



MEMORANDUM

TO: Bartholomew County Plan Commission Members
FROM: Jeff Bergman
DATE: April 1, 2024
RE: Proposed Zoning Ordinance Revisions

Please recall that, last September, we discussed a group of proposed zoning ordinance amendments. Those amendments were, at that time, being formally considered by the City of Columbus, with several of them being most relevant to issues in the Columbus jurisdiction. The Columbus City Council has since adopted those revisions. The Planning Department would recommend that Bartholomew County now consider similar revisions in order to meet Indiana law requirements, ensure that the zoning ordinance remains clear and current, and maintain, where appropriate, consistent regulations throughout Columbus and Bartholomew County.

The proposed revisions are attached in track-changes format for your review. They have been updated to reflect the Commission's discussion of them last year. An additional revision, requested by the County Commissioners has also been added. They are organized into five categories based on the primary reason for each proposed change.

Part 1: Revisions Required to Comply with Indiana Law (pages 1-8)

- **Mobile & Manufactured Homes:** These revisions result from changes to Indiana law. Those changes updated terms and definitions related to manufactured housing and established additional limits on local communities' ability to exclude or regulate housing based on its method of construction.

Part 2: Revisions Recommended to Correct Errors (page 9)

- **RT District Intent and I3 Commercial Uses:** These revisions correct errors or omissions identified by the Planning Department staff.

Part 3: Revisions Recommended for Clarification (pages 9-14)

- **Single-Family Residential Zoning District Density, Incidentals, Wheel Stop Placement, Bicycle Rack Spacing, Parking Space Measurement, Park / Playground Uses, and Accessory Structure Vehicle Access:** These revisions are intended to add clarity to existing regulations with minimal additional requirements.
- **Parking Lot Street Frontage Landscaping:** These revisions provide an alternative when required landscaping would share space with overhead utilities.
- **Electric Vehicle Charging:** These added provisions create standards for the placement of electric vehicle charging stations. They omit a City-adopted requirement that charging stations be provided for certain uses.

Part 4: Revisions Recommended for Consistency with Columbus Provisions (pages 14-19)

- **Mixed-Density Neighborhood Overlay, Accessory Dwellings, RE Zoning District Living Area:** These revisions are intended to address housing issues identified primarily in the City's jurisdiction. They eliminate a district that allows home conversion to apartments as a permitted use, further enable accessory dwellings in residential districts, and provide greater flexibility in the regulation of living area in the oldest neighborhoods. The changes would also apply to the rural villages within the County jurisdiction, such as Taylorsville and St. Louis Crossing where RE zoning is present.
- **Vehicle Parking:** These revisions delete certain parking enforcement provisions that are now included in the Columbus Municipal Code (for the City's jurisdiction).
- **Solar Energy Generation:** These revisions clarify requirements for solar installations at individual homes and businesses, as well as enable those potentially located at an airport or serving a neighborhood or development.

Part 5: Revisions Requested by the County Commissioners (pages 19-20)

- **Biosolids Storage Facilities:** As a follow-up to recent community conversations regarding the storage and use of biosolids as an agricultural practice, the County Commissioners have requested a zoning ordinance change with regard to the regulation of where these materials are stored while awaiting application. Biosolids storage is currently not regulated by the zoning ordinance. The Commissioners have asked that it be specifically defined and allowed only as a conditional use (requiring case-by-case Board of Zoning Appeals approval) in the agricultural zoning districts.

Please feel free to contact me if you have questions or would value a discussion prior to the plan commission meeting.

GENERAL RESOLUTION: 2024-01

of the Bartholomew County, Indiana Plan Commission

regarding

**the revision of the Columbus & Bartholomew County Zoning Ordinance
for the jurisdiction of the Bartholomew County**

WHEREAS, on February 8, 2008 the Bartholomew County Board of Commissioners passed Ordinance No. 3, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of Bartholomew County; and

WHEREAS, since that ordinance's effective date of April 1, 2008, its effectiveness has been monitored, reviewed, and evaluated by the Bartholomew County Plan Commission and its professional staff; and

WHEREAS, this on-going review of the zoning ordinance was both an expected and planned component of its long-term maintenance, and periodic revisions to ensure its relevance and appropriateness have been anticipated; and

WHEREAS, the Plan Commission, acting through its professional staff, has prepared a set of revisions of the zoning ordinance that are intended to add additional clarity, comply with changes in Indiana law, reflect contemporary development and land use practices, and best respond to local circumstances and priorities; and

WHEREAS, the proposed zoning ordinance revisions were prepared for the purposes described by Indiana Code Section 36-7-4-601(c) including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways; and (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and

WHEREAS, the Bartholomew County Comprehensive Plan, adopted in a series of elements from 1999 through 2012, provides the policy guidance appropriate for the creation and periodic revision of the zoning ordinance; and

WHEREAS, the Plan Commission did, on April 10, 2024, hold a public hearing consistent with the applicable requirements of Indiana law and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria listed by Indiana Code Section 36-7-4- 603; including (1) the Comprehensive Plan, (2) the current conditions in each district, (3) the most desirable use for land in each district, (4) the conservation of property values, and (5) responsible growth and development; and

WHEREAS, the Plan Commission recognizes that this resolution represents a recommendation to the Board of Commissioners of Bartholomew County, Indiana, which will be responsible for final action on this matter.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of Bartholomew County, Indiana, as follows:

1. The proposed revisions to the Columbus & Bartholomew County Zoning Ordinance as documented by the attached Exhibit "A", which is hereby made a part of this resolution, are forwarded to the Bartholomew County Board of Commissioners with a favorable recommendation.
2. This resolution shall serve as the certification required for the adoption of zoning ordinance revisions (per Indiana Code Section 36-7-4-605).

ADOPTED BY THE BARTHOLOMEW COUNTY, INDIANA PLAN COMMISSION THIS 10th
DAY OF APRIL, 2024 BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

_____, Presiding Officer

ATTEST:

_____, Secretary

Proposed Amendments

City of Columbus – Bartholomew County Zoning Ordinance

For the Jurisdiction of Bartholomew County

Prepared By: City of Columbus – Bartholomew County Planning Department
Draft Date: March 20, 2024

Added Text – Red and Underlined

Deleted Text – ~~Strikethrough~~

Part 1: Revisions Required to Comply with Indiana Law

Mobile & Manufactured Home Standards

(Required to Comply with Changes to Indiana State Law)

Section 3.15(A): Permitted Primary Uses

Permitted Primary Residential Uses

- Mobile home-/ manufactured home park community

Section 3.15(C): Lot Standards

Minimum Lot Area

- ~~Development~~ Community: 5 acres
- Home Site: 4,000 square feet

Minimum Lot Width

- ~~Development~~ Community: not applicable
- Home Site: 30 feet

Minimum Lot Frontage

- Community: 50 feet
- Home Site: not applicable

Minimum Front Setback

- Arterial Street or Road: 50 feet
- Collector Street or Road: 35 feet*
- Local Street or Road: 25 feet*

* a 25 foot minimum setback shall be maintained from all internal manufactured home community streets (measured from the edge of pavement)

Minimum Side Setback

- 50 feet from all community perimeter property lines*

* a ~~40~~5 foot minimum setback shall be maintained from each home site boundary and ~~for~~ from any common area boundary where such boundaries are interior to the community

Minimum Rear Setback

- 50 feet from all community perimeter property lines*

* a ~~40~~5 foot minimum setback shall be maintained from each home site boundary and ~~for~~ from any common area boundary where such boundaries are interior to the community

Minimum Living Area per Dwelling

- ~~720 Square Feet~~ None (per Indiana Code Section 36-7-2-12)

Minimum Ground Floor Living Area

- 100%

Maximum Primary Structures per Lot

- 1*

* Leased lot developments which are not platted and make use of coordinated street and pedestrian systems may have unlimited primary structures on any one lot.

Maximum Height

- Primary Structure: 30 feet
- Accessory Structure: 25 feet

Table 3.1: Zoning Districts Use Matrix

The Use Matrix is amended to replace the use “mobile home / manufactured home park” with “mobile / manufactured home community”.

Sections 3.4(C), 3.5(C), 3.6(C), 3.7(C), 3.8(C), 3.9(C), 3.10(C), and 3.11(C): Lot Standards

Minimum Living Area per Dwelling

- 1,000 square feet ([see also Section 6.7\(A\)\(2\)\(a\) for Manufactured Homes](#))

Section 3.13(C): Lot Standards

Minimum Living Area per Dwelling

- Single-family Structure: 1,000 sq. ft.*
- Two-family Structure: 1,000 sq. ft.*
- Multi-family Structure: 500 sq. ft.

* ([see also Section 6.7\(A\)\(2\)\(a\) for Manufactured Homes](#))

Chapter 6.7: Mobile & Manufactured Home Standards

Part 1: These General Mobile ~~&~~ Manufactured Home Standards apply to the Agricultural, Single-Family Residential and Multi-Family Residential zoning districts:

~~A. **Schedule of Mobile/Manufactured Home Use:** Mobile and manufactured homes shall be permitted as described by the Permitted Mobile/Manufactured Homes table, consistent with Article 3 of this Ordinance.~~

A. Home Location and Placement Requirements: The establishment, location and placement, and use of all mobile homes, and manufactured homes, and industrialized residential structures shall meet the installation instructions of the manufacturer; ~~all requirements for single family dwellings in the zoning district in which they are located including, but not limited to, setbacks, lot sizes and dimensions, parking requirements; minimum living area (per IC 26-36-7-4-1106(b));~~ and the following requirements 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. ~~Type I Manufactured Homes:~~ Type I manufactured homes shall: 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: ~~Have, in a double section or larger multi-section unit, living area no less than the minimum required for the district in which it is to be located; 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.
 - c. Foundation: ~~The home shall be~~ 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 homes in the area, ~~the manufacturer's installation instructions, 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).
 - e. Anchoring: ~~Be anchored to the ground in accordance with the manufactured home's installation requirements and the local Building Code.~~
 - d. Travel Equipment: ~~Have wheels, axles, and hitch mechanisms removed.~~
 - e. Utilities: ~~Meet utility connection requirements in accordance with the manufactured home's installation requirements and the local Building Code.~~
 - f. Siding Material: ~~Have siding material of a type similar to, or otherwise compatible, with that found on other dwellings in, or planned for, the area; and~~
 - g. Roofing Material: ~~Have roofing material and pitch of a type similar to, or otherwise compatible, with that found on other dwellings in, or planned for, the area.~~
3. Type II Manufactured Homes & Mobile Homes: Type II manufactured homes and mobile homes shall: 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
- a. Living Area: ~~Have more than 720 square feet of living area in a single, double or multi-section unit (including those with pullout or tag-along units);~~
 - b. Foundation: ~~be placed on a permanent underfloor foundation with exterior foundation siding consistent with the manufacturer's installation instructions, and all applicable provisions of the local Building Code.~~
 - c. Anchoring: ~~Be anchored to the ground in accordance with the manufacturer's installation requirements and the local Building Code.~~
 - d. Travel Equipment: ~~Have wheels, axles, and hitch mechanisms removed.~~
 - e. Utilities: ~~Meet utility connection requirements in accordance with the manufactured home's installation requirements and 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.

Table 6.4(3): Permitted Mobile / Manufactured Homes

The Permitted Mobile / Manufactured Homes Table is deleted.

Part 2: ~~These Temporary Mobile / Manufactured Home Type II Use Standards apply to any Agricultural zoning districts:~~

The temporary use of a type II manufactured home or a mobile home shall be permitted in any Agricultural zoning district under either of the following circumstances:

- ~~A. **Temporary Residence During Home Construction:** A type II manufactured home or mobile home may be used as a temporary residence on a lot for which a permit to construct or renovate a single-family dwelling has also been obtained.

 - ~~1. **Permit Required:** An improvement location permit for a temporary structure shall be required.~~
 - ~~2. **Expiration:** The temporary residence shall be removed either (a) at the time occupancy is approved for the permanent residence or (b) 2 years from the date the permit for the temporary structure was issued, whichever occurs sooner.~~
 - ~~3. **Location & Access:** The temporary residence shall conform to the setback requirements for the district in which it is located, shall not be located in any front yard, and shall be accessed by the same driveway as the permanent residence.~~
 - ~~4. **Removal Plan:** At the time application is made for the permit for the temporary residence the applicant shall provide a detailed plan for the future removal of the type II manufactured home or mobile home. The removal plan shall include the intended location of disposal or relocation, and an estimated cost.~~~~

- ~~B. **Temporary Care-Giver / Dependent Relative Residence:** A type II manufactured home or mobile home may be used as a temporary residence for either an individual providing care to a dependent relative or a dependent relative in need of continuous, on-site care.

 - ~~1. **Conditional Use Approval Required:** Conditional Use approval for the temporary residence by the Board of Zoning Appeals shall be required.~~
 - ~~2. **Expiration:** The Conditional Use approval shall expire, and the temporary residence shall be removed at the time the dependent relative no longer requires continuous, on-site care.~~
 - ~~3. **Annual Certification:** The property owner shall be required to annually provide the Director with documentation stating (a) the name and medical status of the individual requiring care (as certified by a physician) and (b) the name of the care-giver.~~
 - ~~4. **Location & Access:** The temporary residence shall be located on the same lot as a the permanent residence of the other individual involved in the dependent / care-giver relationship. The temporary residence shall conform to the setback requirements for the district in which it is located, shall not be located in any front yard, and shall be accessed by the same driveway as the permanent residence.~~
 - ~~5. **Removal Plan:** At the time application is made for Conditional Use approval of the temporary residence the applicant shall provide a detailed plan for the future removal of the type II manufactured home or mobile home. The removal plan shall include the intended location of disposal or relocation, and an estimated cost.~~~~

Part 3: ~~These Mobile/Manufactured Home Park Standards apply to the Residential: Manufactured Home Park zoning district:~~

All mobile/manufactured home parks shall comply with the following requirements:

- ~~A. **Storage Space:** Each home shall be provided with an enclosed, waterproof storage space either as an accessory structure on each home site, behind the skirting, or at a central storage facility.~~

- ~~B. **Entrances and Interior Roads:** All interior mobile home development streets shall either be dedicated to the public or be private interior drives. All interior streets, whether dedicated to the public or private~~

drives shall meet the design and construction requirements for public streets, including intersections, sidewalks, etc. provided by the Subdivision Control Ordinance. If private streets are used, street easements shall be substituted for the interior street right-of-way.

C. **Compliance Verification:** Prior to the release of an Improvement Location Permit for construction of the park, the following shall be provided to the Planning Director:

1. ~~Access:~~ A letter from the appropriate City or County Engineer of jurisdiction, verifying the approval of the design of access points to public streets.
2. ~~Sanitary Sewer Service:~~ A letter from the appropriate sewer utility, verifying that adequate sanitary sewer service shall be available to the homes.
3. ~~Board of Health:~~ A letter from the Indiana State Board of Health, verifying that all applicable requirements have been met.

Chapter 11.3 Nonconforming Structures

- A. **Legal Nonconforming Structures:** Any structure (such as a including primary, accessory, agricultural, and incidental structures, ~~accessory structure, fence, etc.~~) lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development requirements (setbacks, height, etc.) shall be deemed a legal nonconforming structure.
- B. **Continuation of Legal Nonconforming Structures:** The continuation and modification of legal nonconforming structures shall be consistent with meet the following requirements.
1. Increases in Nonconformity: No legal nonconforming structure shall be enlarged or altered in a manner that increases its non-conformity without the approval of a variance by the Board of Zoning Appeals. Any structure may be altered to decrease its nonconformity.
 2. Intentional Alterations: The ~~extent of the~~ intentional alteration of any legal nonconforming structure ~~that is intentionally altered~~ shall either (a) conform to the regulations of the district in which it is located or (b) decrease the nonconformity. Once intentionally altered, the legal nonconforming features may not be resumed.
 3. Moved or Replaced Structures: Any legal nonconforming structure that is moved for any distance or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.
 4. Accidental Alterations: Legal nonconforming structures that are ~~required to be~~ altered or removed due to government action or damage from fire, flood, other natural disaster, or criminal act may be restored to their legal nonconforming condition. Such structures, if rebuilt or restored, shall be identical or of reduced nonconformity in volume, height, setback, scale, and all other aspects to that which was altered or removed.
 5. Abandonment: Uses and structures in combination which are abandoned shall comply with the requirements of Section 11.5(B)(8).
 6. Change of Use: The change of use of any legal nonconforming structure shall not cause the loss of legal nonconforming status for the structure itself.
 7. Mobile and Manufactured Home and Industrialized Residential Structure Exceptions: ~~Legal Nonconforming Mobile Home Parks:~~ The periodic replacement of individual mobile homes located in legal nonconforming mobile home parks shall be permitted. However, the placement of the new mobile home shall not increase any nonconforming setback or other site feature. As provided by Indiana Code Section 36-7-4-1019, any legal nonconforming mobile home, manufactured home, or industrialized residential structure that is damaged, destroyed, or removed for any reason or due to any circumstance shall be permitted to be reconstructed, repaired, renovated, and/or replaced provided that (1) it will continue to be used for its previous residential purpose and (2) the foundation of the reconstructed, repaired, renovated, or replaced structure will not exceed the square footage that existed previously. This includes the permitted periodic replacement of the individual mobile homes, manufactured homes, and/or industrialized residential structures located in legal nonconforming mobile / manufactured home communities. Any such reconstructed, repaired,

renovated, and/or replaced residential legal nonconforming structure shall be subject to the applicable Flood Hazard Area Standards provided by Chapter 4.7 of this Ordinance and in no circumstances shall be considered exempt from those requirements.

Chapter 11.5 Nonconforming Uses

- A. **Legal Nonconforming Uses:** Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. The following shall apply to all legal nonconforming uses:
1. Change of Use (to Another Nonconforming Use): If no structural alterations are made, it is possible to change any nonconforming use to another nonconforming use.
 - a. Similar Uses: Nonconforming uses may be changed to another similar nonconforming use. For the purpose of this Section similar uses shall be considered those within the same land use categories (such as office uses, retail uses, etc.) as provided by Article 3 of this Ordinance.
 - b. Dissimilar Uses: Nonconforming uses may only be changed to other dissimilar nonconforming uses with the approval of the Board of Zoning Appeals (as a use variance). For the purpose of this Section, dissimilar uses shall be considered those that are not within the same land use categories (such as office uses, retail uses, etc.) as provided by Article 3 of this Ordinance. Following the change of use, the previous nonconforming use may not be resumed.
 2. Change of Use (to a Permitted Use): When a legal nonconforming use is replaced by a permitted use, or a different non-permitted use allowed by conditional use or a use variance, it shall thereafter conform to the regulations of the district in which it is located or the applicable conditional use / use variance approval. The legal nonconforming use may not be resumed.
- B. **Continuation of Legal Nonconforming Uses:** In addition to the provisions of Section 11.5(A) above, the continuation and modification of legal non-conforming uses shall meet the following requirements: a legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following:
1. Modification of Structures: No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, or moved except as to change the use of the structure to a use permitted in the district in which it is located.
 2. New Structures: No new structure shall be constructed in connection with an existing legal nonconforming use of land.
 3. Expansion Within Structures: Any legal nonconforming use may be extended throughout any parts of an existing structure that were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent, applicable amendments.
 4. Expansion on the Property: No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Ordinance or its subsequent, applicable amendments.
 5. ~~Change of Use (to Another Nonconforming Use):~~ ~~If no structural alterations are made, it is possible to change any nonconforming use to another nonconforming use.~~
 - a. ~~Similar Uses:~~ ~~Nonconforming uses may be changed to another similar nonconforming use. For the purpose of this Section similar uses shall be considered those within the same land use categories (such as office uses, retail uses, etc.) as provided by Article 3 of this Ordinance.~~
 - b. ~~Dissimilar Uses:~~ ~~Nonconforming uses may only be changed to other dissimilar nonconforming uses with the approval of the Board of Zoning Appeals (as a use variance). For the purpose of this Section dissimilar uses shall be considered those that are not within the same land use categories (such as office uses, retail uses, etc.) as provided by Article 3 of this Ordinance. Following the change of use, the previous nonconforming use may not be resumed.~~
 6. ~~Change of Use (to a Permitted Use):~~ ~~When a legal nonconforming use is replaced by a permitted use, or a different non-permitted use allowed by conditional use or a use variance, it shall thereafter conform to the regulations of the district in which it is located or the applicable conditional use / use variance approval. The legal nonconforming use may not be resumed.~~

- ~~7. **Change of Use (Agricultural Uses):** An agricultural use of land may be changed to another agricultural use without losing its non-conforming status (consistent with IC 36-7-4-616).~~
5. **Abandonment:** If a legal nonconforming use is intentionally abandoned for 1 year or longer, any subsequent use of such land, structure, or land and structure in combination shall conform to the provisions of this Ordinance. A legal nonconforming use shall be considered intentionally abandoned if the Planning Director determines that one or more of the following conditions exists:
- utilities, such as water, gas, and electricity, to the property have been disconnected.
 - the property, buildings, and/or grounds have fallen into obvious disrepair.
 - equipment, fixtures, or facilities that are necessary for the operation of the use have been removed.
 - damaged structures have not been secured from the weather and trespassing or reinforced to prevent further damage.
 - other alterations to the property have occurred that constitute a clear intention on the part of the property owner to abandon the use.
6. **Nonconforming Structures and Land in Combination:** Where legal nonconforming use status applies to a structure and land in combination, an intentional removal or alteration of the structure, or its use, that establishes conformity shall also eliminate the legal nonconforming status of the land.
- C. **Exemptions:** The following legal nonconforming uses shall be exempt from the provisions of this Chapter and may be restored or expanded under the terms and conditions specified for each below.
- Involuntarily Discontinued Uses:** Uses that are required to be discontinued due to government action that impedes access to the premises or damage from fire, flood, other natural disaster, or criminal act may be restored. In no instance shall acts of arson by the property owner, government enforcement of unsafe building codes, or other similar circumstances be considered as qualification for this exemption. If replaced by a different use, the previous nonconforming use may not be resumed.
 - ~~Non-residential~~ **These** uses, if restored, shall be either identical or of reduced nonconformity in scale, volume, lot coverage, and all other aspects to that which was discontinued.
 - ~~Residential uses, for which the structure has been damaged or destroyed shall be permitted the reconstruction, repair, or renovation of that structure and the resumption of the use provided that (1) the structure will continue to be used for residential purposes and (2) the foundation area of the reconstructed, repaired, or renovated structure does not exceed the square footage of the foundation area of the damaged or destroyed structure (per Indiana Code Section 36-7-4-1019). This provision shall not apply to any residential use located in a floodplain.~~
 - Residential Uses:** Residential uses that are legal nonconforming due to their presence in any industrial or commercial zoning district shall be permitted to expand on the property and through the modification, addition, or expansion of structures provided any change complies with the development standards (building setbacks, etc.) applicable in that zoning district, or any necessary variances are obtained. Further, the residential legal non-conforming use of a property shall not be affected by the destruction, removal, or other alteration of a mobile home, manufactured home, or industrialized residential structure on that property consistent with Section 11.3(B)(6) of this Ordinance and Indiana Code Section 36-7-4-1019.
 - Farm Uses:** As specified by Indiana Code Section 36-7-4-616, farm uses that are legal nonconforming shall be permitted to expand on the property and through the modification, addition, or expansion of structures provided any change complies with the development standards (building setbacks, etc.) applicable in that zoning district, or any necessary variances are obtained. In no instance shall any land previously used as a farm and later set aside or withheld from production for conservation or other purposes be considered abandoned or otherwise denied legal nonconforming status. Further, in no instance shall a legal nonconforming farm be denied changes to its operation or type of production so long as the result continues to meet the definition of a farm provided by this Ordinance.

Section 14.2 - Definitions

Dwelling, Industrialized Residential Structure: A single-family detached dwelling that is the product of an industrialized building system and therefore in whole or in substantial part is fabricated in an off-site

manufacturing facility for installation or assembly at a building site, excluding those that are capable of inspection at the building site consistent with Indiana Code Sections 16-41-27-2.1 and 22-12-1-14. This term specifically does not include mobile homes and manufactured homes.

Dwelling, Manufactured Home: A single-family detached dwelling unit that is factory built assembled to the National standards of the federal Manufactured Housing Construction and Safety Standards Act Law of 1974 (42 U.S.C. 5401 et seq.) and specifically meets the definition provided by 42 U.S.C. 5402 in a transportable section or sections. ~~Manufactured homes are divided into category type I and II, as defined by this Ordinance.~~

Dwelling, Manufactured Home Type I: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two-Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.

Dwelling, Manufactured Home Type II: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended; and its pitched roof and siding are not of materials customarily used for site constructed dwellings.

Dwelling, Mobile Home: A transportable dwelling unit that is a minimum of 8 feet in width and is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards. A single-family detached dwelling, including the equipment sold as a part of that dwelling, that is factory assembled, is transportable, is intended for year-round occupancy, is designed for transportation on its own chassis, and was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

Industrialized Residential Structure: see Dwelling, Industrialized Residential Structure

Manufactured Home: see *Dwelling, Manufactured Home*

Manufactured Home Type I: see *Dwelling, Manufactured Home Type I*

Manufactured Home Type II: see *Dwelling, Manufactured Home Type II*

Mobile Home: see *Dwelling, Mobile Home*

Mobile / Manufactured Home Park Community: A parcel of land containing 2 or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings or storage areas in which unoccupied units are parked for inspection or sale. One or more adjacent parcels of land operated together that contain multiple individual lots or areas that are leased or otherwise contracted as sites for mobile homes, manufactured homes, or industrialized residential structures serving as principal residences. The term includes any amenity spaces, such as a laundry, park, or community building designed and intended for the use of community residents.

Mobile / Manufactured Home Sales: The sale and incidental storage of single-family detached housing that includes mobile homes, and manufactured homes, and/or industrialized residential structures type I and II as the primary use of a property. This term does not include the sale, by the owner or operator of a mobile / manufactured home community, of mobile homes, manufactured homes, or industrialized residential structures located within that community (consistent with Indiana Code Section 16-41-27-32(d)).

Part 2: Revisions Recommended to Correct Errors

RT (Residential: Two-Family) District Intent

(Recommended to Correct a Previous Error)

District Intent

The “RT”, Residential, ~~Multi~~**Two**-Family zoning district is intent to provide areas for moderate density single, two, and multi-family residences...

I3 (Industrial: Heavy) District Conditional Commercial Uses

(Recommended to Correct a Previous Error)

Sections 3.25(B): Conditional Primary Uses

Commercial Uses

- [agricultural supply facility](#)
- truck stop / travel center

Part 3: Revisions Recommended for Clarification

Single Family Residential Zoning District Maximum Gross Density

(Recommended to Clarify Requirements / for Consistency with City of Columbus Provisions)

Sections 3.8(C), 3.9(C), 3.10(C), 3.11(C), and 3.13(C): Maximum Gross Density

Maximum Gross Density

2.5, 3.5, 5, 7, and 8 Dwelling Units per Acre (respectively for each applicable zoning district)

Incidentals

(Recommended to Clarify Requirements / for Consistency with City of Columbus Provisions)

Section 6.1(C)(5): Other Incidentals

5. Other Incidentals **Structures**: ~~Bird baths and houses, swing sets, mailboxes, lamp posts, doghouses, attached & detached decks that are less than 30 inches above finished grade, patios, fences, yard ornaments, athletic courts, shelters, and similar items and structures of less than 120 square feet in lot coverage, shall meet any other applicable standards established by this Ordinance, but shall be exempt from the requirements of this Chapter.~~ **Other incidental structures shall include and be subject to the requirements of this Ordinance as follows:**
 - a. Bird baths and houses, mailboxes, lamp posts, doghouses, yard ornaments, 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 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.**

Wheel Stop Placement

(Recommended to Clarify Requirements / for Consistency with City of Columbus Provisions)

Section 7.2(Part 4)(A)(5)(c): Wheel Stops for Landscaped Areas and Pedestrian Walkways

- a. *Landscaped Areas and Pedestrian Walkways:* All required landscaped areas and required pedestrian walkways which are perpendicular to parked vehicles shall be protected with wheel stops located in each space to prevent vehicles from overhanging the landscaped area or walkway, subject to the following exceptions listed below. All wheel stops shall be located two feet from the end of each parking space adjacent to the landscaped area or walkway.
 - i. Parking spaces adjoining required pedestrian walkways exceeding 7 feet in width shall be exempt from this requirement if a curb is provided to separate the parking spaces from the walkway. A corresponding reduction in parking space length shall not be permitted.
 - ii. Parking spaces adjoining required landscaping areas shall be exempt from this requirement if a curb is provided separating the parking spaces from the landscape area and the required plantings are placed 6 feet or greater from the back of that curb.

Bicycle Rack Spacing

(Recommended to Clarify Requirements / for Consistency with City of Columbus Provisions)

Section 7.1(Part 2)(C): Bicycle Parking Requirements

- C. **Bicycle Parking Requirements:** All commercial and public/semi-public uses shall provide parking facilities for bicycles, consistent with the following requirements:
 1. Number of Bicycle Spaces: All commercial and public/semi-public uses shall provide bicycle parking based on the number of vehicle parking spaces provided consistent with the Bicycle Parking Standards Table, below.

Bicycle Parking Standards (Table 7.4)

Total Vehicle Parking Spaces Required	Bicycle Spaces Required	
	CN Zoning District in the City of Columbus Jurisdiction	All Other Zoning Districts
1 - 25	4	0
26 - 250	4	2
over 250	4	4

2. Bicycle Racks: Bicycle racks shall support the bicycle upright by its frame in 2 places above the bicycle's center of gravity, shall enable the frame and one or both wheels to be secured with a lock, and shall not require the lifting of the bicycle to use any of the rack's parking positions.
 - a. Examples of appropriate racks include an inverted "U" rack, the "A" rack, and the post and loop rack ~~(also allowed in Columbus jurisdiction are the wave rack and the comb rack).~~
 - b. ~~The toast, wave, and comb rack is racks are prohibited (also prohibited in Bartholomew County are the wave and comb racks).~~
 - c. The use of bicycle lockers is encouraged, but lockers shall not serve as an alternate to the bicycle rack requirements.
3. Location and Placement: Bicycle parking facilities shall be located in a high visibility area that (a) provides convenient and safe pedestrian access to main building entrances or activity areas and (b) provides convenient, paved bicyclist access to the nearest path, street, or sidewalk (without the cyclist being required to dismount or carry their bicycle). Bicycle racks shall be placed on a concrete surface that provides a clear area and extends a minimum of 3 feet in all directions from each rack. No building, walkway, landscaping, parking lot or drive aisle, or other obstruction shall encroach into this bicycle rack clear area. When placed in rows, each rack shall be separated from others by a

minimum of 3 feet where bicycles are parked side-by-side and a minimum of 5 feet where bicycles are parked end-to-end.

4. School Exemption: Bicycle racks provided at any school that includes any grades pre-school through 12th grade shall be exempt from the bicycle rack type limitations and location and placement standards provided by Sections 7.1(Part 2)(C)(2)&(3) above. Any bicycle rack type(s) and locations on the property may be used.

Figure 7.1: Bicycle Rack Examples

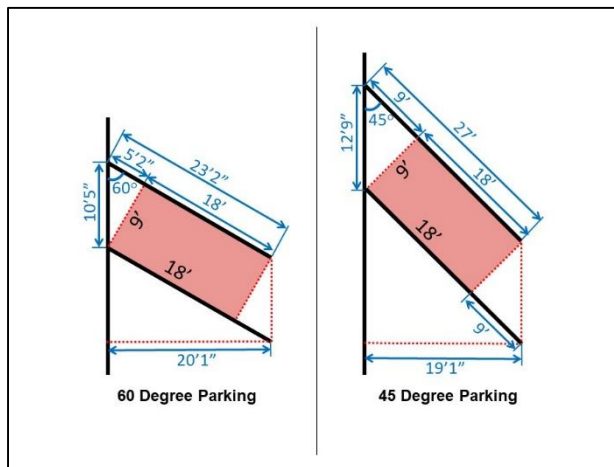
The Bicycle Rack Examples Figure is amended to also show the Comb and Wave racks as prohibited.

Parking Space Measurement

(Recommended to Clarify Requirements / for Consistency with City of Columbus Provisions)

Figure 7.2: Parking Space Measurement Illustration

The Parking Space Measurement Illustration is amended to include the following:



Residential Zoning District Park / Playground Uses

(Recommended for Consistency with City of Columbus Provisions)

Sections 3.7(A&B), 3.8(A&B), 3.9(A&B), 3.10(A&B), 3.11(A&B), 3.12(A&B), 3.13(A&B), 3.14(A&B), and 3.15(A&B): Permitted and Conditional Primary Uses

Permitted Primary Park Uses

- nature preserve / conservation area
- park / playground

Conditional Primary Park Uses

- amphitheater / outdoor venue
- athletic complex
- golf course
- ~~park / playground~~

Accessory Structure Vehicle Access

(Recommended for Consistency with City of Columbus Provisions)

Section 6.1(E)(4): Accessory Structure Vehicle Access

4. Vehicle Access: No garage vehicle entrance from a street or alley shall be setback less than 25 feet from the adjacent right-of-way (to allow for off-street parking). ~~Properties located in the RE, Established Residential zoning district shall be exempt from this requirement in the case of access from alleys, but not where vehicle access is provided by a public street or road.~~

Parking Lot Public Street Frontage Landscaping

(Recommended for Consistency with City of Columbus Provisions)

Section 8.1(C)(1): Area #1 – Parking Lot Street Frontage

1. Area #1 – Parking Lot Street/Road Frontage: The ~~required~~ front setback areas for all parking areas, including parking spaces, interior drives, and loading/unloading areas, shall be landscaped. The ~~required~~ front setback area shall be planted with either one or a combination of the following options. Plant material is intended to be distributed across the frontage, but is not required to be installed in 50 foot increments. For the purpose of determining the amount of landscaping required, the frontage shall be rounded to the nearest 50 feet.
 - a. Plantings Only: For every 50 linear feet of frontage a minimum of 1 large tree or 1.25 medium trees ~~(excluding ornamental trees)~~, plus 7.5 ~~ornamental trees or shrubs~~ shall be provided; or
 - b. Berm & Plantings: A landscaped berm that is a minimum of 3 feet in height shall be provided. A minimum of 1 large tree or 1.25 medium trees ~~(excluding ornamental trees)~~, plus 2.5 ~~ornamental trees or shrubs~~ shall be provided for every 50 linear feet of berm provided. The ~~ornamental trees and/or shrubs~~ shall be located on the berm.
 - c. Overhead Utility Alternate Trees: Where overhead utilities are present and required Parking Lot Street/Road Frontage Landscaping must be within 20 feet, horizontally, of the base of those utility poles, small trees with a mature height not exceeding 15 feet may be substituted for the required large or medium trees.

Electric Vehicle Charging

(Recommended for Consistency with City of Columbus Provisions)

Section 7.1(Part 1)(A)(3): General Parking Standards

3. Reserved Spaces: Parking spaces reserved for use by veterans, expectant mothers, employees, or other specific groups; designated for product pick-up; provided for electric vehicle charging; and other similar limited-use spaces shall apply towards the overall parking requirements. The application of Barrier Free spaces to the requirement shall be as specified in Section 7.1(Part 1)(C).

Section 7.1(Part 1)(E): Electric Vehicle Charging Space Requirements

E. Electric Vehicle Charging Space Requirements: Electric vehicle charging spaces are those marked parking spaces equipped with an electric vehicle charging station. The provision of electric vehicle charging spaces shall comply with the following requirements:

1. Charging Space Standards: Electric vehicle charging spaces shall comply with all provisions of this Ordinance applicable to parking spaces in the same zoning district, including but not limited to the Design Standards of Chapter 7.2, Circulation Standards of Chapter 7.3, and Landscaping Requirements of Article 8.
2. Charging Station Standards: Electric vehicle charging stations and related equipment shall meet the following requirements:

- a. Charging Stations: Electric vehicle charging stations shall be considered incidental structures consistent with Section 6.1(C)(5)(a). However, charging stations may only encroach by up to 3 feet in any required minimum front yard setback (including into the Parking Lot Public Street Frontage landscape area required by Section 8.1(C)).
- b. Charging Station Supporting Equipment and Structures: Charging station associated equipment and structures, including the transformers commonly supporting Type III chargers as well as canopies, shall be considered accessory structures and shall be subject to the accessory structure provisions of this Ordinance, specifically including the location provisions of Section 6.1(E). However, where an electric vehicle fueling station or a parking lot is the primary use on a property, any associated canopies shall be considered primary structures.
 - i. Charging station canopies shall further be exempt from any limitations provided by this Ordinance on the number of accessory or primary structures, as applicable, permitted on a single lot.
 - ii. All ground-mounted equipment installed in association with the charging station(s), and in addition to the charging station itself, (such as the electric transformers commonly supporting Type III chargers) shall be provided with a 6-foot tall, 100% opaque screening enclosure. The enclosure shall be made of wood, stone, masonry, architectural metal, or other similar construction providing the required opacity. Any access gates shall also be 100% opaque. In no instance shall chain link fence interwoven with plastic strips or other similar fencing be considered as meeting this screening requirement.
- c. Residential-Use Limitations: Any charging stations installed on residential properties shall be for the use of residents and guests at that property and specifically not for commercial use.

Chapter 14.2: Definitions

Auto Oriented Uses, Small Scale: Uses such as gas stations, electric vehicle fueling stations, car washes, and others listed under the heading of Auto-Oriented Uses, Small Scale by the Zoning Districts Use Matrix included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or medium scale.

Electric Vehicle: Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purposes.

Electric Vehicle Charging Space: A public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

Electric Vehicle Charging Station: One of the following stations which permit the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle:

1. **Type I** - A standard outlet connection primarily used at private residences within an enclosed garage, or located in a primary residence driveway. Note: They are typically considered slow charging (120-volt AC) requiring 8-12 hours to fully recharge a depleted battery.
2. **Type II** - Free standing or hanging charging station units utilized for recharging of depleted batteries. They are well suited for inside and outside locations, where cars park for several hours at a time. Type II stations require installation of charging equipment and a dedicated 20 to 80-amp circuit for adequate power. Note: They are typically considered medium charging (208 or 240-volt AC) requiring 4-8 hours to fully recharge a depleted battery.
3. **Type III** - Free standing units, of often higher profile, typically industrial grade, that enable rapid charging of electric vehicle batteries to 80% capacity in as little as 30 minutes. They are more common in heavy use transit corridors or at public fueling stations. Note: They are considered fast or rapid charging (480-volt AC).

Electric Vehicle Fueling Station: Any facility serving as a primary land use providing the retail sale of electricity for the purpose of fueling an electric vehicle. This facility may or may not include a storefront for the sale of accessories and other consumer goods found at traditional convenience stores, areas for driver rest or recreational while their vehicle is charging, and similar amenities. Electric vehicle fueling stations shall not include any vehicle repair services.

Part 4: Revisions Recommended for Consistency with City Provisions

Mixed Density Neighborhood (MX-OL) Overlay Zoning District

(Recommended for Consistency with City of Columbus Provisions)

Chapter 4.6, establishing the Mixed Density Neighborhood Zoning District (MX-OL) is deleted in its entirety, including necessary changes to the Official Zoning Map.

~~4.6 Mixed Density Neighborhood (MX-OL)~~

Intent

~~This Chapter is intended to maintain the investment potential of specific neighborhoods in the City of Columbus in a manner consistent with regulations established by the previous zoning ordinance. The Zoning Ordinance adopted on August 30, 1971 included these neighborhoods in zoning districts that permitted single, two, and multi-family residential uses. These are urban neighborhoods with a long history of mixed-density residential uses. These neighborhoods contain primarily single-family homes, but have experienced conversion of many such homes to multi-family apartment houses since the 1940s. These neighborhoods are provided with a full range of urban infrastructure and are presumed to be capable of supporting this mixture of density. The MX-OL district is intended to provide property investors with the continued ability to create two and multi-family apartment homes. This district is further intended to facilitate future discussion of the issues associated with this variety of residential uses, including parking, trash removal, and other side-effects of increased density.~~

- ~~A. **Boundaries & Exemptions:** The Mixed Density Neighborhood Overlay District shall apply to all properties as identified on the Official Zoning Map.~~
- ~~B. **Uses:** All land uses shall be permitted, prohibited, or conditional consistent with the provisions of the underlying zoning district, with the following exceptions, which shall be permitted regardless of the underlying zoning:~~
- ~~a. Dwelling, two-family, and~~
 - ~~b. Dwelling, multi-family.~~
- ~~C. **Development Standards:** All development within the boundaries of the MX-OL district shall comply with the development standards that apply to the underlying zoning district(s).~~

Accessory Dwellings

(Recommended for Consistency with City of Columbus Provisions)

Section 6.1(D)(1): Accessory Dwellings

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: In residential zoning districts, the accessory dwelling shall be either (i) attached to, and designed and constructed as part of the primary structure or (ii) located above a detached garage. In agricultural zoning districts the The accessory dwelling ~~shall~~ 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.
 - 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 800 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 500 400 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:* ~~The accessory dwelling shall be considered a separate dwelling for the purpose of calculating required off-street parking spaces consistent with Article 7 of this Ordinance.~~ 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 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 complimentary to the primary residence on the property.

Table 6.1 - Permitted Accessory Uses

The Permitted Accessory Uses Table is amended to add dwelling, accessory as a conditional use in the RS4 zoning district.

RE (Residential: Established) Zoning District Living Area

(Recommended for Consistency with City of Columbus Provisions)

Section 3.12(C): Lot Standards

Where any standard below is calculated based on context, that calculation shall (1) include only those properties in the RE zoning district and (2) exclude any lot, structure, setback, or other applicable feature that resulted from a development standards variance.

Minimum Lot Area

- equal to the smallest area of any legal lot of record within 300 feet of the subject property, or (where sewer service is not available) as required to provide two viable septic system sites, in the opinion of the Bartholomew County Health Department, whichever is greater.

Minimum Lot Width

- equal to the smallest width of any legal lot of record within 300 feet of the subject property.

Minimum Lot Frontage

- equal to the smallest frontage of any legal lot of record within 300 feet of the subject property.

Maximum Lot Coverage

- equal to the highest percent coverage of any legal lot of record within 300 feet of the subject property or 75%, whichever is greater.

Minimum Front Setback

- equal to the average ~~smallest~~ setback provided by all other primary structures on the same side of the street on legal lots of record within 300 feet of the subject property, however all garage vehicle entrances facing and obtaining access from a public street shall have a minimum front setback of 25 feet on that street.

Minimum Side Setback

- Primary Structure: 5 feet
- Accessory Structure: 3 feet

Minimum Rear Setback

- Primary Structure: 40~~5~~ feet
- Accessory Structure: 3 feet

Minimum Living Area per Dwelling

- equal to the average living area of all dwellings located on legal lots of record within 300 feet of the subject property Single-Family or Two-Family Structure: Either (1) 1,000 square feet, (2) equal to the smallest single-family structure living area within 300 feet of the subject property, or (3) equal to the living area of the structure most recently, legally present on the property which has been demolished or otherwise removed, whichever is less (see also Section 11.3(B)(7)). Where structures originally constructed for single-family use to be used in this calculation have been converted to multiple dwelling units, the total living area of the entire structure shall be used. See also Section 6.7(A)(2)(a) for Manufactured Homes.
- Multi-Family Structure: 500 square feet

Maximum Ground Floor Living Area

- 40%

Maximum Primary Structures per Lot

- 1

Maximum Height

- Primary Structure: 45 feet
- Accessory Structure: 35 feet (or the height of the primary structure on the property, whichever is less)

Various Vehicle Parking Provisions

(Recommended for Consistency with City of Columbus Provisions)

Section 7.1(Part 1)(D)(5): Vehicle Maintenance

- ~~4. Vehicle Maintenance: Repairing, restoration and maintenance procedures or projects on vehicles on any residentially zoned or used property, when the work is not conducted entirely within the interior passenger space of the vehicle, shall be subject to the following limitations:
 - ~~a. Maintenance Location: All vehicles being worked on out side shall be on an improved driveway surface consistent with the requirements for the zoning district in which it is located.~~
 - ~~b. Operable Condition: All vehicles being worked on outside shall be licensed and operable. Procedures exceeding 48hours in duration, or which require the vehicle to be inoperable in excess of 48 hours, shall be conducted entirely within an enclosed building.~~
 - ~~c. Parts Storage: Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.~~~~

Section 7.2(Part 3): Residential Front Yard Parking

- ~~3. Use of Front Yard: No front yard area, other than the paved drive-way and parking area, shall be used for the storage or parking of vehicles. No vehicle shall be considered legally parked unless all wheels are located on the paved area. The temporary parking of vehicles for sale by the occupant of the property shall be exempt from this requirement provided that (1) the vehicle does not encroach into a public right-of-way or sight visibility tri-angle (2) no more than 1 such vehicle is parked on any~~

property at any time and (3) the parking of any such vehicle or combination of vehicles shall not exceed 60 days in any calendar year.

Solar Energy Generation

(Recommended for Consistency with City of Columbus Provisions)

Sections 3.5(B), 3.6(B), 3.7(B), 3.8(B), 3.9(B), 3.10(B), 3.11(B), 3.12(B), 3.13(B), 3.14(B), 3.15(B), 3.16(B), 3.17(B), 3.18(B), 3.19(B), 3.20(B), 3.21(B), 3.22(B), 3.23(B), 3.24(B), and 3.25(B): AP, AG, RR, RS1, RS2, RS3, RS4, RE RT, RM, RMH, CD, CDS, CN, CO, CC, CR, P, I1, I2, and I3 Zoning District Conditional Primary Uses - are revised to include Neighborhood-Scale Solar Energy System under "Communications / Utility Uses".

Table 3.1: Zoning District Use Matrix

Neighborhood-Scale Solar Energy System is added to the use list under "Communications / Utility Uses" and indicated as conditional in the AP, AG, RR, RS1, RS2, RS3, RS4, RE, RT, RM, RMH, CD, CDS, CN, CO, CC, CR, P, I1, I2, and I3 zoning districts.

Chapter 6.10: Commercial Solar Energy Generation Systems

Intent: The purposes of the commercial-solar energy generation system standards ~~is~~ are to (1) provide clear requirements for those systems capturing solar energy for primarily on-site and neighborhood-scale use and (2) establish reasonable requirements for the development, operation, and decommissioning of commercial solar energy systems and to minimize ~~while minimizing~~ conflict between these developments and surrounding land uses.

Part 1: These On-Site and Neighborhood-Scale System Standards apply to all zoning districts.

- 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
 - 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 **General-Commercial Solar Energy System (CSES) Standards apply to the AP (Agriculture: Preferred) and AG (Agriculture: General Rural) zoning districts:** (to be followed by the standards for CSES).

Section 12.9(B): Permit Requirements

- B. **Permit Requirements:** An Improvement Location Permit shall be obtained for any of the following actions. A single Improvement Location Permit may be issued for a combination of these actions, if they occur together.
1. Zoning Compliance Certificate Required: A Zoning Compliance Certificate (ZCC), issued by the Planning Director, shall be obtained prior to the issuance of any required building permit for the following actions:
 - a. *New Construction:* construction, removal, additions to, or placement of any structure, that exceeds 120 square feet in area and/or has a permanent foundation; including structures other than buildings such as towers and antennas, but excluding agricultural structures (other ~~that~~ than those associated with a CFO facility in the Bartholomew County jurisdiction) and single and two-family residential structures;~~;~~
 - b. *Temporary Uses:* any temporary use of land or a temporary structure;~~;~~
 - c. *Alteration of Required Landscaping:* removal of required trees and plants within buffer yards and landscaping areas required by this Ordinance;~~;~~
 - d. *Alteration of Off-Street Parking:* construction and/or re-design of an off-street parking area, excluding agricultural uses and single and two-family residential uses;~~;~~
 - e. *Change of Use:* change of use from one category of land use to another (for example, office use to restaurant)~~;~~
 - f. *Increase in Use Intensity:* the increase in the intensity of a use (for example adding seats at a restaurant or converting storage areas to office space)~~;~~
 - g. *Mineral Extraction:* mineral extraction;~~;~~
 - h. *Telecommunications Facilities:* new and substantially modified telecommunications facilities as described by Chapter 6.8 of this Ordinance;~~;~~
 - i. *Park & Recreation Facilities:* construction of new or expanded park and recreation facilities, including athletic fields, parks, performance venues, etc.;~~and~~
 - j. *Non-residential Outdoor Storage, Display and/or Sales Areas:* the addition, enlargement, relocation, or alteration of any area of outdoor storage, display and/or sales.
 - k. *Confined Feeding Operation (CFO) Facilities:* the construction, additional to, placement or installation of any CFO Facility structure(s) (including any animal waste storage).
 - l. ~~Commercial-Solar Energy System (CSES) Facilities:~~ the construction, additions to, installation, or placement of any CSES or neighborhood-scale solar energy system structure(s), storage area, equipment, or access drives.

Chapter 14.2: Definitions

Airport (Public): Any public facility used primarily for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft; the providing of services to airport users, including restaurants and aircraft fuel stations; and the compatible utilization of airport property, including agricultural crops and Neighborhood-Scale and/or Commercial Solar Energy Systems (CSES).

Commercial Solar Energy System (CSES): A system that captures and converts solar energy into electricity for the primary purpose of wholesale sales of generated electricity and for use in locations other than where it is generated. The term includes, but is not limited to, solar arrays, collection and feeder lines, substations, ancillary buildings, solar monitoring stations, battery storage facilities, outdoor storage areas, and other accessory equipment or structures. It also includes facilities from which solar energy is made available to individual off-site residential, commercial, industrial, or other end users through a subscription or sponsorship system. This definition, however, does not include residential or other uses with solar arrays capturing solar energy for primarily on-site use, with any excess amounts supplied to the electrical grid.

Commercial Solar Energy System (CSES) Electrical Substation: A facility, operated as part of a CSES facility and located on the CSES project site, generally consisting of a main power transformer, breakers, control building, metering and other power conditioning equipment in which electricity produced by the CSES is aggregated at a centralized location and the voltage is transformed from medium voltage to grid voltage for final conveyance to the electrical grid.

Inverter: Regarding a Commercial Solar Energy System (CSES), a device that converts direct current (DC) electricity, which is what solar panels generate, to alternating current (AC) electricity, which the electrical grid uses.

Neighborhood-Scale Solar Energy System: A system that captures and converts solar energy into electricity primarily for use by a specific neighborhood or development of homes, commercial businesses, public facilities, and/or industries. The system is located in the neighborhood or development for which it provides electricity and may include a combination of roof/building mounted and/or ground-mounted solar arrays, as well as a battery storage system, back-up generators, and other accessory components. Any excess, but clearly secondary, amounts of energy generated but not utilized by the neighborhood or development may be supplied to the electrical grid.

Non-Participating Property: A lot or parcel of real property that is not owned, leased, or otherwise controlled or used by a Commercial Solar Energy System (CSES) project owner and with respect to which the CSES project owner does not seek to install or locate one or more CSESs or other facilities related to a CSES project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure).

Participating Property: A lot or parcel of real property all or part of which is included in a Commercial Solar Energy System (CSES) project.

Power Generation Facility: A commercial facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, and wind sources. This definition does not include solar sources. See also *Commercial Solar Energy System (CSES)*.

Solar Array: Two or more solar panels connected together in a series for the purpose of generating electricity.

Solar Panel: A bank of interconnected solar cells combined into the form of a panel normally contained by a metal or plastic perimeter frame.

Part 5: Revisions Requested by the County Commissioners

Biosolids Storage Facility Provisions

(Requested by the County Commissioners)

Sections 3.4(B), 3.5(B), and 3.6(B): AV, AP, and AG Zoning District Conditional Primary Uses - are revised to include Biosolids Storage Facility under "Agricultural Uses".

Table 3.1: Zoning District Use Matrix

Biosolids Storage Facility is added to the use list under "Agricultural Uses" and indicated as conditional in the AV, AP, and AG zoning districts.

Chapter 14.2: Definitions

Biosolids Storage Facility: An area of land or structure(s) used for the storage of biosolids (the organic materials resulting from the treatment of human sewage at a sewage treatment plant) until those biosolids may be delivered to and land-applied at locations off-site from the storage facility. The term excludes the on-

site staging and/or stockpiling of biosolids for application on the property on which the staging or stockpiling occurs. It also excludes any biosolids storage at a sewage treatment plant or sanitary landfill. In addition to storage, activities at a biosolids storage facility may include mixing, stabilizing, adding amendments, or other preparation of the biosolids materials for future land application.