

Article 1

Basic Provisions



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Basic Provisions

See Also:

Article 14, Definitions

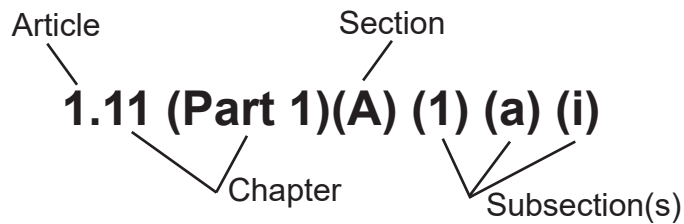
1.1 Title & Document Format

- A. **Title:** This document shall be formally known as the "Columbus & Bartholomew County, Indiana Zoning Ordinance," and it may be cited and referred to as the "Columbus Zoning Ordinance", "Bartholomew County Zoning Ordinance", "Zoning Ordinance", or "Ordinance".
- B. **Defined Words:** Words used in a special sense in this Ordinance are defined in Article 14, Definitions. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.
- C. **Meanings:** The following rules of construction shall apply to the text of this Ordinance:
1. The particular and specific provisions of this Ordinance shall supersede any general standards that are established by it.
 2. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.
 3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
 4. The term "building" or "structure" includes any part of that building or structure.
 5. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."
 6. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves 2 or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:
 - a. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
 - b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
 - c. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
 8. The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.
 9. The word "county" means Bartholomew County, Indiana, and the word "state" means the State of Indiana.
 10. All words with a specific meaning always shall maintain that meaning and similar terms shall not be interpreted as having the same meaning.

1.1 Title & Document Format (cont.)

- D. **Format:** This Ordinance is established as Chapter 8, Article 2 of the Bartholomew County Code and as Title 17 of the Columbus Municipal Code. The structure of the text of this Ordinance is independent of that of both the County and City Codes, and is as follows: Article (indicated by 1, etc.), Chapter (indicated by 1.1, etc.), Section (indicated by A, etc.), and subsequent Subsections (indicated by 1, a, i, etc.).
1. **Examples:** In instances where this Ordinance labels text or images as an "example", that text is intended to explain and/or represent corresponding regulations. In no instance should the example be interpreted as establishing additional or alternate regulations.
 2. **Notes:** In instances where this Ordinance labels text as a "note", that text is intended to provide general information related to the regulations. In no instance should the note be interpreted as establishing additional or alternate regulations.

Document Format (Figure 1.1)



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Basic Provisions

See Also:

*IC 36-7-4 et. seq.
(Local Planning & Zoning)*

*IC 36-7-4-205
(Contiguous Unincorporated
Jurisdiction)*

*IC 36-7-4-1105
(Heritage Markers)*

*IC 36-7-4-601(c)
(Zoning Ordinance Purpose)*

1.2 Authority & Purpose

- A. **Authority:** This Ordinance is adopted independently by Bartholomew County, the City of Columbus, and the Edinburgh / Bartholomew / Columbus Joint District pursuant to each's authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code that has been amended or superseded, it shall be assumed that the reference includes that Code as amended or superseded.
- B. **Jurisdiction:** This Ordinance is adopted by Bartholomew County for all land within the jurisdiction of the Bartholomew County Advisory Plan Commission, by the City of Columbus for all land within the jurisdiction of the Columbus Advisory Plan Commission, and by the Edinburgh / Bartholomew / Columbus Joint District Plan Commission for all land within its jurisdiction.
1. Incorporated Areas and Extended Jurisdictions: Bartholomew County shall not exercise jurisdiction over any property within an incorporated area or within the jurisdiction of an incorporated area's plan commission consistent with the provisions of IC 36-7-4-205. The City of Columbus shall exercise jurisdiction over all property within the incorporated area of the City, as well as its extended jurisdiction consistent with the provisions of IC 36-7-4-205.
 2. Federal and State Property: This Ordinance shall not apply to any property owned or occupied by the government of the State of Indiana or the United States of America (consistent with IC 36-7-4-1104). However, this ordinance shall apply to all property owned and/or operated by other units of local government, including Bartholomew County, the City of Columbus, school corporations, fire departments, etc.
 3. Public Right-of-Way: This Ordinance shall not apply to signs or other items placed in the County public right-of-way with the approval of the Board of County Commissioners or the City right-of-way with the approval of the Board of Public Works & Safety, unless otherwise specified.
 4. Heritage Markers: In no instance shall this Ordinance be interpreted as restricting or prohibiting the State of Indiana or any of its political subdivisions from setting aside, by law, sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest or value, or as part of local heritage (consistent with IC 36-7-4-1105).
 5. Utility Facilities: This ordinance shall not apply to the supply, distribution, collection, or other service facilities of any utility that both (a) is regulated by the Indiana Utility Regulatory Commission and (b) has been granted the power of eminent domain. This exemption includes installations such as transmission lines, water towers, treatment plants, booster stations, lift stations, etc. This exemption does not include general office space, equipment yards, and other similar administrative facilities the location of which does not relate to the provision of utility services.

1.2 Authority & Purpose (cont.)



- C. **Purpose:** This Ordinance is intended to guide the growth and development of the City, County, and Joint District in accordance with the Comprehensive Plan for each and for the following purposes (consistent with IC 36-7-4-601(c)):
1. Adequate Facilities: To secure adequate light, air, and convenience of access; and provide safety from fire, flood, and other dangers.
 2. Public Safety: To promote the public health, safety, convenience, and general welfare.
 3. Future Development: To plan for the future development of each jurisdiction to the end that:
 - a. the community grows with adequate public ways, utilities, health, education, and recreation facilities;
 - b. the needs of agriculture, industry, and business be recognized in future growth;
 - c. residential areas provide healthful surroundings for family life; and
 - d. the growth of the community is commensurate with and promotes the efficient and economical use of public funds.

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Basic Provisions

See Also:

Article 11,
Nonconformities

Covenants Note: *Nothing in this Ordinance shall be interpreted as requiring Bartholomew County, the City of Columbus, or the Joint District to enforce private covenants. Nor shall this Ordinance, or any action taken in the administration of this Ordinance (even if contrary to the specifications of private covenants) prevent a party to the covenants from seeking their enforcement through the appropriate legal mechanisms.*

1.3 Interpretation & Application

- A. **Conflicting Requirements:** The provisions of this Ordinance shall be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.
- B. **Overlapping Regulations:** This Ordinance shall apply regardless of any private covenants, private contracts, or private agreements. In no instance shall this Ordinance be interpreted as altering or negating any such private restrictions or any other applicable regulations, state laws, or federal laws, or preventing their enforcement by the appropriate entity.
- C. **Compliance:** All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all regulations applicable to the zoning district in which they are located. All development activity, as described above, shall be in full compliance with all provisions of this Ordinance and occur only after the lawful issuance of all permits and certificates required by this Ordinance.

1.4 Official Zoning Maps



- A. **Official Zoning Maps:** The zoning maps for the City of Columbus, Bartholomew County, and the Edinburgh / Bartholomew / Columbus Joint District are included as part of this Ordinance. Each map may be known and referred to as the “Official Zoning Map” and as the “Zoning Map”. These official zoning maps are maintained in the form of a series of digital layers of information included as components of the Bartholomew County Geographic Information System (GIS) and identified as “Zoning” by that system. The Zoning Maps may be made available to interested persons through that system.
- B. **Official Zoning Map Ownership & Modifications:** The digital information layers that form the components of the Official Zoning Maps may be stored on equipment belonging to the City of Columbus, Bartholomew County, or a vender contracted by either to provide those services. The Zoning Map information shall be considered the property of the City of Columbus - Bartholomew County Planning Department. The ability to modify the information contained on the Zoning Maps shall be limited to the Planning Department and only those others necessary for the maintenance and administration of the GIS system. However, the Planning Department shall have the exclusive authority to modify the Zoning Maps.
- C. **Zoning District Boundaries & Identification:** The Zoning District boundaries shall be as shown on the Official Zoning Maps. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Maps.
1. Planned Unit Developments: Planned Unit Developments shall be indicated on the Official Zoning Maps using the three-digit "PUD" abbreviation and the ordinance number by which each PUD is created.
 2. Rezoning with Commitments: Rezoning that include written commitments shall be indicated on the Official Zoning Maps using the ordinance number through which the property was re-zoned.
- D. **Revisions:** The Official Zoning Maps should be revised following the passage and effective date of each applicable rezoning ordinance for the purpose of indicating that zoning change. Other revisions may be made to correct errors or omissions in the Zoning Maps, but shall not have the effect of amending the Maps.
- E. **Damaged, Destroyed, or Lost Official Zoning Map:** In the event that an Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the appropriate legislative body may, by ordinance, adopt a replacement Zoning Map. All records and documentation of the contents of the prior map shall be preserved, together with any available records of its adoption and amendment.

1.4 Official Zoning Map (cont.)

- F. **Interpretation Standards:** Zoning district boundaries on the Official Zoning Maps shall be interpreted as follows:
1. **Rights-of-way and Easements:** Zoning district boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines. All zoning shown on adjacent properties shall be interpreted as extending to the centerline of any street, road, alley, right-of-way, easement, or other similar feature.
 2. **Property Lines:** Zoning district boundaries indicated as following section or fractional sectional lines or property lines shall be construed as following such lines.
 3. **Bodies of Water:** Zoning district boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines. Boundaries indicated as following shore lines shall be construed as moving with any changes in the actual shore line and including all aspects of any uses that extend from the shore line into the water, such as marinas, mineral extraction operations, floating restaurants, etc., even if their only presence on land is a dock or other departure point.
 4. **Divided Lots:** Where a zoning district line divides a lot as a result of the adoption of the replacement Zoning Map included as a part of this Ordinance, the zoning in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between 2 or more zoning districts, the least intense district shall apply to the entire property. The Planning Director shall determine the applicable zoning for properties divided into multiple zoning districts consistent with this section. No rezoning, subdivision, or other action regulated under this Ordinance or the Subdivision Control Ordinance shall be permitted if the result is an additional lot divided into multiple zoning districts, a change to a previously divided lot that results in the majority of that lot being included in a different zoning district, or the enlargement or alteration of a previously divided lot that would result in the effective rezoning of an additional area through the application of this section.
 5. **Extensions of Lines:** Zoning district boundaries indicated as parallel to or extensions of the features listed in 1.4(G)(1-4) above shall be construed as so.
- G. **Interpretation Procedure:** The Planning Director shall determine the applicable zoning for each property as described in 1.4(G)(1-5) above. Any ruling of the Planning Director pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

1.4 Official Zoning Map (cont.)

- H. **Effect of Vacation on Zoning:** Whenever any street, road, alley, public way, railroad right-of-way, or other similar area is vacated by the proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. The resolution of any disputes as to the exact zoning district boundaries shall be determined by the Planning Director. Appeals of the Planning Director's determination may be brought before the Board of Zoning Appeals.



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Basic Provisions

See Also:

IC 36-7-4-602(b)
(Ordinance Amendments)

IC 36-7-4-602(c)
(Zoning Map Amendments)

Plan Commission
Rules of Procedure

IC 36-7-4-603
(Decision Criteria)

IC 36-7-4-1109
(Approval Expiration)

Article 2, Administration

1.5 Adoption & Amendments

- A. **Transition Rules:** The following transition rules shall apply to the adoption of this Ordinance.
1. **Previously Established Conditional Rezoning:** Any property that was the subject of a conditional rezoning prior to the adoption of this Ordinance shall continue to be subject to those conditions. All such conditional rezonings shall be documented on the Official Zoning Map consistent with the standards of Section 1.4(D)(2).
 2. **Previously Approved Site Development Plans:** Site development plans approved under previous zoning ordinances, such as those required by City of Columbus Special Use (SU) zoning districts and Bartholomew County Industrial Reserve (IR) and Shopping Center (C3) zoning districts, shall continue to apply to the use and development of the subject property as follows:
 - a. **Previously Established Industrial Reserve (IR) Site Development Plans:** Any property that was and/or continues to be developed following the specifications of a previously approved Industrial Reserve Zoning District site development plan shall be subject to the uses permitted and development standards described by that plan. Any subsequent development, redevelopment, site modifications, or change of use of the subject property shall comply with the requirements of this Zoning Ordinance.
 - b. **Previously Established Shopping Center (C3) Site Development Plans:** Any property that was and/or continues to be developed following the specifications of a previously approved Shopping Center Zoning District site development plan shall be subject to the uses permitted and development standards described by that plan. Any subsequent development, redevelopment, site modifications, or change of use of the subject property shall comply with the requirements of this Zoning Ordinance.
 - c. **Previously Established Special Use (SU) Site Development Plans:** Any property that was the subject of Special Use zoning prior to the adoption of this Ordinance shall continue to be subject to the specifications of the Special Use site plan as follows:
 - i. In instances where such properties are included in the P (Public / Semi-Public Facilities) zoning district, the Special Use site plan shall apply as the site development plan for the property. Further, the use of the property shall be limited to the previously approved Special Use, unless other uses are approved through a rezoning or conditional use process.
 - ii. In instances where such properties are included in a zoning district where the previously approved use is a conditional use, the Special Use site plan shall apply as the conditions of the conditional use.
 - iii. In instances where such uses are not permitted in the zoning district in which they are located they shall be considered legal non-conforming uses.

1.5 Adoption & Amendments (cont.)



- iv. In instances where such uses are permitted in the zoning district in which they are located, excluding the P (Public / Semi-Public Facilities) zoning district, the Special Use site plan shall not apply and the use and development of the property shall be consistent with the standards for the zoning district in which it is located.
3. Previously Approved Subdivision Lot Standards: Any lots included in a subdivision preliminary plat approved prior to the adoption of this Ordinance shall be subject to the building setbacks and other lot standards applicable at the time that preliminary plat was approved for a period of 10 years from the date of approval. All applicable standards of this Ordinance shall apply following the 10 year transition period.
4. Previously Applied for Improvement Location Permits: Any application for an Improvement Location Permit (including Certificates of Zoning Compliance and building permits) that has been filed with the appropriate entity and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those established by this Ordinance.
5. Previously Filed Zoning Map Amendment Requests: Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists, the Planning Director shall, with the applicant's consent, amend the application so that the request for rezoning would accomplish the same end goal.
6. Previously Filed Board of Zoning Appeal Petitions: Any application before the Board of Zoning Appeals (i.e. conditional use, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing, provided that:
 - a. *Obsolete Petitions:* If the petition is no longer required by the terms of this Ordinance, the application will be dismissed;
 - b. *Applicable Regulations:* The improvements to which the petition relates shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing (consistent with 1.5(A)(4)); and
 - c. *Administrative Procedures:* All administrative procedures and penalties shall follow those established by this Ordinance.

1.5 Adoption & Amendments (cont.)

7. Expiration of Previous Approvals: All variances, conditional uses, and other petitions regulated by this Ordinance that were approved prior to the effective date of this Ordinance and not executed through the proper receipt of the necessary Improvement Location Permit(s) shall expire and become void consistent with the Ordinance in effect at the time of their approval and the provisions of IC 36-7-4-1109.
- B. **Amendments:** The following process and decision criteria shall apply to the amendment of this Ordinance.
1. Amendment Process: In accordance with IC 36-7-4-602, the appropriate legislative body(ies) may amend or partially repeal the text of this Ordinance or may amend the Official Zoning Maps of this Ordinance as follows:
 - a. *Zoning Ordinance Text Amendments:* The Board of County Commissioners; Common Council; or the Columbus, Bartholomew County, or Joint District Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedures of IC 36-7-4-602(b) and the adopted Plan Commission Rules and Procedures.
 - b. *Official Zoning Map Amendments:* The Board of County Commissioners; Common Council; the Columbus, Bartholomew County, or Joint District Plan Commission; or at least 50% of the affected property owners may initiate a petition to change the Official Zoning Map according to the procedures of IC 36-7-4-602(c), the adopted Plan Commission Rules and Procedures, and the requirements of Article 2, Administration, of this Ordinance. Each Plan Commission and legislative body shall have exclusive authority for zoning map amendments within their respective jurisdictions.
 2. Decision Criteria: In the review of the text and zoning map amendment proposals, the appropriate Plan Commission(s) and legislative body(ies) shall pay reasonable regard to (consistent with IC 36-7-4-603):
 - a. the most recently adopted Comprehensive Plan;
 - b. current conditions and the character of structures and uses in each district;
 - c. the most desirable use for which the land in each district is adapted;
 - d. the conservation of property values throughout each Plan Commission's jurisdiction; and
 - e. responsible development and growth.
- C. **Repealer:** The Zoning Ordinance of Bartholomew County, Indiana adopted as Ordinance 1-1, 1958 and its associated Zoning Map and any revisions to either are hereby repealed. The Zoning Ordinance of the City of Columbus, Indiana adopted as Ordinance 2239 of 1971 and its associated Zoning Map and any revisions to either are hereby repealed. This Columbus & Bartholomew County, Indiana Zoning Ordinance and Official Zoning Maps shall replace the repealed ordinances and maps.

1.5 Adoption & Amendments (cont.)



- D. **Severability:** If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.
- E. **Saving Provision:** This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.
- F. **Columbus Effective Date:** This Ordinance shall be in full force and in effect for the jurisdiction of the City of Columbus Plan Commission on April 3, 2008. The effective date is based on the passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Plan Commission of the City of Columbus, Indiana as General Resolution 01, 2007 on December 19, 2007.

This Ordinance was passed and adopted by the Common Council of the City of Columbus, Indiana as Ordinance 13, 2008 on March 18, 2008.

- G. **Bartholomew County Effective Date:** This Ordinance shall be in full force and in effect for the jurisdiction of the Bartholomew County Plan Commission on April 1, 2008. The effective date is based on the passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Plan Commission of Bartholomew County, Indiana as General Resolution 03, 2007 on December 19, 2007.

This Ordinance was passed and adopted by the Board of County Commissioners of Bartholomew County, Indiana as Ordinance 3, 2008 on February 4, 2008.

- H. **Edinburgh / Bartholomew / Columbus Joint District Effective Date:** This Ordinance shall be in full force and in effect for the jurisdiction of the Edinburgh / Bartholomew / Columbus Joint District Plan Commission on January 2, 2023. The effective date is based on the passage and notice of adoption as required by law.

This Ordinance was passed and adopted by the Edinburgh / Bartholomew / Columbus Joint District Plan Commission as Ordinance 01, 2022 on December 13, 2022.