
Zoning Ordinance
Article One
Basic Provisions

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1.1 Title

This Ordinance shall be formally known as the "Madison County Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or "Ordinance".

1.2 Defined Words & Rules of Construction

- A. Words used in a special sense in this Ordinance are defined in the Definitions section of the Madison County, Indiana Land Use & Development Code. Throughout this Ordinance, all words, other than the terms specifically defined, have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.
- B. The following rules of construction shall apply to the text of the Ordinance:
- a. The particular will control the general.
 - b. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.
 - c. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
 - d. A building or structure includes any part thereof.
 - e. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."
 - f. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - g. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:
 1. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
 2. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
 3. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
 - h. The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.
 - j. The word "county" means Madison County, Indiana. The word "state" means the State of Indiana.

1.3 Authority

This Zoning Ordinance is adopted by Madison County pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

1.4 Purpose

This Ordinance is intended to guide the growth and development of the County in accordance with the Madison County Comprehensive Plan and for the following purposes:

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. To plan for the future development of the County to the end:
 - a. that the community grows only with adequate public ways, utilities, health, education, and recreation facilities;
 - b. that the needs of agriculture, industry, and business be recognized in future growth;
 - c. that residential areas provide healthful surroundings for family life;
 - d. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
 - e. that the community strives for high aesthetic value and quality planning and design.

1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

1.6 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.8 Jurisdiction

This Ordinance shall apply to all land within the limits of Madison County, Indiana but not within the planning jurisdictions of incorporated cities and towns and/or not in the ownership of the state of Federal government

1.9 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

1.10 Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.11 Repealer

The Madison County, Indiana Zoning Ordinance dated July 25, 1983, and its associated Zoning Map and any revisions are hereby repealed. This Madison County, Indiana Zoning Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinance.

1.12 Transition Rules

- A. Any application for an Improvement Location Permit that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B. Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Planning Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Board of Zoning Appeals (i.e. special use, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:
 - a. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
 - b. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. All variances, special uses (special exception), rezonings, and other petitions regulated by this Ordinance which were approved prior to the effective date of this Ordinance and not executed through the proper receipt of an Improvement Location Permit shall expire and become void 1 year after the effective date of this Ordinance.
 - a. All Improvement Location Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.
 - b. Improvement Location Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 6 consecutive months or if, in the opinion of the Planning Director, construction has otherwise ceased.
 - c. All approvals which expire and/or become void shall comply with all applicable provisions of this ordinance if re-issued.

1.13 Amendments

- A. In accordance with I.C. 36-7-4-602, the Board of County Commissioners may amend or partially repeal the text of this Ordinance or they may amend the Official Zoning Map of this Ordinance as follows:
 - a. The Board of County Commissioners or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Plan Commission Rules and Procedures.
 - b. The Board of County Commissioners, Plan Commission, or at least 50% of the affected property owners may initiate a petition to change the Official Zoning Map according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608 and according to the Commission Rules and Procedures and the requirements of Article 12, Administration, of this Ordinance.

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- B. In its review of the text and zoning map amendments, the Plan Commission and Board of County Commissioners shall pay reasonable regard to:
- a. The most recently adopted Comprehensive Plan,
 - b. Current conditions and the character of structure and uses in each district,
 - c. The most desirable use for which the land in each district is adapted,
 - d. The conservation of property values throughout the jurisdiction,
 - e. Responsible development and growth, and
 - f. The public health safety and welfare.

1.14 Effective Date

This Ordinance 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