

Zoning Ordinance
Article Thirteen

Processes, Permits and Fees

Processes, Permits, and Fees

13.1 Types of Petitions and Permit Applications

- A. Madison County hereby requires that an application be submitted for the following types of petitions:
- a. Variance (development and flood hazard area standards),
 - b. Special Use,
 - c. Administrative Appeal,
 - d. Zoning Map Amendment,
 - e. Planned Unit Development (subject to the requirements of Article 9 of this Ordinance), and
 - f. Site Development Plan (subject to the requirements of Article 8 of this Ordinance).
- B. Madison County hereby requires that an application be submitted for the following types of permit applications:
- a. Sign Permit (permanent and temporary)
 - b. Improvement Location Permit, and
 - c. Certificate of Occupancy.
- C. All applications shall be obtained through the Planning Director's office. Fees shall be paid at the Planning Director's office at the time petition and permit applications are submitted.
- a. All applications shall be made on forms provided by the Planning Director. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).
 - b. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Planning Director and the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.
 - c. All petitions and permit applications shall be assigned reference and/or docket numbers by the Planning Director. Petition applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendars of filing and meeting dates for the Board of Zoning Appeals, Plan Commission, and Board of County Commissioners.

13.2 Schedule of Fees

The Board of County Commissioners shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. The Fees Schedule shall be available to the public in the office of the County Commissioners, the County Auditor, the County Treasurer, and the Plan Commission. The fees schedule may be amended by a recommendation submitted to the County Commissioners by the Planning Commission followed by the County Commissioners approving said amendments by ordinance.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Any person or persons who initiates construction of a structure or the alteration of land prior to obtaining an Improvement Location Permit or any other required permit shall pay a fine equal to 2 times the amount of the fee, in addition to the standard fee amount.

Variance Process (VA)

13.3 Variance Process (VA)

The following procedure shall apply to all variance petitions;

- A. **Application:** The petitioner shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 - a. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the variance request.
 - b. A letter of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact described by Article 11 of this Ordinance. The letter should include any written commitments being made by the petitioner.
 - c. A letter from the Madison County Board of Health indicating that the variance will not negatively affect the operation of a septic system.
- B. **Notification:** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with the Rules and Procedures of the Madison County Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the variance application and required supportive information.
 - a. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
 - b. The Board shall consider a report from the Planning Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 - d. The BZA may approve, approve with conditions, deny, or table the petition.
 1. The petition shall be approved if findings of fact are made consistent with the requirements of Article 11 of this Ordinance and Indiana State Code.
 2. The petition shall be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.
 3. The petition shall be denied if findings of fact consistent with the requirements of Article 11 of this Ordinance and the Indian State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.
 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Special Use Process (SE)

13.4 Special Use Process (SU)

The following procedure applies to special use petitions:

- A. **Application:** The petitioner shall submit a special use application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 - a. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the special use request.
 - b. A letter of intent to the Board of Zoning Appeals describing the details of the special use request including but not limited to:
 1. The ways in which the special use shall comply with the applicable development standards of this Ordinance,
 2. The ways in which the special use shall be consistent with the required findings of fact described by Article 11 of this Ordinance, and
 3. Any written commitments being made by the petitioner.
 - c. A letter from the Madison County Board of Health indicating that the special use will make acceptable use of an existing or proposed septic system, or a letter from a public sewer provider stating that the proposed special use shall be served by its utility.
- B. **Notification:** Notification for the scheduled public hearing regarding the special use request shall be completed consistent with the Rules and Procedures of the Madison County Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the special use application and required supportive information.
 - a. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
 - b. The Board shall consider a report from the Planning Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 - d. The BZA may approve, approve with conditions, deny, or table the petition.
 1. The petition shall be approved if findings of fact are made consistent with the requirements of Article 11 of this Ordinance and Indiana State Code.
 2. The petition may be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.
 3. The petition shall be denied if findings of fact consistent with the requirements of Article 11 of this Ordinance and the Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.
 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Administrative Appeal Process (AA)

13.5 Administrative Appeal Process (AA)

The following procedure shall apply to all appeals of administrative decisions;

- A. **Application:** The petitioner shall submit an administrative appeal application and required supportive information. Supportive information shall include, but not be limited to the following:
- a. Copies of all materials submitted to the staff member or administrative board upon which the decision being appealed was based.
 - b. Copies of any written decisions which are the subject of the appeal.
 - c. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standard applicable to Madison County upon which the appeal is based.
- B. **Notification:** Notification for the scheduled public hearing regarding the administrative appeal shall be completed consistent with the Rules and Procedures of the Madison County Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the administrative appeal application and supportive information.
- a. Either the applicant or a representative of the applicant must be present at the public hearing to present the appeal and address any questions from the Board.
 - b. The Board shall consider a report from the Planning Director, testimony from the applicant, and testimony from any interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 - d. The BZA may grant, grant with modifications, deny, or table the appeal.
 1. The appeal shall be approved if findings of fact are made consistent with the requirements of Article 11 of this Ordinance and Indiana State Code.
 2. The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) which are subject to the appeal is not consistent with neither the administrative decision nor the requested interpretation of the applicant.
 3. The petition shall be denied if findings of fact are made supporting the administrative decision.
 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Zoning Map Amendments (ZA)

13.6 Zoning Amendment Process (ZA)

The following procedure shall apply to all zoning map amendment ("rezoning") petitions:

- A. **Petition Initiation:** Proposals for zoning map amendments may be initiated by either the Plan Commission, the Board of County Commissioners, or through a petition signed by property owners of at least 50% of the land involved.
 - a. The Plan Commission shall prepare the petition for zoning map amendment if either the Commission or the Board of County Commissioners has initiated the petition. The Planning Director shall serve as the petitioner for such proposals.
 - b. Any property owners requesting a zoning map amendment shall be the petitioners and assume responsibility for preparing application materials.
- B. **Application:** The petitioner shall submit a rezoning application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 - a. A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, rights-of-way, floodplains, trees with a diameter in excess of 8 inches measured at chest height, and any other feature relevant to the petition.
 - b. A vicinity map showing the use and zoning of all properties within 1,320 feet of the property subject to the rezoning request.
 - c. A letter of intent to the Plan Commission stating the reasons for the Zoning Map Amendment, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the petitioner.
 - d. A letter verifying that proper waste disposal will be available to the property.
 1. For proposals using septic systems, a letter from the Madison County Health Department shall be provided verifying that the any proposed new development makes appropriate use of the septic system and will be adequately served.
 2. For proposals using public sewers, a letter from the service provider shall be included verifying that any proposed new development will be served.
- C. **Technical Review:** The application materials shall be reviewed by the Madison County Technical Review Committee consistent with the provisions of Article 12 of this Ordinance.
 - a. Either the petitioner(s) or a representative of the petitioner(s) shall be present during the review to answer questions regarding the petition.
 - b. Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing. All revised submittals shall be submitted to the Planning Director in a timely manner as specified in the Plan Commission Rules and Procedures.
- D. **Notification:** Notification for the scheduled public hearing regarding the rezoning request shall be completed consistent with the Rules and Procedures of the Madison County Plan Commission.
- E. **Plan Commission Public Hearing:** The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than 60 days following the receipt of the application), review the rezoning application and required supportive information.
 - a. Either the petitioner or a representative of the petitioner must be present at the public hearing to

Zoning Map Amendments (ZA)

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- present the petition and address any questions the Commission may have.
- b. The Commission shall consider a report from the Planning Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.
 - d. The Commission shall either forward the petition to the Board of County Commissioner with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request.
 1. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in Section 13.6(H).
 2. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in Section 13.6(H).
 3. The petition may be forwarded with no recommendations if, by a majority vote of the Commission, it is determined that petition includes aspects which the Commission is not able to evaluate.
 4. The petition shall be tabled consistent with the adopted Rules and Procedures of the Commission.
- F. **Certification:** The Plan Commission shall certify its recommendation by resolution to the Board of County Commissioners. The Plan Commission staff shall forward to the Board appropriate copies of the Plan Commission resolution, the original application and all supportive information, any staff reports regarding the petition, and an ordinance for the Board's consideration.
- G. **Board of County Commissioner's Hearing:** The Board of County Commissioners shall hold a public hearing and vote on the proposed rezoning ordinance within 90 days of its certification by the plan Commission.
 - a. The Board shall provided notification of action on the ordinance consistent with Indiana State Code.
 - b. The Board may either approve or deny the ordinance. If the Commission fails to act within the 90 day time frame specified above, the ordinance shall become affective or be defeated consistent with the provisions of IC 36-7-4-608. The Board may also seek modifications or additions to any written commitments as described in Section 13.6(I).
- H. **Decision Criteria:** In reviewing the rezoning petition, the Plan Commission and Board of County Commissioners shall pay reasonable regard to the following:
 - a. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports;
 - b. The current conditions and the character of current structures and uses in each district;
 - c. The most desirable use of which the land in each district is adapted;
 - d. The conservation of property values throughout Madison County; and
 - e. Responsible growth and development.
- I. **Written Commitments:** The petitioner in any rezoning application may make written commitments

Zoning Map Amendments (ZA)

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regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-615.

- a. Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the Technical Review Committee, or in response to any modifications requested by the Plan Commission during the public hearing.
- b. All commitments shall be considered by the Plan Commission in its review of the petition. Commitments shall be included as an element of the rezoning ordinance prepared by the Commission following action taken at the public hearing.
- c. The Board of County Commissioners shall consider the written commitments in its review of the rezoning application. Any deletion, addition, or alteration of the written commitments proposed by the Board of County Commissioners shall be referred back to the Plan Commission for consideration and inclusion in a revised or affirmed recommendation regarding the application.
- d. Following final action being taken on the rezoning application, the rezoning ordinance, written commitments included, shall be recorded in the office of the Madison County Recorder.
- e. The written commitments shall be considered part of this Ordinance binding on the subject property.
 1. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 2. The written commitments shall be enforceable by the Madison County Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Ordinance.
 3. The written commitments may be modified only through the Zoning Map Amendment process described by this section. Any written commitment shall be terminated if the Official Zoning Map applicable to the subject property is amended or if a zoning text amendment contradictory to the written commitment is adopted.

Improvement Location Permit (IP)

13.7 Improvement Location Permit (IP)

The following procedure applies to improvement location permit applications:

- A. **Permits Required:** No structure or major infrastructure shall be erected, moved, or added to, without an Improvement Location Permit issued by the Planning Director. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance and other applicable regulations of Madison County.
- B. **Madison County hereby requires that an Improvement Location Permit be obtained for the following:**
- a. any structure, for any use that exceeds 120 square feet in area and/or has a permanent foundation (including buildings and structures other than buildings such as towers, antennas, and satellite dishes),
 - b. any temporary use of land or temporary structure,
 - c. signs (as specified by the Sign Permit (SP) section of this Article) ,
 - d. swimming pools (in ground or above ground),
 - e. additions to any structures,
 - f. demolition,
 - g. surface and sub-surface drainage work and/or grading (including land alteration) excluding agricultural uses,
 - h. removal of trees and plants within buffer yards and approved landscaping areas otherwise required by this Ordinance,
 - i. adding or subtracting dwelling units or leased space in multifamily or commercial structures,
 - j. placement or replacement of manufactured or mobile homes,
 - k. parking lot construction or alteration,
 - l. ponds or lakes over 1.5 acres,
 - m. mineral extraction,
 - n. telecommunication facilities, and
 - o. any exterior construction that adds to or alters the height of the existing structure.
- C. **Application Requirements:** All applications for Improvement Location Permits shall be accompanied by:
- a. a detailed site plan, drawn to scale with the dimensions indicated showing the following:
 1. The entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;
 2. All existing and proposed structures or other site improvements with dimensions of such improvements;
 3. The distances from all existing and proposed improvements to the property lines;
 4. The location of any existing or proposed septic/leach field;
 5. The location of any existing or proposed driveway and/or parking area;
 6. Elevations of all existing and proposed structures or alterations;
 7. Natural, physical, or hazardous conditions existing on the lot;
 8. The location of any required landscaping, labeled according to size and species, and
 9. The location, type, and dimensions of any storm water structures or conduits.
 - b. Either a septic permit from the Madison County Health Department or a sewer access (tap-on) permit from the appropriate public sewer provider (if applicable);
 - c. A driveway permit from the Madison County Highway Department;
 - d. A floodplain checklist from the Madison County Surveyors Office;

Improvement Location Permit (IP) (continued)

- e. A detailed description of the existing or proposed uses any, structures on the land; and
 - f. An indication of the number of dwelling units, or rental units the building is designed to accommodate (if applicable).
 - g. Drainage Board approval for ponds.
- D. **Copies:** A copy of all submitted plans and application materials shall be retained by the Planning Director for the permanent records of the Madison County Plan Commission.
- E. **Expiration of Permits:**
- a. **Initiation of Work:** If the work described in any Improvement Location Permit has not begun within 6 months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
 - b. **Completion of Work:** If the work described in any Improvement Location Permit has not been completed within 2 years of its date of issuance, said permit shall expire; no written notice of expiration shall be given to the persons affected. The Planning Director may grant 3 extensions for up to 6 months each for work completion. Requests for extensions must be received within 1 month of the expiration. No extension shall be granted unless all appropriate extension fees as defined by the adopted fee schedule are paid to the Planning Director.
- F. **Construction According to Permits and Permit Applications:** Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to an order of removal, mitigation, or penalty fees.
- G. **Temporary Cessation of Issuance of Permits:** Provided that the Plan Commission has specifically determined that conditions require such action and have so authorized the same in a public meeting, the Planning Director shall not issue any improvement location permits for the proposed construction, reconstruction, alteration, or use which would be in circumvent of any proposed amendment to the Ordinance (text or maps) which is pending before the Plan Commission, from the time of first notice of such consideration until the final disposition by the legislative body, but not to exceed 6 months.

Certificates of Occupancy (CO)

13.8 Certificates of Occupancy (CO)

The following procedure applies to certificates of occupancy: It shall be unlawful and in violation of the provisions of this Ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:

- A. legally obtaining an Improvement Location Permit;
- B. passing all required inspections, including the final inspection; and
- C. receiving a Certificate of Occupancy from the Planning Director.

Sign Permits (SP)

13.9 Sign Permits (SP)

The following procedure applies to improvement location permits for signs (sign permits):

- A. **Sign Permit Review for Permanent Signs:** The following procedure applies to permanent sign permit review.
- a. Application: Application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required to assure compliance with the laws and regulations of the County, including:
 1. Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit. All signs on the same parcel or owned by the same business must be noted.
 2. A dimensioned drawing showing the size of the sign face area and the height of the sign.
 - b. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
 - c. Nullification: A sign permit shall become null and void if work has not been started within 12 months of the date the permit is issued or completed within 18 months of the date the permit is issued.
- B. **Sign Permit Review for Temporary Signs:** The following procedure applies to Sign Permit Review for Temporary Signs.
- a. Application: Application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required to assure compliance with the laws and regulations of the County, including:
 1. Type of temporary sign to be used.
 2. Period of time the temporary sign is to be used.
 3. Location at which the temporary sign is to be used.
 - b. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
 - c. Nullification: A sign permit shall become null and void if the sign has not been placed within 1 month of the date the permit is issued.