

ZONING ORDINANCE
CITY OF MADISON, INDIANA

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ZONING ORDINANCE

CITY OF MADISON, INDIANA

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PREAMBLE

An ordinance repealing and replacing the 1981 Zoning Ordinance of the City of Madison, Indiana and establishing zoning regulations in the City of Madison and the area of Jefferson County within two miles of the corporate boundary. Jurisdiction over which has been assumed by the Plan Commission of the City of Madison, or which may hereafter be assumed pursuant to the procedure as set forth in Indiana Code 36-7-4-600 Series, as amended, repealing district zoning maps designating use classification of all property in said City and said contiguous unincorporated areas.

Whereas, to provide for adequate light, air, convenience of access, and safety from fire, flood and other danger; that congestion in the public streets may be lessened or avoided; and to promote the public health, safety, comfort, morals, convenience, and general public welfare; and,

Whereas, to accomplish such objectives, it is deemed necessary:

1. To classify, regulate and limit the height, area bulk and use of buildings hereafter to be erected.
2. To regulate and determine the area of front, rear and side yards, courts and other open spaces about such buildings.
3. To regulate and determine the use and intensity of use of land and lot areas.
4. To classify, regulate, and restrict the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses.
5. To classify and designate the land amongst the agricultural, industrial, commercial, residential, and other uses and purposes.
6. To divide the City into districts of such kind, character, number, shape, and area as may be deemed necessary to carry out the purposes of this ordinance, now therefore,

BE IT ORDAINED by the Common Council of the City of Madison, Indiana:

`ARTICLE I
TITLE AND INTERPRETATION

SECTION 1.00 – TITLE

This ordinance shall be known and may be cited as the “City of Madison, Indiana, Zoning Ordinance.”

SECTION 1.10 – PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements, adopted for the promotion of the public health, safety, and general welfare within the City and the area of Jefferson County within two (2) miles of the corporate boundary. Wherever the requirements of this ordinance are at variance or in any other way in conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 1.20 – SEVERABILITY CLAUSE

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II

DEFINITIONS

SECTION 2.00 – APPLICATION AND INTERPRETATION

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this article.

- B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - 1. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 - 2. The masculine includes the feminine.
 - 3. The present tense includes the past and future tenses; the singular number includes the plural.
 - 4. The word “shall” is a mandatory requirement; the word “may” is a permissive requirement; and the word “should” is a preferred requirement.
 - 5. The words “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied.”
 - 6. The word “lot” includes the words “plot,” “parcel,” and “tract.”

- D. Errors and omissions – If a manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

SECTION 2.10 – WORDS AND PHRASES DEFINED

ACCESSORY USE OR BUILDING – A building or use subordinate to another structure or use detached from but located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy.

ADVERTISING SIGN – Any structure, object or device erected, maintained, or used for advertising purposes, related to the permitted principal use of the premises upon which it is located. This definition does not include the term “billboard.” Sign size restrictions are included in Section 6.00 under the sub-section for each zoning classification.

AGRICULTURE – The art or science of cultivating the ground, and raising and harvesting crops. Also often includes feeding, breeding and management of livestock; tillage; husbandry; farming; and in a broader sense, the production of plants and animals useful to man, including, to a variable extent, the preparation of those products for man's use and their disposal by marketing or other means of distribution. This includes the use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any Residential District.
3. The term agriculture does not include the operation or maintenance of a commercial stockyard or feedlot where large numbers of livestock are fed concentrated feed particularly for the purpose of fattening for market.

AIRPORT – Any location, either on land or water, or structure that is designed or used for the landing and taking-off of aircraft, including all necessary buildings and facilities, if any.

ALLEY – A public or private vehicular right of way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on another street.

ALTERATION – Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

APARTMENT – A room or suite of rooms in a multi-family dwelling, designed, used, or suitable for use by one (1) or more persons as a place of residence with kitchen facilities. See: Dwelling, Multi-family.

APPLICANT – The owner of real estate or a legally appointed representative of the owner, who submits an application in compliance with this ordinance.

ARTERIAL – See STREET.

AUCTION USE – A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an auction.

AUTOMOBILE SALES ROOM – A building or part thereof used for the display and sale of new or used automobiles.

AUTOMOTIVE, MOBILE MANUFACTURED HOME, TRAVEL TRAILER, FARM IMPLEMENT, AND CONSTRUCTION MACHINERY SALES – The sale or rental of new or used motor vehicles, mobile manufactured homes, travel trailers, farm implements, and construction machinery, but not including major repair work except warranty and incidental repair of same, to be displayed and sold on the premises.

BASEMENT – A portion of the building having more than half its clear height below the average grade of the adjoining ground.

BASEMENT, EXPOSED – A portion of the building having less than half its clear height below the average grade of the adjoining ground.

BED AND BREAKFAST – A property occupied by an owner and/or operator, providing overnight accommodations to guests with or without meals for hire or pay, for traveling or vacationing public. It does not include boarding house, rooming house, domiciliary hostel, group home, hotel, or motel.

BILLBOARD – See: Sign, Off-Premise

BLOCK – A tract of land bounded by streets or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

BOARD – Board of Zoning Appeals.

BOARDING AND LODGING HOUSE – A building where, for compensation, lodging or lodging and meals are provided for three (3) or more persons, not including members of the keeper's immediate family, for prearranged definite periods.

BOND – Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission or Board of Zoning Appeals.

BUILDING – Any roofed structure designed and built for the support, shelter enclosure, or protection of persons, animals, chattels, or movable property of any kind.

BUILDING AREA – The maximum horizontal projected area of the principal and accessory buildings, excluding open steps or terraces, unenclosed porches, or architectural appurtenances projected not more than two (2) feet.

BUILDING CODE – The City has adopted the Indiana Building Code which contains the standards for constructing buildings, utilities, mechanical equipment, and all forms of structures and permanent installations and related matters, within the jurisdiction of the City of Madison, also referred to herein as the City Building Code.

BUILDING SITE – An area proposed or provided and improved by grading, filling, excavation, or other means for erecting pads or foundations for buildings.

BUILDING, DETACHED – A building having no structural connection with another building.

BUILDING, FRONT LINE OF – The line of the face of the building nearest the front lot line.

BUILDING, HEIGHT OF – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE – The line, established by this ordinance, beyond which a building shall not extend unless varied according to the procedures in this ordinance. Also called a “building line”

BUSINESS, CONVENIENCE – Commercial establishments which cater to and can be located in close proximity to or within Residential Districts without creating excessive congestion, noise, or other objectionable influences. Convenience uses include, but need not be limited to, drugstores, beauty salons, barbershops, carry outs, dry cleaning and laundry facilities, and small grocery stores, if the aggregate total floor area of such facilities does not exceed ten thousand (10,000) square feet. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

BUSINESS, GENERAL – Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend, in addition to serving day-to-day needs of the neighborhood, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as major supermarkets; stores that sell hardware, apparel, footwear, appliances and furniture; and various department and discount stores. Also included here may be drive-in banks.

BUSINESS, HIGHWAY – Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as gasoline service stations, automotive sales and service, restaurants and motels, and commercial recreation.

BUSINESS, OFFICE TYPE – Quasi-commercial uses which may often be transitional between retail businesses and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, and drafting. Institutional offices of a charitable, philanthropic, religious, or educational nature are included here.

BUSINESS SERVICES – Any activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in businesses and homes.

BUSINESS, WHOLESALE – Business establishments that generally sell commodities and materials in large quantities or by the piece to retailers, jobbers, other wholesale

establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CAMP, PUBLIC – Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, recreational vehicles, mobile manufactured homes or two (2) or more camping parties, including cabins, tents, or other camping outfits.

CARPORT – A structure with a roof supported by columns and/or one or more solid walls for the shelter of an automobile(s).

CELLAR – A portion of a building partially underground, but having half or more of its clear height below the average grade of the adjoining ground.

CELLULAR ANTENNA TOWER – A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

CEMETERY – Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance are provided.

CHANNEL – A natural or artificial watercourse, of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water.

CHARACTERISTICS OF USE – The use that is characteristic or the principal use of an area of land, a building, or structure.

CHILD CARE CENTER – A non-residential building where at least one (1) child receives child care from a provider:

- 1) While unattended by a parent, legal guardian, or custodian;
- 2) For regular compensation; 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 Saturdays, Sundays and holidays.

CHILD CARE/DAY CARE HOME – A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative or any child who is at least fourteen (14) years of age and does not require child care) at any time receive child care from the provider:

- 1) While unattended by a parent, legal guardian, or custodian;
- 2) For regular compensation; 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 Saturdays, Sundays and holidays

The term includes Class I and Class II child care homes as defined by IC 12-7-33.7 and IC 12-7-33.8 respectively.

CITY ATTORNEY – The licensed attorney designated by the legally authorized body to furnish legal assistance for the administration of these regulations in lieu of the Commission having its own attorney.

CLINIC – A building used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services.

CLUB – Buildings and facilities, owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, to which membership is required for participation, and not operated primarily for profit or to render a service which is customarily carried on as a business.

COLLECTOR – See STREET.

COMMERCIAL ENTERTAINMENT FACILITY – Any activity that is generally related to the entertainment field, such as a motion picture theater, carnival, cocktail lounge, nightclub, and similar entertainment activities.

COMMISSION – The Plan Commission, appointed in accordance with I.C. 36-7-1.

COMPREHENSIVE (DEVELOPMENT) PLAN – A plan, or any portion thereof, adopted by the Plan Commission and the legislative authority of the City, showing the general location and extent of present and proposed physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the City, including housing, industrial and commercial uses, parks, schools, and transportation and other community facilities.

COMPREHENSIVE TREATMENT CENTER – A facility that provides integrated, holistic behavioral and mental health services. The comprehensive services offered primarily on a residential basis include patient assessment, a team approach to treatment planning, and a treatment team of various disciplines to carry out the individual plan of care.

CONDITIONAL USE – A special use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations or special exceptions.

CONDITIONAL USE PERMIT – A permit issued by the zoning inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district. A conditional use permit is granted to the property owner who makes the original application and does not transfer to the new owner if the property changes ownership. The new owner must apply to the Board of Zoning Appeals for a new permit in order to continue the use that was conditionally allowed.

CONDOMINIUM – A building or group of buildings, in which dwelling units, offices or floor are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional individual basis.

CONFINEMENT FEEDING – The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, barn buildings or any other structure where food is supplied to the animals only by means other than grazing. The term as defined by the Indiana Department of Environmental Management means the feeding of three

hundred (300) or more cattle, six hundred (600) or more swine or sheep, or thirty thousand (30,000) or more fowl that are housed (or penned) in a confined area.

CONTINGENT USE- A conditional use that is dependent on conditions or events not yet established.

COVENANT – A written promise or pledge.

CUL-DE-SAC – See STREET.

DEAD-END STREET – See STREET.

DENSITY – A unit of measurement of the number of dwelling units per acre of land.

1. **GROSS DENSITY** – The number of dwelling units per acre of the total land to be developed, including public right-of-way.
2. **NET DENSITY** – The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

DEVELOPER – A property owner or authorized agent(s) of a property owner who applies for a building permit or approval of a Planned Unit Development under the provisions of this ordinance in order to construct improvements on the property.

DISTRICT – A part of the City wherein restrictions of the Zoning Ordinance are uniform.

DRIVEWAY – A private road which provides access to a lot, or to a use located on such lot, from public rights-of-way.

DUPLEX - A dwelling consisting of two (2) dwelling units which may be attached either side by side or one above the other, and each unit having a separate or combined entrances or entrance

DWELLING – A fixed structure or building containing one (1) or more dwelling units.

DWELLING, INDUSTRIALIZED UNIT – A manufactured assembly of building materials and products that is self-sufficient or substantially self-sufficient to constitute a dwelling unit which is intended to be moved to and installed on a prepared building site, including a modular or sectional unit but not a mobile manufactured home.

DWELLING, MULTI-FAMILY – A dwelling consisting of four (4) or more dwelling units with varying arrangements of entrances and party walls, includes condominiums, apartments, town homes, and patio homes.

DWELLING, SINGLE-FAMILY – A dwelling consisting of a single dwelling unit, only, separated from other dwelling units by open space.

DWELLING, TWO-FAMILY – A dwelling consisting of two (2) dwelling units which may be attached either side by side or one above the other, and each unit having a separate or combined entrances or entrance. Commonly referred to as duplex and may include condominiums.

DWELLING, TRIPLEX- A dwelling consisting of three (3) dwelling units which may be attached either side by side or one above the other, and each unit having a separate or combined entrances or entrance.

DWELLING UNIT – A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, sleeping, cooking and eating.

EASEMENT – An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

ESSENTIAL SERVICES – The erection, construction, alteration, or maintenance of gas, electrical, or communication facilities; stream, fuel or water transmission or distribution systems; or collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

FAMILY – One (1) or more persons occupying premises and living as one (1) housekeeping unit using one (1) kitchen, and distinguished from a group occupying a boarding house, lodging house, fraternity or sorority house, a club, or a hotel.

FARM – An area used for agricultural operations including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT) – Farms adapted for use as vacation farms; picnicking and sports areas; fishing waters; camping, scenery, and nature recreation areas; hunting areas; hunting preserves; and watershed projects.

FENCE – A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

FIRE APPARATUS ACCESS ROAD – Fire apparatus access roads shall be designed and constructed to support the imposed live loads of the heaviest piece of fire department apparatus available to the servicing fire department and shall be provided with a surface so as to provide all-weather driving capabilities. The turning radius of a fire apparatus access road shall be determined after consultation with the servicing fire department and shall be at least equal to the minimum required radius for the fire apparatus. Such roads shall be designed and constructed to permit turning of the longest piece of fire apparatus available to the servicing fire department. Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be designed and constructed so as to allow the turning around of the longest piece of fire apparatus available to the servicing fire department. The gradient for all fire apparatus access roads shall not exceed the maximum that the apparatus available to the servicing fire department can accommodate.

FIRE LANE – A fire lane is the area next to a curb, which is reserved for firefighting equipment and other firefighting or emergency equipment to use, travel upon, and park in the event of a fire.

FLOOD (OR FLOODWATER) – The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake, or other body of water.

FLOOD CONTROL – The prevention of floods; the control, regulation, diversion, or confinement of floodwater or flood flow; and the protection there from, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage and destruction caused thereby, and all things incidental thereto or connected therewith.

FLOOD HAZARD AREA – A flood plain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Department of Natural Resources.

FLOOD PLAIN – The relatively flat area or low land adjoining the channel of a river or stream that has been or may be covered by floodwater. The flood plain includes the channel, floodway, and floodway fringe.

FLOOD, REGULATORY (OR REGIONAL) – A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources. The hundred (100) year frequency flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year (a flood magnitude that has a one percent [1%] chance of being equaled or exceeded in any given year).

FLOODWAY, REGULATORY – The channel of a river or stream and those portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream shown on the Floodway Boundary Maps of the Federal Emergency Management Agency.

FLOODWAY FRINGE – Those portions of the flood hazard areas lying outside the floodway.

FLOOR AREA, GROSS – The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls. It includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses.

FLOOR AREA, NET – The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, etc., in a non-residential building. The net area is used in calculating parking requirements.

FLOOR AREA RATIO – The floor area of the building divided by the area of the lot on which such building is located.

FLOOR AREA, USABLE – Same as gross floor area.

FOOD PROCESSING – The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

FOUNDATION – The supporting member of a wall or structure.

FRONTAGE – The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines of the property. It is that side of a lot abutting a street and ordinarily regarded as the front of the lot.

GARAGE, PRIVATE – An accessory building, or an accessory portion of the principal building, used for storing or parking of automobiles, recreational vehicles and/or boats of the occupants of the premises and wherein not more than one (1) space is rented for parking to a person not resident of the premises.

GARAGE, PUBLIC – A principal or accessory building other than a private or storage garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

GARAGE, STORAGE – Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

GASOLINE SERVICE STATION – A building designed primarily for the supplying of motor fuel, oil, lubrication, and accessories to motor vehicles, but excluding major repair and overhaul. Gasoline service stations may be located in conjunction with a convenience store, or other retail facility.

GRADE – The average level of the finished surface of ground adjacent to the exterior walls of the building.

HOME OCCUPATION – An occupation in a dwelling unit provided that:

1. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25 %) of floor area of the dwelling unit shall be used in the conduct of the occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted within the property boundaries but not on the roof.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in the Zoning Ordinance and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

HOTEL, MOTEL, GUEST COTTAGE, TOURIST HOME AND APARTMENT

HOTEL – A building in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a rooming house, boarding house, lodging house, or dormitory which is herein separately defined.

IMPROVEMENT – Any alteration to the land, physical construction of or alteration of a structure, making additions to, demolishing, or repairing a structure.

IMPROVEMENT LOCATION PERMIT – A permit stating that the proposed erection, construction, enlargement, or moving of a building or structure referred to therein complies with the provisions of the Comprehensive Plan and the regulations contained in the Zoning Ordinance. It shall be referred to in this ordinance as a Building Permit

INDIANA CODE – The *Burns Indiana Statutes Code Edition*, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws currently in force and applicable. (Usually abbreviated as I.C. herein).

INSTITUTION – Building(s) and/or land designed to aid individuals in need of mental, therapeutic, or rehabilitative counseling, or other correctional services.

JUNK – Old and dilapidated modes of conveyance such as automobiles, trucks, tractors, watercraft, and other such vehicles and parts thereof; wagons and other kinds of vehicles and parts thereof; household appliances, scrap building material, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron machinery, rags, paper, excelsior, hair, mattresses, beds, and bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed.

JUNK YARD – A lot, or structure, or part thereof at which property is or may be salvaged for reuse, resale, reduction or similar disposition and is owned, possessed, collected accumulated, dismantled or assorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations; used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick, and similar property except animal matter; and used motor vehicles, machinery or equipment which are used, owned, or possessed for the purposes of wrecking or salvaging the parts.

JURISDICTION – Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers under the Zoning Ordinance.

KENNEL – Any premises where four (4) or more animals over four (4) months of age are housed, groomed, bred, boarded, trained, and/or sold and/or which may offer provisions for minor medical treatment.

LAND – The earth, water and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND USE – The development existing or activities taking place on land.

LIVESTOCK – Any animal which has been domesticated primarily for agricultural purposes, but not including animals usually considered house pets such as dogs, cats, canaries, or any other similar animal or fowl considered a pet.

LOADING SPACE, OFF-STREET – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCAL STREET – See STREET.

LOT – For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE - The ratio of the enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot expressed as a percentage

LOT FRONTAGE – The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

LOT LINE, FRONT – Lot line(s) bounding a lot as follows:

1. **INTERIOR LOT** – The line separating the lot from the street right-of-way.
2. **CORNER OR THROUGH LOT** – The line separating the lot from either street right-of-way.
3. **NO RECORDED RIGHT OF WAY** - In those cases where there is no record of right-of-way and the front property line is defined by deed as the center line of the street, the front lot line shall be defined as being 16.5 feet (1 rod) from the center line of said street, or the line determined by the City or County through adverse possession by continuous maintenance of said street.

LOT LINE, REAR – The boundary of a lot that is most distant from and is, or is most nearly parallel to, the front lot line. In the case of a triangular or irregular-shaped lot, an imaginary line between the side lot lines parallel to the front lot line, ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

LOT LINE, SIDE – Any boundary of a lot that is not a front lot line or rear lot line.

LOT, MEASUREMENT OF – A lot shall be measured as follows:

1. **DEPTH** – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

2. **WIDTH** – The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

LOT OF RECORD – A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Jefferson County or a parcel of land, not exceeding one (1) acre in area, the deed of which was recorded in the office of the Recorder of Jefferson County, prior to the effective date of these regulations.

LOT TYPES – Terminology used in the Zoning Ordinance with reference to different types of lots is as follows:

1. **CORNER LOT** – A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than one hundred and thirty-five (135) degrees in front of the lot.
2. **INTERIOR LOT** – A lot with only one (1) frontage on a street.
3. **THROUGH LOT** – A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
4. **REVERSED FRONTAGE LOT** – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may be a corner lot.

MAINTENANCE AND STORAGE FACILITIES – Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURING, EXTRACTIVE – Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

MANUFACTURING, HEAVY – Industrial processing, assembling, storing, testing, and similar manufacturing uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT – Industrial or other manufacturing uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and not nuisances.

MOBILE MANUFACTURED HOME – A home built in the United States factory in accordance with HUD Title 6 construction standards and displaying a HUD Certification label and data plate. If originally constructed or designed for mobility, and in such a manner to permit the occupancy thereof as a dwelling or sleeping place, either self-propelled, or non-self-propelled, shall be considered mobile and not a permanent structure or building although the means or devices for mobility have been removed there from and their function replaced by a permanent type of foundation or anchorage to the land, and further shall be required to conform to the regulations and restrictions for the district in which so located.

MOBILE MANUFACTURED HOME PARK – An area of land upon which five (5) or more mobile manufactured homes are harbored for the purpose of being occupied as principal residences and includes all real and personal property used in the operation of the mobile manufactured home park. An area of land that is subdivided and contains individual lots that are leased or otherwise contracted for is a mobile manufactured home park if five (5) or more mobile manufactured homes are harbored there for the purpose of being occupied as principal residences.

MOTEL – See HOTEL.

NON-CONFORMING USE – A building, structure, or use of land existing at the time of enactment of the Zoning Ordinance, and which does not conform to the regulations of the district in which it is situated.

NURSERY, NURSING HOME – A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, PLANT MATERIALS – Land, buildings, structures, or combination thereof for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening and landscaping.

OPEN SPACE – A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include natural environment features, water areas, swimming pools, tennis courts, and other recreational facilities that the City Plan Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included in open space area calculations.

ORDINANCE – Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.

PAIN MANAGEMENT OR CONTROL FACILITY – A facility that is defined as such in the City of Madison Pain Management ordinance (2016-20) and provides as a primary practice component the treatment of patients for pain that includes dispensing or administering controlled substances.

PARCEL – All contiguous land (including lots and parts of lots) held in one ownership.

PARKING SPACE, OFF-STREET – For the purposes of the Zoning Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally off public right-of-way.

PARKING STALL – The area required for parking one (1) automobile, with its attendant maneuvering room. The area required for a parked car is to be ten (10) feet wide and twenty-two (22) feet long.

PARTY WALL – A wall, starting from the foundation and extending continuously through all stories to or above the roof, which separates one building from another and is in joint use by each building.

PERSONAL SERVICES – Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

PET/ANIMAL GROOMING – Services provided to bath, shear, clip, groom and otherwise care for pets and animals other than boarding or veterinary services.

PLAN COMMISSION – The City's planning body as established in accordance with Indiana law, often referred to herein simply as the Commission.

PLANNED UNIT DEVELOPMENT (PUD) – An area of land in which a variety of residential, commercial, and industrial uses are planned and developed as a whole according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PORTABLE SIGN – An informational or advertising sign that has a variable message surface that can be changed either electronically or manually, usually mounted on a trailer that can be easily transported from place to place.

PREMISES – One (1) or more lots that are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures, and improvements.

PRINCIPAL BUILDING – The building in which the principal use of the lot is conducted.

PRINCIPAL USE – The primary use to which the premises is devoted, and the main purpose for which the premises exists.

PRIVATE SCHOOL – Private preprimary, primary, grade, high, or preparatory school or academy.

PROFESSIONAL ACTIVITIES – The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

PROHIBITED USE – A use marked as prohibited for a certain district in Section 7.0 Official Schedule of District Regulations is not to be allowed to locate in said district except as specified under non-conforming uses.

PUBLIC RIGHT-OF-WAY – A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a transportation facility.

PUBLIC SERVICE FACILITY – The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility; by a railroad, whether publicly or privately owned; or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water and sewerage services.

PUBLIC USES – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITY – Any municipality person, firm, or corporation duly authorized to furnish cable television, electricity, gas, and steam, telephone, telegraph, internet, water, or sewerage systems to the public under public regulation.

QUASI-PUBLIC USES – Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATION CAMPGROUND – An area of land on which two (2) or more recreational vehicles, including campers, tents, or other similar temporary recreational structures, are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATIONAL EQUIPMENT, MAJOR – Equipment which must be hauled on a trailer with two (2) or more wheels or which has two (2) or more wheels attached, or which is self-propelled with wheels, including boats, trailers, and recreational vehicles.

RECREATIONAL FACILITIES – Public or private facilities that may be classified as both “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE (RV) – A vehicle primarily designed as a temporary living quarters for recreation, camping, or travel, either with its own motor power or mounted on or towed by another powered vehicle.

RECYCLING FACILITY – **A facility where recovered material is collected, sorted, and processed and then shipped to a user and/or could be reused on site to produce semi-refined or finished products.**

REPLACEMENT COST – The sum of money that would be required to re-erect a structure identical to the one in question.

RESEARCH ACTIVITIES – Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said buildings.

ROADSIDE STAND – A temporary structure designed or used for the display or sale of agricultural and related products or novelties and other items of interest to the motoring public.

ROOMING HOUSE, BOARDING HOUSE, DORMITORY, LODGING HOUSE – A dwelling or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

SCREENING – A structure erected or vegetation planted for concealing an area from view.

SEAT – For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SETBACK LINE – A line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said ordinance.

SEWERAGE SYSTEM, CENTRAL OR GROUP – An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERAGE SYSTEM, ON-SITE – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUALLY ORIENTED BUSINESS - Sexually oriented businesses are those defined as such in City of Madison Code Chapter 112.02 and as amended including but not limited to: adult arcade, adult book store, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort, escort agencies, massage parlor, semi-nude model studio, or sexual encounter establishment.

SIDEWALK – That portion of the road right-of-way outside the roadway that is improved for the use of pedestrian traffic.

SIGN – An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, service, person, institution, or business.

SIGN LIGHTING DEVICE – Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

SIGN, ILLUMINATED – Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

SIGN, OFF-PREMISES – Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. Can also be called an advertising sign.

SIGN, ON-PREMISES – Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. Can also be called a business sign.

SIGN, PROJECTING – Any sign which projects from the exterior of a building.

SPECIAL EXCEPTION – A use or structure allowed in a district for which the Board of Zoning Appeals grants a permit because of its unusual nature.

SPECIAL USE – Conditional use having a limited or specific function, application or scope.

SPECIALTY BUSINESS – Retail and service establishments which promote the continuance and development of the Specialty District, and can be accommodated in the spaces within the historic buildings and maintain the character of the Historic District.

STATE – The State of Indiana.

STORY – That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the floor next above. An exposed basement shall be counted as a story, and a basement or cellar shall not be counted as a story.

STREET – A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term “street” also includes the terms “highway,” “parkway,” “road,” “thoroughfare,” “avenue,” “boulevard,” “lane,” “court,” “place,” and other such terms.

The recommended usage is:

-Highway or street in urban areas

-Highway or road in rural areas

1. **ARTERIAL** – A system of streets and roads that form an integrated network of continuous routes primarily for through traffic. The “arterial” system is stratified into “principal” (or major) and “minor” categories.
 - a. **PRINCIPAL** – Serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connects major population centers in rural areas; or serves major centers of activity and highest traffic volume corridors with the longest trip desires in urban areas.
 - b. **MINOR** – Links other cities, large towns, and traffic generators, and provides a substantial amount of interstate and intercounty service in rural areas; or interconnects and augments with the principal arterials to provide service to trips of moderate length for intracommunity continuity in urban areas.
2. **COLLECTOR** – A street or road that generally serves travel of primarily intra-area and intra-county importance with approximately equal emphasis to traffic circulation and land access service. The “collector” system is generally further stratified into “major” and “minor” categories. The collector street collects and distributes traffic between the arterial and local systems.
3. **CUL-DE-SAC** – A local street with only one (1) outlet and with a special provision for vehicles turning around.
4. **DEAD-END** – A street or a portion of a street with only one (1) vehicular traffic outlet and without a special provision for vehicles turning around.
5. **FRONTAGE** – A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access. (Sometimes also called a “marginal access street.”)
6. **HIGHWAY** – A term applied to streets and roads that are under the jurisdiction of the Indiana Department of Transportation (INDOT).
7. **LOCAL** – A system of streets and roads that primarily provides land access service and access to higher order systems.
8. **LOOP** – A local street with both terminal points on the same street of origin.

9. **PARTIAL** – A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
10. **PERIMETER** – Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
11. **PRIVATE** – A local street that is not accepted for public use or maintenance, and that provides vehicular and pedestrian access.
12. **PUBLIC** – A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities, and for the maintenance of which they are responsible.

STRUCTURAL ALTERATION – Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs.

SUPPLY YARD – A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL – A pool, pond, lake, or open tank containing at least eighteen (18) inches of water at any point and maintained by the owner or manager.

SWIMMING POOL, COMMUNITY – A swimming pool for the benefit of the general public, operated with a charge for admission; a principal use.

SWIMMING POOL, PRIVATE – A swimming pool used exclusively without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

TEMPORARY – Lasting, existing, serving, or effective for a period of time only; not permanent.

TEMPORARY STRUCTURE – A structure erected for a specific purpose which must be removed within thirty (30) days.

TERRACE – A natural or artificial embankment between a building and its lot lines.

TERRACE, HEIGHT OF – The difference in elevation between the curb level and the top of the terrace at the center of the building wall.

THEATER – A building or part of a building that is:

1. Devoted to showing motion pictures, or for dramatic, musical, or live performances.
2. Used for the commercial showing of films or presentation of live entertainment.

THOROUGHFARE PLAN – The portion of the Comprehensive Plan adopted by the City Plan Commission indicating the general location recommended for arterial, collector, and local streets and roads within the appropriate jurisdiction.

TOURIST HOME – A building in which one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

TRACT – A parcel of land greater than one (1) acre (43,560 square feet) in area, the deed of which was recorded in the office of the Recorder of Jefferson County prior to the effective date of these regulations.

TRADE OR BUSINESS SCHOOL – Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting, or for teaching industrial or technical arts.

TRANSFER STATION – A facility with a designated receiving area where collection vehicles discharge their loads of waste or recycle material that is being loaded into larger vehicles for long haul shipping to a final disposal site. This definition does not include a drop off or convenience center where residents manually drop off waste or recyclables into dumpsters or collection containers.

TRAVEL TRAILER – A vehicle or other portable structure designed to move on the highway, not under its own power, and designed or used as a temporary dwelling.

USE – The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, NON-CONFORMING – See NON-CONFORMING USE.

UTILITIES – Installations for transmission of water, sewage, gas, electricity, telecommunications, and storm water, and similar facilities providing service to and used by the public.

VARIANCE – A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance and regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC – A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

VICINITY MAP – A drawing, located on the plat, that sets forth by dimensions or other means the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

VISION CLEARANCE ON CORNER LOTS – A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each lot line.

WALKWAY – A public way four (4) feet or more in width, for pedestrian use only, whether along the side of a street or not.

YARD – A space other than a court on a lot being open, unoccupied and unobstructed by buildings or structures from the ground upward except where encroachments and accessory buildings are expressly permitted by this ordinance.

YARD, FRONT – A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

YARD, REAR – A yard extending the full width of the lot between a principal building and the rear lot line or lines.

YARD, SIDE – A yard between the principal building and side lot line and extending from the front yard line to the rear yard line.

ZONING – The division of an area into districts and the public regulation of the character and intensity of the use of the land, and of the buildings and structures which may be located thereon, in accordance with the Comprehensive Plan.

ZONING DISTRICT – Any area of the City of Madison within which the zoning regulations are uniform.

ZONING DISTRICT MAP – The map setting forth the boundaries of the zoning districts of the City of Madison, which map is part of the Zoning Ordinance.

ZONING ORDINANCE – A legal tool for accomplishing the objectives of a land use plan. It is an effective regulatory measure designed to encourage high standards of development by regulating the character and intensity of the use of land, the area of building coverage and the height of structures and to foster the most efficient use of land.

References in this document are to the 2016 *Zoning Ordinance of the City of Madison, Indiana*, as amended, unless otherwise noted.

ARTICLE III
PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 3.00 – OFFICIAL ZONING MAP

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

SECTION 3.10 – IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by certification and bear the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Article Three of Ordinance Number 2016-19 of the City of Madison, State of Indiana,” together with the date of adoption of this ordinance. Certification should be by the signature of the Mayor, and attested by the City Clerk.

SECTION 3.20 – MAINTENANCE OF THE OFFICIAL ZONING MAP

If, in accordance with the provisions of this ordinance and IC 36-7-4-600, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry on the Official Zoning Map as follows: “On (Day, Month & Year) by the official action of the City Council, the following changes were made on the Official Zoning Map”:

Which entry shall be signed by the President of the Plan Commission and the President of the Common Council and attested by the City Clerk. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this ordinance and punishable as provided under Section 11.50 of this ordinance.

SECTION 3.30 – LOCATION OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map, which from time to time may be published, the Official Zoning Map shall be located in the office of the Clerk-Treasurer, City Building. It shall be the authority as to the current zoning status of land and water areas in the City.

SECTION 3.40 – REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the President of the City Plan Commission and the President of the Common Council and attested by the City Clerk and bearing the seal of the City under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of Ordinance Number _____ of the City of Madison, Indiana.” Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment in the office of the Clerk-Treasurer.

SECTION 3.50 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot line.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines. (In addition to the boundaries shown on the zoning map, the boundary of minor ditches and streams shall be designated as being at least five (5) vertical feet or one hundred (100) horizontal feet from the edge of the water, whichever is the greater distance. In this case, a stream, river,

or creek shall be defined as one, which flows at least one hundred eighty (180) days of the year. Further, it is advised that the banks and at least ten (10) feet beyond be left in as natural a state as possible).

7. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 6, above, shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5, above, the Board of Zoning Appeals shall interpret the boundaries.
9. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 3.60 – ANNEXATION

All land annexed to the City subsequent to the adoption of this ordinance shall remain subject to the previous County zoning district until such time as the official Zoning Map is amended according to the provisions of Article VI. All land annexed to the City which, prior to annexation, is not subject to County zoning, shall have the highest zoning classification of the City until the Official Zoning Map is amended according to the provisions of Article VI.

SECTION 4.00 – ESTABLISHMENT AND PURPOSE OF DISTRICTS

The following zoning districts are hereby established for the City of Madison, Indiana. For the interpretation of this ordinance, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this ordinance. In addition, the specific purpose of each zoning district shall be as stated.

SECTION 4.10 – RESIDENTIAL DISTRICTS

These districts are established to meet the purposes identified in Sections 4.11 – 4.16, inclusive. Specific provisions for Residential Districts are set forth in Sections 6.10 – 6.16 inclusive.

SECTION 4.11 – RESIDENTIAL AGRICULTURAL DISTRICT (R-A)

The purpose of the RA district is to permit some degree of residential development in the rural areas. A maximum gross density of one (1) dwelling per acre is allowed in this district.. Specific provisions for this district are set forth in Section 6.11.

SECTION 4.12 – LOW DENSITY RESIDENTIAL DISTRICT (R-4)

The purpose of this district is to encourage a low-density residential single and two (2) family dwelling, but a gross density not to exceed four (4) dwelling units per acre. Public water and sewer facilities are required. Specific provisions for this district are set forth in Section 6.12.

SECTION 4.13 – MEDIUM DENSITY RESIDENTIAL (R-8)

The purpose of this district is to permit the establishment of a medium-density multiple family dwelling, with a gross density not to exceed eight (8) dwelling units per acre. This district is also designed to permit larger, older homes to be converted to two (2) or more dwelling units. Public water and sewer facilities are required. Specific provisions for this district are set forth in Section 6.13.

SECTION 4.14 – HIGH DENSITY RESIDENTIAL (R-32)

The purpose of the R-32 district is to allow high-density residential apartment buildings. The major restriction is that the gross density shall not be more than thirty-two (32) dwelling units per acre and that certain restricted commercial uses are permitted. It must abut a collector or arterial street as specified by the City Plan Commission or the

INDOT. Public water-and sewer facilities are required. Specific provisions for this district are set forth in Section 6.14.

SECTION 4.15 – HISTORIC DISTRICT RESIDENTIAL (HDR)

The purpose of the HDR district is to provide for high density residential with reduced yard and area requirements in the Historic District. Predominantly for residential purposes, this district permits three (3) foot minimum side and rear yard setbacks from lot lines in order to encourage residential development in the historic district. Specific provisions for this district are set forth in Section 6.15.

SECTION 4.16 – RESIDENTIAL MOBILE MANUFACTURED HOME PARK DISTRICT (RMH)

The purpose of this district is to encourage the development of well-planned mobile manufactured home parks. Such districts shall abut upon an arterial or collector street. Mobile manufactured home parks shall comply with all state regulations as well as those regulations specified in Article IV of this ordinance. Specific provisions for this district are set forth in Section 6.16.

SECTION 4.20 – BUSINESS DISTRICTS

Business districts are established to meet the purposes identified in Sections 4.21 – 4.25, inclusive. Specific provisions for Business Districts are set forth in Sections 6.18 – 6.22, inclusive.

SECTION 4.21 – PROFESSIONAL, RESEARCH, OFFICE DISTRICT (PRO)

The purpose of this district is to encourage the practice of grouping the offices of such uses as professional, research, executive, administrative, accounting, clerical and similar uses. All of these are uses that would not conflict drastically with a residential use. For this reason, the PRO would best be located as a buffer between more intensive non-residential areas (industry, shopping centers, etc.) and residential areas. Because these uses traditionally draw a large volume of traffic, they should be located adjacent to an arterial or collector street as designated by the Madison Plan Commission or the INDOT. Specific provisions for this district are set forth in Section 6.18.

SECTION 4.22 – LOCAL BUSINESS DISTRICT (LB)

The purpose of this district is to encourage the establishment of areas for convenience business uses, which tend to meet the daily requirements of the residents of an immediate neighborhood. This district will be very carefully and strategically located. Allowing specialized business in this district would defeat the purpose. Specific provisions for this district are set forth in Section 6.19.

SECTION 4.23 – GENERAL BUSINESS DISTRICT (GB)

The purpose of the GB district is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities would include large space uses such as department stores, service stations, specialty stores, and the like. Shopping centers are good examples of types of uses in the GB district. Due to the scale, it is absolutely necessary that this district be located on an arterial or a collector street as specified by the City Plan Commission or the INDOT. Specific provisions for this district are set forth in Section 6.20

SECTION 4.24– CENTRAL BUSINESS DISTRICT (CBD)

The purpose of the CBD District is to promote the further expansion and improvement of the core business area of Madison. A large variety of uses including public, cultural and even high density residential would be encouraged. Specific provisions for this district are set forth in Section 6.21

SECTION 4.25 – SPECIALTY DISTRICT (SD)

The purpose of the SD District is to promote the continuance and development of specialty businesses in the Madison Historic District. Specific provisions for this district are set forth in Section 6.22.

SECTION 4.30 – MANUFACTURING DISTRICTS

These districts are established to meet the purposes identified in Sections 4.31 and 4.32. Specific provisions for Industrial Districts are set forth in Sections 6.23 – 6.25 inclusive.

SECTION 4.31 – LIGHT MANUFACTURING DISTRICT (M-1)

The purpose of the M-1 district is to encourage the development of manufacturing and wholesale business establishments that are clean, quiet, and free of hazardous or objectionable elements, operate entirely within enclosed structures and generate little

industrial traffic. This district is further designed to act as a transitional use between heavy manufacturing uses and less intensive uses such as business or residential. Specific provisions for this district are set forth in Section 6.24.

SECTION 4.32 – HEAVY MANUFACTURING DISTRICT (M-2)

The purpose of the M-2 district is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require large capacity community facilities and reasonably good access to an arterial street. They may also have extensive open storage and service areas and may generate heavy industrial-type traffic. Specific provisions for this district are set forth in Section 6.25.

SECTION 4.40 – ENVIRONMENTAL DISTRICTS

These districts are established to meet the purposes identified in Sections 4.41 – 4.43, inclusive. Specific provisions for Environmental Districts are set forth in Sections 6.27-6.30.

SECTION 4.41 – AGRICULTURAL DISTRICT (AG)

The purpose of the AG district is to preserve and protect prime agricultural land by controlling the indiscriminate infiltration of urban development into agricultural areas. Specific provisions for this district are set forth in Section 6.28.

SECTION 4.42 – OPEN SPACE DISTRICT (OS)

The purpose of the OS district is to provide areas for farming and conservation purposes, and areas suitable for non-commercial recreation. This district includes the Flood Hazard Areas as delineated in Madison by the Federal Emergency Management Agency. Specific provisions for this district are set forth in Section 6.29.

SECTION 4.43 – HILLSIDE DISTRICT (HS)

The purpose of the HS district is to identify unique natural features and areas of scenic beauty in the Madison area. The Hillside District includes land of which, because of topographical features, the development would be costly and hazardous. Therefore, the purpose of the Hillside District is to promote the preservation of the natural features and scenic beauty, and to permit carefully monitored residential growth which would be compatible with the preservation of the natural features and scenic beauty, and with the safety, comfort and general welfare of the community. The Hillside District shall

primarily include hillside areas surrounding old Madison. Specific provisions for this district are set forth in Section 6.30.

ARTICLE IV

APPLICATION OF DISTRICT REGULATIONS

SECTION 5.00 – GENERAL APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except with an approved building permit and in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk,
 - b. to accommodate or house a greater number of families,
 - c. to occupy a greater percentage of lot area, or
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required, or in any other manner be contrary to the provisions of this ordinance.

3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

**SECTION 5.10 – OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
ADOPTED**

District Regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this ordinance. Section 7.00, the Official Schedule of District Regulations table, identifies each land use according to whether it is a permitted use, a conditional use, or a prohibited use within each district. The restrictions for each permitted and/or conditional use specified in Section 6.00, the Specific Application of District Regulations, are listed by title and an identification number(s) (in parentheses) that refers to the corresponding number within Section 7.00. The conditional uses are of the same general character and will not be detrimental to the district in which they may be located and may be permitted under the provision in Section 11.70.

The zoning classification for the district in which the property is located must allow for the proposed use of the property prior to submitting an application for review of said use to the Historic District Board of Review or the Zoning Board of Appeals whichever is applicable.

**SECTION 5.20 – EXPLANATION OF THE ORIGIN OF THE OFFICIAL
SCHEDULE OF DISTRICT REGULATIONS**

The Official Schedule of District Regulations was prepared using a modified form of the Standard System for Identifying and Coding Land Use Activities.

**SECTION 5.30 – GENERAL RESTRICTIONS, APPLICATION OF ALL USES IN
ALL DISTRICTS**

The restrictions set out in Sections 5.31 – 5.43, inclusive, apply to all uses in all districts.

SECTION 5.31 – PROPERTY ACCESS

Any structure erected or moved for use as a dwelling unit or with a replacement cost in excess of Two Thousand Dollars (\$2,000) shall be easily accessible to fire and other emergency equipment, and shall be on a lot adjacent to or with access to a public street, or with access to an approved private street.

SECTION 5.32 – LAND USE COMPATIBILITY

Each proposed land use shall not create an adverse effect upon the surrounding land uses, health, safety, or the general welfare of the City by overburdening the land, existing

utilities or the road network. Proposals shall also comply with provisions for lighting, signage, noise, and landscaping.

SECTION 5.33 – LIGHTING

Each proposed land use shall comply with the lighting intensity regulations in the lighting ordinance (2016-21). Proposed development shall not overburden surrounding land uses with excessive lighting.

SECTION 5.34 – SIGNING

Each proposed land use shall comply with the signing regulations in the sign ordinance. Signage in all land use districts shall promote public health, safety, and general welfare.

SECTION 5.35 – NOISE

Each proposed land use shall comply with noise regulations in the noise ordinance. Proposed development shall not overburden the surrounding land uses with excessive noise.

SECTION 5.36 – TRAFFIC GENERATION

Each proposed land use shall not create such a volume of automotive traffic so as to overburden the surrounding road system. A traffic impact analysis should be conducted in each instance of development where the surrounding road system may be overburdened. A traffic impact analysis shall follow guidelines and procedures regulated by the City of Madison.

SECTION 5.37 – TEMPORARY STRUCTURES

Temporary structures may be erected on a single lot, provided that a permit is obtained if required and all other requirements of this ordinance relevant to temporary structures shall be met for each structure. Temporary buildings incidental to construction work are permitted but must be removed upon completion of construction

SECTION 5.38 – ACCESSORY BUILDING

No accessory building shall be erected in any required yard setback, and no separate accessory building shall be erected within five (5) feet of any other building. If an accessory building exceeds two hundred (200) square feet in floor area, a building permit shall be applied for and obtained from the Building Inspector and the permit fee paid prior to erection in accordance with Section 11.41 of this ordinance.

SECTION 5.39 - ADDITIONAL STRUCTURES PER LOT

More than one structure housing a permitted or permissible use may be erected on a single lot, provided that yard and other requirements of the ordinance shall be met for each structure.

SECTION 5.40 – MINIMUM YARD SETBACK

No structure except fences, mailboxes, signposts and no movable enclosure exceeding thirty-five (35) square feet in projected area without a fixed location on the ground shall be erected, placed, or moved to within ten (10) feet of any lot line except that within the historic district; no structure except fences, mailboxes, sign posts and no movable enclosure exceeding thirty-five (35) square feet in projected area without a fixed location on the ground shall be erected, placed or moved closer than three (3) feet of the sides and back property lines. A single story residence may have a single story outbuilding, garage, or other similar structure and a two story residence may have a one or two story outbuilding, garage or similar structure.

SECTION 5.41 – SIGNS

All free-standing billboards or advertising sign boards shall conform to the Building Regulations for off-premise advertising signs and billboards contained in Title XV, Chapter 150, Section 150.90 of the Madison Indiana Code of Ordinances.

SECTION 5.42 – OFF-STREET PARKING

Each proposed land use shall comply with the off-street parking restrictions and regulations found in Section 9.00 of this ordinance.

SECTION 5.43 – FIRE LANES

All project plans submitted for review shall clearly designate required fire lanes and/or fire apparatus access roads. Fire lanes shall be designated and established in accordance with any and all requirements as set forth in this ordinance and additional requirements as found in:

1. The City of Madison (Chapter 105, Sec. 150.06) and Indiana Building Codes (675 IAC 13-2.4-1).
2. The City of Madison (Chapter 92, Sec. 92.23) and Indiana Fire Codes (675 IAC 22-2.3-1).

3. Any other applicable City of Madison ordinances.
4. Any requirements specified by Indiana traffic statutes or other codes (Chapter 71, Sec. 71.11 & IC 9-21-16-5.5).
5. The City of Madison Sub-Division ordinance (Chapter 153, Sec. 153.01).

Areas designated as fire lanes shall be designed to be completely unobstructed and shall not have any space designated for the parking of vehicles or the placement of any other object or thing.

The fire chief, or his designee, of the servicing fire department shall cause to be reviewed all plans requiring or requesting the establishment of fire lanes and shall make either a written or verbal report of the findings with a recommendation to the City of Madison Plan Commission when a new facility is involved and to the City of Madison Board of Public Works and Safety when an existing facility located within the City limits is involved. Where no fire lane has been designated, the fire chief may request the establishment of a fire lane. All such requests shall be in compliance with adopted codes.

This section shall apply to the establishment of fire lanes upon both the public and private properties of the jurisdiction involving both new and existing facilities.

Should a conflict arise between any requirements found herein during the enforcement of this section, then that section containing the most stringent requirements shall apply. Should the conflict involve a City of Madison Ordinance and a State of Indiana Statute, the requirements of the statute shall supersede the requirements of the ordinance unless the statute provides for local enforcement when more stringent.

SECTION 6.00 – SPECIFIC APPLICATION OF DISTRICT REGULATIONS

The restrictions set out in Sections 6.10 – 6.30, inclusive, apply to uses in the individual districts.

SECTION 6.10 – RESTRICTIONS – RESIDENTIAL DISTRICTS

These districts have been created to preserve and enhance a safe, pleasant living environment for the people of Madison, Indiana. It is intended to provide a variety and mix of dwelling types. These districts and their restrictions follow in Sections 6.11 – 6.16, inclusive.

A. General Restrictions – All Residential Districts

1. Home occupations

Home occupations shall be governed by the following regulations:

- a. A home occupation is any use conducted entirely within a dwelling and participated in by no more than one (1) other person than members of the family, when such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon.
- b. Permitted home occupations shall not include, nor shall the exclusions be limited to, the following:
 - (1) A clinic or hospital.
 - (2) A barbershop
 - (3) A stable or kennel.
 - (4) A restaurant.
 - (5) Any activity that produces noxious matter.
- c. Permitted home occupations shall not include the employment of more than one (1) other person in addition to the occupant of the dwelling unit in performance such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for Residential Districts. There shall be no exterior storage of equipment or materials used in such home operations.

2. Signs intended to be seen outside lot lines
 - a. Non-illuminated business signs are permitted.
 - b. No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
 - c. No sign, except for real estate signs, shall be larger than two (2) square feet per side. Real estate signs shall not exceed eight (8) square feet, are permitted on a temporary basis and shall be removed when the property is no longer for sale or rent.
3. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) and twelve (12) feet above the established grade determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the street corner along each lot line.
4. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the drive way; and provided further that no fence, wall or hedge along the sides or front edge of any front yard shall exceed three (3) feet in height.
5. Parking, storage, or use of major recreational equipment
 - a. Major recreational equipment may be stored on a lot zoned residential agricultural (R-A) provided it does not violate any other section of this ordinance and that not more than three (3) pieces of equipment are present.
 - b. Recreational equipment parked or stored in Residential Districts shall be parked in a manner so as not to block pedestrian traffic or interfere with the view of motorists. Recreational equipment will not be used for any purpose other than that intended when manufactured.
 - c. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
6. Parking and storage of certain vehicles – Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored for more than seven (7) days on any residentially zoned property other than in completely enclosed buildings with the exception of state licensed antique vehicles.

7. Parking and storage of certain construction equipment and commercial or industrial trucks – Construction equipment such as backhoes, front end loaders, cranes, bulldozers or graders and trucks which are used for commercial or industrial purposes and which have a weight of two and one-half (2-1/2) tons or more shall not be parked or stored for more than twelve (12) hours on any residentially zoned property. Refrigerated trucks of all sizes shall not be parked on any residentially zoned property while refrigeration unit is engaged.
8. Apartment building owners must submit in writing a proposed handicapped-parking plan, to meet the requirements of the Americans with Disabilities Act (ADA), to the Plan Commission for approval at a regularly scheduled Plan Commission meeting.
9. Within the Madison Corporate Limits, all mobile manufactured homes shall be located in an approved mobile manufactured home park as defined in Section 6.16.

SECTION 6.11 – RESIDENTIAL AGRICULTURAL (RA)

A. General Restrictions

1. Floor area ratio – Not to exceed two tenths (0.20).
2. Lot area – Not less than one (1) acre (43,560 square feet).
3. Lot width – Not less than one hundred fifty (150) feet.
4. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City’s Historic Ordinance 151.36.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Single Family Dwelling Units (110)
 - a. If built on a block or road where previous residential development has taken place:

- i. Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than forty (40) feet from the right-of-way if bordering a collector street or sixty (60) feet from the right-of-way if bordering an arterial street or road.
 - ii. Side yards shall in no case be less than twenty (20) feet wide.
 - iii. For all side yards, when the structure is in excess of two (2) stories, for each story over the second, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet. (For the purposes of this ordinance, a story that is more than half below ground level from floor to ceiling shall not be considered a story.) Example: A three (3)-story house or a single story house with a height greater than twenty-five (25) feet, would be required to have side yards of at least twenty-eight (28) feet in width.
- a) If built on a block or road where no previous residential development has taken place:
 - i. Setbacks shall be not less than forty (40) feet from right-of-way of collector streets and sixty (60) feet from right-of-way of arterial streets or roads.
 - ii. Side yards shall in no case be less than twenty (20) feet wide.
 - iii. For all side yards, when the structure is in excess of two (2) stories, for each story over the second, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet. (For the purposes of this ordinance, a story that is more than half below ground level from floor to ceiling shall not be considered a story.) Example: A three (3)-story house or a single story house with a height greater than twenty-five (25) feet, would be required to have side yards of at least twenty-eight (28) feet in width.

2. Transportation-related uses (454, 455, 456, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Parks, Playgrounds, Recreation Areas, and Farms (742, 761, 762, 811, 812 813, 814, 815, 816, 818, 819, 822, 921)

These uses are permitted in this district provided that the Plan Commission approves plans for their development and use.

4. Additional restrictions:
 - a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
 - b. Areas for parking shall not be closer than forty (40) feet from any lot line.
 - c. At the option of the Plan Commission at such date as the situation may arise, buffers may be required to shield adjacent residences from the view of the proposed development and potential noise pollution. .

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Boarding Houses, Residential assisted living and/or long term care facility, Certain Other Group Quarters (121, 123)

These uses are permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
 - b. Side yards shall be not less than forty (40) feet wide.
 - c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
2. Mobile manufactured home (112)

A mobile manufactured home may be located on a lot within the jurisdiction of the City of Madison that is outside of the City Limits but within the two mile fringe area providing the following restrictions are met:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.

- b. Side yards shall be not less than forty (40) feet wide.
- c. The mobile manufactured home must be designed, constructed, transported, and anchored to a foundation in accordance with CFR 24 Part 3280, HUD Manufactured Home Construction and Safety Standards, and have the original certification label and data plate attached.
- d. The mobile manufactured home data plate must indicate that the mobile manufactured home was manufactured less than 15 years before the date of conditional use permit application.

3. Transportation Related Uses (451, 452, 453, 457, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

4. Various Public and Quasi-Public Utilities (471, 472, 476, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- c. No unsafe, uncomfortable, or offensive, vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Plan Commission for each request.

5. Cemeteries (626)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this

district:

- a. The minimum size for new cemeteries shall be four (4) acres.
- b. No structure shall be placed within fifty (50) feet of any lot line.
- c. The site may be completely enclosed by a fence.
- d. , if approved by the Board of Zoning Appeals.

6. Medical and Other Health Services (651, 653, 654, 655)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

7. Protective Functions Such as Police and Fire Protection (672)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within one hundred (100) feet of any structure on an adjacent lot.

8. Schools and Churches (681, 691)

School locations should be determined by the School Board of the appropriate school district based on an independent study of demographics of future school age populations and in accordance with the Section 7.0 Schedule of District Regulations. Provided the restrictions stated in Section 6.12, C 7 are adhered to and upon receiving approval of the Board of Zoning Appeals schools and churches may be permitted in this district.

8. Cultural, Entertainment, Recreational Activities, and Farms (711, 712, 719, 724, 731, 739, 743, 744, 749, 751, 752, 769, 817, 821, 829, 831 832, 839)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- c. Areas for parking shall not be closer than forty (40) feet from any lot line.
- d. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans shall require Plan Commission approval prior to construction.
- e. For adult entertainment uses, the provisions of City Ordinance Chapter 112 Sexually Oriented Businesses, as amended, shall also be complied with.

SECTION 6.12 – LOW DENSITY RESIDENTIAL (R-4)

A. General Restrictions

1. Floor area ratio – Not to exceed five tenths (0.50).
2. Lot area – Not less than one-fourth (1/4) acre if single dwelling unit is included or one-half (1/2) acre if a duplex is involved. Maximum density four (4) dwelling units per acre.
3. Lot width – Not less than fifty (50) feet.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Dwelling Units (110)

a. If built on a block or road where previous residential development has taken place:

(1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from right-of-way if bordering an arterial street or road.

(2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District

(3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet. (For the purposes of this ordinance, a story that is more than half below ground level from floor to ceiling shall not be considered a story.) Example: A two (2)-story house or a single story house with a height greater than twenty-five (25) feet, would be required to have side yards of at least eighteen (18) feet in width.

b. If built on a block or road where no previous residential development has taken place:

(1) Setbacks shall be not less than twenty-five (25) feet from right-of-way of collector streets and forty (40) feet from right-of-way of arterial streets or roads.

(2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District.

(3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.

2. Roadways and Recreation Areas (453, 454, 455, 456, 457, 460, 742, 761, 762)

These uses are permitted in this district provided that the Madison Plan Commission approves plans for their development and use. Additional restrictions include.

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than twenty (20) feet from any lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, buffers may be required to shield adjacent residences from undue noise pollution and provide visual screening. .

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Boarding Houses and Residential assisted living and/or long term care facility (121, 123)

These uses are permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than thirty (30) feet from right-of-way line.
 - b. Side yards shall be not less than thirty (30) feet wide.
 - c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within thirty (30) feet of lot lines.
2. Various Public and Quasi-Public Utilities, and Roadways (451, 452, 459, 471, 472, 476, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.

- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
 - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty-five (25) feet of lot lines.
 - e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts, which could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Board of Zoning Appeals for each request.
3. Real Estate Offices and Funeral Homes (615, 624)

Providing that the following restrictions are adhered to and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty-five (25) feet from right-of-way of collector streets and forty (40) feet from right-of-way of arterial streets or roads.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District.

(3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.

- c. Parking is permitted provided it is screened from view and is located at the side of or behind the main structure. Further, no parking lot shall be located closer than twenty (20) feet from the nearest lot line.
- d. Structures shall be so designed so as not to destroy the continuity of the district. Plans for structures must be presented to the Board of Zoning Appeals prior to Board action.

4. Cemeteries (626)

Providing that the following restrictions are adhered to and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. The minimum size for new cemeteries shall be four (4) acres.
- b. No building shall be placed within fifty (50) feet of any lot line.
- c. The site may be completely enclosed by a fence, if approved by the Board of Zoning Appeals.

5. Medical, Comprehensive Treatment Center and Other health Services (653, 655, 699)

Providing that the following restrictions are adhered to and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall not be less than thirty (30) feet from right-of-way line.
- b. Side yards shall be not less than twenty (20) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet to any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.

6. Protective Functions and Postal Service (672, 673)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals and involved protective services should cooperate to determine where best to locate these functions. Should they decide upon a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.

7. Schools and Churches (681, 691)

School locations should be determined by the School Board of the appropriate school district based on an independent study of demographics of future school age populations and in accordance with the Section 7.0 Schedule of District Regulations. When the location is chosen, it should be restricted in the following ways. Churches should have the same restrictions.

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within thirty (30) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than thirty (30) feet from right-of-way if bordering a collector street or fifty (50) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than thirty (30) feet from right-of-way of

collector streets and fifty (50) feet from right-of-way of arterial streets or roads.

- (2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District.
- (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.

8. Cultural, Entertainment, and Recreational Activities (711, 719, 722, 743, 769)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- c. Areas for parking shall not be closer than forty (40) feet from any lot line.
- d. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Board of Zoning Appeals approval prior to construction.
- e. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- f. For adult entertainment uses, the provisions of City Ordinance Chapter 112 Sexually Oriented Businesses, as amended, shall also be complied with.

SECTION 6.13 – MEDIUM DENSITY RESIDENTIAL (R-8)

A. General Restrictions

- 1. Floor area ratio – Not to exceed one (1.00)
- 2. Lot area – For individual units, not less than five thousand and four hundred (5,400) square feet; if, however, there is a desire to build a duplex or triplex, there

may not be a greater density than eight (8) units per acre. Other multi-family units are not permitted in this district except for conditional use.

3. Lot width – Not less than forty (40) feet.
4. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City’s Historic Ordinance 151.36.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Single Family, Duplex and Triplex Dwelling Units (110)
 - a. Setbacks shall be not less than twenty (20) feet from the right-of-way if bordering a collector or lesser street or forty (40) feet from the right-of-way if bordering an arterial or higher functional class street.
 - b. Side yards shall in no case be less than ten (10) feet wide in the Medium Density Residential District.
 - c. For every story in excess of the first or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by five (5) feet. Example: A two (2) story structure would have a required side yard width of fifteen (15) feet.

2. Transportation Related Uses (452, 453, 454, 455, 456, 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Parks, Playgrounds and Recreation Areas (742, 743, 761, 762, 769,)

These uses are permitted in this district provided that the Plan Commission approves plans for their development and use. Additional restrictions include:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than twenty (20) feet from any lot line.

- c. At the option of the Plan Commission at such a date as the situation may arise, buffers may be required to shield adjacent residences from undue noise pollution and provide visual screening. .

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Residence Halls, Residential assisted living and/or long term care facility, and Apartments (121, 122, 123, 130)
 - a) Setbacks shall be not less than thirty (30) feet from the right-of-way if bordering a collector or lesser street or fifty (50) feet from the right-of-way if bordering an arterial or higher functional class street..
 - b) Side yards shall in no case be less than ten (10) feet wide in the Medium Density Residential District.
 - c) For every story in excess of the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by five (5) feet. Example: A two (2) story structure would have a required side yard width of fifteen (15) feet.
 - d) Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within fifteen (15) feet of lot lines.
 - e) Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

2. Transportation Related Uses (412, 451, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Various Public and Quasi-Public Utilities (471, 472, 476, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
 - b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
 - c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
 - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.
 - e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Board of Zoning Appeals for each request.
4. Real Estate Office and Funeral Homes (615, 624)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty (20) feet from the right-of-way if bordering a collector street or forty (40) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Medium Density Residential District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:

- (1) Setbacks shall be not less than twenty (20) feet from the right-of-way if bordering collector streets and forty (40) feet from the right-of-way if bordering arterial streets or roads.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Medium Density Residential District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- c. Structures shall be so designed so as not to destroy the continuity of the district. Plans for structures must be presented to the Board of Zoning Appeals prior to Board action.
5. Medical, Comprehensive Treatment Center and other Health Services (653655, 699)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall not be less than thirty (30) feet from the right-of-way line.
 - b. Side yards shall be not less than twenty (20) feet wide.
 - c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
 - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within thirty (30) feet of lot lines.
6. Protective Functions and Postal Service (672, 673)

With the health, safety, and well-being of the citizen foremost in their minds, the Board of Zoning Appeals and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.

- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

7. Schools and Churches (681, 691)

School locations should be determined by the School Board of the appropriate school district based on an independent study of demographics of future school age populations and in accordance with the Section 7.0 Schedule of District Regulations. When the location is chosen, it should be restricted in the following ways. Churches should have the same restrictions

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within thirty (30) feet either way of the average setback of the dwelling units located within three hundred (300) feet on the same street or road, but shall in no case be narrower than thirty (30) feet from the right-of-way if bordering a collector street or fifty (50) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Medium Density Residential District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than thirty (30) feet from the right-of-way if bordering collector streets and fifty (50) feet from the right-of-way if bordering arterial streets or roads.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Medium Density Residential District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.

8. Cultural, Entertainment, and Recreational Activities (711, 719, 722)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from any lot line.
- d. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans shall require the Board of Zoning Appeals approval prior to construction.
- e. For adult entertainment uses, the provisions of City Ordinance Chapter 112 Sexually Oriented Businesses, as amended, shall also be complied with.

SECTION 6.14 – HIGH DENSITY RESIDENTIAL (R-32)

A. General Restrictions

1. Floor area ratio – No restriction.
2. Lot area – No restriction.
3. Lot width – No restriction.
4. Height restriction – Forty-five (45) feet.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Dwelling Units, Residence Halls, Residential assisted living and/or long term care facility, and Apartments (110, 122, 123, 130)
 - a. Setbacks shall be not less than thirty (30) feet from the right-of-way if

bordering a collector or lesser street or fifty (50) feet from the right-of-way if bordering an arterial or higher functional class street.

- b. Side yards shall in no case be less than ten (10) feet wide in the High Density Residential Districts.
- c. For every story in excess of the first or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by five (5) feet. Example: A two (2) story structure would have a required side yard width of fifteen (15) feet.
- d. For all apartments adjacent to single-family structures, side yards must be thirty (30) feet wide and back yards 30 feet deep.
- e. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within fifteen (15) feet of surrounding dwelling units.
- f. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

2. Transportation Related Uses (412, 451, 452, 453, 454, 455, 456, 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Laundering, Beauty and Barber Shops (621, 623)

Providing that the following restrictions are adhered to, and upon receiving approval from the Plan Commission, this use may be permitted in this district:

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from the right-of-way if bordering a collector street or forty (40) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the High

Density Residential Districts.

- (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty (20) feet wide from the right-of-way if bordering collector streets and forty (40) feet wide from the right-of-way if bordering arterial streets or roads.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
 - (4) Parking is permitted provided it is screened from view and is located at the side or behind the main structure. Further, no parking lot shall be located closer than ten (10) feet from the nearest lot line.
4. Parks, Playgrounds, Recreation Areas, and Farms (742, 743, 761, 762, 769, 811, 812, 813, 814)

These uses are permitted in this district provided that the Plan Commission approves plans for their development and use. Additional restrictions include:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from any lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, buffers may be required to shield adjacent residences from undue noise pollution and provide visual screening. .

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations

shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Rooming and Boarding Houses (121)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. Setbacks shall be not less than thirty (30) feet from the right-of-way if bordering a collector or lesser street or fifty (50) feet from the right-of-way if bordering an arterial or higher functional class street.
- b. Side yards shall in no case be less than ten (10) feet wide in the High Density Residential Districts.
- c. For every story in excess of the first or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by five (5) feet. Example: A two (2) story structure would have a required side yard width of fifteen (15) feet.
- d. For all buildings adjacent to single-family structures, side yards must be thirty (30) feet wide and back yards 30 feet deep.
- e. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within fifteen (15) feet of surrounding dwelling units.
- f. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

2. Various Public and Quasi-Public Utilities, and Transportation Related Uses (411, 413, 459, 471, 472, 476, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.

- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
 - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.
 - e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. The Board of Zoning Appeals should closely scrutinize each such request.
3. General Food Trade, Banking, Real Estate, and Apparel Repair (541, 542, 543, 544, 545, 546, 549, 599, 611, 615, 625)

These uses are permitted in this district provided the Board of Zoning Appeals gives its approval prior to any action.

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from the right-of-way if bordering a collector street or forty (40) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty (20) feet from the right-of-way if bordering collector streets and forty (40) feet wide from the right-of-way if bordering arterial streets or roads.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the High Density Residential Districts.

(3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.

- c. Parking is permitted provided it is screened from view and is located at the side or behind the main structure. Further, no parking lot shall be located closer than ten (10) feet from the nearest lot line.
 - d. Structures shall be so designed so as not to destroy the continuity of the district. Plans for structures must be presented to the Board of Zoning Appeals prior to Board action.
4. Medical and Other Health Services (651, 653, 659, 699)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall not be less than thirty (30) feet from the right-of-way line.
 - b. Side yards shall be not less than twenty (20) feet wide.
 - c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
 - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.
5. Protective Functions and Postal Service (672, 673)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, the following restrictions must be followed:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.

c. Should conform to other regulations pertaining to this district.

6. Schools and Churches (681, 682, 691)

School locations should be determined by the School Board of the appropriate school district based on an independent study of demographics of future school age populations and in accordance with Section 7.0 Schedule of District Regulations. When the location is chosen, it should be restricted in the following ways. Churches shall have the same restrictions

a. If built on a block or road where previous residential development has taken place:

(1) Setbacks shall conform to within thirty (30) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than thirty (30) feet from the right-of-way if bordering a collector street or fifty (50) feet from the right-of-way if bordering an arterial street or road.

(2) Side yards shall in no case be less than ten (10) feet wide in the High Density Residential Districts.

(3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.

b. If built on a block or road where no previous residential development has taken place:

(1) Setbacks shall be not less than thirty (30) feet from the right-of-way of collector streets and fifty (50) feet from the right-of-way of arterial streets or roads.

(2) Side yards shall in no case be less than ten (10) feet wide in the High Density Residential Districts.

(3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.

7. Cultural, Entertainment, and Recreational Activities (711, 719, 721, 722, 723, 724, 731, 769 & 790)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from any lot line.
- d. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans shall require Board of Zoning Appeals approval prior to construction.
- e. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- f. For adult entertainment uses, the provisions of City Ordinance Chapter 112 Sexually Oriented Businesses, as amended, shall also be complied with.

SECTION 6.15 – HISTORIC DISTRICT RESIDENTIAL (HDR)

A. General restrictions

1. Floor Area Ratio – No restriction
2. Lot Area – No restriction
3. Lot Width – No restriction
4. Side Yard and Rear Yard Setback – Minimum of three feet
5. Height Restriction – 45 feet
6. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City’s Historic Ordinance 151.36.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. , Residential assisted living and/or long term care facility, (110, 123)

- a. For all residential assisted living and/or long term care facility adjacent to single family structures side and back yards must be 20 feet.
- b. Parking lots shall be placed behind or alongside the principal building and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within fifteen (15) feet of surrounding dwelling units.
- c. Necessary lighting should not adversely affect any adjacent property.. Such devices should be approved by the Plan Commission prior to installation.

2. Parks, Leisure and Ornamental (762)

This use is permitted in this district provided that plans for the parks development and use are approved by the Plan Commission. Additional restrictions include:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from lot lines.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residents from undue noise pollution. This may be in the form of tall solid fence or heavy vegetation.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

- 1. Rooming and Boarding Houses, Fraternity, Sorority Houses, Residence Halls and Dormitories, Apartments, Condominiums and Tourist Homes (110, 111, 121, 122, 124, and 130,)
 - a) For all apartments adjacent to single family structures side and back yards must be 20 feet.
 - b) Parking lots shall be placed behind or alongside the principal building and shall be screened from the view of the surrounding dwelling units.

Further, no parking area shall be located within fifteen (15) feet of surrounding dwelling units.

- c) Necessary lighting should not adversely affect any adjacent property.. Such devices should be approved by the Plan Commission prior to installation.

2. Medical and Other .Health Services (651, 652, 653, 654, 655 & 659)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, the uses may be permitted in this district:

- a. Setbacks shall not be less than thirty (30) feet from right-of-way line.
- b. Side yards shall not be less than twenty (20) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be place closer than fifty (50) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal building and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.

3. Protective and Postal Service (672 & 673)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals, Plan Commission, and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, then the following restrictions must be followed:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.

4. Schools and Churches (681, 682 & 691)

The location of schools should be done by a study independent of City or other governmental agencies. When the location is chose, it should be restricted in the following ways. Churches should have the same restrictions. The City of Madison shall make no law respecting an establishment of religion prohibiting the free expression thereof.

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within thirty (30) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than thirty (30) feet from right-of-way if bordering a collector street of fifty (50) feet from the right-of-way if bordering an arterial street or road,
 - (2) Side yards shall in no case be less than ten (10) feet.
 - (3) For all side yard, when the structure is in excess of one story, for each story over the first, the side yard shall be increase by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall not be less than thirty (30) feet from right-of-way of collector streets and fifty (50) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard shall be increased by at least eight (8) feet.

5. Parks, Playgrounds and Recreating Areas (719, 721. 723, 742, 743, 769)

These uses can be permitted in this district, provided that plans for their development and use are approved by the Plan Commission. Additional restrictions include:

- a. Light areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners.., It is recommended that no light standard be placed closer than (50) feet from any adjacent property line.

- b. Areas for parking shall not be closer than forty (40) feet from lot line.

SECTION 6.16 – RESIDENTIAL MOBILE MANUFACTURED HOME PARK (RMH)

A. General Restrictions

1. Mobile manufactured home park area – Not less than one (1) acre (43,560 square feet).
2. Floor area ratio – Not to exceed four tenths (0.4).
3. Lot area – Not less than three thousand (3,000) square feet.
4. Lot width – Thirty-two (32) foot minimum.
5. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City’s Historic Ordinance 151.36.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Mobile manufactured home Parks (140)
 - a. Each mobile manufactured home park shall have a maximum density of eight (8) mobile manufactured homes per acre, calculated from the gross acreage included within the boundaries of the proposed mobile manufactured home park.
 - b. No mobile manufactured home may be located closer than twenty (20) feet to any boundary line of the mobile manufactured home park.
 - c. No mobile manufactured home shall be located closer than twenty (20) feet to any permanent structure within the mobile manufactured home park.
 - d. No mobile manufactured home shall be placed closer than ten (10) feet from any lot or site line.
 - e. No mobile manufactured home shall be located closer than fifteen (15) feet to the right-of-way of any mobile manufactured home park street.

- f. If the mobile manufactured home park is designed to be occupied by ten (10) mobile manufactured homes or more, not less than fifteen (15) percent of the gross land area of the park shall be improved for recreational activities for the residents of the park.
 - g. No less than five (5) mobile manufactured homes shall constitute a mobile manufactured home park.
 - h. There shall be no additional mobile manufactured home or mobile manufactured home site within the zoning jurisdiction of the City unless said mobile manufactured home or mobile manufactured home site is approved by the Board of Zoning Appeals. "Zoning jurisdiction" shall mean all lands within two (2) miles of the corporate limits of the City, as said limits now or hereafter exist.
 - i. There shall be no additional mobile manufactured home park located within the corporate limits of the City or within the zoning jurisdiction of the City unless said mobile manufactured home park is approved by the Plan Commission pursuant to this ordinance and requirements of the Indiana Mobile Home Parks Act, as amended, and the Indiana State Department of Health Regulations, as amended.
2. Transportation Related Uses (455, 456, 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

- 1. Transportation Related Uses (451,452, 453, 454, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.
- 2. Parks, Playgrounds, and Recreation Areas (742, 743, 752, 761, 762, 769)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
 - b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
 - c. Areas for parking shall not be closer than twenty (20) feet from any lot line.
 - d. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Board of Zoning Appeals approval prior to construction.
 - e. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
3. Various Public, Quasi-Public Utility Buildings or Facilities, Excluding Transmission Lines and Transportation Related Utilities (471, 472, 476, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
 - b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
 - c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
 - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding mobile manufactured homes. Further, no parking area shall be located within twenty (20) feet of lot lines.
 - e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts, which could furnish equivalent space with no additional economic expense to the utility. The Board of Zoning Appeals should closely scrutinize each request.
4. Real Estate Offices and Laundering Service (615, 621)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from the right-of-way if bordering a collector street or forty (40) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet wide in the Mobile manufactured home Park District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- b. If built in a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty (20) feet from the right-of-way if bordering collector streets and forty (40) feet from the right-of-way if bordering arterial streets or roads.
 - (2) Side yards shall be in no case less than ten (10) feet wide in the Mobile manufactured home Park District.
 - (3) For all side yards, when the structure is in excess of one (1) story, for each story over the first, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet.
- c. Parking is permitted provided it is screened from view and is located at the side or behind the main structure. Further, no parking lot shall be located closer than twenty (20) feet from the nearest lot line.

5. Protective Functions, Police and Fire (672)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals and involved protective services should cooperate to

determine where best to locate these functions. Should they arrive at a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

SECTION 6.17 – RESTRICTIONS – BUSINESS DISTRICTS

These districts have been created to provide areas for certain commercial and other service functions generally found in city and town centers. It is intended to provide these services where they are needed most and to preserve, enhance, and encourage the usefulness and vitality of these areas. These districts and their restrictions follow in Sections 6.17 – 6.22, inclusive.

A. General Restrictions – All Business Districts

1. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibrations, refuse matter, or water-carried waste.
2. In any commercial district where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen or an opaque fence having a height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
3. No sign shall project beyond a lot line to obstruct in any way a driver's vision of the road, or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path. In addition, all signs should always be properly maintained. The bottom of a sign over a pedestrian pathway must be ten (10) feet above the path and fifteen (15) feet above the street. All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City's Historic Ordinance 151.36.
4. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) to twelve (12) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner

lots and the line joining points along said street lines fifteen (15) feet from the point of the intersection.

5. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway; and provided further that no fence, wall or hedge along the sides or front edge of any front yard shall exceed three (3) feet in height.
6. Off-street loading – On the same premises with every building or structure hereafter erected and occupied for uses involving the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height distance. T
7. Commercial Building owners must submit in writing a proposed handicap parking plan to meet the requirements of the Americans with Disabilities Act (ADA), to the Plan Commission of the City of Madison for approval at a regularly scheduled Plan Commission meeting.

SECTION 6.18 – PROFESSIONAL, RESEARCH, OFFICE DISTRICT (PRO)

A. General Restrictions

1. Floor area ratio – Not to exceed one (1.0)
2. Lot area – Not less than ten thousand (10,000) square feet (this pertains to a single lot with one (1) structure but which may have several businesses within).
3. Lot width – Not less than fifty (50) feet.
4. Setback requirements
 - a. Front yard – Not less than fifteen (15) feet from the right-of-way.
 - b. Side yards – Not less than ten (10) feet wide.
 - c. Rear yard – Not less than ten (10) feet deep.
5. Height – Not to exceed forty-five (45) feet.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Communications and Utilities (459, 471, 472, 476, 479, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.

2. Hotel, Motel, Eating Places and Stationery Stores (581, 582, 594, 599)

The applicant shall, if requested by the Board of Zoning Appeals, provide a market analysis to determine the percentage of the proposed business that would be generated by customers residing within the district. If the district could generate fifty percent (50%) or more of the business, then these conditional uses should be allowed.

3. Professional Office and Commercial Services (623, 624, 625, 631, 632, 633, 634, 635, 636, 639, 659, 699)

The applicant shall, if requested by the Board of Zoning Appeals, provide a market analysis to determine the percentage of the proposed business that would be generated by customers residing within the district. If the district could generate seventy percent (70%) percent or more of the business, then these conditional uses should be allowed.

4. Government or Protective Services, Educational Uses (397, 653, 672, 673, 682, 683)

The applicant shall, if requested by the Board of Zoning Appeals, provide a needs study to show why the proposed use is needed at the location proposed. The Board of Zoning Appeals shall determine if the proposed use is best suited to meet the needs of the people prior to approval.

5. Cultural, Entertainment, and Recreational Activities (711, 719, 721, 724, 739, 743, 744, 752, 762, 769)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from lot line.
- d. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- e. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- f. For adult entertainment uses, the provisions of City Ordinance Chapter 112 Sexually Oriented Businesses, as amended, shall also be complied with.

SECTION 6.19 – LOCAL BUSINESS DISTRICT (LB)

A. General Restrictions

1. Floor area ratio – Not to exceed eight-tenths (0.8).
2. Lot area – Not to exceed one-fourth (1/4) acre if adjacent to R-4, R-8, R-32, or the RMH District. In any other district, the limit would be one-half (1/2) acre. If the use lies on a boundary between two districts, the allowed sizes of both would be added and divided by two (2).
3. Lot width – Not less than fifty (50) feet.
4. Signs intended to be seen outside lot lines:

Advertising signs are permitted provided they advertise only the use, service, articles, or products offered within the building upon the premises whereon the sign is located, subject to the following requirements:

- a. Signs may be illuminated, but not flashing or bright enough to affect adjacent dwelling units.
 - b. No sign shall be larger than twelve (12) square feet.
5. Setbacks shall be the same as those for the Residential District within which the Local Business District lies. If there are two districts involved, it shall conform to the greater setback of the two.
 6. Height – Buildings shall not exceed thirty (30) feet, measured at the curb line.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Communications, Transportation, and Utilities (451, 452, 453, 459, 471, 472, 476, 481, 482, 483, 484)

The Local Business Districts should be reserved for local business, but when it becomes necessary, the above uses, properly justified and restricted, are permitted. The restrictions will be the same as those presented in each Residential District (Sections 6.11 – 6.16, inclusive) for public and quasi-public utilities. If there is a borderline case, then the more restrictive of the two shall govern. Example: If the LB District lies between an R-4 and an R-8 District, then the restrictions that apply to the R-4 District should be used.

2. Gasoline Service Stations (553, 641)
 - a. Visual screening – The lot lines immediately bordering residential lots shall be screened completely with a fence wall, or evergreen shrubs or trees at least seven (7) feet in height.
 - b. Hours – The hours that the station may remain open shall be restricted to between 6:00 a.m. and 9:00 p.m.

3. Family Clothing and Other Food Trade (539, 549, 561, 562, 563, 564, 565, 566)

- a. At the approval of the Board of Zoning Appeals, this type of facility may be permitted. It shall follow restrictions set out in the section entitled General Restrictions.

4. Eating Places and Local Business (582, 583, 592, 593, 594, 599)

- a. These uses require prior approval by the Board of Zoning Appeals. To gain this approval, they must show a need for their presence. In addition, if the use is approved they must adhere to the following restrictions:
- b. Visual screening – The lot lines immediately bordering residential lots shall be screened completely with a fence, wall, or evergreen shrubs or trees at least seven (7) feet in height.
- c. Follow general restrictions for this district.

5. Banking, Real Estate, Apparel Repair, Automobile Services, and Medical, Health, and other Professional Services (611, 615, 625, 641, 649, 651, 659, 699)

These uses require prior approval by the Board of Zoning Appeals. To gain this approval, they must show a need for their presence. In addition, if the use is approved they must adhere to the following restrictions:

- a. Follow all general restrictions.
- b. Visual screening - The lot lines immediately bordering residential lots shall be screened completely with a fence, wall, or evergreen trees or shrubs at least seven (7) feet in height.

6. Pain Management Center and Comprehensive Treatment Center (654, 655)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property

owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.

- a. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

7. Protective Functions and Postal Service (672, 673)

These uses are permitted in most districts by special exception; therefore, they should not need to be located in the LB/NB District, which is very small. However, if it is absolutely necessary and the Board of Zoning Appeals gives its approval, then they may be permitted, subject to the restrictions for that particular use in that particular Residential District.

8. Cultural, Entertainment, and Recreational Activities (723, 724, 731, 762, 769)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from lot line.
- d. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Board of zoning Appeals approval prior to construction.
- e. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- f. For adult entertainment uses, the provisions of City Ordinance Chapter 112 Sexually Oriented Businesses, as amended, shall also be complied with.

SECTION 6.20 – GENERAL BUSINESS DISTRICT (GB)

A. General

1. Floor area ratio – Not to exceed one and two-tenths (1.2).

2. Lot area – No restrictions.
3. Lot width – This would be based on other restrictions such as setbacks, floor area ratios, and other requirements.
4. The Plan Commission shall determine setbacks. Each site should be individually checked by the Building Inspector to determine what the most appropriate setback should be. Landscaping, ease of access, light and air, and costs should all be taken into account. Adjacent uses should also be considered so as to not locate a noisy use next to a quiet one, or some similar misfortune.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Parks and Playgrounds (742, 743)

These uses should be located in Residential Districts. But, if the Plan Commission decides, they may be placed in this district. However, they should also cater to the needs of the workers and users of this district.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. Special Restrictions may also be imposed in addition to the General Restrictions.

SECTION 6.21 – CENTRAL BUSINESS DISTRICT (CBD)

A. General Restrictions

1. Floor Area Ratio – No restriction
2. Lot Area – No restrictions
3. Lot Width – No restriction
4. Side Yard and Rear Yard Setback – Minimum of three feet
5. Height Restriction – 45 feet

6. Signs intended to be seen outside of the lot line:
 - a. Shall not be obstructed in any way a driver's vision of the road or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path. Preferably, the signs should be flush with the building façade.
 - b. Signs shall meet the requirements of the Historic District and always be properly maintained.

7. Fences, Walls and Hedges:

Notwithstanding other provision of this ordinance, fences, wall and hedges may be permitted in a yard or along the edge of any yard, providing that driveway entrances are not shielded by fences, wall and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway. All fences and walls must meet the requirements of the Historic District.

B. Restrictions for Permitted Use

1. All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions.

C. Restrictions for Conditional Uses

1. All conditional uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed.
2. Apartments and Condominiums – Multi-family units may be approved by the Board in the CBD district where market feasibility studies indicate their desirability.

SECTION 6.22 SPECIALITY DISTRICT (SD)

A. General

1. Floor Area Ratio – No restriction.
2. Lot Area – No restriction.
3. Lot Width – No restriction
4. Side Yard and Rear Yard Setback – Minimum of three (3) feet
5. Height Restriction – 45 feet
6. Signs intended to be seen outside the lot lines:
 - a. Shall not obstruct in any way a driver's vision of the road or hinder is passage in any way. Further, no sign shall be places so as to hinder or

obstruct any pedestrian path. Preferably, the signs should not be flush with the building façade.

b. Signs should always be properly maintained.

7. Fences, Walls and Hedges

Notwithstanding other provision of this ordinance, fences, wall and hedges may be permitted in any required yard or along the edge of any yard, providing that the driveway entrances are not shielded by fences, walls and hedges in such a way as to obstruct the view of a driver enter a public road from the driveway. All fences, walls and hedges shall meet the requirements of the Historic District.

B. Restrictions for Permitted Uses

1. All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions.

C. Restrictions for Conditional Uses

1. All conditional uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. Special restriction may also be imposed in addition to the General Restrictions.

SECTION 6.23 – RESTRICTIONS – MANUFACTURING DISTRICTS

These districts have been created in order to provide areas where industrial uses efficiently locate with a minimum of adverse effects to other uses in the vicinity. Certain harmful or nuisance pollutants are limited accordingly. These districts and their restrictions follow in Sections 6.24 and 6.25

A. General Restrictions – All Manufacturing Districts

1. No lot, parcel, or tract of land shall be used, and no building or structure shall be erected, altered, or remodeled for any of the following uses: manufacture or storage of fireworks or explosives; dumping of garbage, dead animals, offal, or refuse; ore reduction; manufacture of nitro cellulous; manufacture of sauerkraut; manufacture or treatment of tallow, grease, or lard; curing or storage of rawhides or skins; distillation of tar.
2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation, shall be permitted, except such as are specifically permitted by the Board of Zoning Appeals. Such materials shall include, but shall not be confined to all primary explosives such as lead azide, lead styphnate, fulminates, and tetrocene; all high explosives such as TNT, RDX, ILH-K, PETN, and picric acid; propellants and components thereof such as

- cellulose nitrate of a nitrogen content of twelve and one-half percent (12.5%) or greater, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, perchloric acids; perchlorates, hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.
3. No building, structure, or land within one hundred (100) feet of any lot line of a lot located in a Residential District shall be used in connection with the operations of any establishment. Off-street parking and off-street loading spaces may be located within this setback area in accordance with Section 9 of this ordinance.
 4. Any use established in an Industrial District hereinafter shall be operated in such a manner as to comply with applicable performance standards, as hereinafter set forth, governing noise, smoke, and particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, or glare or heat; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such applicable performance standards. Certification approved by the Plan Commission, indicating compliance with the applicable performance standards, shall accompany an application for a building permit.
 5. Signs intended to be seen outside the lot lines:
 - a. No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road, or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
 - b. Signs should always be properly maintained.
 6. No manufacturing use structure, except fences and signposts, shall come within thirty-five (35) feet of any Residential District boundary line.
 7. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) and twelve (12) feet above the established grade determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each lot line.
 8. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by fences, walls and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway.

9. Off-street loading – On the same premises with every building or structure hereafter erected and occupied for uses involving the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height distance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of floor area or land areas used for the aforementioned purposes.
10. Owners of industrial business buildings must submit in writing a proposed handicapped-parking plan, to meet the requirements of the Americans with Disabilities Act (ADA), to the Plan Commission of the City of Madison for approval at a regularly scheduled Plan Commission meeting.

SECTION 6.24 – LIGHT MANUFACTURING DISTRICT (M-1)

A. General Restrictions

1. Floor area ratio – Not to exceed one (1.0).
2. Lot area – Not less than ten thousand (10,000) square feet.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Manufacturing and wholesale business establishments will be permitted in this district if upon review by the Plan Commission, they are evaluated as clean, quiet, and free of hazardous or objectionable elements.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. Special Restrictions may also be imposed in addition to the General Restrictions.

1. Pain Management Center and Comprehensive Treatment Center (654, 655)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

SECTION 6.25 – HEAVY MANUFACTURING DISTRICT (M-2)

A. General Restrictions

1. Floor area ratio – Not to exceed one (1.0)
2. Lot area – Not less than ten thousand (10,000) square feet.
3. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City’s Historic Ordinance 151.36.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. Special Restrictions may also be imposed in addition to the General Restrictions.

SECTION 6.26 – PERFORMANCE STANDARDS

Performance standards, as measured at the boundary lines of the manufacturing districts, are maximums. Firms that exceed these standards are considered to be in violation of this ordinance.

1. Noise

A permitted or conditional use in this district shall comply with the requirements of the Madison Code of Ordinances, Title IX, Chapter 95: Noise.

2. Smoke and Particulate Matter

All permitted and conditional uses shall comply with the smoke and particulate matter standards as set by the appropriate Indiana State laws and regulatory agencies. If said standards are exceeded by a permitted or conditional use of property, then the use may be considered in violation of smoke and particulate matter standards in the City of Madison and shall be considered a violation of the Zoning Ordinance.

3. Toxic or Noxious Matter

No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located toxic or noxious matter, such as sewage, in such concentrations as to be detrimental to, or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

4. Odors

The emission of odorous matter in such quantity as to produce a public nuisance or hazard beyond lot lines is prohibited.

5. Violations

When rough tests by a duly constituted enforcement officer indicate to the Plan Commission a possible violation of the performance standards, the Plan Commission may require the manufacturer to obtain and bear the cost of the appropriate technical assistance to ascertain the exact amount of emissions of noxious effects at the lot lines of the manufacturing property. The Plan Commission shall approve this technical assistance in writing before tests are conducted. Results of said tests shall be presented to the Plan Commission in writing. Any test result in excess of the appropriate performance standard shall be considered a violation of this ordinance.

SECTION 6.27 – RESTRICTIONS – ENVIRONMENTAL DISTRICTS

These districts have been created in order to protect and improve upon the agricultural and open space lands within the Madison Planning Area. Careful planning and foresight must be used to conserve these areas from urban development. These districts and their restrictions follow in Sections 6.27 – 6.30, inclusive.

A. General Restrictions – All Environmental Districts

1. No activities will be permitted that are not related to the operation or enhancement of these districts. Allowable uses include park facilities and support agricultural uses such as farm homes, outbuildings.
2. Energy-related mining operations will be permitted if, under evaluation by the Plan Commission, their operation will not dramatically harm the surrounding environment or if there is an immediate regional need for such energy resource.
3. When concluded, mining operations will be required to re-grade such impacted land back to its original contour, replace topsoil, and in vegetated areas provide natural vegetation similar to the surrounding area's character. The Plan Commission will monitor such land reclamation.

SECTION 6.28– AGRICULTURAL DISTRICT (AG)

A. General Restrictions

1. Signs intended to be seen outside the lot lines:
 - a. Non-flashing illuminated business signs are permitted.
 - b. No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road, or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
2. Setbacks for all structures valued in excess of one thousand dollars (\$1,000), except dwelling units, shall be a minimum of fifty (50) feet from the right-of-way.
3. Performance Standards

All performance standards listed under Section 6.26 do not apply to farm uses, except in the case of toxic or noxious matter (6.26.3), in which case they do apply.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Transportation Related Uses (411, 451, 455, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

2. Farm and Garden Supplies (596)

- a. An illuminated, non-flashing sign is permitted subject to other sign restrictions.
- b. Whenever a business comes within five hundred (500) feet of any Residential District, appropriate screening, such as vegetation, a wall, a uniformly painted fence, or topography, shall be used to visually screen loading docks and parking lots from the surrounding dwelling units.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Dwelling Units (110)

- a. Floor area ratio – Not to exceed two tenths (0.20).
- b. Lot area – Not less than one (1) acre (43,560 square feet).
- c. Lot width – Not less than one hundred and fifty (150) feet.
- d. Signs intended to be seen outside lot lines:
 - (1) Non-illuminated business signs are permitted.
 - (2) No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road, or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
 - (3) No sign shall be larger than two (2) square feet per side (exception – real estate signs).
 - (4) Real estate signs:
 - (a) Size – Eight (8) square feet per side.
 - (b) They are only temporary.

- e. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) to twelve (12) feet above the established grade determined by a diagonal line connecting two points measured fifteen (15) feet equal distant from the street corner along each lot line.
- f. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway.
- g. Parking, storage, or use of major recreational equipment – Major recreational equipment may be parked or stored anywhere on a lot in this district provided that it does not violate any other sections of this ordinance and that not more than three (3) pieces of equipment are present for any period of time in excess of twenty-four (24) hours. Further, no such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot.
- h. Parking and storage of certain vehicles – Automotive vehicles or trailers of non-agricultural kind or type without current license plates shall not be parked or stored for more than seven (7) days on any environmentally zoned property other than in completely enclosed buildings, with the exception of licensed antique vehicles.

2. Mobile manufactured home (112)

A mobile manufactured home may be located on a lot within the jurisdiction of the City of Madison that is outside of the City Limits but within the two mile fringe area providing the following restrictions are met:

- a. Lot Area – Not less than one (1) acre (43,560 square feet).
- b. Setbacks shall be not less than fifty (50) feet from the right-of-way line.
- c. Side yards shall be not less than forty (40) feet wide.
- d. The mobile manufactured home must be designed, constructed, transported, and anchored to a foundation in accordance with CFR 24 Part 3280, HUD Manufactured Home Construction and Safety Standards, and have the original certification label and data plate attached.
- e. The mobile manufactured home data plate must indicate that the mobile manufactured home was manufactured less than 15 years before the date of conditional use permit application.

3. Residential assisted living and/or long term care facility, Group Quarters (123)
4. Farm Related Manufacturing (211, 212, 214)

These uses are permitted in the Heavy Manufacturing District and should be located there if possible. However, the Board of Zoning Appeals may approve these uses in the AG District subject to additional restrictions that will protect the purpose of the District.

5. Transportation and Utility Uses (412, 429, 431, 439, , 452, 453, 454, 456, 457, 459, 471, 472, 476, 479, 481, 482, 483, 484, 485, 486, 489, 491)

Any transportation and utility uses are subject to Board of Zoning Appeals approval and restriction.

SECTION 6.29– OPEN SPACE DISTRICT (OS)

The Open Space District is designed to promote the preservation of natural features and scenic beauty and protect the public health, safety, comfort, and general welfare by reducing the hardships and financial burdens imposed upon the planning area by periodic ponding and flooding of streams and the Ohio River and other designated areas.

A. General Restrictions

1. Within any Open Space District, no building shall be used or arranged, or designed to be used except for one or more of the following uses, which shall be subject to all regulations and requirements for permit of this ordinance. Public picnic ground, marinas, and beaches.
 - a. Public parks and forest preserves.
 - b. Public and quasi-public utility substations, etc., but not including power generation or gas manufacturing plants.
 - c. Camps or campgrounds. However, such use as camps or campgrounds shall not include use of a mobile manufactured home in the Open Space District.
1. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City’s Historic Ordinance 151.36.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Except as required, no building shall be erected within fifty (50) feet of the right-of-way of any public street, road, or highway; nor within either fifteen (15) feet, or one (1) foot for each foot or building height, whichever is the greater, of any lot line.
2. Any building shall be so placed as to offer the minimum obstruction to flow of waters and shall be firmly anchored to prevent the building from being moved or destroyed by the flow of water.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. Special restrictions may also be imposed.

SECTION 6.30– HILLSIDE DISTRICT (HS)

A. General Restrictions

1. Floor area ratio – Not to exceed two-tenths (0.20).
2. Lot area – Not less than one (1) acre (43,560 square feet).
3. Lot width – Not less than one hundred fifty (150) feet.
4. Height of buildings – Shall not exceed twenty-eight (28) feet above grade elevation on the up hillside of structure.
5. Hillside permit requirements – No person or corporation may add or remove soil, construct driveways, roadways, or otherwise alter the contour of land in any way without first obtaining a hillside permit after a hearing before the Plan Commission. Twenty (20) days prior to the Plan Commission hearing, the developer or property owner shall submit to the Plan Commission the following information:
 - a. A site plan detailing, the proposed land change, building construction, addition, alteration, or removal. Such site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet, and shall include five (5) foot topographical intervals and existing utility layouts and proposed landscaping plan.
 - b. Soil borings and an analysis of the site where construction is to occur prepared and certified by a Professional Engineer registered in the State of Indiana.

- c. Drawings of any proposed building construction or alteration approved for structural integrity by either a Registered Indiana Professional Engineer or Registered Indiana Architect.
 - d. The adjoining property owners must be notified as set forth in Section 12.07.
6. The Plan Commission, in its decision on whether to issue a hillside permit shall consider the following conditions and safeguards:
- a. The value of the hillside area as a scenic natural feature of the City of Madison shall be preserved.
 - b. All construction will utilize extensive measures to control erosion and minimize the adverse physical impacts on the site.
 - c. Residential building designs and height shall be in harmony with the character of other hillside residential structures and should not result in significant depreciation of surrounding landowners' properties.

B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Dwelling units (110)

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than forty (40) feet from the right-of-way if bordering a collector street, or sixty (60) feet from the right-of-way if bordering an arterial street or road.
- a. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than forty (40) feet from the right-of-way if bordering collector streets, and sixty (60) feet from the right-of-way if bordering arterial streets or roads.
 - (2) Side yards shall in no case be less than twenty (20) feet wide in the Hillside District.

(3) For all side yards, when the structure is in excess of two (2) stories, for each story over the second, or when the height of a single story structure exceeds twenty-five (25) feet, the side yard width shall be increased by at least eight (8) feet. (For purpose of this ordinance, a story that is more than half below ground level from floor to ceiling shall not be considered a story.) Example: A three (3) story house would be required to have side yard width of at least twenty-eight (28) feet.

2. Parks, Playgrounds, and Recreation Areas (742, 743, 761, 762)

These uses are permitted in this district provided that the Plan Commission approves plans for their development and use.

3. Additional Restrictions:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, buffers may be required to shield adjacent residences from undue noise pollution and provide visual screening. .

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. Special restrictions may also be imposed.

SECTION 7.00 – OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

SECTION 8.00 – SUPPLEMENTARY REGULATION – PLANNED UNIT DEVELOPMENT (PUD)

The purpose of this section is to provide regulation for Planned Unit Developments (PUD), which are of a significantly different character than traditional land developments. Specific standards and exceptions have been developed to govern the actions and recommendations of the Plan Commission regarding such developments.

A. PUD District Ordinance Requirement

A planned unit development shall only be permitted in a district that has been defined as a PUD district through the adoption of a PUD district ordinance by the City Council. The authorizing PUD district ordinance shall:

1. Designate the parcel(s) of real estate that is included in the district.
2. Specify the permitted or range of permitted uses allowed within the district.
3. Specify the development requirements.
4. Specify any applicable limitations on the development.
5. Specify any commitments offered or required of the developer.
6. Specify any plan or supporting documentation required prior to issuing a building permit.

A PUD district ordinance shall be adopted or amended by the City Council in the same manner as an amendment to the Official Zoning Map.

B. General Policy

It shall be the policy of the City of Madison to promote progressive development of land and construction thereon by encouraging Planned Unit Developments to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types, and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern that preserves and utilizes natural topography and geologic features, scenic vistas, and trees and other vegetation; and prevents the disruption of natural drainage patterns.

4. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets.
5. A development pattern in harmony with the land use density, transportation facilities, and community facilities objectives of the Comprehensive Plan.

C. Planned Unit Development Restrictions

Whenever there is a conflict or difference between the provisions of this section and those of the other sections of this ordinance, the provisions of this section shall prevail. The respective provisions found elsewhere in this ordinance shall govern subjects not covered by this section.

A Planned Unit Development shall conform to the following:

1. The number of dwelling units erected shall not exceed the number permitted by the regulations of the zoning district in which it is located unless a density increase is permitted.
2. All uses that may be allowed within the zoning district in which it is located may be permitted within a PUD.
3. Up to ten percent (10%) of the gross land area in a Residential District may be directed to business, industrial, and public and quasi-public uses that are not allowed within the zoning district, provided there is a favorable finding by the Plan Commission:
 - a. That the uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of residential development.
 - b. That the uses are not of such nature or so located as to exercise a detrimental influence either on the development or on the surrounding neighborhood.
 - c. That the uses are intended to serve principally the residents of the PUD.
 - d. That the uses are planned as an integral part of the PUD.
 - e. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating traffic congestion or hazard.
4. A minimum parcel area of ten (10) acres is required for a PUD.
5. There shall be at least ten percent (10%) of the land area in the development provided for park and recreational purposes, and this area shall not be covered by buildings, parking lots, driveways, or streets. No more than fifty percent (50%) of this useable open space shall be covered by water.

6. If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project so that such facilities can be properly maintained and operated.
7. All utilities, including communication and electric systems, shall be placed underground within the limits of the development. Appurtenances to these systems that can be effectively screened may be accepted.
8. The design and designation of private streets shall be subject to the approval of the Plan Commission.
9. The development plan shall include a common water supply and distribution system, either public or private, which shall meet the approval of the Plan Commission and shall be built at no expense to the City of Madison.
10. The development plan shall include a sanitary sewer system connected to a public sewer system, if available within a reasonable distance from the project, or it shall provide for a central collection and treatment system in accordance with the requirements of the Plan Commission and the Indiana Department of Environmental Management.
11. The plan of the project may provide for the integral and harmonious design of buildings in business and industrial areas, and the parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, and other such features from the adjoining and surrounding residential areas.
12. No building is permitted to exceed the height limit of the district in which it is located by more than ten percent (10%).
13. The off street parking requirements contained in Section 9.00 shall apply for all PUDs.
14. The progress of the development of non-residential areas must be equal to the development of residential areas. This is required to avoid the total development of residences without the other uses, amenities and accompanying services proposed in the plan.

D. Increased Residential Density Through Design Incentives

To provide for an incentive for a quality PUD, the Plan Commission may authorize an increased residential density of up to twenty percent (20%) of the allowable number of dwelling units. In allowing for density increase, the Commission shall be guided by the following criteria:

1. If open space provided exceeds twenty percent (20%) of the land area, an additional five percent (5%) increase in residential density is allowed.
2. If land donated or dedicated for public purposes such as public buildings, schools and parks exceeds twenty percent (20%), an additional five percent (5%) increase in residential development is allowed.
3. If there is significant landscaping, screening, and site planning in the development, an additional five percent (5%) increase in residential development is allowed.
4. If community facilities and amenities such as trails, lakes, plaza fountains, tennis courts, etc., are provided, an additional five percent (5%) increase in residential development is allowed.

E. Procedure for Approval of PUD

An application for the creation of a planned unit development may be submitted to the Plan Commission by the owners of at least fifty percent (50%) real estate involved. Applications shall contain at least the following information:

1. Name, address, and phone number of the applicant(s).
2. Filing fee as established by the City Council according to Section 11.60 of this ordinance.
3. A preliminary development plan including text and drawings in triplicate that includes, but is not restricted to, the following information:
 - a. Location, boundaries and legal description of the tract to be developed.
 - b. The general layout of streets and the existing and proposed zoning for all areas and land uses surrounding the site.
 - c. The location and type of land uses, and their area in acres; the proposed residential density and a calculation of the average overall density. (To allow for sufficient flexibility, the Plan Commission may allow minor shifts in use, locations and densities provided, however, that the general overall plan is adhered to.)
 - d. Proposed intensity (in floor area ratio or square footage) for non-residential uses.
 - e. Proposed site development standards for each area of use.
 - f. Proposed circulation system.

- g. Proposed methods for providing potable water, sewerage and drainage facilities.
 - h. Proposed schedule and phasing plan for the development of the site.
 - i. Vicinity map at a scale approved by the Building Inspector showing property lines, thoroughfares, existing and proposed zoning within three hundred (300) feet, and such other items as the Building Inspector may require.
 - j. List of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case.
 - k. Statement on how the proposed PUD relates to the Comprehensive Plan.
4. The Plan Commission shall give notice of acceptance or rejection of the proposal within sixty (60) days. Reasons for rejection, along with suggestions for revisions, shall be given. The developer may resubmit plans after the suggested corrections or additions are made.
 5. Upon approval of the preliminary development plan the developer shall submit a final Planned Unit Development Plan. The plan shall adhere to the development standards approved under the preliminary development plan and shall conform to the requirements and format of the City of Madison Subdivision Regulations. The submittal shall also include any commitments agreed to by the developer with the Plan Commission which shall be recorded in the office of the County Recorder and take effect upon approval of the plan and by the City Council. .
 6. The Plan Commission shall schedule a Public Hearing on the proposed PUD as provided in Section 12.05 and provide notice as required in Sections 12.06 and 12.07.
 7. The Plan Commission shall give notice of acceptance or rejection of the final proposal within sixty (60) days. Reasons for rejection, along with suggestions for revisions, shall be given. The developer may re-submit plans after suggested corrections or additions are made.
 8. The Plan Commission shall transmit the final PUD development plan along with its recommendation to the City Council as provided in Section 12.08. If the Plan Commission recommends approval of the development plan, the recommendation shall be embodied in a report stating the reasons for the approval of the plan and application, and specific evidence and facts showing that the proposed PUD plan has considered and made provision for the following essential elements:

- a. That the plan will not infringe upon the appropriate use of property that is adjacent to the area included in the plan.
- b. That the plan is consistent with the intent of this ordinance to promote public health, safety, and the general welfare.
- c. That the property within the PUD, collectively, meets the minimum space requirements for the specific district(s).

Prior to construction, the final development plan and a PUD district ordinance must be adopted by the City Council. No Building Permit will be issued for any buildings, structures, or use not in accord with an approved final development plan.

SECTION 9.00 – OFF-STREET PARKING REQUIREMENTS

These requirements are effective upon the erection or enlargement of a structure, or the use thereof changed to any permitted use of special use within a district. Each required off-street automobile parking space shall have all-weather surfaces and have free access to a public right-of-way. No required off-street automobile parking space shall be located within a required front yard in any district unless approved by the Plan Commission.

A. Off-Street Parking Space Location:

1. Residential: All required spaces shall be located on the same parcel with the residential use.
2. Business: Required spaces shall be located on the same parcel as the commercial use, except that the Board of Zoning Appeals may permit the spaces on any lot not more than five hundred (500) feet from the building.
3. Industrial: Permitted uses – Required spaces may be located on the same parcel with the permitted Industrial use, or on an area not more than one thousand (1,000) feet from the parcel.
4. Commercial building owners must submit in writing a proposed handicapped-parking plan, to meet the requirements of the Americans with Disabilities Act (ADA), to the Plan Commission of the City of Madison for approval at a regularly scheduled Plan Commission meeting.
5. The off-street parking requirements are shown in Table 9-1. Any other use shall generally provide enough parking to more than handle the ordinary load, but not necessarily the maximum.

TABLE 9-1
OFF STREET PARKING REQUIREMENTS

LAND USE	UNIT OF MEASURE	REQUIRED SPACES
Single Family Dwellings	Per Dwelling	2
Two Family Dwellings	Per Dwelling	2
Multi-Family Dwellings	Per Dwelling	2
Mobile manufactured home Parks	Per Dwelling	2
Auditoriums, Stadiums, Theaters, or other places of public assembly	Per every eight seats	1
Medical and Other Health Services	Per each patient exam room in PRO district	5
	Per each patient exam room in GB district	2
Public Utilities and Other Service Facilities	Per each three full time employees	2
Professional Offices	Per each employee	0.8
Retail Business	Per each 120 SF of floor area devoted to sales in PRO, GB, and AG districts	1
Retail Business	Per each 200 SF of floor area devoted to sales in LB district	At least 1, but not greater than 1.5
Wholesale Stores	Per each 120 SF of floor area devoted to sales	1
Eating and Drinking Places	Per five seats in PRO and GB districts	1
	Per seven seats in LB district	At least 1, but not greater than 1.5
Barber and Beauty Shops	Per two chairs	1
Laundry	Per four washing machines	1

Tourist Courts and Motels	Per guest room	1
TABLE 9-1		
OFF STREET PARKING REQUIREMENTS		
(continued)		
LAND USE	UNIT OF MEASURE	REQUIRED SPACES
Hotels	Per guest room	1
Industrial Uses	Per two employees per shift	1

SECTION 10.00 – NON-CONFORMING USE SPECIFICATIONS

Within the districts established by this ordinance, or amendments that may later be adopted, there exists non-conforming uses of land or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments thereto. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded, or extended, and not be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

SECTION 10.10 – CHANGE

Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter revert to a non-conforming use.

SECTION 10.20 – EXTENSION

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment of a building, premises or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

SECTION 10.30 – ERECTION AND RE-ERECTION OF STRUCTURE

Where a building exists that is a non-conforming use, no additional building devoted to a non-conforming use can be erected on that premises. No building that is located upon any such premises and that has been damaged by fire or other causes to the extent of more than eighty percent (80%) of its appraised replacement valuation shall be repaired or rebuilt, except in conformity with regulations of this ordinance.

SECTION 10.40 – TEMPORARY PERMITS

No temporary structure shall remain erected for more than fourteen (14) days without first applying in writing to the Building Inspector for, and obtaining a building permit and paying the required permit fee in accordance with Section 11.41.

SECTION 10.50 – RIGHT TO CONSTRUCT IF PERMIT ISSUED

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has heretofore been issued and the construction of which has been diligently prosecuted within one (1) year of the date of such permit and which entire building shall be completed according to such plans, as filed, within three (3) years of the issuance of the permit. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

SECTION 10.60 – NON-CONFORMING USES OF STRUCTURES

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. If no structural alterations are made, any non-conforming use of a structure or structure and land may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance.
2. When a non-conforming use of a structure or structure and land in combination is discontinued or abandoned for more than six (6) months, or, in the case of a mobile home, more than sixty (60) days (except when government action impedes access to the premises), the structure or structure and land in combination shall not, thereafter, be used except in conformity with the regulations of the district in which it is located.
3. Where non-conforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 10.70 – DISCONTINUANCE OF NON-CONFORMING USE OF LAND

The lawful use of land for open storage purposes, which does not conform to the provisions of this ordinance, shall be discontinued within five (5) years from the date of passage of this ordinance, and the use of land for storage purposes, which may become a

non-conforming use by reason of an amendment to this ordinance, shall be discontinued within five (5) years from the date of passage of such amendment.

SECTION 10.80 – NON-CONFORMING USE CREATED BY AMENDMENT

These provisions apply in the same manner to a use that may become a non-conforming use due to a later amendment to this ordinance.

ARTICLE V
ADMINISTRATION

SECTION 11.00 – ENFORCEMENT OF THE ORDINANCE

It shall be the duty of the Building Inspector, or any other public official so designated by the Mayor, to enforce this ordinance. He shall receive applications required by this ordinance, review applications for compliance with the provisions of this ordinance, approve or disapprove applications, issue permits, and furnish the prescribed certificates. He shall examine areas for which permits have been issued, and shall make necessary inspections to see that the provisions of this ordinance are being upheld. He may be provided with the assistance of the Chief of Police in enforcing orders, and the City Attorney in prosecuting violations.

For the purpose of this ordinance, the Building Inspector shall have the following duties:

1. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the property owner and the person responsible for such violation(s), ordering the action necessary to correct such violation(s).
2. Order discontinuance of illegal uses of land, buildings, or structures.
3. Order removal of illegal buildings or structures, or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done.
5. Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on building permits and such similar administrative duties as are permissible under the law.

SECTION 11.10 – CONTINUANCE OF BOARD OF ZONING APPEALS

The Board of Zoning Appeals is hereby continued as an official entity of the City of Madison.

SECTION 11.11 – COMPOSITION AND APPOINTMENT

The Board of Zoning Appeals shall consist of five (5) members as follows:

1. Three citizen members appointed by the Mayor, of whom, one (1) must be a

member of the Plan Commission, and two (2) must not be members of the Plan Commission.

2. One (1) citizen member appointed by the City Council who must not be a member of the Plan Commission.
3. One (1) member appointed by the Plan Commission from the Plan Commission's membership who must be a citizen member who resides in and represents the unincorporated area on the Plan Commission.

None of the members shall hold other elective or appointed offices in the City, County, or State government.

Upon establishment of the Board of Zoning Appeals, the City representatives shall be appointed for the following terms: One (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years. The term of the representative of the unincorporated area shall be for a period of four (4) years. The terms of these members shall expire on the first day of January of the first, second, third or fourth year, respectively, following their appointment. Thereafter, as their terms expire, each new appointment shall be for a term of four (4) years. Members of the Board may be removed from office by the appointing authority for cause. The appointing authority must mail notice of the removal along with written reasons for the removal, to the member at his residence address. A member who is removed may appeal his removal to the circuit court or superior court of the County within thirty (30) days after receiving notice of the removal.

A member of a Board of Zoning Appeals serves until his successor is appointed. A member is eligible for reappointment.

If a vacancy occurs among the members of the Board of Zoning Appeals, the appointing authority shall appoint a member for the unexpired term of the vacating member. In addition the appointing authority may appoint an alternate member to participate with the Board in any hearing or decision if the regular member it has appointed has a disqualification under this section or is unable to participate in the hearing or decision. An alternative member shall have all the powers and duties of a regular member while participating in the hearing or decision.

A member of the Board of Zoning Appeals may not participate in a hearing or decision of the Board concerning a matter in which he may be biased or prejudiced or otherwise unable to be impartial nor has a direct or indirect financial interest. The Board shall enter into its records:

1. The fact a regular member has such a disqualification; and
2. The name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

SECTION 11.12 – ORGANIZATION

At the first meeting of each year, the Board of Zoning Appeals shall elect a chairman and a vice chairman from its members. The vice chairman shall have authority to act as chairman during the absence or disability of the chairman.

A majority of members shall constitute a quorum. However, no action shall be official unless authorized by a majority of the full Board.

The City Council shall provide suitable offices for the holding of hearings and the preservation of records, documents, and accounts. The City Council may appropriate funds to carry out the duties of the Board of Zoning Appeals. The City Council may compensate the members of the Board of Zoning Appeals for their service. The Board shall have authority to expend all sums appropriated to it for purposes and activities authorized by this ordinance in accordance with regular City procedures. The Board may appoint and fix the compensation of an attorney, secretary, and such employees as are necessary for the discharge of its duties in conformity and compliance with salaries and compensations theretofore fixed by the City Council.

SECTION 11.13 – RULES OF PROCEDURE

- A. The Board of Zoning Appeals shall adopt rules for its procedure which shall not be in conflict with the Zoning Ordinance concerning:
1. Filing of appeals.
 2. Application for variances, special exceptions, special uses, contingent uses, and conditional uses.
 3. Giving of notice.
 4. Conduct of hearings.
 5. Determination of whether a variance application is for a variance of use or for a variance from the development standards (such as height, bulk, or area).
- B. Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all applicants and other interested persons.

SECTION 11.14 – MEETINGS AND RECORDS

All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of all actions taken. All minutes and records shall be filed in the office of the Board and shall be a public record.

SECTION 11.16 – POWERS AND DUTIES OF THE BOARD

- A. The Board of Zoning Appeals shall have the following powers and it shall be its duty to hear and determine appeals from and review:
1. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the Zoning Ordinance.
 2. Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of the Zoning Ordinance.
 3. Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to requiring the procurement of an improvement location or occupancy permit.
- B. The Board of Zoning Appeals shall approve or deny all:
1. Special exceptions.
 2. Special uses.
 3. Contingent uses.
 4. Conditional uses.
- C. The Board of Zoning Appeals shall approve or deny variances of use from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

3. The need for the variance arises from some condition peculiar to the property involved;
 4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 5. The approval does not interfere substantially with the Comprehensive Plan.
- D. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Ordinance. A variance may be approved under this section only upon a determination in writing that:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. However, the Zoning Ordinance may establish a stricter standard than the “practical difficulties” standard prescribed by this subdivision.

SECTION 11.17 – RESTRICTIONS ON BOARD ACTION

- A. Every decision of the Board shall be subject to review by certiorari, as prescribed in *IC-36-7-4-1000*

SECTION 11.20 – PROCEEDINGS OF THE PLAN COMMISSION

The Plan Commission shall continue to operate under its existing rules of operation. All meetings shall be open to the public. The Plan Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be of public record and be immediately filed in the office of the Plan Commission.

SECTION 11.21 – DUTIES OF THE PLAN COMMISSION

- A. Initiate proposed amendments to this ordinance.
- B. Review all proposed amendments to this ordinance and make recommendations to the City Council.

C. Review all Planned Unit Development plans and make recommendations to the City Council.

SECTION 11.29 – NO EX PARTE COMMUNICATION WITH THE BOARD OF ZONING APPEALS

A person may not communicate with any member of the Board of Zoning Appeals before the hearing with the intent to influence the member’s action on a matter pending before the Board. Not less than five (5) days before the hearing however, the Building Inspector may file with the Board a written statement setting forth the facts or opinions relating to the matter.

SECTION 11.30 – PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Sections 11.31 – 11.40, inclusive, of this ordinance. As specified in Section 11.16, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 11.31 – APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any persons aggrieved, or by any officer or bureau of the legislative authority of the City affected by any decision of the Building Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Building Inspector and the Board of Zoning Appeals a notice of appeal specifying the grounds upon which the appeal is being taken. The Building Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 11.32 – STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Building Inspector from whom the appeal is taken or due cause shown.

SECTION 11.33 – VARIANCES OF USE

The Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved only upon a determination by the board that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The need for the variance arises from some condition peculiar to the property involved.
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
5. The approval does not interfere substantially with the Comprehensive Plan.

SECTION 11.34 – APPLICATION FOR VARIANCES OF USE

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance of use is submitted to the Building Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of the applicant.
2. Legal description of the property.
3. Description of the nature of the requested variance of use.
4. A narrative statement demonstrating that the requested variance of use conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That special conditions and circumstances do not result from the actions of the

applicant.

- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings.

A variance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Sub-section 4 of this section have been met by the applicant.

SECTION 11.35 – VARIANCES FROM DEVELOPMENT STANDARDS

The Zoning Board of Appeals shall approve or deny variances from the development standards of the zoning ordinance. A variance may be approved under this section only upon a determination that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

SECTION 11.36 – APPLICATION FOR VARIANCES FROM DEVELOPMENT STANDARDS

A variance from development standards of the zoning ordinance shall not be granted by the Board of Zoning Appeals unless and until written application for a variance from development standards is submitted to the Building Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of the applicant.
2. Legal description of the property.
3. Description of the nature of the requested variance of use.
4. A narrative statement demonstrating that the requested variance from development standards in the zoning ordinance conforms to standards 1-3 as stated in Section 11.35.

SECTION 11.37 – SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 11.50 of this ordinance.

SECTION 11.38 – PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal or variance from the Building Inspector or an applicant. However, the public hearing shall not be held sooner than fifteen (15) days after its receipt.

SECTION 11.39 – NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 11.36 of this ordinance, notice of such hearing shall be given in the newspaper of general circulation in the City of Madison at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

SECTION 11.40 – NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 11.38, written notice of such hearing shall be mailed by the applicant, by registered mail, at least ten (10) days before the day of the hearing, to each person who owns an interest in real estate adjoining the property involved in such petition, including owners of real estate at corners and across streets, alleys or easements, as well as others who may share a common boundary; all other persons who, in the opinion of the applicant, have an interest in the outcome of the petition; and any owner of the real estate in question who did not join as an original petitioner prior to the day of public hearing.

SECTION 11.41 – PROCEDURES AND REQUIREMENTS FOR BUILDING PERMITS

A. It shall be unlawful to construct or make additions to, a structure without first applying in writing to the Building Inspector for and obtaining a formal building permit. Periodic maintenance and repair projects necessary to maintain a structure for

occupancy or its intended use such as reroofing, painting, replacement of interior or exterior surfaces or replacement of electrical or plumbing fixtures shall not require a building permit.

- B. Before a building permit is issued, a permit fee therefore shall be paid to the Plan Commission office as set forth in Schedule A, filed herewith and made a part hereto.

SCHEDULE A

The fee for a Building Permit shall be determined based on the cost of the improvement as follows:

1. A fee of Twenty- Five Dollars (\$25.00) shall be paid and collected upon the first Two Thousand Dollars (\$2,000.00) or fraction thereof expended for construction, reconstruction, or structural alteration.
 2. If the construction, reconstruction or structural alteration cost is greater than Two Thousand Dollars (\$2,000) but less than Five Hundred Thousand Dollars (\$500,000), a fee of Fifty Dollars (\$50.00) plus an additional fee of One Dollar (\$1.00) per One Thousand Dollars (\$1,000.00) or fraction thereof over Two Thousand (\$2,000) shall be paid and collected.
 3. If the construction, reconstruction or structural alteration cost is greater than Five Hundred Thousand Dollars (\$500,000), an additional fee of fifty Cents (\$0.50) per One Thousand Dollars (\$1,000.00) or fraction thereof over Five Hundred Thousand (\$500,000) shall be paid and collected.
 4. The fee for a building permit for a temporary structure shall be Twenty-Five Dollars (\$25.00)
- C. Plans – Applications for permits shall be filed with and maintained by the Building Inspector and shall be accompanied by such drawings of the proposed work as the Building Inspector may require.
- D. Accompanying each application shall be a plot plan in a form and size suitable for filing permanently with the application to assist the Building Inspector in his on-site inspection. The applicant shall conspicuously and properly mark each corner of the proposed building site. The plot plan shall show the property lines, all recorded easements, and other interest on the property, the proposed buildings, and building setback lines. The Building Inspector may require proof of ownership of the site and a survey.
- E. Within five (5) days after the receipt of an application, the Building Inspector shall either approve or disapprove the application. The Building Inspector shall retain the plans. If the application is approved, the Building Inspector shall issue a placard to

the applicant. It is to be posted in a conspicuous place on the property in question, and will attest to the fact that the use or alteration is in compliance with the provisions of this ordinance. If the application is denied, the reason shall be stated on the application and the applicant so notified.

- F. If work has not begun one (1) year from the date of issuance of the permit, that permit shall expire and be revoked by the Building Inspector. If work has not been substantially completed within three (3) years – except for PUD's where five (5) years are allowed from the date of issuance of the permit – that permit shall expire and be revoked by the Building Inspector. In each case, written notice shall be given to the applicants with the stipulation that work may not begin or continue (whichever case applies) until a new building permit has been obtained.
- G. It shall be unlawful to use, occupy, or permit the use or occupancy of any non-residential building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Building Inspector. Upon application for a certificate of occupancy, the Building Inspector shall approve, disapprove, or issue a temporary permit within thirty (30) days. The certificate of occupancy shall state that the proposed use of the building or land conforms to the requirements of this ordinance and that the Building Inspector has inspected the property and attested to that fact.
- H. The Building Inspector may issue a temporary certificate of occupancy for a period not exceeding six (6) months pending completion of modifications in order to comply with this ordinance.
- I. The Building Inspector shall maintain a complete record of all building permits and certificates of occupancy and copies shall be furnished or presented for review to any person making a request.
- J. Failure to obtain either a building permit or a certificate of occupancy shall be a violation of this ordinance and will be punishable under the provisions of Section 11.50 of this ordinance and shall be reason for issuance of a stop work order by the Building Inspector. . Said stop work order shall be in writing and posted on or near the property in question in a conspicuous place. The Building Inspector shall also provide notice to the property owner by registered mail. No further construction shall proceed until a valid permit is obtained. Where such building or construction has proceeded without receiving a valid permit, the fees for subsequent permit shall be doubled.
- K. Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use or arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangements, or construction. Any use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and be punishable under the provisions of

Section 11.50 of this ordinance and shall be reason for issuance of a stop work order by the Building Inspector. Said stop work order shall be in writing and posted on or near the property in question in a conspicuous place. The Building Inspector shall also provide notice to the property owner by registered mail. No further construction shall proceed until a valid permit is obtained. Where such building or construction has proceeded without receiving a valid permit, the fees for subsequent permit shall be doubled.

- L. Any persons may file a written complaint whenever a violation of this ordinance occurs or is alleged to have occurred. The complaint shall state fully and accurately the causes and basis thereof, and be filed with and recorded by the Building Inspector who shall immediately investigate and take action upon such complaint as provided in this ordinance.

SECTION 11.50 – PENALTIES FOR VIOLATION OF ORDINANCE

- A. Any person, corporation or legal entity who violates or fails to comply with any provisions of the Madison Zoning Ordinance or Subdivision Control Regulations for the City of Madison shall be guilty of an a Class A infraction and shall be subject to a penalty of a fine of \$10,000-in accordance with IC 34-28-5.4 thereunder. Each day such violation exists shall constitute a separate offense.
- B. Any person, corporation or legal entity being required by the Madison Zoning Ordinance or Subdivision Control Regulations for the City of Madison to submit plans or plats to either the Building Inspector, Board of Zoning Appeals, or Plan Commission, who builds, reconstructs, removes, or structurally alters any building or develops land in a manner other than shown by approved plans or plats, shall be guilty of a Class A infraction and subject to a penalty of a fine of \$10,000 thereunder. Each day such noncompliance exists shall constitute a separate offense.
- C. The Plan Commission, the Board of Zoning Appeals, the Building Inspector, and any designated enforcement official of the City of Madison may institute suit or injunctive relief in the Jefferson Circuit Court to restrain an individual, corporation, or government unit from violating the provisions of the Madison Zoning Ordinance or the Subdivision Control Regulations for the City of Madison.

SECTION 11.60 – SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall, by ordinance or resolution, establish a schedule of fees, charges, and expenses and a collection procedure for building permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, legal, advertising postage, and other expenses. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. All fees other than for building permits are set forth in Schedule B.

SCHEDULE B

1. Variance Permit and Renewals	\$25.00 plus a \$10.00 Ad Fee = \$35.00
2. Conditional Use Permit	\$25.00 plus a \$10.00 Ad Fee = \$35.00
3. Planned Unit Development	\$50.00 + \$25.00 per lot and a \$10.00 Ad Fee
4. Rezoning	\$50.00 plus a \$10.00 Ad Fee = \$60.00
5. Setback Permit	\$25.00 plus a \$10.00 Ad Fee = \$35.00
6. Historic Application	\$10.00 AD Fee
7. Demolition Permit or Removal	\$10.00
8. Driveway Permit	\$25.00
9. Historic Overlays	\$3.00

10. Historic Meeting Notification Signs	\$2.00
11. Schedule of Uses	\$2.00
12. Subdivision Regulations	\$20.00
13. Zoning Ordinance	\$18.00
14. Subdivisions	
a. Advisory	\$10.00
b. Preliminary	\$50.00 + \$25.00 per lot and \$10.00 Ad Fee
c. Final	Engineering costs, if any, at \$75.00 per hour
15. Copies	
a. Tapes	\$3.00 each
b. Paper copies	\$1.00 per page
c. B and W Zoning Maps	\$2.00 per page
d. Colored Think Map	\$5.00 per page

The Plan Commission or Board of Zoning Appeals shall consider no petition without the fees having been paid in advance. The applicant shall be responsible for payment of all mailing and legal advertising costs.

SECTION 11.70 – PROCEDURES AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES

Conditional uses shall conform to the procedures and requirements of Sections 11.71 – 11.78, inclusive, of this ordinance.

SECTION 11.71 – GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article V shall follow the procedures and requirements set forth in Sections 11.71 – 11.78, inclusive. Conditional uses, while requiring special consideration by the Board of Zoning Appeals, shall be deemed permitted uses in the district in which they are provided.

SECTION 11.72 – CONTENTS OF APPLICATION FOR A CONDITIONAL USE PERMIT

An application for a conditional use permit shall be filed with the Building Inspector and the Board of Zoning Appeals by at least one (1) owner of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of the property.
3. Description of the existing use.
4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all property lines, rights-of-way, or other interests in the property, setback lines, buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this ordinance and is appropriate for the location at which it is proposed.
7. A narrative statement evaluating the effects of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

SECTION 11.73 – GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

SECTION 11.74 – SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms upon which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 11.50 of this ordinance.

SECTION 11.75 – NOTICE OF PUBLIC HEARING

Upon receipt of the application for a conditional use permit specified in Section 11.72, the Board of Zoning Appeals shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 11.38 – 11.40, inclusive, of this ordinance.

SECTION 11.76 – ACTION BY THE BOARD OF ZONING APPEALS

Upon appeal, the Board of Zoning Appeals may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken. The Board of Zoning Appeals shall make a decision on any matter that it is required to hear under Sections 11.16 either:

1. At the meeting at which that matter is first presented; or
2. At the conclusion of the hearing on that matter, if it is continued.

Within five (5) days after making any decision, the Board of Zoning Appeals shall file in the office of the Board a copy of its' decision.

SECTION 11.77 – COMMITMENTS

A. As a condition to the adoption of a rezoning proposal or approval of a petition or an application for a:

1. Special exception,
2. Special use,
3. Contingent use,
4. Conditional use, or
5. Variance;

the owner of a parcel of property may be required or allowed to make a written commitment to the Plan Commission or the Board of Zoning Appeals, as applicable, concerning the use or development of that parcel.

B. The Plan Commission or Board of Zoning Appeals may:

1. Adopt rules governing the creation, form, recording, modification, enforcement, and termination of commitments.
2. Adopt rules designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

C. Commitments shall be recorded in the office of the County Recorder and take effect upon the approval of the rezoning proposal, exception, use, or variance. Unless modified or terminated by the Plan commission or Board of Zoning Appeals, as applicable, a commitment is binding on:

1. The owner of the parcel.
2. A subsequent owner of the parcel.

3. A person who acquires an interest in the parcel.

A commitment is binding on the owner of the parcel even if it is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified or terminated only by a decision of the Plan Commission or Board of Zoning Appeals made at a public hearing after notice as provided by rule.

- D. By permitting or requiring commitments, the Plan Commission or Board of Zoning Appeals does not obligate itself to approve or deny any request.
- E. Conditions imposed on the granting of an exception, a use, or variances are not subject to the rules applicable to commitments.
- F. This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

SECTION 11.78 – EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one (1) particular use and said permit shall automatically expire if, for any reason, the use has not commenced within one (1) year. A conditional use permit is granted to the property owner who makes the original application and does not transfer to the new owner if the property changes ownership. The new owner must apply to the Board of Zoning Appeals for a new permit in order to continue the use that was conditionally allowed.

ARTICLE VI
AMENDMENTS

SECTION 12.00 – PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This ordinance may be amended utilizing the procedures specified in Sections 12.01 – 12.11, inclusive, of this ordinance.

SECTION 12.01 – GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the City Council may by ordinance after receipt of recommendations thereon from the Plan Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 12.02 – INITIATION OF ZONING AMENDMENTS

Amendments to this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Plan Commission.
2. By adoption of a resolution by the City Council.
3. By the filing of a petition with the Plan Commission by at least fifty percent (50%) of the owners of property within the area proposed to be changed by said amendment.

A majority of the property owners desiring to file a petition for a zoning amendment must first submit an application for an advisory hearing and meet with the Plan Commission for the purpose of ascertaining the location and capacity of streets, utilities, and other existing or planned community facilities which may affect the property being considered.

SECTION 12.03 – CONTENTS OF APPLICATION FOR AN ADVISORY HEARING

Applications for an advisory hearing shall contain the following information:

1. Name, address, home phone and work phone numbers of the applicant.
2. Advertising fee as established by the City Council according to Section 11.60 of

this ordinance.

3. Address and/or legal description of the property being considered.
4. Present use.
5. Present zoning district.
6. Proposed zoning district.
7. A brief description of the rezoning request.
8. Approximate cost of the work to be done.
9. List of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case.
10. A site plan is to be submitted with the application at a scale approved by the Building Inspector showing proposed construction, property lines, roads, streets, ingress and egress locations, existing zoning within 300 feet and other such items the Building Inspector may require.

SECTION 12.04 – ADVISORY MEETING WITH PLAN COMMISSION

The Plan Commission will consult informally with the applicant at the advisory meeting and discuss potential problems of the proposal. The commission may suggest changes that would allow the Commission to conclude that the proposed amendment to the ordinance would not violate the intent of the Comprehensive Plan and therefore be in the best interest of the City. The Commission may also advise the applicant of which other review agencies if any need to be involved in the review and approval process. Following the advisory meeting, if the applicant proceeds with a petition for an amendment to the zoning ordinance, he must then submit a formal application.

SECTION 12.05 – CONTENTS OF ZONING AMENDMENT APPLICATION

Applications for amendments to the Official Zoning Map adopted, as part of this ordinance by Section 3.00 shall contain at least the following information:

1. Name, address, and phone number of the applicant.
2. Filing fee as established by the City Council according to Section 11.60 of this ordinance.

3. Present use.
4. Present zoning district.
5. Proposed zoning district.
6. Vicinity map at a scale approved by the Building Inspector showing property lines, thoroughfares, existing and proposed zoning within three hundred (300) feet, and such other items as the Building Inspector may require.
7. List of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case.
8. Statement on how the proposed amendment relates to the Comprehensive Plan.

SECTION 12.06– TRANSMITTAL TO PLAN COMMISSION

Immediately after the filing of a petition for amendment, said petition or application shall be transmitted to the Plan Commission.

SECTION 12.07 – PUBLIC HEARING BY PLAN COMMISSION

The Plan Commission shall schedule a public hearing after a petition is received. Said hearing shall be held within sixty (60) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application. Notices shall be in the newspaper as described in Section 12.08 of this ordinance.

SECTION 12.08 – NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 12.07, notice of such hearing shall be given in the newspaper of general circulation in the City of Madison at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, the geographic area to which the proposal applies, and a summary of the proposed amendment. The notice shall also state:

1. The entire text of any penalty or forfeiture provisions, if the proposal would add or amend any such provisions.
2. The place where a copy of the proposal is on file for examination before the hearing.
3. Written objections to the proposal will be considered, if they are filed with the

Secretary of the Plan `Commission before the hearing

4. Oral comments concerning the proposal will be considered.
5. The hearing may be continued from time to time as may be found necessary.

SECTION 12.09 – NOTICE PARTIES IN INTEREST

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the applicant, by registered mail, at least twenty (20) days before the day of the public hearing to each person who owns an interest in real estate adjoining the property involved in such petition including owners of real estate at corners, and across streets, alleys or easements, as well as others who may share a common boundary; all other persons who, in the opinion of the applicant, have an interest in the outcome of the petition; and any other owners of real estate in question who did not join as an original petitioner prior to the day of public hearing. The failure to deliver the notification, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 12.08 of this ordinance.

SECTION 12.10 – RECOMMENDATION BY PLAN COMMISSION

Within ten (10) business days after the Plan Commission determines its recommendation, the Commission shall certify its recommendation to the City Council. The Plan Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The owners of the property may not reapply for the amendment to zoning or apply for a variance for the property for a one (1) year period.

SECTION 12.11 – ACTION BY CITY COUNCIL

The City Council shall vote on a recommended amendment proposal from the Plan Commission within ninety (90) days after the Plan Commission transmits its recommendation. The City Council shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal.

- A. If the proposal is to amend or partially repeal the text of the Zoning Ordinance, the following procedures shall be followed:
 1. If the Plan Commission submits a recommendation in favor of the amendment, and:

- a. The City Council adopts the recommendation, it takes effect as other ordinances of the City Council; or
 - b. The City Council fails to act within ninety (90) days, it takes effect as if it had been adopted ninety days (90) after receipt from the Plan Commission; or
 - c. The City Council rejects the recommendation or amends the proposal, it shall be returned to the Plan Commission for its consideration. The Plan Commission has forty-five (45) days in which to consider the rejection or amendment and to report to the City Council as follows:
 - i. If the Plan Commission approves the amendment or fails to act in forty-five (45) days, the proposal stands as amended by the City Council as of the date of the filing or at the end of the forty-five (45) day period.
 - ii. If the Plan Commission disapproves of the rejection or amendment, the action of the City Council stands only if confirmed by another vote of the City Council within forty-five (45) days after the Plan Commission certifies its disapproval. If the City Council fails to confirm its action, the ordinance takes effect as originally proposed.
2. If the Plan Commission submits an unfavorable recommendation or no recommendation with the proposal to the City Council, and:
- a. The City Council adopts the proposal, it takes effect as other ordinances of the City Council; or
 - b. The City Council rejects the proposal or fails to act within ninety (90) days, it is defeated; or
 - c. The City Council amends the proposal, it shall be returned to the Plan Commission for its consideration. The Plan Commission has forty-five (45) days in which to consider the amendment and report back to the City Council as follows:
 - i. If the Plan Commission approves the amendment or fails to act in forty-five (45) days, the ordinance stands as passed by the City Council as of the date of the filing or at the end of the forty-five (45) day period.
 - ii. If the Plan Commission disapproves the amendment, the action of the City Council stands only if confirmed by another vote of the

City Council within forty-five (45) days after the Plan Commission certifies its disapproval. If the City Council fails to confirm its action, the proposal is defeated.

B. If the proposal is to change the Official Zoning Map incorporated by reference in the Zoning Ordinance, the following procedures shall apply:

1. If the Plan Commission provides a favorable recommendation, and:
 - a. The City Council adopts the proposal; it takes effect as other ordinances of the City Council.
 - b. The City Council rejects the proposal, it is defeated.
 - c. The City Council fails to act within ninety (90) days; the proposal takes effect at the end of the ninety (90) day period.
2. If the Plan Commission provides an unfavorable or no recommendation, and:
 - a. The City Council adopts the proposal; it takes effect as other ordinances of the City Council.
 - b. The City Council rejects the proposal, it is defeated.
 - c. The City Council fails to act within ninety (90) days, it is defeated.

Any proposal for a Zoning Map amendment that is defeated under the provisions of this section may not be resubmitted for a period of one (1) year.

SECTION 12.20 – REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE, AND ENACTMENT

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on _____, 20____.

Passed and adopted by the City Council of the City of Madison, Indiana, on the day of _____, 20____.

CITY COUNCIL

This ordinance approved by me, Damon Welch, Mayor of the City of Madison, Indiana this _____ day of _____, 20____.

Damon Welch

Attest: _____
Clerk-Treasurer