
Zoning Ordinance
Article Twelve
Administration

Administration

12.1 Administrative Officer

The Madison County, Indiana Planning Director, including his/her designee(s), will have the principal responsibility for administration and enforcing and/or coordination of the enforcement of this Ordinance. The duties of the Planning Director, or his/her designee shall include, but not be limited to:

- A. Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
- B. Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission and Board of Zoning Appeals;
- C. Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special uses, variances, and appeals;
- D. Receiving, processing and referring to the Plan Commission all amendment applications;
- E. Receiving, processing, and referring to the Board of Zoning Appeals all appeals, variances, special uses, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code.
- F. Provide all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Board of County Commissioners, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

Continued on Page 187

Rev. 2003 S-1

12.3 Technical Review Committee

- A. **Committee Intent:** The Madison County Technical Review Committee (also known and referred to in this Article as the “TRC” and “the Committee”) is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Review Committee is to provide efficiency in the work load of the Plan Commission as well as applicants by establishing a body to make determinations regarding petitions for which the only criteria is consistency with the applicable adopted standards of Madison County. Further, the TRC shall provide for efficiency in the approval process of petitions determined by the Plan Commission and County Commissioners by providing an initial examination and report based on all applicable adopted requirements of Madison County. All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.
- a. Approval Authority: The Technical Review Committee shall have the authority to approve **Site Development Plans** as defined by Article 8 of this Ordinance;
 - b. Review Authority: The Technical Review Committee shall have the authority to review the following types of petitions, forwarding comments to the Madison County Plan Commission:
 - 1. **Re-Zoning Petitions**,
 - 2. **Planned Unit Development Concept Plans**, and
 - 3. **Planned Unit Development Detailed Plans**.
 - c. Appeal Rights: All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in this Article.
- B. **Committee Structure:** The Planning Commission staff shall also serve as the staff for the Technical Review Committee. They shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:
- a. The Technical Review Committee shall, at a minimum, consist of the following members:
 - 1. The Planning Director and other staff of the Plan Commission as determined by the Planning Director;
 - 2. a member of the staff of the local Soil and Water Conservation District or his/her appointee;
 - 3. the County Engineer or his/her appointee;
 - 4. member of the Plat Book Maintenance Department;
 - 5. the County Surveyor or his/her appointee;

Continued on Page 188

Rev. 2003 S-1 Rev. 2005 S-6

-
6. a member or appointee of the County Drainage Board as determined by the Drainage Board; and
 7. a member of the staff of the Madison County Health Department.
- b. Members of the Committee shall either be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the Planning Director prior to the appropriate meeting.
 1. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of Madison County.
 2. If no comments are received from any member of the Committee it shall indicate that they have no objection to any aspect of the petition, and therefore grant their individual approval.
 3. The Planning Director shall determine the action to be taken on each petition by the Committee based on the comments of the Committee members.
 - c. The Planning Director shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree. In cases of disagreement and at his/her discretion, the Planning Director may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request.
 - d. All petitions which are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be tabled and placed on the agenda for the next appropriate Committee meeting.
 1. Prior to that meeting the petitioner shall address the comments of the Committee, making appropriate modifications to the application materials.
 2. The petitioner shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted calendar of meeting and filing dates.
 3. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Planning Director. Any petitions which are withdrawn and are subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.
- C. **Attendance Required:** Either the petitioner or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If either the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate TRC meeting.
- D. **Meeting Record:** The Planning Director shall make written documentation of the comments and findings of the Technical Review Committee for each petition and make those findings available to the petitioner within 3 business days of the Committee's review. The written documentation shall consist of the following:
- a. a letter to the petitioner stating the action taken by the Committee, and
 - b. a list of any outstanding comments made by the members of the TRC, including references to appropriate sections of adopted, applicable requirements of Madison County, the State of Indiana, and/or the Federal government.
- E. **Decision Criteria:** In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Madison County Subdivision Control Ordinance, any

adopted Madison County construction standards, any adopted standards of the Madison County Drainage Board, and any other adopted and applicable standards of Madison County, the State of Indiana, and/or the Federal government.

- a. In all cases in which the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
- b. In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and adopted standards of any member of the Committee. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.

F. **Appeal Procedure:** Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission. Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.

- a. The appealing party shall be required to provide the Planning Director with written notice of the appeal within 60 days of the date of the Committee decision.
- b. The Planning Director shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.
- c. Public notice for the meeting shall be required, consistent with the provisions of this Ordinance.
- d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.

12.4 Summary of Powers and Duties of the Board of County Commissioners

The powers and duties of the Board of County Commissioners are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Board of County Commissioners' duties include:

- a. Adopt, reject or amend the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance that has been certified and submitted by the Plan Commission;
- b. Adopt, reject or amend proposals to amend or partially repeal the text of the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance that has been certified and submitted by the Plan Commission;
- c. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
- d. Adopt, reject or amend proposals for rezoning to a planned unit development district that have been certified and submitted by the Plan Commission;
- e. Adopt, reject or amend proposals to adopt or amend a fee schedule that have been certified and submitted by the Plan Commission;
- f. Approve or deny final plats or re-plats of subdivisions, thereby accepting or declining public improvements; and
- g. All additional duties as permitted by Indiana State Code.

B. Board of County Commissioners' powers include:

- a. Initiate amendments to the text of the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance;

-
- b. Initiate amendments to the Official Zoning Map; and
 - c. All additional powers as permitted by Indiana State Code.

12.5 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Plan Commission duties include:

- a. Adopt and maintain a Board of County Commissioners approved comprehensive plan, zoning ordinance and subdivision control ordinance as authorized under Indiana State Law;
- b. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the comprehensive plan, zoning ordinance, and subdivision control ordinance;
- c. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission;
- d. Record and file bonds and contracts for development and land use activities;
- e. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission;
- f. Adopt and maintain a permitting process and seal used to certify official or approved documents;
- g. Certify and submit recommendations to the Board of County Commissioners including new versions of, and revisions to the comprehensive plan, zoning ordinance, subdivision control ordinance, and Official Zoning Map;
- h. Certify and submit recommendations to the Board of County Commissioners for adopting a planned unit development district;
- i. Maintain monetary and fiscal records of the Plan Commission;
- j. Prepare and submit an annual budget to the County Council;
- k. Approve or deny preliminary plats, re-plats, and the vacation of plats of subdivisions;
- l. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments;
- m. Establish and maintain a Board of County Commissioner approved fee schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers;
- n. Enforce regulations and procedures of the comprehensive plan, zoning ordinance, and subdivision control ordinance to the extent of local resolutions, ordinances, and State of Indiana Law; and
- o. Grant or deny requests for waivers of the requirements of the subdivision control ordinance; and
- p. All additional duties as permitted by Indiana State Code.

B. Plan Commission powers include:

- a. Hire, remove, and determine job descriptions for support staff to the Plan Commission;
- b. Determine the compensation for support staff and Plan Commission members as provided within the annual budget of the Plan Commission;
- c. Establish advisory committees as necessary, made up of county officials and the general public;
- d. Establish an executive committee;
- e. Seek funding assistance through grant programs as necessary;
- f. Distribute copies or summaries of the comprehensive plan, zoning ordinance, or subdivision control

-
- ordinance to the general public and development community; and
 - g. All additional powers as permitted by Indiana State Code.

12.6 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated. The powers, duties, rules, and procedures are further described by the Article 11 of this Ordinance and the Board of Zoning Appeals Rules and Procedures.

- A. Board of Zoning Appeals duties include;
 - a. Review and hear appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Planning Director or other Plan Commission staff, committees or administrative boards or any other body except the Plan Commission;
 - b. Review, hear, and approve or deny all petitions for special uses based on the provisions of this Ordinance and Indiana State Code;
 - c. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area) based on the provisions of this Ordinance and Indiana State Code; and
 - d. All additional duties as permitted by Indiana State Code.
- B. Board of Zoning Appeals powers include any powers as permitted by Indiana State Code.

**This Page Intentionally
Left Blank**