizing the regulations that apply to land use and development in Madison County. This Code provides a unified format and consistent definitions which are applicable to each Ordinance which it includes. Further, the organization of related Ordinances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

1.5 Basic Provisions:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Arterial Road: See Road, Arterial

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

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

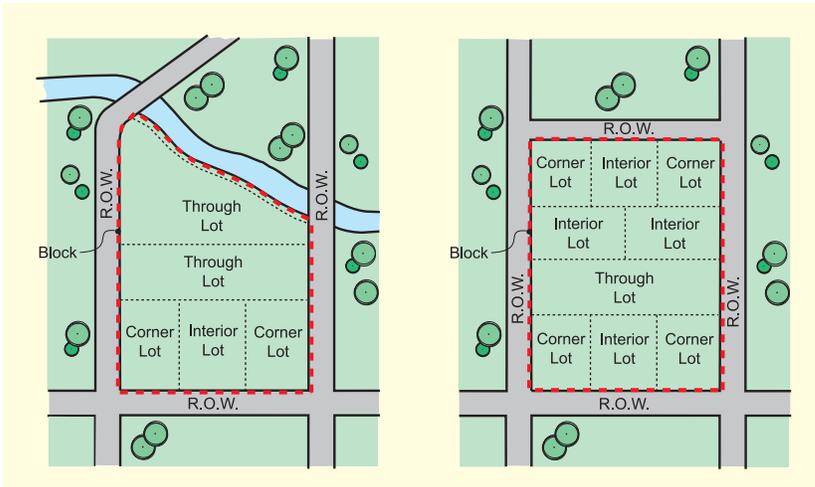
Automobile Gas (Service) Station: Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and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

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

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

Billboard: See Sign, Off-Premise.

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



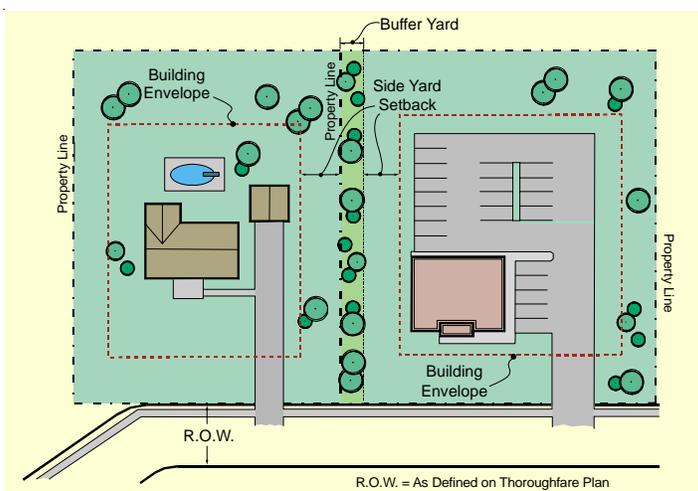
Board of Zoning Appeals: The Madison County Board of Zoning Appeals or any division thereof.

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

Bond: See Surety

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

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

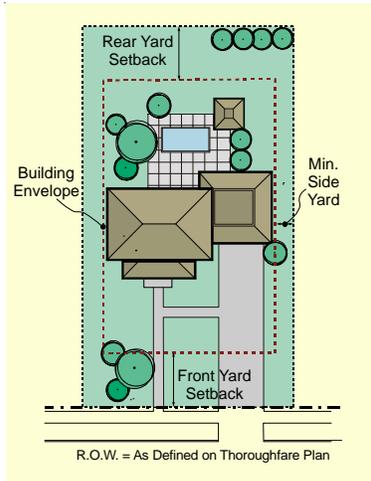


Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

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

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

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



Building Height: See Structure Height

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

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

BZA: See Board of Zoning Appeals

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

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

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

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

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

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

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

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

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

Collector Road: See Road, Collector

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

Commission: See Advisory Plan Commission

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

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

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

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

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

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

County: Madison County, Indiana.

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

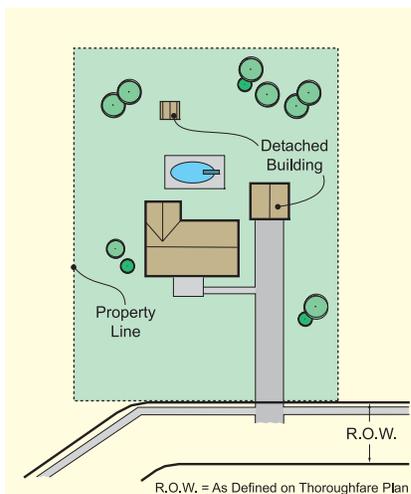
Cul-De-Sac: A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

Day Care Center: see Child Care Center

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

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

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



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

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

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

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

Drives, Private: See Road, Private

Duplex: See Dwelling, Two-Family

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FBFM: Flood Boundary and Floodway Map.

FEMA: Federal Emergency Management Agency.

FHBM: Flood Hazard Boundary Map.

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

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

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

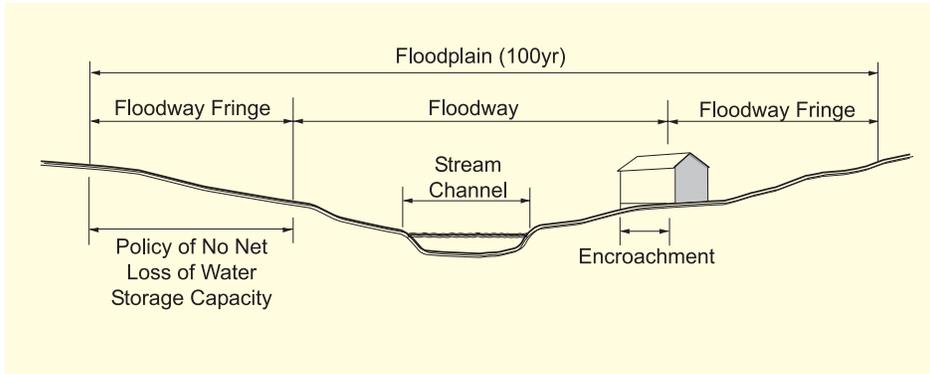
Finished Floor Area: See Floor Area, Finished

FIRM: Flood Insurance Rate Map.

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

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

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



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

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

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

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

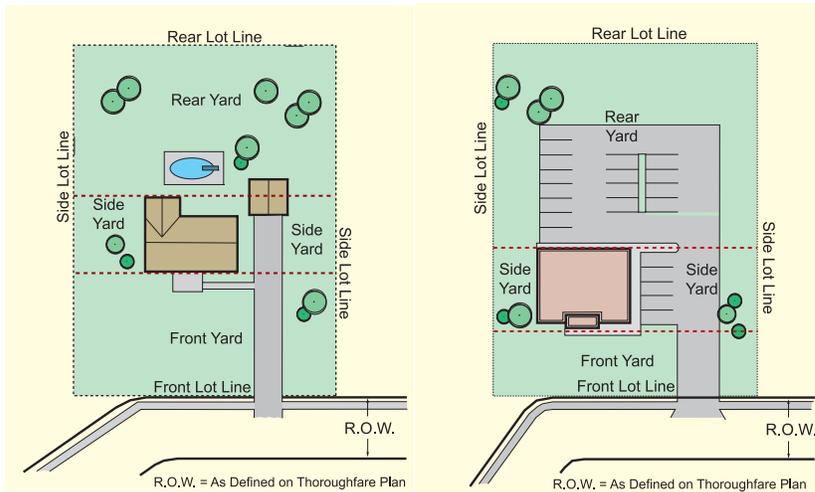
Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The supporting member of a wall or structure.

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

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

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



Frontage: See Lot Frontage

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

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

Ground Floor Area: See Floor Area, Ground

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

Height: See Structure Height

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interior Lot: See Lot, Interior

Interstate: See Limited Access Highway

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

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

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

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

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

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

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

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

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

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

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

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

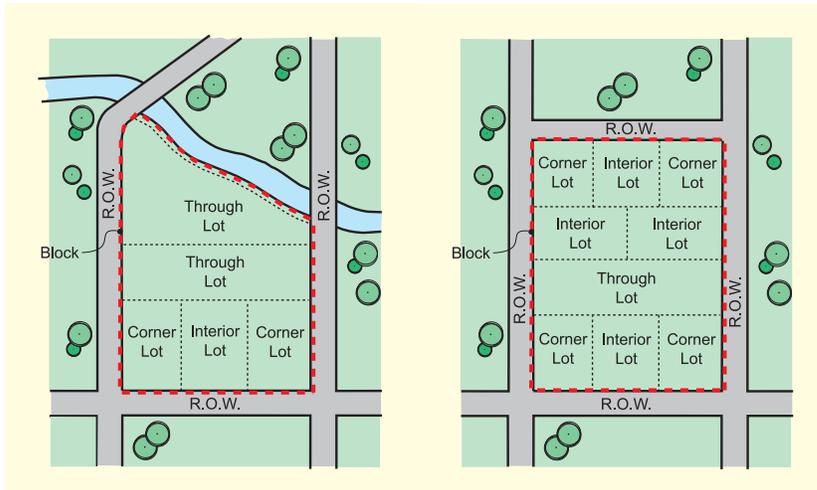
Limited Access Highway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

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

Local Street: See Local Road

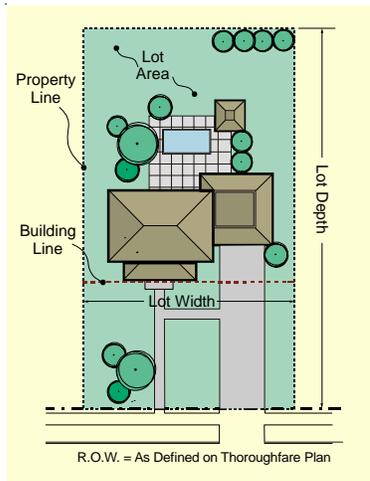
Lodging House: See Boarding House.

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



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

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



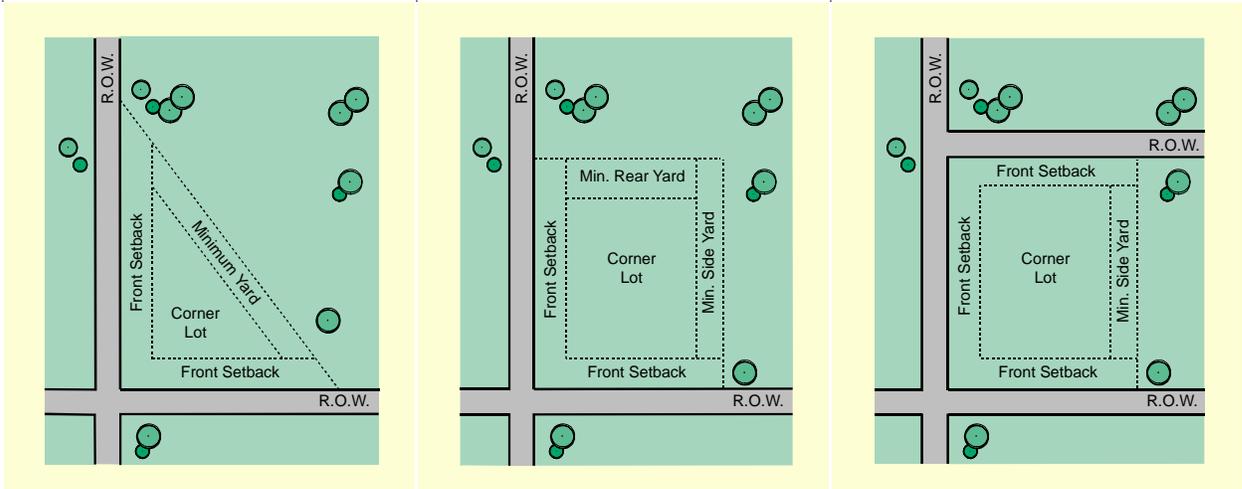
Lot Frontage: All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

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

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

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

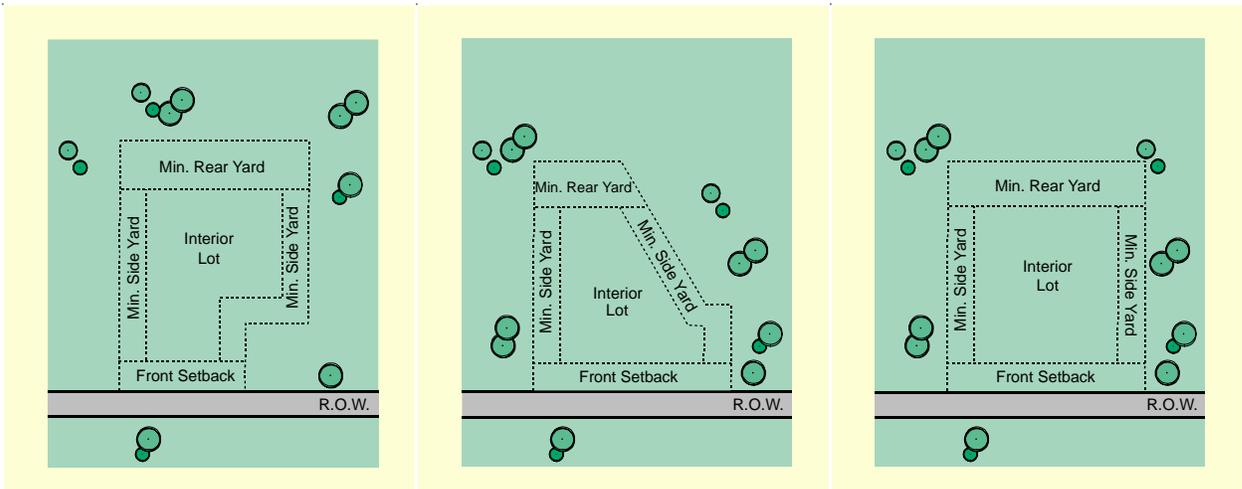
Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.



Lot, Developed: A lot with buildings or structures.

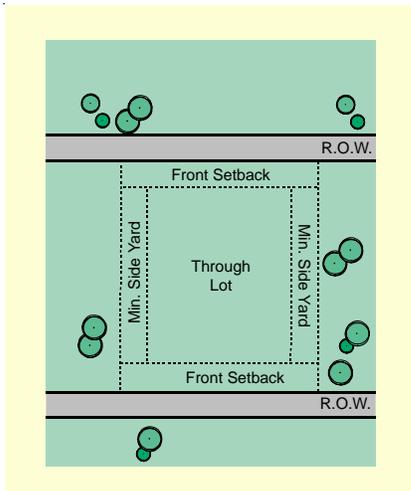
Lot, Improved: See Lot, Buildable

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



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



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

Major Plat: See Subdivision, Major

Major Subdivision: See Subdivision, Major

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

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

Manufactured Home: See Dwelling, Manufactured Home.

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

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

Master Plan: See Comprehensive Plan.

Mobile Home: See Dwelling, Mobile Home.

Mobile Home Park: See Manufactured Home Park.

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

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

Motor Home: See Recreational Vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

Outdoor Storage: See Storage, Outdoor.

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

Parcel: See Lot.

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

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

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

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

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

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

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

Plan: See Comprehensive Plan.

Plan Commission: See Advisory Plan Commission.

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

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

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

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

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

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

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

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

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

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

Preliminary Plat: See Plat, Preliminary.

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

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

Private Road: See Road, Private

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

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

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

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

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

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

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

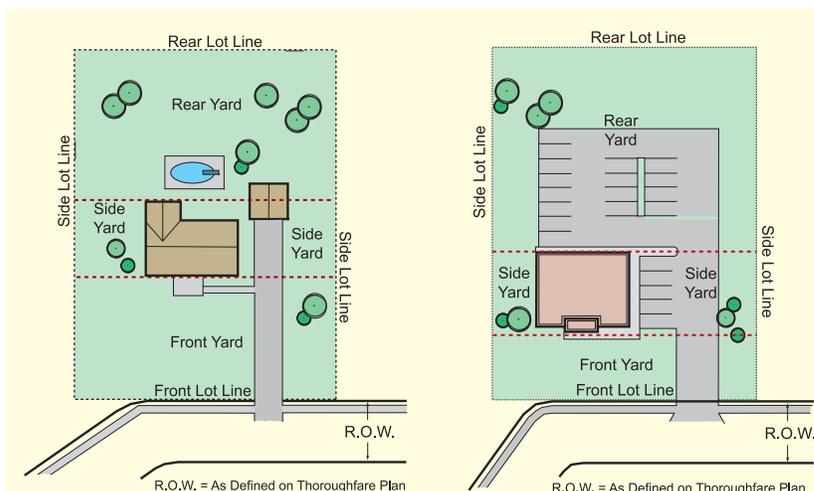
Public Works Agreement: A contract, between the developer and the County to complete the necessary improvements in accordance with the approved plans and specifications by a given date.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ROW: See Right-of Way.

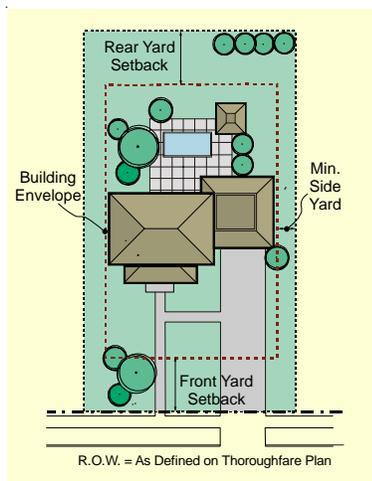
Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

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

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

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

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



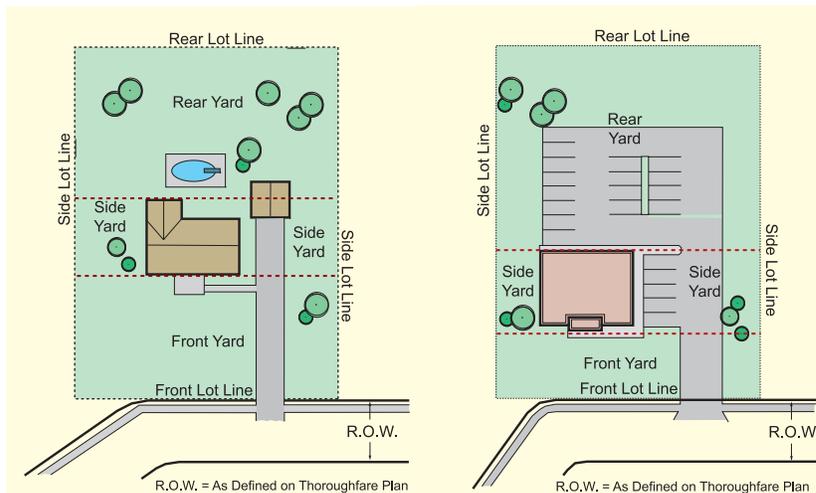
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SFHA or Special Flood Hazard Area: Those lands within the jurisdiction of the County that are subject to inundation by the regulatory flood. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared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

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

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

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



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

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

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

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

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

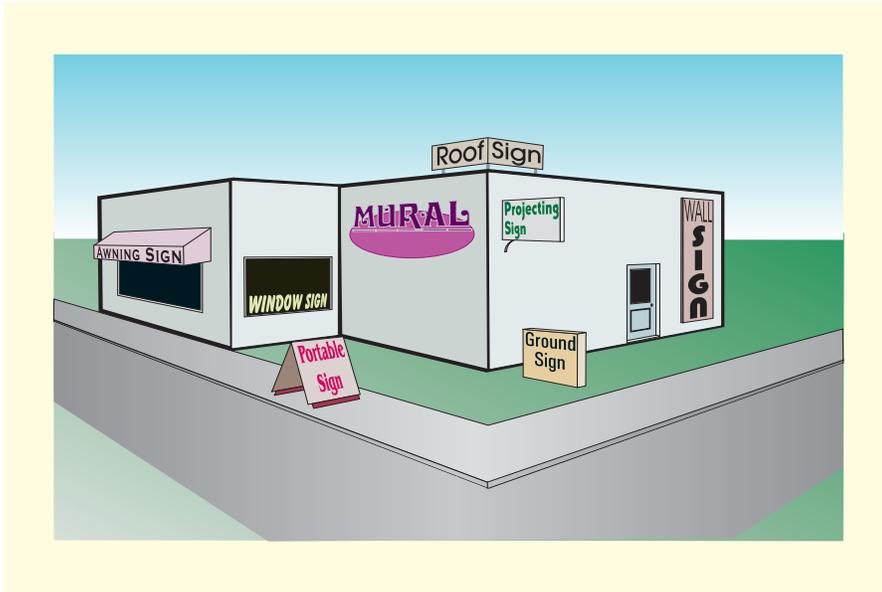
Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

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

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

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

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



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

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

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

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

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

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

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

Special Flood Hazard Area: See SFHA

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

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

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

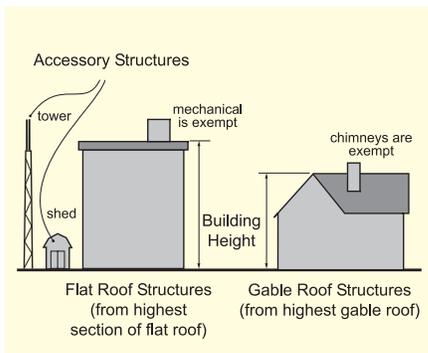
Story: That portion of a building included between the surface of any floor and the surface of the floor

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Zoning District: See District

Zoning Map: See Official Zoning Map

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1.6 Effective Date

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

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

President

Vice-President

Secretary

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

President

ATTEST:

County Auditor

APPROVED AS TO FORM:

County Attorney