

Article 12

Processes & Permits



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See Also:

*Article 5,
Planned Unit Development*

*Plan Commission
Rules of Procedure*

*Board of Zoning Appeals
Rules of Procedure*

12.1 Application & Permit Types

- A. **Petition Applications Required:** An application shall be submitted for each of the following types of petitions:
1. Development Standards Variance,
 2. Use Variance,
 3. Conditional Use,
 4. Appeal of an Administrative Decision,
 5. Zoning Map Amendment ("Rezoning"),
 6. Annexation,
 7. Site Development Plan, and
 8. Planned Unit Development (subject to the requirements of Article 5).
- B. **Permit Applications Required:** An application shall be submitted for each of the following types of Improvement Location Permits:
1. Zoning Compliance Certificate and/or Building Permit, and
 2. Sign Permit.
- C. **Application Materials:** All Building Permit applications may be obtained from the Chief Code Enforcement Officer. All other applications may be obtained from the Planning Director.
1. Fees: Any required fees shall be paid to the City of Columbus or Bartholomew County, as appropriate.
 2. Application Forms: All applications shall be made on forms provided by the Planning Director and/or Chief Code Enforcement Officer, as appropriate. All applicants shall submit original applications that are completed in their entirety in ink or typed.
 3. Copies of Materials: All applicants shall submit copies of applications and necessary attachments as required by the policies of the Planning Director and/or Chief Code Enforcement Officer, as appropriate, and the applicable Rules of Procedure.
 4. Determination of Completeness: No application shall be considered complete until (a) a completed application form, (b) the required copies of all application materials, (c) owner and applicant signatures, and (d) the required fee have been provided.
 5. Scheduling: All applications shall be assigned reference numbers by the Planning Director and/or Chief Code Enforcement Officer, as appropriate. Petition applications shall be scheduled by the Planning Director for the appropriate meetings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted Calendar of Filing and Meeting Dates.

12.2 Notice of Public Hearing

For all public hearings, the notice shall be provided to the public consistent with the requirements of this Chapter and the Rules of Procedure of the appropriate Board of Zoning Appeals or Plan Commission. Required public notice shall include the following:

- A. **Legal Notice:** The Planning Director shall prepare and provide a legal notice consistent with the requirements of IC 5-3-1 and the applicable Plan Commission and/or Board of Zoning Appeals Rules of Procedure.
- B. **Notice to Interested Parties:** The Planning Director shall prepare and distribute written notice of the application to all interested parties.
 - 1. Notice Information: The notice shall contain the same information as the legal notice described by Section 12.2(A) above.
 - 2. Responsibility: The distribution and cost of the notice shall be the responsibility of the Planning Director.
 - 3. Notification Requirements: The notification of interested parties shall be as specified by the applicable Plan Commission and/or Board of Zoning Appeals Rules of Procedure.

See Also:

*Indiana Code 5-3-1,
Legal Notice*

*Plan Commission
Rules of Procedure*

*Board of Zoning Appeals
Rules of Procedure*

See Also:

Chapter 2.4,
Board of Zoning Appeals

Chapter 12.2,
Notice of Public Hearing

Board of Zoning Appeals
Rules of Procedure

12.3 Variance Applications

In no case shall any variance to the terms of this Ordinance be authorized without (1) the approval of the appropriate Board of Zoning Appeals (BZA) or (2) through the alternate procedure (the "Hearing Officer") as provided for by Indiana Code Sections 36-7-4-923 and 924. The following procedure shall apply to all variance applications to be considered by the BZA. The procedure for applications considered by the Hearing Officer shall be as specified by the Rules of Procedure for the Board.

- A. **Application:** The applicant shall submit a completed variance application, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:
1. Site Plan: A site plan, signed and dated, and clearly showing all features relevant to the variance request.
 2. Written Commitments (if any): Documentation of any written commitments being made as a part of the application.
- B. **Notification:** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Chapter 12.2 and the Rules of Procedure of the Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the variance application and required supporting information.
1. Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedure for the Board.
 2. Possible Action: The BZA may approve, approve with conditions, deny, or continue the application.
 - a. *Approval*: The application may be approved if findings of fact are made consistent with the decision criteria listed in Section 12.3(D).
 - b. *Approval with Conditions*: A use variance application shall be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made if certain written commitments are applied to the application.
 - c. *Denial*: The application shall be denied if findings of fact consistent with the decision criteria listed in Section 12.3(D) are not made.
 - d. *Continued*: The application may be continued by the Board based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

12.3 Variance Applications (cont.)

- D. **Decision Criteria:** In taking action on all variance requests, the Board shall use the following decision criteria, consistent with the requirements of the Indiana Code.
1. **Development Standards Variance:** The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5), that:
 - a. *General Welfare:* The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. *Adjacent Property:* The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - c. *Practical Difficulty:* The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.
 2. **Use Variance:** The Board may grant a variance from the use requirements and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4), that:
 - a. *General Welfare:* The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. *Adjacent Property:* The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - c. *Peculiar Condition:* The need for the variance arises from some condition peculiar to the property involved.
 - d. *Unnecessary Hardship:* The strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.
 - e. *Comprehensive Plan:* The granting of the variance does not interfere substantially with the Comprehensive Plan.
- E. **Conditions & Commitments:** The Board may impose such reasonable conditions upon its approval of a use variance as it deems necessary to find that the decision criteria for approval will be served. The Board may also accept written commitments concerning the use or development of the property as specified under IC 36-7-4-1015. Any conditions and/or commitments shall be recorded in the Bartholomew County Recorder's Office by the applicant within 90 days of approval.
1. **Recording Required:** A copy of the recorded document shall be provided to the Planning Director for inclusion in the petition file prior to the issuance of any Improvement Location Permits.
 2. **Compliance Required:** No Improvement Location Permit shall be issued for any permit application which does not comply with the recorded conditions and/or commitments.

See Also:

IC 36-7-4-1015,
 (Written Commitments - updated per HB 1311, effective 7.1.11)

12.3 Variance Applications (cont.)

- F. **Limitations:** Once executed all variance approvals shall run with the parcel until such time as: (1) the property conforms with the Ordinance as written or (2) the variance is terminated (consistent with Section 2.4(E)). The Board may also limit use variances to a specific time period and a specific use.

12.4 Conditional Use Applications

In no case shall any conditional use be authorized without (1) the approval of the appropriate Board of Zoning Appeals (BZA) or (2) through the alternate procedure (the "Hearing Officer") as provided for by Indiana Code Sections 36-7-4-923 and 924. The following procedure applies to conditional use applications to be considered by the BZA. The procedure for applications considered by the Hearing Officer shall be as specified by the Rules of Procedure for the Board.

- A. **Application:** The applicant shall submit a conditional use application, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:
1. **Use Description:** A written narrative or sketch of the proposed use on the subject property that clearly describes features that are related to the conditional use request. Such features may include anticipated traffic circulation, buffering of adjacent uses, etc.
 2. **Written Commitments (if any):** Documentation of any written commitments being made as a part of the application.
- B. **Notification:** Notification for the scheduled public hearing regarding the conditional use request shall be completed consistent with Chapter 12.2 and the Rules of Procedure of the Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the conditional use application and required supporting information.
1. **Procedures:** The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedure of the Board.
 2. **Possible Action:** The BZA may approve, approve with conditions, deny, or continue the application.
 - a. **Approval:** The application may be approved if findings of fact are made consistent with the requirements of Section 12.4(D).
 - b. **Approval with Conditions:** The application may be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain written commitments are applied to the application.
 - c. **Denial:** The application shall be denied if findings of fact consistent with the requirements of Section 12.4(D) are not made.
 - d. **Continued:** The application may be continued by the Board based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

See Also:

*Chapter 2.4,
Board of Zoning Appeals*

*Chapter 12.2,
Notice of Public Hearing*

*Board of Zoning Appeals
Rules of Procedure*

12.4 Conditional Use Applications (cont.)

- D. **Decision Criteria:** The Board may grant a conditional use approval for any use listed as "conditional" in the applicable zoning district by Article 3 of this Ordinance if, after a public hearing, it makes findings of fact in writing that each of the following is true:
1. General Welfare: The proposal will not be injurious to the public health, safety, and general welfare of the community.
 2. Development Standards: The development of the property will be consistent with the intent of the development standards established by this Ordinance for similar uses.
 3. Ordinance Intent: Granting the conditional use will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and/or vicinity.
 4. Comprehensive Plan: The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.
- E. **Development Standards that Apply:** All conditional uses shall comply with the development standards applicable to the zoning district in which they are located. In addition, the Board of Zoning Appeals may, as a condition of approval, identify additional development standards on a case-by-case basis. The Board may use those development standards that apply to districts in which the conditional use is a permitted use as a guide for identifying appropriate additional development standards.
1. Sign Standards: The Permitted Signs Table (Table 10.1) identifies signs to be allowed with conditional uses in all zoning districts.
 2. Parking & Circulation Standards: Article 7 establishes parking requirements based on use, rather than zoning district. These requirements apply as minimums for all conditional uses.
- F. **Other Considerations:** When considering a conditional use request the Board of Zoning Appeals may examine the following items as they relate to the proposed use:
1. topography and other natural site features;
 2. zoning of the site and surrounding properties;
 3. driveway locations, street access, and vehicular and pedestrian traffic circulation;
 4. parking (including amount, location, and design);
 5. landscaping, screening, and buffering of adjacent properties;
 6. open space and other site amenities;
 7. noise, loading areas, odor, and other characteristics of a business or industrial operation;
 8. design and placement of any structures;
 9. placement, design, intensity, height, and shielding of lights;
 10. traffic generation; and
 11. general site layout as it relates to its surroundings.

12.4 Conditional Use Applications (cont.)

- G. **Conditions & Commitments:** The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 12.4(D) will be served. The Board may also accept written commitments concerning the use or development of the property as specified under IC 36-7-4-1015. Any conditions and/or commitments shall be recorded in the Bartholomew County Recorder's Office by the applicant within 90 days of approval.
1. **Recording Required:** A copy of the recorded document shall be provided to the Planning Director for inclusion in the petition file prior to the issuance of any Improvement Location Permits.
 2. **Compliance Required:** No Improvement Location Permit shall be issued for any permit application which does not comply with the recorded conditions and/or commitments.
- H. **Limitations:** Conditional use approvals shall be invalid if (1) the property conforms with the Ordinance as written, or (2) the conditional use approval is terminated (consistent with Section 2.4(E)).
- I. **Conditional Use Expansion:** A use authorized as a conditional use may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a conditional use approval.

See Also:

IC 36-7-4-1015,
(Written Commitments - updated per HB 1311, effective 7.1.11)

See Also:

*Board of Zoning Appeals
Rules of Procedure*

Note: *The Plan Commission, City Council, and Board of County Commissioners are not considered administrative boards. Their decisions may not be appealed to the Board of Zoning Appeals.*

12.5 Administrative Appeal Applications

The Board of Zoning Appeals may grant an appeal of any decision, interpretation, or determination made by the Planning Director or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance. All appeal requests must be filed with the Planning Director within 30 days of the decision in question. The following procedure shall apply to all appeals of administrative decisions:

- A. **Application:** The applicant shall submit an administrative appeal application and required supporting information. Supporting information shall include, but not be limited to, the following:
1. **Original Submittals:** Copies of all materials upon which the decision being appealed was based.
 2. **Written Decisions:** Copies of any written decisions that are the subject of the appeal.
 3. **Appeal Basis:** A letter describing the reasons for the appeal noting specific sections of this Ordinance or other requirements upon which the appeal is based.
- B. **Board Review and Action:** The Board will, at a meeting scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the appeal application and supporting information.
1. **Procedures:** The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the Rules of Procedure for the Board.
 2. **Possible Action:** The BZA may grant, grant with modifications, deny, or continue the appeal.
 - a. **Granted:** The appeal shall be granted if findings of fact are made consistent with the requirements of Section 12.5(C) of this Ordinance and Indiana State Code.
 - b. **Granted with Modifications:** The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) that are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.
 - c. **Denied:** The appeal shall be denied if findings of fact are made supporting the administrative decision.
 - d. **Continued:** The appeal shall be continued based on a request by the Planning Director or applicant; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The continuing of all applications shall be consistent with the adopted Rules of Procedure for the BZA.
- C. **Decision Criteria:** The Board shall only grant an appeal of an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provisions of this Ordinance.

12.6 Zoning Map Amendment Applications

The following procedure shall apply to all Zoning Map Amendment ("Rezoning") applications:

- A. **Application Initiation:** Proposals for Zoning Map Amendments may be initiated by either the Plan Commission or legislative body of jurisdiction, or through an application signed by property owners of at least 50% of the land involved (per IC 36-7-4-602(c)(1)(B)).
 - 1. **Plan Commission / Legislative Body Initiation:** The Planning Director shall prepare the application for zoning map amendment on behalf of the Plan Commission if either the Commission or the legislative body has initiated the application. The Planning Director shall serve as the representative of the applicant for such proposals.
 - 2. **Property Owner Initiation:** Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

- B. **Application:** The applicant shall submit a rezoning application, a legal description for the property involved, the required filing fee, and any supporting information.

- C. **Notification:** Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the requirements of Chapter 12.2 and the Rules of Procedure of the Plan Commission.

- D. **Plan Commission Public Hearing:** The Plan Commission will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of the application per IC 36-7-4-608), review the rezoning application and required supportive information.
 - 1. **Procedures:** The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules of Procedure of the Commission.
 - 2. **Possible Action:** The Commission shall either forward the application to the legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.
 - a. **Favorable Recommendation:** The application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 12.6(G). The recommendation may include written commitments proposed by the applicant and/or requested by the Plan Commission.
 - b. **Unfavorable Recommendation:** The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 12.6(G).
 - c. **No Recommendation:** The application may be forwarded with no recommendation if, by a majority vote of the Commission, it is determined that the application includes aspects that the Commission is not able to evaluate.

See Also:

*Chapter 12.2,
Notice of Public Hearing*

*Article 13,
Enforcement & Penalties*

*Indiana Code 36-7-4-608,
Plan Commission
Certification*

*Indiana Code 36-7-4-615,
Written Commitments*

12.6 Zoning Map Amend. Applications (cont.)

- d. *Continued:* The application may be continued by the Commission based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
- E. **Certification:** The Plan Commission shall certify its recommendation by resolution to the legislative body within 10 business days of its determination (per IC 36-7-4-608).
- F. **Legislative Body Action:** The legislative body shall vote on the proposed rezoning ordinance within 90 days of its certification by the Plan Commission (per IC 36-7-4-608).
1. **Notification:** The legislative body shall provide notification of action on the ordinance consistent with Indiana State Code.
 2. **Possible Action:** The legislative body may either approve or deny the ordinance. If the legislative body fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the provisions of IC 36-7-4-608. The legislative body may also seek modifications or additions to any written commitments as described in Section 12.6(H) of this Chapter.
- G. **Decision Criteria:** In reviewing the rezoning application, the Plan Commission and Common Council shall pay reasonable regard to the following (per IC 36-7-4-603):
1. **Comprehensive Plan:** The Comprehensive Plan and any other applicable, adopted planning studies or reports;
 2. **Current Conditions:** The current conditions and the character of current structures and uses in each district;
 3. **Desired Use:** The most desirable use for which the land in each district is adapted;
 4. **Property Values:** The conservation of property values throughout the planning jurisdiction; and
 5. **Responsible Growth:** Responsible growth and development.
- H. **Written Commitments / Conditions:** The applicant in any rezoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-1015. Written commitments may also be initiated by the Plan Commission or legislative body as conditions of approval. For the purposes of this Chapter the term written commitments shall include both written commitments initiated by the applicant and conditions initiated by the Plan Commission or legislative body.
1. **Consideration of Commitments:** All commitments shall be considered by the Plan Commission and the legislative body in the review of the application. Any deletion, addition, or alteration of the written commitments by the legislative body shall be referred back to the Plan Commission for consideration.

See Also:

IC 36-7-4-1015,
(Written Commitments - updated per HB 1311, effective 7.1.11)

12.6 Zoning Map Amend. Applications (cont.)

- a. *Plan Commission Affirms:* If the Plan Commission affirms the altered commitments the rezoning ordinance adoption process shall be complete.
- b. *Plan Commission Disagrees:* If the Plan Commission disagrees with the altered commitments, the reason for disagreement shall be forwarded to the legislative body. The rezoning, including the altered commitments, shall take effect if the legislative body again votes for its adoption.
2. Documenting of Commitments: The rezoning ordinance shall not become effective until the written commitments are recorded. The written commitments shall be recorded in the office of the Bartholomew County Recorder within 90 days of the rezoning ordinance adoption by the legislative body. A recorded copy of the commitments shall be provided to the Planning Director for inclusion in the application file within that 90 day time period. The adoption of the rezoning ordinance shall not take effect and shall be void if the commitments are not recorded in the 90 day time period.
3. Enforcement of Commitments: The written commitments shall be considered part of this Ordinance binding on the subject property. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 - a. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in Article 13, Enforcement and Penalties.
 - b. The written commitments may be modified only through the Zoning Map Amendment process described by this Chapter.

12.7 Annexation Applications

The following procedure applies to all City of Columbus Annexation applications that are considered "voluntary", meaning that they are signed by 100% of landowners, subject to the provisions of IC 36-4-3-5.1. All other annexations shall be processed by the City consistent with the requirements of IC 36-4-3 et. al.

- A. **Plan Commission Application:** The applicant shall submit, to the Planning Director, an Annexation application, the required filing fee, and a legal description of the boundaries of the area to be annexed.
- B. **Plan Commission Meeting:** The Plan Commission will then, at a meeting scheduled consistent with the adopted Calendar of Filing and Meeting Dates review the annexation application any required supportive information.
 1. Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules of Procedure of the Commission.
 2. Possible Action: The Commission shall either provide the applicant(s) with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.
 - a. *Favorable or Unfavorable Recommendation:* The Planning Director shall provide the applicant(s) a letter documenting the Plan Commission's recommendation. The Planning Director shall also file the annexation request with the Common Council, on behalf of the applicant.
 - b. *No Recommendation:* The application may be provided with no recommendation if, by a majority vote of the Commission, it is determined that the application includes aspects that the Commission is not able to evaluate. The Planning Director shall provide the applicant(s) a letter documenting the Plan Commission's recommendation. The Planning Director shall also file the annexation request with the Common Council, on behalf of the applicant.
 - c. *Continued:* The application may be continued by the Commission based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
- C. **Common Council Consideration and Action:** The Common Council shall consider and take action on the requests consistent with the applicable provisions of Indiana Code.
- D. **Filing and Recording:** Following the required remonstrance period, the Clerk-Treasurer shall file and record the annexation ordinance consistent with IC 36-4-3-22.

12.8 Site Development Plan Applications

An approved site development plan, meeting the requirements of this Chapter, shall be required prior to development in all zoning districts designated as site development plan districts by Articles 3 and 4 of this Ordinance. No structure shall be erected, moved, occupied, or added to, and no land shall be used or occupied without an approved site development plan. Site development plans shall be subject to the review and approval of the Plan Commission, a Hearing Examiner, or the Planning Director as described below. The Hearing Examiner shall be an appointee of the Plan Commission as provided for by Indiana Code Section 36-7-4-402(d) and the Indiana Code 36-7-4-1400 Series. The procedure for applications considered by the Plan Commission and Hearing Examiner shall also be consistent with the Commission's Rules of Procedure.

- A. **Approval Documentation:** Site development plan approval documentation provided by the Planning Department shall serve as the Zoning Compliance Certificate for the proposed development consistent with the provisions of Chapter 12.9. An additional, separate Zoning Compliance Certificate shall not be required.
- B. **Application Requirements:** The applicant shall submit a site development plan application, the required filing fee, a site plan containing the information specified by Section 12.9(D) of this Ordinance, building exterior elevation drawings (if the site is in a zoning district for which architectural standards or design guidelines are provided by this Ordinance), and any other necessary supporting information to the Planning Director. The Planning Director shall determine if the application is to be processed as a new site development plan or a major or minor modification of a previously approved plan.
- C. **New Site Development Plans and Major Modifications of Previously Approved Plans:** New site development plans and major modifications of previously approved plans shall be subject to the review and approval of either a Hearing Examiner or the Plan Commission, as specified below. Major Modifications are those that exceed the thresholds listed for Minor Modifications by Section 12.8(D)(1).
 1. **Hearing Examiner Review:** New site development plans and major modifications proposed for zoning districts for which this Ordinance provides specific design guidelines (such as the CN zoning district) shall be subject to the review and approval of a Hearing Examiner, unless the application includes any of the following, in which case the review shall be by the Plan Commission:
 - a. A waiver of the development standards that would result in a 50% or greater (1) reduction in the width and/or material (fencing, berms, and/or plants) of any required buffer area; (2) reduction of the amount of required parking on the property; (3) reduction of any required minimum building or parking lot setback; (4) increase in the number, face area, or height of any sign or signs on the property; and/or (5) increase in the maximum building height.

See Also:

*Section 1.5(A)(2),
Transition Rules*

*Chapter 3.21,
Public / Semi-public Facilities
Zoning District*

*Indiana Code 36-7-4-402(d),
Hearing Examiner*

*Indiana Code 36-7-4-1400,
Development Plans*

*Indiana Code 36-7-4-613,
Written Commitments*

12.8 Site Development Plan Applications (cont.)

- b. A waiver of the development standards that would result in any decrease in the manner and/or extent to which exterior lighting is regulated.
 - c. Written commitments proposed to ensure compliance with the provisions of Section 12.8(E).
 2. Plan Commission Review: New site development plans and major modifications proposed for zoning districts for which this Ordinance does not provide specific design guidelines shall be subject to the review and approval of the Plan Commission.
 3. Public Hearing Required: Any Hearing Examiner or Plan Commission consideration of a site development plan shall include a public hearing regarding that plan. Public notice of that hearing shall be provided consistent with the requirements of Chapter 12.2 and the Plan Commission Rules of Procedure.
 4. Procedures: Hearing Examiner public hearings shall be scheduled on an as-needed basis following the Planning Director's determination that the application requirements have been met, provided that the required public notice has been given. Plan Commission public hearings shall be scheduled consistent with the adopted Calendar of Filing and Meeting Dates. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules of Procedure of the Commission.
 5. Possible Action: The Hearing Examiner or Commission, as appropriate, may approve, approve with conditions and/or commitments, deny, or continue the request as described below.
 - a. *Approval*: The application shall be approved if found to meet the provisions of Section 12.8(E).
 - b. *Approval with Conditions and/or Commitments*: The application shall be approved with conditions if specific changes to the plan are necessary for it to comply with the provisions of Section 12.8 (E) and those changes can be addressed prior to the final site development plan approval documentation being provided by the Planning Department. The Plan Commission, but not the Hearing Examiner, may also permit or require the applicant to make written commitments regarding the use and/or development of the property consistent with Section 12.8(F).
 - c. *Denial*: The application shall be denied if found to not meet the provisions of Section 12.8(E).
 - d. *Continuance*: The application may be continued consistent with the provisions of the Plan Commission Rules of Procedure or upon a determination by the Hearing Examiner or Commission that additional information is required prior to action being taken on the request.
 - e. *Transfer to the Plan Commission*: The Hearing Examiner shall transfer the application to the Plan Commission if it is deemed to be ineligible for Examiner review, and may transfer the application upon a determination that the complexity of the matter is such that Commission review is warranted.

12.8 Site Development Plan Applications (cont.)

6. Appeals: The decision of the Hearing Examiner may be appealed to the Plan Commission. All appeals shall state the reason for the appeal in writing and shall otherwise be consistent with the Plan Commission Rules of Procedure. All appeals shall be filed with the Planning Director within 5 days of the decision that is subject to the appeal (per Indiana Code Section 36-7-4-402(d)). In considering the appeal, the Plan Commission shall hold a public hearing and may consider all aspects of the site development plan, with its consideration not limited to the stated reason for the appeal.

D. Minor Modifications of Previously Approved Plans: The Planning Director may approve minor modifications of previously approved site development plans. A public hearing shall not be required.

1. Limitations: Minor modifications are those that do not:
 - a. alter the basic relationship of the site to adjacent property,
 - b. involve a waiver of any development standard,
 - c. increase the originally approved height or lot coverage by more than 15%,
 - d. reduce any originally provided setback by more than 15%, and/or
 - e. alter vehicle ingress or egress or substantially change on-site circulation.
2. Appeals: The decision of the Planning Director may be appealed to the Plan Commission. All appeals shall state the reason for the appeal in writing and shall otherwise be consistent with the Plan Commission Rules of Procedure. All appeals shall be filed with the Planning Director within 5 days of the decision that is subject to the appeal (per Indiana Code Section 36-7-4-402(d)). In considering the appeal, the Plan Commission shall hold a public hearing and may consider all aspects of the site development plan, with its consideration not limited to the stated reason for the appeal.

E. Development Requirements (Standards and Design Guidelines): The review and approval of all site development plans by the Hearing Examiner or Plan Commission shall be consistent with the following:

1. Development Standards: All site development plans shall be subject to the development standards specified by this Ordinance for the zoning district in which the property is located. Any development standard may be waived or modified by the Hearing Examiner (to the extent allowed by Section 12.8(C) (1)) or Plan Commission, as applicable, based on findings that the altered standard will better serve (a) the intent of that standard, (b) the intent of the zoning district, and/or (c) the general standards listed in Section 12.8(E)(2) below.

12.8 Site Development Plan Applications (cont.)

2. General Standards: In the review of a site development plan, the Hearing Examiner and Plan Commission shall consider the general standards listed below. This consideration shall include the application of design guidelines, if provided by this Ordinance for the zoning district in which the site development plan is proposed. Those design guidelines shall be interpreted as describing the conditions generally necessary for the site development plan to comply with subsections 12.8(E)(2)(c, d, and e) below.
 - a. The proposed development will be consistent with the comprehensive plan.
 - b. The proposed development will not be detrimental to or endanger the public health, safety, convenience, or general welfare.
 - c. The proposed development will not be injurious to the use and enjoyment of the surrounding property.
 - d. The proposed development will not impede the efficient, orderly, and normal development of the surrounding property.
 - e. The proposed development provides adequate access, utilities, landscaping, buffering, and other improvements.
 - f. The proposed development provides pedestrian and vehicle ingress, egress, and circulation in a manner that maintains adequate public safety and efficient movement.

See Also:

IC 36-7-4-1015,
Written Commitments

- F. **Written Commitments:** The applicant in any site development plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property, consistent with Indiana Code Section 36-7-4-1015.
 1. Documentation of Commitments: The site development plan final approval documentation shall not be issued by the Planning Department until the written commitments are recorded. The written commitments shall be recorded in the office of the Bartholomew County Recorder within 90 days of the site development plan Plan Commission approval. A recorded copy of the commitments shall be provided to the Planning Director for inclusion in the application file within that 90 day time period.
 2. Enforcement of Commitments: The written commitments shall be considered part of this Ordinance binding on the subject property. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 - a. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in Article 13, Enforcement and Penalties.
 - b. The written commitments may be modified only through the site development plan approval process described by this Chapter.

12.8 Site Development Plan Applications (cont.)

- G. **Site Development Plan Documentation:** The Planning Director shall prepare and sign documentation of all Hearing Examiner and Plan Commission decisions regarding site development plans.

See Also:

Article 13,
Enforcement & Penalties

12.9 Improvement Location Permits

The following procedure applies to Improvement Location Permit (ILP) applications:

- A. **General Requirements:** No construction, use or other activity regulated by this Ordinance shall begin on any property prior to the issuance of an Improvement Location Permit, as required by this Ordinance. Construction includes the erecting, moving, adding to, occupying, and/or use of any structure; the installation of any other built features (such as parking lot pavement); and the initiation or expansion of any use of land. Construction does not include the clearing and preparation of the land for construction or the demolition of structures. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the City of Columbus or Bartholomew County, as applicable. When a building permit is required it shall serve as the ILP. When a building permit is not required, the Zoning Compliance Certificate shall serve as the ILP.
- 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 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 redesign 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).
 - f. *Mineral Extraction:* mineral extraction.
 - h. *Telecommunications Facilities:* new and substantially modified telecommunications facilities as described by Chapter 6.8 of this Ordinance.

12.9 Improvement Location Permits (cont.)

- i. *Park & Recreation Facilities*: construction of new or expanded park and recreation facilities, including athletic fields, parks, performance venues, etc.
 - 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. *Solar Energy System 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.
2. **Zoning Compliance Certificate Not Required**: A Zoning Compliance Certificate shall not be required for the following actions, however a Building Permit shall be obtained from the Chief Code Enforcement Officer.
- a. construction, removal, additions to, or placement of any single and two-family residential structures; and
 - b. demolition.
- C. **Exemptions**: No ILP shall be required for the following types of improvements. However, any such improvement shall comply with any applicable requirements of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the City of Columbus or Bartholomew County, as applicable.
1. fences, walls, and hedges;
 2. residential driveways and sidewalks that are located entirely on private property; and
 3. cosmetic (non-structural) changes to any structure.
- D. **Application Requirements**: All applications for ILPs which require a Zoning Compliance Certificate, as described by Section 12.9(B)(1) of this Ordinance, shall be accompanied by the material listed below. All other ILPs shall comply with the requirements of the Chief Code Enforcement Officer:
1. **Site Location Map**: A site location map showing the subject property, adjacent streets, and the nearest intersection.
 2. **Site Plan (if applicable)**: A detailed site plan, drawn to scale with the dimensions indicated showing the following (as applicable):
 - a. the address of the parcel;
 - b. all property boundaries, including dimensions;
 - c. the drawing scale and a north arrow;
 - d. all rights-of-way (with street name and classification labeled), easements, and required buffer yards and setbacks;
 - e. all existing and proposed structures or other site improvements with the dimensions of such improvements;
 - f. the height of all structures (in feet from ground level);
 - g. the distances from all proposed structures to the property lines;

12.9 Improvement Location Permits (cont.)

- h. the location of any existing or proposed septic field;
 - i. the location of any existing or proposed driveway and/or parking areas (including parking space dimensions, driving aisle widths, intersection radii, pavement materials, curb locations, driveway widths at the property line, and distances to the nearest drives on the same and opposite side of the street);
 - j. the location of any drive-through facilities, including vehicle stacking spaces and point of service;
 - k. the location of any loading areas;
 - l. all sidewalks (public and private) including construction details and accessible ramp details;
 - m. the location of any required landscaping, with plant materials labeled according to size at planting and species;
 - n. any areas proposed for permanent or occasional outdoor storage, sales, and/or display;
 - o. any fences or walls;
 - p. a photometric plan and/or detailed specifications for all exterior lighting fixtures;
 - q. the location of any required intersection sight visibility triangles;
 - r. the location of any waste containers and a detail demonstrating how they are to be enclosed;
 - s. the location, type, and dimensions of any storm water structures, conduits, or detention/retention ponds that are located on, cross, or adjoin the subject property;
 - t. all sanitary sewer, storm sewer, and water utility connections and infrastructure located on or immediately adjacent to the subject property;
 - u. any flood hazard areas and information, including the finished floor elevation, base flood elevation, flood protection grade, and spot elevations at 10 feet from the foundation in each direction for all structures;
 - v. general grades on-site sufficient to determine positive drainage; and
 - w. any other information requested by the Planning Director, Chief Code Enforcement Officer, City/County Engineer of jurisdiction, Board of Zoning Appeals, or Plan Commission to demonstrate compliance with the requirements of this Ordinance.
3. Waste Disposal Verification (if using a septic system): A septic system permit from the Bartholomew County Health Department.
 4. Use Description: A description of the existing or proposed uses of the property.
 5. Dwelling Units/Tenant Spaces (if applicable): An indication of the number of dwelling units, or tenant spaces, the building is designed to accommodate.
 6. Design Professional Seal: The seal of the licensed design professional (land surveyor, civil engineer, architect, or landscape architect) that is primarily responsible for the contents of all drawings.

12.9 Improvement Location Permits (cont.)

7. Property Boundaries (if applicable): A drawing, statement, or other evidence sufficient to demonstrate that the location of property lines, easements, etc. (used as the basis of all plan drawings) has been completed by a land surveyor licensed in the State of Indiana. This evidence is only required for property that has not been previously platted in its current configuration.
- E. **Expiration of Permits:** If the work described in any Improvement Location Permit has not begun within 3 years, and not been completed within 7 years from the date a complete application is filed, the permit shall expire (per IC 36-7-4-1109). Written notice to the permit holder affected shall not be required.
- F. **Construction According to Permits and Permit Application:** Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of Article 13, Enforcement and Penalties.

12.10 Sign Permits

The following procedure applies to Improvement Location Permits for Signs (Sign Permits). Sign permit application procedures shall be as established by the Chief Code Enforcement Officer, and shall include ZCC approval as described below.

- A. **Sign Permit Review for Permanent Signs:** The following procedure applies to Permanent Sign Permit review.
1. **Zoning Compliance Certificate Application:** Any sign regulated by this Ordinance shall be approved as part of a ZCC prior to a sign permit being issued. ZCC approval for signs may be applied for (a) separately for each individual sign, (b) as a combined sign package for a property, or (c) as part of any related ZCC application (such as a site plan or change of use approval). Application for a ZCC shall be accompanied by any information the Planning Director deems is necessary to assure compliance with this Ordinance, including but not limited to:
 - a. Clear and legible drawings with descriptions showing the proposed location of the sign on the property (including property lines, the sign's setback, and sight visibility triangles).
 - b. An indication of all existing and currently anticipated signs on the same property and for the same business use.
 - c. A dimensioned drawing showing the size of the sign face area and the height of the sign.
 - d. An indication of how the sign will be illuminated, including light fixture specifications for exterior illuminated signs or daytime and nighttime brightness specifications and controls for electronic signs.
 2. **Expiration:** A sign permit shall become null and void if work has not begun within 3 years, and not been completed within 7 years from the date a complete application is filed (per IC 36-7-4-1109). Written notice to the permit holder shall not be required.
- B. **Sign Permit Review for Temporary Signs:** The following procedure applies to Sign Permit Review for Temporary Signs.
1. **Application:** Application for a permit shall be filed with the Planning Director and shall be accompanied by any information the Planning Director determines is necessary to assure compliance with this Ordinance, including but not limited to:
 - a. the type of temporary sign to be used.
 - b. the period of time the temporary sign is to be used.
 - c. the location at which the temporary sign is to be used, and the location on the property where the sign is to be placed.
 2. **Nullification:** A temporary sign permit shall become null and void if the sign has not been placed for the dates for which the permit is issued.

12.11 Certificates of Occupancy

The following procedure applies to Certificates of Occupancy:

- A. **Certificate Requirements:** It shall be unlawful and in violation of this Ordinance for any property owner to allow any improvement that requires an Improvement Location Permit to become occupied or utilized prior to:
 - 1. legally obtaining an Improvement Location Permit,
 - 2. successfully completing all required inspections, including the final site and building inspections; and
 - 3. obtaining a Certificate of Occupancy from the Chief Code Enforcement Officer.

- B. **Inspection:** Upon the completion of the work approved through a Zoning Compliance Certificate, the permit holder shall contact the Planning Director and schedule a final site inspection to verify the installation of improvements consistent with the requirements of this Ordinance. The permit holder shall also contact the Chief Code Enforcement Officer, consistent with his/her established procedures to schedule a final building inspection. The City/County Engineer of jurisdiction, any other official, and any other person requested by the Planning Director and/or Chief Code Enforcement Officer may also take part in the inspection.

- C. **Certificate Issuance:** The Chief Code Enforcement Officer shall issue the Certificate of Occupancy if the improvements comply with all applicable requirements of this Ordinance, the Subdivision Control Ordinance, the Building Code, and other applicable requirements. The Chief Code Enforcement Officer may also issue a limited or temporary Certificate of Occupancy at his/her discretion.

Intent

The intent of the Certificate of Occupancy procedure is to coordinate building, planning, and engineering related issues and approvals into a single process and to better ensure the public safety and general welfare.