

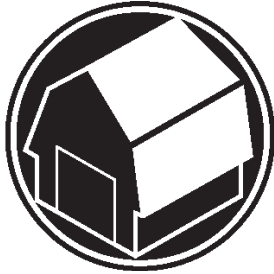
Article 6

Use Standards



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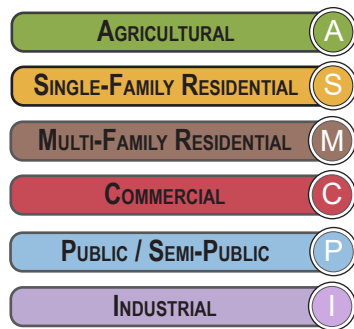
Intent:

The intent of these accessory use & structure standards is to address the unique features of these types of structures and uses; allow the reasonable utilization of property; and to ensure the provision of adequate light, air, and circulation on each property.

6.1 Accessory Use/Structure Standards

General Accessory Use/Structure Standards

These General Accessory Use/Structure Standards apply to all zoning districts.



- A. **Order of Establishment:** No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.
- B. **Farm Exemption:** Properties on which a farm is the primary use shall be considered as having “agricultural” structures in addition to or instead of “primary” and/or “accessory” structures. Agricultural structures shall be exempt from the requirements of this Ordinance for accessory structures.
- C. **Incidental Uses & Structures:** The following shall be considered incidental and shall meet the standards specified.
 - 1. **Satellite Dish:** All satellite dish located in a single-family residential zoning district that exceed 1 meter (approximately 3.3 feet) in diameter and those located in all other zoning districts that exceed 2 meters (approximately 6.6 feet) in diameter shall comply with the following requirements. All smaller satellite dish shall be exempt from the requirements of this Ordinance.
 - a. **Location:** All satellite dish shall meet the location requirements specified for accessory structures by Section 6.1(E).
 - b. **Height:** No satellite dish shall exceed 10 feet in height from ground level (if mounted on the ground) or 5 feet in height above the highest point of the roof of the primary structure (if mounted on the roof). Satellite dish shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standards variance process, that the increased height is technically necessary to successfully receive satellite signals.

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards



2. **Trash & Recycling Containers:** All dumpsters and other similar trash containers with a capacity of 2 cubic yards or greater shall be screened from view of all public streets and roads and all adjacent properties. At a minimum, where dumpsters are not otherwise screened by structures or other obstructions, the screening shall consist of a 6 foot tall, 100% opaque fence of wood, stone, masonry, architectural metal, or other similar construction providing the required opacity. Where necessary to meet the screening requirement access gates shall also be provided and shall be 100% opaque. In no instance shall chain link fence interwoven with plastic strips or other similar fencing be considered as 100% opaque for the purposes of the fencing and/or gates required by this section. Further, no such dumpster or other similar container shall be located in any front yard, with the exception, in the case of a through lot, of the front yard opposite the front orientation of the primary structure. The following exemptions from these requirements shall apply:
 - a. Agricultural uses shall be exempt from the requirements of this section in their entirety.
 - b. Dumpsters and other similar trash containers that are located along and accessed for emptying by an alley shall not be required to be screened from view of non-residential uses on adjacent lots, including those on the opposite side of the alley.
 - c. All recycling containers for exclusive use of the public shall be exempt from these requirements as long as the recycling container(s) located on any single property do not exceed a total capacity of 40 cubic yards. However, a site plan and improvement location permit will continue to be required.
3. **Non-residential Outdoor Storage, Display and/or Sales:** The following requirements apply to all non-residential outdoor storage, display and/or sales:
 - a. **Business Relationship:** Merchandise stored, sold and/or displayed shall be accessory to the business conducted within the primary structure and shall be owned, leased or operated by the same individual(s) or business(es) occupying the primary structure.
 - b. **Prohibited Locations:** Outdoor storage, display and/or sales shall not be located in any required parking or circulation area, loading area, accessway, required accessory structure setback or applicable sight visibility triangle, nor block vehicular or pedestrian accessibility or circulation through the site. Outdoor storage, display and/or sales shall not be permitted within any area required to be landscaped, or in any buffer area, in accordance with Article 8, Landscaping Standards.



6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

- c. *Loading Areas:* Any outdoor staging area intended for the temporary loading and/or unloading of materials shall be clearly marked as such. These areas may not be used for outdoor storage, display and/or sales unless they meet the requirements for such uses provided by this Chapter.
- d. *Sidewalk Use:* Outdoor storage, display and/or sales shall be prohibited on City-owned, County-owned or State-owned sidewalks, public land or public right-of-way unless approved by the Board of Public Works and Safety, Board of County Commissioners, or Indiana Department of Transportation, as applicable.
- e. *Exemptions:* The following exemptions shall apply:
 - i. Vending machines shall be exempt from these outdoor storage, display and/or sales standards provided they are accessory to a use other than single or two-family residential, that the items for sale are completely enclosed in the vending device, and that they are not located in any required accessory structure setback area or buffer yard.
 - ii. Lots on which plant and tree nurseries are the primary use shall be exempt from these requirements, provided that any stockpiling or storage of loose materials shall be contained within bins or similar structures to prevent spillage and blowing of materials. The sale of plant materials at general retailers and other similar locations shall not be exempt from the requirements of this Section.
- f. *Temporary Outdoor Sales and Display:* Temporary outdoor sales and/or display includes any merchandise taken inside or otherwise removed at the close of each business day; and/or any outdoor sales and/or display that is left outdoors for a period of no more than 60 days in any 1 calendar year. Where temporary outdoor sales and/or display occurs, the following requirements shall apply:
 - i. Sales and/or display areas shall maintain adequate clear area for safe pedestrian circulation along any required pedestrian route. The clear area shall be no less than 5 feet wide and shall meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements. The size and width of clear areas and pedestrian circulation areas located upon public sidewalks shall be at the discretion of the Board of Public Works or the Board of County Commissioners, as applicable.
 - ii. No sales and/or display items shall be stacked above a height of 6 feet. Individual merchandise items that exceed 6 feet in height, such as heavy machinery or landscaping plants, are exempt from this requirement, provided that they do not exceed the height of the primary structure.

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards



- iii. Any temporary sales and/or display left outside beyond typical daytime business hours (6:00 a.m. to 10:00 p.m.) shall require an Improvement Location Permit. The application for the permit shall state how the above requirements shall be met, and shall include a site plan, drawn to scale, that illustrates the location of the temporary sales and/or display area. All structures associated with the temporary outdoor sales and/or display shall be removed once activities have ceased. The outdoor sales and/or display area must be restored to its permanent condition within the time frame of the permit.
- g. *Permanent Outdoor Sales and/or Display:* Within the City of Columbus jurisdiction, outdoor sales and/or display that is utilized for more than 60 days in any 1 calendar year shall be considered permanent and shall be subject to the following requirements. Permanent outdoor sales and/or display within the Bartholomew County jurisdiction shall comply with the requirements of Section 6.1(C)(3)(b).
 - i. The area dedicated to outdoor sales and/or display shall not exceed 10% of the allowed lot coverage for properties within the zoning district in which the use is located.
 - ii. All outdoor sales and/or display areas shall be paved (except for certain vehicle display lots as described in Section 6.1(C)(3)(h)(iii), below) and shall be graded and drained to dispose of all surface water.
 - iii. The outdoor sales and/or display area must be enclosed on a minimum of 3 sides by a 100% opaque fence or wall of a height equal to the items displayed, up to a maximum of 8 feet and made of wood, brick or masonry. If any side of the outdoor sales and/or display area is adjacent to a Type "A" Buffer Yard utilizing a fence (see Chapter 8.2) on the same lot, the fence required for the buffer shall suffice for the sales and/or display area fence requirement.
 - iv. The outdoor sales and/or display area enclosure shall be designed and constructed of materials that are consistent with the character of the primary structure on the lot.
 - v. The sales and/or display areas for pallets, soil, stone, sand, mulch, and similar stockpiled or loose materials shall be contained within bins or similar structures that prevent spillage and blowing of materials.
- h. *Outdoor Sales and/or Display of Vehicles and Farm Implements:*
 - i. Not more than 1 vehicle display pad shall be permitted for each 100 feet of lot frontage on a public street or road. A vehicle display pad may not exceed 6 feet in height. A vehicle display pad may not be located within a required setback.



6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

- ii. Vehicle display lots shall be considered the same as parking lots for meeting the landscaping standards of Article 8, except that a vehicle display lot is not required to provide perimeter parking lot landscaping as required by Section 8.1(C)(1).
 - iii. Vehicle display lots that display passenger automobiles and trucks shall be paved. Lots displaying farm implements, recreational vehicles, construction equipment and similar vehicles may have a gravel surface.
- i. **Outdoor Storage:** Storage of items that are not intended for display and/or sale shall be subject to the following:
 - i. In Commercial zoning districts, outdoor storage areas shall be screened by a 100% opaque fence that is 6 feet in height. The use of metal fences with slats/inserts is not permitted. Any portion of an outdoor storage area fence that is adjacent to or visible from a public street or road shall include landscaping consistent with a Buffer Yard Type B as specified by Section 8.2(D) on the exterior of the fence, unless a Buffer Yard Type A is required by Chapter 8.2.
 - ii. In Industrial zoning districts, outdoor storage areas that are adjacent to or visible from a Collector or Arterial street or road shall be screened by a 100% opaque fence that is a minimum of 6 feet in height and may extend to a maximum height of 8 feet. Landscaping, consistent with a Buffer Yard Type B as specified by Section 8.2 (D) shall be provided on the exterior of any required fence, unless a Buffer Yard Type A is required by Chapter 8.2.
- 4. **Child Day-Care Home Standards:** Child day-care homes shall meet the definition established by this Zoning Ordinance and shall be consistent with all applicable regulations of the State of Indiana.
- 5. **Other Incidental Structures:** Other incidental structures shall include and be subject to the requirements of this Ordinance as follows:
 - a. Bird baths and houses, mailboxes, lamp posts, dog-houses, yard ornaments, free library/pantry boxes, and other similar items shall be exempt from regulation by this Ordinance.
 - b. Patios, pool decks, walks, athletic courts, and other similar items installed at finished grade on a property shall be exempt from regulation by this Ordinance. However, any fences associated with these items shall be subject to Chapter 9.3.
 - c. Gazebos, arbors, play equipment, sheds, mechanical equipment including ground-mounted solar panels, and other similar items, if less than 120 square feet in area and not on a permanent foundation, shall be exempt from regulation by this Ordinance. Those that exceed 120

6.1 Accessory Use/Structure Standards (cont.)



General Accessory Use/Structure Standards

square feet individually or are on a permanent foundation shall be subject to the accessory structure provisions of this Ordinance, specifically including the location provisions of Section 6.1(E). Further, any single type of these incidentals (sheds, for example), where 2 or more are present, that total more than 120 square feet on a property shall also be subject to the accessory structure provisions of this Ordinance.

- D. Permitted Accessory Uses:** Accessory uses shall be permitted in each zoning district as either permitted uses or conditional uses consistent with the Permitted Accessory Uses table. All accessory uses shall be subject to the standards provided by this Chapter. The Planning Director shall determine whether or not uses not specifically listed are permitted based on the consistency of each use with the intent of the district in which it is located.

Permitted Accessory Uses (Table 6.1)

Use (P - Permitted, C - Conditional)	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
dwelling, accessory (see Section 6.1(D)(1))	C	C	C	C	C	C	C	C	C													
recreation / guest building (see Section 6.1(D)(2))		C	C	C																		
adult day-care home	C	C	C	C	C	C	C	C	C	C	C	C										
home-based business (see Chapter 6.6)	P	P	P	P	P	P	P	P	P	P	P	P										
drive-up window / facility													C	P	C(B)	P	P	P	P	P	P	P
retail sales of products manufactured on-site																				P	P	P

C(B) A drive-up window / facility is a Conditional Use in the Bartholomew County and Joint District jurisdictions. It is prohibited in the City of Columbus

1. **Accessory Dwellings:** Single family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly known as “mother-in-law’s quarters” or “granny flats”) shall meet the following requirements:
 - a. **Location on the Property:** The accessory dwelling may be (i) attached to, and designed and constructed as part of the primary structure, (ii) attached to or included within a detached garage or other accessory structure, or (iii) a separate and distinct accessory structure on the property.



Note: Bartholomew County specifically recognizes that an Accessory Dwelling may be provided through new construction or the retention and continued use of an older home that would otherwise be replaced on a property.

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

- b. *Primary Use of the Property:* An accessory dwelling may only be established on a property on which the primary use and structure is a single-family dwelling (or where a single farm dwelling is present). In instances where two or more dwelling units exist on a property and an additional dwelling unit is sought to be established, that additional unit shall be considered as an expansion of a multifamily use, rather than an accessory dwelling, and the provisions of this section shall not apply.
- c. *Living Area:* In residential zoning districts, the living area of any accessory dwelling shall not exceed 1,000 square feet or an amount equal to 65% of the primary residence on the property, whichever is less. Further, no accessory dwelling shall be less than 400 square feet in living area. In agricultural zoning districts, the living area of the accessory dwelling shall not exceed an amount equal to 75% of the primary residence on the property. However, properties in agricultural zoning districts on which an accessory dwelling is created by retaining a historic home (any that is at least 50 years old) shall be exempt from the living area limit.
- d. *Maximum Number of Units:* A maximum of 1 accessory dwelling may be permitted on any property.
- e. *Driveway Access:* The accessory dwelling shall not require the establishment of an additional driveway.
- f. *Parking Requirements:* In instances where on-street parking is allowed on either side of a street in a block where the subject property has frontage, no off-street parking for the accessory dwelling shall be required. Where the on-street parking described above is not available, one off-street parking space, in addition to those required for the primary residence by Chapter 7.1 of this Ordinance, shall be provided for the accessory dwelling. All off-street parking spaces provided shall meet all applicable design and circulation standards for the zoning district in which the property is located as provided by Article 7 of this Ordinance.
- g. *Waste Disposal:* Both the primary residence and the accessory dwelling shall either (i) be served by a public sewer system or (ii) be served by one shared or two individual septic systems approved by the Bartholomew County Health Department. The waste disposal method shall also comply with the Utility Requirements established for each zoning district by Article 3 of this Ordinance.
- h. *Architectural Design:* The accessory dwelling unit should make use of exterior materials consistent with or complementary to the primary residence on the property.

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards



2. Recreation / Guest Buildings: Buildings used for recreation and/or guest quarters shall be limited to 1 such structure per property. Such facilities shall be limited to a maximum size equal to 65% of the total living area in the primary residence.
- E. **Accessory Structure Location**: Accessory structures shall comply with the following location requirements:
1. Septic Fields: No accessory structures shall be placed in any active or alternate septic fields.
 2. Landscaping & Buffer Areas: No accessory structure shall encroach into any required landscaped area or buffer yard.
 3. Yard Location: No accessory structure shall be permitted in any front yard, or within the required side or rear yard setbacks specified by the zoning district in which it is located. However, the front yard prohibition shall be subject to the following exceptions:
 - a. Drive-up Window Structures: Canopies and other accessory structures associated with a Drive-up window (as defined by this Ordinance) may be permitted in the front yard, but shall comply with all minimum front, side, and rear yard setbacks.
 - b. Through Lots: In the case of through lots, the prohibition on accessory structures in the front yard shall only apply to the front yard associated with what is designed as the front wall of the primary structure (most often distinguished by a main entry for people and/or vehicles); accessory structures shall be prohibited from being located in the required setback applicable to the other front yard.
 - c. Agricultural Zoning Districts: Properties located in agricultural zoning districts and outside of any major subdivision (platted as such under the subdivision control ordinance) shall be permitted accessory structures in front yards. Accessory structures on these properties shall comply with all front, side, and rear yard setbacks.
 4. Vehicle Access: No garage vehicle entrance from a street shall be setback less than 25 feet from the adjacent right-of-way (to allow for off-street parking).
- F. **Permitted Accessory Structures**: Accessory structures shall be permitted consistent with the Permitted Accessory Structures table and shall be subject to the following requirements:
1. Interpretation: The Planning Director shall determine whether or not accessory structures not specifically listed are permitted based on the consistency of each structure with the intent of the district in which it is located.
 2. Limitations: (Properties of less than 2 Acres): On any property of less than 2 acres the total lot coverage of accessory structures shall not exceed an amount equal to that of the ground floor area of the primary structure on that property. In addition, these properties shall be limited to a maximum of 5 total accessory structures and a maximum of 2 of any one type of accessory structure (mini-barn, garage, etc.)



6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

Permitted Accessory Structures (Table 6.2)

Structure (P - Permitted, C - Conditional)																				
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1
amateur radio & other receiver antenna (see Section 6.1)(F)(3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
attached & detached decks above 30 inches from grade	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
recreational greenhouses	P	P	P	P	P	P	P	P	P	P										
detached garages and carports	P	P	P	P	P	P	P	P	P	P	P	P								
mini-barns, sheds, & gazebos	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
swimming pools & hot tubs (see Section 6.1)(F)(4)	P	P	P	P	P	P	P	P	P	P	P	P								
other structures for permitted primary or accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

3. **Amateur Radio and Television & Radio Receiver Antennas:**

All amateur and CB radio antenna, antenna for receiving television signals, antenna for receiving radio signals, and all other personal broadcasting equipment shall meet the following requirements:

- Height:** No amateur radio tower shall exceed 75 feet in height from ground level. No television or radio antenna shall exceed 35 feet in height from ground level or 5 feet in height above the highest point of the roof of the primary structure, whichever is greater. Antenna shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standards variance process, that the increased tower height is technically necessary to successfully engage in amateur radio communications.
- Electrical Interference:** No amateur radio tower or equipment shall be permitted that results in interference with other electrical transmissions or devices.

4. **Swimming Pool and Hot Tubs:** The provisions of this Ordinance shall only apply to pools and hot tubs that exceed 18 inches in depth.

G. **Park & Recreation Facility Accessory Uses & Structures:**

Where park and recreation facilities are permitted, customary accessory uses and structures such as restrooms, groceries, refreshment stands, restaurants, laundries, and sporting goods sales are also permitted, subject to the following standards:

- Area:** The maximum cumulative area occupied by accessory uses and structures, including any associated parking, shall not exceed 10% of the park and recreation site;

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

2. Design Focus: The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility;
3. Visibility: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation park facility; and
4. Parking: Parking for accessory uses and structures shall be consistent with the Parking Standards of Article 7.

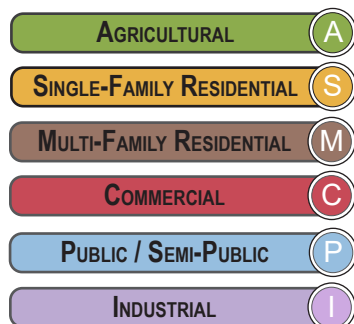
- H. **Multi-family Dwelling / Manufactured Home Community / RV Park Accessory Uses & Structures**: Where multi-family dwellings, manufactured home communities, or RV parks are permitted, customary accessory uses and structures such as management offices, sales offices, storage facilities, self-service laundries, and community centers shall also be permitted, subject to the following standards:
1. Area: The maximum cumulative area occupied by accessory uses and structures, including any associated parking, shall not exceed 10% of the site;
 2. Design Focus: The accessory uses and structures shall be located, designed and intended to serve only the needs of the development;
 3. Visibility: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the development;
 4. Parking: Parking for accessory uses and structures shall be consistent with the Parking Standards of Article 7; and
 5. Manufactured Home Community Model Homes: All model homes shall conform to the requirements of Section 6.2(F) of this Ordinance.





Intent:

The purpose of these temporary use & structure standards is to establish minimum requirements for the temporary use of property and the placement of temporary structures in order to (1) accommodate the temporary needs of properties and land uses, (2) ensure that temporary uses do not become permanent without proper scrutiny, and (3) protect the public welfare from the unique hazards that can be created by temporary uses and structures.



Example: Temporary structures installed as accessories to permanent uses would include temporary classrooms at a school, a temporary storage building at an industrial site, and other similar situations.

6.2 Temporary Use/Structure Standards

General Temporary Use/Structure Standards

These General Temporary Use/Structure Standards apply to all zoning districts:

- A. **General Temporary Use and Structure Standards:** All temporary uses and structures, both separately and in combination, shall conform to the following requirements:
 1. **Removal:** All temporary uses and/or structures must be removed and the site reverted to its original condition within the time limits specified by this Chapter.
 2. **Access and Parking:** No vehicle parking associated with the temporary use and/or structure shall occur in a public right-of-way and all vehicle access points shall meet any requirements of the city or county engineer having jurisdiction over the site.
 3. **Signs & Lighting:** All signs and lighting shall comply with the requirements of this Ordinance for the zoning district in which the temporary use and/or structure is located unless otherwise specified by this Chapter.
 4. **Permit Requirements:** All temporary uses and/or structures shall be required to obtain a permit unless otherwise specified by this Chapter. No temporary use or structure, or the related signs, lighting, parking, etc. shall be constructed or placed upon a site prior to all necessary permits being obtained.
- B. **Temporary Structures for Permanent Uses:** All temporary structures installed as accessories to the permanent use on the property shall conform to the following requirements:
 1. **Applicable Development Standards:** Temporary structures must meet all development standards (height, setbacks, parking, etc.) for a permanent structure unless otherwise specified in this Chapter.
 2. **Temporary Structure Time Limits:** Any temporary structure used in conjunction with an existing permanent use may be permitted for up to 2 years, unless otherwise specified by this Chapter.

6.2 Temporary Use/Structure Standards (cont.)

General Temporary Use/Structure Standards



- C. **Temporary Uses and/or Structures in Combination:** Temporary uses and/or structures established in combination or separately, independent of any permanent use, are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:

1. **Site Improvement Standards:** Temporary uses and structures shall be permitted on any lot for up to 60 days in any calendar year. The lot shall not be required to meet the development standards for the zoning district in which it is located, but shall comply with the general requirements of Section 6.2(A).
2. **Time Limits:** Temporary uses and/or structures that seek extensions of the initial time limit established by Section 6.2(C) (1) above shall be subject to the approval of the Board of Zoning Appeals as a development standards variance.
 - a. **Extensions:** The Board may specify a time limit for the temporary use and/or structure.
 - b. **Site Improvements:** The Board may specify any site improvements (parking, landscaping, etc.) that are required in conjunction with the temporary use and/or structure.

- D. **Temporary Construction Facilities:** Construction trailers, dumpsters, materials storage, non-commercial batching plants, and other construction-related facilities are permitted as temporary structures and uses on any lot during construction activity on that lot. Temporary construction facilities may also be located on any lot within 300 feet of the corresponding construction site. No construction related facilities shall be located in any required setback or buffer yard. All such facilities shall be removed when construction is complete or otherwise substantially ceases for a period of 60 or more consecutive days. No permit shall be required.

- E. **Garage/Yard Sales:** Garage/yard sales are permitted to occur 2 times per calendar year, for no more than 3 consecutive days for each occurrence. Garage/yard sales shall be distinguished from flea markets in that garage/yards sales are clearly incidental to the residential use of the property, while flea markets are commercial businesses. No permit shall be required.

***Example:** The seasonal sale of Christmas Trees, Fireworks, etc. is permitted for up to 60 days in zoning districts where similar retail sales are permitted, permanent uses.*



6.2 Temporary Use/Structure Standards (cont.)

General Temporary Use/Structure Standards

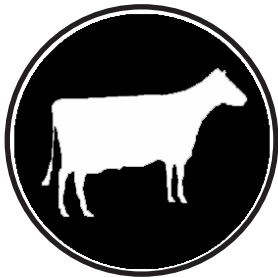
- F. **Temporary Home Sales Facilities:** Temporary model homes shall be permitted in each residential development until either (1) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development or (2) 5 years from the date of approval of the final plat for the most recent section of the development, whichever is less. Temporary sales trailers shall be permitted in each residential subdivision for a maximum of 6 months, measured from the date on which the permit is obtained for the initial sales trailer for any lots included in a Preliminary Plat. An Improvement Location Permit shall be required.
1. Location: Temporary home sales facilities shall be located on the nearest vacant lot to the entrance in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a model home or temporary sales trailer.
 2. Number of Facilities: Subdivisions which include less than 50 lots in the Preliminary Plat shall be limited to a maximum of 2 temporary home sales facilities. Subdivisions which include 50 or more lots in the Preliminary Plat shall be limited to a maximum of 3 temporary home sales facilities.
 3. Design Requirements: The placement of temporary home sales facilities shall be consistent with the following requirements:
 - a. *Uses:* The use of the facility shall be limited to open house purposes for prospective buyers. Temporary home sales facilities may not be directly used for the purpose of selling homes in other developments or in other communities.
 - b. *Signs:* For the purposes of sign regulation, each temporary home sales facility (trailer or model home) shall be considered a property for sale and shall be permitted supplemental temporary signs per Section 10(E)(2)(a).
 - c. *Lighting:* All exterior lighting shall be limited to typical household exterior lighting. The use of all other types of lighting, including floodlighting and search lights shall be prohibited.
 - d. *Parking:* Temporary home sales facilities shall conform with the following parking requirements:
 - i. Model homes shall provide a minimum of 2 off-street parking spaces for the use of salespersons and potential buyers. The parking spaces shall conform to the size requirements of this Ordinance. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. The driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.
 - ii. Temporary sales trailers shall provide 2 off-street parking spaces. The spaces shall be surfaced with stone or paved.

6.2 Temporary Use/Structure Standards (cont.)

General Temporary Use/Structure Standards

- e. *Landscaping:* Temporary home sales facilities shall conform with the following landscaping requirements:
 - i. Model homes shall provide landscaping consistent with that which the developer and/or builder provides for homes to be constructed in the subdivision.
 - ii. Temporary sales trailers shall provide a landscape area extending from the trailer for 5 feet in each direction. The landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the development. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.
- 3. Model Home Conversion: Prior to the sale of a model home for use as a residence, all signs shall be removed and the garage area restored.
- 4. Sales Trailer Conversion: Any builder using a temporary home sales trailer and either constructing an approved model home, or removing the trailer, shall restore the trailer site to pre-installation conditions, removing the trailer and any associated signs and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed prior to the issuance of a permanent certificate of occupancy for the model home.





Intent:

The purpose of these confined feeding operation (CFO) standards is to minimize (1) conflict generally between agricultural and residential uses and (2) conflict specifically between agricultural uses and those community facilities that are particularly sensitive to odor, dust, and other characteristics of large-scale animal agriculture.

AGRICULTURAL

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Note: Consistent with Article 11 (Nonconformities) of this Ordinance, existing confined feeding operations (CFOs) are not required to re-locate or alter their operations if nearby zoning or uses change.

6.3 Confined Feeding Operation Standards

General Confined Feeding Operation (CFO) Standards

These Confined Feeding Operation (CFO) Standards apply to the Agricultural zoning districts:

- A. **CFO Location Standards:** Confined feeding operations (CFOs) shall be located consistent with Article 3 of this (the Zoning) Ordinance. All such operations shall meet any and all applicable requirements of the federal, state, and local government in addition to the standards listed below.
1. **Required Property Size:** No CFO shall be located on any-property of less than 10 acres.
 2. **Required Property Setbacks:** All structures used in association with a CFO facility, including waste storage facilities, shall be setback a minimum of 100 feet from all property lines, including all street or road rights-of-way.
 3. **Minimum Separation Distances:** All CFOs shall be separated from other properties and/or land uses as specified below:
 - a. **Residential Zoning Districts:** No CFO facility shall be located closer than ½ mile to any Single-family Residential or Multi-family Residential zoning district. The separation shall be measured from the nearest structure associated with the CFO facility to the boundary line of the zoning district.
 - b. **Incorporated Cities and Towns Without Zoning:** No CFO facility shall be located closer than ½ mile to any incorporated city or town (Clifford, Elizabethtown, and Jonesville, for example) that has not adopted a zoning ordinance. The separation shall be measured from the nearest structure associated with the CFO facility to the corporate limits.
 - c. **Residential Properties in Agricultural Zoning Districts:** No CFO facility shall be located closer than 500 feet to any residential property (any property of 5 acres or less, regardless of whether or not it currently contains a residence) located in an Agricultural zoning district. The separation shall be measured from the nearest structure associated with the CFO facility to the residential property line.

6.3 CFO Standards (cont.)

General Confined Feeding Operation (CFO) Standards

- d. *Farm Dwellings in Agricultural Zoning Districts:* No CFO facility shall be located closer than 500 feet to any farm dwelling (a residence located on a property of greater than 5 acres) located in an Agricultural zoning district. The separation shall be measured from the nearest structure associated with the CFO facility to the farm dwelling.
- e. *Certain Community Facilities:* No CFO facility shall be located closer than ¼ mile to any (1) school (including a trade or business school, college or university, and day-care center); (2) health care facility (including a hospital, clinic, retirement facility, and nursing home / assisted living facility); (3) worship facility; or (4) recreational facility (including all park uses and all outdoor recreational uses). In the case of nature preserves (which are considered a park use) the specified separation shall only be required if the nature preserve is dedicated by the State of Indiana. The separation shall be measured from the nearest structure associated with the CFO facility to the property line of the other use.
- f. *Private Wells for Household Use:* No CFO facility shall be located closer than 500 feet to any private well providing water for bathing, cooking, drinking and other household purposes. The separation shall be measured from the nearest structure associated with the CFO facility to the well water withdrawal location. In no instance shall this provision be interpreted as requiring separation between a CFO facility and wells used for irrigation or other non-household purposes.
- g. *Exemptions:* The following exemptions shall apply to the minimum separation distances described above:
 - i. No minimum separation distance shall be required from a CFO facility to any residence, farm dwelling, or well located on the same property with that facility.
 - ii. No minimum separation distance shall be required from a CFO facility to any nearby residential property, off-site farm dwelling, or well associated with the CFO. A residential property, farm dwelling, and/or well shall be considered as being associated with the CFO if they are in the same ownership as the CFO. Ownership shall not be required to be identical and may be considered the same if, for example, individuals who own the residential property and/or farm dwelling also own all or part of a corporation that owns the CFO. Further, residential properties, farm dwellings, and/or wells may be considered as associated with the CFO if they are owned by others in the same family as those who own the CFO or by employees of the CFO. The existence of any association shall be determined by the Planning Director. The Planning Director may require written waivers of the required separation from



Note: The term confined feeding operation (CFO) is intended to include concentrated animal feeding operations (CAFOs) and any other similar facilities that meet the confined feeding operation (CFO) definition included in this ordinance but are otherwise also specifically identified by state and/or federal law based on the number of animals included, etc. A CAFO, for example, is a CFO which is characterized by a specific, large number of animals.



6.3 CFO Standards (cont.)

General Confined Feeding Operation (CFO) Standards

any of those who may be considered as associated with the CFO.

- iii. No minimum separation distance shall be required from a CFO facility to any residential properties, farm dwellings, specified community facilities or wells that are established after the CFO facility (and shall therefore not apply to the future expansion of that CFO facility). The CFO facility, as well as farm dwellings and community facilities, shall be considered established upon the start of their construction. Residential properties shall be considered established upon the recording of the approved subdivision plat for any new lots. Wells shall be considered established upon being placed in operation.

- B. CFO Permit Requirements: No CFO facility shall be constructed, enlarged, or otherwise physically expanded without the prior issuance of an Improvement Location Permit consistent with Chapter 12.9 of this (the Zoning) Ordinance.

Intent:

The purpose of these industrial standards is to minimize the conflicts between industrial and other land uses and to protect persons and property from the possible by-products of industrial operations.



6.4 Industrial Standards

General Industrial Standards

These General Industrial Standards apply to the Industrial zoning districts:

- A. **Interpretation:** The industrial standards established by this Chapter provide general guidelines for use by the City of Columbus and Bartholomew County in discussing expectations with new and expanding industrial operations. They also provide references to applicable state and federal regulations. Where applicable the determination of conformance of industrial operations with the requirements of this Chapter shall be determined by the Plan Commission when consistent with the petition review processes established by this Ordinance. In no instance shall this Chapter be interpreted as requiring the Planning Director and/or applicable Plan Commission to maintain and verify approvals by other agencies or units of government.
- B. **Applicability:** All uses shall conform with any and all applicable requirements of the state and Federal governments (including the requirements of the Occupational Safety and Health Administration - OSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to applicable local ordinance(s). In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply.
- C. **General Requirements:** All uses placed into operation after the effective date of this Ordinance shall comply with the following general requirements in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this Ordinance shall be altered or modified in a manner that conflicts with these requirements.
 - 1. Smoke and Particulate Matter: No use on a property shall release fly ash, dust, smoke, or any other type of particulate matter that violates the air quality requirements established by the Indiana Department of Environmental Management.

INDUSTRIAL





6.4 Industrial Standards (cont.)

General Industrial Standards

2. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting the operation of radios, televisions or any other equipment in the vicinity. All applicable regulations of the Federal Aviation Administration shall apply to all operations that may adversely affect the navigation or control of aircraft.
3. Fire and Explosive Hazards: The storage, utilization, and/or manufacture of all flammable and/or explosive materials shall conform to the applicable requirements of the Indiana Department of Fire and Building Services and the prescribed requirements of the National Fire Protection Association. Fire fighting equipment and prevention measures shall be subject to the approval of the local fire department of jurisdiction.
4. Noise: No use on a property shall create a production or operational noise, or combination of noises, that violates any applicable local noise or nuisance ordinance.
5. Odor: No use on a property shall emit any objectionable odor, or combination of odors, that is detectable without the aid of instruments at the boundary line of any residential or commercial zoning district.
6. Vibration: No use on a property shall cause any objectionable vibrations or concussions that are detectable without the aid of instruments at the property lines of the lot on which the use is located.
7. Glare and Heat: No use on a property shall produce any glare or heat that is detectable without the aid of instruments at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these Industrial Standards, but shall comply with the Exterior Lighting Standards of Chapter 9.4.
8. Noxious or Toxic Materials: No use on a property shall accumulate or discharge outside of any building materials generally known to be toxic or noxious. Such uses shall also comply with all applicable regulations of the Bartholomew County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
9. Waste Materials: No use on a property shall accumulate on the lot, or discharge beyond the lot lines any waste matter in violation of the applicable requirements and regulations of the Bartholomew County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
10. Water Pollutants: No use on a property shall discharge any material, whether liquid or solid, into public waters without any required approvals of the Bartholomew County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, Indiana Department of Natural Resources, and/or the Indiana Stream Pollution Control Board.

6.4 Industrial Standards (cont.)

General Industrial Standards

- B. **Exemptions:** The industrial standards provided by this Chapter shall be subject to the following exemptions:
1. Farming Operations: Any applicable "Right to Farm" laws may supercede these requirements as they pertain to farming and agricultural uses.
 2. General Exemptions: The following uses, activities, and circumstances shall be exempt from the requirements established by this Chapter:
 - a. *Construction & Maintenance:* Site preparation or the construction, maintenance, repair, alteration, or improvement of structures, equipment or other improvements on or within the lot lines of the subject property;
 - b. *Motor Vehicles:* The operation of motor vehicles for the transportation of personnel, material, or products; and
 - c. *Public Safety Alerts:* Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.





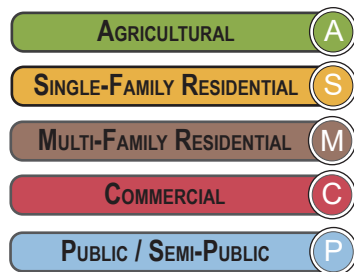
Intent:

The purpose of these residential standards is to provide minimum requirements for residential facilities. This Chapter establishes requirements for residential facilities for the developmentally disabled and mentally ill that both minimize conflicts with other uses and permit the establishment of such facilities consistent with IC 12-28-4-7 and 12-28-4-8.

6.5 Residential Group Home Standards

Residential Group Home Standards

These Residential Group Home Standards apply to the Agricultural, Single-Family Residential, Multi-Family Residential, Commercial, and Public / Semi-Public zoning districts:



- A. **Residential Facilities for the Mentally Ill:** Residential facilities for the mentally ill shall be required to comply with all licensing and operational requirements of the State of Indiana.
 1. Exclusion Prohibited: In no instances shall a residential facility for the mentally ill be prohibited from locating, expanding, or operating in a residential area solely because the facility is a business or because the individuals residing in the facility are not related.
 2. Separation: In no case may a residential facility for the mentally ill be located within 3,000 feet of any other residential facility for the mentally ill, as measured between the property lines of the lots or parcels on which the uses are (or are proposed to be) located.
- B. **Residential Facilities for the Developmentally Disabled:** Residential facilities for the developmentally disabled shall be permitted consistent with IC 12-28-4-8.

Intent:

The purpose of these home occupation standards is to establish minimum requirements for home-based businesses in order to protect the residential character of local neighborhoods, preserve property values, and prevent the hazards to persons and property that can result from residential-commercial land use conflicts.

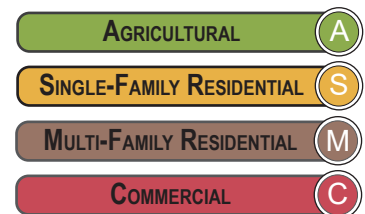


6.6 Home-Based Business Standards

Urban Area / Small Lot Home-Based Business Standards

Part 1: These Urban Area / Small Lot Home-Based Business Standards apply to the Agricultural, Single-Family Residential, Multi-Family Residential, and Commercial zoning districts:

- A. **Application:** These home-based business standards shall apply to (1) all lots that are less than 5 acres in area and (2) all lots that are greater than 5 acres in area and are not located in a Agricultural zoning district.
- B. **Permitted & Conditional Use Home-Based Businesses:** A home-based business meeting the requirements listed below shall be considered a permitted accessory use to any dwelling unit. Any accessory use meeting the definition of a home-based business but exceeding the requirements listed below may be allowed by the Board of Zoning Appeals as a conditional use.
1. **Activities:** The on-site wholesale/retail sale of stocked inventories is not permitted, except for incidental sales. Mail-order/telephone/internet sales, as well as the off-site distribution of sold merchandise is permitted. The home-based business shall not involve any manufacturing activities or personal services.
 2. **Effects of Operation:** There shall be no equipment or process used in the home-based business that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, at the property line (as determined by the Planning Director). There shall be no electrical or mechanical equipment utilized in the home-based business that will create any visual or audible interference with radio or television reception.
 3. **Employees:** The home-based business may not involve the on-site employment of any persons, or regular (on a weekly basis) on-site gathering of any employees, other than those residing at the location of the home occupation.



Activities Example: The permitted activities are intended to permit home-based representatives of cosmetics, toy, home interior, and other similar companies by which products are sold through events at customer residences or businesses. It is recognized by this Ordinance that the occasional sale of limited items may be necessary at the location of the home-based business.



6.6 Home-Based Business Standards (cont.)

Urban Area / Small Lot Home-Based Business Standards

4. Structural Alterations: The home-based business must not require any structural or aesthetic alterations to the dwelling that change its residential character as described below:
 - a. *Appearance:* Neither the dwelling nor any accessory structure shall be altered in its appearance, and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.
 - b. *Entrances:* The home-based business shall not require the construction of any additional entrances to any dwelling or accessory structure.
 - c. *Utility Service:* The home-based business shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence.
5. Parking & Business Vehicles: The home-based business shall not involve regular (on a weekly basis) on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required by this Ordinance for the dwelling unit. The on-site storage of business vehicles shall meet the standards of Article 7.
6. Deliveries: The home-based business must not require the regular use (on a weekly basis) of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers.-
7. Signs: No signs of any type shall be used, other than those permitted in the zoning district by the Article 10, Signs.
8. Outdoor Storage/Display: There shall be no exterior storage of products, equipment, employee vehicles, or materials that are related to the home-based business.
9. Business Area: The home-based business shall be located within the dwelling but shall not exceed a total area equal to 500 square feet or 20% of the total floor area of the dwelling, whichever is less. No accessory structure shall be constructed or used for the purpose of housing the home-based business.

6.6 Home-Based Business Standards (cont.)

Agricultural Area Home-Based Business Standards

Part 2: These Agricultural Area Home-Based Business Standards apply to the Agricultural zoning districts:

- A. **Application:** These home-based business standards shall apply to all lots which (1) are located in any Agricultural zoning district and (2) are 5 acres or greater in area.
- B. **Permitted & Conditional Use Home-Based Businesses:** A home-based business meeting the requirements listed below shall be considered a permitted accessory use to any dwelling unit. Any accessory use meeting the definition of a home-based business but exceeding the requirements listed below may be allowed by the Board of Zoning Appeals as a conditional use.
1. **Activities:** The on-site wholesale/retail sale of stocked inventories, assembled products, and constructed products is permitted. Mail-order/telephone/internet sales, as well as the distribution of machined, assembled, and constructed merchandise is also permitted. The home-based business shall not involve any personal services.
 2. **Effects of Operation:** There shall be no equipment or process used in the home-based business that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, at the property line (as determined by the Planning Director). There shall be no electrical or mechanical equipment utilized in the home-based business that will create any visual or audible interference with radio or television reception.
 3. **Employees:** The home-based business may not involve the on-site employment of any persons, or regular (on a weekly basis) on-site gathering of any employees, other than those residing at the location of the home occupation.
 4. **Structural Alterations:** The home-based business must not require any structural or aesthetic alterations to the dwelling that change its residential character as described below:
 - a. **Appearance:** Neither the dwelling nor any accessory structure shall be altered in its appearance, and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.
 - b. **Entrances:** The home-based business shall not require the construction of any additional entrances to any dwelling or accessory structure.
 - c. **Utility Service:** The home-based business shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence.



AGRICULTURAL

A

Use Standards



6.6 Home-Based Business Standards (cont.)

Agricultural Area Home-Based Business Standards

5. Parking & Business Vehicles: The home-based business shall not involve regular (on a weekly basis) on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required by this Ordinance for the dwelling unit. The on-site storage of business vehicles shall meet the standards of Article 7.
6. Deliveries: The home-based business must not require the regular use (on a weekly basis) of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers.-
7. Signs: No signs of any type shall be used, other than those permitted in the zoning district by the Article 10, Signs.
8. Outdoor Storage/Display: There shall be no exterior storage of equipment, employee vehicles, or materials that are related to the home-based business. The outdoor storage and display of items for sale shall be permitted, but shall not occupy an area larger than 200 square feet.
9. Business Area: The home-based business shall be located within the dwelling and/or an accessory building, but shall not exceed a total area equal to 500 square feet or 20% of the total floor area of the dwelling, whichever is less. No specialized accessory structure shall be constructed for the purpose of housing the home-based business.

Intent:

The purpose of these mobile / manufactured home standards is to identify the minimum requirements for the installation and use of mobile and manufactured homes consistent with the requirements of IC 36-7-4-1106 and the intent of this Ordinance.



6.7 Mobile/Manufactured Home Standards

General Mobile/Manufactured Home Standards

These General Mobile/Manufactured Home Standards apply to the Agricultural, Single-Family Residential and Multi-Family Residential zoning districts:

- A. **Home Location and Placement Requirements:** The location and placement of all mobile homes, manufactured homes, and industrialized residential structures shall meet the installation instructions of the manufacturer and the additional requirements listed below (consistent with Indiana Code Sections 36-7-4-1106, 36-7-2-12, and 16-41-27-32).
1. **Anchoring, Travel Equipment, and Utilities for All Homes:** All mobile homes, manufactured homes, and industrialized residential structures shall be anchored to the ground and have utility connections in compliance with the local Building Code. All homes shall have wheels, axles, hitch mechanisms, and all other travel equipment removed.
 2. **Homes Placed Outside of a Mobile / Manufactured Home Community:** Manufactured homes and industrialized residential structures, but not mobile homes, shall be permitted in all zoning districts where a single-family dwelling is allowed by this Ordinance. Mobile homes shall be prohibited in locations outside of mobile / manufactured home communities. Manufactured homes and industrialized residential structures located outside mobile home communities shall be subject to the following requirements:
 - a. ***Living Area:*** The minimum living area shall be as specified by the applicable zoning district or 950 square feet, whichever is less (per IC 36-7-4-1106(e) and (f)).
 - b. ***Other Development Standards:*** With the exception of living area, as indicated above, all other requirements established by this Ordinance for single-family dwellings in the applicable zoning district shall be met including, but not limited to, setbacks, utility requirements, lot sizes and dimensions, and parking requirements.





6.7 Mobile/Manuf. Home Standards (cont.)

General Mobile/Manufactured Home Standards

- c. *Foundation*: The home shall be placed on a permanent underfloor foundation and an exterior perimeter retaining wall that are consistent with those for, or planned for, other single-family dwellings in the area and all applicable provisions of the local Building Code.
 - d. *As an Accessory Dwelling Unit*: Manufactured homes and industrialized residential structures shall be permitted as an accessory dwelling, subject to all requirements of Section 6.1(D)(1).
- 3. Homes Placed Within a Mobile / Manufactured Home Community: Mobile homes, manufactured homes, and industrialized residential structures shall be permitted within mobile / manufactured home communities where such communities are allowed by this Ordinance. These mobile homes, manufactured homes, and industrialized residential structures shall be placed on a permanent underfloor foundation with exterior foundation siding consistent with all applicable provisions of the local Building Code.
- B. **Mobile / Manufactured Home Community Requirements**: All mobile / manufactured home communities, including those containing mobile homes, manufactured homes, and/or industrialized residential structures, shall comply with the following requirements:
 - 1. Storage Space: Each home shall be provided with an enclosed, waterproof storage space either as an accessory structure on each home site, behind the home's skirting, or at a central storage facility.
 - 2. Interior Streets: All interior mobile / manufactured home community streets may either be dedicated to the public or be private. All public interior streets shall meet the design and construction requirements for public streets, including intersections, sidewalks, etc. provided by the Subdivision Control Ordinance.
 - 3. Compliance Verification: Prior to the release of an Improvement Location Permit for construction of a new or expanding mobile / manufactured home community, the community operator shall provide a letter or other indication of plan approval from the Indiana State Department of Health.

Intent:

The purpose of these telecommunication facility standards is to provide for adequate, reliable public and private telecommunications service while maximizing the use of transmission towers and tower sites. These requirements also seek to minimize the adverse, undesirable visual impact of towers through minimizing needed towers and tower sites, careful design and siting, and screening.



6.8 Telecommunications Facility Standards

General Telecommunications Facility Standards

These General Telecommunications Facility Standards apply to all zoning districts:

- A. **Required Approvals:** The placement and modification of telecommunications facilities shall meet the following approval requirements:
1. **New Facilities:** New telecommunications facilities, including the construction of new support structures and the use of alternative support structures (such as water towers or buildings) shall be a permitted, conditional, or prohibited use as specified below. All allowed new telecommunication facilities shall be reviewed by the Planning Director consistent with Chapter 12.9 of this Ordinance. Where they are a conditional use, all such facilities shall first be subject to the review and approval of the Board of Zoning Appeals.
 - a. **Permitted Use:** Telecommunications facilities shall be a Permitted Use in the CC (Commercial, Community), CR (Commercial, Regional), and all Industrial zoning districts.
 - b. **Conditional Use:** Telecommunications facilities shall be a Conditional Use in the CO (Commercial, Office), P (Public/ Semi-Public Facilities), and all Agricultural zoning districts.
 - c. **Prohibited Use:** Telecommunications facilities shall be prohibited in those zoning districts excluded from the permitted and conditional use listings in Sections 6.8(A)(1)(a) and (b) above.
 2. **Modified Facilities:** Minimal modifications, which do not meet the thresholds for a substantial modification as described below, shall neither require a zoning compliance certificate nor any otherwise applicable conditional use or use variance approval. However, the substantial modification of any telecommunications facility shall be permitted, conditional, or prohibited consistent with Sections 6.8(A)(1)(a) through (c) above. All substantial modifications shall be reviewed by the Planning Director consistent with the Improvement Location Permit provisions of Chapter 12.9 of this Ordinance. Where the substantial modification affects a telecommunications facility allowed

AGRICULTURAL	(A)
SINGLE-FAMILY RESIDENTIAL	(S)
MULTI-FAMILY RESIDENTIAL	(M)
COMMERCIAL	(C)
PUBLIC / SEMI-PUBLIC	(P)
INDUSTRIAL	(I)



6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards

by conditional use or a use variance, it shall first be subject to the review and approval of the Board of Zoning Appeals following the applicable process (conditional use or use variance).

Substantial modifications are those that:

- a. *Increased Height:* increase the height of the support structure by 10% of its original height or 20 feet, whichever is greater (unless the height increase is necessary to avoid interference with an existing antenna),
 - b. *Increased Width:* add any equipment, antenna, or other component to the support structure that protrudes horizontally by more than 20 feet or an amount equal to the width of the support structure at the location of the addition, whichever is greater (unless the increase is necessary to shield an antenna from inclement weather or connect an antenna to the support structure by cable), or
 - c. *Increased Area:* increase the area included in the equipment compound associated with the facility by more than 2,500 square feet.
3. New and Collocated Antenna: The installation of new antenna on existing support structures, including legal non-conforming structures, and previously approved alternative support structures (such as water towers or buildings), and including the accompanying equipment on the ground, shall be exempt from the requirements of this Chapter and a zoning compliance certificate shall not be required, unless they result in a substantial modification as described in Section 6.8(A)(2) above. However, all new and collocated antennas shall comply with any prior conditional use or other previous, applicable approvals obtained in the past construction of the support structure.
 4. Replacement of Existing Facilities: The replacement of a telecommunications facility with a new facility at the same location that is substantially similar to or the same size or smaller than the facility being replaced shall be exempt from the requirements of Article 11 of this Ordinance and shall therefore be permitted. A zoning compliance certificate shall not be required. However, all replacement facilities shall comply with any prior conditional use or other previous approvals applicable to the facility being replaced.

- B. **Required Documentation for New and Substantially Modified Facilities:** In addition to the requirements provided in Article 12 for the receipt of conditional use approval, if required, and an Improvement Location Permit, applications for new and substantially modified telecommunications facilities shall include a construction plan that describes all aspects of the new or modified facility including antennas, transmitters, receivers, ground-based equipment, and cabling. The construction plans shall also indicate the area into which any new support structure is designed to collapse, which shall be certified by a professional engineer licensed in the State of Indiana.

See Also: *Indiana Code Title 8, Article 1, Chapter 32.3 regarding Permits for Wireless Service Providers*

6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards

- C. **Determination of New Facility Need:** Any proposal for a new telecommunications facility shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Indiana that the antenna(s) planned for the proposed facility cannot be accommodated at any existing or approved facilities or on other alternative structures within a 2 mile radius of the proposed facility location due to one or more of the following reasons:
1. Functionality: other locations would not result in the same wireless service functionality, coverage, and capacity,
 2. Technical Feasibility: other locations are technically infeasible, or
 3. Economic Burden: other locations would be an economic burden to the applicant or intended telecommunications provider.
- D. **Design Requirements:** All telecommunications facilities, excluding alternative structures, shall meet the following design requirements:
1. Lighting: Support structure lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).
 2. Collocation: All new telecommunication support structures shall be designed and engineered structurally, electrically and in all other respects to accommodate both the initially intended equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.
 - a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
 - b. New support structures must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.
 3. Height: All support structures and antenna shall conform with all FAA tall structure requirements. The maximum height of all accessory structures shall be 15 feet.
 4. Signs: Supplemental permanent signs for all telecommunications facilities shall be permitted with a maximum of 4 square feet per user. Freestanding signs shall be limited to a maximum of 6 feet in height and signs mounted to any component of the facility shall be placed no higher than 10 feet. The measurement of height shall be from the adjacent ground level, exclusive of any berms.



Note: Indiana Code Section 8-1-32.3-24 requires that any confidential or proprietary information included in a telecommunications facility permit application be protected. Any such information may be designated as such by the applicant at the time it is provided and shall thereafter not be publicly disclosed. The applicant shall provide a redacted version of any such material suitable for public information.

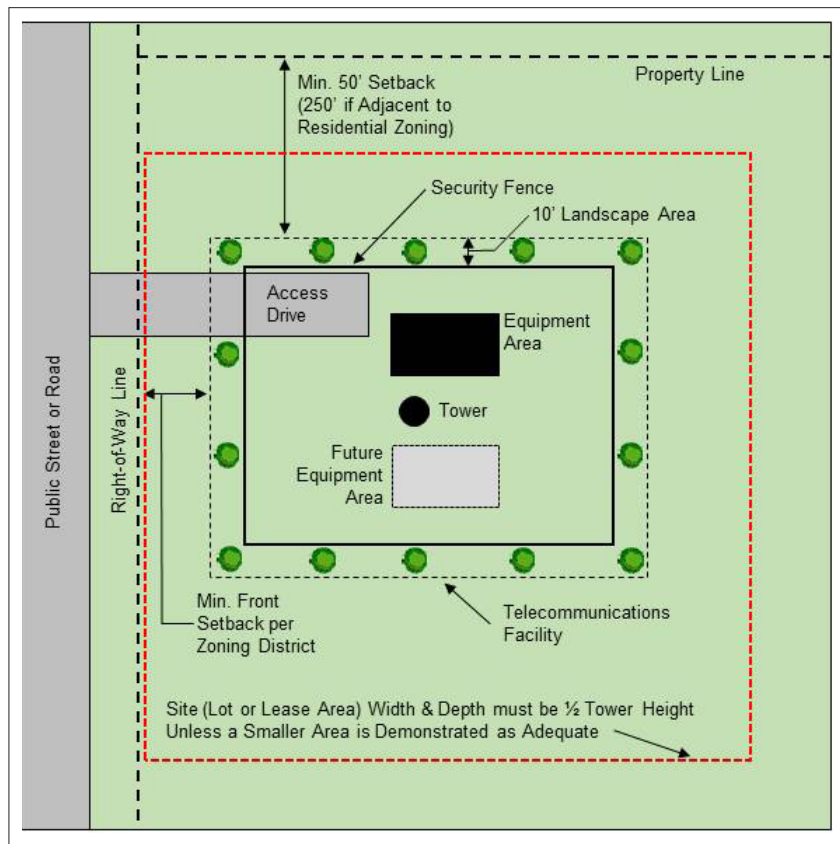


6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards

- E. **Site Requirements:** All telecommunications facilities, excluding alternative structures, shall meet the following site requirements:
1. **Vehicular Access:** Vehicle access drives may be gravel or paved. Any portion of the entrance located in a public right-of-way shall meet the applicable requirements of the City or County engineer of jurisdiction.
 2. **Site Area:** The minimum width and depth of any telecommunication facility site (the lot or lease area where the facility is located) shall be a distance equal to $\frac{1}{2}$ the support structure height, unless the applicant can demonstrate that the collapse area for the support structure can be accommodated in a smaller area (in which case the minimum site size may be equal to the collapse area). However, the facility site shall also be large enough to accommodate all future anticipated accessory structures needed by initial and future antenna users. Except when located in any Agricultural zoning district, the support structure's stabilizing wires shall be located within the site area.

Site Design
Requirements
Example
(Figure 6.1)



6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards



Use Standards

3. **Setback:** The required setbacks for the facility, including the support structure, security fence, stabilizing wires, required landscaping, and all accessory equipment and buildings, shall be as described below.
 - a. **Side and Rear Setback:** The minimum side and rear setback shall be 50 feet from all property lines. Stabilizing wires for facilities in Agricultural zoning districts shall be exempt from this requirement but shall meet the minimum side and rear setbacks specified by the zoning district in which the facility is located.
 - b. **Front Setback:** The minimum front setback shall be as specified by this Ordinance for the zoning district in which the facility is located.
 - c. **Additional Setback from Residential Zoning Districts:** No facility shall be placed closer than 250 feet to any property included in any residential zoning district.
 - d. **Additional Landscaping:** Landscape screening in addition to the requirements of this Chapter may be provided in the setback area.
4. **Encroachment:** No part of any telecommunications facility site (the lot or lease area where the facility is located) nor any associated lines, cables, equipment, landscaping, or stabilizing wires shall extend across or over any part of a public right-of-way without the approval of the City Board of Public Works & Safety or Board of County Commissioners, as appropriate, or extend across a property line.
5. **Fencing:** An 8 foot high security fence shall completely surround all components of the facility, with the exception of required landscaping, but including the support structure and all accessory equipment and buildings. Fencing shall not be required for the entire lot or lease area, as required by Section 6.8(G)(2) above, if the facility's components only occupy a portion of that lot or lease area. With the exception of facilities located in Agricultural zoning districts, the locations where stabilizing wires are anchored to the ground shall also be fenced; however, this fencing may be separate from that provided for the rest of the facility.
 - a. An area of the site 10 feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in Section 6.8(G)(6) below.
 - b. In the Commercial and Public / Semi-Public zoning districts the required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque, 8 foot tall gates shall be provided for access. In no instance shall the use of chain link with screening inserts be considered as opaque.



6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards

6. Landscape Screening: Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all telecommunications facilities, excluding those facilities located in an Agricultural zoning district.
 - a. Evergreen plants shall conform to the minimum requirements for Large or Medium Evergreen Trees and Evergreen Shrubs in the Landscaping Points Requirements Table in Chapter 8.1.
 - b. If evergreen shrubs are used, they shall be planted a maximum of 5 feet apart on center.
 - c. If evergreen trees are used, they shall be planted a maximum of 10 feet apart on center.

Intent:

The purpose of this Chapter is to provide for establishments engaged in mining, excavating, processing and storage of gravel, sand, borrow, and other mineral or earthen resources. The extraction of minerals is essential to the continued economic well-being of the City and the County, and the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

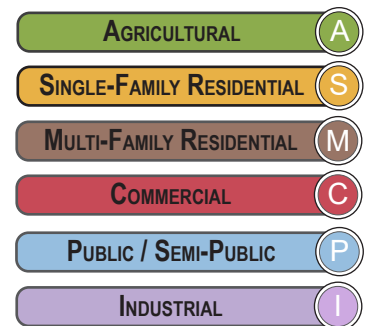


6.9 Mineral Extraction Standards

General Mineral Extraction Standards

These General Mineral Extraction Standards apply to all zoning districts.

- A. **Mineral Extraction in Non-Urban Areas:** The mining and extraction of minerals shall be a permitted use on any property outside of "urban areas" as defined by Indiana Code (IC 36-7-4-1103) and as designated in this Chapter. For the purposes of this Chapter, "urban areas" shall include:
1. All lands or lots within the limits of the City of Columbus or any other municipality;
 2. Any other lands or lots used for residential purposes where there are 8 or more residences within any quarter-mile square area; and
 3. Other lands and lots as have been developed or are planned for residential areas contiguous to incorporated cities or towns. See the Comprehensive Plan of the City of Columbus or Bartholomew County, as applicable.
- B. **Mineral Extraction in Urban Areas:** The mining and extraction of minerals within urban areas shall be a conditional use in the Agricultural and Industrial Districts and shall be prohibited in all other zoning districts.
- C. **Exceptions:** The following activities shall be exempt from the requirements of this Chapter:
1. When the earth removal is incidental to an activity for which an Improvement Location Permit has been issued;
 2. When the earth removal involves only any normal landscaping, driveway installation and repairs, or other minor projects;
 3. When the earth removal involves less than 1,000 cubic yards;
 4. When the earth removal is for construction of a swimming pool.



"(The Indiana Code) does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them."

Indiana Code 36-7-4-1103

See Also:
*Chapter 12.4,
Conditional Uses*



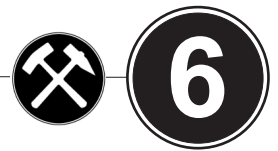
6.9 Mineral Extraction Standards (cont.)

General Mineral Extraction Standards

- D. **Accessory Uses:** The site may be used for accessory uses, except for the disposal of refuse. Accessory uses include but are not limited to:
1. Parking and loading areas;
 2. Offices, guard houses and similar employee facilities;
 3. Storage buildings for the mineral extraction operation only;
 4. Concrete batch processing plants;
 5. Stone and mineral processing and classifying; and
 6. Other accessory uses clearly incidental and ancillary to the mineral extraction operation.
- E. **Site and Location Requirements:** All mineral extraction operations shall comply with the following site and location requirements:
1. Minimum Area: A minimum lot area of 10 acres shall be required for mineral extraction operations.
 2. Excavation Limits: No excavation shall be made closer than 100 feet from the right-of-way line of any existing or platted street, road or highway; except, that mining of sand, gravel, borrow and other mineral and earthen materials may be conducted within these limits in order to reduce the elevation of the excavation area to conform to the existing elevation of the adjoining and existing or platted street, road or highway.
 3. Equipment Setback: All fixed equipment, machinery and processing operations shall be located at least 200 feet from any lot line.
 4. Entrance and Exit Roads: There shall be a paved surface for all on-site entrance and exit roads for at least 300 feet from the edge of the public right-of-way into the site for the purpose of minimizing the deposit of dirt and gravel onto any public street, road, or highway.
 5. Sight Barriers: Sight barriers shall be provided along the exterior perimeter bordering on all highways streets and roads, and along the property line abutting any residentially zoned or used property of 5 acres in area or less. Existing landscaping and natural features shall be preserved where possible and may be incorporated into the sight barriers. Sight barriers shall meet the requirements for a Type "A" buffer established by Section 8.2(C) of this Ordinance.
- F. **Operational Requirements:** All mineral extraction operations shall comply with the following operational requirements:
1. Noise Levels: Noise levels shall not exceed 65 decibels at any exterior property line of the site. Upon request of the Planning Director, the operator shall submit reports on noise levels from an engineer registered in the State of Indiana stating actual noise levels during mineral extraction operations, to ensure compliance with this section.
 2. Excess Water: All excess water shall be drained from trucks or other vehicles hauling materials from the location prior to entering onto a public street, road, or highway.

6.9 Mineral Extraction Standards (cont.)

General Mineral Extraction Standards



Use Standards

3. **Injurious Conditions:** Excavation operations shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises.
 4. **All Slopes:** No operation shall be permitted which creates a slope steeper than 1 foot horizontal to 1 foot vertical with the exception of rock quarrying, in which case a vertical face will be accepted.
 5. **Slope of Excavations:** Except for rock-quarried areas as provided above, the banks of all excavations not backfilled after cessation of extraction activities shall be sloped to the water line at a slope which shall not be less than 1½ feet horizontal, to 1 foot vertical, and the bank shall be sodded or surfaced with a maximum of 6 inches of suitable soil and seeded with grass seed.
- G. **Expansion of Operations:** No permitted extraction operation shall expand beyond the areas allowed in the original approval. Any expansion may only be allowed upon approval of an additional Conditional Use Permit or Improvement Location Permit.
- H. **Completion of Operations:** Following completion of excavation operations, all facilities and equipment shall be entirely removed from the property and all stockpiles shall be removed or backfilled into the pits within 1 year after completion.
- I. **Performance Guarantee:** Before commencing the operation of rock and gravel removal, each operator shall post a performance guarantee with the city or county, as applicable, to assure reclamation of the property to a safe condition in the event extraction activities are abandoned. The Planning Director may accept a similar performance guarantee required to be posted with another unit of government, such as the State of Indiana, as fulfilling this requirement.
1. **Amount:** The performance guarantee shall be based on an engineer's estimate of the cost per acre to restore the site to a safe condition. This estimate shall be subject to review by the city or county engineer of jurisdiction. For the purposes of this Chapter, "safe condition" shall mean the grading or leveling of any slopes that exceed 4:1; except that around any lake or body of water with a maximum depth exceeding 4 feet, slopes along the water's edge shall not exceed 3:1.
 2. **Term:** The performance guarantee shall run for a minimum of 3 years. The performance guarantee shall be renewed as necessary to cover the time period of the excavation and rehabilitation.



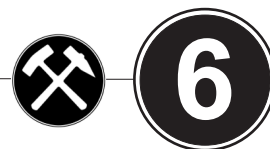
6.9 Mineral Extraction Standards (cont.)

General Mineral Extraction Standards

- J. **Application Requirements:** In addition to the requirements provided in Article 12 for the receipt of an Improvement Location Permit or Conditional Use approval, an application for mineral extraction operations shall include the following:
1. **Site Plan:** The site plan for mineral removal shall be drawn and sealed by an engineer registered in the State of Indiana, and shall, in addition to the requirements provided elsewhere in this Ordinance, include the following, at a minimum:
 - a. Shading indicating the extent of land area on which extraction operations and activities will take place, along with the surface area in square feet and acres of the excavation area;
 - b. The location and direction of all water courses and flood control channels that may be affected by the extraction operations;
 - c. Existing elevations of the lands at contour intervals of not more than 5 feet;
 - d. Typical cross sections showing the estimated extent of overburden, and estimated extent of mineral material location in, or on the lands.
 - e. Details of any anticipated impacts on groundwater, including depth to the water table and water quality;
 - f. Mineral processing and storage areas (including crushing, washing, asphalt plants, etc.);
 - g. Details of proposed barrier fencing and security gates;
 - h. Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - i. A map showing access routes between the subject lands and the nearest public street(s) or road(s);
 - j. Areas to be used for ponding, and;
 - k. Proposed method of managing overburden (e.g., seeding, grading, dust control, erosion and sedimentation control, etc.)
 2. **Narrative:** A narrative description and explanation of the proposed extraction operations and activities, including:
 - a. The date of commencement and estimate of the time period for the proposed extraction operations;
 - b. Proposed hours and days of operation;
 - c. Estimate of type and quantity of mineral materials to be removed;
 - d. Description of extraction and processing methods, including proposed equipment and the noise rating of any equipment or activity involved;
 - e. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this Chapter;

6.9 Mineral Extraction Standards (cont.)

General Mineral Extraction Standards



Use Standards

- f. Description of size/haul capacity of trucks and estimated daily volume of traffic entering and leaving the site; and
 - g. Haul route for trucks leaving the site to the nearest state or federal highway.
 3. Site Rehabilitation Plan: A site rehabilitation plan, including the following:
 - a. A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing demonstrating that the end-use is feasible and can comply with all applicable requirements of this Ordinance.
 - b. A written statement describing how the end use is consistent with the appropriate jurisdiction's Comprehensive Plan.
 - c. Final grades of the lands as rehabilitated, at contour intervals not exceeding 5 feet;
 - d. Water courses, ponds, or lakes, if any;
 - e. Landscaping and plantings;
 - f. Areas of cut and fill; and
 - g. All of the general components of the proposed end-use(s).
 4. Other Permits: Applications for permits required by any other agency of the state and federal governments, and/or any permits previously granted.
 5. Additional Information: The Board of Zoning Appeals and/or Planning Director may require an assessment of potential environmental effects, engineering data, or other additional information concerning the need for, and consequences of, the extraction that may have consequences on groundwater, drainage, water bodies, flood plains, or other natural features.
- K. **Conditional Use Requirements**: The following requirements shall apply to all conditional use approvals for mineral extraction operations:
 1. Time Period: The Board of Zoning Appeals, in approving the conditional use permit, may set a specific time period for the initial conditional use permit. After the initial time period has elapsed, the Board may approve extensions of the permit, provided that the owner applies in writing for an extension at least 6 months prior to the expiration of the current permit. Requests for extensions shall be reviewed in the same manner as the original conditional use request.
 2. Conditions of Approval: The Board of Zoning Appeals may approve conditions of development and operations, including, but not limited to, hours of operation, determination of truck hauling routes, additional setbacks from residential areas, conditions related to the proposed end use and rehabilitation plan, periodic review of the permit, periodic reports by the operator on the status of the project, or other conditions as may be warranted to meet the intent of this Chapter.



Intent:

The purposes of the solar energy system standards are (1), in the **Columbus** jurisdiction, to provide clear requirements for those systems capturing solar energy for primarily on-site and neighborhood-scale use and (2), in the **Bartholomew County and Joint District** jurisdictions, to establish reasonable requirements for the development, operation, and decommissioning of commercial solar energy systems and to minimize conflict between these developments and surrounding land uses.

6.10 Solar Energy System Standards

On-Site and Neighborhood-Scale Solar Energy System Standards

Part 1: These On-Site and Neighborhood-Scale Solar Energy System Standards apply to all zoning districts, in the Columbus jurisdiction only.

Columbus Jurisdiction Only

AGRICULTURAL	(A)
SINGLE-FAMILY RESIDENTIAL	(S)
MULTI-FAMILY RESIDENTIAL	(M)
COMMERCIAL	(C)
PUBLIC / SEMI-PUBLIC	(P)
INDUSTRIAL	(I)

- A. **On-Site Use Systems:** Solar energy systems and equipment capturing solar energy for primarily on-site (on the same property) use, with any excess amounts supplied to the electrical grid, shall be considered (1) mechanical appurtenances when attached to a structure and (2) incidental or accessory structures, as appropriate, when ground-mounted, consistent with the applicable provisions of this Ordinance. Specifically, ground-mounted solar panels shall be regulated consistent with the provisions of Section 6.1(C)(5) regarding incidental uses and structures.
- B. **Neighborhood-Scale Systems:** Solar energy systems capturing solar energy for use primarily by those properties within a specific neighborhood or development, with any excess amounts supplied to the electrical grid, shall meet the standards provided below. The system may include building and/or ground-mounted solar panels, as well as battery storage systems, back-up generators, and other accessory components.
1. The solar energy system shall be entirely located within the neighborhood or development served.
 2. Any ground-mounted solar arrays and/or battery systems located as a primary use on a property shall:
 - a. be subject to all primary structure setbacks for the zoning district in which they are located;
 - b. be provided with a Buffer Yard Type A, in addition to the setback indicated in Section 6.10(Part 1)(B)(2)(a) above, where adjoining or visible from any public street or road or a property outside of the neighborhood or development served;
 - c. be subject to the maximum height standards for accessory structures in the applicable zoning district); and

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

- d. for solar arrays, comply with the ground cover provisions of Section 6.10(Part 2)(A)(4), except where the arrays are designed to capture solar energy reflected from below, in which case crushed stone or other material may be used as necessary to provide the reflective ground cover.
3. Any inverters and similar equipment should be located and designed to minimize the extent to which any noise generated is detectable beyond the property on which it is located.

Part 2: These Commercial Solar Energy System (CSES) Standards apply to the Agricultural zoning districts, in the Bartholomew County and Joint District jurisdictions only.

- A. **CSES Location and Design Standards:** Commercial Solar Energy Systems (CSESs) shall be located consistent with Article 3 of this (the Zoning) Ordinance. All such energy systems shall meet any and all applicable requirements of the federal, state, and local government in addition to the standards listed below.
1. **Setback Distances:**
 - a. **Minimum Front Yard (Right-of-Way) Setbacks:** All structures, equipment, storage areas, vehicle service drives, CSES electrical substations, and fencing used in association with a CSES shall be setback a minimum of 50 feet from the actual or planned right-of-way, whichever is greater, for all adjacent streets and roads. Access drives that connect the CSES facility to the adjacent public street or road may encroach into the required setback area.
 - b. **Minimum Setbacks from Non-Participating Properties:** All structures, equipment, storage areas, vehicle service drives, and fencing used in association with a CSES shall be setback a minimum of 200 feet from the property lines of all non-participating properties and any CSES electrical substation shall be setback a minimum of 500 feet from the property lines of all non-participating properties. For CSES facilities that are separated from non-participating properties by public right-of-way, the measurement shall be taken from the property line of the non-participating property, not from the right-of-way line along the CSES facility. Access drives that connect the CSES facility to an adjacent public street or road may encroach into the required setback area.
 - c. **Minimum Setback Distance from Dwellings on Non-Participating Properties:** All structures, equipment, storage areas, vehicle service drives, CSES electrical substations, and fencing used in association with a CSES shall be setback a minimum of 500 feet from dwellings on non-participating properties. Separation shall be measured from the nearest structure, equipment, storage area, vehicle service drive, CSES electrical substation, or fence associated with the CSES to the outer wall of the dwelling.



Use Standards

Bartholomew County and
Joint District
Jurisdictions Only

AGRICULTURAL

A



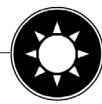
6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

- d. *Minimum Setback Distance from Municipal Boundaries:* No CSES facility, including all structures, equipment, storage areas, vehicle service drives, CSES electrical substations, and fencing, shall be located within the City of Columbus jurisdiction or closer than ½ mile to any other municipal boundary line. Setback shall be measured from the nearest structure, equipment, storage area, vehicle service drive, CSES electrical substation, or fence associated with the CSES to the corporate limits.
 - e. *Exemption:* The minimum setback distances described above shall not apply to any cables buried underground or to the cable that connects the Commercial Solar Energy System (CSES) electrical substation to the transmission line (when located either above or below ground).
 - f. *Waivers:* Waivers from the required setback distances specified above in Sections A(1)(b), A(1)(c), and A(1)(d) may be granted by the municipality or non-participating property owner from which they are required. All such waivers shall exempt the CSES from providing the otherwise required setback or separation distance in its entirety. Any alternate separation, buffering, and/or other mitigation of the presence of the CSES shall be established as a private agreement between the involved municipality or non-participating property owner and the CSES developer/owner/property owner(s). These private agreements shall not be subject to enforcement by Bartholomew County or any other unit or entity of local government.
2. Vehicular Access: Vehicle access drives serving the CSES facility shall be paved with asphalt or concrete for the first 50 feet from the edge of road or street pavement; the remaining portion of the access drive may be gravel. Any portion of a drive located in a public right-of-way shall meet the applicable requirements of the County Engineer.
 3. Equipment Height: CSES solar arrays shall not exceed 18 feet in height when oriented at maximum tilt and shall provide a minimum clearance of one foot between the ground and the solar array, at maximum tilt, for the purpose of vegetative groundcover. All other structures in the CSES shall conform with the maximum height standards for accessory structures in the underlying zoning district.
 4. Vegetative Groundcover: For the life of the CSES, perennial vegetated groundcover shall be established and maintained on the ground around and under solar arrays. Vegetative groundcover shall consist only of plants native to Indiana. The use of pollinator specific seed mixes is encouraged but not required. A Groundcover Plan demonstrating compliance with this requirement shall be submitted. For a guide to best management practices, refer to Technical Guide: Establishment and Maintenance of Pollinator-Friendly Solar Projects (Northern Indiana 2020) developed by the Michiana Area Council of Governments (MACOG).

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards



- a. Perennial vegetated groundcover shall be based on a diverse seed mix of at least 12 species, selected based on guidance from Purdue Extension – Bartholomew County. No plants included on the Indiana Department of Natural Resources Terrestrial Plant Rule list, which identifies invasive species, shall be included in the seed mix.
 - b. The Groundcover Plan shall include planting details for all setback areas. Setback areas must be planted with some form of groundcover, which could include agricultural crops. The Groundcover Plan shall also include the details for site preparation and maintenance practices designed to control invasive species and noxious vegetation. The strategy for site preparation and maintenance practices shall be based on guidance from Purdue Extension – Bartholomew County.
 - c. Consistent with Section F, the requirement for vegetative groundcover is not intended to restrict the practice of agrivoltaics, the concurrent use of land for solar power generation and agricultural production.
 5. **Lighting:** Exterior lighting for any CSES shall be limited to that required for safety and operational purposes. All lighting shall be oriented so as not to project onto surrounding properties and shall have shielded 90-degree cut-off fixtures.
 6. **Cables:** All power and communication cables running between solar arrays, inverters, CSES electrical substations, and operation and maintenance buildings shall be buried underground to a depth of at least 36 inches below grade. This requirement shall not be interpreted as prohibiting above ground cables that are integrated with solar arrays, their mounting systems, or other equipment, provided that equipment, including the cabling, does not exceed the maximum height specified by Section A(3). Cables connecting the CSES electrical substation to the transmission line may be under or above ground.
- B. Outdoor Storage:** Outdoor storage areas, used to store materials, supplies, Battery Energy Storage Systems (BESS), and other equipment, that are within 200 feet of an existing right-of-way of a public road shall be screened from view by a Buffer Yard Type A, as described in Chapter 8 of this Ordinance. For the purposes of this screening, only the Opaque Tree Screen option of the Buffer Yard Type A shall be used. The buffer may encroach into the required setbacks described in Sections A(1)(a), A(1)(b), and A(1)(c). The buffer requirement does not apply to areas temporarily used for materials and equipment storage during the construction of a CSES.



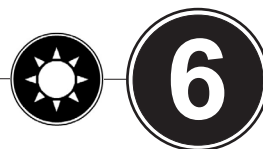
6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

- C. **Safety and Security Standards:** All Commercial Solar Energy Systems (CSESs) shall meet the following safety and security requirements:
1. Fencing: Any fencing used to enclose the CSES shall not exceed a height of 8 feet and shall be exempt from any other fence height limits provided by this Ordinance, including for fences in front yards. The use of barbed wire is prohibited except around a CSES electrical substation or otherwise as required by the National Electric Code (NEC). Fencing that provides clearance at the bottom, to allow for the passage of wildlife, is encouraged but not required.
 2. Posted Warnings and Information: At all driveway entrances to the CSES, a sign containing the emergency contact information for the site operator and the facility's 911 address shall be posted.
- D. **Decommissioning and Site Restoration Plan:** Any CSES which has ceased electrical power generation or transmission for twelve (12) consecutive months shall be removed in compliance with a Decommissioning and Site Restoration Plan submitted to the Chief Code Enforcement Officer and approved by the Board of County Commissioners. The following standards apply.
1. Decommissioning and Site Restoration Plan: At a minimum, the Decommissioning and Site Restoration Plan shall include:
 - a. A description of the decommissioning activities, which shall include but not be limited to:
 - i. Removal of all surface and subsurface physical improvements including but not limited to all solar arrays, electric systems and components, buildings, cabling, security barriers, interior drives, gravel areas, foundations, pilings, and fences.
 - ii. Restoration of surface grade and soil to pre-construction conditions, documented by pre-construction and post-decommissioning as-built topographic maps.
 - iii. Establishment of groundcover for erosion control purposes.
 - b. Acknowledgement, by the notarized signature, of every participating property owner of the decommissioning requirement as well as their authorization for the County to enter their properties to accomplish decommissioning. Both the acknowledgement and authorization shall run with the land and extend to all successors in ownership.
 - c. Decommissioning Cost Estimate: The applicant shall submit a cost estimate for the total estimated cost of decommissioning the CSES in accordance with the Decommissioning and Site Restoration Plan.
 - i. The decommissioning cost estimate shall be calculated by a third party Indiana licensed engineer selected by the applicant and agreed upon by the County Commissioners.

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards



- ii. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the CSES equipment and materials.
 - d. Financial Guarantee for Decommissioning:
 - i. The applicant shall provide a financial guarantee in the form of an irrevocable letter of credit, performance bond, or surety bond for 125% of the total estimated cost of decommissioning, as described in Section D(1)(a), posted with Bartholomew County.
 - ii. The letter of credit or bond shall be in place prior to the issuance of an Improvement Location Permit.
- 2. Updates Required:
 - a. The decommissioning cost estimate shall be reevaluated and updated every five years by a third party Indiana licensed engineer selected by the applicant or its successor and agreed upon by the County Commissioners. Each reevaluation and update shall be completed within 5 years of the acceptance, by the County Commissioners, of the preceding estimate.
 - b. The applicant or its successor shall submit an updated financial guarantee per Section D(1)(d)(i) to the County as part of each decommissioning cost estimate update.
- 3. Timeline for Decommissioning: If the applicant or its successor fails to remove all CSES project assets within eighteen (18) months of the start date of decommissioning, a date beginning immediately after the CSES has ceased electrical power generation or transmission for twelve (12) consecutive months or an alternative date agreed upon by the Chief Code Enforcement Officer, the County may engage qualified contractors to enter the site, remove the CSES project assets, sell any assets removed, and remediate the site. The County may also initiate proceedings to recover, from the provided financial guarantee, any costs incurred. If decommissioning is triggered for a portion, but not the entire CSES, then decommissioning shall commence in accordance with the approved Decommissioning and Site Restoration Plan for the applicable portion of the CSES. The remaining portion of the CSES would continue to be subject to the approved Decommissioning and Site Restoration Plan.
- 4. Waivers: The decommissioning requirement described above in Section D(1)(a)(i) may be waived by individual property owners for only subsurface improvements, such as cabling, and/or vehicle access drives. All such waivers shall exempt the CSES operator and/or owner from removing subsurface improvements and/or vehicle access drives on individual properties during the decommissioning process. A notarized waiver document signed by the individual property owner(s), subject to review and approval by the County Attorney, shall be recorded in the Office of the Bartholomew County Recorder. Waivers may be granted any time prior to the start of CSES decom-



6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

missioning and shall remain with the property and apply to all subsequent property owners.

5. **Enforcement:** Complete decommissioning of the CSES is required regardless of the presence of the financial guarantee and including any instance where that financial guarantee is insufficient for complete decommissioning to be carried out by the County. Incomplete decommissioning for any cause and/or circumstances, other than in the case of waivers granted per Section D(4), shall constitute a violation of this ordinance subject to the provisions of Article 13, including the responsibility of the property owner specified by Section 13.1(D).

E. **Road Use and Maintenance Agreement:** The agreement is subject to the requirements and procedures of the Board of County Commissioners and County Engineer and may include, but not be limited to, the following information:

1. Identification of roads to be used for the transport of CSES construction materials.
2. Road closure plans and procedures and temporary road modifications related to CSES construction activity.
3. Roadway time of day use restrictions for CSES construction activity.
4. A pre-construction, existing conditions survey of all roads identified for use in transport of CSES construction materials, to be used in an assessment of road damage caused by CSES construction activity.
5. A compensation agreement and/or financial guarantee for road repairs needed as a result of construction activity related to the CSES.

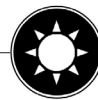
F. **Agrivoltaics:** This Ordinance does not restrict the practice of agrivoltaics, the concurrent use of land for solar power generation and agricultural production.

G. **Required Documentation for Commercial Solar Energy System (CSES) Facilities:** In addition to the requirements provided in Article 12 for the receipt of conditional use approval and an Improvement Location Permit, applications for new or modified CSESs shall include the following documentation.

1. The following documentation shall be submitted with the conditional use application materials:
 - a. *Project Description:* A project description including project developer and operator, approximate number of solar panels, total acreage occupied by solar arrays, generating capacity, means of connecting to the electrical grid, a list and/or map of participating properties and their owners, and a list and map of all property owners within 500 feet of the CSES facility.

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards



- b. *Conceptual Site Plan*: The conceptual site plan including areas of solar arrays, the location of inverters, the CSES electrical substation, the location and route of the connection between the CSES electrical substation and the transmission line, the location of any permanent outdoor storage areas, the location of any battery storage areas, service drive access points to public streets or roads, and the location of all perimeter fencing.
 - c. *Preliminary Drainage Plan*: A preliminary drainage plan describing the applicant's overall approach to managing stormwater runoff on the project site, including pre- and post- construction run-off calculations.
 - d. *Conceptual Groundcover Plan*: A conceptual groundcover plan, including the location of all proposed perennial vegetated groundcover, preliminary species selection, and the groundcover strategy for all setback and separation areas. The conceptual plan shall also describe the preliminary groundcover maintenance strategy.
 - e. *Glare Analysis (if applicable)*: For any CSES project proposed within 500 feet or within an approach zone of the Columbus Municipal Airport, a glare analysis must be submitted for review and approval by the Columbus Board of Aviation Commissioners.
 - f. *Setback Distance Waiver(s)*: For any property and/or municipality from which a waiver of the minimum setback distance required by Sections A(1)(b), A(1)(c), or A(1)(d) is granted:
 - i. *Municipal Boundary Setback Distance Waiver(s)*: A written statement of the waiver signed by the Mayor or Town Council President, as applicable.
 - ii. *Non-Participating Property and/or Dwelling Setback Distance Waiver(s)*: A written statement of the waiver, specifying the property for which the waiver is to be granted by legal description and parcel number, signed by the property owner(s).
 - g. *Other Information*: Any other information or documentation requested by the Planning Director, Chief Code Enforcement Officer, City/County Engineer of jurisdiction, or Board of Zoning Appeals to demonstrate compliance with the requirements and review criteria of this Ordinance and to support a thorough review of the project.
2. The following documentation shall be submitted to the Planning Director prior to the issuance of an Improvement Location Permit but shall not be required as part of the conditional use application:
- a. *Site Plan*: The site plan required by Section 12.9(D) shall describe all aspects of the new or modified CSES facility including solar arrays and their configuration, CSES electrical substations, access and service drives, inverters, battery storage, cabling, storage yards, fencing, and other ground-based equipment.



6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

- b. *Drainage Plan*: A detailed drainage plan meeting the requirements of the County Engineer. All existing waterways and/or other drainage ways on the subject property shall be identified on the plan. The drainage plan shall also include the location of existing field tiles on the CSES project site, based on best available information, and a statement signed by the applicant accepting responsibility for the repair and/or relocation of field tiles that are damaged as a result of construction, maintenance, operation, and/or decommissioning of the CSES.
- c. *Groundcover Plan*: A Groundcover Plan in accordance with Section A(4) of this Chapter.
- d. *Setback Distance Waiver(s)*: For any property and/or municipality from which a waiver of the minimum setback distance required by Sections A(1)(b), A(1)(c), or A(1)(d) is granted:
 - i. *Municipal Boundary Setback Distance Waiver(s)*: A copy of the waiver document which has been approved as to form and content by the Planning Director, has been approved by resolution of the city or town council, as applicable, and has been recorded in the Office of the Bartholomew County Recorder.
 - ii. *Non-Participating Property and/or Dwelling Setback Distance Waiver(s)*: A copy of the waiver document which identifies the property by legal description and parcel number, has been approved as to form and content by the Planning Director, includes the notarized signature(s) of the property owner(s), and has been recorded in the Office of the Bartholomew County Recorder.
- e. *Structural Certification*: Certification from a professional engineer licensed in the State of Indiana that the foundation, anchoring, and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.
- f. *Decommissioning and Site Restoration Plan*: A copy of the Decommissioning and Site Restoration Plan in accordance with Section D of this Chapter as approved by the Board of County Commissioners and recorded in the Office of the Bartholomew County Recorder, including a copy of the financial guarantee.
- g. *Road Use and Maintenance Agreement*: A copy of the fully executed Road Use and Maintenance Agreement as approved by the Board of County Commissioners in accordance with Section E of this Chapter.