Zoning Ordinance

City of Columbus, Indiana
Bartholomew County, Indiana
Edinburgh / Bartholomew / Columbus Joint District





Effective Dates:

Bartholomew County - April 1, 2008
City of Columbus - April 3, 2008
Edinburgh / Bartholomew / Columbus Joint District - January 2, 2023

Contents

Table of Contents

Article One: Basic Provisions ..... Page

1.1 Title & Document Format 1-2
1.2 Authority & Purpose 1-4
1.3 Interpretation & Application 1-6
1.4 Official Zoning Maps 1-7
1.5 Adoption & Amendments 1-10

Article Two: Administration ..... Page

2.1 General Administration 2-2
2.2 Legislative Body Duties & Powers 2-5
2.3 Plan Commission Duties & Powers 2-6
2.4 Boards of Zoning Appeals 2-8

Article Three: Zoning Districts ..... Page

3.1 Establishment of Zoning Districts 3-2
3.2 Land Uses 3-4
3.3 Standards 3-5
3.4 Agriculture: Voluntary Protection (AV) 3-8
3.5 Agriculture: Preferred (AP) 3-10
3.6 Agriculture: General Rural (AG) 3-12
3.7 Residential: Rural (RR) 3-14
3.8 Residential: Single-Family 1 (RS1) 3-16
3.9 Residential: Single-Family 2 (RS2) 3-18
3.10 Residential: Single-Family 3 (RS3) 3-20
3.11 Residential: Single-Family 4 (RS4) 3-22
3.12 Residential: Established (RE) 3-24
3.13 Residential: Two-Family (RT) 3-26
3.14 Residential: Multi-Family (RM) 3-28
3.15 Residential: Manufactured Home Park (RMH) 3-30
3.16 Commercial: Downtown Center (CD) 3-32
3.17 Commercial: Downtown Support (CDS) 3-34
3.18 Commercial: Neighborhood Center (CN) 3-36
3.19 Commercial: Professional Office Center (CO) 3-42
3.20 Commercial: Community Center (CC) 3-44
3.21 Commercial: Regional Center (CR) 3-46
3.22 Public / Semi-Public (P) 3-48
3.23 Industrial: Light (I1) 3-50
3.24 Industrial: General (I2) 3-52
3.25 Industrial: Heavy (I3) 3-54

Table of Contents (continued)

Article Four: Overlay Zoning Districts .....Page

4.1 Establishment & General Standards 4-2
4.2 Airport Hazard Area (AH-OL) 4-3
4.3 Wellfield Protection (WP-OL) 4-5
4.4 Historic Resources Identification (HR-OL) 4-7
4.5 Joint District Plan Review (JD-OL) 4-8
4.6 Columbus Front Door (CFD-OL) 4-9
4.7 Flood Hazard Area (FH-OL) 4-14

Article Five: Planned Unit Development .....Page

5.1 PUD Intent, Uses, & Standards 5-2
5.2 General Application Requirements 5-4
5.3 Preliminary Plan 5-5
5.4 Detailed Plan & Rezoning 5-9
5.5 Written Commitments 5-14
5.6 Covenants 5-15
5.7 Modifications 5-16
5.8 Expiration & Extensions 5-17

Article Six: Use Standards.....Page

6.1 Accessory Use / Structure Standards 6-2
6.2 Temporary Use / Structure Standards 6-12
6.3 Confined Feeding Operation (CFO) Standards 6-16
6.4 Industrial Standards 6-19
6.5 Residential Group Home Standards 6-22
6.6 Home-Based Business Standards 6-23
6.7 Mobile & Manufactured Home Standards 6-27
6.8 Telecommunications Facility Standards 6-29
6.9 Mineral Extraction Standards 6-35
6.10 Solar Energy System Standards 6-40

Article Seven: Parking / Circulation Standards .....Page

7.1 General Parking Standards 7-2
7.2 Design Standards 7-14
7.3 Circulation Standards 7-22

Article Eight: Landscaping Standards .....Page

8.1 Landscaping Standards 8-2
8.2 Buffering Standards 8-9

Article Nine: General Development Standards.....Page

9.1 Height Standards 9-2
9.2 Environmental Standards 9-4
9.3 Fence & Walls Standards 9-7
9.4 Exterior Lighting Standards 9-9

Table of Contents (continued)

Article Ten: Sign Standards

Article Eleven: .....Page

11.1 Nonconforming Status.....11-2
11.2 Nonconforming Lots of Record 11-3
11.3 Nonconforming Structures 11-4
11.4 Nonconforming Site Features 11-6
11.5 Nonconforming Uses.....11-7
11.6 Nonconforming Signs.....11-10

Article Twelve: Processes & Permits.....Page

12.1 Application & Permit Types 12-2
12.2 Notice of Public Hearing.....12-3
12.3 Variance Applications.....12-4
12.4 Conditional Use Applications.....12-7
12.5 Administrative Appeal Applications 12-10
12.6 Zoning Map Amendment Applications.....12-11
12.7 Annexation Applications.....12-14
12.8 Site Development Plan Applications 12-15
12.9 Improvement Location Permits 12-20
12.10 Sign Permits.....12-24
12.11 Certificates of Occupancy 12-25

Article Thirteen: Enforcement & Penalties.....Page

13.1 General Provisions.....13-2
13.2 Construction Process Violations 13-4
13.3 Immediate Public Risk Violations.....13-5
13.4 Violation Procedures.....13-6

Article Fourteen: Definitions .....Page

14.1 Defined Words 14-2
14.2 Definitions 14-3

Amendments

Following its initial adoption, this zoning ordinance has been amended as follows:

2009: With regard to Landscaping:

City of Columbus Ordinance #6, 2009 adopted on February 17, 2009
Bartholomew County Ordinance #3, 2009 adopted on March 9, 2009

2009: With regard to Multiple Topics:

City of Columbus Ordinance #5, 2009 adopted on February 17, 2009
Bartholomew County Ordinance #3, 2009 adopted on March 9, 2009

2011: With regard to the Haw Creek Flood Hazard Area:

City of Columbus Ordinance #26, 2011 adopted on October 4, 2011

2011: With regard to Multiple Topics:

City of Columbus Ordinance #22, 2011 effective on September 6, 2011
Bartholomew County Ordinance #6, 2011 effective on August 29, 2011

2013: With regard to Flood Hazard Areas:

City of Columbus Ordinance #2, 2013 adopted on February 19, 2013
Bartholomew County Ordinance #1, 2013 adopted on February 25, 2013

2014: With regard to Flood Hazard Areas:

City of Columbus Ordinance #41, 2014 adopted on November 5, 2014
Bartholomew County Ordinance #7, 2014 adopted on November 10, 2014

2016-2017: With regard to Farm-Related Animals (CFOs):

Bartholomew County Ordinance #5, 2016 adopted on May 23, 2016
City of Columbus Ordinance #2, 2017 adopted on February 7, 2017
Bartholomew County Ordinance #3, 2017 adopted on March 20, 2017

2018: With regard to Flood Hazard Areas:

City of Columbus Ordinance #17, 2018 adopted on June 19, 2018
Bartholomew County Ordinance #4, 2018 adopted on June 11, 2018

2018: With regard to Signs:

City of Columbus Ordinance #21, 2018 adopted on July 23, 2018
Bartholomew County Ordinance #6, 2018 adopted on July 23, 2018

2019: With regard to Multiple Topics:

City of Columbus Ordinance #40 2019 adopted on October 15, 2019
Bartholomew County Ordinance #6, 2019 effective on November 13, 2019

2020: With regard to the CN Zoning District:

City of Columbus Ordinance #21, 2020 adopted on August 18, 2020
Bartholomew County Ordinance #4, 2020 effective on November 5, 2020

2022: With regard to Solar Energy Systems:

Bartholomew County Ordinance #8, 2022 effective November 9, 2022

Amendments (continued)

2023: Edinburgh / Bartholomew / Columbus Joint District Adoption:

Joint District Ordinance #1, 2022 effective January 2, 2023

2023: With regard to Flood Hazard Areas:

City of Columbus Ordinance #8, 2023 adopted on February 21, 2023
Bartholomew County Ordinance #2, 2023 adopted on February 23, 2023

2023: With regard to City / County Jurisdiction Boundaries:

Bartholomew County Ordinance #3, 2023 adopted on April 17, 2023

2023: With regard to Solar Energy Systems & Other Topics:

City of Columbus Ordinance #27, 2023 effective on December 18, 2023

2024: With regard to Solar Energy Systems, Biosolids, & Other Topics:

Bartholomew County Ordinance #5, 2024 effective on May 13, 2024

2024: With regard to the Columbus Front Door Overlay:

City of Columbus Ordinance #19, 2024 effective on June 18, 2024

2026: With regard to Communications Service Exchange Uses:

City of Columbus Ordinance #15, 2026 effective on July 8, 2026
Bartholomew County Ordinance #10, 2026 adopted on November 2, 2026

Article 1
Basic Provisions



Article One: Basic Provisions ..... Page #

1.1 Title & Document Format 1-2
1.2 Authority & Purpose 1-4
1.3 Interpretation & Application 1-6
1.4 Official Zoning Maps 1-7
1.5 Adoption & Amendments 1-10

See Also:

Article 14, Definitions

1.1 Title & Document Format

A. **Title:** This document shall be formally known as the "Columbus & Bartholomew County, Indiana Zoning Ordinance," and it may be cited and referred to as the "Columbus Zoning Ordinance", "Bartholomew County Zoning Ordinance", "Zoning Ordinance", or "Ordinance".

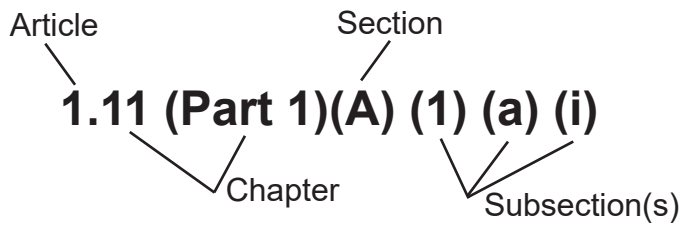
B. **Defined Words:** Words used in a special sense in this Ordinance are defined in Article 14, Definitions. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

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

1.1 Title & Document Format (cont.)

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

Document Format (Figure 1.1)



1.2 Authority & Purpose

See Also:

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

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

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

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

A. **Authority:** This Ordinance is adopted independently by Bartholomew County, the City of Columbus, and the Edinburgh / Bartholomew / Columbus Joint District pursuant to each's authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code that has been amended or superseded, it shall be assumed that the reference includes that Code as amended or superseded.

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

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

1.3 Interpretation & Application

See Also:

Article 11, Nonconformities

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

A. **Conflicting Requirements:** The provisions of this Ordinance shall be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

B. **Overlapping Regulations:** This Ordinance shall apply regardless of any private covenants, private contracts, or private agreements. In no instance shall this Ordinance be interpreted as altering or negating any such private restrictions or any other applicable regulations, state laws, or federal laws, or preventing their enforcement by the appropriate entity.

C. **Compliance:** All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all regulations applicable to the zoning district in which they are located. All development activity, as described above, shall be in full compliance with all provisions of this Ordinance and occur only after the lawful issuance of all permits and certificates required by this Ordinance.

1.4 Official Zoning Maps

A. **Official Zoning Maps:** The zoning maps for the City of Columbus, Bartholomew County, and the Edinburgh / Bartholomew / Columbus Joint District are included as part of this Ordinance. Each map may be known and referred to as the "Official Zoning Map" and as the "Zoning Map". These official zoning maps are maintained in the form of a series of digital layers of information included as components of the Bartholomew County Geographic Information System (GIS) and identified as "Zoning" by that system. The Zoning Maps may be made available to interested persons through that system.

B. **Official Zoning Map Ownership & Modifications:** The digital information layers that form the components of the Official Zoning Maps may be stored on equipment belonging to the City of Columbus, Bartholomew County, or a vender contracted by either to provide those services. The Zoning Map information shall be considered the property of the City of Columbus - Bartholomew County Planning Department. The ability to modify the information contained on the Zoning Maps shall be limited to the Planning Department and only those others necessary for the maintenance and administration of the GIS system. However, the Planning Department shall have the exclusive authority to modify the Zoning Maps.

C. **Zoning District Boundaries & Identification:** The Zoning District boundaries shall be as shown on the Official Zoning Maps. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Maps.
   1. Planned Unit Developments: Planned Unit Developments shall be indicated on the Official Zoning Maps using the three-digit "PUD" abbreviation and the ordinance number by which each PUD is created.
   2. Rezonings with Commitments: Rezonings that include written commitments shall be indicated on the Official Zoning Maps using the ordinance number through which the property was re-zoned.

D. **Revisions:** The Official Zoning Maps should be revised following the passage and effective date of each applicable rezoning ordinance for the purpose of indicating that zoning change. Other revisions may be made to correct errors or omissions in the Zoning Maps, but shall not have the effect of amending the Maps.

E. **Damaged, Destroyed, or Lost Official Zoning Map:** In the event that an Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the appropriate legislative body may, by ordinance, adopt a replacement Zoning Map. All records and documentation of the contents of the prior map shall be preserved, together with any available records of its adoption and amendment.

1.4 Official Zoning Map (cont.)

F. **Interpretation Standards:** Zoning district boundaries on the Official Zoning Maps shall be interpreted as follows:

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

G. **Interpretation Procedure:** The Planning Director shall determine the applicable zoning for each property as described in 1.4(G)(1-5) above. Any ruling of the Planning Director pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

1.4 Official Zoning Map (cont.)

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

1.5 Adoption & Amendments

See Also:

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

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

Plan Commission
Rules of Procedure

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

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

Article 2, Administration

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

iv. In instances where such uses are permitted in the zoning district in which they are located, excluding the P (Public / Semi-Public Facilities) zoning district, the Special Use site plan shall not apply and the use and development of the property shall be consistent with the standards for the zoning district in which it is located.

3. Previously Approved Subdivision Lot Standards: Any lots included in a subdivision preliminary plat approved prior to the adoption of this Ordinance shall be subject to the building setbacks and other lot standards applicable at the time that preliminary plat was approved for a period of 10 years from the date of approval. All applicable standards of this Ordinance shall apply following the 10 year transition period.
4. Previously Applied for Improvement Location Permits: Any application for an Improvement Location Permit (including Certificates of Zoning Compliance and building permits) that has been filed with the appropriate entity and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those established by this Ordinance.
5. Previously Filed Zoning Map Amendment Requests: Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists, the Planning Director shall, with the applicant's consent, amend the application so that the request for rezoning would accomplish the same end goal.
6. Previously Filed Board of Zoning Appeal Petitions: Any application before the Board of Zoning Appeals (i.e. conditional use, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing, provided that:
   a. *Obsolete Petitions:* If the petition is no longer required by the terms of this Ordinance, the application will be dismissed;
   b. *Applicable Regulations:* The improvements to which the petition relates shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing (consistent with 1.5(A)(4)); and
   c. *Administrative Procedures*: All administrative procedures and penalties shall follow those established by this Ordinance.

1.5 Adoption & Amendments (cont.)

7. Expiration of Previous Approvals: All variances, conditional uses, and other petitions regulated by this Ordinance that were approved prior to the effective date of this Ordinance and not executed through the proper receipt of the necessary Improvement Location Permit(s) shall expire and become void consistent with the Ordinance in effect at the time of their approval and the provisions of IC 36-7-4-1109.

B. **Amendments:** The following process and decision criteria shall apply to the amendment of this Ordinance.
   1. Amendment Process: In accordance with IC 36-7-4-602, the appropriate legislative body(ies) may amend or partially repeal the text of this Ordinance or may amend the Official Zoning Maps of this Ordinance as follows:
      a. *Zoning Ordinance Text Amendments:* The Board of County Commissioners; Common Council; or the Columbus, Bartholomew County, or Joint District Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedures of IC 36-7-4-602(b) and the adopted Plan Commission Rules and Procedures.
      b. *Official Zoning Map Amendments:* The Board of County Commissioners; Common Council; the Columbus, Bartholomew County, or Joint District Plan Commission; or at least 50% of the affected property owners may initiate a petition to change the Official Zoning Map according to the procedures of IC 36-7-4-602(c), the adopted Plan Commission Rules and Procedures, and the requirements of Article 2, Administration, of this Ordinance. Each Plan Commission and legislative body shall have exclusive authority for zoning map amendments within their respective jurisdictions.
   2. Decision Criteria: In the review of the text and zoning map amendment proposals, the appropriate Plan Commission(s) and legislative body(ies) shall pay reasonable regard to (consistent with IC 36-7-4-603):
      a. the most recently adopted Comprehensive Plan;
      b. current conditions and the character of structures and uses in each district;
      c. the most desirable use for which the land in each district is adapted;
      d. the conservation of property values throughout each Plan Commission's jurisdiction; and
      e. responsible development and growth.

C. **Repealer:** The Zoning Ordinance of Bartholomew County, Indiana adopted as Ordinance 1-1, 1958 and its associated Zoning Map and any revisions to either are hereby repealed. The Zoning Ordinance of the City of Columbus, Indiana adopted as Ordinance 2239 of 1971 and its associated Zoning Map and any revisions to either are hereby repealed. This Columbus & Bartholomew County, Indiana Zoning Ordinance and Official Zoning Maps shall replace the repealed ordinances and maps.

1.5 Adoption & Amendments (cont.)

D. **Severability:** If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

E. **Saving Provision:** This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

F. **Columbus Effective Date:** This Ordinance shall be in full force and in effect for the jurisdiction of the City of Columbus Plan Commission on April 3, 2008. The effective date is based on the passage and notice of adoption as required by law.

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

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

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

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

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

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

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

Article 2
Administration



Article Two: Administration ..... Page #

2.1 General Administration 2-2
2.2 Legislative Body Duties & Powers 2-5
2.3 Plan Commission Duties & Powers 2-6
2.4 Boards of Zoning Appeals 2-8

2.1 General Administration

A. **Administrative Officers:** The Columbus - Bartholomew Planning Director and the Columbus - Bartholomew Chief Code Enforcement Officer (including any staff members or other designee(s) of either), will have the principal responsibility for the administration and enforcement of this Ordinance. Together their duties shall include, but not be limited to:

1. Improvement Location Permits: Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
2. Inspections: Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by a Plan Commission, Plat Committee, Board of Zoning Appeals, the Board of County Commissioners, the Common Council, or other body in the execution of its duties as established by this Ordinance and Indiana State Code;
3. Record Keeping: Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, conditional uses, variances, and appeals;
4. Plan Commission Applications: Receiving, processing, docketing, and referring to the appropriate Plan Commission all appropriate applications;
5. Board of Zoning Appeals Applications: Receiving, processing, docketing, and referring to the appropriate Board of Zoning Appeals all appeals, variances, conditional uses, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code;
6. Committee Applications: Receiving, processing, docketing, and referring to the appropriate Plat Committee and/or Development Review Committee all appropriate applications;
7. Clerical & Technical Assistance: Providing all such clerical and technical assistance as may be required by the Boards of Zoning Appeals, Plan Commissions, Plat Committees, Development Review Committees, Board of County Commissioners, Common Council, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

Ordinance Administration Summary (Table 2.1)

Application Type	Review and Decision Authority			
	Staff	Plan Commission	Board of Zoning Appeals	Legislative Body
Zoning Map Amendment (Re-zoning)	Review	Review		Final Decision
Zoning Text Amendment	Review	Review		Final Decision
Annexation (to the City of Columbus)	Review	Review		Final Decision
PUD Preliminary Plan	Review	Review		Final Decision
PUD Final Plan	Review	Review		Final Decision
PUD Minor Modification	Final Decision	Consider Appeal		
Site Plan	Final Decision		Consider Appeal	
Site Development Plan	Review	Final Decision		
Use Variance	Review		Final Decision	

Note: *The table above summarizes the review, decision making, and appeal powers and duties as they relate to various Zoning Ordinance related applications. The specific steps and requirements for each of these process is defined in more detail by subsequent Articles of this Ordinance.*

2.1 General Administration (cont.)

B. **Fee Schedule:** The Planning Director shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance (with the exception of those related to the duties of the Chief Code Enforcement Officer, which he/she shall maintain separately).
   1. Fee Basis: In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.
   2. Public Access: The fee schedule shall be made available to the public by the Planning Director.
   3. Establishment and Revisions: The fee schedule shall be prepared by the Planning Director and established by the Plan Commission for each jurisdiction, consistent with Indiana Code Section 35-7-4-411 and Section 2.3(B)(4) of this Ordinance. The Planning Director shall review the fee schedule as needed and bring any necessary revisions to the attention of the Commission(s).

C. **Schedule of Meeting and Filing Dates:** The Planning Director shall maintain annual Calendars of Meeting and Filing Dates for each Plat Committee, Development Review Committee, Plan Commission, Board of Zoning Appeals, and BZA Hearing Officer. These calendars shall not be interpreted as prohibiting special meetings.
   1. Coordination of Calenders: The calendars shall be coordinated to ensure the efficient processing of applications.
   2. Conformance with Indiana Code: All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.

2.2 Legislative Body Duties & Powers

The powers and duties of the Bartholomew County Board of Commissioners and the Columbus Common Council for each jurisdiction with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter.

A. **Duties:** Duties should be interpreted as activities that are obligations. Legislative body duties include:
   1. Plans and Ordinances: Adopt, reject, or amend the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;
   2. Plan and Ordinance Amendments: Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;
   3. Zoning Map Amendments: Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
   4. Planned Unit Developments: Adopt, reject, or amend proposals for Planned Unit Developments as certified and submitted by the Plan Commission;
   5. Other Duties: All additional duties as established by Indiana State Code.

B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Board of County Commissioners or Columbus Common Council for each's jurisdiction. These powers include:
   1. Plan and Ordinance Amendments: Initiate amendments to the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and/or the Subdivision Control Ordinance;
   2. Zoning Map Amendments: Initiate amendments to the Official Zoning Map; and
   3. Other Powers: All additional powers as permitted by Indiana State Code.

2.3 Plan Commission Duties & Powers

The powers and duties of the Bartholomew County and Columbus Plan Commissions for each jurisdiction with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. The powers and duties of the Edinburgh / Bartholomew / Columbus Joint District Plan Commission are as provided by Indiana Code Chapter 36-7-5.1. These powers and duties are further described by the Plan Commission Rules and Procedures.

Delegation Note: *In no instance shall this Chapter be interpreted as preventing or prohibiting the delegation of duties to administrative or other personnel.*

Street Renaming Note: *Consistent with IC 36-7-4-405(b)(3) the Subdivision Control Ordinance provides the Plan Commission the authority to approve names for new streets and extensions of existing streets. The executive of each jurisdiction retains the authority to rename existing streets. The Chief Code Enforcement Officer is responsible for executing the Plan Commission's street number assignment duty."*

A. **Duties:** Duties should be interpreted as activities that are obligations. Plan Commission duties include:
   1. Rules: Supervise and make rules for the administration of the affairs of the Commission (IC 36-7-4-401(a)(1));
   2. Procedures: Prescribe uniform rules pertaining to investigations and hearings (IC 36-7-4-401(a)(2));
   3. Record Keeping: Maintain a complete record of all proceedings (IC 36-7-4-401(a)(3));
   4. Meeting Time and Records: Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Commission (IC 36-7-4-306);
   5. Certification: Adopt a seal and certify all official acts (IC 36-7-4-401(a)(6) and (7));
   6. Recommendations: Make recommendations to the appropriate legislative body concerning the adoption and amendment of the Comprehensive Plan, the Zoning Ordinance (including the zoning map), the Subdivision Control Ordinance, and Planned Unit Development district ordinances (IC 36-7-4-405(a)(1));
   7. Decisions: Approve or deny plats, re-plats, and amendments to plats consistent with the IC 36-7-4-700 series (IC 36-7-4-405(b)(2));
   8. Surety: Record and file all sureties and contracts and assume responsibility for the custody and preservation of all Commission documents and papers (IC 36-7-5-401(a)(4));
   9. Publications: Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by the Indiana Code (IC 36-7-4-401(a)(5));
   10. Fiscal Supervision: Supervise the fiscal affairs of the Commission (IC 36-7-4-401(b)(1));
   11. Budgeting: Prepare and submit an annual budget to the appropriate fiscal body, and be limited in all expenditures to the provisions made for those expenditures by that body (IC 36-7-4-401(b)(2));
   12. Employees: Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the appropriate fiscal body (IC 36-7-4-402(a));
   13. Street Names and Addresses: Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments (IC 36-7-4-405(b)(1), (2), and (3));

14. Board of Zoning Appeals Facilities: Provide suitable facilities for the holding of BZA hearings and for the preserving of records, documents, and accounts (IC 36-7-4-914);
15. Hearing Officer: Appoint a Board of Zoning Appeals hearing officer (IC 36-7-4-923); and
16. Other Duties: All additional duties as established by Indiana State Code.

B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by each Commission. Plan Commission powers include:
   1. Advisory Committees: Establish advisory committees as necessary, composed of specific members and organized for specific purposes (IC 36-7-4-407);
   2. Executive Committee: Establish an executive committee (IC 36-7-4-408);
   3. Funding Assistance: Seek funding assistance through grant programs as necessary (IC 36-7-4-409) and accept gifts, donations, and grants (IC 36-7-4-310);
   4. Fee Schedule: Establish a schedule of fees to defray the administrative costs of the official actions of the Commission (IC 36-7-4-411);
   5. Secretary: Appoint and fix the duties of a secretary (IC 36-7-4-304);
   6. Professional Services: Contract for special or temporary services and any professional counsel (IC 36-7-4-311); and
   7. Other Powers: All additional powers as permitted by Indiana State Code.

C. **Zoning Ordinance Review:** Each Plan Commission should review this Ordinance on a regular basis (generally every calendar year) to assess its effectiveness and application to current development trends. The intent of the review is to identify and correct any unintended consequences, unforeseen hardships, ineffective requirements, and any accidental errors or omissions.

2.4 Boards of Zoning Appeals

See Also:

Board of Zoning Appeals Rules & Procedures

Section 1.2(B), Jurisdiction

Chapter 12.2, Notice of Public Hearing

IC 36-7-4-900 series (Board of Zoning Appeals)

A. **Establishment and Membership:** Pursuant to the IC 36-7-4-900 series, each legislative body establishes an Advisory Board of Zoning Appeals for its jurisdiction which shall conduct business consistent with all requirements of the Indiana Code and this Ordinance.

B. **Powers and Duties:** The powers and duties of a Board of Zoning Appeals with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. These powers and duties are further described by Board of Zoning Appeals Rules and Procedures.

1. Duties: Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include;
   a. *Meeting Time:* Fix a reasonable time for the hearing of administrative appeals, conditional uses, and variances (IC 36-7-4-920);
   b. *Minutes:* Keep minutes of its proceedings and record the vote on all actions taken, file all minutes and records in the office of the Board, and make written findings of fact in all cases (IC 36-7-4-915);
   c. *Rules and Procedures:* Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards (IC 36-7-4-916(a));
   d. *Publications:* Make adopted rules available to all applicants and other interested persons (IC 36-7-4-916(c));
   e. *Variances:* Review, hear, and approve or deny all applications for variances from development standards (such as height, setback, or area) and variances of use (IC 36-7-4-918.4 and 36-7-4-918.5);
   f. *Conditional Uses:* Review, hear and approve or deny all applications for conditional uses (IC 36-7-4-918.2);
   g. *Appeals:* Review, hear, and decide appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Planning Director or other Plan Commission staff, committees, administrative boards, or any other bodies (except the Plan Commission) (IC 36-7-4-918.1); and
   h. *Other Duties:* All additional duties as established by Indiana State Code.
2. Powers: Powers should be interpreted as activities that are optional and may be initiated by the Board. Board of Zoning Appeals powers include;
   a. *Secretary:* Appoint a secretary and other employees as necessary (IC 36-7-4-913);
   b. *Conditional Approvals:* Make reasonable conditions as part of the approval of any use variance or conditional use (IC 36-7-4-918.2 and 36-7-4-918.4);
   c. *Other Powers:* All additional powers as permitted by Indiana State Code.

2.4 Boards of Zoning Appeals (cont.)

C. **Improvement Location Permit Required:** If a Board grants a conditional use or variance, it shall direct the applicant to apply for an Improvement Location Permit, if required. If such application complies with all established requirements and this Ordinance, an Improvement Location Permit for the execution of the approved variance or conditional use shall be issued.

D. **Expiration of Approvals:** A conditional use or variance ceases to be authorized and is expired consistent with the provisions of IC 36-7-4-1109 if the execution of the approval has not been completed.

E. **Termination:** A variance or conditional use may be terminated by a Board of Zoning Appeals under the following procedure:
   1. Public Hearing: Upon determination by the Planning Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Planning Director shall notify the applicant of the hearing via Certified Mail a minimum of 10 days prior to the hearing.
   2. Grounds for Termination: At the public hearing the variance or conditional use shall be revoked if a finding is made by the Board that one or more of the following is true:
      a. The execution of the approval is not consistent with a requirement of this Ordinance,
      b. The execution of the approval is not consistent with any condition of approval,
      c. The execution of the approval is not consistent with any written commitment,
      d. The approval was the result of fraud or the misrepresentation of facts.
   3. Time Limitation: No conditional use or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any 1 year period.

Article 3
Zoning Districts



Article Three: Columbus Districts ..... Page

3.1 Establishment of Zoning Districts 3-2
3.2 Land Uses 3-4
3.3 Standards 3-5
3.4 Agriculture: Voluntary Protection (AV) 3-8
3.5 Agriculture: Preferred (AP) 3-10
3.6 Agriculture: General Rural (AG) 3-12
3.7 Residential: Rural (RR) 3-14
3.8 Residential: Single-Family 1 (RS1) 3-16
3.9 Residential: Single-Family 2 (RS2) 3-18
3.10 Residential: Single-Family 3 (RS3) 3-20
3.11 Residential: Single-Family 4 (RS4) 3-22
3.12 Residential: Established (RE) 3-24
3.13 Residential: Two-Family (RT) 3-26
3.14 Residential: Multi-Family (RM) 3-28
3.15 Residential: Manufactured Home Park (RMH) 3-30
3.16 Commercial: Downtown Center (CD) 3-32
3.17 Commercial: Downtown Support (CDS) 3-34
3.18 Commercial: Neighborhood Center (CN) 3-36
3.19 Commercial: Professional Office Center (CO) 3-42
3.20 Commercial: Community Center (CC) 3-44
3.21 Commercial: Regional Center (CR) 3-46
3.22 Public / Semi-Public Facilities (P) 3-48
3.23 Industrial: Light (I1) 3-50
3.24 Industrial: General (I2) 3-52
3.25 Industrial: Heavy (I3) 3-54

See Also:

Article 4,
Overlay Zoning Districts

Article 5,
Planned Unit Development

3.1 Establishment of Zoning Districts

A. **Establishment of Zoning Districts:** For the purpose of this Ordinance, the planning jurisdiction subject to this Ordinance is divided into the following zoning districts. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. For example, uses permitted in the I2 district are not permitted in the I3 district unless expressly listed as such in the I3 district. Only those uses and standards that are expressly indicated and noted for each district apply to that district.

Agricultural Zoning Districts
AV - Agriculture: Voluntary Protection ..... page 3-10
AP - Agriculture: Preferred ..... page 3-12
AG - Agriculture: General Rural ..... page 3-14

Single-Family Residential Zoning Districts
RR - Residential: Rural..... page 3-16
RS1 - Residential: Single-Family 1 ..... page 3-18
RS2 - Residential: Single-Family 2 ..... page 3-20
RS3 - Residential: Single-Family 3 ..... page 3-22
RS4 - Residential: Single-Family 4 ..... page 3-24
RE - Residential: Established ..... page 3-26
RT - Residential: Two-Family ..... page 3-28

Multi-Family Residential Zoning Districts
RM - Residential: Multi-Family ..... page 3-30
RMH - Residential: Manufactured Home Park ..... page 3-32

Commercial Zoning Districts
CD - Commercial: Downtown Center ..... page 3-34
CN - Commercial: Neighborhood Center ..... page 3-36
CO - Commercial: Professional Office Center ..... page 3-38
CC - Commercial: Community Center ..... page 3-40
CR - Commercial: Regional Center..... page 3-42

Public / Semi-Public Facilities Zoning District
P - Public / Semi-Public Facilities..... page 3-44

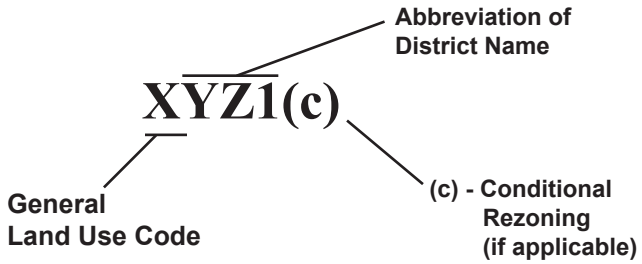
Industrial Zoning Districts
I1 - Industrial: Light ..... page 3-46
I2 - Industrial: General ..... page 3-48
I3 - Industrial: Heavy ..... page 3-50

3.1 Establishment of Zoning Districts (cont.)

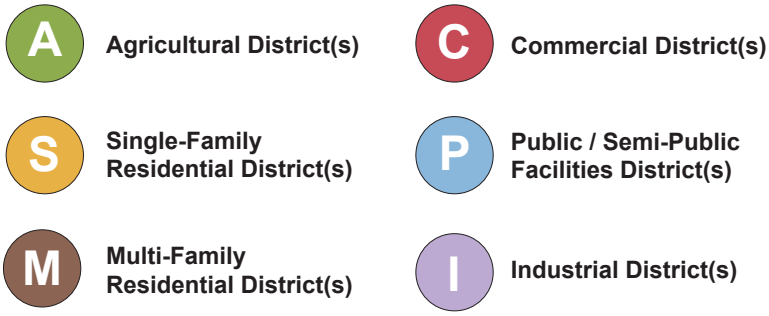
B. **Establishment of Planned Unit Development District:** This Ordinance allows for any zoning district(s) to be rezoned for the creation of a Planned Unit Development. All Planned Unit Developments shall comply with the requirements of Article 5 of this Ordinance.

C. **Subdivision of Land:** The subdivision of land in every zoning district shall comply with the provisions of the Subdivision Control Ordinance. The subdivision of land in each zoning district shall be limited as specified by the provisions of this Article.

Zoning District Labeling (Figure 3.1)



Zoning District Symbols (Figure 3.2)



3.2 Land Uses

See Also:

Chapter 12.5, Appeals of Administrative Decisions

A. **Land Uses Specified:** Each land use is either a permitted, prohibited or a conditional use in each zoning district. A list of permitted and conditional use categories for each district is provided in the "Permitted Uses" and "Conditional Uses" columns accompanying the description of each district in this Article. Specific land uses within each category are listed in the Land Use Matrix at the end of this Article.

B. **Unlisted or Questionable Land Uses:** Any use not listed as a permitted use or conditional use is considered prohibited. The Planning Director may determine into which category any questionable use is placed if it is not specifically listed but is similar to another use that is a permitted or a conditional use. This determination may be appealed to the Board of Zoning Appeals consistent with the provisions of Chapter 12.5 for Appeals of Administrative Decisions.

C. **Minor Essential Services:** Minor essential services shall be permitted in all zoning districts; no permit shall be required. These services shall include overhead or underground gas, electrical, telephone, steam, fuel or water transmission or distribution systems; as well as collection, communication, supply or disposal systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and similar items. Minor essential services shall also include unstaffed utility installations, such as sewer lift stations, used in direct support of collection or distribution systems. In no instance shall minor essential services be deemed to include waste water treatment plants, water towers, or any other uses specifically listed in Chapters 3.4 through 3.24 and Table 3.1. Further, minor essential services shall not include any telecommunications facilities regulated by Chapter 6.8.

3.3 Standards

A. **Lot Standards Established:** The lot standards for each zoning district shall be as specified in the description of each district in this Article. Lot standards shall include, but not be limited to, front setback, side setback, rear setback, lot area, lot width, lot frontage, lot depth, height, living and ground floor areas, primary structures, and lot coverage.

B. **General Lot Standards:** All lots shall comply with the following standards consistent with the applicable lot standards:
   1. Compliance Requirements: Except as provided in this Ordinance, no structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot regulations of the zoning district in which it is located. The lot standards of this Article may not apply in instances where this Ordinance specifically provides alternate standards, such as an overlay zoning district.
   2. Setback Standards: No portion of any structure is allowed to be located within the required setbacks. Structures shall include, but not be limited to garages, carports, decks, and platforms above normal grade level.
      a. *At-Grade Improvements:* Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at normal grade level subject to the standards of this Ordinance.
      b. *Minor Appurtenances:* Cornices, bay windows, chimneys, eaves, and other minor appurtenances to structures may encroach into the required setbacks by a maximum of 2 feet. Steps, awnings, balconies, fire escapes, and other similar features may encroach into the required setbacks by a maximum of 5 feet.
      c. *Easements:* No building shall be located in any easement required by the Subdivision Control or Zoning Ordinance regulations. Further, no building should be located in any other easement without written permission and/or coordination with the easement holder; the property owner is responsible for compliance with these private agreements.
   3. Access Requirements: Every structure and/or use erected, moved, or established shall be located on a lot with the frontage required by the zoning districts described in this Article. Every lot shall have access to a public street or on a private street or access easement. The use of all private streets and access easements shall be subject to the approval of the Plan Commission, consistent with all applicable requirements of this Ordinance and the Subdivision Control Ordinance.

See Also:

Article 11, Nonconformities

Article 14, Definitions

3.3 Standards (cont.)

C. **Lot Standards Measurement:** The measurement and calculation of the lot standards established by this Article shall be as described below. All figures shall be rounded to the nearest whole number. All fractions of 1/2 or greater and all percentages of 0.5% or greater shall be rounded up to the next highest whole number.

1. Gross Density: Gross density shall be measured as the number of dwelling units per acre in a given area, including any property used for street rights-of-way, parks, open space, flood hazard areas, or other features.
2. Lot Area: Lot area shall be measured as the horizontal area included within the exterior lines of a lot, including any easements and required setback or buffer areas, but excluding any rights-of-way or similar dedications to the public and any areas that are regularly covered by water a majority of the calendar year.
3. Lot Width: Lot width shall be measured as the horizontal distance between side lot lines at the front setback line or build-to line affecting the property. The front setback line for irregularly shaped lots may exceed the minimum required and therefore represent the lot width that is provided.
4. Lot Frontage: Lot frontage shall be measured as the horizontal distance between side lot lines measured at the point at which the lot abuts a right-of-way or other access. Lot frontage and/or access on a public right-of-way, private right-of-way, or easement shall be consistent with the requirements of the Subdivision Control Ordinance and shall be subject to Plan Commission approval through the platting process, if applicable.
5. Lot Coverage: Lot coverage shall be measured as the percentage of the lot area occupied by permanent primary and accessory structures. Lot coverage shall not include area occupied by temporary structures, parking areas, sidewalks, or other similar paved surfaces.
6. Front Setback: Front setback shall be measured as the shortest horizontal distance between the street or road right-of-way specified by the applicable Thoroughfare Plan and the foundation of the nearest structure. Front setback requirements shall also apply to any reserved rights-of-way. The specified right-of-way shall be measured with 1/2 of the required distance on either side of the centerline of the street/road. In locations where the actual right-of-way exceeds the Thoroughfare Plan specified right-of-way, the front yard setback shall be either (1) as specified for each zoning district by this Article and measured as described above, or (2) 5 feet from the actual right-of-way, whichever is greater.
    a. *Multiple Frontage Lots:* All lots with more than one frontage on a street or road (such as corner lots and through lots) shall be considered as requiring a front setback for each street/road frontage. The minimum side setback shall be required for all other yards.

b. *Cul-de-Sac Lots:* The measurement of front yard setback on a cul-de-sac shall be expressed as an arc which parallels the right-of-way.
c. *Interstate Highways*: The minimum setback for all interstate highways shall equal that which is specified for an Arterial Road in the applicable zoning district.

7. Front Built-to Line: Built-to line shall be measured as the shortest horizontal distance between the front lot line and the foundation of the nearest structure.
8. Rear Setback: Rear setback shall be measured as the shortest horizontal distance between the rear lot line and the foundation of the nearest structure.
9. Side Setback: Side setback shall be measured as the shortest horizontal distance between a side lot line and the foundation of the nearest structure. When expressed as an "aggregate" the measurement shall be a total for both sides of the lot. In all other cases the setback shall be measured for each side yard.
10. Living Area: Living area shall be measured as the floor area of a dwelling intended for human occupation and use. The measurement of living area shall exclude any garage, unfinished basement, or other similar space.
11. Ground Floor Living Area: Ground floor living area shall be measured as the percentage of total living area located on the ground floor of a dwelling.
13. Primary Structures per Lot: Primary structures per lot shall be measured as the total number of primary structures and/or separate structures housing different primary uses on any lot.
14. Height: Height shall be measured consistent with Chapter 9.1.

D. **Development Standards:** All structures and land uses, including any alterations to either, that are established or otherwise occur after the effective date of this Ordinance shall conform to the development standards provided by this Ordinance. The development standards that apply to each zoning district shall be as cross-referenced in the description of each district in this Article and as otherwise described by this Ordinance. The development standards shall not apply in instances where this Ordinance specifically provides alternate requirements, such as an overlay zoning district.

3.4 Agriculture: **Voluntary Protection (AV)**

Intent:

The "AV", Agriculture, Voluntary Protection zoning district is intended to provide a mechanism for owners of agricultural property to voluntarily limit the possible development of their land. In no instance shall any property be zoned "AV" without the consent of all property owners.

The "AV" zoning district does not provide any automatic tax incentives for agricultural uses. Further, this zoning district does not prevent future rezoning of the property for non-agricultural purposes. The "AV" zoning district provides property owners with a method of officially signaling their intent to allow only low intensity, agriculture-related development on their property at the current time.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding
- biosolids storage facility - *County Only*
- confined feeding operation (CFO)

Residential Uses
- bed and breakfast facility
- shared housing facility

Public / Semi-Public Uses
- airstrip (private)

Communications / Utilities Uses*
- sewage treatment plant
- utility substation
- water tower
- wellfield/water treatment facility

*see also Section 1.2(B)(5) for exemptions

Commercial Uses
- agricultural supply facility
- agri-business facility
- agri-tourism facility

Industrial Uses
- agri-industrial facility

C. Lot Standards

Minimum Lot Area
- Septic System: 1 acre (43,560 sq. ft.), or as required to provide two viable septic system sites, in the opinion of the Bartholomew County Health Department, whichever is greater. However, subdivision parent tract remainders over 5 acres shall not be required to demonstrate septic system suitability.
- Sewer Service: 1 acre (43,560 sq. ft.)

Minimum Lot Width
- 150 feet

Minimum Lot Frontage
- 30 feet

Maximum Lot Coverage
- Agricultural Structures: None
- Non-Agricultural Structures: 25%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Street or Road: 30 feet
- Local Street or Road: 25 feet

Minimum Side Setback
- Agricultural Structure: 30 feet
- Primary Structure: 30 feet
- Accessory Structure: 15 feet

Minimum Rear Setback
- Agricultural Structure: 30 feet
- Primary Structure: 30 feet
- Accessory Structure: 15 feet

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1*

*structures used for agricultural purposes shall not be distinguished as primary or accessory, however no more than 1 dwelling shall be permitted on any lot.

Maximum Height
- Agricultural Structure: None
- Primary Structure: 40 feet
- Accessory Structure: 35 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Both public water and sewer systems and well and septic systems shall be permitted.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered eligible parent tracts. A new lot may be created only for the purpose of establishing a separate property for the existing farm dwelling. The remaining tract, even if platted, shall not be considered a buildable lot. All new lots shall comply with this Ordinance and the Subdivision Control Ordinance. Any subdivision rights shall run with the remaining tract.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.3 Confined Feeding	6-16
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
Part 2	*6-25*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Stds	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 2	*7-15*
7.3 Circulation	
Part 1	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**

3.5 Agriculture: **Preferred (AP)**

Intent:

The "AP", Agriculture, Preferred zoning district is intended to provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure.

Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agricultural and non-agricultural property within the community.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding
- biosolids storage facility - *County Only*
- confined feeding operation (CFO)

Residential Uses
- bed and breakfast facility
- shared housing facility

Public / Semi-Public Uses
- airstrip (private)
- animal shelter
- cemetery
- fairgrounds
- police, fire, or rescue station
- private club
- school (grades pre-school through 12)
- worship facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- sewage treatment plant
- utility substation
- water tower
- wellfield/water treatment facility

*see also Section 1.2(B)(5)

Park Uses
- campground / RV park
- golf course

Commercial Uses
- agricultural supply facility
- agri-business facility
- agri-tourism facility
- farmer's market
- greenhouse / plant nursery
- kennel
- livestock auction / sales facility
- recreational uses (large scale)
- retreat center

Industrial Uses
- agricultural products terminal
- agri-industrial facility
- comm. solar energy system (CSES) - *County & Joint District Only*
- comm. solar energy system (CSES) generation tie line - *Columbus Only*
- power generation facility
- waste disposal facility

C. Lot Standards

Minimum Lot Area
- Septic System: 1 acre (43,560 sq. ft.), or as required to provide two viable septic system sites, in the opinion of the Bartholomew County Health Department, whichever is greater. However, subdivision parent tract remainders over 5 acres shall not be required to demonstrate septic system suitability.
- Sewer Service: 1 acre (43,560 sq. ft.)

Minimum Lot Width
- 150 feet (lot area greater than 2 acres)
- 75 feet (lot area 2 acres or less)

Minimum Lot Frontage
- 30 feet

Maximum Lot Coverage
- Agricultural Structures: None
- Non-Agricultural Structures: 35%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 25 feet
- Local Road: 25 feet
- Local Street: 10 feet (25 feet for any garage with a vehicle entrance facing the Street)

Minimum Side & Rear Setback
- Agricultural Structure: 30 feet
- Primary Structure: 30 feet*
- Accessory Structure: 15 feet*

* 5 feet on lots of 2 acres or less where the applicable side or rear lot line adjoins a property of 2 acres or less

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1 (structures used for agricultural purposes shall not be distinguished as primary or accessory, however no more than 1 dwelling shall be permitted on any lot)

Maximum Height
- Agricultural Structure: None
- Primary Structure: 40 feet
- Accessory Structure: 35 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Both public water and sewer systems and well and septic systems shall be permitted.
2. Subdivision Limitations: In **Bartholomew County's** jurisdiction new lots shall be based on the scale below. All legal lots present on the effective date of this Ordinance are eligible parent tracts, from which new lots can be created. The remaining tract shall be considered a lot. Future subdivision rights allowed by this Ordinance shall clearly be assigned to each lot.

   Maximum Total Lots Permitted:
   From parent tracts of 25 acres or less - 3 total lots
   From parent tracts of 26 to 50 acres - 4 total lots
   From parent tracts of 51 to 75 acres - 6 total lots
   From parent tracts of 76 to 100 acres - 8 total lots
   From parent tracts greater than 100 acres - 10 total lots

   In the **City of Columbus** jurisdiction, no more than 2 lots shall be subdivided from any parent tract present on September 7, 1999 over any period of time. The remaining tract shall contain at least 10 acres for each lot subdivided.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.3 Confined Feeding	6-16
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
Part 2	*6-25*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Stds	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 2	*7-15*
7.3 Circulation	
Part 1	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**

3.6 Agriculture: **General Rural (AG)**

Intent:

The "AG", Agriculture, General Rural zoning district is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to support the long-term viability of agricultural operations, while also allowing increased non-agricultural development in areas adjacent to developed infrastructure. This district should be used to provide unique, rural housing options and the future ability to extend urban infrastructure.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding
- biosolids storage facility - *County Only*
- confined feeding operation (CFO)

Residential Uses
- bed and breakfast facility
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- sewage treatment plant
- utility substation
- water tower
- wellfield/water treatment facility

*see also Section 1.2(B)(5)

Public / Semi-Public Uses
- airstrip (private)
- animal shelter
- cemetery
- fairgrounds
- police, fire, or rescue station
- private club
- school (grades pre-school through 12)
- worship facility

Park Uses
- athletic complex
- campground / RV park
- golf course
- park / playground

Commercial Uses
- agricultural supply facility
- agri-business facility
- agri-tourism facility
- farmer's market
- greenhouse / plant nursery
- kennel
- livestock auction / sales facility
- microbrewery / artisan distillery
- recreational uses (large scale)
- retreat center

Industrial Uses
- comm. solar energy system (CSES) - *County & Joint District Only*
- comm. solar energy system (CSES) generation tie line - *Columbus Only*

C. Lot Standards

Minimum Lot Area
- Septic System: 1 acre (43,560 sq. ft.), or as required to provide two viable septic system sites, in the opinion of the Bartholomew County Health Department, whichever is greater. However, subdivision parent tract remainders over 5 acres shall not be required to demonstrate septic system suitability.
- Sewer Service: 1 acre (43,560 sq. ft.)

Minimum Lot Width
- 100 feet (lot area greater than 2 acres)
- 75 feet (lot area 2 acres or less)

Minimum Lot Frontage
- 30 feet

Maximum Lot Coverage
- Agricultural Structures: None
- Non-Agricultural Structures: 35%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 25 feet
- Local Road: 25 feet
- Local Street: 10 feet (25 feet for any garage with a vehicle entrance facing the Street)

Minimum Side & Rear Setback
- Agricultural Structure: 20 feet
- Primary Structure: 20 feet*
- Accessory Structure: 15 feet*

* 5 feet on lots of 2 acres or less where the applicable side or rear lot line adjoins a property of 2 acres or less

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1 (structures used for agricultural purposes shall not be distinguished as primary or accessory, however no more than 1 dwelling shall be permitted on any lot)

Maximum Height
- Agricultural Structure: None
- Primary Structure: 40 feet
- Accessory Structure: 35 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Both public water and sewer systems and well and septic systems shall be permitted.
2. Subdivision Limitations: In **Bartholomew County's** jurisdiction new lots shall be based on the scale below. All legal lots present on the effective date of this Ordinance are eligible parent tracts, from which new lots can be created. The remaining tract shall be considered a lot. Future subdivision rights allowed by this Ordinance shall clearly be assigned to each lot.

   Maximum Total Lots Permitted:
   From parent tracts of 25 acres or less - 5 total lots
   From parent tracts of 26 to 50 acres - 8 total lots
   From parent tracts of 51 to 75 acres - 12 total lots
   From parent tracts of 76 to 100 acres - 16 total lots
   From parent tracts greater than 100 acres - 20 total lots

   In the **City of Columbus** jurisdiction, no more than 2 lots shall be subdivided from any parent tract present on September 7, 1999 over any period of time. The remaining tract shall contain at least 10 acres for each lot subdivided.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.3 Confined Feeding	6-16
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
Part 2	*6-25*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Stds	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 2	*7-15*
7.3 Circulation	
Part 1	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**

3.7 Residential: **Rural (RR)**

Intent:

The "RR", Residential, Rural zoning district is specifically intended to (1) provide for the development of new residential neighborhoods on select properties in otherwise rural and/or agricultural areas of the jurisdiction of Bartholomew County and (2) to provide an option for the regulation of lake communities and other existing rural developments in both Bartholomew County and Columbus jurisdictions. In the case of new development in Bartholomew County this zoning district is intended to be applied to properties upon the request of the property owner or developer in anticipation of a future subdivision. The RR district should only be applied in instances where it can be demonstrated that (1) the property is not prime agricultural ground and/or not suited to agricultural uses, (2) the property is adequately served by public streets or roads, and (3) the property is either provided with public sewer and water utility service or can adequately accommodate well and septic systems.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- shared housing facility

Public / Semi-Public Uses
- community garden

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Park Uses
- amphitheater / outdoor venue
- athletic complex

C. Lot Standards

Minimum Lot Area
- Septic System: 1 acre (43,560 sq. ft.), or as required to provide two viable septic system sites, in the opinion of the Bartholomew County Health Department, whichever is greater. However, subdivision parent tract remainders over 5 acres shall not be required to demonstrate septic system suitability.
- Sewer Service: 20,000 sq. ft.

Minimum Lot Width
- 75 feet

Minimum Lot Frontage
- 35 feet

Maximum Lot Coverage
- 30%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 25 feet
- Local Road: 25 feet
- Local Street: 10 feet (25 feet for any garage with a vehicle entrance facing the Street)

Minimum Side & Rear Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 35 feet (or the height of the primary structure on the property, whichever is less)

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Both public water and sewer systems and well and septic systems shall be permitted.
2. Subdivision Limitations: In **Bartholomew County's** jurisdiction all legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

   In the **City of Columbus** jurisdiction, no more than 2 lots shall be subdivided from any parent tract present on September 7, 1999 over any period of time. The remaining tract shall contain at least 10 acres for each lot subdivided.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business *Part 1*	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System *Part 1*	*6-40*
Parking & Cir. Stds.	**Art. 7**
7.1 General *Part 1*	*7-2*
7.2 Design *Part 1*	*7-14*
Part 3	*7-16*
7.3 Circulation *Part 1*	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.8 Residential: **Single-Family 1 (RS1)**

Intent:

The "RS1", Residential, Single-Family zoning district is intended to provide areas for low density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should generally be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- community garden
- day-care center (adult or child)
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex
- golf course

C. Lot Standards

Minimum Lot Area
- 12,000 sq. ft.

Minimum Lot Width
- 75 feet

Minimum Lot Frontage
- 35 feet

Maximum Lot Coverage
- 30%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 15 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any garage with a vehicle entrance facing the Street

Minimum Side Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Rear Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 25 feet (or the height of the primary structure on the property, whichever is less)

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Stds.	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 3	*7-16*
7.3 Circulation	
Part 1	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.9 Residential: **Single-Family 2 (RS2)**

Intent:

The "RS2", Residential, Single-Family zoning district is intended to provide areas for moderate density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should generally be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- community garden
- day-care center (adult or child)
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex
- golf course

C. Lot Standards

Minimum Lot Area
- 10,000 sq. ft.

Minimum Lot Width
- 65 feet

Minimum Lot Frontage
- 35 feet

Maximum Lot Coverage
- 35%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 15 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any garage with a vehicle entrance facing the Street

Minimum Side Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Rear Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 25 feet (or the height of the primary structure on the property, whichever is less)

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business *Part 1*	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System *Part 1*	*6-40*
Parking & Cir. Stds.	**Art. 7**
7.1 General *Part 1*	*7-2*
7.2 Design *Part 1*	*7-14*
Part 3	*7-16*
7.3 Circulation *Part 1*	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.10 Residential: **Single-Family 3 (RS3)**

Intent:

The "RS3", Residential, Single-Family zoning district is intended to provide areas for moderate to high density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should generally be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- community garden
- day-care center (adult or child)
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex
- golf course

C. Lot Standards

Minimum Lot Area
- 7,200 sq. ft.

Minimum Lot Width
- 60 feet

Minimum Lot Frontage
- 35 feet

Maximum Lot Coverage
- 40%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 15 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any garage with a vehicle entrance facing the Street

Minimum Side Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Rear Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 25 feet (or the height of the primary structure on the property, whichever is less)

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business *Part 1*	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System *Part 1*	*6-40*
Parking & Cir. Stds.	**Art. 7**
7.1 General *Part 1*	*7-2*
7.2 Design *Part 1*	*7-14*
Part 3	*7-16*
7.3 Circulation *Part 1*	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.11 Residential: **Single-Family 4 (RS4)**

Intent:

The "RS4", Residential, Single-Family zoning district is intended to provide areas for high density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial roads, parks and open space, employment, and convenience goods.

This district is intended for use only in the City limits of the City of Columbus in order to ensure that new development is provide with services appropriate for the density that will result. This district is not intended for use in either the jurisdiction of Bartholomew County or the Edinburgh / Bartholomew / Columbus Joint District Plan Commission.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- community garden
- day-care center (adult or child)
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex
- golf course

C. Lot Standards

Minimum Lot Area
- 5,500 sq. ft.

Minimum Lot Width
- 50 feet

Minimum Lot Frontage
- 35 feet

Maximum Lot Coverage
- 45%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 15 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any garage with a vehicle entrance facing the Street

Minimum Side Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Rear Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Living Area per Dwelling
- 1,000 square feet (see also Section 6.7(A)(2)(a) for Manufactured Homes)

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 25 feet (or the height of the primary structure on the property, whichever is less)

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Stds.	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 3	*7-16*
7.3 Circulation	
Part 1	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.12 Residential: **Established (RE)**

Intent:

The "RE", Residential, Established zoning district is intended to ensure the continued viability of neighborhoods and developments in existence on the effective date of this Ordinance.

This district should be used to maintain traditional, contextually appropriate setbacks, uses, and other standards in a manner consistent with the Comprehensive Plan.

This district should not be applied to any new development.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- dwellings, multi-family
- dwellings, secondary (on upper floors of other use)
- dwelling, two-family
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- cemetery
- community center
- community garden
- day-care center (adult or child)
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex
- golf course

Commercial Uses*
- personal service uses
- retail uses (small scale)
- retail uses (medium scale)

* commercial uses are a conditional use provided that they are located in an existing structure designed and constructed for that type of use

C. Lot Standards

Where any standard below is calculated base don 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 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: 5 feet
- Accessory Structure: 3 feet

Minimum Living Area per Dwelling
- 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 structure originally constructed for single-family use to be use din 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

Minimum 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)

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Both public water and sewer systems and well and septic systems shall be permitted. However, public water and sewer systems shall be required for all lots created after the effective date of this Ordinance. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Stds.	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 3	*7-16*
7.3 Circulation	
Part 1	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.13 Residential: **Two-Family (RT)**

Intent:

The "RT", Residential, Two-Family zoning district is intended to provide areas for moderate density single, two, and multi-family residences in areas with compatible infrastructure and services. These residences are most likely arranged as multiple attached units on a single lot or multiple attached units separated by lot lines at a common wall. Development in this zoning district should be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial roads, parks and open space, employment, and convenience goods.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits. In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family
- dwelling, two-family

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, multi-family
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- community garden
- day-care center (adult or child)
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex
- golf course

C. Lot Standards

Minimum Lot Area
- Non-residential Use: 5,000 sq. ft.
- Residential Use: 3,000 sq. ft. per dwelling unit

Minimum Lot Width
- Single-Family Structure: 25 feet
- Two-Family Structure: 40 feet
- Multi-Family Structure: 50 feet
- Non-residential Structure: 50 feet

Minimum Lot Frontage
- Single-Family Structure: 25 feet
- Two-Family Structure: 40 feet
- Multi-Family Structure: 50 feet

Maximum Lot Coverage
- 55%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Road: 30 feet
- Collector Street: 15 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any garage with a vehicle entrance facing the Street

Minimum Side Setback
- Single-Family Structure: 0 feet minimum per side, 10 feet aggregate*
- Two-Family Structure: 5 feet
- Multi-Family Structure: 10 feet
- Non-residential Structure: 10 feet
- Accessory Structure: 5 feet

*the aggregate side setback for single-family may be reduced to 0 feet for the center units in multiple attached unit designs.

Minimum Rear Setback
- Residential Structure: 5 feet
- Non-residential Structure: 10 feet
- Accessory Structure: 5 feet

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

Minimum Ground Floor Living Area
- 40%

Maximum Primary Structures per Lot
- 1*

*multi-family residential developments with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 50 feet
- Accessory Structure: 25 feet (or the height of the primary structure on the property, whichever is less)

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business *Part 1*	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System *Part 1*	*6-40*
Parking & Cir. Stds.	**Art. 7**
7.1 General *Part 1*	*7-2*
7.2 Design *Part 1*	*7-14*
Part 3	*7-16*
7.3 Circulation *Part 1*	*7-22*
Landscaping Standards	**Art. 8**
8.2 Buffering	8-9
General Dev. Standards	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.14 Residential: **Multi-Family (RM)**

Intent:

The "RM", Residential, Multi-Family zoning district is intended to provide areas for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums in areas with compatible infrastructure and services. Development in this zoning district should be served by sewer and water utilities. This district should be used in limited locations with highly developed infrastructure, immediate access to Arterial or Collector roads, and direct connections to public open space and convenience goods. This district may be used to provide a transition from regional commercial areas to moderate density single-family residences. In the jurisdiction of the City of Columbus this district is intended for use only within the City limits. In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwellings, multi-family
- dwelling, two-family
- nursing home / assisted living facility
- retirement facility

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- shared housing facility

Communications / Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- community garden
- day-care center (adult or child)
- institutional facility for the developmentally disabled / mentally ill
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex
- golf course

C. Lot Standards

Maximum Gross Density
- 25 Dwelling Units per Acre

Minimum Lot Area
- Non-residential Use: 5,000 sq. ft.
- Residential Use: 1,500 sq. ft. per dwelling unit (with a minimum of 6,000 square feet if fewer than 4 units)

Minimum Lot Width
- 50 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 65%

Minimum Front Setback
- Arterial Road: 50 feet
- Arterial Street: 10 feet*
- Collector Road: 35 feet
- Collector Street: 10 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures

Minimum Side Setback
- Two-Family Structure: 5 feet
- Multi-Family Structure: 10 feet
- Non-residential Structure: 10 feet
- Accessory Structure: 5 feet

Minimum Rear Setback
- Primary Structure: 10 feet
- Non-residential Structure: 10 feet
- Accessory Structure: 5 feet

Minimum Living Area per Dwelling
- Two-Family: 1,000 square feet
- Multi-family: 500 square feet

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*multi-family residential developments with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 50 feet
- Accessory Structure: 25 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 3	*7-16*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards..	**Art. 10**

3.15 Residential: **Manuf. Home (RMH)**

Intent:

The "RMH", Residential, Manufactured Home Park zoning district is intended to provide areas for leased-lot developments of manufactured and mobile homes. Development in this zoning district should be served by sewer and water utilities. The "RMH" district should be used in limited locations with highly developed infrastructure, immediate access to Arterial or Collector roads, and direct connections to public open space and convenience goods.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- mobile / manufactured home community

Park Uses
- nature preserve / conservation area
- park / playground

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- shared housing facility

Communications/Utilities Uses*
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- community garden
- day-care center (adult or child)
- police, fire, or rescue station
- school (grades pre-school through 12)
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex

3.15 Residential: **Manuf. Home (RMH)**

C. Lot Standards

Minimum Lot Area
- Community: 5 acres
- Home Site: 4,000 square feet

Minimum Lot Width
- 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 5 foot minimum setback shall be maintained from each home site boundary and 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 5 foot minimum setback shall be maintained from each home site boundary and from any common area boundary where such boundaries are interior to the community

Minimum Living Area per Dwelling
- None (per IC 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

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.7 Mobile/Manuf. Home	*6-27*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
7.2 Design	
Part 1	*7-14*
Part 3	*7-16*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**

3.16 Commercial: **Downtown (CD)**

Intent:

The "CD", Commercial, Downtown zoning district is established as a Site Development Plan district consistent with the IC 36-7-4-1400 series and Chapter 12.8 of this Ordinance.

The "CD", Commercial, Downtown zoning district is intended to serve as the primary commercial and activity center, where a complete range of goods, services, and entertainment is located. This district is intended to serve as a focal point, and to be the most intensely developed area in the community. This district is further intended to support the continued use of historic structures, to ensure a pedestrian-focused character, and to enable continued investment.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- dwellings, secondary (on upper floors of other use)

Public / Semi-Public Uses
- clinic
- day-care center (adult or child)
- funeral home
- government office
- library
- museum
- parking lot / garage (as a primary use)
- police, fire, or rescue station
- post office
- trade or business school

Park Uses
- nature preserve / conservation area
- park / playground

Commercial Uses
- conference center
- data processing / call center
- farmer's market
- health spa
- hotel / motel
- instructional center
- liquor store
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwellings, multi-family
- dwelling, single-family
- dwelling, two-family
- retirement facility
- shared housing facility

Communications/Utilities Uses*
- neighborhood scale solar energy system
- sewage treatment plant
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- correctional facility
- hospital
- private club
- school (grades pre-school through 12)
- transportation terminal
- university or college
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex

Commercial Uses
- agricultural supply facility
- auto-oriented uses (small scale)
- auto rental (includes truck, RV, etc.)
- microbrewery / artisan distillery
- retreat center

Industrial Uses
- agricultural products terminal
- light industrial assembly & distribution
- research & development facility
- wholesale facility

C. Lot Standards

Minimum Lot Area
- 3,000 sq. ft.

Minimum Lot Width
- 20 feet

Minimum Lot Frontage
- 20 feet

Maximum Lot Coverage
- 100%

Front Setback / Build-to Line
- Arterial Road: 0 foot setback
- Arterial Street: 0 foot build-to*
- Collector Road: 0 foot setback
- Collector Street: 0 foot build-to*
- Local Road: 0 foot setback
- Local Street: 0 foot build-to*

* the build-to line shall not apply to primary structures on properties which include outdoor dining, assembly, or similar space which conforms to a 0 foot build-to line

Minimum Side Setback
- Primary Structure: 0 feet
- Accessory Structure: 0 feet

Minimum Rear Setback
- Primary Structure: 0 feet
- Accessory Structure: 0 feet

Minimum Living Area per Dwelling
- Single-Family: 1,000 square feet
- Two-Family: 1,000 square feet
- Secondary: 500 square feet
- Multi-family: 500 square feet

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1

Maximum Height
- Primary Structure: 125 feet, except for the following - (1) Washington Street Frontage: 60 feet, for the one-half block on each side of Washington Street between 2nd and 8th Streets and (2) Residential Context: 50 feet, within one-half block of any single-family residential zoning district
- Accessory Structure: 35 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**
Processes & Permits	**Art. 12**
12.8 Site Dev. Plans.	12-15

3.17 Commercial: **Downtown Support (CDS)**

Intent:

The "CDS", Commercial, Downtown Support zoning district is intended to serve as a transitional area between the urban downtown and the suburban commercial areas at the edges of downtown. This district provides that transition by allowing uses that would be appropriate in either setting and the flexibility for new development to be either suburban or urban in character; with the intent being a market-driven conversion of the district to a pedestrian-oriented urban setting that facilitates the gradual expansion of the downtown area.

This district is primarily intended to be applied on a case-by-case basis to near-downtown properties previously zoned CC, Community Commercial in instances where flexibility to create development with urban characterisitcs is deemed appropriate.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- dwellings, multi-family
- dwellings, secondary (on upper floors of other use)

Public / Semi-Public Uses
- clinic
- day-care center (adult or child)
- funeral home
- government office
- library
- museum
- parking lot / garage (as a primary use)
- police, fire, or rescue station
- post office
- trade or business school

Park Uses
- nature preserve / conservation area
- park / playground

Commercial Uses
- auto-oriented uses (small scale)
- conference center
- data processing / call center
- farmer's market
- health spa
- hotel / motel
- instructional center
- liquor store
- microbrewery / artisan distillery
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retreat center

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family
- dwelling, two-family
- retirement facility
- shared housing facility

Communications/Utilities Uses*
- neighborhood scale solar energy system
- sewage treatment plant
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- correctional facility
- hospital
- private club
- school (grades pre-school through 12)
- transportation terminal
- university or college
- worship facility

Park Uses
- amphitheater / outdoor venue
- athletic complex

Commercial Uses
- agricultural supply facility
- auto rental (includes truck, RV, etc.)

Industrial Uses
- agricultural products terminal
- light industrial assembly & distribution
- research & development facility
- wholesale facility

C. Lot Standards

Minimum Lot Area
- 3,000 sq. ft.

Minimum Lot Width
- 20 feet

Minimum Lot Frontage
- 20 feet

Maximum Lot Coverage
- 100%

Minimum Front Setback
- Arterial Street or Road: 0 feet*
- Collector Street or Road: 0 feet*
- Local Street or Road: 0 feet*

* 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures

Minimum Side Setback
- Primary Structure: 0 feet
- Accessory Structure: 0 feet

Minimum Rear Setback
- Primary Structure: 0 feet
- Accessory Structure: 0 feet

Minimum Living Area per Dwelling
- Single-Family: 1,000 square feet
- Two-Family: 1,000 square feet
- Secondary: 500 square feet
- Multi-family: 500 square feet

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*shopping centers, office complexes and multi-family residential development with coordinated parking areas and pedestrian systems have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 125 feet, except when within one-half block of any single-family residential zoning district, in which case the maximum height is 50 feet.
- Accessory Structure: 35 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards	**Art. 10**

3.18 Commercial: **Neighborhood (CN)**

Intent:

In the jurisdiction of the City of Columbus the "CN", Commercial, Neighborhood zoning district is a Site Development Plan district consistent with the IC 36-7-4-1400 series and Chapter 12.8 of this Ordinance.

The "CN", Commercial, Neighborhood zoning district is intended to provide convenience goods, services, and amenities within close proximity to residential areas. This district is also intended to enable the development of small-scale, mixed-use neighborhood centers. The commercial centers are generally to be located at major intersections, should be pedestrian oriented in the City of Columbus jurisdiction, and should provide ample buffering from adjacent residential uses. Further, this district should be protected from non-neighborhood serving land uses and businesses.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits. In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwellings, secondary (on upper floors of other uses)

Park Uses
- nature preserve / conservation area

Commercial Uses
- personal service uses
- restaurant
- retail uses (small scale)

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Communications/Utilities Uses
- neighborhood scale solar energy system

Public / Semi-Public Uses
- clinic
- community center
- community garden
- daycare center (adult or child)
- library
- school (grades pre-school through 12)
- worship facility

Park Uses
- park / playground

Commercial Uses
- farmer's market
- instructional center
- office uses
- recreation use (small scale)
- retail uses (medium scale)

C. Lot Standards

Minimum Lot Area
- 5,000 sq. ft.

Maximum Lot Area
- 5 acres (217,800 sq. ft.)

Minimum Lot Width
- 50 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 75%

Maximum Front Setback
Applies to Columbus Jurisdiction
- Arterial Street or Road: 10 feet*
- Collector Street or Road: 10 feet*
- Local Street or Road: 10 feet*

* the maximum front setback shall not apply to primary structures on properties which include outdoor dining, assembly, or similar space which conforms to the maximum 10 foot setback when that outdoor space is immediately adjacent to the primary structure

Minimum Front Setback
Applies to Bartholomew County & Joint District Jurisdictions
- Arterial Road: 50 feet
- Arterial Street: 10 feet*
- Collector Road: 35 feet
- Collector Street: 10 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

*25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures

Minimum Side Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Rear Setback
- Primary Structure: 5 feet
- Accessory Structure: 5 feet

Minimum Living Area per Dwelling
- 500 square feet

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*shopping centers, office complexes and multi-family residential developments with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 35 feet
- Accessory Structure: 25 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**
Processes & Permits	**Art. 12**
12.8 Site Dev. Plans.	12-15

3.18 Commercial: **Neighborhood (CN)** (cont.)

E. Design Guidelines:

The following design guidelines shall apply to all property in the CN zoning district in the jurisdiction of the City of Columbus. They shall be interpreted and applied as describing the conditions necessary for a site development plan to comply with the criteria provided by Section 12.8(E)(2)(c, d, and e) of this Ordinance.

1. Building Facade Materials: Building facades, including the front, side, and rear facades, should be composed of a mix of high-quality building materials, such as brick, stone, and glass, and should incorporate variety in texture and color. *This guideline is intended to encourage high-quality investment in neighborhood commercial areas that will add long-term value to the neighborhood and maintain and/or improve the visual appeal of the area.*





2. Building Facade Features: Building facades should have horizontal and vertical variations, such as bays, recesses, banding, and similar features. *This guideline is intended to promote visual interest in neighborhood commercial buildings and to enhance the pedestrian environment in the neighborhood.*





Interpretation Note: *The images included in this Section 3.18(E) are intended to portray examples of a building or other feature that is consistent with the design guideline with which they are associated in the text. They are not intended to represent the only options for complying with that guideline. Further, the applicability of each image is limited to the subject matter of the design guideline with which each is associated; other development features shown in the image shall not be deemed to be representative of these guidelines. For example, an image associated with a building materials design guideline, that also happens to secondarily portray landscaping, shall only be considered as guidance for building materials.*

The provisions of this Section 3.18(E) are based on the recommendations of the City of Columbus Neighborhood Commercial Access & Design Study, completed by the City of Columbus - Bartholomew County Planning Department in 2017.

3. Building Facade Composition: Buildings should avoid long, homogenous or bare facades. *This guideline is intended to result in buildings that respond to a pedestrian scale and have a mass consistent with a neighborhood location. Large, monolithic building facades do not contribute to the pedestrain-friendly environment desired in a primarily residential setting.*



4. Windows: A minimum of 40% of building front walls should be dedicated to transparent windows. *This guideline is intended to enhance the pedestrian environment by revealing activity inside the building and creating a welcoming, pedestrian-friendly neighborhood atmosphere.*





5. Rooftop Mechanical Equipment: Rooftop mechanical equipment should be fully screened from view of adjacent streets and properties. The screening should be part of the building composition and fully integrated architecturally. *This guideline is intended to minimize or eliminate views of rooftop mechanical equipment, which, if visible, could detract from the residential character of the surrounding neighborhood.*

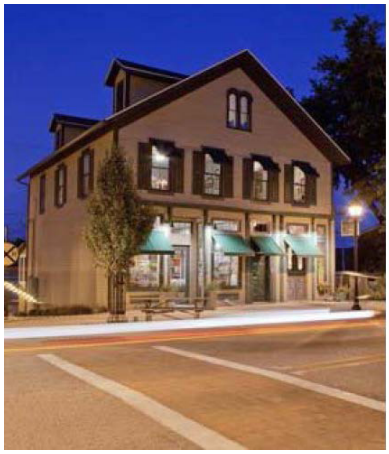
3.18 Commercial: **Neighborhood (CN)** (cont.)

6. Building Entrance: Each business should orient at least one customer entrance toward a public street. *This guideline is intended to promote a pedestrian-friendly and inviting environment along the streets and sidewalks in the larger neighborhood.*





7. Building Lighting: Accent lighting for significant architectural features and building entrances is encouraged. *Lighting of an entire building or a significant portion of the building is discouraged. This guideline is intended to encourage illumination that is complementary of residential areas while promoting comfortable and safe pedestrian activity at night.*





8. Number of Parking Spaces: The number of on-site parking spaces provided above the minimum required by Article 7 of this Ordinance should be limited. *This guideline is intended to prevent excessive parking lot pavement that could detract from the character of the surrounding neighborhood.*

9. Parking Lot Location: Off-street parking lots should be located to the side or rear of buildings, with buildings placed along the street. *This guideline is intended to reduce the visibility of parking lots in a neighborhood setting, to separate parking areas from pedestrian circulation along public streets, and to promote walkable, pedestrian-friendly neighborhood-serving developments.*



10. Streetscape: Streetscape improvements, such as sidewalk repair/upgrade, street tree plantings, and on-street parking, should be supported when such improvements are needed to improve neighborhood pedestrian connections and character. *This guideline is intended to improve pedestrian safety and enhance the pedestrian experience of neighborhood residents.*





Interpretation Note: *The guideline provided by Section 3.18(E)(10) is primarily intended to inform City of Columbus policy regarding the development and character of public infrastructure in neighborhood commercial settings. It is not intended to compel a developer or adjacent property owner to make improvements in adjacent public right-of-way. Columbus Board of Public Works & Safety approval is required for any construction or other change in a public right-of-way.*

3.19 Commercial: **Professional Office (CO)**

Intent:

The "CO", Commercial, Professional Office zoning district is intended to establish appropriate locations for professional office centers. Such centers may include both professional offices and complimentary retail uses and support facilities. This district may be used to transition from residential to other, more intense, business or industrial zoning districts.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Public / Semi-Public Uses
- clinic
- day care center (adult or child)
- parking lot / garage (as a primary use)
- police, fire, or rescue station

Park Uses
- nature preserve / conservation area
- park / playground

Commercial Uses
- data processing / call center
- office uses

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Communications / Utilities Uses*
- communications service exchange
- neighborhood scale solar energy system
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- community center
- government office
- school (grades pre-school through 12)
- trade or business school
- worship facility

Park Uses
- amphitheater / outdoor venue

Commercial Uses
- conference center
- personal service uses
- restaurant
- retail uses (small scale)
- retreat center

Industrial Uses
- research & development facility

C. Lot Standards

Minimum Lot Area
- 10,000 square feet

Minimum Lot Width
- 50 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 65%

Minimum Front Setback
- Arterial Road: 50 feet
- Arterial Street: 10 feet*
- Collector Road: 35 feet
- Collector Street: 10 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures

Minimum Side Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Rear Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Living Area per Dwelling
- not applicable

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*office complexes with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 25 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**

3.20 Commercial: **Community (CC)**

Intent:

The "CC", Commercial, Community zoning district is intended to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits. In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Communications / Utilities Uses*
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- clinic
- community center
- day-care center (adult or child)
- funeral home
- government office
- police, fire, or rescue station
- post office
- trade or business school
- worship facility

Park Uses
- nature preserve / conservation area
- park / playground

Commercial Uses
- auto-oriented uses (small scale)
- auto-oriented uses (medium scale)
- auto-oriented uses (large scale)
- auto rental (includes truck, RV, etc.)
- builder's supply store
- equipment rental
- health spa
- hotel / motel
- instructional center
- liquor store
- microbrewery / artisan distillery
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwellings, multi-family
- dwellings, secondary (on upper floors of other use)
- nursing home / assisted living facility
- retirement facility

Communications / Utilities Uses
- communications service exchange
- neighborhood scale solar energy system

Public / Semi-Public Uses
- animal shelter
- government facility (non-office)
- hospital
- institution for the developmentally disabled / mentally ill
- library
- private club
- parking lot / garage (as a primary use)
- school (grades pre-school through 12)
- transportation terminal

Park Uses
- amphitheater / outdoor venue
- athletic complex
- campground / RV park
- driving range (as a primary use)

Commercial Uses
- agricultural supply facility
- greenhouse / plant nursery
- theater (outdoor)

Industrial Uses
- agricultural products terminal
- boat/RV storage facility (outdoor)
- contractor's office / workshop
- mini-warehouse self-storage facility
- wholesale facility

C. Lot Standards

Minimum Lot Area
- 10,000 sq. ft.

Maximum Lot Area
- 10 acres (435,600 sq. ft.)

Minimum Lot Width
- 50 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 65%

Minimum Front Setback
- Arterial Road: 50 feet
- Arterial Street: 10 feet*
- Collector Road: 35 feet
- Collector Street: 10 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures

Minimum Side Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Rear Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Living Area per Dwelling
- Secondary: 500 square feet
- Multi-family: 500 square feet

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*shopping centers, office complexes and multi-family residential developments with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 25 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards..	**Art. 10**

3.21 Commercial: **Regional (CR)**

Intent:

The "CR", Commercial, Regional zoning district is intended to establish appropriate locations for a variety of businesses that either (1) serve a regional market or (2) require convenient access to high-volume transportation routes. This district should be limited to locations with access and infrastructure which is compatible with the needs of regional-serving businesses and facilities. This district should be focused at key intersections, rather than extended along corridors.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits. In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Communications / Utilities Uses*
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- clinic
- community center
- day-care center (adult or child)
- government office
- hospital
- museum
- parking lot / garage (as a primary use)
- police, fire, or rescue station
- post office
- trade or business school
- worship facility

Park Uses
- nature preserve / conservation area
- park / playground

Commercial Uses
- auto-oriented uses (small scale)
- auto-oriented uses (medium scale)
- auto-oriented uses (large scale)
- auto rental (includes truck, RV, etc)
- builder's supply store
- data processing / call center
- equipment rental
- farm equipment sales & service
- health spa
- hotel / motel
- instructional center
- liquor store
- microbrewery / artisan distillery
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)

Industrial Uses
- wholesale facility

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- dwellings, multi-family
- dwellings, secondary (on upper floors of other use)

Communications / Utilities Uses
- communications service exchange
- neighborhood scale solar energy system

Public / Semi-Public Uses
- animal shelter
- fairgrounds
- government facility (non-office)
- library
- transportation terminal
- university or college

Park Uses
- amphitheater / outdoor venue
- athletic complex
- campground / RV park
- driving range (as a primary use)

Commercial Uses
- agricultural supply facility
- conference center
- greenhouse / plant nursery
- kennel
- mobile / manufactured home sales
- retreat center
- theater (outdoor)
- truck stop / travel center

Industrial Uses
- agricultural products terminal
- boat / RV storage facility (outdoor)
- contractor's office / workshop
- light industrial assembly & distribution
- mini-warehouse self-storage facility
- research & development facility

C. Lot Standards

Minimum Lot Area
- 15,000 sq. ft.

Minimum Lot Width
- 50 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 75%

Minimum Front Setback
- Arterial Road: 50 feet
- Arterial Street: 10 feet*
- Collector Road: 35 feet
- Collector Street: 10 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures

Minimum Side Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Rear Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Living Area per Dwelling
- Secondary: 500 square feet
- Multi-family: 500 square feet

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*shopping centers, office complexes and multi-family residential developments with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: no maximum
- Accessory Structure: 25 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.5 Res. Group Home	6-22
6.6 Home-Based Business	
Part 1	*6-23*
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**

3.22 Public / Semi-Public Facilities (P)

Intent:

The "P", Public / Semi-Public Facilities zoning district is a Site Development Plan district consistent with the IC 36-7-4-1400 series and Chapter 12.8 of this Ordinance.

The "P", Public / Semi-Public Facilities zoning district is intended to provide locations for large-scale public facilities, worship facilities, and concentrations of other public institutions. This district should be applied in those locations where a single facility or combination of facilities forms an institutional center. This district is further intended to provide a set of setbacks and other requirements that respond to the unique scale and other considerations common to these types of uses. This district should be applied to reduce land use conflicts and ensure that public and semi-public facilities are appropriately integrated into the community.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Residential Uses
- nursing home / assisted living facility
- retirement facility

Public / Semi-Public Uses
- airport (public)
- cemetery
- clinic
- community center
- community garden
- day care center (adult or child)
- government office
- hospital
- institution for the developmentally disabled / mentally ill
- library
- private club
- museum
- parking lot / garage (as a primary use)
- police, fire, or rescue station
- post office
- school (grades pre-school through 12)
- trade or business school
- university or college
- worship facility

Park Uses
- golf course
- nature preserve / conservation area
- park / playground

Commercial Uses
- conference center
- health spa
- instructional center
- retreat center

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Communications / Utilities Uses*
- communications service exchange
- neighborhood scale solar energy system
- sewage treatment plant
- utility substation
- water tower
- wellfield / water treatment facility

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- animal shelter
- correctional facility
- fairgrounds
- government facility (non-office)

Park Uses
- amphitheater / outdoor venue
- athletic complex
- driving range (as a primary use)

C. Lot Standards

Minimum Lot Area
- 20,000 square feet

Minimum Lot Width
- 50 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 65%

Minimum Front Setback
- Arterial Road: 50 feet
- Arterial Street: 10 feet*
- Collector Road: 35 feet
- Collector Street: 10 feet*
- Local Road: 25 feet
- Local Street: 10 feet*

* 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures

Minimum Side Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Rear Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Living Area per Dwelling
- not applicable

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*combined institutional facilities and campuses with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 45 feet
- Accessory Structure: 25 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct.	6-12
6.5 Res. Group Home	6-22
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**
Processes & Permits	**Art. 12**
12.8 Site Dev. Plans.	12-15

3.23 Industrial: **Light (I1)**

Intent:

The "I1", Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of nuisance or polluting sounds, odors, or materials.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm

Communications / Utilities Uses*
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- parking lot / garage (as a primary use)
- police, fire, or rescue station

Park Uses
- nature preserve / conservation area

Commercial Uses
- conference center
- data processing / call center
- office uses

Industrial Uses
- light industrial assembly & distribution
- mini-warehouse self-storage facility
- research & development facility
- warehouse & distribution facility
- wholesale facility

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding

Communications / Utilities Uses
- communications service exchange
- neighborhood scale solar energy system

Public / Semi-Public Uses
- clinic
- day-care center (adult or child)
- trade or business school

Commercial Uses
- agri-business facility
- agri-tourism facility
- microbrewery / artisan distillery
- personal service uses
- restaurant

C. Lot Standards

Minimum Lot Area
- 22,000 square feet

Minimum Lot Width
- 100 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 75%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Street or Road: 35 feet
- Local Street or Road: 25 feet

Minimum Side Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Rear Setback
- Primary Structure: 10 feet
- Accessory Structure: 10 feet

Minimum Living Area per Dwelling
- not applicable

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*combined industrial operations with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 40 feet
- Accessory Structure: 40 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.4 Industrial	6-19
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards..	**Art. 10**

3.24 Industrial: **General (I2)**

Intent:

The "I2", Industrial: General zoning district is intended to provide locations for general production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate most modern industrial production facilities and should be considered as appropriate for most general industrial developments and uses.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm

Communications / Utilities Uses*
- sewage treatment plant
- utility substation
- water tower

*see also Section 1.2(B)(5) for exemptions

Public / Semi-Public Uses
- government facility (non-office)
- parking lot / garage (as a primary use)
- police, fire, or rescue station

Park Uses
- nature preserve / conservation area

Commercial Uses
- auto-oriented uses (medium scale)
- builder's supply store
- conference center
- data processing / call center

Industrial Uses
- contractor's office / workshop
- dry cleaners (commercial)
- food & beverage production
- general industrial production
- light industrial assembly & distribution
- light industrial processing & distribution
- mini-warehouse self-storage facility
- research & development facility
- truck freight terminal
- warehouse & distribution facility

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding

Communications / Utilities Uses
- communications service exchange
- neighborhood scale solar energy system

Public / Semi-Public Uses
- clinic
- day-care center (adult or child)
- trade or business school

Commercial Uses
- agricultural supply facility
- agri-business facility
- agri-tourism facility
- equipment rental
- farm equipment sales & service
- microbrewery / artisan distillery
- office uses
- personal service uses
- restaurant
- truck stop / travel center

Industrial Uses
- agricultural products terminal
- agri-industrial facility
- boat / RV storage facility (outdoor)
- truck sales & service center

C. Lot Standards

Minimum Lot Area
- 1 acre (43,560 square feet)

Minimum Lot Width
- 100 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 75%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Street or Road: 35 feet
- Local Street or Road: 25 feet

Minimum Side Setback
- Primary Structure: 20 feet
- Accessory Structure: 20 feet

Minimum Rear Setback
- Primary Structure: 20 feet
- Accessory Structure: 20 feet

Minimum Living Area per Dwelling
- not applicable

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*combined industrial operations with co-ordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 50 feet
- Accessory Structure: 40 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.4 Industrial	6-19
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req.	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards..	**Art. 10**

3.25 Industrial: **Heavy (I3)**

Intent:

The "I3", Industrial: Heavy zoning district is intended to provide locations for industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of high intensity industrial uses in locations that minimize land use conflicts and provide the necessary supporting infrastructure.

In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.

In the jurisdiction of Bartholomew County and the Edinburgh / Bartholomew / Columbus Joint District Plan Commission this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

A. Permitted Primary Uses: P

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm

Communications / Utilities Uses
- sewage treatment plant
- utility substation
- water tower

Public / Semi-Public Uses
- parking lot / garage (as a primary use)
- police, fire, or rescue station

Park Uses
- nature preserve / conservation area

Commercial Uses
- conference center

Industrial Uses
- agricultural products processing
- agri-industrial facility
- concrete / asphalt production facility
- contractor's office / workshop
- dry cleaners (commercial)
- food & beverage production
- general industrial production
- light industrial assembly & distribution
- light industrial processing & distribution
- research & development facility
- truck freight terminal
- warehouse & distribution facility

B. Conditional Primary Uses: C

Use Matrix: The Use Matrix (at the end of this Article) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding

Communications / Utilities Uses
- communications service exchange
- neighborhood scale solar energy system

Public / Semi-Public Uses
- clinic
- day-care center (adult or child)
- trade or business school

Commercial Uses
- agricultural supply facility
- truck stop / travel center

Industrial Uses
- agricultural products terminal
- hazardous materials production
- power generation facility
- truck sales & service center
- waste disposal facility

3.25 Industrial: **Heavy (I3)**

C. Lot Standards

Minimum Lot Area
- 1 acre (43,560 square feet)

Minimum Lot Width
- 100 feet

Minimum Lot Frontage
- 50 feet

Maximum Lot Coverage
- 75%

Minimum Front Setback
- Arterial Street or Road: 50 feet
- Collector Street or Road: 35 feet
- Local Street or Road: 25 feet

Minimum Side Setback
- Primary Structure: 20 feet
- Accessory Structure: 20 feet

Minimum Rear Setback
- Primary Structure: 20 feet
- Accessory Structure: 20 feet

Minimum Living Area per Dwelling
- not applicable

Minimum Ground Floor Living Area
- not applicable

Maximum Primary Structures per Lot
- 1*

*combined industrial operations with co-ordinated parking areas and pedestrian systems may have unlimited primary structures on any one lot

Maximum Height
- Primary Structure: 60 feet
- Accessory Structure: 40 feet

D. Utility Requirements & Subdivision Limitations:

1. Utility Requirements: Public water and sewer systems shall be required. In addition, the water system shall provide adequate fire fighting capacity, based on the standards of the Fire Department of jurisdiction.
2. Subdivision Limitations: All legally established lots present on the effective date of this Ordinance shall be considered parent tracts, from which any type of subdivision permitted by the Subdivision Control Ordinance may be created. There shall be no limit on the number of new lots to be created, other than the lot standards listed above and other applicable regulations.

Cross-References

Title	Art./Page #
Overlay Districts	**Art. 4**
Use Standards	**Art. 6**
6.1 Acc. Use & Struct.	6-2
6.2 Temp. Use & Struct	6-12
6.4 Industrial	6-19
6.8 Telecomm. Facility	6-29
6.9 Mineral Extraction	6-35
6.10 Solar Energy System	
Part 1	*6-40*
Parking & Cir. Req.	**Art. 7**
7.1 General	
Part 1	*7-2*
Part 2	*7-10*
7.2 Design	
Part 1	*7-14*
Part 4	*7-17*
7.3 Circulation	
Part 1	*7-22*
Part 2	*7-29*
Landscaping Req	**Art. 8**
8.1 Landscaping	8-2
8.2 Buffering	8-9
General Dev. Req.	**Art. 9**
9.1 Height.	9-2
9.2 Environmental	9-4
9.3 Fence & Wall	9-7
9.4 Exterior Lighting	9-9
Sign Standards.	**Art. 10**

Zoning Districts Use Matrix (Table 3.1) (page 1 of 3)

Agricultural Uses

Primary Land Use (P - Permitted Use) (C - Conditional Use)	Zoning District																				
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
animal boarding	C	C	C																	C	C	C
biosolids storage facility	C(B)	C(B)	C(B)																			
confined feeding operation (CFO)	C	C	C																			
farm	P	P	P																	P	P	P

C(B) - A Conditional Use in the Bartholomew County jurisdiction.

Residential Uses

Primary Land Use (P - Permitted Use) (C - Conditional Use)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
bed and breakfast facility	C	C	C	C	C	C	C	C	C				P	P								
dwellings, multi-family									C	C	P		C	P			C	C				
dwellings, secondary (on upper floors of other use)									C				P	P	P		C	C				
dwelling, single-family	P	P	P	P	P	P	P	P	P	P			C	C								
dwelling, two-family									C	P	P		C	C								
mobile / manufactured home community												P										
nursing home / assisted living facility											P						C		P			
retirement facility											P		C	C			C		P			
shared housing facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C								

Public / Semi-Public Uses

Primary Land Use (P - Permitted Use) (C - Conditional Use)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
airport (public)																			P			
airstrip (private)	C	C	C																			
animal shelter		C	C														C	C	C			
cemetery		C	C						C										P			
clinic													P	P	C	P	P	P	P	C	C	C
community center					C	C	C	C	C	C	C	C	C	C	C	C	P	P	P			
community garden				C	C	C	C	C	C	C	C	C			C				P			
correctional facility													C	C					C			
day-care center (adult or child)					C	C	C	C	C	C	C	C	P	P	C	P	P	P	P	C	C	C
fairgrounds		C	C															C	C			
funeral home													P	P			P					
government facility (non-office)																	C	C	C		P	
government office													P	P		C	P	P	P			
hospital													C	C			C	P	P			
institution for developmentally disabled / mentally ill											C						C		P			
library													P	P	C		C	C	P			
private club		C	C										C	C			C		P			
museum													P	P				P	P			
parking lot / garage (as a primary use)													P	P		P	C	P	P	P	P	P
police, fire, or rescue station		C	C		C	C	C	C	C	C	C	C	P	P		P	P	P	P	P	P	P
post office													P	P			P	P	P			
school (grades pre-school through 12)		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C		P			
trade or business school													P	P		C	P	P	P	C	C	C
transportation terminal													C	C			C	C				
university or college													C	C				C	P			
worship facility		C	C		C	C	C	C	C	C	C	C	C	C	C	C	P	P	P			

Zoning Districts Use Matrix (Table 3.1) (page 2 of 3)

Communications / Utility Uses (See also Section 1.2(B)(5) for Exemptions)

Primary Land Use (P - Permitted Use) (C - Conditional Use)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
communication service exchange																C	C	C	C	C	C	C
neighborhood-scale solar energy system		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
sewage treatment plant	C	C	C										C	C					C		P	P
utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	P	P	C	P	P	P
water tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	P	P	C	P	P	P
wellfield / water treatment facility	C	C	C																C			

Park Uses (Public or Private Facility)

Primary Land Use (P - Permitted Use) (C - Conditional Use)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
amphitheater / outdoor venue					C	C	C	C	C	C	C	C	C	C		C	C	C	C			
athletic complex			C		C	C	C	C	C	C	C	C	C	C			C	C	C			
campground / RV park		C	C														C	C				
driving range (as a primary use)																	C	C	C			
golf course		C	C	C	C	C	C	C	C	C	C	C							P			
nature preserve / conservation area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
park / playgrounds			C	C	C	C	C	C	C	C	C	C	P	P	C	P	P	P	P			

Commercial Uses

Primary Land Use (P - Permitted Use) (C - Conditional Use)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
agricultural supply facility fertilizer sales, distribution, & storage; farm co-op. facility	C	C	C										C	C			C	C			C	C
agri-business facility winery; cider mill; u-pick farm; textile sales; honey sales	C	C	C																	C	C	C
agri-tourism facility crop maze; farm tours; farm animal petting zoo	C	C	C																	C	C	C
auto-oriented uses (small scale) gas-station; car wash; drive-up bank machine; oil change shop; tire store													C	P			P	P				
auto-oriented uses (medium scale) auto repair and body shop																	P	P			P	
auto-oriented uses (large scale) automobile / motorcycle / recreational vehicle sales and service																	P	P				
auto rental (includes truck, RV, etc.)													C	C			P	P				
builder's supply store																	P	P			P	
conference center													P	P		C		C	P	P	P	P
data processing / call center													P	P		P		P		P	P	
equipment rental																	P	P			C	
farm equipment sales & service																		P			C	
farmer's market		C	C										P	P	C							
greenhouse / plant nursery		C	C														C	C				
health spa													P	P			P	P	P			
hotel / motel													P	P			P	P				
instructional center tutoring center; gymnastics center; dance or martial arts studio													P	P	C		P	P	P			
kennel		C	C															C				
liquor store													P	P			P	P				
livestock auction / sales facility		C	C																			
microbrewery / artisan distillery			C										C	P			P	P		C	C	
mobile / manufactured home sales																		C				
office uses administrative/professional office; financial institution; medical/dental office; radio/TV station; veterinary office/animal clinic (without outdoor kennels); print shop/copy center; business/financial services office; investment firm; employment service													P	P	C	P	P	P		P	C	
personal service uses barber/beauty shop; dry cleaners (retail); photographic studio; self-service laundry; shoe repair/tailor shop; tanning salon									C				P	P	P	C	P	P		C	C	
recreation uses (small scale) billiard room/arcade; night club/bar; brew-pub; fitness center													P	P	C		P	P				

Zoning Districts Use Matrix (Table 3.1) (page 3 of 3)

Commercial Uses (continued)

Primary Land Use (P - Permitted Use) (C - Conditional Use)	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
recreation uses (medium scale) bowling alley; theater (indoor); banquet or assembly facility; mini-golf course; shooting/archery range (indoor); skating rink/swimming pool													P	P			P	P				
recreational uses (large scale) seasonal hunting or fishing facility; shooting range (outdoor); paintball facility; ATV / dirt bike course; archery range (outdoor)		C	C																			
restaurant													P	P	P	C	P	P		C	C	
retail uses (small scale) video/music store; art or photo gallery; bakery (retail); flower shop; gift shop; news dealer/bookstore; stationary shop; ice cream shop; convenience store (without gas station); jewelry store; antique shop; meat market; apparel/footwear store									C				P	P	P	C	P	P				
retail uses (medium scale) craft/fabric store; sporting goods shop; pharmacy; grocery store; garden shop; variety store; auto parts sales (without on-site repair); building finishes shop (paint, carpet, wallpaper, etc.); pet store; repair services (small appliances, jewelry, alterations, etc.); department store; hardware store; home electronics/appliance store; office supply store									C				P	P	C		P	P				
retail uses (large scale) auction facility (excluding livestock); supermarket; shopping mall; home improvement store																	P	P				
retreat center		C	C										C	P		C		C	P			
theater (outdoor)																	C	C				
truck stop / travel center																		C			C	C

Industrial Uses

Primary Land Use (P - Permitted Use) (C - Conditional Use)	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
agricultural products terminal		C											C	C			C	C			C	C
agricultural products processing animal products processing																						P
agri-industrial facility bio-fuel facility or similar uses	C	C																			C	P
boat/RV storage facility (outdoor)																	C	C			C	
commercial solar energy system (CSES)		C(B)	C(B)																			
commercial solar energy system (CSES) generation tie line		C(C)	C(C)																			
concrete/asphalt production facility																						P
contractor's office / workshop																	C	C			P	P
dry cleaners (commercial)																					P	P
food & beverage production																					P	P
general industrial production manufacturing facility; fabrication facility																					P	P
hazardous materials production bottle gas storage & distribution; explosive manufacturing and storage; petroleum and chemical processing and storage																						C
light industrial assembly & distribution packaging facility; assembly facility; printing/publishing facility													C	C				C		P	P	P
light industrial processing & distribution lumber yard; tool and die shop																					P	P
mini-warehouse self-storage facility																	C	C		P	P	
power generation facility		C																				C
research & development facility													C	C		C		C		P	P	P
truck freight terminal																					P	P
truck sales & service center																					C	C
warehouse & distribution facility																				P	P	P
wholesale facility													C	C			C	P		P		
waste disposal facility incinerator; junk/scrap metal yard; sanitary landfill; refuse dump / transfer station; auto impound lot; inoperable vehicle storage		C																				C

C(B) - A Conditional Use in the Bartholomew County and Joint District jurisdictions.

C(C) - A Conditional Use in the Columbus jurisdiction.

Article 4
Overlay Zoning Districts



Article Four: Overlay Zoning Districts..... Page #

4.1 Establishment & General Standards 4-2
4.2 Airport Hazard Area (AH-OL)..... 4-3
4.3 Wellfield Protection (WP-OL)..... 4-5
4.4 Historic Resources Identification (HR-OL)..... 4-7
4.5 Joint District Plan Review (JD-OL) 4-8
4.6 Columbus Front Door (CFD-OL) 4-9
4.7 Flood Hazard Area (FH-OL) 4-14

See Also:

Article 3, Zoning Districts

Article 5, Planned Unit Development

4.1 Establishment & General Standards

A. **Establishment of Overlay Districts:** The overlay districts noted below have been established to provide additional development standards that respond to unique characteristics of the properties to which they apply. The development of properties that are located in one or more overlay districts shall be subject to the standards of both the overlay district(s) and the underlying zoning district in which they are located. The following overlay zoning districts shall apply to properties as specified in the description of each district in this Article.

AH-OL - Airport Hazard Area ..... page 4-3
WP-OL - Wellfield Protection ..... page 4-5
HR-OL - Historic Resources Identification ..... page 4-7
JD-OL - Joint District Plan Review ..... page 4-8
Reserved for Future Use ..... page 4-9
FH-OL - Flood Hazard Area ..... page 4-10

B. **Effect of Planned Unit Development District:** All Planned Unit Developments shall be consistent with the requirements of Article 5 of this Ordinance. Planned Unit Developments shall not be subject to the requirements of any overlay district, unless otherwise specified as an element of the Planned Unit Development Final Plan.

C. **Land Uses:** All land uses that are permitted, prohibited or a conditional use in any underlying zoning district to which an overlay district is applied shall remain permitted, prohibited, or conditional uses unless otherwise specified by the applicable overlay district(s).

D. **Lot, Yard, & Development Standards:** Any lot, yard, and development standards established by an overlay district shall apply as follows:
   1. Replacement of Underlying District Standards: All lot, yard, and development standards established by an underlying zoning district shall apply unless alternate requirements are provided by the overlay district(s).
   2. Additional Overlay District Standards: Properties located in any overlay district(s) shall also be subject to any additional lot, yard, and development standards established by the overlay district(s).

4.2 Airport Hazard Area (AH-OL)

A. **Boundaries & Exemptions:** The Airport Hazard Area Overlay District shall apply to all properties included in an Approach Zone, Transition Zone, Horizontal Zone, and/or Conical Zone as identified by the Columbus Municipal Airport Plan of current adoption.

B. **Uses:** The following use restrictions shall apply to that portion of the Approach Zone within a horizontal radius of 10,000 feet from the airport reference point, as identified by the Columbus Municipal Airport Plan of current adoption.
   1. Prohibited Uses: The following types of uses shall be prohibited:
      a. *Residential Uses:* Multi-family Dwelling, Nursing Home / Assisted Living Facility, and Retirement Center;
      b. *Institutional Uses:* Correctional Institution, Community Center, Day Care Center, Hospital, Private Club, Clinic, School, University or College, Trade or Business School, and Worship Facility;
      c. *Park Uses:* Athletic Complex;
      d. *Commercial Uses:* Hotel / Motel, Recreation Uses (Medium Scale), and Instructional Center.
   2. Conditional Uses: The following types of uses shall be conditional (provided that they are also listed as permitted or conditional uses in the underlying zoning district): any uses involving the sales, storage, manufacture, and/or distribution of gasoline, propane, or other flammable, toxic, explosive, radioactive, or bio-hazardous materials in a quantity and of a type that would further jeopardize the health of aircraft occupants, by-standers, and emergency personnel in the event of an aircraft accident.

C. **Development Standards:** All development within the boundaries of the AH-OL district shall comply with the following development standards:
   1. General Use Restrictions: No land use within the AH-OL district shall:
      a. create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by aircraft;
      b. make it difficult for pilots to distinguish between airport lights and other lights;
      c. result in glare in the eyes of pilots using the airport;
      d. create pollution or other conditions that would impair visibility in the vicinity of the airport; or
      e. otherwise endanger the landing, taking-off, or maneuvering of aircraft.
   2. Bird Strike Hazard Restrictions: No waste disposal site, solid waste transfer station, or other bird attracting use shall be located within the AH-OL district without the approval of the Federal Aviation Administration.

Intent:

The purpose of this Chapter is to establish specific zoning requirements for the vicinity of the Columbus Municipal Airport in order to maintain the vitality and functionality of the airport, protect persons on the ground and traveling by air from hazards associated with airplane flight, and reduce land use conflicts in the area of the airport.

The area around the airport presents unique considerations for the height of structures, the presence of factors that interfere with safe flight, and large gatherings of the public that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and fulfill the purpose of this Ordinance.

4.2 Airport Hazard Area (AH-OL) (cont.)

3. Height Restrictions: No structure shall exceed the height restrictions established by Federal Aviation Regulations Part 77 as incorporated in the Columbus Municipal Airport Plan of current adoption, and adopted by reference as an element of this Ordinance. The owner of any legal non-conforming structure or tree in the AH-OL district is required to permit the installation, operation, and maintenance of any markers and lights deemed necessary by the Columbus Board of Aviation Commissioners to indicate the presence of such hazards.

4.3 Wellfield Protection (WP-OL)

A. **Boundaries & Exemptions:** The Wellfield Protection Overlay District (WP-OL) shall apply to the entire area of all properties included in whole or in part within the boundaries of a 5-year wellfield time-of-travel area. These areas include any shown on the Official Zoning Map, as well as by the following: the Columbus Wellfield Protection Management Plan, as updated periodically.

B. **Uses:** All land uses shall generally be permitted, non-permitted or conditional consistent with the provisions of the underlying zoning district, unless specifically noted below.
   1. Prohibited Uses: The following uses shall be prohibited within the Wellfield Protection Overlay District:
      a. Mineral Extraction
      b. Confined Feeding Operation (CFO)
      c. Hazardous Materials Production
   2. Conditional Uses: If any of the following uses is listed as permitted or conditional in the underlying zoning district, they shall be allowed only as a conditional use in the Wellfield Protection Overlay District:
      a. *Park Uses:* Campground / RV Park; Driving Range (as a Primary Use); Golf Course.
      b. *Public / Semi-Public Uses:* Airport; Animal Shelter; Government Facility (Non-Office); Hospital; and Clinic.
      c. *Commercial Uses:* Agricultural Supply Facility; Auto-Oriented Uses (Small Scale); Auto-Oriented Uses (Medium Scale); Auto-Oriented Uses (Large Scale); Auto Rental; Equipment Rental; Farm Equipment Sales and Service; Greenhouse / Plant Nursery; Kennel; Livestock Auction / Sales Facility; and Truck Stop / Travel Center.
      d. *Industrial Uses:* Agricultural Products Processing; Boat / RV Storage Facility (outdoor); Concrete / Asphalt Production Facility; Contractor's Office / Workshop; Dry Cleaners (commercial); Food & Beverage Production; General Industrial Production; Light Industrial Assembly & Distribution; Light Industrial Processing & Distribution; Research & Development Facility; Truck Freight Terminal; Truck Sales & Service Center; and Waste Disposal Facility.
      e. *Uses not Specified:* The Planning Director may identify other uses to be considered as conditional uses if they are specifically demonstrated to pose a hazard to the drinking water supply due to chemicals used on-site or by-products of on-site activities. Some examples of this type of use may include building cleaning or maintenance service companies, engineering or vocational shops or laboratories, landscape or lawn installation or maintenance services, and mortuaries.

Intent:

This Chapter is intended to safeguard the public health, safety, and general welfare of those persons who rely on public and / or utility-operated wellfields for clean, safe drinking water. These regulations are intended to prevent land uses and certain development practices that commonly have the potential to degrade water quality by introducing chemicals, organic hazards, and other potentially harmful elements into the ground water system within a 5-year time-of-travel area of the wellfields. This includes the introduction of hazardous materials into the area, the creation of hazardous by-products from on-site activities, and the alteration of the land in a manner that increases the exposure of the ground water system to potential contaminants.

4.3 Wellfield Protection (WP-OL) (cont.)

C. **Development Standards:** All development within the boundaries of the Wellfield Protection Overlay District shall comply with all applicable state, federal, and local regulations, in addition to the following development standards.

1. Minimum Setback from Well: No structure or septic field shall be located closer to any wellhead than the sanitary setback specified by the Indiana Department of Environmental Management, as periodically updated.
2. Abandoned Wells: All known abandoned wells shall be identified and sealed consistent with any applicable requirements of the applicable water utility and the Indiana Department of Natural Resources per 312 IAC 13-10.
3. Drainage Facilities: The use of dry wells shall be prohibited. A municipal storm sewer system shall be used if available to the subject property. No surface impoundments, ponds, or lagoons shall be established except for the purpose of (a) storm water retention and detention or (b) recreation and landscaping purposes.
4. Public Sewer Service: All development, with the exception of a single-family residence located on a lot of at least 1 acre, shall be connected to a public sewer. All floor drains must be connected to the sanitary sewer or routed to a temporary holding area for proper disposal.
5. Storage and Transfer of Potential Contaminants: All areas that may be used for the storage and / or transfer of potential ground water contaminants, such as fuel storage tanks, shall be constructed in a manner to prevent any release from the area from reaching the ground water. The containment area shall be capable of, at a minimum, containing 110% of the potentially hazardous material for which the area has storage and transfer capacity.
7. Auto Repair Facilities: All vehicle and auto repair facilities shall be located within an enclosed building that includes a floor constructed of material that forms an effective barrier to prevent the migration of fluids or other materials into the ground water.

4.4 Historic Resource (HR-OL)

A. **Boundaries & Exemptions:** The Historic Resource Identification Overlay District shall apply to all properties either (1) as identified on the Official Zoning Map and/or (2) included in the following area(s): the Sand Creek Township Rural Historic District as identified in the Indiana Historic Sites and Structures Inventory Final Report for Sand Creek Township and portions of Columbus and Wayne Townships, Bartholomew County, Indiana (Indiana Division of Historic Preservation and Archeology, 2002).

B. **Uses:** All land uses shall be permitted, prohibited or conditional as consistent with the provisions of the underlying zoning district.

C. **Development Standards:** All development within the boundaries of the HR-OL district shall comply with the development standards that apply to the underlying zoning districts. However, property owners and developers within this district are encouraged to recognize and protect historic structures and character.

Intent:

This Chapter is intended to encourage property owners and the development community to recognize clearly identified and documented historic areas in the community. It is further intended to provide information about local historic assets to the public and the development community, as well as support the preservation and enhancement of these resources. In no instance shall this Chapter be interpreted as imposing any additional development restrictions or limitations on private property.

4.5 Joint District Plan Review (JD-OL)

Intent:

This Chapter is intended to maintain the comparatively high level of Plan Commission scrutiny applied to developments in certain portions of the jurisdiction of the Edinburgh / Bartholomew / Columbus Joint District Plan Commission. This Chapter establishes the authority for the Joint District Plan Commission to review site development plans and to require landscaping, signs, and other site characteristics to be compatible with the goals for development within its jurisdiction.

A. **Boundaries & Exemptions:** The Joint District Plan Review 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 as consistent with the provisions of the underlying zoning district.

C. **Development Standards:** All development within the boundaries of the JD-OL district shall comply with the development standards that apply to the underlying zoning districts. However, the Joint district Plan Commission shall also exercise Site Development Plan review and approval authority consistent with the provisions of Chapter 12.8 of this Ordinance.

4.6 Columbus Front Door (CFD-OL)

A. **Boundaries & Exemptions**: The Columbus Front Door 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 as consistent with the provisions of the underlying zoning district.

C. **Development Standards:** All development standards shall be as specified for the underlying zoning district.

D. **Design Guidelines:** The following design guidelines shall apply to all property in the Columbus Front Door Overlay District. They shall be interpreted and applied as describing the conditions necessary- for a site development plan to comply with the criteria provided by Section 12.8(E)(2)(c,d,and e) of this Ordinance.

1. Building Façade Materials: Building facades, including the front, side, and rear facades, should be composed of a mix of high-quality building materials, such as brick; stone; an exterior insulation finishing system (EIFS); architectural metal paneling systems; split-faced, glazed, or polished concrete masonry units (CMU); wood-look architectural panels; and glass. A variety of textures and colors should be incorporated to visually break up the façade and complement the primary building material. *This guideline is intended to encourage high quality investment in the Columbus Front Door area that will add long term value and maintain visual appeal.*



2. Building Façade Features: Buildings façades should have "foursided" architecture, characterized by equal architectural treat- ment of all sides of the building and incorporating a combina- tion of the listed features below.
   a. *Defined Entrance:* A primary entrance defined by an awning, archway, or similar architectural feature.
   b. *Cap & Cornice:* A horizontal element that caps or crowns the top of walls.
   c. *Pillars:* Slender upright structures, generally consisting of a cylindrical shaft, a base, and a capital serving as a supporting or ornamental element.

Intent:

In the jurisdiction of Columbus, the CFD-OL, Columbus Front Door Overlay Zoning District is a Site Development Plan District consistent with the IC 36-7-4-1400 series and Chapter 12.8 of this Ordinance.

The CFD-OL is intended to provide for a variety of businesses and uses that are located at a primary entrance to the community. This Overlay is intended to enhance the architectural character of the area, ensuring that well thought out and designed buildings are constructed at the vital gateways into the city.

In the Bartholomew County and the Edinburgh/Bartholomew/ Columbus Joint District Plan Commission jurisdiction this district does not apply.

***Interpretation Note:** The images included in this Section 4.9(D) are intended to portray examples of a building or other feature that is consistent with the design guideline with which they are associated in the text. They are not intended to represent the only options for complying with that guideline. Further, the applicability of each image is limited to the subject matter of the design guideline with which each is associated; other development features shown in the image shall not be deemed to be representative of these guidelines.*

4.6 Columbus Front Door (CFD-OL) (cont.)

d. *Decorative Shutters or Awnings*: Architectural projections] that provide weather protection, identity or decoration.
e. *Projections and/or Undulations*: Building features that extend from the surface of the building wall or façade, such as balconies, to create a rhythm of architectural features and materials on the building.
f. *Material Change:* Different but complimentary façade materials included for an aesthetic affect.
g. *Architectural Tiebacks:* Decorative or structural components used as an attachment between an awning or other similar extending component and the building wall.
h. *Banding/Wainscoting:* Horizontal subdivisions of a column or wall using a change in profile or change in material found at the lower part of a wall.
i. *Recesses:* Portions of a wall that are setback further than the main wall plane.
j. *Archways:* Curved structures forming a passage or entry.
k. *Curtain Wall:* An exterior outer wall of a building, typically glass that is non-structural, instead serving to protect the interior of the building from the elements and provide aesthetic appeal.
l. *Windows:* Visual openings that enhance the visibility into thebuilding to create an inviting environment. Faux windows or spandrel/shadow box windows can be utilized on the façade for internal areas of storage or service to minimize bare exterior walls.





3. Building Entrance Orientation: The architectural and functional front of the building, which includes its primary entrance and excludes service doors, utility equipment, roof access, ladders, and similar features, should face towards an adjacent public street. *This guideline is intended to ensure a consistent streetscape aesthetic along public roads and support building access by both motorists and pedestrians.*



4. Downspouts: To limit visibility, all downspouts should be internal, the same color as the primary or an accent color of the structure, or located out of public view. *This guideline is intended to minimize the visibility of downspouts and exposed building drainage systems from public view, to enhance the aesthetics of the building façade.*



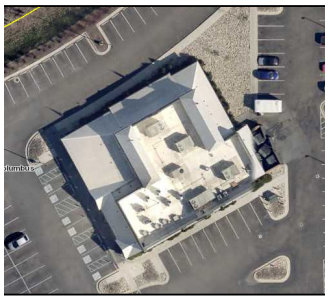


4.6 Columbus Front Door (CFD-OL) (cont.)

5. Screening of Cargo/Car Bays: Cargo bays/car bays should be shielded from the public streets. To limit visibility, cargo bays should be located at the rear of the building. Screening should include a Type B landscape buffer described in Section 8.2(E)(1,2,3,4) or a screen wall that utilizes primary façade building materials, or a combination of both landscape materials and screen wall. *This guideline is intended to minimize visibility of cargo/car bays that are typically used for service oriented tasks, and freight movement.*



6. Rooftop Mechanical Equipment: Rooftop mechanical equipment should be fully screened from view of adjacent streets and properties. The screening should be a part of the building composition and fully integrated architecturally through a parapet wall or other similar feature. *This guideline is intended to minimize or eliminate views of rooftop mechanical equipment, which, if visible, could detract from the character of the surrounding area.*





7. Signs: All permanent signs should be designed with appearance in mind and be consistent and compatible with the overall design characteristics of the structure(s) on each lot. Permanent freestanding signs should make use of supports and other design elements that are of consistent materials with those used on the structure(s) on the same lot on which they are located. *This guideline is intended to encourage high-quality signage that is consistent with the architectural character of the primary structure.*



8. Accessory & Incidental Structures: Accessory and incidental structures, such as cart corrals, ATM machines, carports, vehicle charging statons, and similar structures should be constructed of durable material consistent or complementary to that used on the primary structure(s). *This guideline is intended to enhance on-site features that are accessory or incidental to a primary structure to promote quality design and function that does not detract from the overall development.*





4.7 Flood Hazard Area (FH-OL)

Note: *Participation by the City of Columbus, Bartholomew County, and the Edinburgh / Bartholomew / Columbus Joint District in the National Flood Insurance Program (NFIP) requires the adoption of flood hazard regulations that meet certain minimum criteria. This Chapter is based on the Indiana Department of Natural Resources Indiana Model Flood Damage Prevention Ordinance, which has been developed to assist local governments in meeting the minimum NFIP criteria. Instances in which this Chapter differs from the IDNR model ordinance have been noted to assist with local administration.*

Part 1: Statutory Authorization, Findings of Fact, Purpose, and Methods

A. Statutory Authority: The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the City of Columbus, Bartholomew County, and the Edinburgh / Bartholomew / Columbus Joint District (the Joint District) adopt the following floodplain management regulations.

B. Findings of Fact: The flood hazard areas of the City of Columbus, Bartholomew County, and the Joint District are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. These regulations are adopted in order to minimize the threat of such damages and to achieve the purposes listed below.

C. Statement of Purpose: It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health.
2. Minimize expenditure of public money for costly flood control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. Minimize prolonged business interruptions.
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
8. Minimize the impact of development on adjacent properties within and near flood prone areas.
9. Ensure that the flood storage and conveyance functions of the floodplain are maintained.
10. Minimize the impact of development on the natural, beneficial values of the floodplain.
11. Prevent floodplain uses that are either hazardous or environmentally incompatible.
12. Meet community participation requirements of the National Flood Insurance Program.

D. Methods of Reducing Flood Loss: In order to accomplish its purposes, these regulations include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

Part 2: Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be defined by Article 14 of this Ordinance and, if undefined by this Ordinance, shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter the most reasonable application.

Accessory Structure: means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

1. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
2. Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
3. The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
    a. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
    b. Structures used by the public, such as a place of employment or entertainment; and,
    c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

4.7 Flood Hazard Area (FH-OL) (cont.)

Addition: (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Alteration of a Watercourse: means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the base flood.

Appeal: means a request for a review of the floodplain administrator's interpretation of any provision of this Chapter.

Area of Special Flood Hazard: is the land within a community subject to a one percent (1%) or greater chance of being flooded in any given year.

Base Flood: means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation (BFE): means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

Basement: means that portion of a structure having its floor subgrade (below ground level) on all sides.

Best Available Flood Layer (BAFL): means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

Building: see "Structure."

Community: means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Critical Facility: means a facility for which even a slight chance of flooding might be too great.

Development: means, for floodplain management purposes, any man-made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;

2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of boat lifts, docks, piers, and seawalls;
7. construction and/or reconstruction of bridges or culverts;
8. storage of materials; or
9. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated Structure: means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate: means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act that is encouraged to be used to collect certified elevation information.

Enclosed Area (Enclosure): is an area of a structure enclosed by walls on all sides.

Enclosure Below the Lowest Floor: See "Lowest Floor" and "Enclosed Area."

Existing Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: means the Federal Emergency Management Agency.

4.7 Flood Hazard Area (FH-OL) (cont.)

Note: *In order to provide clarity, the definitions of "Filled Stem Wall Foundation" and "Five-Hundred Year Flood (500-year Flood)" have been added to supplement the IDNR model ordinance.*

Fill: for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Filled Stem Wall Foundation: means a solid perimeter foundation wall that is backfilled with compacted structural fill that supports the floor slab.

Five-Hundred Year Flood (500-year Flood): means the flood having a two-tenths of one percent (0.2%) chance of being equaled or exceeded in any year.

Flood or Flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood Hazard Area: means areas subject to the one percent (1%) annual chance flood. (See "Special Flood Hazard Area")

Flood Insurance Rate Map (FIRM): means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the water surface elevation of the base flood.

Flood Protection Grade (FPG): is the BFE plus two (2) feet at any given location in the SFHA. (see "Freeboard")

Floodplain or Flood Prone Area: means any land area susceptible to being inundated by water from any source. (See "Flood")

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations: means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing (Dry Floodproofing): is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate: is a form used to certify compliance for nonresidential structures as an alternative to elevating structures to or above the FPG.

Floodway: is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

Freeboard: means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe or Flood Fringe: is the portion of the floodplain lying outside the floodway.

Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Hardship: (as related to variances of this Chapter) means the exceptional hardship that would result from a failure to grant the requested variance. The hardship must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

4.7 Flood Hazard Area (FH-OL) (cont.)

Hazardous Materials: Explosive, flammable, combustible, corrosive, oxidizing, toxic, infectious, or radioactive materials that, when involved in an accident and released in sufficient quantities put some portion of the general public in immediate danger from exposure, contact, inhalation, or ingestion. (This definition accompanies the increased requirement established by Section 4.7(Part 5)(B)(9)).

Highest Adjacent Grade: means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Structure: means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis: means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

International Code Council-Evaluation Service (ICC-ES) Report: means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Joint District: means the Edinburgh / Bartholomew / Columbus Joint District established for the shared local-government regulation of land use and development generally in the northeast quadrant of the I-65 / US 31 interchange.

Letter of Final Determination (LFD): means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during the six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC): is a general term used to refer to several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

1. Conditional Letter of Map Revision (CLOMR): means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
2. Conditional Letter of Map Revision Based on Fill (CLOMR-F): means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
3. Letter of Map Amendment (LOMA): means an amendment by letter to the currently effective FEMA map that establishes that a building or land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
4. Letter of Map Amendment Out as Shown (LOMA-OAS): means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
5. Letter of Map Revision (LOMR): means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
6. Letter of Map Revision Based on Fill (LOMR-F): means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest Adjacent Grade: means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

4.7 Flood Hazard Area (FH-OL) (cont.)

Lowest Floor: means the lowest elevation described among the following:

1. the lowest floor of a building;
2. the basement floor;
3. the garage floor, if the garage is connected to the building;
4. the first floor of a structure elevated on pilings or pillars;
5. the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

a. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters.
b. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and those openings provide a total net area of at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.

6. The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

Manufactured Home: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value (or Value): means the structure’s value, excluding the land, as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation: means sustained actions taken to reduce or eliminate longterm risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Natural Grade: for floodplain management purposes, means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

New Construction: for floodplain management purposes, means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88): as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction: includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Percent (1%) Annual Chance Flood: is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".

Physical Map Revision (PMR): is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Prefabricated Building: is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

Principally Above Ground: means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Recreational Vehicle: means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

4.7 Flood Hazard Area (FH-OL) (cont.)

Regulatory Flood: means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 4.7(Part 3)(B) of this Chapter. The "Regulatory Flood" is also known by the terms "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive Loss: means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA): means those lands within the jurisdictions of the City of Columbus, Bartholomew County, and the Joint District subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Insurance Studies as Zones A, AE, AH, AO, A1 30, A99. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as the pouring of a slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: means a walled and roofed building including a gas or liquid storage tank, which is primarily above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days. See "Walled and Roofed".

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Variance: is a grant of relief from the requirements of this Chapter consistent with the variance conditions herein.

Violation: means the failure of a structure or other development to be fully compliant with this Chapter.

Walled and Roofed: means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse: means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Part 3: General Provisions

A. Applicability: This Chapter shall apply to all special flood hazard (SFHAs), and 500-year floodplain areas within the jurisdictions of the City of Columbus, Bartholomew County, and the Edinburgh / Bartholomew / Columbus Joint District as identified in Section 4.7(Part 3)(B) below.

Increased Requirement:
The IDNR model ordinance provides standards for flood hazard reduction in the SFHAs (100-year floodplains) only. This Chapter extends those same regulations (based on the 100-year BFEs and FPGs) to the 500-year floodplain area as well.

4.7 Flood Hazard Area (FH-OL) (cont.)

B. Basis for Establishing Regulated Flood Hazard Areas: Special flood hazard and 500-year floodplain areas shall be determined as follows:

1. Studied SFHA's and 500-year Floodplains: The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs and 500-year floodplains within the jurisdictions of the City of Columbus, Bartholomew County, and the Joint District shall be determined from the one-percent and 0.2-percent annual chance flood profiles in the Flood Insurance Study of Bartholomew County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated December 9, 2014 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
2. "A Zones": The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs and 500-year floodplains within the jurisdictions of the City of Columbus, Bartholomew County, and the Joint District delineated as an "A Zone" on the Bartholomew County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 9, 2014 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
3. Other Upstream Drainage Areas Exceeding One Square Mile: In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
4. More Restrictive but Not Yet Effective Data: Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping / study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

C. Establishment of Floodplain Development Permit: A Floodplain Development Permit shall be required in conformance with the provisions of this Chapter prior to the commencement of any development activities in the SFHA (100-year floodplain) and 500-year floodplain areas.

1. Floodplain Alteration with other Construction: The Floodplain Development Permit shall be included as an element of any Improvement Location Permit required by this Ordinance in all instances where floodplain alterations (filling, grading, etc.) and other improvements (construction of a structure, etc.) are to be permitted simultaneously.
2. Floodplain Alteration without other Construction: The Floodplain Development Permit shall follow the procedures for a Zoning Compliance Certificate when applied for independently of other improvements (such as the placement of fill or other alterations not immediately including construction of a structure).

D. Compliance: No structure shall be located, extended, converted or structurally altered within the SFHA or 500-year floodplain without full compliance with the terms of this Chapter and other applicable regulations. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this Chapter applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development. No land or stream within the SFHA or 500-year floodplain shall be altered without full compliance with the terms of this Chapter and other applicable regulations.

E. Abrogation and Greater Restrictions: This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other ordinances or regulations conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Discrepancy between Mapped Floodplain /and Actual Ground Elevation: In cases where there is a discrepancy between the mapped floodplain (SFHA or 500-year floodplain) with base flood elevations provided (riverine or lacustrine Zone AE or X (shaded)) on the FIRM and the actual ground elevations, the map shall be disregarded and the elevation provided on the profiles or table of still water elevations shall be applied to the actual ground elevation to determine if a flood hazard area is present.

1. Site below the 500-year Flood Elevation: If the natural grade elevation of the site in question is below the 500-year flood elevation it shall be regulated accordingly.
2. Site at or above the 500-year Flood Elevation: If the natural grade elevation of the site in question is at or above the 500-year flood elevation the floodplain regulations will not be applied.

Note: *The IDNR model ordinance refers only to a Floodplain Development Permit. Sub-sections C(1) and (2) have been added to ensure a coordinated and efficient local review process.*

Interpretation Note:
For the purpose of the local Floodplain Development Permit, the common construction practice of removing unsuitable existing material (topsoil) and backfilling with select structural material is not considered the placement of fill if the practice does not alter the existing elevation and is not occurring in a floodway. If this occurs in a floodway and is allowed under this Chapter 4.7, all applicable approvals from IDNR must first be obtained.

4.7 Flood Hazard Area (FH-OL) (cont.)

Interpretation Note: *With clear and definite data that the natural grade of a site is above the 1% annual chance flood elevation, the site shall be considered outside of the SFHA. If the elevation of the site's natural grade is above the 1% annual chance flood elevation but below the 0.2% annual chance flood elevation, the regulations applicable in the 500-year floodplain will apply. If the elevation of the site's natural grade is above both the 1% annual chance flood elevation and the 0.2% annual chance flood elevation, the floodplain regulations will not apply, but for these sites in the SFHA a LOMA or LOMR-FW must first have been obtained and remain in effect. FEMA only will issue a LOMA or LOMR-FW for the SFHA (the 1% annual chance flood) and not for the 500-year floodplain (the 0.2%*

Note: *The specific procedures and penalties for violations provided by the IDNR model ordinance have been omitted in favor of a reference to Article 13 of this Ordinance. This alteration is intended to ensure consistent enforcement of all requirements of this Ordinance.*

3. Site at or above the 100-year (Base) Flood Elevation: For sites at or above the 100-year (1% annual chance flood) elevation, a LOMA or LOMR-FW may be sought and obtained, but unless that LOMA or LOMR-FW has the effect of removing the property from both the SFHA and the 500-year floodplain, the provisions of this Chapter 4.7 applicable to the 500-year floodplain shall remain in effect.
4. LOMA or LOMR-FW Required: For any site where the natural grade elevation of the property would result in it being considered as not regulated under this Chapter 4.7, a corresponding LOMA or LOMR-FW must have first been obtained, and not subsequently superseded or invalidated.

G. Interpretation: In the interpretation and application of this Chapter all provisions shall be:
1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and,
3. deemed neither to limit nor repeal any other powers granted under state statutes.

H. Warning and Disclaimer of Liability: The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Chapter does not create any liability on the part of the City of Columbus, Bartholomew County, the Edinburgh/Bartholomew/Columbus Joint District Plan Commission or Council, the Indiana Department of Natural Resources, or the State of Indiana for any flood damage that results from reliance on this Chapter or any lawfully made administrative decision.

I. Violations: Failure to obtain a Floodplain Development Permit in the SFHA or 500-year floodplain or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be subject to the provisions of Article 13, Enforcement & Penalties of this Ordinance.
1. The floodplain administrators shall inform the property owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
2. Nothing in this Chapter shall prevent the City of Columbus or Bartholomew County from taking any other lawful action to prevent or remedy any violations. All costs connected with enforcement action shall accrue to the person or persons responsible.

Part 4: Administration

A. Designation of Administrators: The Planning Director, the Chief Code Enforcement Officer, and their designees shall administer and implement the provisions of this Chapter and be referred to as the Floodplain Administrators. The Planning Director shall be responsible for the administration and implementation of this Chapter with regard to subdivision requests and all site related improvements for which a Zoning Compliance Certificate is required by this Ordinance for commercial, industrial, multi-family, and public/semi-public facilities. The Planning Director shall also be responsible for review of the placement of fill not associated with other development activity. The Chief Code Enforcement Officer shall be responsible for the administration and implementation of this Chapter with regard to all 1- and 2-family residences and all structural elements of all developments, such as floodproofing; anchoring; flood resistance; utility service protection; additions, improvements and reconstruction of structures for the purpose of determining costs for substantial improvements and reconstructions per Section 4.7(Part 5)(C)(1); and other similar development features and requirements.

Note: *The division of duties between the Planning Director and the Chief Code Enforcement Officer is unique to Columbus, Bartholomew County, and the Joint District.*

B. Floodplain Development Permit and Certification Requirements: An application for a Floodplain Development Permit shall be made to the appropriate Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard (SFHA) or 500-year floodplain area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and their locations. Specifically, the following information is required:

1. Application Stage:
    a. A description of the proposed development.
    b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
    c. A legal description of the property site.
    d. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.
    e. A site plan showing existing and proposed development locations and existing and proposed land grades.

4.7 Flood Hazard Area (FH-OL) (cont.)

f. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
g. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE, and X shaded (the 500-year floodplain). Elevation should be in NAVD 88.
h. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.
i. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
j. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
k. Plans showing how any proposed structure will be anchored to resist flotation or collapse.
l. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.
m. If any portions of a structure are to be floodproofed, specific plans for compliance with Section 4.7(Part 5)(C)(3)(d).
n. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to the Department of Natural Resources for approval. Once Department of Natural Resources' approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Sections 4.7(Part 4)(C)(3)((a) and (e) for additional information.)
o. An elevation certificate, if applicable, certified by a registered land surveyor or professional engineer providing the proposed structure's intended elevation information.
p. Any additional information, as requested by a Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this Chapter.

2. Construction Stage: Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the certificate or failure to make said corrections required shall be cause to issue a stop-work order for the project.

Note: *The Chief Code Enforcement Officer will integrate the needed construction stage inspections and certifications described by Section 4.7(Part 4)(B)(2) with the typical building inspection process for all construction.*

Increased Requirement: *The IDNR model ordinance indicates the construction stage elevation certificate as optional. It is required by this Chapter.*

3. Finished Construction:
   a. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation as well as other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
   b. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
   c. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

C. Duties and Responsibilities of the Floodplain Administrators: The Floodplain Administrators and/or designated staff are authorized and directed to enforce the provisions of this Chapter. The administrators are further authorized to render interpretations of this Chapter, which are consistent with its spirit and purpose. Duties and responsibilities of the Floodplain Administrators shall include, but not be limited to the following, consistent with the Section 4.7(Part 4)(A) above:

1. Shared Duties and Responsibilities: Both the Planning Director and Chief Code Enforcement Officer and/or their respective designees shall:
   a. Enforce the provisions of this ordinance.
   b. Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
   c. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
   d. Issue permits to develop in special flood hazard and 500-year floodplain areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
   e. Advise applicants that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
   f. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 4.7(Part 5)(A)(1), (A)(3)(a), and (A)(4) of this Chapter. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

Note: *The description of the duties of the administrators have been reorganized from the IDNR model ordinance to best reflect the roles of the Planning Director and Chief Code Enforcement Officer.*

4.7 Flood Hazard Area (FH-OL) (cont.)

g. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Section 4.7(Part 4)(C)(1)(f) is applicable.
h. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 4.7(Part 4)(B). both
i. Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
j. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
k. Provide information, testimony, or other evidence as needed during variance hearings.
l. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of Department of Natural Resources' permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section 4.7(Part 4)(D). both Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
m. Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this Chapter.

2. Chief Code Enforcement Officer Duties and Responsibilities: The Chief Code Enforcement Officer specifically and/or their designees shall:
   a. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard and 500-year floodplain areas, must meet the development standards of these regulations.
   b. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures:
      i. Verify and document the market value of the pre-damaged or pre-improved structure.

ii. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.

iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage.

iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Chapter 4.7(Part 5) of this Chapter are required.

c. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 4.7(Part 4)(B)(3).

d. Make on-site inspections of projects in accordance with Section 4.7(Part 4)(D).

e. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 4.7(Part 4)(D).

3. Planning Director Duties and Responsibilities: The Planning Director specifically and/or their designees shall:

a. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.

b. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

c. Coordinate map maintenance activities and associated FEMA follow-up in accordance with Section 4.7(Part 4)(E).

4.7 Flood Hazard Area (FH-OL) (cont.)

D. Administrative Procedures

1. Inspections of Work in Progress: As the work pursuant to a permit progresses, the Chief Code Enforcement Officer and/or their designees (in the role of floodplain administrator) shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Chapter and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
2. Stop Work Orders: Upon notice from the Chief Code Enforcement Officer and/or their designees (in the role of floodplain administrator), work on any building, structure or premises that is being done contrary to the provisions of this Chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
3. Revocation of Permits: Either floodplain administrator may revoke a permit or approval, issued under the provisions of this Chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based. Further, either floodplain administrator may revoke a permit upon their determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this Chapter.
4. Floodplain Management Records: Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this Chapter shall be kept on file and maintained under the direction of the Floodplain Administrators in perpetuity.
    a. These records include permit applications, plans, and certifications; Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.
    b. These records shall be available for public inspection through the offices of the Floodplain Administrators.

5. Periodic Inspection: Once a project is completed, periodic inspections may be conducted by the Floodplain Administrators to ensure compliance. The Floodplain Administrators shall have a right, upon presentation of proper credential, to enter on any premises within their territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

E. Map Maintenance Activities: To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the flood maps, studies and other data identified in Section 4.7(Part 3)(B) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. Impacts to Floodway Determinations or Base Flood Elevations:
    a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. In no instance shall this section be interpreted as requiring the Floodplain Administrators to make the determinations identified below. These development proposals include:
        i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries, as determined by the Indiana Department of Natural Resources.
        ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area; with such information submitted to FEMA by the applicant through the LOMC process.
        iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and subdivision or large-scale development proposals requiring the establishment of base flood elevations, as determined by the Indiana Department of Natural Resources.
    b. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
    c. The Floodplain Administrators shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation, as determined by the Indiana Department of Natural Resources.

4.7 Flood Hazard Area (FH-OL) (cont.)

d. Floodplain development permits issued by the Floodplain Administrators shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

2. Base Map Corrections: The Floodplain Administrators may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing and may be submitted to FEMA at any time.
3. Annexation / Detachment: Upon occurrence, the Planning Director and/or their designees (in the role of floodplain administrator) shall notify FEMA in writing whenever the boundaries of the City of Columbus, Bartholomew County, and/or the Joint District have been modified by annexation or they have otherwise assumed authority over an area, or no longer have authority to adopt and enforce floodplain management regulations for a particular area. In order that the Bartholomew County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represents the local jurisdictions, any such notification should include a copy of a map suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Columbus, Bartholomew County, and/or the Joint District has assumed or relinquished floodplain management regulatory authority.

F. Appeal and Variance Procedures: The Board of Zoning Appeals of jurisdiction (the board) shall hear and decide appeals and requests for variances from the requirements of this Chapter.

1. Appeals of Administrative Decisions: The board shall hear and decide appeals when it is alleged that an error in any requirement, decision, or determination is made by a Floodplain Administrator in the enforcement or administration of this Chapter. Any appeal shall follow the procedure provided by Chapter 12.5 of this Ordinance.
2. Variance Considerations: In considering any applications for variance the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Chapter, and the considerations listed below. A written report addressing each of the factors listed below shall be submitted with the application for a variance.
   a. The danger to life and property due to flooding or erosion damage.
   b. The danger that materials may be swept onto other lands to the injury of others.
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   d. The importance of the services provided by the proposed facility to the community.
   e. The necessity to the facility of a waterfront location, where applicable.

f. The compatibility of the proposed use with existing and anticipated development
g. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
h. The safety of access to the property in times of flood for ordinary and emergency vehicles.
i. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Variance Criteria: Variances from the provisions of this ordinance shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
   a. A showing of good and sufficient cause.
   b. A determination that failure to grant the variance would result in exceptional hardship, with hardship as defined in Chapter 4.7(Part 2).
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, and/or extraordinary public expense; create nuisances; cause fraud or victimization of the public; or conflict with existing laws or ordinances.
   d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variance Limitations: As specified by Chapter 44 of the Code of Federal Regulations Part 60.6(a) the following limitations shall apply to variance applications:
   a. Any structure or other land alteration for which a variance is granted in a floodway subject to Section 4.7(Part 5)(A)(1), (A)(3)(a), or (A)(4) will also require a permit from the Indiana Department of Natural Resources. However, variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result, as determined by the Indiana Department of Natural Resources.
   b. The granting of variances to the Provisions for Flood Hazard Reduction of Chapter 4.7(Part 5) is generally limited to situations where a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade. Deviations from this limitation may occur. However, as the lot size increases beyond one-half acre, the required technical justification required for issuing a variance also increases.

Note: *The IDNR model ordinance prohibits the granting of variances for residential uses within a floodway that are subject to Sections 4.7(Part 5)(A)(1), (A)(3)(a), and/or (A)(4). Because the legal authority, based in state and/or federal law, for this variance prohibition could not be established it has been omitted from this Ordinance.*

4.7 Flood Hazard Area (FH-OL) (cont.)

c. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
d. Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use provided that the applicable criteria have been met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

5. Variance Conditions: Upon the consideration of the factors listed above and the purposes of this Chapter, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
6. Variance Notification: Any applicant to whom a variance is granted shall be given written notice specifying the difference between the flood protection grade and the elevation to which the lowest flower is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
7. Appeal and Variance Reporting: The Floodplain Administrators shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Part 5: Provisions for Flood Hazard Reduction

Increased Requirement: *The IDNR model ordinance does not specify or limit floodway uses or activities. Section 4.7(Part 5)(A)(1) provides added limitations on the types of uses and activities permitted in the floodway.*

A. Floodplain Status Standards: The following standards are based on the status of the property within the floodplain.

1. Standards for Identified Floodways (Riverine): Located within SFHAs, established in Section 4.7(Part 3)(B) are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.
   a. *Use Restrictions:* All development and land altering activities, including the construction of new buildings, the placement of fill, and the creation of any other potential obstructions to the flow of floodwater shall be prohibited in all floodways. The following activities and uses shall be exempt from this prohibition, provided that all necessary IDNR approvals are obtained and all other applicable provisions of this Chapter are met:
      i. Expansion of buildings and uses that are pre-existing in the floodway when such buildings and uses are located on a parcel having 75% or more of its total area within the floodway. This pre-existing exemption applies only to those buildings and uses present prior to February 19, 2013, the effective date of this increased floodway regulation. This provision shall not prevent the expansion of buildings that are located in

the floodway when the building is being expanded into an area not located within the floodway, regardless of the percentage of the property within the floodway.

ii. Construction of buildings on and use of pre-existing lots having 75% or more of their total area within the floodway that have been previously, specifically established for development. “Established” is defined as having an approved and unexpired preliminary plat.

iii. Agricultural uses (pasture land, fields, etc. excluding all structures).

iv. Wellfields, utility transmission lines and related infrastructure.

v. Nature preserve / conservation areas.

vi. Marinas, boat ramps, fishing piers and other similar water-related recreation facilities.

vii. Public streets, roads, bridges, pedestrian paths, and related infrastructure.

viii. Mineral extraction operations.

ix. Flood mitigation projects, regulated drain maintenance, and other drainage improvement projects provided that all applicable permits have been obtained.

b. *Review Procedure*: If the site is in a regulatory floodway, as established in Section 4.7(Part 3)(B), and the proposed activity is exempt from the prohibitions provided by Section 4.7(Part 5)(A)(1) above or permitted through a use variance or other similar process, the Floodplain Administrators shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources to apply for approval for construction in a floodway. IDNR approval may not be required for any activity that qualifies for a general license or exemption (IC 14-28-1 or 312 IAC 10).

c. *IDNR Permit Required*: Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

4.7 Flood Hazard Area (FH-OL) (cont.)

d. *Local Action Withheld*: No action shall be taken by the Floodplain Administrators until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirements of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this Chapter 4.7(Part 5).

e. *Controlling Regulations*: The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

f. *Floodways Identified by FEMA:* In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 4.7(Part 4) ((E)(1). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted. Revised per IDNR Comments 12.8.22

Note: *The last sentence of Section 4.7(Part 5)(A)(1)(g) has been added to the IDNR model ordinance to clarify responsibility.*

g. *Floodways Identified by IDNR:* In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses. The increase in the regulatory flood resulting from any development shall be as determined by IDNR based on a review of the data provided by the development permit applicant.

h. *Procedures for Projects Involving Channel Modifications:* For all projects involving channel modifications or fill (including levees) the Floodplain Administrators shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 §CFR 65.12.

2. Standards for Identified Fringe (Riverine): If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this Part 5 of this Chapter have been met.
3. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes (Riverine):
    a. *Significant Upstream Drainage:* If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
        i. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
        ii. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this Section 4.7(Part 5)(A) have been met.
    b. *Insignificant Upstream Drainage:* If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this Section 4.7(Part 5) have been met.

4.7 Flood Hazard Area (FH-OL) (cont.)

4. SFHAs not Identified on a Map: If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
   a. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
   b. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this Section 4.7(Part 5) have been met.

Interpretation Note:
Section 4.7(Part 5)(B) refers to the placement of all structures regardless of square footage, including principal and accessory structures.

Increased Requirement:
The inclusion of reconstruction or repairs made to a repetitive loss structure in the general anchoring requirement of Section 4.7(Part 5)(B)(1) is indicated as optional by the IDNR model ordinance. It is required by this Chapter.

B. General Standards: In all special flood hazard and 500-year floodplain areas the following provisions are required.

1. General Anchoring Required: All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Flood Resistance Required: New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
3. Flood Damage Minimized: New construction and substantial improvements must incorporate methods and practices that minimize flood damage.
4. Service Facilities Protected: Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
5. Water Supply Systems Protected: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

6. Sanitary Sewage Systems Protected: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. On-site Waste Disposal Protected: On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Protection from Hazardous Materials: All outdoor storage of hazardous materials shall not be permitted. Storage of hazardous materials indoors shall be permitted in regulated flood hazard areas, only if said hazardous materials are protected from flood risk below Flood Protection Grade.
9. Alteration of Structures in Compliance: Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this Chapter shall meet the requirements of "new construction" as contained in this Chapter.
10. BFE Data Provided: Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which are greater than the lesser of fifty (50) lots or five (5) acres.
11. Multiple Flood Zones Addressed: Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this Chapter applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
12. Erosion Protection: Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 feet horizontal to 1-foot vertical.

Increased Requirement: *The protection from hazardous materials provided by Section 4.7(Part 5)(B)(9) is in addition to the minimum requirements established by the IDNR model ordinance.*

Note: *While not enforced through this Chapter, the City of Columbus has additional stormwater requirements that apply within floodplains. Specifically, Section 4.5.13 of the Columbus Stormwater Design Manual notes that no design credit will be granted for stormwater storage volumes below the elevation of the regulatory flood unless compensatory (1:1) storage is also provided.*

4.7 Flood Hazard Area (FH-OL) (cont.)

C. Specific Standards: In all areas of special flood hazard and 500-year floodplain areas where base flood elevation data or flood depths have been provided, as set forth in Section 4.7(Part 3)(B) the following provisions are required:

1. Building Protection Requirement: In addition to the general standards described in Section 4.7 (Part 5)(B) above to be located in the SFHA and/or 500-year floodplain shall be protected from flood damage below the FPG (two feet above the base flood elevation). This building protection requirement applies to the following situations:
   a. Construction or placement of a residential structure.
   b. Construction or placement of a non-residential structure.
   c. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope and/or time is considered as one project for permitting purposes.
   d. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damaged occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost).
   e. Installing a manufactured home on a new site or a new manufactured home on an existing site.
   f. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
   g. Reconstruction or repairs made to a repetitive loss structure.
   h. An addition made to any existing structure (that is legal nonconforming with regard to the building protection requirement above) which has had a previous addition constructed since that existing structure became legal nonconforming (most likely as the result of a revision to the building protection requirement and/or applicable Flood Insurance Rate Map). In this situation, the building protection requirement applies to the second and subsequent additions, with no threshold for the original structure to be brought into compliance with the current building protection requirement unless Sections 4.7(Part 5)(C)(1)(c) or (d) above apply.

Increased Requirement: *The IDNR model ordinance indicates the inclusion of repetitive loss structures and structures with a previous addition in the building protection requirement (Sections 4.7(Part 5)(C)(1)(g) and (h)) as optional. Their inclusion is required by this Chapter. Section 4.7(Part 5)(C)(1)(h) differs from the model ordinance optional text in that it applies only to building additions, rather than both additions and other improvements.*

Interpretation Note:
IDNR interprets Section 4.7(Part 5)(C)(1) as follows:

(a) and (b) indicate that all new structures, excluding accessory structures per Section 4.7(Part 5)(C)(5), pavilions, etc. per Section 4.7(Part 5)(C)(6), and storage tanks per Section 4.7(Part 5)(C)(7), shall be protected from flood damage below the FPG (elevated or floodproofed, if a non-residential structure);

(c) indicates that any addition or improvement made to any existing structure, excluding accessory structures per Section 4.7(Part 5)(C)(5), pavilions, etc. per Section 4.7(Part 5)(C)(6), and storage tanks per Section 4.7(Part 5)(C)(7), for which the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land), requires the following: (i) for a lateral addition whereby the former exterior wall is left intact and only the absolute minimum alteration to accommodate an entrance to the addition is installed; the addition, but not the existing structure, must be protected from flood damage below the FPG, (ii) for a lateral addition whereby the former exterior wall is removed or modified in excess of the absolute minimum alteration: the entire structure, including the existing structure, must be protected from flood damage below the FPG, (iii) for a vertical addition or a lateral addition in combination with improvements to the existing structure: the entire structure, including the existing structure, must be protected from flood damage below the FPG, and (iv) for substantial improvements to the existing structure only: the existing structure must be protected from flood damage below the FPG;

(d) indicates that reconstruction or repairs, excluding those to accessory structures per Section 4.7(Part 5)(C)(5), pavilions, etc. per Section 4.7(Part 5)(C)(6), and storage tanks per Section 4.7(Part 5)(C)(7), resulting from damage (by any cause), that are completed to restore that structure to its before damaged condition, that equal or exceed 50% of the value of the pre-damaged structure (excluding the land) shall only be conducted if the structure being reconstructed or repaired is protected from flood damage below the FPG (elevated or floodproofed, if a non-residential structure).

2. Residential Construction: New construction or substantial improvement of any residential structures, excluding those provided for by Sections 4.7(Part 5)(C)(5), (6), and (7), shall meet the provisions described in Section 4.7(Part 5)(A) and applicable general standards described in Section 4.7(Part 5)(B).
   a. *Zone A, AE, and X-shaded Locations:* In Zones A, AE and X-shaded, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4.7(Part 5)(C)(2)(b) below. Should fill be used to elevate a structure, the standards of Section 4.7(Part 5)(C)(2)(c) must be met.

4.7 Flood Hazard Area (FH-OL) (cont.)

b. *Fully Enclosed Areas Below FPG:* Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade must be at or above grade on at least one side. They shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
   i. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
   ii. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
   iii. Doors and windows do not qualify as openings.
   iv. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

Increased Requirement: *The IDNR model ordinance indicates the clean or granular fill material requirement as optional. It is required by this Chapter.*

c. *Constructed on Fill:* A residential structure may be constructed on fill in accordance with the following:
   i. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
   ii. Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
   iii. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 feet horizontal to 1 foot vertical.
   iv. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
   v. Fill shall be composed of clean granular or earthen material.

d. *Stem Wall Foundations:* A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

3. Non-Residential Construction: New construction or substantial improvement of any non-residential structures, excluding those provided for by Sections 4.7(Part 5)(C)(5), (6), and (7), shall meet the provisions described in Section 4.7(Part 5)(A) and applicable general standards described in Section 4.7(Part 5)(B).
   a. *Zone A, AE, and X-shaded Locations:* In Zones A, AE and X-shaded, new construction, or substantial improvement of any commercial, industrial, or non-residential structure shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4.7(Part 5)(C)(3)(b) below. Should fill be used to elevate a structure, the standards of Section 4.7(Part 5)(C)(3)(c) must be met.
   b. *Fully Enclosed Areas Below FPG:* Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade must be at or above grade on at least one side. They shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
      i. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
      ii. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
      iii. Doors and windows do not qualify as openings.

4.7 Flood Hazard Area (FH-OL) (cont.)

Increased Requirement:
The IDNR model ordinance indicates the clean or granular fill material requirement as optional. It is required by this Chapter.

iv. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

c. *Constructed on Fill:* A nonresidential structure may be constructed on fill in accordance with the following:
   i. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
   ii. Shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
   iii. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 feet horizontal to 1 foot vertical.
   iv. Shall not adversely affect the flow of surface drainage from or onto neighboring properties.
   v. Shall be composed of clean granular or earthen material.

d. *Floodproofing:* A nonresidential structure may be floodproofed in accordance with the following:
   i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that, below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
   ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

e. *Stem Wall Foundations:* A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

4. Manufactured Homes and Recreational Vehicles:
   a. *Manufactured Homes:* These requirements apply to all manufactured homes to be placed on a site in the SFHA and 500-year floodplain:
      i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required in Section 4.7(Part 5)(C)(2)(b).

b. *Recreational Vehicles:* Recreational vehicles placed on a site in the SFHA or 500-year floodplain shall either:
   i. be on site for less than 180 days and be fully licensed and ready for highway use (defined as being on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and with no permanently attached additions), or
   ii. meet the requirements for "manufactured homes" as stated earlier in Section 4.7(Part 5)(C)(4)(a).

5. Accessory Structures: Within SFHAs and 500-year floodplains, new construction or placement of an accessory structure must meet the following standards:
   a. Shall have a floor area of 400 square feet or less.
   b. Use shall be limited to parking of vehicles and limited storage.
   c. Shall not be used for human habitation.
   d. Shall be constructed of flood resistant materials.
   e. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
   f. Shall be firmly anchored to prevent flotation.
   g. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
   h. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(Part 5)(C)(3)(b).
   i. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.
6. Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development: Within SFHAs and 500-year floodplains, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:
   a. Shall have open sides (having not more than one rigid wall).
   b. Shall be anchored to prevent flotation or lateral movement.
   c. Shall be constructed of flood resistant materials below the FPG.
   d. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
   e. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

4.7 Flood Hazard Area (FH-OL) (cont.)

7. Above Ground Gas or Liquid Storage Tanks: Within SFHAs and 500-year floodplains, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Section 4.7(Part 5)(C)(3).

D. Standards for Subdivisions and Other New Developments: All subdivision proposals and all other proposed new development in the SFHA and/or 500-year floodplain shall be consistent with the need to minimize flood damage, as well as the following requirements:

1. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
2. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
3. Floodplain boundaries shall be shown on all buildable properties included in and/or resulting from administrative, minor, and major subdivision plats, including all preliminary and final plats. In addition, base flood elevation data shall be shown on all buildable lots of all major subdivision final plats.
4. In all special flood hazard and 500-year floodplain areas where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all major subdivision proposals and all other proposed new development (including manufactured home parks) which involves no more than fifty (50) lots or five (5) acres, whichever is less.

Interpretation Note:
Section 4.7(Part 5)(D)(3) supplements the standards provided in the IDNR model ordinance in order to clarify the local subdivision requirements.

E. Standards for Critical and Potentially Harmful Facilities: Critical facilities are those for which even the slightest risk from flooding is too great given the importance of the facility in responding to a flood event or the complexities of evacuating the facility's occupants during a flood event. Potentially harmful facilities are those that include chemicals or other substances that are potentially harmful to water quality or public health in the event they are inundated by and mixed with flood waters. The Floodplain Administrators may determine if any uses not specifically listed below are also either a critical or potential harmful facility and regulate them accordingly. The determination of the Floodplain Administrators may be appealed to the Board of Zoning Appeals through the Administrative Appeal process.

1. Critical Facilities: The following critical facilities, including their access driveways, shall be prohibited from locating in the SFHA or 500-year floodplain. The expansion of buildings or other aspects of any of these uses that are pre-existing in an SFHA or 500-year floodplain shall be exempt from this prohibition when the use is located on a parcel having 75% or more of its total area within the SFHA or 500-year floodplain, provided that all other applicable provisions of this Chapter are met. This provision shall not prevent the expansion of buildings that are located in the SFHA or 500-year floodplain when the

Increased Requirement:
The IDNR model ordinance contains only general standards for critical facilities. This Chapter provides specific standards for critical facilities and potentially harmful facilities.

building is being expanded into an area not located within the SFHA or 500-year floodplain, regardless of the percentage of the property within the SFHA or 500-year floodplain.

a. nursing home / assisted living facility.
b. animal shelter.
c. correctional facility.
d. day-care center (child or adult).
e. hospital.
f. institution for the developmentally disabled / mentally ill.
g. police, fire, or rescue station.
h. school (grades pre-school through 12).

2. Potentially Harmful Facilities: The following potentially harmful facilities, if permitted or conditional in the underlying zoning district or permitted through a use variance or other similar process, shall also be reviewed as a conditional use in the SFHA or 500-year floodplain for the purpose of scrutinizing plans for containment of all chemicals and other potential water-borne pollutants. The expansion of surface parking lots pre-existing in an SFHA or 500-year floodplain is exempt from this conditional use provision. The expansion of buildings or other aspects of any of these uses that are pre-existing in an SFHA or 500-year floodplain shall be exempt from this conditional use provision when the use is located on a parcel having 75% or more of its total area within the SFHA or 500-year floodplain, provided that all other applicable provisions of this Chapter are met. This provision shall not prevent the expansion of buildings that are located in the SFHA or 500-year floodplain when the building is being expanded into an area not located within the SFHA or 500-year floodplain, regardless of the percentage of the property within the SFHA or 500-year floodplain.

a. Confined Feeding Operation (CFO)
b. Sewage Treatment Plant.
c. Gas station (and other similar fueling facilities).
d. Dry cleaners (commercial).
e. Hazardous materials production and/or bulk storage.
f. Waste disposal facility.

4.7 Flood Hazard Area (FH-OL) (cont.)

F. Additional Standards for Identified Haw Creek Flood Flow Conveyance Paths: The Haw Creek flood hazard modeling developed by Christopher B. Burke Engineering (CBBEL) in May of 2011, as updated periodically shall serve as a supplement to the FEMA-provided Flood Insurance Rate Maps for the Haw Creek watershed, specifically with regard to identified flood flow conveyance paths outside of FIRM-identified floodways. This modeling, including updates, shall hereafter be referred to as the "base model". Prior to the commencement of any development, construction, earth moving, or other similar activities to occur within the 500-year flood flow conveyance paths (as identified by the base model and beyond FIRM-identified floodways) the proposed activity shall be evaluated for its potential impacts. This modeling requirement includes all flood control measures, including those that are intended for temporary protection (such as sandbagging, etc.) that may potentially impact the 500-year flood flow conveyance paths. The Planning Director may, upon the advice of a qualified engineer, exempt from the modeling requirement development activities that are so minimal that any conceivable impact would also be minimal and likely not detectable. To the extent possible, these activities shall be included in the base model, consistent with Section 4.7(Part 5)(F)(2)(c) below.

1. The modeling shall be conducted and/or evaluated by a qualified consultant chosen and under contract by the City of Columbus and all costs associated with the modeling shall be incurred by the applicant and shall be paid to the City prior to the modeling.
2. No development, construction, earth moving, or other similar activities shall result in any obstruction or loss of capacity in any 500-year flood flow conveyance path (as identified by the base model and beyond FIRM-identified floodways) unless the required modeling shows that the proposed project along with any proposed compensatory measure, acting alone or in combination with existing development will not increase the modeled 500-year flood elevations more than 0.14 foot. The amount of obstruction shall be measured cumulatively beginning October 12, 2011 (the effective date of this provision).
    a. The maximum increase in 500-year flood elevations shall apply to all properties, streets, and other off-site locations in the watershed, but shall not apply to the property on which the development or similar activity is taking place. There shall be no limit to these self-imposed increases in flood elevations.

b. Any self-imposed increases in flood elevations on property on which development or similar activity takes place shall not be counted toward calculating the cumulative increase in flood elevations on that same property as a result of development activity undertaken by others. The maximum flood elevation increase refers to the maximum amount of increase that a property owner or owners, over time, can cause to occur on adjacent properties. In no instance shall self-imposed increases prevent adjacent property owners from developing their properties to the maximum extent permitted.
c. All calculations of the flood elevation increase shall be rounded to the nearest hundredths of a foot. Non-rounded results equaling 5 thousandths, 5 ten-thousands, etc. or more shall be rounded up to result in figures in the nearest hundredths of a foot. Similarly, all non-rounded results of less than 5 thousandths, ten-thousands, etc. shall be rounded down.
d. At the time of modeling for any development or similar activity the base model shall be updated to reflect any improved topographic information and shall be adjusted to include any stormwater storage that previously occurred in a structure that is proposed to be protected and therefore no longer available for storage. Any increase in flood elevations that results from removal of stormwater storage from existing structures shall not count toward the maximum flood elevation increase.
e. All interpretations and calculations not expressly described in this Section shall follow Indiana Department of Natural Resources standards, policies, etc. for the review of development proposed in a floodway.

3. At the discretion of the Planning Director, upon the advice of the qualified consultant, the applicant shall also be required to provide as-built plans for any completed development, construction, earth moving, or other similar activities and to incur the costs to update the base model to include that change. The as-built plans and model update cost shall be paid prior to occupancy or other similar use of the completed activity.

Article 5
Planned Unit Development



Article Five: Planned Unit Development ..... Page #

5.1 PUD Intent, Uses, & Requirements 5-2
5.2 General Application Requirements 5-4
5.3 Preliminary Plan 5-5
5.4 Final Plan & Rezoning 5-9
5.5 Written Commitments 5-14
5.6 Covenants 5-15
5.7 Modifications 5-16
5.8 Expiration & Extensions 5-17

Intent

The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning and Subdivision Control Ordinances.

Planned Unit Development regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned Unit Developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A Planned Unit Development should not be used if the proposed development can be created using established zoning districts.

See Also:

IC 36-7-4-1500 series, (Planned Unit Development)

Plan Commission Rules of Procedure

5.1 PUD Intent, Uses, & Standards

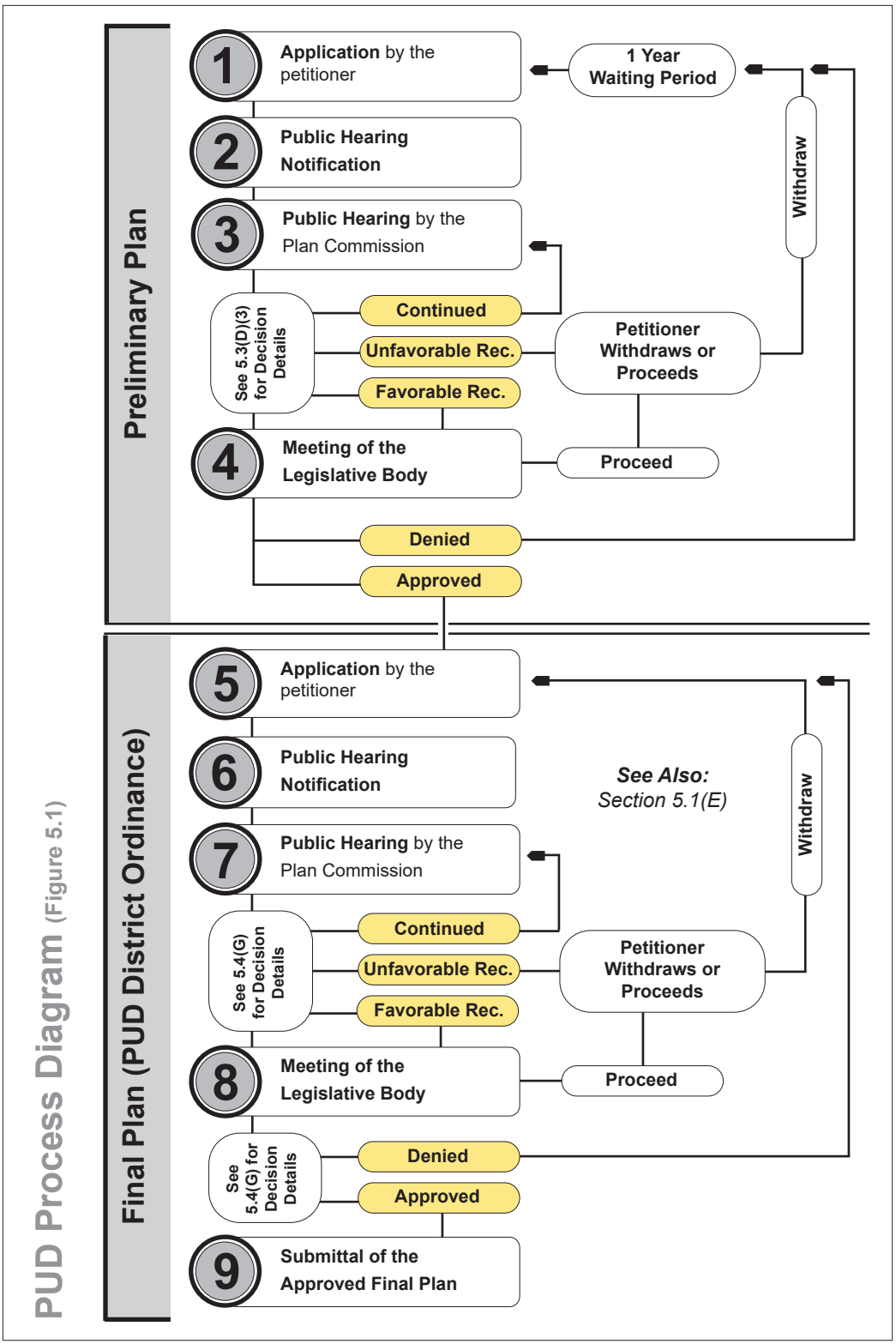
A. Uses: All uses are subject to the discretion and approval of the appropriate legislative body through the process established by this Article. No uses are granted by right, and no uses are considered Conditional. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

B. Development Standards: Development standards for all proposed Planned Unit Developments shall be created by the applicant as part of the Final Plan submittal. All proposed development standards are subject to the review and approval of the applicable Plan Commission and legislative body. Generally, the Planned Unit Development shall provide standards for the development that replace (1) the lot standards established by Article 3, Zoning Districts, (2) each topic area regulated by Articles 6,7,8,9, and 10 of this Ordinance, and (3) any standards replacing those established by the Subdivision Control Ordinance. The development standards may reference provisions of this Ordinance, but (1) must specify that periodic amendments to this Ordinance will apply and (2) may not reference any specific zoning district.

C. Rules of Procedure: All proceedings brought under this Article are subject to the Rules of Procedure of the Plan Commission.

D. Origination of Proposals: Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. The applicant making the proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership.

E. Pre-existing Planned Unit Developments: Final PUD Plans for properties that (1) were zoned Planned Unit Development prior to the effective date of this Ordinance and (2) currently retain PUD zoning shall not be subject to legislative body review. All duties assigned by this Ordinance to the legislative body during Final PUD Plan review and approval shall be assumed by the Plan Commission. The Plan Commission shall issue any final approvals upon consideration of the criteria listed by Section 5.4(G)(1) through (3). No other criteria shall apply.



PUD Process Diagram (Figure 5.1)

5.2 General Application Requirements

See Also:

Plan Commission Rules of Procedure

Plan Commission Calendar of Filing & Meeting Dates

A. **General Application Requirements:** All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications that are completed in their entirely in ink or typed. Fees shall be paid at the time the application is submitted.
   1. Copies Required: All applicants shall submit copies of applications and necessary attachments as required by the policies of the Planning Director and the applicable Rules of Procedure of the Plan Commission.
   2. Incomplete Applications: No application which is incomplete shall be assigned a reference number; nor shall it be scheduled for any meeting or public hearing. The required fee shall be part of the application.

B. **Review Schedule:** All applications shall be assigned reference numbers by the Planning Director. Applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

5.3 Preliminary Plan

A. **Application**: The petitioner shall submit a Preliminary Plan review application, the required filing fee, the Preliminary Plan, and any other supporting information.

B. **Preliminary Plan Data:** The Preliminary Plan may take the form of a booklet of letter and/or tabloid sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The Preliminary Plan may include any graphics that will explain the features of the development. The following shall be included in the Preliminary Plan submission.
   1. Cover Page & Index: The cover sheet shall indicate that it is the Preliminary Plan for that particular development and include the date of submittal, an index identifying all sections included in the Preliminary Plan document, and references to any separate sheets of information.
   2. Site Description: A description of the property and petitioners involved, including:
      a. the name, mailing address, e-mail address, and telephone number of the applicant,
      b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Preliminary Plan design,
      c. the legal description of the subject property and common address of the site, and
      d. the proposed name of the development (if applicable).
   3. Phasing Plan: A phasing plan indicating the general phases by which Final PUD Plans may be submitted, if any.
   4. Vicinity Map: A vicinity map showing the use and zoning of all properties within 1,320 feet (1/4 mile) of the property subject to the Preliminary Plan.
   5. Common Holdings Map: A map of any property adjacent to the property subject to the Preliminary Plan that is owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Preliminary Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage plans.
   6. Existing Site Conditions: A site survey of all existing conditions on the subject property, including:
      a. *Built Features:* All existing streets (including travel lanes, rights-of-way, etc.), established open spaces, and structures;
      b. *Easements:* All existing easements and an indication of their purpose;
      c. *Topography:* A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the Planning Director;

STEP 1

Intent

The purpose of the Preliminary Plan is to provide a formal opportunity for the applicant, the Plan Commission, and the legislative body to discuss the general elements of the proposed PUD. The Preliminary Plan prepares the Plan Commission and legislative body for a future discussion of details and minimizes the risk incurred by the applicant in creating the Final Plan.

See Also:

Plan Commission Calendar of Filing & Meeting Dates

Chapter 12.2, Notice of Public Hearing

Plan Commission

Rules of Procedure

Comprehensive Plan

Indiana Historic Sites & Structures Inventory - Bartholomew County Interim Report

National Register of Historic Places

Indiana Register of Historic Sites & Structures

National Wetlands Inventory

5.3 Preliminary Plan (cont.)

Note: *The Indiana Historic Sites & Structures Inventory - Bartholomew County Interim Report includes an update for Sand Creek Township and portions of Columbus and Wayne Townships.*

d. *Natural Features:* The location of natural streams, regulated drains, 100 and 500-year floodplains and floodways (extrapolated from FEMA maps), water courses, wetlands (general locations as indicated by the National Wetlands Inventory), and wooded areas;
e. *Utilities:* The general location of utilities serving the site (including waste disposal, water, electricity, natural gas, cable television, and data transmission);
f. *Cemeteries:* The general location of any cemeteries on, or within 100 feet of, the site.
g. *Historic Features:* An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
h. *Other Features:* Any other significant feature(s) that may influence the preliminary design of the development.

7. Proposed Development: A description of the proposed development of the property, including:
   a. *Street Systems:* The general layout and description of proposed street systems (that identifies proposed arterial and collector streets);
   b. *Land Uses:* The general land use areas within the development (including proposed densities of residential uses);
   c. *Open Space:* The general location of open space;
   d. *Landscaping:* The general description of any areas of landscaping, buffering, and/or screening proposed for the development;
   e. *Natural Features:* A description of the general accommodation of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands, and wooded areas identified in Section 5.3(B)(5)(d) above;
   f. *Historic Features:* A description of the general accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;
   g. *Written Commitments:* A description of any written commitments that are being proposed as part of the development;
   h. *Covenants:* A general description of any private covenants and restrictions that may be established for the development; and
   i. *Drainage:* A general drainage concept meeting the requirements of the appropriate (City or County) Engineer.

5.3 Preliminary Plan (cont.)

8. Supplemental Information: Any other information requested by the Planning Director or Plan Commission to aid in the review of the Preliminary Plan. This may included, but not be limited to, topic areas such as traffic, utilities, flood hazards, and architectural design standards.

C. **Public Hearing Notification:** Notification for the scheduled public hearing regarding the Preliminary Plan shall be completed consistent with the requirements of Chapter 12.2 of this Ordinance and the Rules of Procedure of the Plan Commission.

STEP 2

STEP 3

D. **Plan Commission Public Hearing:** The Plan Commission will review the application and required supporting information.
   1. Representation: Either the applicant(s) or a representative of the applicant(s) must be present at the public hearing to present the petition and address any questions the Commission may have.
   2. Presentations: The presentation of reports and testimony and all other aspects at the public hearing shall be consistent with the Rules of Procedure of the Commission.
   3. Possible Action: The Preliminary Plan shall be forwarded to the legislative body with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Commission.
      a. *Favorable Recommendation:* The application may be forwarded with a favorable recommendation if it is found to be consistent with all applicable requirements and the intent of this Ordinance and the Comprehensive Plan. The Plan Commission may accept or require written commitments from the petitioner as part of the favorable recommendation.
      b. *Unfavorable Recommendation:* The application may be forwarded with an unfavorable recommendation if it is found to be inconsistent with any applicable requirements and/or the intent of this Ordinance and/or the Comprehensive Plan.
      c. *Continue:* The application may be continued based on a request by the Planning Director, the petitioner, a remonstrator, or an interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
         i. Additional legal notice shall not be required unless specified by the Plan Commission.
         ii. The continuing of all petitions shall be consistent with the adopted Rules of Procedure of the Commission.

5.3 Preliminary Plan (cont.)

4. Options Following an Unfavorable Recommendation: If the Plan Commission forwards an unfavorable recommendation to the legislative body the applicant may either proceed with the legislative body public hearing or withdraw the petition. Preliminary Plan applications that are withdrawn shall not be re-filed for a period of 1 year from the date of withdrawal. New applications for the same property that are substantially different, in the opinion of the Planning Director, from the withdrawn petition shall not be subject to the waiting period.
5. Certification of Recommendation: The Plan Commission shall certify its recommendation by resolution to the legislative body.

STEP 4

E. **Legislative Body Meeting:** The legislative body shall hold a meeting and vote (via resolution) on the proposed Planned Unit Development Preliminary Plan. The legislative body may either approve or deny the Preliminary Plan. The legislative body may request that modifications be made to the Preliminary Plan as part of its approval.

5.4 Final Plan & Rezoning

A. **Application:** The applicant shall submit a Planned Unit Development Final Plan review application, the required filing fee, the Final Plan, and any other supporting information. Final Plans may be submitted for the entire area included in the Preliminary Plan or in phases.

B. **Final Plan Data:** The Final Plan may take the form of a booklet of letter or legal sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The Final Plan shall meet any format requirements of the Bartholomew County Recorder. The following shall be included in the Final Plan submission:
   1. Cover Page & Index: The cover sheet shall indicate that it is the Final Plan for that particular development and include the date of submittal, an index identifying all sections included in the Final Plan document, and references to any separate sheets of information.
   2. Site Description: A description of the property and petitioners involved, including:
      a. the name, mailing address, e-mail address, and telephone number of the applicant,
      b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Final Plan design,
      c. the legal description of the subject property and common address of the site, and
      d. the proposed name of the development (if applicable).
   3. Common Holdings Map: A map of any property adjacent to the property subject to the Final Plan owned or otherwise controlled by any or all of the petitioners.
   4. Sewerage Verification: A letter verifying that proper waste disposal will be available to the property.
      a. For proposals using septic systems (or other alternatives to a sewer utility), a letter from the Bartholomew County Health Department shall be provided verifying that the development shall be adequately served and adequate plans are in place to assure the maintenance of the waste disposal facilities.
      b. For proposals using a sewer utility, a letter from the appropriate sewer utility shall be included verifying that the proposed development shall be served.
   5. Existing Site Conditions: A description of all existing conditions on the subject property, including:
      a. *Built Features:* All existing streets (including travel lanes, rights-of-way, etc.), established open spaces, and structures;
      b. *Easements:* All existing easements and an indication of their purpose;
      c. *Topography:* A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the Planning Director;

STEP 5

Intent

The purpose of the Final Plan & Rezoning Application is to finalize the details of the proposed PUD, document those details, and obtain final PUD approval from the appropriate legislative body consistent with IC 36-7-4-1509(a)(2).

See Also:

Section 5.1(E)
Pre-existing Planned Unit Developments

Subdivision Control Ordinance

Plan Commission Calendar of Filing & Meeting Dates

Chapter 12.2,
Notice of Public Hearing

Plan Commission Rules of Procedure

IC 36-7-4-1512,
(Conditions of Approval)

IC 36-7-4-1503,
(PUD District Ordinances)

IC 36-7-4-608,
(Rezoning Procedures)

Chapter 12.8,
Improvement Location Permits

IC 36-7-4-603,
(Rezoning Criteria)

5.4 Final Plan & Rezoning (cont.)

Note: *The Indiana Historic Sites & Structures Inventory - Bartholomew County Interim Report includes an update for Sand Creek Township and portions of Columbus and Wayne Townships.*

d. *Natural Features:* The location of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
e. *Utilities:* The location of utilities serving the site (including waste disposal, water, electricity, natural gas, cable television, and data transmission);
f. *Cemeteries:* The boundaries of any cemeteries on, or within 100 feet of, the site.
g. *Historic Features:* An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
h. *Other Features:* Any other significant feature(s) that may influence the design of the development.

6. Proposed Development: A description of the proposed development of the property, including:
   a. *Street Systems:* The layout and design of proposed street systems (including on-street parking, sidewalks, and street trees);
   b. *Land Uses:* The land use areas within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);
   c. *Open Space:* The location, improvement, design, maintenance, and use of any open space (including park facilities, natural areas, trail systems, and other common areas);
   d. *Landscaping:* The design of any landscaping, buffering, and/or screening proposed for the development;
   e. *Natural Features:* A description of the accommodation of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
   f. *Historic Features:* A description of the accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;

g. *Development Standards:* Final text documenting the development standards that will apply to development (including lot size and dimensions, building setbacks, off-street parking standards, lighting standards, sign standards, landscaping requirements, etc.);
h. *Written Commitments:* A description of any written commitments that are being proposed as part of the development;
i. *Covenants:* A description of any private covenants and restrictions that will be established for the development; and
j. *Drainage:* A detailed drainage plan meeting the requirements of the appropriate (City or County) Engineer.

7. Supplemental Information: Any other information requested by the Planning Director or Plan Commission to aid in the review of the Final Plan. This may included, but not be limited to, topic areas such as traffic, utilities, flood hazards, and architectural design standards.

C. **Plat Requirement:** Planned Unit Developments shall be required to comply with the platting procedures of the Subdivision Control Ordinance (per IC 36-7-4-1513). In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision Control Ordinance procedure. If a subdivision of land is required for the development, the Preliminary Plat may be filed simultaneously as the Final Plan.

D. **Public Hearing Notification:** Notification for the scheduled public hearing regarding the Final Plan shall be completed consistent with the requirements of Chapter 12.2 of this Ordinance and the Rules of Procedure of the Plan Commission.

E. **Plan Commission Public Hearing:** The Plan Commission will review the application and required supporting information.
1. Representation: Either the applicant(s) or a representative of the applicant(s) must be present at the public hearing to present the application and address any questions the Commission may have.
2. Presentations: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedure of the Commission.
3. Possible Action: The Final Plan shall be forwarded to the legislative body with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.
a. *Favorable Recommendation:* The Final Plan application may be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 5.4(G).





See Also:

Section 5.1(E)
Pre-existing Planned Unit Developments

5.4 Final Plan & Rezoning (cont.)

b. *Unfavorable Recommendation:* The application may be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 5.4(G).
c. *Continued:* The application may be continued based on a request by the Planning Director, the petitioner, a remonstrator, or an interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
   i. Additional legal notice shall not be required unless specified by the Plan Commission.
   ii. The continuing of all applications shall be consistent with the adopted Rules of Procedure of the Commission.

4. Re-Filing Following an Unfavorable Recommendation: If the Plan Commission forwards an unfavorable recommendation to the legislative body the applicant may either proceed with the legislative body public hearing or withdraw the petition. If a PUD Final Plan has been withdrawn, there shall be no waiting period before which a new Preliminary Plan or Final Plan petition may be filed.
5. Certification of Recommendation: The Plan Commission shall certify its recommendation by resolution to the legislative body. The Planning Director shall forward to the legislative body a PUD district ordinance (rezoning) meeting the requirements of IC 36-7-4-1503 for consideration.

STEP 3

F. **Legislative Body Public Hearing:** The legislative body shall hold a public hearing and vote on the proposed Planned Unit Development district ordinance (rezoning) within 90 days of its certification by the Plan Commission.
   1. Possible Action: The legislative body may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by Section 5.4(G).
      a. *Failure to Act*: If the legislative body fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission per IC 36-7-4-608.
      b. *Approval*: If the legislative body approves the PUD district ordinance (rezoning), the land is officially rezoned. The Official Zoning Map shall reflect the zoning change.
   2. Conditions: Per IC 36-7-4-1512 the legislative body may impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate financial surety for public improvements.

5.4 Final Plan & Rezoning (cont.)

G. **Final Plan Decision Criteria:** In reviewing the Planned Unit Development Final Plan, the Plan Commission and legislative body shall pay reasonable regard to the following, consistent with IC 36-7-4-603 and IC 36-7-4-1509(d):
   1. Preliminary Plan: The extent to which the proposal is consistent with the approved Preliminary Plan;
   2. Requirements and Intent: The extent to which the proposal fulfills the requirements and intent of this Article;
   3. Planning Documents: The Comprehensive Plan and any other applicable, adopted planning studies or reports;
   4. Characteristics: The current conditions and the character of current structures and uses in each zoning district;
   5. Desired Use: The most desirable use for which the land in each district is adapted;
   6. Property Values: The conservation of collective property values throughout the legislative body's jurisdiction as a whole; and
   7. Growth Management: Responsible growth and development.

H. **Final Plan Signatures & Filing:** The implementation of an approved Final Plan must be consistent with the following provisions:
   1. Final Plan Signatures: When approved, the Final Plan shall be signed by the Plan Commission President and Secretary.
   2. Final Plan Recording & Filing: The approved Final Plan, including all development standards serving as the zoning requirements on the subject property shall be recorded with the Bartholomew County Recorder. A copy of the record Final Plan shall then be filed with the Planning Director by the applicant. The documents must clearly state that the development standards and any written commitments are enforceable by the Plan Commission.
   3. Covenant Recording: Any covenants for the development shall be recorded with the Bartholomew County Recorder. The documents must (a) clearly distinguish covenants from development standards and written commitments and (b) indicate that covenants are private agreements that are not enforceable by the Plan Commission.

STEP 9

5.5 Written Commitments

Note: *Covenants shall be distinguished from written commitments and development standards. Written commitments and development standards are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements which are not enforceable by the Plan Commission*

See Also:

IC 36-7-4-1015, (Written Commitments)

The applicant in any Planned Unit Development 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.

A. **Commitment Proposals:** Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Development Review Committee, or in response to any modifications requested by the Plan Commission or legislative body.

B. **Consideration of Commitments:** Any commitments shall be considered by the Development Review Committee, Plan Commission, and legislative body if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (rezoning) establishing the PUD zoning.

C. **Procedure for Commitment Modifications:** If modifications of written commitments considered by the Plan Commission or new commitments are requested by the legislative body, the application shall be referred back to the Plan Commission for re-consideration.
   1. Plan Commission Approval: If the Plan Commission approves the requested modification(s) the application is also approved.
   2. Plan Commission Disapproval: If the Plan Commission disapproves or alters the requested modification(s) the application shall be again considered at a meeting of the legislative body. At that time, the legislative body may:
      a. approve the application as originally recommended by the Plan Commission;
      b. approve the application with the originally requested modifications; or
      c. request alternate modifications and again refer the matter back to the Plan Commission.

D. **Enforcement of Commitments:** The recorded written commitments shall be considered part of this Ordinance binding on the subject property.
   1. Applicability: The recorded 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 any portion of the subject property.
   2. Enforcement: The recorded written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of this Ordinance.
   3. Modification: The recorded written commitments may be modified only through the Preliminary and Final Planned Unit Development processes described by this Article.

5.6 Covenants

A copy of any recorded covenants shall be provided to the Planning Director by the petitioner for the records of the Commission.

A. **Lot Owner's Association:** If covenants are established on the property adequate provision shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization is self-perpetuating.

B **Service Access to Common Areas:** The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them. The covenants shall specifically state that appropriate government entities may access any common areas to monitor and correct the operation of drainage facilities.

See Also:

Plan Commission Rules & Procedures

IC 36-7-4-1511(j), (Minor Modifications)

5.7 Modifications

A. **Minor Modifications:** The Planning Director may from time to time approve minor modifications of the Final Plan without a public hearing consistent with IC 36-7-4-1511(i).
   1. Limitations: No modification shall include any change in type of use, any alteration of the development standards, or any change in vehicle or pedestrian circulation or access.
   2. Procedure: To request a minor modification, the property owner, developer, or applicant shall provide the Planning Director with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission.
   3. Appeal: Any affected party may appeal any minor modification decision by the Planning Director to the Plan Commission within 30 days of the determination.
   4. Rules of Procedure: The Plan Commission may, through its Rules of Procedure, establish rules governing the nature of proceedings and notice required to make a minor modification under this Chapter per IC 36-7-4-1511(j).

B. **Major Modifications:** All modifications that exceed the limitations for minor modifications shall be considered major modifications. The application and review procedure for a major modification shall be the same as that for a PUD final plan and rezoning established by Chapter 5.4 of this Ordinance.

5.8 Expiration & Extensions

A. **Preliminary Plan Expiration / Voiding of Approval:** The Preliminary Plan approval shall expire if a Final Plan application has not been filed within 1 year of the date of Preliminary Plan approval. The Preliminary Plan approval shall also expire if a Final Plan has not gained approval within 3 years of the date of Preliminary Plan approval. For phased development, the Preliminary Plan shall expire if 5 years elapses between the approval of any 2 Final PUD Plans. The Preliminary Plan approval shall be void if any subdivision, site plan, rezoning or other development activity is approved for any portion of the subject property prior to the approval of the Final Plan.

B. **Final Plan Expiration:** Final PUD plans that take the form of a site plan for an individual lot shall expire consistent with the provisions of IC 36-7-4-1109. Final plans that take the form of a set of specifications and/or regulations for all or part of the PUD area shall not expire.

C. **Extensions:** An extension for accomplishing any processes required by this Article may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must be filed with the Planning Director a minimum of 30 days **prior** to the applicable deadline.

See Also:

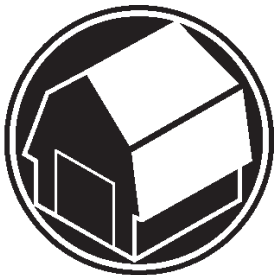
Subdivision Control Ordinance

Article 6
Use Standards



Article Six: Use Standards..... Page #

6.1 Accessory Use/Structure Standards..... 6-2
6.2 Temporary Use/Structure Standards..... 6-12
6.3 Confined Feeding Operation (CFO) Standards..... 6-16
6.4 Industrial Standards..... 6-19
6.5 Residential Group Home Standards..... 6-22
6.6 Home-Based Business Standards..... 6-23
6.7 Mobile & Manufactured Home Standards..... 6-27
6.8 Telecommunications Facility Standards..... 6-29
6.9 Mineral Extraction Standards..... 6-35
6.10 Solar Energy System Standards..... 6-40



Intent:

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

6.1 Accessory Use/Structure Standards

General Accessory Use/Structure Standards

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

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

A. **Order of Establishment:** No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.

B. **Farm Exemption:** Properties on which a farm is the primary use shall be considered as having "agricultural" structures in addition to or instead of "primary" and/or "accessory" structures. Agricultural structures shall be exempt from the requirements of this Ordinance for accessory structures.

C. **Incidental Uses & Structures:** The following shall be considered incidental and shall meet the standards specified.
   1. Satellite Dish: All satellite dish located in a single-family residential zoning district that exceed 1 meter (approximately 3.3 feet) in diameter and those located in all other zoning districts that exceed 2 meters (approximately 6.6 feet) in diameter shall comply with the following requirements. All smaller satellite dish shall be exempt from the requirements of this Ordinance.
      a. *Location:* All satellite dish shall meet the location requirements specified for accessory structures by Section 6.1(E).
      b. *Height:* No satellite dish shall exceed 10 feet in height from ground level (if mounted on the ground) or 5 feet in height above the highest point of the roof of the primary structure (if mounted on the roof). Satellite dish shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standards variance process, that the increased height is technically necessary to successfully receive satellite signals.

General Accessory Use/Structure Standards

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

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

c. *Loading Areas:* Any outdoor staging area intended for the temporary loading and/or unloading of materials shall be clearly marked as such. These areas may not be used for outdoor storage, display and/or sales unless they meet the requirements for such uses provided by this Chapter.

d. *Sidewalk Use:* Outdoor storage, display and/or sales shall be prohibited on City-owned, County-owned or State-owned sidewalks, public land or public right-of-way unless approved by the Board of Public Works and Safety, Board of County Commissioners, or Indiana Department of Transportation, as applicable.

e. *Exemptions:* The following exemptions shall apply:
   i. Vending machines shall be exempt from these outdoor storage, display and/or sales standards provided they are accessory to a use other than single or two-family residential, that the items for sale are completely enclosed in the vending devise, and that they are not located in any required accessory structure setback area or buffer yard.
   ii. Lots on which plant and tree nurseries are the primary use shall be exempt from these requirements, provided that any stockpiling or storage of loose materials shall be contained within bins or similar structures to prevent spillage and blowing of materials. The sale of plant materials at general retailers and other similar locations shall not be exempt from the requirements of this Section.

f. *Temporary Outdoor Sales and Display:* Temporary outdoor sales and/or display includes any merchandise taken inside or otherwise removed at the close of each business day; and/or any outdoor sales and/or display that is left outdoors for a period of no more than 60 days in any 1 calendar year. Where temporary outdoor sales and/or display occurs, the following requirements shall apply:
   i. Sales and/or display areas shall maintain adequate clear area for safe pedestrian circulation along any required pedestrian route. The clear area shall be no less than 5 feet wide and shall meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements. The size and width of clear areas and pedestrian circulation areas located upon public sidewalks shall be at the discretion of the Board of Public Works or the Board of County Commissioners, as applicable.
   ii. No sales and/or display items shall be stacked above a height of 6 feet. Individual merchandise items that exceed 6 feet in height, such as heavy machinery or landscaping plants, are exempt from this requirement, provided that they do not exceed the height of the primary structure.

iii. Any temporary sales and/or display left outside beyond typical daytime business hours (6:00 a.m. to 10:00 p.m.) shall require an Improvement Location Permit. The application for the permit shall state how the above requirements shall be met, and shall include a site plan, drawn to scale, that illustrates the location of the temporary sales and/or display area. All structures associated with the temporary outdoor sales and/or display shall be removed once activities have ceased. The outdoor sales and/or display area must be restored to its permanent condition within the time frame of the permit.

g. *Permanent Outdoor Sales and/or Display:* Within the City of Columbus jurisdiction, outdoor sales and/or display that is utilized for more than 60 days in any 1 calendar year shall be considered permanent and shall be subject to the following requirements. Permanent outdoor sales and/or display within the Bartholomew County jurisdiction shall comply with the requirements of Section 6.1(C)(3)(b).
   i. The area dedicated to outdoor sales and/or display shall not exceed 10% of the allowed lot coverage for properties within the zoning district in which the use is located.
   ii. All outdoor sales and/or display areas shall be paved (except for certain vehicle display lots as described in Section 6.1(C)(3)(h)(iii), below) and shall be graded and drained to dispose of all surface water.
   iii. The outdoor sales and/or display area must be enclosed on a minimum of 3 sides by a 100% opaque fence or wall of a height equal to the items displayed, up to a maximum of 8 feet and made of wood, brick or masonry. If any side of the outdoor sales and/or display area is adjacent to a Type "A" Buffer Yard utilizing a fence (see Chapter 8.2) on the same lot, the fence required for the buffer shall suffice for the sales and/or display area fence requirement.
   iv. The outdoor sales and/or display area enclosure shall be designed and constructed of materials that are consistent with the character of the primary structure on the lot.
   v. The sales and/or display areas for pallets, soil, stone, sand, mulch, and similar stockpiled or loose materials shall be contained within bins or similar structures that prevent spillage and blowing of materials.

h. *Outdoor Sales and/or Display of Vehicles and Farm Implements:*
   i. Not more than 1 vehicle display pad shall be permitted for each 100 feet of lot frontage on a public street or road. A vehicle display pad may not exceed 6 feet in height. A vehicle display pad may not be located within a required setback.

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

ii. Vehicle display lots shall be considered the same as parking lots for meeting the landscaping standards of Article 8, except that a vehicle display lot is not required to provide perimeter parking lot landscaping as required by Section 8.1(C)(1).
iii. Vehicle display lots that display passenger automobiles and trucks shall be paved. Lots displaying farm implements, recreational vehicles, construction equipment and similar vehicles may have a gravel surface.

i. *Outdoor Storage:* Storage of items that are not intended for display and/or sale shall be subject to the following:
i. In Commercial zoning districts, outdoor storage areas shall be screened by a 100% opaque fence that is 6 feet in height. The use of metal fences with slats/inserts is not permitted. Any portion of an outdoor storage area fence that is adjacent to or visible from a public street or road shall include landscaping consistent with a Buffer Yard Type B as specified by Section 8.2(D) on the exterior of the fence, unless a Buffer Yard Type A is required by Chapter 8.2.
ii. In Industrial zoning districts, outdoor storage areas that are adjacent to or visible from a Collector or Arterial street or road shall be screened by a 100% opaque fence that is a minimum of 6 feet in height and may extend to a maximum height of 8 feet. Landscaping, consistent with a Buffer Yard Type B as specified by Section 8.2 (D) shall be provided on the exterior of any required fence, unless a Buffer Yard Type A is required by Chapter 8.2.

4. Child Day-Care Home Standards: Child day-care homes shall meet the definition established by this Zoning Ordinance and shall be consistent with all applicable regulations of the State of Indiana.
5. Other Incidental Structures: Other incidental structures shall include and be subject to the requirements of this Ordinance as follows:
a. Bird baths and houses, mailboxes, lamp posts, dog-houses, yard ornaments, free library/pantry boxes, and other similar items shall be exempt from regulation by this Ordinance.
b. Patios, pool decks, walks, athletic courts, and other similar items installed at finished grade on a property shall be exempt from regulation by this Ordinance. However, any fences associated with these items shall be subject to Chapter 9.3.
c. Gazebos, arbors, play equipment, sheds, mechanical equipment including ground-mounted solar panels, and other similar items, if less than 120 square feet in area and not on a permanent foundation, shall be exempt from regulation by this Ordinance. Those that exceed 120

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

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

Permitted Accessory Uses (Table 6.1)

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

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

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

6.1 Accessory Use/Structure Standards (cont.)

General Accessory Use/Structure Standards

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

b. *Primary Use of the Property:* An accessory dwelling may only be established on a property on which the primary use and structure is a single-family dwelling (or where a single farm dwelling is present). In instances where two or more dwelling units exist on a property and an additional dwelling unit is sought to be established, that additional unit shall be considered as an expansion of a multifamily use, rather than an accessory dwelling, and the provisions of this section shall not apply.

c. *Living Area:* In residential zoning districts, the living area of any accessory dwelling shall not exceed 1,000 square feet or an amount equal to 65% of the primary residence on the property, whichever is less. Further, no accessory dwelling shall be less than 400 square feet in living area. In agricultural zoning districts, the living area of the accessory dwelling shall not exceed an amount equal to 75% of the primary residence on the property. However, properties in agricultural zoning districts on which an accessory dwelling is created by retaining a historic home (any that is at least 50 years old) shall be exempt from the living area limit.

d. *Maximum Number of Units:* A maximum of 1 accessory dwelling may be permitted on any property.

e. *Driveway Access:* The accessory dwelling shall not require the establishment of an additional driveway.

f. *Parking Requirements:* In instances where on-street parking is allowed on either side of a street in a block where the subject property has frontage, no off-street parking for the accessory dwelling shall be required. Where the on-street parking described above is not available, one off-street parking space, in addition to those required for the primary residence by Chapter 7.1 of this Ordinance, shall be provided for the accessory dwelling. All off-street parking spaces provided shall meet all applicable design and circulation standards for the zoning district in which the property is located as provided by Article 7 of this Ordinance.

g. *Waste Disposal:* Both the primary residence and the accessory dwelling shall either (i) be served by a public sewer system or (ii) be served by one shared or two individual septic systems approved by the Bartholomew County Health Department. The waste disposal method shall also comply with the Utility Requirements established for each zoning district by Article 3 of this Ordinance.

h. *Architectural Design:* The accessory dwelling unit should make use of exterior materials consistent with or complimentary to the primary residence on the property.

2. Recreation / Guest Buildings: Buildings used for recreation and/or guest quarters shall be limited to 1 such structure per property. Such facilities shall be limited to a maximum size equal to 65% of the total living area in the primary residence.

E. **Accessory Structure Location:** Accessory structures shall comply with the following location requirements:
   1. Septic Fields: No accessory structures shall be placed in any active or alternate septic fields.
   2. Landscaping & Buffer Areas: No accessory structure shall encroach into any required landscaped area or buffer yard.
   3. Yard Location: No accessory structure shall be permitted in any front yard, or within the required side or rear yard setbacks specified by the zoning district in which it is located. However, the front yard prohibition shall be subject to the following exceptions:
      a. *Drive-up Window Structures:* Canopies and other accessory structures associated with a Drive-up window (as defined by this Ordinance) may be permitted in the front yard, but shall comply with all minimum front, side, and rear yard setbacks.
      b. *Through Lots:* In the case of through lots, the prohibition on accessory structures in the front yard shall only apply to the front yard associated with what is designed as the front wall of the primary structure (most often distinguished by a main entry for people and/or vehicles); accessory structures shall be prohibited from being located in the required setback applicable to the other front yard.
      c. *Agricultural Zoning Districts:* Properties located in agricultural zoning districts and outside of any major subdivision (platted as such under the subdivision control ordinance) shall be permitted accessory structures in front yards. Accessory structures on these properties shall comply with all front, side, and rear yard setbacks.
   4. Vehicle Access: No garage vehicle entrance from a street shall be setback less than 25 feet from the adjacent right-of-way (to allow for off-street parking).

F. **Permitted Accessory Structures:** Accessory structures shall be permitted consistent with the Permitted Accessory Structures table and shall be subject to the following requirements:
   1. Interpretation: The Planning Director shall determine whether or not accessory structures not specifically listed are permitted based on the consistency of each structure with the intent of the district in which it is located.
   2. Limitations: (Properties of less than 2 Acres): On any property of less than 2 acres the total lot coverage of accessory structures shall not exceed an amount equal to that of the ground floor area of the primary structure on that property. In addition, these properties shall be limited to a maximum of 5 total accessory structures and a maximum of 2 of any one type of accessory structure (mini-barn, garage, etc.)

Permitted Accessory Structures (Table 6.2)

Structure (P - Permitted, C - Conditional)	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
amateur radio & other receiver antenna (see Section 6.1)(F)(3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
attached & detached decks above 30 inches from grade	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
recreational greenhouses	P	P	P	P	P	P	P	P	P	P												
detached garages and carports	P	P	P	P	P	P	P	P	P	P	P	P										
mini-barns, sheds, & gazebos	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
swimming pools & hot tubs (see Section 6.1)(F)(4)	P	P	P	P	P	P	P	P	P	P	P	P										
other structures for permitted primary or accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

3. Amateur Radio and Television & Radio Receiver Antennas: All amateur and CB radio antenna, antenna for receiving television signals, antenna for receiving radio signals, and all other personal broadcasting equipment shall meet the following requirements:
   a. *Height:* No amateur radio tower shall exceed 75 feet in height from ground level. No television or radio antenna shall exceed 35 feet in height from ground level or 5 feet in height above the highest point of the roof of the primary structure, whichever is greater. Antenna shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standards variance process, that the increased tower height is technically necessary to successfully engage in amateur radio communications.
   b. *Electrical Interference:* No amateur radio tower or equipment shall be permitted that results in interference with other electrical transmissions or devices.
4. Swimming Pool and Hot Tubs: The provisions of this Ordinance shall only apply to pools and hot tubs that exceed 18 inches in depth.

G. **Park & Recreation Facility Accessory Uses & Structures:** Where park and recreation facilities are permitted, customary accessory uses and structures such as restrooms, groceries, refreshment stands, restaurants, laundries, and sporting goods sales are also permitted, subject to the following standards:
   1. Area: The maximum cumulative area occupied by accessory uses and structures, including any associated parking, shall not exceed 10% of the park and recreation site;

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

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



Intent:

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

6.2 Temporary Use/Structure Standards

General Temporary Use/Structure Standards

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

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

A. **General Temporary Use and Structure Standards:** All temporary uses and structures, both separately and in combination, shall conform to the following requirements:
   1. Removal: All temporary uses and/or structures must be removed and the site reverted to its original condition within the time limits specified by this Chapter.
   2. Access and Parking: No vehicle parking associated with the temporary use and/or structure shall occur in a public right-of-way and all vehicle access points shall meet any requirements of the city or county engineer having jurisdiction over the site.
   3. Signs & Lighting: All signs and lighting shall comply with the requirements of this Ordinance for the zoning district in which the temporary use and/or structure is located unless otherwise specified by this Chapter.
   4. Permit Requirements: All temporary uses and/or structures shall be required to obtain a permit unless otherwise specified by this Chapter. No temporary use or structure, or the related signs, lighting, parking, etc. shall be constructed or placed upon a site prior to all necessary permits being obtained.

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

B. **Temporary Structures for Permanent Uses:** All temporary structures installed as accessories to the permanent use on the property shall conform to the following requirements:
   1. Applicable Development Standards: Temporary structures must meet all development standards (height, setbacks, parking, etc.) for a permanent structure unless otherwise specified in this Chapter.
   2. Temporary Structure Time Limits: Any temporary structure used in conjunction with an existing permanent use may be permitted for up to 2 years, unless otherwise specified by this Chapter.

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

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

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

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

6.2 Temporary Use/Structure Standards (cont.)

General Temporary Use/Structure Standards

F. **Temporary Home Sales Facilities:** Temporary model homes shall be permitted in each residential development until either (1) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development or (2) 5 years from the date of approval of the final plat for the most recent section of the development, whichever is less. Temporary sales trailers shall be permitted in each residential subdivision for a maximum of 6 months, measured from the date on which the permit is obtained for the initial sales trailer for any lots included in a Preliminary Plat. An Improvement Location Permit shall be required.

1. Location: Temporary home sales facilities shall be located on the nearest vacant lot to the entrance in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a model home or temporary sales trailer.
2. Number of Facilities: Subdivisions which include less than 50 lots in the Preliminary Plat shall be limited to a maximum of 2 temporary home sales facilities. Subdivisions which include 50 or more lots in the Preliminary Plat shall be limited to a maximum of 3 temporary home sales facilities.
3. Design Requirements: The placement of temporary home sales facilities shall be consistent with the following requirements:
   a. *Uses:* The use of the facility shall be limited to open house purposes for prospective buyers. Temporary home sales facilities may not be directly used for the purpose of selling homes in other developments or in other communities.
   b. *Signs:* For the purposes of sign regulation, each temporary home sales facility (trailer or model home) shall be considered a property for sale and shall be permitted supplemental temporary signs per Section 10(E)(2)(a).
   c. *Lighting:* All exterior lighting shall be limited to typical household exterior lighting. The use of all other types of lighting, including floodlighting and search lights shall be prohibited.
   d. *Parking:* Temporary home sales facilities shall conform with the following parking requirements:
      i. Model homes shall provide a minimum of 2 off-street parking spaces for the use of salespersons and potential buyers. The parking spaces shall conform to the size requirements of this Ordinance. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. The driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.
      ii. Temporary sales trailers shall provide 2 off-street parking spaces. The spaces shall be surfaced with stone or paved.

e. *Landscaping:* Temporary home sales facilities shall conform with the following landscaping requirements:
   i. Model homes shall provide landscaping consistent with that which the developer and/or builder provides for homes to be constructed in the subdivision.
   ii. Temporary sales trailers shall provide a landscape area extending from the trailer for 5 feet in each direction. The landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the development. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.

3. Model Home Conversion: Prior to the sale of a model home for use as a residence, all signs shall be removed and the garage area restored.
4. Sales Trailer Conversion: Any builder using a temporary home sales trailer and either constructing an approved model home, or removing the trailer, shall restore the trailer site to pre-installation conditions, removing the trailer and any associated signs and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed prior to the issuance of a permanent certificate of occupancy for the model home.



Intent:

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

6.3 Confined Feeding Operation Standards

General Confined Feeding Operation (CFO) Standards

AGRICULTURAL (A)

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

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

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

General Confined Feeding Operation (CFO) Standards

d. *Farm Dwellings in Agricultural Zoning Districts:* No CFO facility shall be located closer than 500 feet to any farm dwelling (a residence located on a property of greater than 5 acres) located in an Agricultural zoning district. The separation shall be measured from the nearest structure associated with the CFO facility to the farm dwelling.

e. *Certain Community Facilities:* No CFO facility shall be located closer than ¼ mile to any (1) school (including a trade or business school, college or university, and day-care center); (2) health care facility (including a hospital, clinic, retirement facility, and nursing home / assisted living facility); (3) worship facility; or (4) recreational facility (including all park uses and all outdoor recreational uses). In the case of nature preserves (which are considered a park use) the specified separation shall only be required if the nature preserve is dedicated by the State of Indiana. The separation shall be measured from the nearest structure associated with the CFO facility to the property line of the other use.

f. *Private Wells for Household Use:* No CFO facility shall be located closer than 500 feet to any private well providing water for bathing, cooking, drinking and other household purposes. The separation shall be measured from the nearest structure associated with the CFO facility to the well water withdrawal location. In no instance shall this provision be interpreted as requiring separation between a CFO facility and wells used for irrigation or other non-household purposes.

g. *Exemptions:* The following exemptions shall apply to the minimum separation distances described above:
   i. No minimum separation distance shall be required from a CFO facility to any residence, farm dwelling, or well located on the same property with that facility.
   ii. No minimum separation distance shall be required from a CFO facility to any nearby residential property, off-site farm dwelling, or well associated with the CFO. A residential property, farm dwelling, and/or well shall be considered as being associated with the CFO if they are in the same ownership as the CFO. Ownership shall not be required to be identical and may be considered the same if, for example, individuals who own the residential property and/or farm dwelling also own all or part of a corporation that owns the CFO. Further, residential properties, farm dwellings, and/or wells may be considered as associated with the CFO if they are owned by others in the same family as those who own the CFO or by employees of the CFO. The existence of any association shall be determined by the Planning Director. The Planning Director may require written waivers of the required separation from

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

6.3 CFO Standards (cont.)

General Confined Feeding Operation (CFO) Standards

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

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

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

Intent:

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



6.4 Industrial Standards

General Industrial Standards

These General Industrial Standards apply to the Industrial zoning districts:

INDUSTRIAL

A. **Interpretation:** The industrial standards established by this Chapter provide general guidelines for use by the City of Columbus and Bartholomew County in discussing expectations with new and expanding industrial operations. They also provide references to applicable state and federal regulations. Where applicable the determination of conformance of industrial operations with the requirements of this Chapter shall be determined by the Plan Commission when consistent with the petition review processes established by this Ordinance. In no instance shall this Chapter be interpreted as requiring the Planning Director and/or applicable Plan Commission to maintain and verify approvals by other agencies or units of government.

B. **Applicability:** All uses shall conform with any and all applicable requirements of the state and Federal governments (including the requirements of the Occupational Safety and Health Administration - OSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to applicable local ordinance(s). In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply.

C. **General Requirements:** All uses placed into operation after the effective date of this Ordinance shall comply with the following general requirements in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this Ordinance shall be altered or modified in a manner that conflicts with these requirements.
   1. Smoke and Particulate Matter: No use on a property shall release fly ash, dust, smoke, or any other type of particulate matter that violates the air quality requirements established by the Indiana Department of Environmental Management.

6.4 Industrial Standards (cont.)

General Industrial Standards

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

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



Intent:

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

6.5 Residential Group Home Standards

Residential Group Home Standards

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

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

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

B. **Residential Facilities for the Developmentally Disabled:** Residential facilities for the developmentally disabled shall be permitted consistent with IC 12-28-4-8.

Intent:

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



6.6 Home-Based Business Standards

Urban Area / Small Lot Home-Based Business Standards

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

AGRICULTURAL (A)
SINGLE-FAMILY RESIDENTIAL (S)
MULTI-FAMILY RESIDENTIAL (M)
COMMERCIAL (C)

A. **Application:** These home-based business standards shall apply to (1) all lots that are less than 5 acres in area and (2) all lots that are greater than 5 acres in area and are <u>not</u> located in a Agricultural zoning district.

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

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

6.6 Home-Based Business Standards (cont.)

Urban Area / Small Lot Home-Based Business Standards

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

Agricultural Area Home-Based Business Standards

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

A. **Application:** These home-based business standards shall apply to all lots which (1) are located in any Agricultural zoning district and (2) are 5 acres or greater in area.

B. **Permitted & Conditional Use Home-Based Businesses:** A home-based business meeting the requirements listed below shall be considered a permitted accessory use to any dwelling unit. Any accessory use meeting the definition of a home-based business but exceeding the requirements listed below may be allowed by the Board of Zoning Appeals as a conditional use.

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

6.6 Home-Based Business Standards (cont.)

Agricultural Area Home-Based Business Standards

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

Intent:

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



6.7 Mobile/Manufactured Home Standards

General Mobile/Manufactured Home Standards

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

AGRICULTURAL A
SINGLE-FAMILY RESIDENTIAL S
MULTI-FAMILY RESIDENTIAL M

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

6.7 Mobile/Manuf. Home Standards (cont.)

General Mobile/Manufactured Home Standards

c. *Foundation*: The home shall be placed on a permanent underfloor foundation and an exterior perimeter retaining wall that are consistent with those for, or planned for, other single-family dwellings in the area and all applicable provisions of the local Building Code.

d. *As an Accessory Dwelling Unit:* Manufactured homes and industrialized residential structures shall be permitted as an accessory dwelling, subject to all requirements of Section 6.1(D)(1).

3. Homes Placed Within a Mobile / Manufactured Home Community: Mobile homes, manufactured homes, and industrialized residential structures shall be permitted within mobile / manufactured home communities where such communities are allowed by this Ordinance. These mobile homes, manufactured homes, and industrialized residential structures shall be placed on a permanent underfloor foundation with exterior foundation siding consistent with all applicable provisions of the local Building Code.

B. **Mobile / Manufactured Home Community Requirements**: All mobile / manufactured home communities, including those containing mobile homes, manufactured homes, and/or industrialized residential structures, shall comply with the following requirements:

1. Storage Space: Each home shall be provided with an enclosed, waterproof storage space either as an accessory structure on each home site, behind the home's skirting, or at a central storage facility.
2. Interior Streets: All interior mobile / manufactured home community streets may either be dedicated to the public or be private. All public interior streets shall meet the design and construction requirements for public streets, including intersections, sidewalks, etc. provided by the Subdivision Control Ordinance.
3. Compliance Verification: Prior to the release of an Improvement Location Permit for construction of a new or expanding mobile / manufactured home community, the community operator shall provide a letter or other indication of plan approval from the Indiana State Department of Health.

Intent:

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



6.8 Telecommunications Facility Standards

General Telecommunications Facility Standards

These General Telecommunications Facility Standards apply to all zoning districts:

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

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

6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards

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

a. *Increased Height:* increase the height of the support structure by 10% of its original height or 20 feet, whichever is greater (unless the height increase is necessary to avoid interference with an existing antenna),
b. *Increased Width:* add any equipment, antenna, or other component to the support structure that protrudes horizontally by more than 20 feet or an amount equal to the width of the support structure at the location of the addition, whichever is greater (unless the increase is necessary to shield an antenna from inclement weather or connect an antenna to the support structure by cable), or
c. *Increased Area:* increase the area included in the equipment compound associated with the facility by more than 2,500 square feet.

3. New and Collocated Antenna: The installation of new antenna on existing support structures, including legal non-conforming structures, and previously approved alternative support structures (such as water towers or buildings), and including the accompanying equipment on the ground, shall be exempt from the requirements of this Chapter and a zoning compliance certificate shall not be required, unless they result in a substantial modification as described in Section 6.8(A)(2) above. However, all new and collocated antennas shall comply with any prior conditional use or other previous, applicable approvals obtained in the past construction of the support structure.
4. Replacement of Existing Facilities: The replacement of a telecommunications facility with a new facility at the same location that is substantially similar to or the same size or smaller than the facility being replaced shall be exempt from the requirements of Article 11 of this Ordinance and shall therefore be permitted. A zoning compliance certificate shall not be required. However, all replacement facilities shall comply with any prior conditional use or other previous approvals applicable to the facility being replaced.

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

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

C. **Determination of New Facility Need:** Any proposal for a new telecommunications facility shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Indiana that the antenna(s) planned for the proposed facility cannot be accommodated at any existing or approved facilities or on other alternative structures within a 2 mile radius of the proposed facility location due to one or more of the following reasons:
   1. Functionality*:* other locations would not result in the same wireless service functionality, coverage, and capacity,
   2. Technical Feasibility: other locations are technically infeasible, or
   3. Economic Burden: other locations would be an economic burden to the applicant or intended telecommunications provider.

D. **Design Requirements:** All telecommunications facilities, excluding alternative structures, shall meet the following design requirements:
   1. Lighting: Support structure lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).
   2. Collocation: All new telecommunication support structures shall be designed and engineered structurally, electrically and in all other respects to accommodate both the initially intended equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.
      a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
      b. New support structures must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.
   3. Height: All support structures and antenna shall conform with all FAA tall structure requirements. The maximum height of all accessory structures shall be 15 feet.
   4. Signs: Supplemental permanent signs for all telecommunications facilities shall be permitted with a maximum of 4 square feet per user. Freestanding signs shall be limited to a maximum of 6 feet in height and signs mounted to any component of the facility shall be placed no higher than 10 feet. The measurement of height shall be from the adjacent ground level, exclusive of any berms.

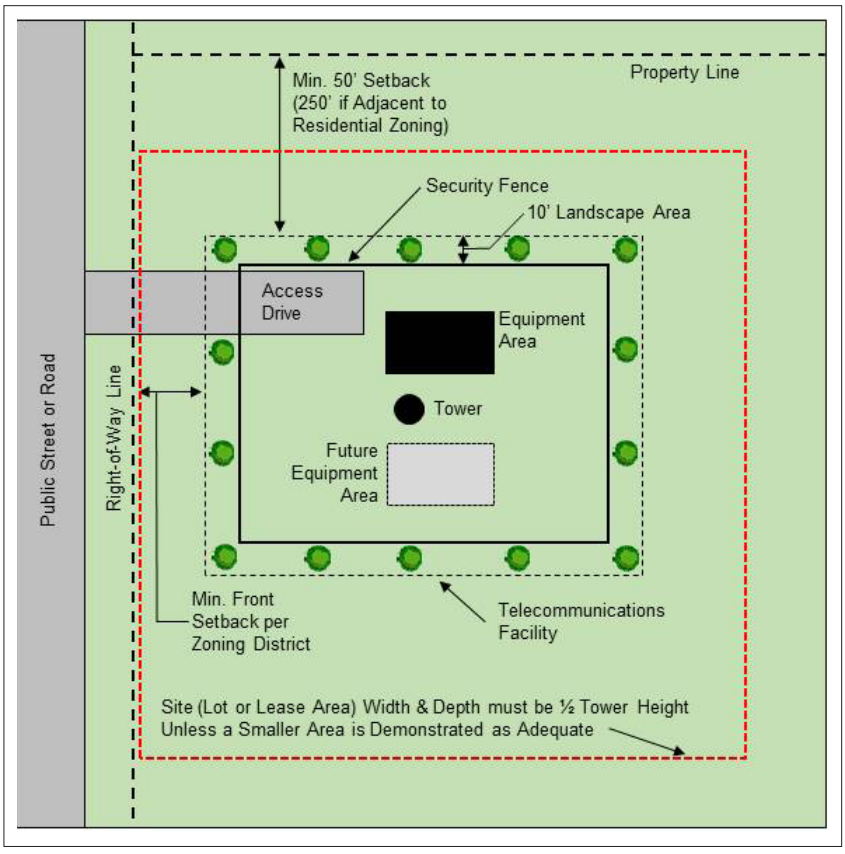
Note: *Indiana Code Section 8-1-32.3-24 requires that any confidential or proprietary information included in a telecommunications facility permit application be protected. Any such information may be designated as such by the applicant at the time it is provided and shall thereafter not be publicly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

6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards

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

Site Design Requirements Example
(Figure 6.1)



General Telecommunications Facility Standards

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

6.8 Telecomm. Facility Standards (cont.)

General Telecommunications Facility Standards

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

Intent:

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



6.9 Mineral Extraction Standards

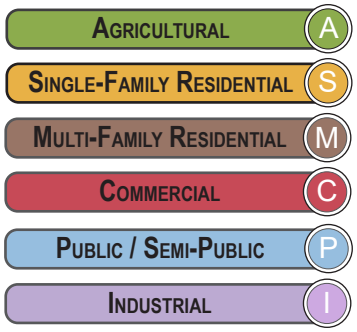
General Mineral Extraction Standards

These General Mineral Extraction Standards apply to all zoning districts.

A. **Mineral Extraction in Non-Urban Areas:** The mining and extraction of minerals shall be a permitted use on any property outside of "urban areas" as defined by Indiana Code (IC 36-7-4-1103) and as designated in this Chapter. For the purposes of this Chapter, "urban areas" shall include:
   1. All lands or lots within the limits of the City of Columbus or any other municipality;
   2. Any other lands or lots used for residential purposes where there are 8 or more residences within any quarter-mile square area; and
   3. Other lands and lots as have been developed or are planned for residential areas contiguous to incorporated cities or towns. See the Comprehensive Plan of the City of Columbus or Bartholomew County, as applicable.

B. **Mineral Extraction in Urban Areas:** The mining and extraction of minerals within urban areas shall be a conditional use in the Agricultural and Industrial Districts and shall be prohibited in all other zoning districts.

C. **Exceptions**: The following activities shall be exempt from the requirements of this Chapter:
   1. When the earth removal is incidental to an activity for which an Improvement Location Permit has been issued;
   2. When the earth removal involves only any normal landscaping, driveway installation and repairs, or other minor projects;
   3. When the earth removal involves less than 1,000 cubic yards;
   4. When the earth removal is for construction of a swimming pool.



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

Indiana Code 36-7-4-1103

See Also:
Chapter 12.4, Conditional Uses

6.9 Mineral Extraction Standards (cont.)

General Mineral Extraction Standards

D. **Accessory Uses:** The site may be used for accessory uses, except for the disposal of refuse. Accessory uses include but are not limited to:
   1. Parking and loading areas;
   2. Offices, guard houses and similar employee facilities;
   3. Storage buildings for the mineral extraction operation only;
   4. Concrete batch processing plants;
   5. Stone and mineral processing and classifying; and
   6. Other accessory uses clearly incidental and ancillary to the mineral extraction operation.

E. **Site and Location Requirements:** All mineral extraction operations shall comply with the following site and location requirements:
   1. Minimum Area: A minimum lot area of 10 acres shall be required for mineral extraction operations.
   2. Excavation Limits: No excavation shall be made closer than 100 feet from the right-of-way line of any existing or platted street, road or highway; except, that mining of sand, gravel, borrow and other mineral and earthen materials may be conducted within these limits in order to reduce the elevation of the excavation area to conform to the existing elevation of the adjoining and existing or platted street, road or highway.
   3. Equipment Setback: All fixed equipment, machinery and processing operations shall be located at least 200 feet from any lot line.
   4. Entrance and Exit Roads: There shall be a paved surface for all on-site entrance and exit roads for at least 300 feet from the edge of the public right-of-way into the site for the purpose of minimizing the deposit of dirt and gravel onto any public street, road, or highway.
   5. Sight Barriers: Sight barriers shall be provided along the exterior perimeter bordering on all highways streets and roads, and along the property line abutting any residentially zoned or used property of 5 acres in area or less. Existing landscaping and natural features shall be preserved where possible and may be incorporated into the sight barriers. Sight barriers shall meet the requirements for a Type "A" buffer established by Section 8.2(C) of this Ordinance.

F. **Operational Requirements:** All mineral extraction operations shall comply with the following operational requirements:
   1. Noise Levels: Noise levels shall not exceed 65 decibels at any exterior property line of the site. Upon request of the Planning Director, the operator shall submit reports on noise levels from an engineer registered in the State of Indiana stating actual noise levels during mineral extraction operations, to ensure compliance with this section.
   2. Excess Water: All excess water shall be drained from trucks or other vehicles hauling materials from the location prior to entering onto a public street, road, or highway.

3. Injurious Conditions: Excavation operations shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises.
4. All Slopes: No operation shall be permitted which creates a slope steeper than 1 foot horizontal to 1 foot vertical with the exception of rock quarrying, in which case a vertical face will be accepted.
5. Slope of Excavations: Except for rock-quarried areas as provided above, the banks of all excavations not backfilled after cessation of extraction activities shall be sloped to the water line at a slope which shall not be less than 1½ feet horizontal, to 1 foot vertical, and the bank shall be sodded or surfaced with a maximum of 6 inches of suitable soil and seeded with grass seed.

G. **Expansion of Operations*:*** No permitted extraction operation shall expand beyond the areas allowed in the original approval. Any expansion may only be allowed upon approval of an additional Conditional Use Permit or Improvement Location Permit.

H. **Completion of Operations:** Following completion of excavation operations, all facilities and equipment shall be entirely removed from the property and all stockpiles shall be removed or backfilled into the pits within 1 year after completion.

I. **Performance Guarantee:** Before commencing the operation of rock and gravel removal, each operator shall post a performance guarantee with the city or county, as applicable, to assure reclamation of the property to a safe condition in the event extraction activities are abandoned. The Planning Director may accept a similar performance guarantee required to be posted with another unit of government, such as the State of Indiana, as fulfilling this requirement.
   1. Amount: The performance guarantee shall be based on an engineer's estimate of the cost per acre to restore the site to a safe condition. This estimate shall be subject to review by the city or county engineer of jurisdiction. For the purposes of this Chapter, "safe condition" shall mean the grading or leveling of any slopes that exceed 4:1; except that around any lake or body of water with a maximum depth exceeding 4 feet, slopes along the water's edge shall not exceed 3:1.
   2. Term: The performance guarantee shall run for a minimum of 3 years. The performance guarantee shall be renewed as necessary to cover the time period of the excavation and rehabilitation.

6.9 Mineral Extraction Standards (cont.)

General Mineral Extraction Standards

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

f. Description of size/haul capacity of trucks and estimated daily volume of traffic entering and leaving the site; and
g. Haul route for trucks leaving the site to the nearest state or federal highway.

3. Site Rehabilitation Plan: A site rehabilitation plan, including the following:
   a. A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing demonstrating that the end-use is feasible and can comply with all applicable requirements of this Ordinance.
   b. A written statement describing how the end use is consistent with the appropriate jurisdiction's Comprehensive Plan.
   c. Final grades of the lands as rehabilitated, at contour intervals not exceeding 5 feet;
   d. Water courses, ponds, or lakes, if any;
   e. Landscaping and plantings;
   f. Areas of cut and fill; and
   g. All of the general components of the proposed end-use(s).
4. Other Permits: Applications for permits required by any other agency of the state and federal governments, and/or any permits previously granted.
5. Additional Information: The Board of Zoning Appeals and/or Planning Director may require an assessment of potential environmental effects, engineering data, or other additional information concerning the need for, and consequences of, the extraction that may have consequences on groundwater, drainage, water bodies, flood plains, or other natural features.

K. **Conditional Use Requirements**: The following requirements shall apply to all conditional use approvals for mineral extraction operations:
   1. Time Period: The Board of Zoning Appeals, in approving the conditional use permit, may set a specific time period for the initial conditional use permit. After the initial time period has elapsed, the Board may approve extensions of the permit, provided that the owner applies in writing for an extension at least 6 months prior to the expiration of the current permit. Requests for extensions shall be reviewed in the same manner as the original conditional use request.
   2. Conditions of Approval: The Board of Zoning Appeals may approve conditions of development and operations, including, but not limited to, hours of operation, determination of truck hauling routes, additional setbacks from residential areas, conditions related to the proposed end use and rehabilitation plan, periodic review of the permit, periodic reports by the operator on the status of the project, or other conditions as may be warranted to meet the intent of this Chapter.



Intent:

The purposes of the solar energy system standards are 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 while minimizing conflict between these developments and surrounding land uses.

6.10 Solar Energy System Standards

On-Site and Neighborhood-Scale Solar Energy System Standards

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

Part 1: These On-Site and Neighborhood-Scale Solar Energy 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 Commercial Solar Energy System (CSES) Standards apply to the Agricultural zoning districts, in the <u>Bartholomew County and Joint District</u> jurisdictions only.

Bartholomew County and Joint District Jurisdictions Only

AGRICULTURAL A

A. **CSES Location and Design Standards**: Commercial Solar Energy Systems (CSESs) shall be located consistent with Article 3 of this (the Zoning) Ordinance. All such energy systems shall meet any and all applicable requirements of the federal, state, and local government in addition to the standards listed below.

1. <u>Setback Distances</u>:

a. *Minimum Front Yard (Right-of-Way) Setbacks*: All structures, equipment, storage areas, vehicle service drives, CSES electrical substations, and fencing used in association with a CSES shall be setback a minimum of 50 feet from the actual or planned right-of-way, whichever is greater, for all adjacent streets and roads. Access drives that connect the CSES facility to the adjacent public street or road may encroach into the required setback area.

b. *Minimum Setbacks from Non-Participating Properties*: All structures, equipment, storage areas, vehicle service drives, and fencing used in association with a CSES shall be setback a minimum of 200 feet from the property lines of all non-participating properties and any CSES electrical substation shall be setback a minimum of 500 feet from the property lines of all non-participating properties. For CSES facilities that are separated from non-participating properties by public right-of-way, the measurement shall be taken from the property line of the non-participating property, not from the right-of-way line along the CSES facility. Access drives that connect the CSES facility to an adjacent public street or road may encroach into the required setback area.

c. *Minimum Setback Distance from Dwellings on Non-Participating Properties*: All structures, equipment, storage areas, vehicle service drives, CSES electrical substations, and fencing used in association with a CSES shall be setback a minimum of 500 feet from dwellings on non-participating properties. Separation shall be measured from the nearest structure, equipment, storage area, vehicle service drive, CSES electrical substation, or fence associated with the CSES to the outer wall of the dwelling.

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

d. *Minimum Setback Distance from Municipal Boundaries*: No CSES facility, including all structures, equipment, storage areas, vehicle service drives, CSES electrical substations, and fencing, shall be located within the City of Columbus jurisdiction or closer than ½ mile to any other municipal boundary line. Setback shall be measured from the nearest structure, equipment, storage area, vehicle service drive, CSES electrical substation, or fence associated with the CSES to the corporate limits.

e. *Exemption:* The minimum setback distances described above shall not apply to any cables buried underground or to the cable that connects the Commercial Solar Energy System (CSES) electrical substation to the transmission line (when located either above or below ground).

f. *Waivers*: Waivers from the required setback distances specified above in Sections A(1)(b), A(1)(c), and A(1)(d) may be granted by the municipality or non-participating property owner from which they are required. All such waivers shall exempt the CSES from providing the otherwise required setback or separation distance in its entirety. Any alternate separation, buffering, and/or other mitigation of the presence of the CSES shall be established as a private agreement between the involved municipality or non-participating property owner and the CSES developer/owner/property owner(s). These private agreements shall not be subject to enforcement by Bartholomew County or any other unit or entity of local government.

2. Vehicular Access: Vehicle access drives serving the CSES facility shall be paved with asphalt or concrete for the first 50 feet from the edge of road or street pavement; the remaining portion of the access drive may be gravel. Any portion of a drive located in a public right-of-way shall meet the applicable requirements of the County Engineer.
3. Equipment Height: CSES solar arrays shall not exceed 18 feet in height when oriented at maximum tilt and shall provide a minimum clearance of one foot between the ground and the solar array, at maximum tilt, for the purpose of vegetative groundcover. All other structures in the CSES shall conform with the maximum height standards for accessory structures in the underlying zoning district.
4. Vegetative Groundcover: For the life of the CSES, perennial vegetated groundcover shall be established and maintained on the ground around and under solar arrays. Vegetative groundcover shall consist only of plants native to Indiana. The use of pollinator specific seed mixes is encouraged but not required. A Groundcover Plan demonstrating compliance with this requirement shall be submitted. For a guide to best management practices, refer to Technical Guide: Establishment and Maintenance of Pollinator-Friendly Solar Projects (Northern Indiana 2020) developed by the Michiana Area Council of Governments (MACOG).

a. Perennial vegetated groundcover shall be based on a diverse seed mix of at least 12 species, selected based on guidance from Purdue Extension – Bartholomew County. No plants included on the Indiana Department of Natural Resources Terrestrial Plant Rule list, which identifies invasive species, shall be included in the seed mix.
b. The Groundcover Plan shall include planting details for all setback areas. Setback areas must be planted with some form of groundcover, which could include agricultural crops. The Groundcover Plan shall also include the details for site preparation and maintenance practices designed to control invasive species and noxious vegetation. The strategy for site preparation and maintenance practices shall be based on guidance from Purdue Extension – Bartholomew County.
c. Consistent with Section F, the requirement for vegetative groundcover is not intended to restrict the practice of agrivoltaics, the concurrent use of land for solar power generation and agricultural production.

5. Lighting: Exterior lighting for any CSES shall be limited to that required for safety and operational purposes. All lighting shall be oriented so as not to project onto surrounding properties and shall have shielded 90-degree cut-off fixtures.
6. Cables: All power and communication cables running between solar arrays, inverters, CSES electrical substations, and operation and maintenance buildings shall be buried underground to a depth of at least 36 inches below grade. This requirement shall not be interpreted as prohibiting above ground cables that are integrated with solar arrays, their mounting systems, or other equipment, provided that equipment, including the cabling, does not exceed the maximum height specified by Section A(3). Cables connecting the CSES electrical substation to the transmission line may be under or above ground.

B. **Outdoor Storage**: Outdoor storage areas, used to store materials, supplies, Battery Energy Storage Systems (BESS), and other equipment, that are within 200 feet of an existing right-of-way of a public road shall be screened from view by a Buffer Yard Type A, as described in Chapter 8 of this Ordinance. For the purposes of this screening, only the Opaque Tree Screen option of the Buffer Yard Type A shall be used. The buffer may encroach into the required setbacks described in Sections A(1)(a), A(1)(b), and A(1)(c). The buffer requirement does not apply to areas temporarily used for materials and equipment storage during the construction of a CSES.

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

C. **Safety and Security Standards**: All Commercial Solar Energy Systems (CSESs) shall meet the following safety and security requirements:
   1. Fencing: Any fencing used to enclose the CSES shall not exceed a height of 8 feet and shall be exempt from any other fence height limits provided by this Ordinance, including for fences in front yards. The use of barbed wire is prohibited except around a CSES electrical substation or otherwise as required by the National Electric Code (NEC). Fencing that provides clearance at the bottom, to allow for the passage of wildlife, is encouraged but not required.
   2. Posted Warnings and Information: At all driveway entrances to the CSES, a sign containing the emergency contact information for the site operator and the facility's 911 address shall be posted.

D. **Decommissioning and Site Restoration Plan:** Any CSES which has ceased electrical power generation or transmission for twelve (12) consecutive months shall be removed in compliance with a Decommissioning and Site Restoration Plan submitted to the Chief Code Enforcement Officer and approved by the Board of County Commissioners. The following standards apply.
   1. Decommissioning and Site Restoration Plan: At a minimum, the Decommissioning and Site Restoration Plan shall include:
      a. A description of the decommissioning activities, which shall include but not be limited to:
         i. Removal of all surface and subsurface physical improvements including but not limited to all solar arrays, electric systems and components, buildings, cabling, security barriers, interior drives, gravel areas, foundations, pilings, and fences.
         ii. Restoration of surface grade and soil to pre-construction conditions, documented by pre-construction and post-decommissioning as-built topographic maps.
         iii. Establishment of groundcover for erosion control purposes.
      b. Acknowledgement, by the notarized signature, of every participating property owner of the decommissioning requirement as well as their authorization for the County to enter their properties to accomplish decommissioning. Both the acknowledgement and authorization shall run with the land and extend to all successors in ownership.
      c. Decommissioning Cost Estimate: The applicant shall submit a cost estimate for the total estimated cost of decommissioning the CSES in accordance with the Decommissioning and Site Restoration Plan.
         i. The decommissioning cost estimate shall be calculated by a third party Indiana licensed engineer selected by the applicant and agreed upon by the County Commissioners.

ii. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the CSES equipment and materials.

d. Financial Guarantee for Decommissioning:
   i. The applicant shall provide a financial guarantee in the form of an irrevocable letter of credit, performance bond, or surety bond for 125% of the total estimated cost of decommissioning, as described in Section D(1)(a), posted with Bartholomew County.
   ii. The letter of credit or bond shall be in place prior to the issuance of an Improvement Location Permit.

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

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

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

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

E. **Road Use and Maintenance Agreement**: The agreement is subject to the requirements and procedures of the Board of County Commissioners and County Engineer and may include, but not be limited to, the following information:
   1. Identification of roads to be used for the transport of CSES construction materials.
   2. Road closure plans and procedures and temporary road modifications related to CSES construction activity.
   3. Roadway time of day use restrictions for CSES construction activity.
   4. A pre-construction, existing conditions survey of all roads identified for use in transport of CSES construction materials, to be used in an assessment of road damage caused by CSES construction activity.
   5. A compensation agreement and/or financial guarantee for road repairs needed as a result of construction activity related to the CSES.

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

G. **Required Documentation for Commercial Solar Energy System (CSES) Facilities:** In addition to the requirements provided in Article 12 for the receipt of conditional use approval and an Improvement Location Permit, applications for new or modified CSESs shall include the following documentation.
   1. The following documentation shall be submitted with the conditional use application materials:
      a. *Project Description*: A project description including project developer and operator, approximate number of solar panels, total acreage occupied by solar arrays, generating capacity, means of connecting to the electrical grid, a list and/or map of participating properties and their owners, and a list and map of all property owners within 500 feet of the CSES facility.

b. *Conceptual Site Plan*: The conceptual site plan including areas of solar arrays, the location of inverters, the CSES electrical substation, the location and route of the connection between the CSES electrical substation and the transmission line, the location of any permanent outdoor storage areas, the location of any battery storage areas, service drive access points to public streets or roads, and the location of all perimeter fencing.
c. *Preliminary Drainage Plan:* A preliminary drainage plan describing the applicant's overall approach to managing stormwater runoff on the project site, including pre- and post- construction run-off calculations.
d. *Conceptual Groundcover Plan*: A conceptual groundcover plan, including the location of all proposed perennial vegetated groundcover, preliminary species selection, and the groundcover strategy for all setback and separation areas. The conceptual plan shall also describe the preliminary groundcover maintenance strategy.
e. *Glare Analysis (if applicable)*: For any CSES project proposed within 500 feet or within an approach zone of the Columbus Municipal Airport, a glare analysis must be submitted for review and approval by the Columbus Board of Aviation Commissioners.
f. *Setback Distance Waiver(s)*: For any property and/or municipality from which a waiver of the minimum setback distance required by Sections A(1)(b), A(1)(c), or A(1)(d) is granted:
    i. Municipal Boundary Setback Distance Waiver(s): A written statement of the waiver signed by the Mayor or Town Council President, as applicable.
    ii. Non-Participating Property and/or Dwelling Setback Distance Waiver(s): A written statement of the waiver, specifying the property for which the waiver is to be granted by legal description and parcel number, signed by the property owner(s).
g. *Other Information:* Any other information or documentation requested by the Planning Director, Chief Code Enforcement Officer, City/County Engineer of jurisdiction, or Board of Zoning Appeals to demonstrate compliance with the requirements and review criteria of this Ordinance and to support a thorough review of the project.

2. The following documentation shall ¬be submitted to the Planning Director prior to the issuance of an Improvement Location Permit but shall not be required as part of the conditional use application:
    a. *Site Plan:* The site plan required by Section 12.9(D) shall describe all aspects of the new or modified CSES facility including solar arrays and their configuration, CSES electrical substations, access and service drives, inverters, battery storage, cabling, storage yards, fencing, and other ground-based equipment.

6.10 Solar Energy System Standards (cont.)

Commercial Solar Energy System (CSES) Standards

b. *Drainage Plan*: A detailed drainage plan meeting the requirements of the County Engineer. All existing waterways and/or other drainage ways on the subject property shall be identified on the plan. The drainage plan shall also include the location of existing field tiles on the CSES project site, based on best available information, and a statement signed by the applicant accepting responsibility for the repair and/or relocation of field tiles that are damaged as a result of construction, maintenance, operation, and/or decommissioning of the CSES.

c. *Groundcover Plan*: A Groundcover Plan in accordance with Section A(4) of this Chapter.

d. *Setback Distance Waiver(s)*: For any property and/or municipality from which a waiver of the minimum setback distance required by Sections A(1)(b), A(1)(c), or A(1)(d) is granted:
   i. Municipal Boundary Setback Distance Waiver(s): A copy of the waiver document which has been approved as to form and content by the Planning Director, has been approved by resolution of the city or town council, as applicable, and has been recorded in the Office of the Bartholomew County Recorder.
   ii. Non-Participating Property and/or Dwelling Setback Distance Waiver(s): A copy of the waiver document which identifies the property by legal description and parcel number, has been approved as to form and content by the Planning Director, includes the notarized signature(s) of the property owner(s), and has been recorded in the Office of the Bartholomew County Recorder.

e. *Structural Certification:* Certification from a professional engineer licensed in the State of Indiana that the foundation, anchoring, and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.

f. *Decommissioning and Site Restoration Plan*: A copy of the Decommissioning and Site Restoration Plan in accordance with Section D of this Chapter as approved by the Board of County Commissioners and recorded in the Office of the Bartholomew County Recorder, including a copy of the financial guarantee.

g. *Road Use and Maintenance Agreement*: A copy of the fully executed Road Use and Maintenance Agreement as approved by the Board of County Commissioners in accordance with Section E of this Chapter.

Article 7
Parking & Circulation Standards



Article Seven: Parking & Circulation Standards ..... Page #

7.1 General Parking Standards 7-2
7.2 Design Standards 7-14
7.3 Circulation Standards 7-22



Intent:

The intent of this Chapter is to prevent congestion in the public streets by requiring all uses to provide adequate off-street parking, stacking and loading spaces; to determine minimum parking space requirements for individual uses; and to accommodate a variety of means of personal transportation.

7.1 General Parking Standards

General Parking Standards

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

Part 1:
These General Parking Standards apply to all zoning districts.

A. Parking Spaces Required: Off-street parking shall be provided for all properties consistent with the requirements of the Parking Space Standards Tables (see page 7-4).

1. Downtown and Downtown Support Exemptions: All properties located in the CD, Commercial Downtown and CDS, Commercial Downtown Support zoning districts shall be fully or partially exempt from the requirement that off-street parking spaces be provided as described below. However, all design, construction, and other requirements established by this Article shall apply to any parking areas that are established.
   a. All properties located in the CD, Downtown Commercial zoning district shall be fully exempt.
   b. All properties located in the CDS, Downtown Commercial Support zoning district may provide only 50% of the parking spaces otherwise required by this Ordinance if the use of the property is not auto-oriented, the use of the property does not include any drive-up window or facility, and the primary structure establishes a primary pedestrian entrance and zero (0) foot build-to-line on at least 1 public street frontage.
2. On-premise Requirements: All required parking spaces shall be located on the same property with the use(s) for which they are required, with the following exceptions:
   a. *On Street and Public Parking:* Uses in all commercial, public / semi-public, and industrial zoning districts may count 20% of any public spaces within 300 feet of the property on which the use is located toward meeting the minimum number of required parking spaces. Public spaces include those both (i) located on streets upon which the subject property has frontage and (ii) located in public parking lots.
   b. *Off-site and Shared Parking:* Off-site and/or shared parking may be established consistent with Section 7.1(Part 2)(A) of this Ordinance.

Residential Parking Space Standards (Table 7.1)

For this use..	…the following minimum number of parking spaces is required..	…for every:
Bed and Breakfast Facility	2	facility (to serve the resident family), **plus**
	1	guest room
Single and Two-family Residential	2	dwelling unit
Multi-family Residential and Manufactured Home Parks	1.5	dwelling unit, **plus**
	1	non-resident employee in multi-family developments and manufactured home parks, **plus**
	1	6 persons of seating capacity in any accessory community center, meeting hall, or similar facility.
Nursing Homes, Assisted Living Facilities and other Similar Uses	1	dwelling unit, 3 beds, or 2 patient rooms, whichever is less, **plus**
	1	employee

Non-residential Parking Space Standards (Table 7.2) (page 1 of 3)

For this use..	…the following minimum number of parking spaces is required..	…for every:
Agricultural Retail / Service Uses	1	1,500 square feet of UFA
Airport	1	3 aircraft spaces within a hanger, **plus**
	1	5 aircraft tiedowns
Animal Shelter / Kennel	1	12 cages, **plus**
	1	employee
Assembly Uses (indoor/outdoor) / Private Clubs / Worship Facilities	1	3 persons by seating capacity in the largest assembly area
Athletic Complex	12	athletic field, **plus**
	1	1,000 sq. ft. of indoor or outdoor play area
Auto-oriented uses (not including vehicles sales and service - see separate listing):		
Up to 25,000 sq. ft. UFA	1	250 sq. ft. of UFA
25,000 sq. ft. UFA or greater	1	500 sq. ft. of UFA
Campground / RV Park	1	camp site
Correctional Facility	1	employee, **plus**
	1	20 potential inmates

7.1 General Parking Standards (cont.)

General Parking Standards

Non-residential Parking Space Standards (Table 7.2) (page 2 of 3)

For this use..	...the following minimum number of parking spaces is required..	...for every:
Data processing / Call Center	1	200 sq. ft. of GFA
Daycare Center (adult or child)	1	4 clients, based on licensed capacity, **plus**
	1	employee
Fairgrounds	1	300 sq. ft. UFA within enclosed structures
Farm (confined feeding I and II)	1	
Farmer's Market	5	
Funeral Home / Cemetery	1	50 sq. ft. of UFA of service parlors, chapels and reception area, **plus**
	1	funeral vehicle stored on the premises
Golf Course		
9 hole course	6	course hole
18 to 36 hole course	5	course hole
More than 36 hole course	4	course hole
Driving range	3	3 driving tees
Government Facility / Library / Museum	1	300 sq. ft. UFA, **plus**
	1	vehicle stored on-site, **plus**
	1	per employee
Greenhouse / Plant Nursery	1	
Hotel / Motel	1	per guest room, **plus**
	1	100 sq. ft. UFA of lounge, restaurant, conference or banquet rooms or exhibit space
Industrial Use	1	employee
Institutional Facility / Residential Treatment Center	1	10 clients, based on licensed capacity, **plus**
	1	employee
Livestock Auction / Sales Facility	1	3 persons by capacity in the largest assembly area
Hospital / Clinic	2	exam or outpatient / inpatient bed, procedure / operating room, **plus**
	1	laboratory or recovery room, **plus**
	1	2 rooms (for employee parking)

Non-residential Parking Space Standards (Table 7.2) (page 3 of 3)

For this use..	…the following minimum number of parking spaces is required..	…for every:
Mini-warehouse Self-storage Facility	6	facility
Office Use	3	1,000 sq. ft. of GFA
Park / Playgrounds	12	athletic field, **plus**
	1	1,000 sq. ft. of activity area
Personal Service Use	2	station, chair or activity area; **or**
	1	300 sq. ft. of UFA (**whichever is greater**)
Restaurant	1	4 seats
Retail Use (not otherwise listed)	1	250 sq. ft. of UFA
Schools (up to grade 8)	1	classroom, **plus**
	1	3 persons by seating capacity in the largest assembly area
Schools (grades 9-12), College, or Trade	1	3 persons by seating capacity in the largest assembly area, **or**
	12	classroom, if no assembly area is present
Truck Terminals / Sales and Service	1	800 sq. ft. of UFA, **plus**
	1.5	loading dock/service bay
Truck Stop / Travel Center	1	200 sq. ft. of GFA
Vehicle / Equipment rental	1	200 sq. ft. of UFA in offices, waiting rooms and customer service areas, **plus**
	1	rental vehicle
Vehicle / Manufactured Home/ Recreational Vehicle Sales and Service	1	800 sq. ft of UFA, **plus**
	2	vehicle service bay
Wholesale facility	1	500 sq. ft. of GFA

7.1 General Parking Standards (cont.)

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).
4. Parking Space Reductions: Any area required by this Ordinance for off-street parking shall not be changed to any other use unless and until approval is granted through the issuance of an Improvement Location Permit and alternate facilities meeting the requirements of this Article are provided. In no instance shall existing off-street parking that is already less than the minimum required by this Ordinance be further reduced.
5. Uses Not Specifically Listed: The minimum number of parking spaces required for uses not specifically listed in the Parking Space Standards Tables shall be determined by the Planning Director based on the consistency of the use with those that are specified.
6. Mixed Uses: Each individual use in a mixed use development shall provide off-street parking spaces in accordance with the Parking Space Standards Tables, unless the property is subject to a shared or off-site parking agreement consistent with the requirements of Section 7.1(Part 2)(A).

"Not Yet Defined" UFA: *Types of buildings where usable floor space may be undefined include: Flexible rental space; "spec" buildings; and similar buildings where the interior layout requirements of the tenants are unknown prior to construction and/or leasing.*

B. Units of Measure: The following standards of measurement shall apply to the calculation of the minimum number of parking spaces.

1. Gross Floor Area (GFA): Gross floor area shall mean the total floor area, measured from the outside walls, included in any structure or area specified by the Off-Street Parking Space Standards Table. Unless otherwise noted by the Table, gross floor area shall be used to determine the required number of off-street parking spaces.
2. Usable Floor Area (UFA): Where usable floor area is specified by the Off-Street Parking Space Standards Table to determine parking requirements, the area included in the calculations shall apply to all areas within the structure, excluding any floor area used for incidental service, storage, mechanical equipment rooms, restrooms and other similar areas. Where these areas are not yet defined, usable floor area shall be considered to be 85% of the gross floor area.
3. Employees: Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees most likely to be on the premises during the peak shift.
4. Bench Seating: Every 24 inches of width provided as a bench, pew, or similar type of seating shall be counted as 1 seat.
5. Open Floor Areas: Every 16 square feet of open floor areas associated with places of assembly shall be counted as 1 seat.

6. Fractional Requirements: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction shall be considered as an additional required space.

C. **Barrier Free ("Handicap") Parking Requirements:** Signed and marked barrier free spaces shall be provided within all parking lots. The barrier free spaces shall be those nearest the main accessible entry of the building served.
   1. Number: The number of barrier free spaces shall be based on the Federal Americans with Disabilities Act as represented by the Barrier Free Parking Space Standards Table. This Table is intended to represent the minimum requirements of the ADA and shall be deemed to be updated and amended consistent with any ADA amendments.
   2. Counted Toward Minimum Requirements: In parking lots with 10 parking spaces or less, the required barrier free parking spaces shall be in addition to the minimum parking spaces required by this Chapter. For parking lots with more than 10 spaces, the required barrier free parking spaces may be considered toward meeting the minimum parking space requirement.

Barrier Free ("Handicap") Parking Space Standards (Table 7.3)

Total Spaces in Parking Lot	Barrier Free Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100, or fraction thereof, over 1,000

7.1 General Parking Standards (cont.)

General Parking Standards

Stored Vehicles Note: *In no instance should the provisions for stored vehicles be interpreted as enforcement of traffic code provisions for inoperable vehicles. These provisions are intended to ensure that auto repair and salvage facilities are operated consistent with the general welfare of the community.*

D. **Vehicle Storage & Parking Requirements:** The storage of motor vehicles on all properties shall comply with the following requirements:
   1. Primary Structure Required: No vehicle, including recreational and commercial vehicles, shall be stored or allowed to remain on any property that does not contain a primary or agricultural structure unless vehicle storage is a specifically approved use at that location.
   2. Storage of Construction Vehicles & Equipment: No semi-trucks and tractor trailers, manufactured homes, tractors, bulldozers, earth carriers, cranes, tow trucks and/or any other heavy equipment or machinery shall be stored or parked on any property unless the machinery is either (a) engaged in providing construction or other service to the site or (b) associated with a specifically approved land use at that location that complies with all requirements of this Ordinance.
   3. Commercial Vehicle Parking: The parking of commercial vehicles on residentially used properties and in residential zoning districts shall comply with the following requirements:
      a. *General Requirements:* All commercial vehicles shall be owned and/or operated by residents of the property and any on-site business uses and associated vehicles shall comply with the requirements of this Ordinance. A maximum of 1 vehicle for each property resident who is a licensed driver shall be permitted to be parked on-site. All commercial vehicles shall be operable and licensed.
      b. *Agricultural Zoning District Vehicle Types:* In any Agricultural zoning district, commercial vehicles, including standard sized trucks and vans, as well as semi tractor-trailers, may be parked on-site.
      c. *Residential Zoning District Vehicle Types:* Standard sized commercial trucks, vans and other similar vehicles may be parked on site in any Single-Family, Two-Family or Multi-Family Residential zoning district.

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. Spaces Required (Columbus Jurisdiction Only): Electric vehicle charging spaces shall be required in association with newly constructed or expanded multifamily residential uses, hotels, and parking lots / garages (where that lot or garage is a primary use), that provide 25 or more parking spaces, at a minimum ratio of 1 charging space for every 50 total parking spaces provided, rounded up to the nearest whole charging space. The required multifamily residential use charging spaces may be provided with Type I, II, or III chargers, as defined by this Ordinance. The required hotel and parking lot / garage charging spaces shall be provided with either Type II or Type III chargers. A property on which fewer than 25 parking spaces is provided shall be exempt from this electric vehicle charging space requirement.
2. Posting Required: Each required electric vehicle charging space shall be posted with information indicating the space is for electric vehicle charging purposes. Any such postings that are not internal, and therefore meet the definition of a “sign”, shall be subject to the provisions of Article 10 of this Ordinance.
3. Charging Space Standards: Electric vehicle charging spaces, both required and non-required, 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.
4. Charging Station Standards: Electric vehicle charging stations and related equipment, for both required and non-required spaces, 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.

7.1 General Parking Standards (cont.)

Nonresidential Parking Standards

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.

5. Additional Charging Spaces Permitted: In no instance shall this Section be interpreted as limiting or restricting the inclusion of charging spaces or charging stations on any property or those exceeding the minimum number where required, provided that all spaces, stations, and supporting equipment comply with Sections 7.1(Part 1)(E)(3) and (4) above.

COMMERCIAL C
PUBLIC / SEMI-PUBLIC P
INDUSTRIAL I

Part 2: These Nonresidential Parking Standards apply to all Commercial, Public/Semi-Public, and Industrial zoning districts.

A. **Off-Site and Shared Parking Requirements:** In all nonresidential zoning districts parking spaces may be (1) located on the lot with the use(s) for which they are required, (2) located offsite, and/or (3) shared with other uses(s).

1. Off-Site Parking: Two or more uses may provide off-site parking collectively on 1 or more lots; however, the total number of spaces shall not be less than the sum of the spaces required for each use.
2. Shared Parking: Two or more types of land use (not specific businesses) for which the property owners can demonstrate and document that the normal hours of operation do not substantially overlap may share parking either on or off-site.
3. Location Requirements: The shared and/or off-site parking shall be located a maximum of 300 feet from the use(s) to be served (measured from the nearest property lines). The shared and/or off-site parking shall not be located in any agricultural or residential zoning district.

4. Approval Requirements: All off-site and shared parking space arrangements are subject to the approval of the Board of Zoning Appeals as a Conditional Use. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentially hazardous traffic conditions, and will provide the minimum number of parking spaces for the uses involved. The parking needs of possible future uses of the property shall also be considered by the Board of Zoning Appeals.
5. Required Documentation: Documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be subject to approval by the Planning Director. Upon approval, the agreement shall be recorded in the office of the Bartholomew County Recorder and a copy of the recorded agreement shall be retained for the files of the Plan Commission.

B. **Vehicles to be Salvaged / Repaired**: The outdoor storage of vehicles associated with permitted auto repair or salvage facilities shall be consistent with the following requirements:
   1. Location. All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any front yard, buffer yard, septic field, required landscape area, or required side or rear setback.
   2. Screening. All storage areas for such vehicles shall be completely enclosed with a minimum 6 foot tall, 100% opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of 100% opaque doors.

7.1 General Parking Standards (cont.)

Nonresidential Parking Standards

C. **Bicycle Parking Requirements:** All commercial and public/semi-public uses shall provide parking facilities for bicycles, consistent with the following requirements:

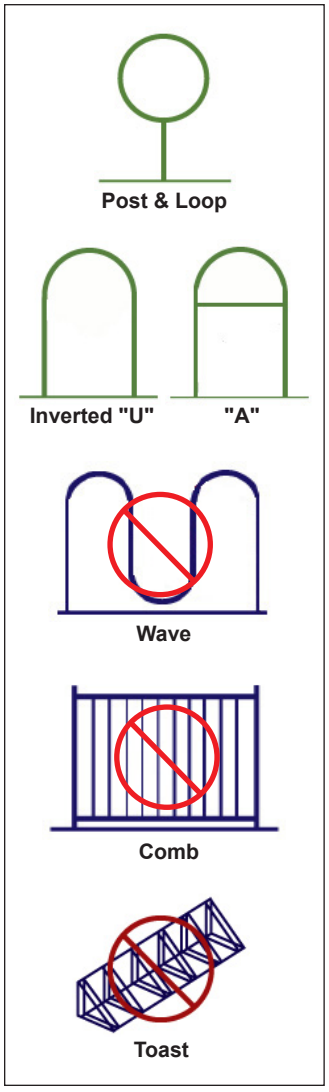
1. Number of Bicycle Spaces: All commercial and public/semi-public uses shall provide bicycle parking based on the number of vehicle parking spaces provided consistent with the Bicycle Parking Standards Table, below.

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.
   b. The toast, wave, and comb racks are prohibited.
   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.

Bicycle Rack Examples (Figure 7.1)



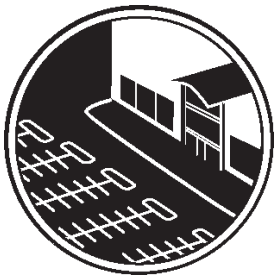
7.1 General Parking Standards (cont.)

Nonresidential Parking Standards

D. **Stacking Space Requirements:** All non-residential uses shall provide stacking spaces for vehicles at drive-up and drive-through facilities consistent with the following requirements:
   1. Number Required: The minimum number of stacking spaces required for each facility shall be as specified in the Stacking Space Standards Table. The stacking spaces required for each facility shall be measured from the location listed in the Stacking Space Standards Table. The space used for remote ordering or communicating with the employees within the use may be one of the required stacking spaces.
   2. Dimensions: Each stacking space shall have a minimum dimension of 20 feet in length by 10 feet in width.
   3. Location: The location of stacking spaces shall avoid interference with on-site parking and pedestrian areas.
      a. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
      b. All designated pedestrian areas which pass through a stacking space area shall be clearly marked through pavement striping or a stamped pattern or texture.
      c. No stacking space shall extend into any existing or planned public right-of-way or access easement not specifically identified for such use.

Stacking Space Standards (Table 7.5)

Facility	Required Stacking Spaces	Point of Measurement
ATM Station	4	ATM Unit
Automotive Oil Change / Quick Lubrication Facility	4	Service Bay
Auto Wash (self service)	3	Wash Bay
Auto Wash (automatic)	6	Wash Bay
Bank Drive-Up Window	5	Service Window
Dry Cleaning / Laundry Drive-Up Window	3	Service Window
Nursery / Day Care Drop-Off Area	6	Head of Drop-Off Lane
Pharmacy Drive-Up Window	3	Service Window
Restaurant Drive-Up Window	10	Service Window



Intent:

The intent of this chapter is to provide minimum requirements for parking space and parking lot design, to prevent congestion and hazards to the traveling public, and to provide for safe traffic movements within parking areas.

7.2 Design Standards

General Design Standards

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

See Also:

Chapter 7.3, Circulation Standards

Article 8, Landscaping Standards

Chapter 9.4, Exterior Lighting Standards

Part 1:
These General Design Standards apply to all zoning districts.

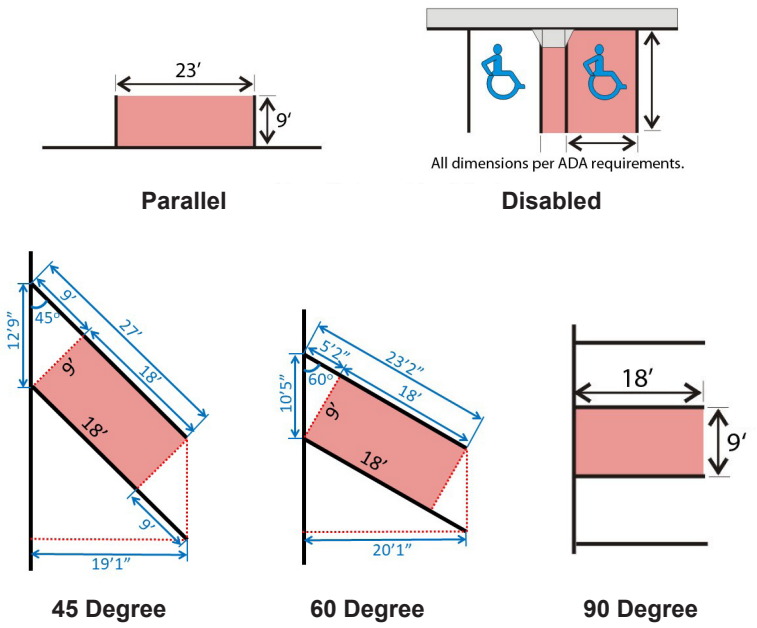
A. **General Requirements:** All parking areas shall meet the following general requirements:
   1. Location: No off-street parking space may be fully or partially located in an existing or planned public right-of-way, septic field, required landscape area, or buffer yard.
   2. Access: All required parking spaces must be designed to provide direct access for vehicles. In no case may areas which do not have direct access be considered a parking space meeting the requirements of this Ordinance (example: a residential driveway shall not be considered a parking space meeting the requirements of this Chapter if a parked vehicle in the driveway prevents direct access to a required parking space in a garage or carport).
   3. Parking Space Dimensions: Parking space size shall conform with the Parking Space Dimensions Table on the following page. In no instance shall the overhang of a vehicle be considered as part of the required parking space area.
   4. Barrier Free Parking Space Design: All provided barrier free parking spaces shall be designed and constructed consistent with the requirements of the Federal Americans with Disabilities Act and all subsequent amendments.
   5. Farm Exemption: Parking for all farms, located in any zoning district shall be exempt from the requirements of that district, but shall comply with the requirements of Part 2 of this Chapter.

B. **Uses Permitted by Variance or Conditional Use:** The design of parking areas for any use permitted by Variance or Conditional Use shall be specified by the Board of Zoning Appeals based on the intensity and characteristics of that use and the intent of this Chapter.

Parking Space Dimensions (Table 7.6)

Angle of Parking	Minimum Parking Space Size	
	Width	Length
Parallel	9 feet	23 feet
45 Degree	9 feet	18 feet
60 Degree	9 feet	18 feet
90 Degree	9 feet	18 feet

Parking Space Measurement Illustration (Figure 7.2)



Part 2: These Agricultural Design Standards apply to all Agricultural zoning districts.

AGRICULTURAL A

A. **Construction Requirements:** All parking spaces and driveways shall either be paved or constructed of crushed stone.

B. **Design Requirements:** All parking areas shall be designed to prevent any vehicles from having to back into or maneuver on any Collector or Arterial Street or Road.

7.2 Design Standards (cont.)

Residential Design Standards

Part 3: These Residential Design Standards apply to all Single-Family Residential and Two Family/Multi-Family Residential zoning districts.

A. **Single-Family & Two-Family Residential Requirements:** The following requirements shall apply to all properties occupied by single-family or two-family residences:
   1. Construction Requirements: All parking spaces and driveways shall be paved. Paved wheel paths, with grass or suitable groundcover between, shall be permitted.
   2. Design Requirements: Parking spaces and driveways shall be designed as follows; however the RE, Established Residential zoning district shall be exempt from these requirements:
      a. All parking areas and driveways shall be designed to prevent any vehicles from having to back into or maneuver on any Arterial Street or Road.
      b. No parking areas or driveways shall be closer than 4 feet to any side or rear property line.

B. **Manufactured Home Park Requirements:** The following requirements shall apply to all properties occupied by manufactured home parks:
   1. Internal Street Requirements: All internal private streets shall be assigned a street classification, designed, and constructed consistent with the intent of the applicable Thoroughfare Plan and the specifications of the Subdivision Control Ordinance for public streets.
   2. Construction Requirements: All parking spaces and driveways shall be paved. Paved wheel paths, with grass or suitable groundcover between, shall be permitted.
   3. Design Requirements: All parking areas and driveways shall meet the following requirements:
      a. All parking areas shall be designed to prevent any vehicles from having to back into or maneuver on any Arterial Street or Road (public or private).
      b. No parking areas or driveways shall be closer than 4 feet to any side or rear property line.
      c. No front yard area beyond the paved driveway 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.

C. **Multi-Family Residential/Non-Residential Use Requirements:** Parking area and driveway design and construction for all multi-family residential uses and any permitted nonresidential uses within the residential zoning districts shall comply with the requirements for uses in the Commercial, Public/Semi-Public, and Industrial zoning districts specified by Chapter 7.2 (Part 4).

Part 4: These Nonresidential Design Standards apply to all Commercial, Public/Semi-Public, and Industrial zoning districts.

A. **Construction Requirements:** All parking spaces and driveways shall meet the following construction requirements:
   1. Parking Area Surface: All parking spaces and any driveways, including any access drives, shall be paved. The use of alternate dust-proof surfaces may be approved by the Planning Director for seasonal and overflow parking areas that exceed the minimum number of parking spaces required by this Ordinance and for emergency access drives, if the property owner provides the following:
      a. Technical documents from the product's manufacturer specifying its capabilities, as well as a detailed program for the use of the parking area that is consistent with those capabilities.
      b. A notarized statement, in a format acceptable for recording in the office of the Bartholomew County Recorder, stating that the unpaved parking area will be paved if it is used more than an average of once per week in any 1 year period. If approved, a copy of the recorded statement shall be submitted to the Planning Director.
   2. Drainage: All parking areas shall provide for the drainage of stormwater and shall be subject to all adopted requirements of the jurisdiction in which they are located.
   3. Markings: All parking spaces shall be marked with stripes of between 3 and 4 inches wide. All stripes shall extend the full length of each parking space. All driveways designed for travel in a specific direction shall be marked as such.
   4. Back-out Area: All parking aisles shall include a back-out area that extends the width of the aisle and is between 4 1/2 and 5 feet in depth.
   5. Curbing and Wheel Stops: Curbing and wheel stops shall be provided for all parking areas as specified below. Breaks in the curb or other alternate designs to allow for drainage are permitted, provided that the required landscape areas remain protected from vehicle encroachments.
      a. *Entrances and Driveways:* All entrances and driveways shall be curbed such that the curbing extends around the perimeter of any landscaped areas located adjacent to the entrance.
      b. *Interior Landscaped Areas:* All required landscaped areas which are bordered on at least 2 sides by parking areas shall be curbed.

7.2 Design Standards (cont.)

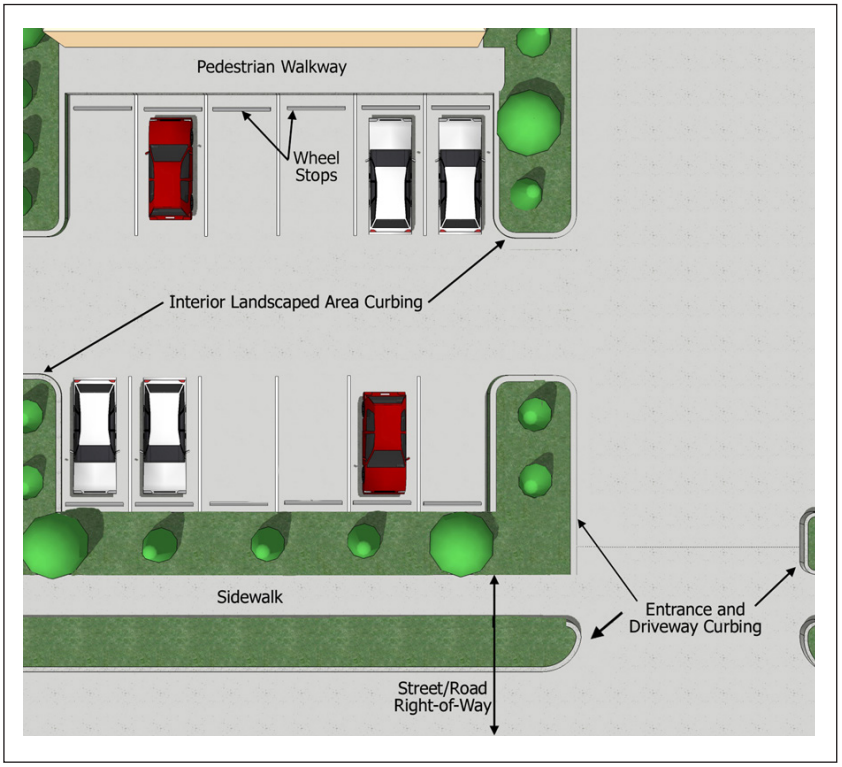
Nonresidential Design Standards

c. *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 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.

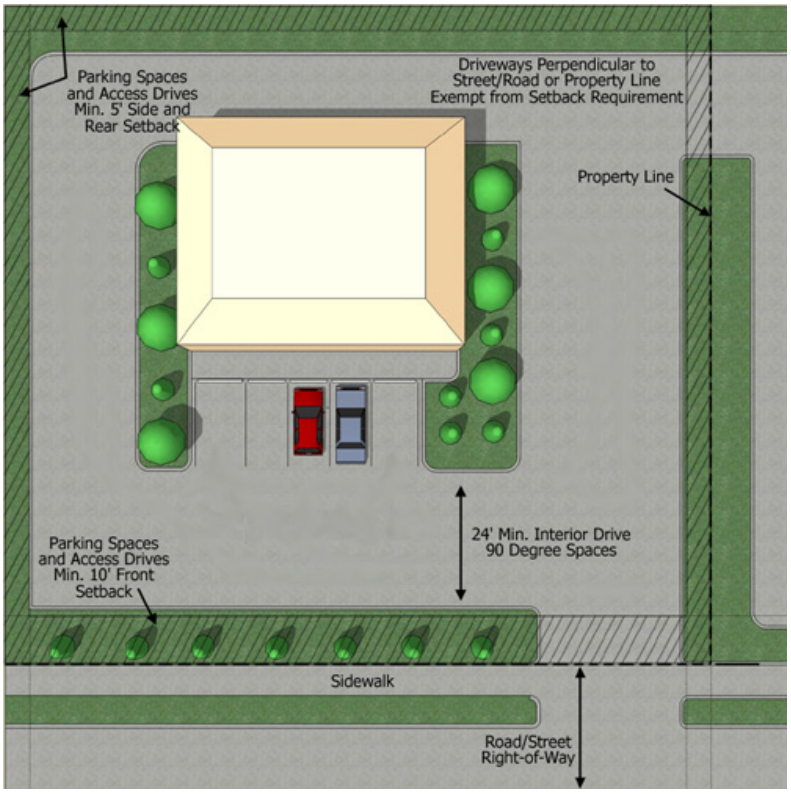
i. Parking spaces adjoining required pedestrian walkways exceeding 7 feet in width shall be exempt from this requirement if a curb is provided to separate the parking spaces from the walkway. A corresponding reduction in parking space length shall not be permitted.

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.

Curbing and Wheel Stop Standards Illustration
(Figure 7.3)



B. **Design Requirements:** All parking spaces and driveways shall meet the following design requirements:
   1. Front Setback: All parking spaces and driveways shall maintain a minimum setback of 10 feet from the existing or planned right-of-way, whichever is greater, of all adjacent streets and roads. However, properties within the CD Downtown Center District shall be setback a minimum of 5 feet from the existing right-of-way. The provided setback area shall be designed, constructed, and maintained as a grass lawn or landscaped area. Driveways situated perpendicular to the street or road and providing access to the property from the street or road shall be exempt from this requirement.
   2. Side and Rear Setback: All parking spaces and driveways shall maintain a minimum setback of 5 feet from all adjacent side and rear property lines. The provided setback area shall be designed, constructed, and maintained as a grass lawn or landscaped area. Driveways situated perpendicular to a property line that provide access between properties shall be exempt from this requirement. Also exempt shall be instances where new property lines are added in existing parking lots as part of infill development and/or redevelopment activities.



Setback Standards Illustration
(Figure 7.4)

7.2 Design Standards (cont.)

Nonresidential Design Standards

3. Access and Location Requirements: All parking spaces shall be accessed and located consistent with the following standards:
   a. *Access to Public Streets:* Parking areas must be designed to prevent vehicles from having to back into, or maneuver upon public streets or roads (access to alleys shall be exempt from this requirement).
   b. *Maneuvering Space:* All parking spaces shall be provided with adequate maneuvering space to allow safe and efficient entry into and exit from the parking space.
   c. *Downtown Parking:* No parking space or driveway shall be provided in the front yard of any property located in any Downtown Commercial zoning district. Driveways situated perpendicular to the street or road and providing access to the property from the street or road shall be exempt from this requirement.
4. Interior Driveway Width Requirements: The minimum widths for all interior driveways shall be as follows:
   a. 14 feet for one-way traffic and no parking or 45 degree parking;
   b. 18 feet for one-way traffic and 60 degree parking;
   c. 24 feet for (i) one or two-way traffic and 90 degree parking or (ii) access to a loading area.
   d. 20 feet for two-way traffic and no parking.

C. **Off-Street Loading Area Requirements:** All off-street loading areas shall conform to the following requirements:
1. Construction Requirements: All off-street loading areas shall be paved.
2. Design Requirements: All off-street loading areas shall be designed as follows:
   a. *Maneuvering Areas:* All loading areas shall be designed so that no portion of a loading or unloading vehicle maneuvers in or projects into any public right-of-way. This provision shall not apply to alleys located in the CD Downtown Center zoning district, in which loading, unloading, and maneuvering shall be permitted. In no instance shall a loading or unloading vehicle overhang adjacent property.
   b. *Interference with Parking:* All loading areas shall be designed so that no portion of a loading or unloading vehicle obstructs access to any required off-street parking spaces on any property. In no instance shall a loading area be considered a parking space for the purpose of meeting the off-street parking requirements of this Ordinance.
   c. *Screening:* All loading areas in any Commercial or Public / Semi-public zoning district shall be screened from view of all public streets and roads. All loading areas in any Industrial zoning district shall be screened from view of all Collector and Arterial streets and roads.

i. The required screening shall consist of a 100% opaque, minimum 6 foot tall wood fence or stone or masonry wall.
ii. Structures and existing landscaping located on the same property which provide the same amount of screening may be substituted for the fence or wall specified above. The removal of this structure or landscaping shall require the installation of the required screening.

d. *Location:* Loading areas shall not be located in any existing or planned right-of-way, septic field, or required landscape area. All loading areas shall be set back a minimum of 10 feet from any existing or planned right-of-way (whichever is greater) and 5 feet from all side and rear property lines.

e. *Size Requirements:* All off-street loading areas for semi tractor-trailers shall be a minimum of 13 feet in width and 140 feet in length. All off-street loading areas for local pick-up and delivery vehicles shall be at least 12 feet in width and 60 feet in length.



Intent:

The standards of this Chapter are intended to promote safe and efficient travel within the community; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways; protect the substantial public investment in the street system; and ensure reasonable access to properties.

7.3 Circulation Standards

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

General Circulation Standards

Part 1: These General Circulation Standards apply to all zoning districts.

A. **Agricultural Field Exemption:** All entrances that are constructed and used specifically and exclusively for access to agricultural fields shall be exempt from the requirements of this Chapter, but shall meet any requirements of the City or County Engineer of jurisdiction.

B. **Additional Design Considerations:** Circulation features, including but not limited to acceleration and deceleration lanes, passing lanes, tapers, turning radii, and left and right turn restrictions shall be subject to the adopted standards of the City/County Engineer of jurisdiction and the Indiana Department of Transportation (where applicable).

C. **Location Requirements:** The location of all vehicle entrances and access points from a public street shall conform to the following requirements.
   1. Alignment of Entrances: All entrances accessing a Collector or Arterial street or road shall be aligned with existing or planned entrances on the opposite side of the street or road.
   2. Entrance Sight Distance Requirements: Entrances on Local and Collector streets and roads shall comply with "Stopping Site Distance" requirements, and entrances upon Arterial streets and roads shall comply with the "Decision Sight Distance" requirements, specified by the current edition of the American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Streets and Highways*.
   3. Separation & Access Requirements: All properties shall comply with the following entrance separation requirements and access limitations. All separations shall be measured from the centerline of the applicable street, road, and/or entrances.

General Circulation Standards

a. ***Road*** *Access to Farm & Single-Family Residential Uses:* All properties occupied by a farm or a single-family residential use shall be permitted one access point from any public road. Properties with accessible frontage exceeding 200 feet shall be permitted a second entrance for the purpose of providing a circular drive or separating residential vehicles from farm equipment.
   i. All access points shall be separated from all intersections and each other by a minimum of 100 feet along Local roads, 200 feet along Collector Roads, and 300 feet along Arterial Roads.
   ii. Two drives within 25 feet of each other shall be considered a single access point for the purpose of the separation requirements.

b. ***Street*** *Access to Farm and Single & Two-Family Residential Uses:* All properties occupied by a farm shall be permitted one access point from any Local or Collector Street. Unless access is available from an alley, all properties occupied by a single or two-family residential use shall be permitted one access point from any Local or Collector Street (where alley access is available for a single or two-family residential use access to all streets shall be prohibited). All access points on a Collector Street shall be separated by a minimum of 50 feet. Access to Arterial Streets from any lot platted after the effective date of this Ordinance shall be prohibited. For single or two-family residential properties permitted street access, the following shall also apply:
   i. The access point for two-family residential uses may include distinct, but immediately adjacent driveways for each dwelling. A second access point for each lot shall be permitted, provided that it is separated by a minimum of 50 feet from all other access points on the same side of the street.
   ii. Single-family residential properties shall be permitted a second entrance for the purpose of providing a circular drive, provided that the 2 access points are separated by a minimum of 50 feet.
   iii. Single-family residential properties with accessible frontage on more than one public street shall obtain access from the street with the lowest Thoroughfare Plan classification. A second access may be obtained from a second frontage if that frontage is on a local street and 50 feet of separation between the nearest driveways and intersections can be provided.

7.3 Circulation Standards (cont.)

General Circulation Standards

c. ***Street or Road*** *Access to Multi-Family and Non-Residential Uses:* No two entrances from a public street or road to a property shall be permitted within the distances specified below. Properties located within any CD, Downtown Commercial zoning district shall be exempt from this requirement but shall comply with any applicable standards established by the City or County Engineer of jurisdiction.
   i. Arterial Street or Road: 400 feet.
   ii. Collector Street or Road: 200 feet.
   iii. Local Street or Road: 100 feet.

d. *Separation & Access Exceptions:* Any lot that was lawfully established prior to the effective date of this Ordinance and for which access can not be provided in compliance with Sections (a) through (c) above shall obtain access from the frontage with the lowest Thoroughfare Plan classification. The access point shall be located consistent with the access and circulation priorities established by the Thoroughfare Plan.

D. **Design Requirements:** The design of all vehicle entrances and access points from a public street or road shall conform to the following requirements:

1. Curbs: All entrances from streets serving uses other than farms and single-and two-family residences shall be curbed from the beginning of any acceleration or deceleration lane, taper, or turning radii up to and including any landscaping area that separates the entrance from parking and loading areas.
2. Entrance Widths: All entrances shall be designed to provide clear, distinct points by which vehicles enter and exit property. Typically, a vehicle access point shall include one entry and one exit lane of adequate, but not excessive, width to accommodate the anticipated vehicle user types. Multi-family and non-residential accesses may also include turn lanes as deemed acceptable by the City Engineer. All access point widths shall be measured at the right-of-way line. The measurement shall exclude any acceleration or deceleration lanes, tapers, and turning radii. No access point to a single or two-family residential use shall exceed 24 feet in width. No access point to a multi-family residential or non-residential use shall exceed 14 feet in width per lane where typical access is by passenger automobiles and 20 feet in width per lane where access is by large vehicles (service vehicles, school buses, delivery vehicles, semi-tractor trailers, etc.).
3. Entrance Medians: Any medians provided within an entrance shall be fully curbed, and shall be a minimum of 6 feet in width and a maximum of 10 feet in width. *w*
4. Encroachment of Entrance Improvements: Where a platted or fee simple right-of-way is not present, passing lanes, turning radii, acceleration and deceleration lanes, and other improvements shall be located entirely within the frontage of the lot being accessed.

5. Intersection Visibility Requirements: All properties, unless exempted below, shall maintain a clear vision area (the "sight visibility triangle") at all street, road, driveway, and alley intersections with other streets or roads. This requirement includes not only those locations where driveways from the property intersect with a street or road, but also any location on the property adjacent to an intersection regulated by this Section.
   a. *Exemptions*: The following shall be exempt from the sight visibility triangle requirement:
      i. Properties located in a CD (Commercial: Downtown) or CDS (Commercial: Downtown Support) zoning district.
      ii. Locations where alleys and/or driveways intersect each other.
      iii. Intersections that feature a round-about, in which case the clear vision area shall be as required by the City or County Engineer of jurisdiction.
      vi. Locations where a single or two-family residential driveway accesses a street. In no instance shall this be interpreted as exempting any access from the applicable requirements of the Bartholomew County Highway Department.
   b. *Measurement*: The sight visibility triangle shall be established by connecting the following three points as demonstrated in Figure 7.5 and specified in Table 7.7: (1) the intersection of the centerlines of the applicable approaching travel lanes at each intersection and (2 and 3) the points along those center lines specified in Table 7.7.
      i. One-Way Traffic: At intersections where a street, road, driveway, or alley is one-way, the opposite approach to the intersection (which would require vehicles to travel in the wrong direction) shall be considered as an approaching stop-controlled way for the purpose of calculating the sight visibility triangle.
      ii. All-Way Stop Intersections: At intersections controlled by stop lights or all-way stop signs, all approaches shall be considered as an approaching stop-controlled way for the purpose of calculating the sight visibility triangle.
      iii. Uncontrolled Intersections: At uncontrolled intersections, all approaches shall be considered throughways for the purpose of calculating the sight visibility triangle.
      iv. Multiple Lanes: For through and stop or yield controlled ways with multiple lanes of travel in a single direction the sight visibility triangle shall be provided for all intersecting lanes. (However, the calculation of the sight visibility triangle at the nearest intersecting lanes will also include the triangle at that same corner for the other lanes.)

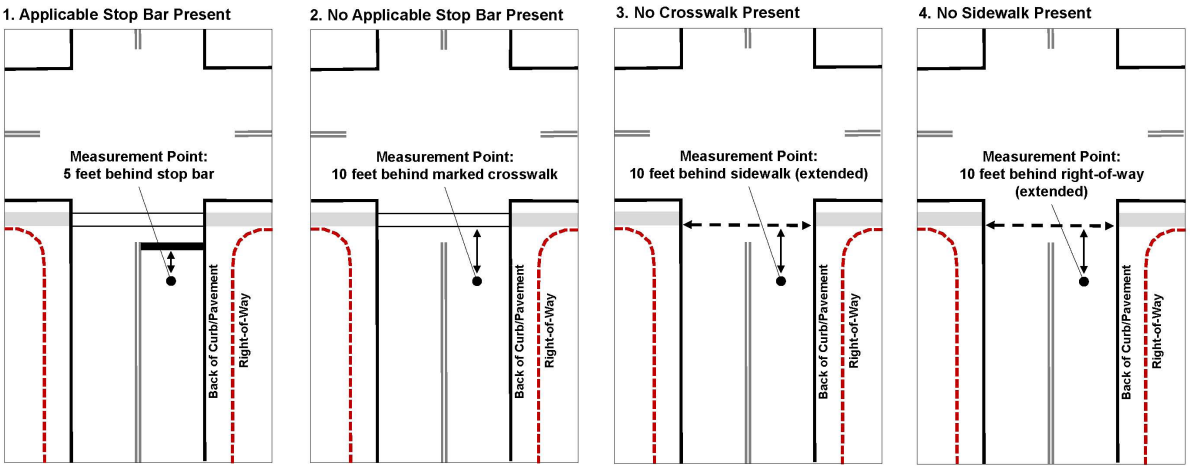
Intersection Visibility Standards (Table 7.7)

Distance along an Approaching Through-Way (A Street or Road) - Point(s) #3 in Figure 7.6
Measure along the center of the travel lane(s) the distance specified below from that lane's intersection with the centerline of the perpendicular lanes (that intersection being Point #1 in Figure 7.6)…

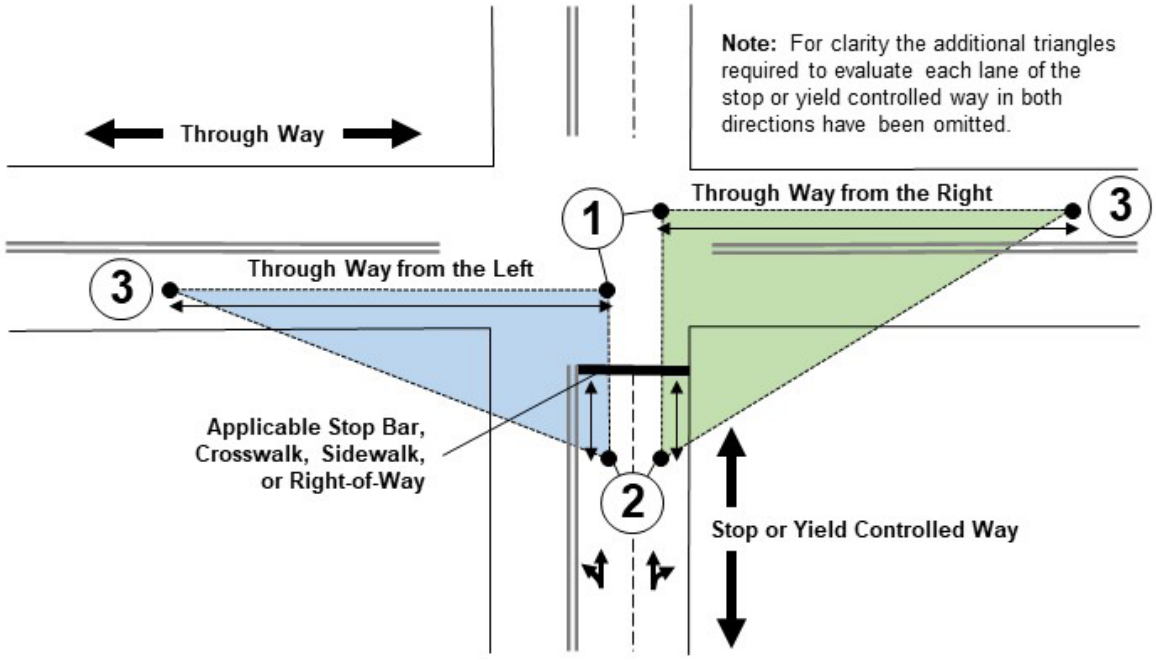
Through-Way Type	Distance for State Highways (Based on the INDOT Indiana Design Manual (2013))		Distance for all other Streets & Roads (Based on the AASHTO Policy on Geometric Design of Highways (2011))	
	From the Right	From the Left	From the Right	From the Left
Arterial Street or Road	440 feet	385 feet	280 feet	240 feet
Collector Street or Road	390 feet	335 feet	280 feet	240 feet
Local Street or Road	330 feet	290 feet	225 feet	195 feet

Distance along an Approaching Stop or Yield Controlled Way (A Street, Road, Driveway, or Alley) - Point(s) #2 in Figure 7.6
Measure the distance specified below along the center of the travel lane(s), with each measurement point representing a progression of options to be applied only if those listed before are not present on the approach.

1	**If a stop bar is present and behind any intersecting crosswalk or sidewalk…**	5 feet behind that applicable stop bar.
2	**If no applicable stop bar is present…**	10 feet behind the marked crosswalk.
3	**If no marked crosswalk is present…**	10 feet behind the intersecting sidewalk.
4	**If no sidewalk is present…**	10 feet behind the intersecting right-of-way.



Intersection Visibility Standards (Figure 7.5)



c. *Restrictions:* Within the sight visibility triangle, unless otherwise permitted by this Ordinance, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of 2½ feet and 10 feet above the centerline grades of those intersecting streets. This restriction includes parked vehicles, areas of outdoor storage, and signs on private property, except those signs that comply with Section 10(G)(4). However, this zoning ordinance does not apply to and therefore excludes from regulation street trees, on-street parking areas, traffic control signs, and other features of a public street or road installed and/or authorized by a unit of government.

7.3 Circulation Standards (cont.)

General Circulation Standards

E. **Shared Access Design Options:** In addition to individual driveways serving a single use or lot, access points may take the form of a shared driveway for multiple lots, cross access easements between adjacent properties, or a private service drive. These methods of access shall comply with the following requirements:
   1. Shared Driveways: A shared driveway shall be located either on both sides of the property line of the land uses sharing the driveway, or if topography or other physical constraint prevents using this location, the driveway may be located on either property, provided that the proper easements are provided.
   2. Cross Access Easements: Cross access easements shall be located generally parallel to and at least 100 feet from any access point to the public street. The pavement width at the cross access shall be a minimum of 26 feet.
   3. Private Service Drives: A service drive may be located at the front or rear of the properties served. Service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings.
      a. *Access*: The number and location of access points along a service drive shall be consistent with the requirements of this Chapter for public Streets and Roads.
      b. *Construction and Materials:* The service drive shall have a minimum pavement width of 24 feet. It shall be curbed when providing access to multi-family uses, manufactured home parks and nonresidential uses.
      c. *Parking Access:* No parking space shall be directly accessed from the service drive.
   4. Easements and Maintenance: Shared driveways, private service drives and cross access easement shall be within an easement of adequate width to accommodate the pavement, shared private or public utilities, drainage, sidewalks and any other related features. Any required access easement permitting traffic circulation between properties shall be reviewed and approved by the Planning Director and recorded with the County Recorder. A recorded copy of the agreement shall be provided to the Planning Director for the records of the Plan Commission.

Part 2: These Pedestrian Circulation Standards apply to the Multi-Family Residential, Commercial, Public/Semi-Public, and Industrial zoning districts.

A. **Public Sidewalks Required**: All development in Multi-Family Residential, Commercial, Public/Semi-Public and Industrial zoning districts shall provide a public sidewalk in adjoining street and road right-of-way along the frontage of the property on which the development is occurring, consistent with the applicable Subdivision Control Ordinance requirement (based on the classification of that street or road for the Columbus jurisdiction). Where required by the Subdivision Control Ordinance, if the property were to be subdivided, a sidewalk shall be installed with the development. Where the property to be developed has frontage on a street or road on which a sidewalk is indicated as permitted, conditional, or otherwise discretionary by the Subdivision Control Ordinance, a sidewalk shall only be required with the development if, within 300 feet and on the same side of the street or road as that frontage is (1) an existing sidewalk or (2) a location where a sidewalk is required to be installed as part of another, previously approved development. For the purposes of this Section, sidewalks in previously approved nearby developments include those required as part of a subdivision preliminary plat, site development plan or zoning compliance certificate approval, or as a rezoning, variance, or conditional use condition or commitment.

1. Exemptions: The following exemptions shall apply to this requirement:
   a. No sidewalks shall be required adjacent to Interstate Highways or within other similar street or road rights-of-way where pedestrians are prohibited.
   b. Sidewalk replacement shall not be required in situations where sidewalks are already present, but do not meet the minimum design and construction requirements of the Subdivision Control Ordinance.
   c. No sidewalk shall be required for development on property for which the Plan Commission has previously granted a modification of the sidewalk requirement of the Subdivision Control Ordinance.
2. Design & Construction Requirements: All sidewalks shall be designed and constructed consistent with the Subdivision Control Ordinance specifications for sidewalk and tree lawn widths and sidewalk location within the right-of-way for the street or road classification with which they are associated. This includes any increased requirements necessary to provide a sidepath or multi-use trail as specified by the Columbus Bicycle & Pedestrian Plan Comprehensive Plan Element.
3. Sidewalks Beyond Existing Right-of-Way: The sidewalk and a sidewalk easement shall be provided adjacent to the existing right-of-way in all instances where that right-of-way is of insufficient width for sidewalk and tree lawn installation.

7.3 Circulation Standards (cont.)

Pedestrian Circulation Standards

4. Asphalt Path Option: The Planning Director may authorize an asphalt path as an acceptable alternative for a sidewalk consistent with any applicable, adopted bicycle and/or pedestrian plan and/or the recommendation of the City/County Engineer of jurisdiction.

B. **Public Sidewalk & Building Entrance Links:** In the City of Columbus jurisdiction only, a sidewalk that links any existing or new adjacent public sidewalk to the entrance of the building is required. "New" sidewalks are those required to be installed with the same development project that would result in the sidewalk link. The linking sidewalk shall be a minimum of 5 feet in width. If the sidewalk link passes through a parking lot, pavement markings shall be used to delineate the sidewalk link.

Article 8
Landscaping Standards



Article Eight: Landscaping Standards ..... Page #

8.1 Landscaping Standards 8-2
8.2 Buffering Standards 8-9



Intent:

This Chapter provides standards for the landscaping and screening of certain activities in order to protect the character of the surrounding area, stabilize soils, control wind-blown dust and debris, provide a variety of living plant material around buildings, shield adjacent properties and streets from light and glare, break up large expanses of paved areas, and to reduce energy consumption by using plant material for shade and windbreaks.

8.1 Landscaping Standards

General Landscaping Standards

MULTI-FAMILY RESIDENTIAL (M)
COMMERCIAL (C)
PUBLIC / SEMI-PUBLIC (P)
INDUSTRIAL (I)

These General Landscaping Standards apply to the Multi-family, Commercial, Public/Semi-Public, and Industrial zoning districts.

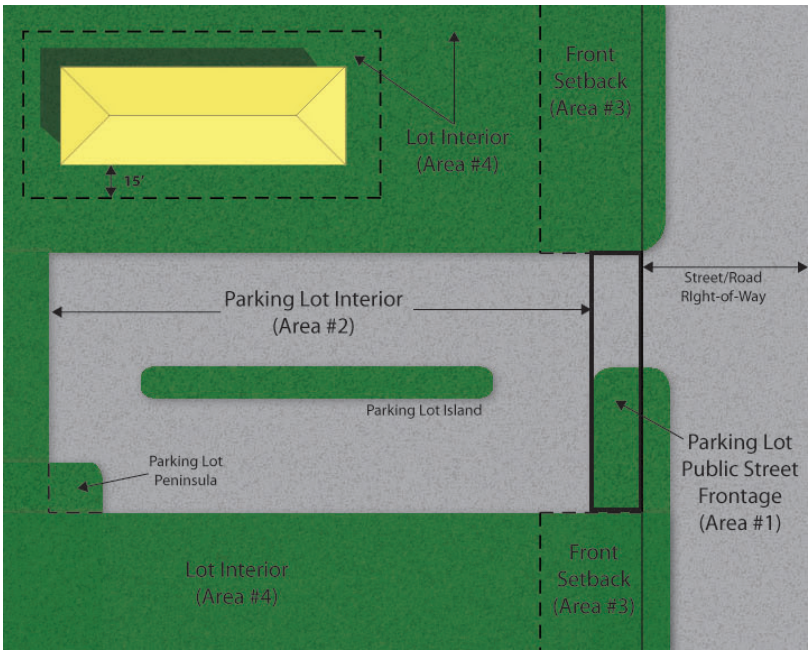
A. **Exemptions:** The following circumstances shall be exempt from the requirements of this Chapter:
   1. Downtown and Downtown Support Districts: Properties located within the CD, Commercial Downtown and CDS, Commercial Downtown Support zoning district shall be exempt from the Front Setback Area and Lot Interior Area requirements. However, if a front, side or rear yard is provided on a property within the CD zoning district, the landscaping requirements for the applicable areas shall be met.
   2. Airports and Fairgrounds: Airports and fairgrounds shall be exempt from the requirements of this Chapter.

B. **Points Required:** Landscaping shall be provided in each area as determined by a minimum number of points or a specified planting requirement, as described in this Chapter. Whenever computation of points results in a fractional number, results of less than 0.5 shall be rounded down to the nearest whole number, while results of 0.5 and above shall be rounded up to the nearest whole number.

C. **Required Landscaping Areas:** Landscaping shall be required in the following 5 areas. All landscaping shall meet the minimum size at planting requirements in the Landscaping Points Requirements Table (Table 8.1).
   1. Area #1 - Parking Lot Public Street/Road Frontage: The front setback areas for all parking areas, including parking spaces, interior drives, and loading/unloading areas, shall be landscaped. The 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, plus 7.5 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, plus 2.5 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.

2. Area #2 - Parking Lot Interior: Interior landscape areas must be provided within parking lots containing 25 spaces or more:
   a. Landscaped islands and peninsulas with a surface area equal to 5% of the area of the paved surface (including all parking spaces and related drive aisles and access drives, but excluding loading docks, service areas, and related drive aisles and access drives) shall be provided in all parking lots.
   b. All required landscaped islands must be a minimum of 300 square feet in area, and all landscaped peninsulas shall be a minimum of 150 square feet in area.
   c. A minimum of 1 large or medium tree (excluding ornamental trees), and 6 shrubs shall be provided in the parking lot interior for every 300 square feet of landscaped area required.



Required Landscaping Areas Illustration
(Figure 8.1)

See Also:

Section 7.2 (Part 4)(B)(1), Parking Area Front Setback Requirements

Landscaping Points Requirements Table (Table 8.1)

Required Points		
Zoning District Type	**Front Setback Area: Multiplier (multiplier x linear feet of lot frontage = minimum required points)**	**Lot Interior Area: Multiplier (multiplier x linear feet of outer wall perimeter = minimum required points)**
Multi-family	0.6	0.25
Commercial	0.6	0.25
Public/Semi-Public	0.6	0.25
Industrial	0.4	0.15

Landscaping Point Values			
Material	**Type**	**Minimum Size at Planting***	**Points (each)**
Trees	Large Deciduous Tree (maturity > 40' tall)	2½ inches diameter, measured 6 inches above the root ball	25
	Medium Deciduous Tree (maturity 26' - 40' tall)	2½ inches diameter, measured 6 inches above the root ball	15
	Small Deciduous Tree (maturity 13' - 25' tall)	2½ inches diameter, measured 6 inches above the root ball	10
	Large Evergreen Tree (maturity > 40' tall)	5 ft. in height, measured from the top of the root ball	25
	Medium Evergreen Tree (maturity 26' - 40' tall)	5 ft. in height, measured from the top of the root ball	15
	Ornamental	6 ft. in height, measured from the top of the root ball	10
Shrubs	Evergreen	18 inches in height, measured from ground level	7.5
	Deciduous		7.5

* All multi-stem trees shall be a minimum of 6 feet in height, measured from the top of the root ball

3. Area #3 - Front Setback: Any portion of a front yard setback which is not also a parking lot frontage shall be landscaped in accordance with the Landscaping Points Requirements Table, based on the linear footage of lot frontage along the adjacent street(s) or road(s).
4. Area #4 - Lot Interior: Required landscaping shall be determined by achieving a minimum number of points, as provided in the Landscaping Points Requirements Table based on the linear footage of the building perimeter.
    a. *Accessory Buildings Excluded:* Points shall be calculated for the primary structure(s). The calculation shall not include any accessory structures.
    b. *Foundation Plantings:* A minimum percentage of the required Lot Interior area landscaping shall be located within 15 feet of the primary structure(s), as listed below. The remaining percentage of required landscaping shall be distributed to other portions of the property.
        i. Multi-Family Districts: 30%
        ii. Public/Semi-Public and Commercial Districts: 25%
        iii. Industrial Districts: 15%
5. Area #5 - Freestanding Signs Exceeding 6 Feet: All permanent freestanding signs exceeding 6 feet in height shall have landscaping planted in an area radiating a minimum of 5 feet from the base of the sign. This landscaping shall not count toward the total minimum landscaping points required for the landscaping area within which the sign is located.
    a. *Required Points:* The landscaping shall earn at least 40 points as calculated pursuant to the Landscaping Points Requirements Table, by making use of the following plant material:
        i. small deciduous trees.
        ii. medium evergreen trees.
        iii. ornamental trees.
        iv. deciduous and evergreen shrubs.
    b. *Remaining Area:* The remaining landscaped area shall consist of annual and perennial flowers and groundcovers, planted to accent the trees and shrubs.

D. **Planting & Design Requirements:** The following requirements shall apply to all required landscaping areas:
1. Landscape Design: Plantings may be clustered or staggered for variety and a natural appearance, or may be spaced in equal increments for a more formal appearance.
2. Ground Cover Required: Landscaped areas shall have appropriate ground cover which stabilizes soil, reduces solar heat gain, and permits infiltration. All areas not landscaped with hedges or trees shall be provided with grass or other vegetative ground cover.

Non-Qualifying Plants Table (Table 8.2)

"An invasive plant is defined as a plant that is not native and has negative effects on our economy, environment, or human health... The term "invasive' is reserved for the most aggressive plant species that grow and reproduce rapidly, causing major changes to the areas where they become established."

***Source**: The Midwest Invasive Plants Network*

Trees

Common Name	Scientific Name	Negative Feature(s)
American Elm (1)	Ulmus americana	Insects, disease
	(1) Disease resistant varieties of American Elm are acceptable.	
Ash	Fraxinus	Insects
Austrian (Black) Pine	pinus nigra	Disease prone
Autumn Olive	Elaeagnus umbellate	Poor form, disease prone, invasive
Black Locust	Robinia pseudoacacia	Invasive
Boxelder	Acer negundo	Aggressive, shallow roots, weak wood
Bradford Pear	Pyrus calleryana 'Bradford'	Weak branching, low branches
Cottonwood	Populus deltoides	Weak wood, shallow roots, seeds
European White Birch	Betula pendula	Insect prone
Ginkgo (Female)	Ginkgo biloba – Female	Fruits, odors
Lombardy Poplar	Populus nigra 'Italica'	Insects, disease, short-lived
Mimosa	Albizia julibrissin	Invasive
Mulberry	Morus species	Fruits, shallow roots, invasive
Norway Maple	Acer platanoides	Invasive
Princess Tree	Paulownia tomentosa	Invasive
Russian Olive	Elaeagnus angustifolia	Poor form, disease prone, invasive
Siberian Elm	Ulmus pumila	Weak wood, seeds, shallow roots
Silver Maple	Acer saccharinum	Aggressive, shallow roots, weak wood
Tree of Heaven	Ailanthus altissima	Seeds, suckers, weak wood, invasive
White Poplar	Populus alba	Suckers, shallow roots, weak wood, invasive
Willow	Salix species	Weak wood, shallow roots

Shrubs

Common Name	Scientific Name	Negative Feature(s)
Bicolor Lespideza	Lespedeza bicolor	Invasive
Black Alder	Alnus glutinosa	Invasive
Buckthorn	Rhamnus cathartica, R. frangula	Invasive
Bush Honeysuckles (Amur, Morrow, Tartarian)	Lonicera maackii, L. tatarica, L. morrowii	Invasive
Privet	Ligustrum	Invasive
Multiflora Rose	Rosa multiflora	Invasive
Winged Burning Bush (2)	Euonymus alatus	Invasive
	(2) Less invasive varieties such as "compactus" and "Rudy Haag" are acceptable.	

a. *Stone Prohibited:* Gravel, limestone, river rock or similar stone materials may only be used for mulching around plants or for landscaping accents. Stone materials shall not be used as the primary ground cover in any required landscaped area.
b. *Erosion Control:* When necessary to meet erosion control requirements, materials other than living ground cover may be used.

3. Berms: Berms shall meet the following requirements:
   a. *Slope:* The maximum permitted slope of berms is 1:3 (1 foot of height for every 3 feet of berm width).
   b. *Erosion Control:* Berms shall be constructed with adequate ground cover to prevent erosion.
   c. *Topographical Changes:* A difference in elevation between development areas shall not be considered a berm.
4. Quality: Plant material and ground covers shall be hardy, free of insects and diseases. All plants shall comply with the most recent edition of the American Standards for Nursery Stock ANSI 260.1, as approved by the American National Standards Institute.
5. Living Material: The use of artificial plant material is prohibited.
6. Sight Visibility: Landscape materials shall not obstruct sight visibility at maturity, in accordance with the requirements of Section 7.3 (Part 1)(D)(5).
7. Traffic Control Signs and Lighting Features: Landscaping materials should be placed to avoid interference with traffic control signs and devices and lighting as the landscaping matures.
8. Existing Trees and Shrubs: Existing trees and shrubs may be counted towards fulfilling the planting requirements, on the same basis as new plant materials.
   a. *Shown on Landscape Plan:* Existing trees and shrubs to be protected shall be clearly labeled on the site plan.
   b. *Protection During Construction:* No construction activity of any kind shall take place within the area defined by the drip-line of any existing tree that is to be protected. Protective measures shall be taken to ensure that heavy equipment and construction operations do not damage protected trees (e.g. snow fence around the drip line of the tree).
   c. *Replacement:* Existing trees and/or shrubs to be preserved that die or are destroyed shall be replaced with new landscaping meeting the requirements of this Chapter.
9. Non-Qualifying Plant Material: Species listed in the Non-Qualifying Plants Table (Table 8.2) may not be used to meet the requirements of this Article.
10. Diversity: A mixture of plant species is encouraged as a protective measure against infestation causing mass die-off of plant material.

See Also:

Section 7.3 (Part 1)(D)(5), Intersection Sight Visibility

8.1 Landscaping Standards (cont.)

General Landscaping Standards

E. **Installation:** The installation of all landscaping required by this Ordinance shall comply with the following:
   1. Compliance: No permanent certificate of occupancy for any structure or parcel of land shall be issued unless the landscaping complies with the provisions of this Chapter.
   2. Delayed Installation: In the event that landscape installation is delayed because of seasonal changes, some or all required landscaping may be delayed for a period not to exceed 9 months, provided that a performance guarantee in the form of an irrevocable letter of credit, performance bond, cashier's check, cash, or money order is posted with the City or County. Personal checks shall not be accepted. The performance guarantee shall be equal to 125% of the cost of the materials and installation and shall be accompanied by a written assurance that such landscaping will be completed within the specified time period.

F. **Landscaping Maintenance:** Light, water, soil conditions, and ongoing maintenance requirements should be considered in selecting plant materials.
   1. Continual Maintenance: The owner of the property shall be responsible for the continuous proper maintenance of all required landscaping materials, and shall keep them free from refuse and debris and in a healthy, growing condition at all times.
   2. Pruning: Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this Chapter may not be removed, pruned, or otherwise treated so as to reduce overall height or level of opacity. Excessive pruning, including limbing-up, topping, and other inhibiting measures, may only be practiced to insure the public safety or to preserve the relative health of the material involved. Pruning that results in removal of more than 1/3 of the height of the tree at the time of pruning shall be considered the same as removal; the pruned tree shall be removed and a new tree, meeting the requirements of this Chapter, shall be planted in its place.
   3. Unhealthy, Dying or Dead Plant Material: Required plant material that is unhealthy, dying or dead shall be replaced within 3 months of discovery of its condition, or if discovered at the end of the planting season, by June 30 of the next year for spring planting and October 30 for fall planting.

G. **Other Provisions**: In no case shall any landscaping required by this Chapter be used to meet the requirements of another Ordinance provision. The landscaping required by this Chapter shall be in addition to any other requirements found in this Ordinance.

Intent:

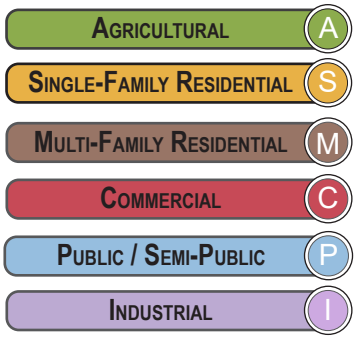
This Chapter provides standards for buffers between different intensities of zoning and land use to provide transitions from one type of use to another and to buffer residents and users of less intensive land uses from the impacts associated with more intensive uses.



8.2 Buffering Standards

General Buffering Standards

These Buffering Standards apply to all zoning districts.



A. **Buffer Yard Required:** Whenever a property in a more intensive zoning district is adjacent to land in a less intensive zoning district, the type of buffer yard indicated on the Required Buffer Types Table for the appropriate jurisdiction (see pages 8-10 and 8-11) shall be provided upon the property within the more intensive district. The required buffer shall be installed on each individual lot as each is developed.
   1. Landscaping Requirements: When required, buffer yard landscaping shall be in addition to the requirements of Chapter 8.1, Landscaping Standards.
   2. Rezoning: Whenever a rezoning occurs that requires a buffer yard where none was required previously, the property that is rezoned shall provide the buffer yard. The buffer yard shall be installed as an element of any subsequent change of use.
   3. Buffer Areas: Where buffer areas are required, they shall apply along the property lines and be provided entirely on the subject property. Required buffers shall be installed despite the presence of alleys or natural features (e.g., streams) separating property lines in conflicting zoning districts. No buffer shall be required where a street or road separates zoning districts.

B. **Other Use of Buffers Prohibited:** No proposed building addition, structure, outdoor storage, sales or display, parking area or any similar feature shall be located in front of or within a required buffer. A driveway entrance that complies with the requirements of Article 7 may cross a buffer; however, the width of the driveway may not be subtracted from the length of the buffer for the purpose of determining landscaping requirements. The buffer area shall not overlap any drainage easement, utility easement, or other similar easement or area that would conflict with the planting, maintenance, and/or maturing of landscaping.

See Also,

Article 3, Zoning Districts

8.2 Buffering Standards (cont.)

General Buffering Standards

C. **Buffer Yard Planting Requirements:** All plants used to fulfill buffer requirements must meet the minimum size standards indicated on the Landscaping Points Requirements Table (Table 8.1), and must meet the standards set forth in the most recent edition of American Standard for Nursery Stock published by the American National Standards Institute. Plants listed in the Non-Qualifying Plants Table (Table 8.2) may not be used to meet the requirements of this Chapter.

D. **Buffer Yard Type A:** Buffer Yard Type A shall include a minimum width of 25 feet in addition to the minimum setback required by this Ordinance. Buffer Yard Type A shall be a dense buffer consisting

Required Buffer Types Table (Table 8.3)
City of Columbus Jurisdiction (buffer required where indicated)

Zoning of Adjacent Property (Intensity Increases Top to Bottom…)	Zoning of the Subject Property (Intensity Increases Left to Right…)																					
	AV	AP	AG	RR	RS-1	RS-2	RS-3	RS-4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I-1	I-2	I-3
AV																						
AP																						
AG											B	B		A	A	B	A	A	B	A	A	A
RR											B	B		A	A	B	A	A	B	A	A	A
RS-1											B	B		A	A	B	A	A	B	A	A	A
RS-2											B	B		A	A	B	A	A	B	A	A	A
RS-3											B	B		A	A	B	A	A	B	A	A	A
RS-4											B	B		A	A	B	A	A	B	A	A	A
RE											B	B		A	A	B	A	A	B	A	A	A
RT											C	B		A	A	B	A	A	B	A	A	A
RM												C		A	B	B	A	A	B	A	A	A
RMH											C			A	B	B	A	A	B	A	A	A
CD																				A	A	A
CDS																				A	A	A
CN																	C	C		A	A	A
CO																	C	C		A	A	A
CC																				A	A	A
CR																				B	B	A
P																	B	B		A	A	A
I-1																						B
I-2																						C
I-3																						

of a fence or wall with landscaping, an opaque tree screen, or a combination of both, as described below:

1. Fence or Wall: A fence or wall with a minimum height of 6 feet may be utilized as follows:
   a. *Landscaping Along Fences*: At least 50% of the length of the fence or wall within the buffer shall be landscaped on the outside of the fence or wall. The maximum length of any continuous fence or wall segment without landscaping shall be 50 feet. Landscaping placed to meet this requirement shall be located within 15 feet of the fence or wall.

Required Buffer Types Table (Table 8.4)

Bartholomew County Jurisdiction (buffer required where indicated)

Zoning of Adjacent Property (Intensity Increases Top to Bottom…)	Zoning of the Subject Property (Intensity Increases Left to Right…)																					
	AV	AP	AG	RR	RS-1	RS-2	RS-3	RS-4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I-1	I-2	I-3
AV			C	C	C	C	C	C		C	C	C			C	C	C	C	C	C	C	C
AP			C	C	C	C	C	C		C	C	C			C	C	C	C	C	C	C	C
AG											B	B			B	B	A	A	B	A	A	A
RR											B	B			B	B	A	A	B	A	A	A
RS-1											B	B		A	B	B	A	A	B	A	A	A
RS-2											B	B		A	B	B	A	A	B	A	A	A
RS-3											B	B		A	B	B	A	A	B	A	A	A
RS-4											B	B		A	B	B	A	A	B	A	A	A
RE											B	B		A	B	B	A	A	B	A	A	A
RT											C	B		A	B	B	A	A	B	A	A	A
RM												C		A	C	B	A	A	B	A	A	A
RMH											C			A	C	B	A	A	B	A	A	A
CD																				A	A	A
CDS																				A	A	A
CN																	C	C		A	A	A
CO																	C	C		A	A	A
CC																				A	A	A
CR																				B	B	A
P																	B	B		A	A	A
I-1																						B
I-2																						C
I-3																						

8.2 Buffering Standards (cont.)

General Buffering Standards

b. *Plantings Required*: The landscaping provided within the buffer shall be derived by multiplying the length of the buffer times 1.0 to determine the required points value. The required points value shall be met by providing landscaping consistent with the Landscaping Points Requirements Table (Table 8.1). At least 50% of the required points must be met with evergreen trees and/or shrubs.

c. *Fence Construction*: The fence shall be completely opaque and be constructed of wood or masonry, or of composite materials such as vinyl, provided that the materials used create an opaque screen are of solid construction and can be maintained. Metal fences (i.e., chain link with opaque inserts) are prohibited. The fence shall be constructed so that the non-structural side faces outward.

2. Opaque Tree Screen: Evergreen trees planted to achieve a dense screen may be utilized as follows:
   a. *Columnar Varieties*: Columnar evergreen varieties (such as arbor vitae) shall be planted in 2 staggered rows and spaced 3 to 4 feet from each other, on center. Columnar varieties shall be a minimum of 5 feet high at planting.
   b. *Conical Varieties:* Conical evergreen varieties (such as White Pine or Spruce) shall be planted in 2 staggered rows and spaced 8 to 10 feet apart, on center. Conical varieties shall be a minimum of 5 feet high at planting.
3. Berms: A berm shall be permitted within the buffer, subject to the requirements of Section 8.2(G).
4. Maintenance: The fence, wall or planting screen shall be placed within the buffer to allow access to all sides so that the screen may be properly maintained without needing to enter upon adjacent property. Gates and openings shall be provided where necessary to accommodate access for maintenance purposes.

E. **Buffer Yard Type B:** Buffer Yard Type B shall include a minimum width of 15 feet in addition to the minimum setback otherwise required by this Ordinance; and shall meet the following requirements:
   1. Landscaping Required: A minimum of 65 landscaping points shall be provided within every 50 linear feet of buffer yard required. Any buffer yard segment of less than 50 feet shall be provided with plant material equal to 1.3 points for every linear foot of that segment. The required points value shall be met by providing landscaping consistent with the Landscaping Points Requirements Table (Table 8.1). At least 50% of the required points must be met with evergreen trees and shrubs.
   2. Landscape Placement: The required landscaping for Buffer Yard Type B may be located within the additional 15-foot setback or anywhere within the adjacent required setback.
   3. Berms: A berm shall be permitted within the buffer, subject to the requirements of Section 8.2(G), below.

4. Fences and Walls: Decorative fences or walls shall be permitted within a Type B buffer, subject to the construction requirements of Section 8.2(D)(1)(c), above; however, no fence or wall shall be counted towards meeting the buffer requirement. If utilized, fences or walls shall meet the maintenance requirements of Section 8.2(D)(4).

F. **Buffer Yard Type C:** Buffer Yard Type C shall include a minimum width of 15 feet in addition to the setback otherwise required by this Ordinance. Buffers adjacent to Agricultural zoning districts shall include a minimum setback of 20 feet in addition to the setback otherwise required by this Ordinance.
   1. Landscaping Required. A minimum of 50 landscaping points shall be provided within every 50 linear feet of buffer yard required. Any buffer yard segment of less than 50 feet shall be provided with plant material equal to 1.0 points for every linear foot of that segment. The required points value shall be met by providing landscaping consistent with the Landscaping Points Requirements Table (Table 8.1). At least 50% of the required points must be met with evergreen trees and shrubs.
   2. Landscape Placement: The required landscaping for Buffer Yard Type C may be located within the additional setback or anywhere within the adjacent required setback. However, where the buffer is adjacent to agricultural zoning districts the landscaping materials shall not be located within 10 feet of the property line to prevent interference with agricultural activities.
   3. Berms: A berm shall be permitted within the buffer, subject to the requirements of Section 8.2(G).
   4. Fences and Walls: Decorative fences or walls shall be permitted within a Type C buffer, subject to the construction requirements of Section 8.2(D)(1)(c); however, no fence or wall shall be counted towards meeting the buffer requirement. If utilized, fences or walls shall meet the maintenance requirements of Section 8.2(D)(4).

G. **Berm Requirements:** A berm may be used with any buffer, provided the following requirements are met:
   1. Height: Berms shall be a minimum of 3 feet in height with a maximum slope of 1:3.
   2. Topographical Changes: A difference in elevation between development areas which require a buffer shall not be considered a berm.

Article 9
General Development Standards



Article Nine: General Development Standards..... Page #

9.1 Height Standards..... 9-2
9.2 Environmental Standards..... 9-4
9.3 Fence & Wall Standards..... 9-7
9.4 Exterior Lighting Standards..... 9-9



Intent:

The intent of these height standards is to protect the public health, safety, and general welfare by providing for adequate light and air, and by ensuring adequate fire protection service.

9.1 Height Standards

General Height Standards

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

These General Height Standards apply to all zoning districts:

A. **Height Requirements:** The maximum height permitted shall be as described below and listed for each zoning district by Article 3 of this Ordinance, subject to the exceptions listed in Section 9.1(B). In all instances, the height of a structure shall be measured from grade level at the lowest point of the base of the structure to the highest point of the of the structure, excluding the necessary appurtenances listed in Section 9.1(B)(4).

B. **Exceptions:** No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. For the purposes of this section, the height of church steeples, chimneys, and other structures which are attached or otherwise a part of another structure shall be measured from grade level.
   1. General Exceptions: The following structures may exceed the permitted height regulations by twofold (x2):
      a. Church steeples;
      b. Bell towers;
      c. Spires, belfries, and cupolas; and
      d. Industrial related storage tanks, mechanical equipment, and smokestacks.
   2. Telecommunications Towers and Antenna: The height of telecommunication towers and antenna shall meet the requirements of Chapter 6.8, Telecommunications Facility Standards.
   3. Amateur Radio Towers: Amateur radio towers shall meet the requirements of Section 6.1(F)(3).
   4. Necessary Appurtenances: The following structural elements may exceed the permitted height requirements for the applicable structure type (primary, accessory, etc.) for the zoning district in which they are located by up to 10 feet:
      a. Necessary mechanical appurtenances;
      b. Utility substations and related essential facilities;
      c. Water tanks;
      d. Chimneys;

e. Fire towers;
f. Stair towers;
g. Stage bulkheads; and
h. Elevator bulkheads.

5. Agricultural Structures: All structures in a zoning district where agriculture is permitted that are used in agricultural products storage and/or processing may exceed the permitted height requirements for the district in which they are located and be erected to any height that is necessary for their operation. This exemption shall not be interpreted as applying to commercial agricultural structures, such as commercial grain terminals and similar uses.
6. Watertowers: Watertowers may exceed the permitted height requirements for the zoning district in which they are located and be erected to a maximum height of 200 feet.

C. **FAA Requirements:** Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air travel. All applicable Federal Aviation Administration (FAA) restrictions and regulations shall apply to all structures.



Intent:

The purpose of these environmental standards is to (1) encourage the protection of unique environmental features and (2) protect persons and property from the dangers presented by both the natural and built environments. Some of the following requirements refer to complimentary state or federal regulations, that are not enforced by the local government, in order to increase awareness of these regulations.

9.2 Environmental Standards

General Environmental Standards

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

These General Environmental Standards apply to all zoning districts:

A. **Land Suitability:** No land should be used, or structure erected where the land is unsuitable for such use or structure due to slopes, adverse soil or rock formations, erosion susceptibility, or any other feature determined by the Planning Director or Plan Commission as likely to be harmful to the health, safety, and general welfare of the community.

B. **Preservation of Natural Features:** Existing natural features that would add value to the development of the community, such as mature trees, streams, lakes, wetlands, stream-side forests (riparian areas), floodplains, and similar irreplaceable assets should be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.
   1. Wetlands: Wetland areas shall be managed consistent with all applicable requirements of the U.S. Army Corps of Engineers, the Indiana Department of Environmental Management, and other appropriate agencies.
   2. Stream-side Forests (Riparian Areas): Stream-side forests should be managed consistent with requirements adopted by the Natural Resource Conservation Service for Riparian Forest Buffer and all subsequent amendments and revisions.
      a. *Minimum Setbacks:* All structures and parking areas shall be set back a minimum of 25 feet from the top-of-bank of all streams.
      b. *Native Vegetation Preservation:* On non-agricultural properties, all native vegetation within the required setback should be preserved.
      c. *Construction Activity Prohibited:* All construction activity and land alteration shall be prohibited in the required setback area, with the following exceptions:

i. stream-side forest restoration;
ii. drainage-way maintenance and erosion control;
iii. forest management;
iv. conservation activities;
v. raising of agricultural crops;
vi. public infrastructure such as roads, pedestrian paths, and drainage outlets; and
vii. regulated drain maintenance.

3. Floodplains: Floodplains shall be managed consistent with the Flood Hazard Area Overlay Zone established by Chapter 4.7.

C. **Conservation of Historic Features:** Existing historic features (such as those listed as outstanding, notable, or contributing in the Indiana Dept. of Natural Resources *Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report, listed in the National Register of Historic Places, or listed in the Indiana Register of Historic Sites and Structures*), and similar irreplaceable assets should be preserved through harmonious and careful design.

D. **Ground Cover:** Any part or portion of a non-farm parcel that is not used for structures, loading or parking spaces, sidewalks, etc. shall be landscaped or left in a natural state that complies with all applicable weed and nuisance ordinances. If landscaped, it shall be planted with an all season ground cover and with trees and shrubs in accordance with the requirements of this Ordinance.

E. **Drainage Swales:** Drainage swales within dedicated drainage easements are not to be altered, except for maintenance as originally constructed and approved by the appropriate City and/or County Engineer of jurisdiction. Driveways may be constructed over these swales subject to the approval of the appropriate City and/or County Engineer of jurisdiction and/or Indiana Department of Transportation (INDOT approval is required for driveways accessing state highways).

F. **Regulated Drains:** All development in regulated drain areas shall be subject to the review and approval of the Bartholomew County Drainage Board per the requirements of IC 33-9-27. No permanent structures, shall be erected within 75 feet of the center line of any regulated tile ditch, or within 75 feet of the existing top of bank of any regulated open ditch unless approved by the Bartholomew County Drainage Board.

G. **Alterations to Bodies of Water:** No alteration of the shoreline or bed of a river, wetland, or public lake shall be made until appropriate written approval is obtained from the Indiana Department of Environmental Management, Indiana Department of Natural Resources and/or the U.S. Army Corp. of Engineers. Alterations include, among other things, filling of a pond, river or wetland.

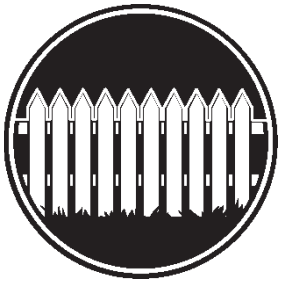
9.2 Environmental Standards (cont.)

General Environmental Standards

K. **Retention, Detention, and Pond Edges:** All retention, detention, and pond edges shall be consistent with the following:
   1. the top of bank shall provide 2 feet of free-board protection above the 100-year flood elevation for the area in which any pond is located;
   2. safety shelves shall be included in the design and construction of all ponds; and
   3. all applicable requirements of the appropriate City and/or County Engineer of jurisdiction shall be met.

Intent:

The intent of the fence, hedge, and wall standards is to ensure public safety by maintaining sufficient visibility within front yards and other areas where vehicles or pedestrians may frequent. The requirements are also intended to provide a degree of uniformity of regulation, provide adequate protection for individual properties from certain nuisances, and promote the public welfare.



9.3 Fence & Wall Standards

General Fence & Wall Standards

These General Fence & Wall Standards apply to all zoning districts.

A. **Exemptions:** Fences used in the following circumstances shall be exempt from the requirements of this Chapter:
   1. Correctional Facilities: Fences and other barriers used at correctional facilities.
   2. Swimming Pools: Swimming pool fencing shall conform to the regulations of the State of Indiana and the City of Columbus Municipal Code or the Bartholomew County Code of Ordinances, as applicable.
   3. Retaining Walls: Retaining walls shall conform to the regulations of the City of Columbus Municipal Code or the Bartholomew County Code of Ordinances, as applicable.
   4. Telecommunications Facility Sites: Fencing for telecommunications facility sites shall comply with the requirements of Section 6.8(G) of this Ordinance.
   5. Highway Barrier Walls: Highway barrier walls erected and/or approved by the Indiana Department of Transportation shall comply with any applicable INDOT specifications.
   6. Outdoor Storage, Display and/or Sales Areas: Fences required for the screening of areas of outdoor storage, display, and/or sales shall comply with the provisions of Section 6.1(C)(3) of this Ordinance.
   7. Fences Setback from Property Lines: Fences that are setback from property lines, provided that such fences comply with all regulations established by this Ordinance for accessory structures in the applicable zoning district.

B. **General Restrictions**: The following general restrictions apply to all fences and wall as specified below:
   1. Rights of Way: No fence or wall shall be constructed in or allowed to encroach upon any public right-of-way.
   2. Easements: No fence or wall shall cross a public or private easement without the permission of the easement holder.

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

***See Also**:*

Article 8,
Landscaping Standards

9.3 Fence & Wall Standards (cont.)

General Fence & Wall Standards

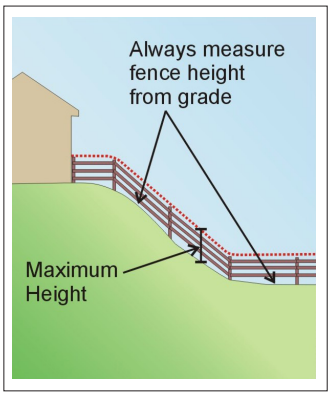
3. Required Buffer Yards: Fences or walls shall not be located in any required buffer yard, unless specifically required or permitted in Chapter 8.2 of this Ordinance.
4. Intersection Visibility: No fence or wall shall be erected or maintained within the intersection visibility triangle as required by Section 7.3 (Part 1)(D)(5) of this Ordinance.
5. Prohibited Elements: Chicken wire, concertina wire, or razor wire, razored edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind are prohibited unless expressly permitted by this Chapter. Decorative spikes that are a part of an ornamental fence shall be permitted.
6. Structural Orientation: Fences shall be erected with the structural side, including all structural members, braces, bolts, etc., facing the interior of the property that the fence encloses.

C. **Residential Use Restrictions:** The following restrictions shall apply to all residential uses:
   1. Prohibited Fence Types: Chain link and similar woven metal fences shall not be permitted in the front yard of any residential use. All electrified and barbed wire fences are prohibited on all residential properties, except those located in a Agricultural zoning district.
   2. Height Limits: No fence or wall shall exceed a height of 8 feet in any side or rear yard or 42 inches in any front yard. When applying this subsection to through lots (which technically have 2 front yards), the front yard on to which the primary structure faces shall be considered the front yard, and the other front yard shall be considered a rear yard. Corner lots shall be considered as having 2 front yards, consistent with the other provisions of this ordinance.

D. **Non-residential / Non-agricultural Use Restrictions:** The following restrictions shall apply to all non-residential / non-agricultural uses:
   1. Prohibited Fence Types: All electrified and stockade fences are prohibited. Barbed wire fences are permitted for the purposes of security.
   2. Height and Location Limits: No fence or wall shall exceed a height of 8 feet in any side or rear yard or 42 inches in any front yard. In the case of properties with multiple front yards, this restriction shall apply only to the front yard providing the primary access to the property.

E. **Height Measurement:** Fences and walls shall be measured from the surrounding grade, including the base of any berms, to the top of the fence. A fence post may extend 6 inches beyond the top of the fence.

Fence Height Measurement Example
(Figure 9.1)



Intent:

The intent of this Chapter is to recognize that exterior lighting is needed for safety, security and visibility for pedestrians and motorists, yet ensure that lighting does not disrupt adjacent land uses. This Chapter provides requirements to maintain safe nighttime driver performance on public roadways and reduce light trespass onto adjacent properties.



9.4 Exterior Lighting Standards

General Exterior Lighting Standards

The following General Exterior Lighting Standards apply to all zoning districts.

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

A. **Lighting Measurement Criteria:** This Chapter regulates exterior lighting through a combination of fixture requirements and light quantity calculations. A level of illumination not to exceed 0.1 footcandles is hereby established as a consistent maximum in instances where exterior lighting at property lines is to be regulated. The Planning Director may accept either (1) a photometric site plan; (2) light fixture specifications showing shielded, directed, and 90 degree cut-off fixtures; or (3) a combination of both in determining compliance with these exterior lighting requirements related to property lines. *w*

B. **Applicability & Exemptions:** All exterior lighting shall comply with the requirements of this Chapter, subject to the following exemptions:
   1. Lighting for all agricultural and single and two-family residential uses, provided that the level of illumination at any property line adjoining an agricultural use shall not exceed 0.1 footcandles.
   2. Pedestrian walkway lighting.
   2. Soffit lighting, provided that the light source is recessed or flush with the soffit surface.
   3. Emergency lighting, provided that the lights are designed to operate only under emergency or loss of power situations.
   4. Holiday decorations.
   5. Window displays.
   6. Lighting for temporary events, such as fairs, carnivals and similar temporary outdoor uses.
   7. Ornamental lighting that is incorporated into an architectural design, such as colored tubes, lighting of fountains, statuary or other outdoor art and other building elements (other than signs), provided that the light source is shielded to direct light onto the lighted element.

9.4 Exterior Lighting Standards (cont.)

General Exterior Lighting Standards

C. **Prohibited Lighting:** The following lighting types and methods are prohibited:
   1. High Intensity Lights: Laser light sources, search lights or any similar high intensity light for outdoor advertisement or entertainment, except for beacons as permitted by Article 10.
   2. Hazardous Lights: Any lighting where it is determined by the Board of Public Works and Safety or Board of County Commissioners, as appropriate, that the light source is creating off-site glare and is a hazard to travelers on an adjacent street or road.
   3. Exposed Bulb Lights: The use of any exposed bulbs, visible from any property line unless exempt under Section 9.4(B)(7), above, or is part of a sign that meets the requirements of Article 10.
   4. Flashing and Moving Lights: Lighting that is of a flashing, moving or intermittent type, excluding those associated with signs meeting the requirements of Article 10 of this Ordinance.
   5. Traffic Control or Emergency Lights: Lighting that appears similar to that used for traffic control devices or for emergency vehicles.

D. **Sign Illumination and Brightness:** Signs may be illuminated either internally or externally, or provide electronic changeable copy subject to the provisions of Article 10 of this Ordinance and the following provisions:
   1. External Illumination: The source of any external illumination shall be located, aimed, and shielded so that light is directed onto the sign face. No exposed bulb or lamp shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.
   2. Internally Illuminated and Electronic Sign Brightness: Internally Illuminated and Electronic signs shall meet the following requirements:
      a. *Maximum Brightness:* Maximum brightness shall be limited to 10,000 nits during daylight hours (between sunrise and sunset daily). Maximum brightness from sunset to sunrise daily shall not exceed 250 nits. Signs with a capability of exceeding either of these limits shall be equipped with a light sensing device or programming that will automatically adjust brightness based on overall ambient lighting to comply with the above stated maximums.
      b. *Residential Area Restrictions:* All electronic signs within 300 feet and visible from a residential property in a residential zoning district shall be turned off, and therefore emit no light, between the hours of 11 p.m. to 5:00 a.m. daily.
      c. *Background Colors:* The use of electronic sign messages with white or similarly light colored backgrounds shall be prohibited.

General Exterior Lighting Standards

d. *CD Zoning District Prohibition:* The use of electronic signs in the CD (Commercial: Downtown) zoning district shall be prohibited.

e. *FCC Requirements:* All electronic signs shall meet all applicable requirements of the Federal Communications Commission (FCC), specifically with regard to potential interference with communications.

E. **Property Illumination:** The exterior illumination of all properties shall be designed and installed so as to prevent glare from affecting adjacent streets and excessive light trespass from affecting adjacent properties. No exterior illumination originating from a non-residential zoning district at the property line of any property included in a single-family, two-family or multi-family residential zoning district exceed 0.1 foot-candles. The light levels within 10 feet horizontally from any driveway or other vehicle access point shall be exempt from the 0.1 foot-candle requirement. All properties shall also comply with the following requirements:

1. Building Facade Illumination: Building facades may be illuminated using either uplighting or downlighting, or a combination of both. All lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Light fixtures shall be designed to wash the facade of the building with light, rather than providing a spotlight or floodlight affect. Lighting shall not be directed toward adjacent streets, roads, or adjoining properties.
2. Free-Standing Light Fixtures & General Parking Area / Yard Lighting: The provisions of this Section shall apply to all free-standing light fixtures, such as parking lot lighting, and all free-standing, building-mounted, and other fixtures intended to illuminate parking areas, yards, and other outdoor spaces. All such fixtures shall be limited to a maximum total height of 30 feet for industrial uses and 25 feet for all other uses. Each free-standing light fixture may be provided with a base of up to 36 inches in height, which will not be included in the total height measurement. All free-standing and general parking area/yard lighting shall make use of 90 degree cut-off fixtures with fully recessed lens covers.
3. Canopy Lighting: Lighting under canopies used for gas stations, drive-up banking, and similar purposes shall make use of either (a) fully recessed fixtures with lens covers flush with the bottom surface (ceiling) of the canopy or (b) indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy.

Article 10
Sign Standards





Intent:

The intent of these sign regulations is to (1) implement the comprehensive plan policy recommendations related to signs and community character, (2) provide for public safety and the general welfare of the community, and (3) provide for context-appropriate methods of communication that support both the economic growth of the community and the free expression of thought. These sign regulations are intended to advance comprehensive plan goals and policies related to the desired character of the community as a whole and its unique neighborhoods, commercial centers, and other areas; to ensure that all aspects of the built environment are in scale with their surroundings; to balance the overall attractiveness of the community with the need for businesses, organizations, and citizens alike to communicate; and to ensure that signs in the various districts of the community are compatible with expected street, sidewalk, and property characteristics. These sign regulations are also intended to avoid potential hazards to motorists and pedestrians, to provide for adequate wayfinding by the public, to preserve and enhance property values, and to provide equal opportunities for the owners and users of all similarly situated properties to communicate effectively.

10 Sign Standards

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

General Sign Standards

These general sign standards apply to all zoning districts.

A. General Requirements: Each property is permitted signs as defined and allowed by this Article. All other signs shall be prohibited. Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, or move any sign without first obtaining a sign permit.

1. Nothing in this Article shall be interpreted as prohibiting a non-commercial message from being displayed on any permitted sign.
2. Temporary non-commercial message signs, as provided by Section 10(E)(3), shall be permitted in all zoning districts, including on properties subject to a Planned Unit Development or Site Development Plan, where those approvals exclude specific allowances for such signs.

B. **Sign Illumination and Brightness:** Sign illumination and brightness shall meet the requirements of Section 9.4(D).

C. **Permitted Primary Permanent and Temporary Signs:** Permitted permanent and temporary signs, for which a permit shall be required, shall be as specified by the Permitted Signs Table (Table 10.1).

D. **Supplemental Permanent Signs**: Supplemental permanent signs, in addition to those specified by Table 10.1, shall be permitted as described below. A sign permit shall be required.
   1. Properties with Agricultural Uses: Properties on which an agricultural use is the primary use shall be permitted one supplemental free-standing sign not to exceed 32 square feet in area or 10 feet in height. Such sign shall be setback a minimum of 5 feet from all side and rear property lines.
   2. All Properties with Buildings: All properties shall be permitted one supplemental wall sign per building, with a maximum of one located on each building. Such signs on properties on which an agricultural use or single or two-family dwelling is the primary use shall be limited to a maximum of 2 square feet in area each. Signs on properties on which the primary use is anything other than an agricultural use or single or two-family dwelling shall be limited to a maximum of 4 square feet in area each.
   3. Properties with Vehicle Entrance(s): Properties on which the primary use is anything other than an agricultural use or single or two-family dwelling with a vehicle entrance from a public street or road shall be permitted supplemental free-standing signs as described below. All such signs shall be located within 15 feet of the intersection of the vehicle entrance with the public street or road right-of-way, except where a larger separation distance is necessary for the sign to comply with the intersection sight visibility requirements of Section7.3(Part 1)(D)(5).
      a. *Manufactured Home Park or Multi-family Use:* Properties on which a manufactured home park or apartment complex is the primary use shall be permitted two supplemental free-standing signs for each vehicle entrance to the property from a public street or road. Each sign shall be limited to a maximum of 32 square feet in area and a maximum of 6 feet in height.
      b. *Public/Semi-Public, Commercial, or Industrial Use*: Properties on which a Public/Semi-Public, Commercial, or Industrial use is the primary use shall be permitted one supplemental free-standing sign for each vehicle entrance to the property from a public street or road. Each sign shall be limited to a maximum of 6 square feet in area and 4 feet in height.

4. Properties Included in a Major Subdivision Preliminary Plat: Properties included within the area of a Major Subdivision Preliminary Plat (as defined by the applicable Subdivision Control Ordinance) and located adjacent to the intersection of a street or road internal to that subdivision plat and a public street or road located beyond that subdivision plat shall be permitted 1 supplemental free-standing sign. Such signs shall be limited to a maximum of 32 square feet in area and a maximum of 6 feet in height. All such signs shall be located within 15 feet of the intersection of the street rights-of-way, except where a larger separation distance is necessary for the sign to comply with the intersection sight visibility requirements of Section7.3(D)(5).

E. **Supplemental Temporary Signs:** Supplemental temporary signs, in addition to those specified by Table 10.1 shall be permitted as described below. A sign permit shall not be required.
   1. Construction Sites: Properties on which construction activity is occurring, and has received the necessary permits and approvals, shall be permitted one supplemental sign per public street or road frontage, with a maximum of one located along each frontage. Such signs shall be setback a minimum of 5 feet from all side and rear property lines and shall meet the following requirements.
      a. *Single and Two-Family Residential Uses:* Such signs on properties on which a single or two-family dwelling is the primary use shall be limited to a maximum area of 6 square feet each. Such signs shall be limited to a maximum height of 6 feet if freestanding, or may be affixed to the wall of a structure.
      b. *All Other Uses:* Such signs on properties on which the primary use is anything other than a single or two-family dwelling shall be limited to a maximum area of 32 square feet each. Such signs shall be limited to a maximum height of 10 feet if freestanding, or may be affixed to the wall of a structure. This shall include any development area consisting of multiple lots, including single and two-family residential lots, for which construction related to the development as a whole is occurring, provided that the calculation of the number of signs permitted shall be based on the perimeter of the development and shall exclude any internal streets.

2. Properties for Sale or Lease: Properties that are for sale or lease shall be permitted one supplemental sign per street frontage, with a maximum of one sign located along each frontage. Such signs shall be setback a minimum of 5 feet from all side and rear property lines-and shall meet the following requirements:
   a. *Single and Two-Family Residential Uses:* Such signs on properties on which a single or two-family dwelling is the primary use shall be limited to a maximum area of 6 square feet each. Such signs shall be limited to a maximum height of 6 feet if freestanding, or may be affixed to the wall of a structure.
   b. *All Other Uses:* Such signs on properties on which the primary use is anything other than a single or two-family dwelling shall be limited to a maximum area of 32 square feet each. Such signs shall be limited to a maximum height of 10 feet if freestanding, or may be affixed to the wall of a structure.
3. Non-commercial Messages: An unlimited number of supplemental signs displaying a non-commercial message shall be permitted as described below. All such signs shall be located a minimum of 5 feet from any side or rear property line. These signs shall be permitted in addition to any other signs allowed by this Article.
   a. *Single and Two-Family Residential Uses:* Such signs on properties on which a single or two-family dwelling is the primary use shall be limited to a maximum area of 6 square feet each. Such signs shall be limited to a maximum height of 6 feet if freestanding, or may be affixed to the wall of a structure.
   b. *All Other Uses:* Such signs on properties on which the primary use is anything other than a single or two-family dwelling shall be limited to a maximum area of 32 square feet each. Such signs shall be limited to a maximum height of 10 feet if freestanding, or may be affixed to the wall of a structure.

F. **Prohibited Sign Features:** Signs with the following features are prohibited in all zoning districts for the purpose of ensuring the safety of the travelling public by minimizing potential distractions and confusion.
   1. Animation: Signs shall not flash, change copy or image more often than once every 6 seconds, or move or have the appearance of movement, except as expressly permitted in this Article.
   2. Imitation of Traffic Control Devices: Signs shall not by color, location or design resemble or conflicts with traffic control devices.

General Sign Standards

G. **Sign Location**: All signs, including supplemental signs, shall be located consistent with the following requirements:

1. Setbacks: The leading edge of a sign may be at the right-of-way of any public street or road. No freestanding sign shall be placed closer than 5 feet to any side or rear lot line.
2. Right-of-Way: No sign shall be permitted to encroach into the public right-of-way unless approved by the Board of Public Works and Safety or Board of County Commissioners, as appropriate. Any signs placed entirely in the right-of-way and not affixed to structures, poles, or other supports beyond the right-of-way shall be exempt from the requirements of this Article.
3. Roof-mounting: No sign shall be mounted to the roof of a structure or mounted to the wall of a structure and extend higher than that wall. In no instance shall this be interpreted as prohibiting the placement of a wall sign on a parapet wall or on the lower portion of a mansard roof, provided that the sign does not extend beyond or above those features.
4. Intersection Visibility: Signs located within the intersection sight visibility triangle, as described in Section 7.3(D)(5), shall be subject to the following:
   a. Within the sight visibility triangle no portion of the sign frame or cabinet shall be located between a height of 2½ feet and 10 feet above the centerline grades of any of the intersecting streets and drives.
   b. No more than 2 supporting posts may be located in the sight visibility triangle. If one supporting post is used, it shall not be wider than 18 inches in diameter within the sight visibility triangle. If 2 posts are used, no single post shall be more than 12 inches in diameter within the sight visibility triangle and all posts within that triangle shall be at least 3 feet apart.
5. Vehicles: Signs shall not be placed on vehicles parked on any property primarily for the purpose of displaying the sign. In no instance shall this be interpreted to prohibit any of the following when the vehicle in question is properly parked in a lawfully designated parking space:
   a. Signs on vehicles parked for the purpose of lawfully making deliveries, sales, or service calls;
   b. Signs on vehicles in regular commercial use in transporting persons or property;
   c. Signs on vehicles in regular commercial use parked at the driver's residence or other locations for the driver's transportation or convenience.
6. Off-premises Placement: Signs shall not be located on a property that is separate and distinct from the commercial establishment, product, merchandise, service or entertainment to which they are intended to draw attention. In no instance shall this be interpreted as prohibiting a non-commercial message from being displayed on any property.

H. **Sign Measurement**: All signs, including supplemental signs, shall be measured consistent with the following provisions:
   1. Sign Height: The height of a sign shall be measured as the vertical distance from the highest point of the sign, including any functional or decorative supports, framework, or cabinets, to the finished grade of the ground immediately beneath the sign, including the height of any artificially constructed earthen berms.
   2. Sign Area: The area of a sign shall be the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the display or used to differentiate the sign from the backdrop or structure against which it is placed; including the frame of any cabinet, but not including any supporting posts or decorative fence or wall when the fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.
      a. *Multiple Faces:* The area of a sign that has 2 or more faces shall be measured by including the area of all sign faces. However, if 2 faces are placed back-to-back, are of equal size, and are no more than 2 feet apart at any point, the area of the 2 back-to-back faces shall be counted as one face. If the 2 back-to-back faces are of unequal size, the larger of the 2 sign faces shall be counted as the one face.
      b. *Separate Signs:* Each portion of a sign display that is physically and/or visually separated from other portions shall be considered to be a separate sign. Spaces between lines of type, letters, logo elements, etc. are not to be construed as physical separations in instances where these elements form a single composition intended to be viewed as a whole. To be considered as a single sign the various elements (primary and secondary elements) and/or components (changeable copy, etc.) of freestanding signs shall not be separated from any other element or component by more than 6 inches, either horizontally or vertically, regardless of the number of poles or other supports used.
      c. *Embedded Signs:* Signs embedded and/or incorporated as part of a mural, statue, other art display, decoration, or architectural feature shall be measured based on the area and height from ground level of the sign itself, excluding the mural, art, or architectural feature.

General Sign Standards

I. **Requirements by Sign Type:** The following development requirements shall apply to each sign type included in Table (10.1). In instances where the amount of signage permitted is determined by frontage on a public street or road and a lot or use does not have any frontage on a public street or road, and instead gains access through an access easement or private street, the amount of signage allowed shall be calculated as if there were a single street or road frontage for that lot or use. Further, in these circumstances, the area of the wall on which the primary entrance to the building or tenant space is located shall be used for the calculation of the maximum sign area.

1. Wall Signs: The total wall sign area permitted shall be calculated using the area of all walls facing an adjacent street or road. The calculation shall include the area of windows, doorways and other similar features. Wall signs shall also be subject to the following:
   a. *Multiple Ground Floor Uses:* For buildings and/or lots with multiple, separate ground floor uses, the sign area shall be determined by taking that portion of the front walls of the building applicable to each use and computing sign requirements based only on that portion of the total wall. Each ground floor use shall be considered a separate-use if each is structurally separated from adjoining uses and each has a separate entrance from the outside.
   b. *Multi-story / Multi-user Buildings*: Multi-story buildings with separate ground and upper floor uses shall be permitted wall signs in addition to those permitted for ground floor uses. The upper floor wall area of the building facing an adjacent street or road shall be used to calculate the allowed additional sign area. Ground floor and upper floor uses shall be considered separate uses if each is structurally separated from adjoining occupants uses (excluding elevators and stair wells) and each has a separate entrance from the outside, or from a common lobby or elevator and/or stair core.
   c. *Sign Mounting Location Requirements:* Wall signs may be located on any wall of a structure; however, wall signs allowed for a specific ground floor use shall be located on a wall that is a part of that use. That portion of the building applicable to each use shall be considered its premise for the purpose of regulating wall sign location per Section 10(G)(6). Wall signs may not extend above or beyond the wall on which they are mounted. A projecting sign used as an alternate for a wall sign and affixed to a multi-story building shall be allowed to extend, but not be located entirely, above any tenant space for which it is allowed.

2. Freestanding Signs: Freestanding signs shall also be subject to the following:
   a. *Landscaping Requirements:* All freestanding primary signs shall be landscaped, consistent with Section 8.1(C)(5).
   b. *Multiple Use Lot Shared Signs:* Freestanding signs for multiple use properties shall be considered as having a combination of primary and secondary elements, with each element required to be visually separated from the others by a cabinet frame, support, or other structural or decorative sign component. For the purposes of this Chapter, gas stations and associated convenience stores located on the same lot shall be considered as two separate uses when operated and branded separately.
   c. *Freestanding Signs in the CD (Commercial: Downtown) Zoning District:* Freestanding signs in the CD (Commercial: Downtown) zoning district shall be limited to those properties that (i) exceed 2 acres in area and (ii) feature a primary structure that has a minimum front setback of at least 20 feet. The provision applies separately to each public street frontage for lots meeting the minimum size requirement, provided that the freestanding sign shall be placed on the qualifying frontage.
3. Wall and Freestanding Sign Options & Alternatives: Wall and freestanding signs shall be permitted the options and alternatives as described below.
   a. *Awning Signs:* Awning signs shall be considered as a type of wall sign and shall count toward the total number and area of wall signs permitted by this Article. Awning signs shall be limited to those printed or sewn on awnings mounted on the facade of the primary structure. Awning signs shall not be backlit.
   b. *Projecting Signs:* Where permitted, a projecting sign may be used as an alternate for a wall or freestanding sign. The projecting sign shall count toward the total number and area allowed for the sign type (wall or freestanding) for which the projecting sign is an alternate, up to the maximum allowed for projecting signs in the Permitted Signs Table (Table 10.1). No projecting sign shall extend further than 6 feet horizontally from the wall to which it is attached. No projecting sign, at its lowest point, shall be less than 8 feet above grade level.
   c. *Changeable Copy Signs:* Where permitted, a changeable copy sign may be used as a portion of a wall or freestanding sign. The area of any changeable copy shall not exceed 40% of the wall or freestanding sign of which it is a part. If the total area of the wall or freestanding sign of which a changeable copy sign is a part is 50% or less of the area allowed then the changeable copy portion may be 50% of that sign.

General Sign Standards

4. Interstate Oriented Signs: All properties that are located in the CR, Regional Commercial Center zoning district and are located either (1) within 2,500 feet of the center point of the interchange at I-65 and State Road 46 or (2) within 2,500 feet and on the west side of the center point of the interchange at I-65 and State Road 58 shall be permitted an interstate oriented sign in addition to any other freestanding sign that is permitted. The sign shall be located in the rear yard. For lots without a rear yard (i.e., double frontage lots), the rear yard shall be the yard opposite the front yard adjacent to the street or road with the highest classification according to the Thoroughfare Plan.
5. Suspended Sign: No suspended sign, at its lowest point, shall be less than 8 feet above grade level.
6. Banner Signs: Banner signs may be either mounted to a wall or other vertical surface or may be freestanding. No wall-mounted banner sign shall exceed the height of the wall. No banner sign may be mounted on a roof.
7. Inflatable Signs: Inflatable signs shall be tethered to the ground and may not be located in any required parking spaces or required landscaping areas.
8. Beacon Sign: Beacon Signs, such as searchlights and other similar lights, shall not be located in any required parking spaces or required landscaping areas. Beacon signs shall be directed upward or otherwise away from any adjacent street or road.

Permitted Signs Table (Table 10.1) (page 1 of 2)

How to Use this Table

(1) Permitted and Conditional Signs: All signs labeled as permitted shall be permitted for any use in the applicable zoning district. All signs listed as conditional may be approved by the Board of Zoning Appeals in association with any conditional use in the applicable zoning district.

(2) Requirements by Sign Type: See Section 10(I) for general requirements applicable to each sign type.

(3) CD (Commercial: Downtown) Freestanding Signs: See Section 10(I)(2)(c).

Permanent Signs

Sign Type & Requirement (P - Permitted) (C - Conditional)		Zoning District																					
		AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
Wall Sign (ground floor uses)		C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P
Maximum Number (for each public street or road frontage per use)		1	1	1	1	1	1	1	1	1	1	1	1	1	3	2	3	3	3	1	2	2	2
Maximum Total Area for all Wall Signs per Use (whichever is less)…	Percent of all Front Walls	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	8%	15%	8%	15%	15%	15%	15%	15%	15%	15%
	Sign Area (Square Feet)	150	150	150	150	150	150	150	150	150	150	150	150	200	350	200	250	350	350	150	350	350	350
Wall Sign (upper floor uses)														P	P	P	P	P	P				
Maximum Number (per primary structure)														1	2	1	1	2	2				
Maximum Total Area for all Upper Floor Use Wall Signs per primary structure (whichever is less)…	Percent of all Front Walls													8%	15%	10%	10%	15%	15%				
	Sign Area (Square Feet)													200	350	200	250	350	350				
Freestanding Sign (single use lot)		C	C	C	C	C	C	C	C	C	C	C	C	P(3)	P	P	P	P	P	P	P	P	P
Maximum Number (for each public street or road frontage per lot)		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum Area for Each Sign (square feet)		50	50	50	50	50	50	50	50	50	50	50	50	50	100	50	75	100	150	50	75	75	75
Maximum Height (feet)		6	15	15	15	6	6		6	6	6	6	6	6	20	6	8	20	25	10	10	10	10
Freestanding Sign (multiple use lot)		C	C	C	C	C	C	C	C	C	C	C	C	P(3)	P	P	P	P	P	P	P	P	P
Maximum Number (for each public street or road frontage per lot)		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum Number of Elements (per sign)…	Primary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Secondary	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Maximum Area for Each Sign (per element)…	Primary (square feet)	50	50	50	50	50	50	50	50	50	50	50	50	25	100	50	75	100	150	50	75	75	75
	Secondary (square feet)	25	25	25	25	25	25	25	25	25	25	25	25	12	25	25	25	25	25	25	25	25	25
Maximum Height (feet)		8	15	15	15	8	8	8	8	8	8	8	8	6	20	8	8	20	25	10	10	10	10
Interstate Oriented Sign (for uses within 2,500 feet of an interchange)																			P				
Maximum Number (per lot)																			1				
Maximum Area (square feet)																			200				
Maximum Height (feet)																			90				
Suspended Sign														P	P	P	P	P	P				
Maximum Number (per use)														1	1	1	1	1	1				
Maximum Area per Sign (square feet)														6	6	6	6	6	6				

Permitted Signs Table (Table 10.1) (page 2 of 2)

Permanent Signs (Options & Alternates)

Sign Type & Requirement (P - Permitted) (C - Conditional)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
Awning Sign (as a type of Wall Sign)	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P
Maximum Number (for each frontage per use)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Projecting Sign (as an alternate for a Wall or Freestanding Sign)													P	P	P	P	P	P				
Maximum Number (per primary structure)													1	1	1	1	1	1				
Maximum Area (square feet)													100	100	100	100	100	100				
Maximum Height (feet)													primary structure + 10 feet									
Changeable Copy Sign* (as a part of Primary Wall or Freestanding Sign)	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P
Maximum Number (per use)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum Area (square feet)	See Section 10(I)(3)(c).																					

* See Section 9.4(D) for Electronic Changeable Copy Sign brightness limitations and restrictions.

Temporary Signs

Sign Type & Requirement (P - Permitted) (C - Conditional)	Zoning District																					
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
Banner Sign	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P
Maximum Number (per use)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum Area per Sign (square feet)	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32
Maximum Duration (days per calendar year)	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90
Inflatable Sign	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P
Maximum Number (per use)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum Height (feet)	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Maximum Duration (days per calendar year)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Beacon Sign	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P
Maximum Number (per use)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum Duration (days per calendar year)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12

Article 11
Nonconformities



Article Eleven: Nonconformities ..... Page #

11.1 Nonconforming Status 11-2
11.2 Nonconforming Lots of Record 11-3
11.3 Nonconforming Structures 11-4
11.4 Nonconforming Site Features 11-6
11.5 Nonconforming Uses 11-7
11.6 Nonconforming Signs 11-10

Intent

Upon adoption of this Ordinance some structures, lots, and uses that were previously established and complied with all applicable requirements, may no longer conform to the regulations of the zoning district in which they are located. This Article provides the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming. This Article may be referred to as the "Grandfather" clause - if a use, structure, etc. was established legally under a previously applicable ordinance it shall be "grandfathered" (legal non-conforming).

These regulations are intended to inform property owners of the options for using and modifying nonconforming properties, and to support the gradual reduction of the nonconformities.

11.1 Nonconforming Status

A. **Illegal Structures, Lots, Uses, Signs & Site Features:** A structure, lot, use, sign, or site feature that is nonconforming and that was constructed or is being used without all appropriate Improvement Location Permits or approvals from the applicable Board of Zoning Appeals or Plan Commission is considered illegal. An illegal property shall be subject to actions and penalties allowed by this Ordinance and all other applicable ordinances and shall be altered to conform with the requirements of this Ordinance.

B. **Legal Nonconforming Described:** Legal nonconforming differs from Illegal in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including the Official Zoning Map). The structure, lot, use, sign, or site feature has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the requirements of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming. Legal nonconforming lots, structures, uses, signs, and site features may continue in the manner and to the extent that they existed or were used at the time the change in the Zoning Ordinance was enacted.

C. **Exemptions:** The following exemptions shall apply:
   1. Nonconformities Due to Variance or Other Approval: Structures, uses, lots, signs, and site features that are nonconforming due to prior variance, conditional use, or other approvals shall not be subject to the provisions of this Article, but shall conform to the terms of their approval.
   2. Nonconforming Telecommunications Facilities: Consistent with Indiana Code Section 8-1-32.3-15(b)(2) the replacement of a telecommunication facility with a new facility at the same location that is substantially similar to or the same size or smaller than the existing facility shall be exempt from the provisions of this Article. However, the replacement facility shall comply with conditional use or other approvals applicable to the facility being replaced.

D. **Repairs & Maintenance:** The following applies to legal nonconforming structures, uses of structures, or uses of structures and land in combination:
   1. Ordinary Repairs: Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, plumbing, etc.; under the condition that the nonconforming features (setbacks, lot coverage, land use, etc.) are not increased.
   2. Structures Declared Unsafe: Nothing in this Article shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate official.

E. **Replacement of Nonconformities:** Any nonconforming use, structure, site feature, sign, lot, or other characteristic that is lessened in its nonconformity or replaced by a conforming use, structure, site feature, sign, lot, or other characteristic shall not be restored.

11.2 Nonconforming Lots of Record

A. **Nonconforming Lots of Record:** All lots lawfully established and recorded with the Bartholomew County Recorder prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet any applicable provision of this Ordinance (such as minimum area, width, or depth) shall be deemed Legal Nonconforming Lots of Record.
   1. Conformance Required: Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all other development requirements of the applicable zoning district of this Ordinance are met.
   2. Utilities Exemption: Any lot created prior to September 7, 1999 is exempt from any water and/or sewer utility service requirements for the zoning district in which it is located if it is capable of containing a water supply and sewerage disposal system acceptable to the Bartholomew County Health Department.

B. **Re-plats and Lot Alterations:** The re-platting of all lots shall comply with the following requirements:
   1. Nonconforming Lot Features: Legal nonconforming lots of record may be re-platted and otherwise altered, however any nonconforming features of that lot may only be unaffected or lessened. In no instance shall any nonconforming lot features be increased.
   2. Creation of Nonconformities: No lot shall be re-platted or altered in any way that results in the creation of a nonconforming lot, use, structure, sign, or site feature.

11.3 Nonconforming Structures

A. Legal Nonconforming Structures: Any structure (including primary, accessory, agricultural, and incidental structures) 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 meet the following requirements.

1. Increases in Nonconformity: No legal nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity 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 intentional alteration of any legal nonconforming structure 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 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.

11.3 Nonconforming Structures (cont.)

7. Mobile and Manufactured Home and Industrialized Residential Structure Exceptions: 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.

11.4 Nonconforming Site Features

A. **Legal Nonconforming Site Features:** Any site feature lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a legal nonconforming site feature. The phrase site feature shall include landscaping, dumpster enclosures, parking space dimensions, number of parking spaces, signs, vehicle access points, and other similar requirements of this Ordinance. Site features shall not include any building setback or other similar requirements that address the structure(s) on a property.

B. **Continuation of Legal Nonconforming Site Features:** The continuation and modification of legal nonconforming site features shall be consistent with the following requirements.

1. Increases in Nonconformity: No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.
2. Property Redevelopment: The removal and replacement of the primary structure on a lot to the extent that either (a) its use must be discontinued for any period of time or (b) a phased removal and replacement results in a completely new structure shall require all site features to be brought into compliance with all requirements of this Ordinance. For lots containing multiple primary structures this provision shall apply if a structure or structures totaling more than 75% of the pre-demolition building area (cumulative from the effective date of this Ordinance) is removed and replaced with new development.
3. Use and/or Structure Expansion: If the use of, or structure present on a property is expanded the corresponding site features shall be required to be modified to an extent which is proportional to the expansion. In addition, the screening of all refuse areas (consistent with Section 6.1(C)(2)) shall be required. Site features that are proportional to use and structures on a property include, but are not limited to, the number of parking spaces, lot interior landscaping, etc. Parking spaces shall also be brought into compliance with Americans with Disabilities Act standards, as required by the applicable local building code. All modifications to site features shall comply with the applicable requirements of this Ordinance.
4. Change of Use: The change of use of a property shall require that all site features that are directly related to use be brought into compliance with this Ordinance. The primary site feature related to use is the number of parking spaces required. However, if the change of use results in a decrease in the extent of the nonconformity, compliance shall not be required. For example, if a new use requires fewer parking spaces than its predecessor, but more than are available on site, that use shall be permitted without additional parking being constructed.

Corresponding Site Feature Example: *Parking lot landscaping would only be required for new portions of a parking lot that was required to be enlarged due to an expansion of the use on the property - the amount of landscaping in the pre-existing parking areas would be unaffected.*

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:
   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.

11.5 Nonconforming Uses (cont.)

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:
   a. utilities, such as water, gas, and electricity, to the property have been disconnected.
   b. the property, buildings, and/or grounds have fallen into obvious disrepair.
   c. equipment, fixtures, or facilities that are necessary for the operation of the use have been removed.
   d. damaged structures have not been secured from the weather and trespassing or reinforced to prevent further damage.
   e. 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.
   1. 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. 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.
   2. 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.

3. 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.

11.6 Nonconforming Signs

A. **Legal Nonconforming Signs:** Any sign, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development requirements shall be deemed a Legal Nonconforming Sign.

B. **Sign Defined:** For the purposes of this Article, a sign shall include the sign face and any supports, poles, frames, or other associated lighting, electrical, mechanical, and structural features.

C. **Continuation of Legal Nonconforming Signs:** The continuation and modification of legal nonconforming signs shall be consistent with the following requirements:
   1. Increases in Nonconformity: No legal nonconforming sign shall be enlarged or altered in terms of face area, height, or any other aspect that increases its nonconformity.
   2. Intentional Alterations: Any legal nonconforming sign that is intentionally altered, 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. In no instance shall this provision be interpreted as prohibiting signs from being temporarily removed for painting or other maintenance, so long as the original sign is returned to its original location within a period of 60 days from the date of its removal.
   3. Accidental Alterations: Legal nonconforming signs that are required to be altered or removed due to government action or damage resulting from fire, flood, other natural disaster, or a criminal act may be restored to their legal nonconforming condition. Such signs, if replaced, shall either (a) conform with the requirements of this Ordinance or (b) be identical in scale and all other aspects to that which was altered or removed. If replaced the sign shall comply with Section 11.1(E).
   4. Change of Use & Site Modifications: Signs shall be considered a site feature and shall comply with Sections 11.4(B)(2) and (3) in the event of a change of use or site modification.
   5. Sign Faces and Messages: The sign faces and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided that the nonconformity of the sign is not increased. Nothing in this Article shall be interpreted as requiring a sign to be brought into conformance with this Ordinance if its message is changed, but the sign is not increased in size or altered in shape.
   6. Temporary Signs: Any signs in existence at the time this Ordinance becomes effective that were previously permitted as temporary signs may only remain in use consistent with the requirements of this Ordinance. Any temporary signs that are no longer permitted shall be removed within 60 days of the effective date of this Ordinance. Any nonconforming temporary signs shall be considered to be in violation of this Ordinance and shall be subject to the provisions of Article 13, Enforcement and Penalties.

Article 12
Processes & Permits



Article Twelve: Processes & Permits..... Page #

12.1 Application & Permit Types..... 12-2
12.2 Notice of Public Hearing..... 12-3
12.3 Variance Applications..... 12-4
12.4 Conditional Use Applications..... 12-7
12.5 Administrative Appeal Applications..... 12-10
12.6 Zoning Map Amendment Applications..... 12-11
12.7 Annexation Applications..... 12-14
12.8 Site Development Plan Applications..... 12-15
12.9 Improvement Location Permits..... 12-20
12.10 Sign Permits..... 12-24
12.11 Certificates of Occupancy..... 12-25

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)

12.5 Administrative Appeal Applications

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.*

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.

See Also:

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

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.

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.

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

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.

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.

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.

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.

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.

Article 13
Enforcement & Penalties



Article Thirteen: Enforcement & Penalties..... Page #

13.1 General Provisions 13-2
13.2 Construction Process Violations 13-4
13.3 Immediate Public Risk Violations 13-5
13.4 Violation Procedures 13-6

See Also:

Indiana Code 36-7-4-1000, Enforcement

13.1 General Provisions

A. **Authority:** The Chief Code Enforcement Officer and/or Planning Director (including their staff and/or designees) shall cause and administer the enforcement of the provisions, regulations, and intent of this Ordinance.
   1. Interpretation: All instances in which this Ordinance refers to the "enforcing authority" shall be interpreted as permitting any of the entities listed above to engage in enforcement activities.
   2. Legal Requirements: All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.
   3. Degree of Enforcement: The degree of enforcement action will be to the discretion of the enforcing authority, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this Ordinance.

B. **Inspections:** Investigations of property may be done from a right-of-way, from adjacent property (with permission of that property owner), or from the property suspected of a violation once the inspector has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

C. **Court Ordered Entry:** In the event that entry is denied to the subject property, the enforcing authority may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the enforcement of this Ordinance or any other applicable ordinances adopted under Indiana State Code.

D. **Responsibility:** The property owner shall be held responsible for all violations on his/her or their property.

E. **Types of Violations:** The following items shall be deemed zoning violations:
   1. Illegal Structures: The placement, erection, and/or maintenance of a primary structure, sign, accessory structure(s), or any other element determined to not conform to the provisions or explicit intent of this Ordinance.
   2. Illegal Use: Conducting a use or uses that do not comply with the provisions or explicit intent of this Ordinance.
   3. Failure to Obtain a Permit: Failure to obtain an Improvement Location Permit or other permits and approvals required by this Ordinance.
   4. Violation of Stop-Work-Order: Proceeding with work under a Stop-Work-Order (as described in Section 13.2(A)).
   5. Failure to Comply with Development Standards: Any failure to comply with the development standards and/or any regulations of this Ordinance.
   6. Failure to Comply with Commitments: Any failure to comply with written commitments and/or conditions made in connection with a rezoning, conditional use, or variance; or other similar and documented commitment.

7. Immediate Threats to Public Safety: Any obstruction, distraction, or other threat to public health, safety, or general welfare that results from the use of property in violation of the terms of this Ordinance.

F. **Accumulated Violations & Fines:** The resolution of unresolved violations and any unpaid fines resulting from previous violations may be a consideration during the review of any applications under this Ordinance for the same property. The Planning Director, Chief Code Enforcement Officer, Plan Commission, Board of Zoning Appeals, and/or legislative body may withhold the issuance of any subsequent approvals for the property until any unresolved violations are remedied and/or accumulated fines paid.

13.2 Construction Process Violations

A. **Stop-Work Orders:** The enforcing authority may place a Stop-Work-Order on any land/property improvement process.
   1. Procedure: Stop-Work Orders shall be issued by written letter that shall state the violation and that work or other illegal activity must stop immediately until the matter is resolved.
   2. Reasons: Reasons for a Stop-Work Order include, but are not limited to:
      a. not complying with development standards and/or any regulations of this Ordinance or the Subdivision Control Ordinance,
      b. not obtaining an Improvement Location Permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this Ordinance,
      c. not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, conditional use, or other approval,
      d. not meeting the written commitments and/or conditions of a conditional use, variance, rezoning, or other approval,
      e. illegal use or expansion of use of structures, or structures and land in combination.

B. **Appeals:** Any Stop-Work Order issued as a result of the enforcement of this Ordinance, as specified in this Chapter, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals by Chapter 12.5.

C. **Resumption of Construction Activity:** The Stop-Work Order shall be lifted and construction activity may resume upon the resolution of the violation(s).

13.3 Immediate Public Risk Violations

Any violation of this Ordinance that presents an immediate risk to the health, safety, or welfare of the public or to property within the community may be corrected by the enforcing authority, or a person, firm, or organization selected by the enforcing authority, without prior notice to the property owner or other person responsible for the violation.

A. **Immediate Public Risk Violation Defined:** Immediate Public Risk violations shall include signs, structures, landscaping or other materials placed in violation of this Ordinance either (1) in a public right-of-way or (2) in any other manner or location creating an immediate threat to public safety.

B. **Seizure of Materials:** Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the enforcing authority in a manner that results in the most minimal damage to the material and the property on which it is located.

C. **Notice of Violation:** The enforcing authority shall provide notice to any discernible appropriate owner of seized materials.
   1. Notice Time Requirements: All notice letters shall be sent to the property owner within 24 hours of the seizure. All notice that is posted on the property shall be posted at the time the material is seized.
   2. Notice Contents: The letter and posted notice shall include the following:
      a. a description of the materials seized,
      b. a citation of the sections of the Ordinance that were violated and the characteristics of the violation that posed an immediate threat to public safety,
      c. the address and phone number of the enforcing authority and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s); and
      d. instructions describing how, where, and when the seized items may be claimed.

D. **Storage and Retrieval of Seized Materials:** The enforcing authority shall store any items seized in a secure location for a period of no less than 30 days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure and shall agree to use the item only in a manner consistent with this Ordinance.

E. **Liability:** Neither the enforcing authority, Bartholomew County, the City of Columbus, nor any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

13.4 Violation Procedures

A. **General Procedures:** The procedure for the enforcement of violations is outlined below. Modifications of this procedure may occur at the discretion of the enforcing authority and may include additional notices, extensions of time limits, or expedited or delayed steps depending on the nature of the violation.
   1. First Notice of Violation: The enforcing authority shall issue a First Notice of Violation to the person(s) committing, in whole or in part, a violation. The First Notice of Violation is a warning to the violator(s) that a violation has been determined. The First Notice of Violation shall also include a notice that the property owner may be subject to fines for the violation.
   2. Final Notice of Violation: The enforcing authority shall issue a Final Notice of Violation to the person(s) committing, in whole or in part, a violation. The Final Notice of Violation shall be mailed via Certified Mail, Return Receipt Requested by the enforcing authority. The Final Notice of Violation shall also include a notice that the property owner is subject to fines as a result of the violation.

B. **Appeals:** Any person receiving a Notice of Violation may appeal the violation notice to the applicable Board of Zoning Appeals or to a court of jurisdiction.

C. **Fines:** Fines shall accrue at a rate of no less than $100 and no more than $1,000 per day that a violation has been documented. Fines shall accrue separately for each violation present on any single property. The amount of any fine shall be determined by the enforcing authority. However, no fine shall be assessed for violations which are resolved prior to the issuance of a Final Notice of Violation.

D. **Legal Remedies:** If the person(s) in violation refuses to correct the violation within the time frame specified by the Final Notice of Violation, the enforcing authority may refer the violation to the attorney for the Plan Commission of jurisdiction in order to pursue legal action. The attorney may bring an action in the Circuit or Superior Court of Bartholomew County to invoke any legal, equitable, or special remedy for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments.
   1. Enforcement: This enforcement includes but is not limited to the following:
      a. The Zoning Ordinance, Subdivision Control Ordinance, and any other requirements adopted separately by the Board of County Commissioners, the Common Council, or adopted by their reference in the Zoning or Subdivision Control Ordinance,
      b. All conditions and/or commitments made or imposed in accordance with IC 36-7-4 et al.
   2. Restraint: The enforcing authority may bring action in the Circuit or Superior Court of Bartholomew County to restrain a person violating any ordinance adopted under IC 36-7-4 et al.

13.4 Violation Procedures (cont.)

3. Removal of Structures: The enforcing authority may bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing the property owner to remove a structure erected in violation of this Ordinance.
4. Responsibility for Costs and Fines: The property owner shall bear all costs related to the enforcement of this Ordinance with regard to violation(s) on his/her property including fines, the costs of any required remedy, and the costs of enforcement (including reasonable attorneys fees, hours worked, photo-copying charges, mileage, and other costs incurred directly or indirectly during enforcement proceedings).
   a. *Documentation:* Only those costs of enforcement that are clearly documented by the enforcing authority, and that clearly have a relationship to the enforcement action shall be paid by the property owner.
   b. *Determination:* In all instances where a legal remedy is sought the dollar amount to be paid by the property owner shall be determined by the court of jurisdiction or through compromise agreement reached by the parties involved.
5. Other Parties Eligible to Seek Enforcement: An action to enforce a written commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:
   a. *Rules of Procedure Provisions:* Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the Rules of Procedure of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
   b. *Specified Parties:* Any other specially affected person who was designated in the written commitment.

Article 14
Definitions



Article Fourteen: Definitions ..... Page #

14.1 Defined Words 14-2
14.2 Definitions 14-3

14.1 Defined Words

Words used in a special sense and applicable to this Ordinance are defined in this Article. Supplemental definitions applicable to the Flood Hazard Area provisions of this Ordinance are included with, and apply exclusively to Chapter 4.7. All other words, terms, and/or phrases not specifically defined by this Ordinance shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

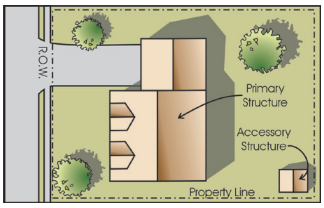
14.2 Definitions

A

Abutting: Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature.

Access Point: A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property, street or road.

Accessory Structure: A structure that is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary structure; does not alter or change the character of the property; and is located on the same lot as the primary structure. An accessory structure shall be distinguished from a primary structure and an agricultural structure.



Accessory Use: A use which is secondary to a primary use in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.

Acre: A land area equal to 43,560 square feet.

Acreage, Gross: The total area within a parcel of land.

Addition: Any construction that increases the intensity of development on a property in terms of site coverage, floor area, volume, height, or similar feature.

Address: The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

Adjacent: see *Abutting*

Adjoining: see *Abutting*

Administrative/Professional Office: An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

Administrator: The individual or group responsible for the implementation and enforcement of this Ordinance.

Adult: A person age 18 or older.

Adult Day Care Center: A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care for disabled and/or aged adults. An adult day care center provides care for less than 24 hours per day, with those cared for arriving from and returning to an off-site place of residence each day.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under Indiana Code Section 36-7-1-2 (1983) as amended.

14.2 Definitions (cont.)

Agri-business Facility: The processing, storage, sales, and distribution of agricultural materials and products. An agri-business facility shall be clearly accessory to a farm and shall involve primarily those products that directly relate to the on-site agricultural operations. Examples of agri-business facilities include a winery, cider mill, u-pick farm, wool or textile sales, honey sales, etc. In no instance shall an agri-business facility be interpreted as including camping, ATV or dirt bike facilities, archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to the on-site agricultural production.

Agricultural Supply Facility: A commercial facility primarily engaged in the sales of bulk agricultural supplies, such as fertilizer and seed.

Agricultural Products Processing: The processing or treatment of agricultural products as a raw resource for refinement as food and non-edible products.

Agricultural Products Terminal: A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

Agriculture: Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities.

Agriculture Structure: A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public. An agricultural structure shall be distinguished from an accessory structure and a primary structure.

Agricultural Zoning District: Any or all of the following zoning districts: the AV, Agriculture: Voluntary Protection; AP, Agriculture: Preferred; and AG, Agriculture: General Rural zoning districts.

Agri-industry Facility: A facility where agricultural products serve as the primary inputs for the production of bio-fuels and other commodities. An agri-industry facility shall be clearly related to on-site farming operations and shall primarily involve the processing of agricultural products and by-products that result from on-site farming operations. Further, the agri-industry shall clearly contribute at least one by-product to on-site agricultural production. In no instance shall an agri-industry facility be interpreted as including any other facilities that make commercial use of rural property that is unrelated to the on-site agricultural production.

Agri-tourism Facility: An accessory use to a farm that provides entertainment, education, and/or recreation for the public. An agri-tourism facility shall involve primarily those events and activities that directly relate to the on-site agricultural operations. Examples of agri-tourism facilities include a crop maze, farm tours, a petting zoo of farm animals, hay rides, harvest festivals, ranch vacation facility, etc. In no instance shall an agri-tourism facility be interpreted as including camping, ATV or dirt bike facilities, archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to the on-site agricultural production.

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).

Airstrip (Private): A private facility used for the landing and take-off of aircraft, including facilities for housing the aircraft. A private airstrip is often associated with a agricultural or rural residential use.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

Alteration: Any change, addition, or modification in construction or use of an existing structure or property.

Alternative Telecommunications Support Structure: Man-made structures such as clock towers, roof tops, steeples, water towers, and other similar features into which telecommunications antenna are integrated.

14.2 Definitions (cont.)

Amateur Radio Tower: A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for personal, non-commercial two-way airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

Amend or Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

Amphitheater / Outdoor Venue: An event venue that is open to the outdoor elements and is designed and constructed for artistic performances, speaking events, and other similar activities. An amphitheater / outdoor venue typically includes a stage, a seating area, and related dressing rooms, storage, lighting, etc.

Animal: Any live creature, domestic or wild, excluding human beings.

Animal Boarding: The use of stables or any other structure and/or land for the lodging, breeding, or care of dogs, cats, fowl, horses, or other animals for commercial or non-profit purposes, excluding animals used on a farm in conjunction with food production.

Animal Products Processing: The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

Animal Shelter: A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to, or attached to, the exterior of any building.

Apartment: A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit meeting the definition of a family provided by this Ordinance.

Applicant: The owner, owners, or legal representative of real estate who make application for action affecting the property.

Application: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Arcade: A building or part of a building containing four or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use. Also, an area contiguous to a street or plaza that may be under-roof but otherwise open to the outdoors that includes pedestrian walkways, seating areas, fountains, status and other similar features.

Archery Range: A facility designed and/or used for target practice with bows and arrows.

Arterial Street: see *Street, Arterial*

Arterial Road: see *Road, Arterial*

Assembly Facility: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions. Also, an industrial facility where components are brought to a common location and combined to form a finished product.

Assisted Living Facility: A facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

Athletic Complex: An indoor or outdoor facility for the playing of games such as baseball, basketball, football, or soccer. An athletic complex typically includes spectator areas, concessions, equipment storage, and other related facilities.

14.2 Definitions (cont.)

Auction Facility: A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

Auto Oriented Uses, Large Scale: Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles, and others listed under the heading of Auto-Oriented Uses, Large Scale by the Zoning Districts Use Matrix included in this Ordinance. This does not include any uses, such as auto repair shops or gas stations, listed under the headings of auto-oriented uses medium or small scale.

Auto Oriented Uses, Medium Scale: Uses such as auto repair and body work and others listed under the heading of Auto-Oriented Uses, Medium 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 small scale.

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.

Auto Rental: A commercial business where vehicles, including cars, trucks, and recreational vehicles, are rented to individuals on a short-term basis.

Automobile Parts Sales: The use of any structure and/or property for the display and sale or new or used parts for motor vehicles. This does not including any salvage yard or the storage of inoperable vehicles.

Automobile Repair: The use of a structure or property for the repair of motor vehicles, including trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale, installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile Sales and Service: The storage and display for sale of more than 2 motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales.

Awning: A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

B

Bakery (retail): An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

Bakery (commercial): A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bank: A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

Banquet Hall: see *Assembly Facility*

Bar: A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

Barber Shop: Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees.

Basement: The portion of a building located below the first level, a majority of the height of which is located below the average finished grade of the building perimeter.

14.2 Definitions (cont.)

Batching Facility: A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

Beauty Shop: Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

Bed and Breakfast Facility: A private, owner or manager-occupied, residence which provides temporary overnight sleeping accommodations in 10 or fewer guest rooms for periods not to exceed 3 consecutive weeks.

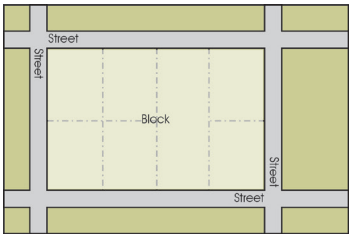
Berm: A man-made mound of earth that has been graded, shaped and improved with groundcover and landscaping in a fashion that can be used for visual or audible screening purposes, or to provide changes in elevation or relief of the landscape.

Billiard Room (Pool Hall): A business establishment containing more than two pool or billiard tables for use by patrons.

Bio-fuel Production: A manufacturing process by which corn, soybeans, or other agricultural products are processed to result in fuel by use in internal combustion engines. Such production may also include related by-products such as animal feed.

Biosolids Storage Facility - *Bartholomew County Jurisdiction:* 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.

Block: Property abutting 1 side of a street and lying between the 2 nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.



Board of Zoning Appeals: A board established consistent with the Indiana Code 36-7-4-900 series.

Boarding House: A building or part of a building that contains accommodation facilities for lodging for definite periods of time, typically with meals served from a single kitchen. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels, or motels.

Boat Storage Facility: A structure or area designed for the storage of watercraft and marine equipment.

Bookstore: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

Bond: see *Surety*

Bottle Gas Storage and Distribution: The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

Bowling Alley: An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

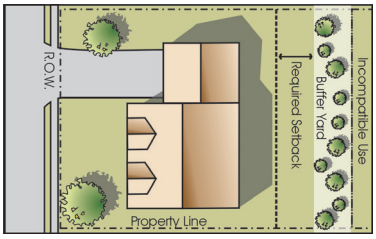
14.2 Definitions (cont.)

Brewpub: A restaurant-brewery with a production capacity of not more than 15,000 barrels of malt beverage per calendar year that brews beer primarily for sale in the restaurant, with 25% or more of beer produced on site also sold on-site. See also *Microbrewery / Artisan Distillery*.

Buffer: A strip of land, a fence, and/or area of landscaping between 1 use and another designed and intended to separate those uses.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, or related landscaping features required by this Ordinance as part of a buffer.

Buffer Yard: An area adjacent to a property line, measured perpendicularly from that property line intended to screen incompatible uses from each other. Buffers yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.



Builder's Supply Store: A facility where building materials, including electrical and plumbing supplies, paint, hardware, lumber, and similar items are provided to construction professionals on either a retail or wholesale basis. Such facilities are generally not designed for the supply of such items to the general public, however this may occur as a secondary aspect of the business operation.

Build-to Line: A line parallel to the front property line indicating the distance from the front property line at which primary structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement.

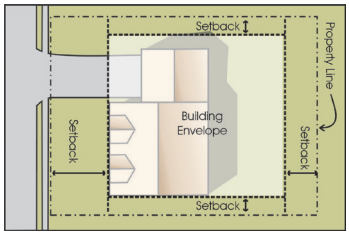
Buildable Area: see *Building Envelope*

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building and/or use.

Building Code: The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters.

Building, Attached: A building that is structurally connected to another building by a foundation, wall, or roof line.

Building, Detached: A building which is surrounded by open space and located on the same lot as another building.



Building Envelope: The three dimensional portion of a lot or site, exclusive of all required setbacks, buffer yards, maximum height standards, landscaping, or open space within which a structure may be built.

Building Height: see *Structure Height*

14.2 Definitions (cont.)

Building Permit: An official certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or other structure. See also *Improvement Location Permit*.

Business: A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services.

Business District: A geographic area used for commerce and the operation of a business or businesses.

Business/Financial Services Office: Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

BZA: see *Board of Zoning Appeals*

C

CFO: see *Confined Feeding Operation*.

Canopy Tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree, and which provides shade to adjacent ground areas.

Campground: Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

Campus: An area of land constituting and making up the grounds of an institution, such as a school, a business complex, a manufacturing park, or a worship facility.

Car Wash: The use of a property for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport: A permanent structure, which includes a roof and roof-supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one or more vehicles.

Cemetery: Land used or dedicated to the permanent interment, entombment, inurnment of human and or domestic animal remains, possibly including crematoriums and mausoleums.

Certificate of Occupancy: A certificate issued to certify that a newly constructed or modified structure and/or property is completed in its entirely and is in compliance with all applicable regulations and therefore may be occupied.

Changeable Copy: The display of temporary letters, numbers, symbols, and any other items which may be changed by hand, electronically, or by other means.

Child Day Care Center: A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance for children during only part of a 24-hour day. This term includes nursery schools, preschools and other similar facilities including educational facilities.

Child Day Care Home: As defined by IC 12-7-2-28.6 and, for the purposes of the Zoning Ordinance, an establishment providing non-overnight care, supervision, and protection of children in private residences which is incidental to the primary residential use.

Circus or Carnival: A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

Clinic: A facility in which human patients are admitted for medical or dental study or treatment on an out-patient only basis.

14.2 Definitions (cont.)

Cluster Development: A development in which a number of dwelling units, or other structures, are placed in comparatively closer proximity than usual, or are attached, for the purpose of providing common open space.

Cluster Subdivision: see *Cluster Development*

Collocation: Locating telecommunications antennas from more than one provider on a single support structure.

College: see *University*

Collector Street: see *Street, Collector*

Collector Road: see *Road, Collector*

Commission: see *Advisory Plan Commission*

Commercial District: see *Business District*

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 lines, substations, ancillary buildings, solar monitoring stations, battery storage facilities, outdoor storage areas, and other accessory equipment or structures, but, in the City of Columbus jurisdiction only, excludes any generation tie ("feeder") line. The term CSES 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. The term CSES, 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. See also *Commercial Solar Energy System (CSES) Generation Tie Line.*

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.

Commercial Solar Energy System (CSES) Generation Tie Line - *Columbus Jurisdiction*: An electrical line, operated as part of or in association with a CSES facility serving to connect the CSES facility with a transmission line for the purpose of supplying the CSES-generated electricity to the larger electrical grid. This connecting line is also referred to as a "gen-tie line" or "feeder line". It includes, but is not limited to, all poles, wires, and equipment / substations along its route and at the point of interconnection with the transmission line. See also *Commercial Solar Energy System (CSES)*

Commercial Zoning District: The CD, Commercial Downtown Center; CDS, Commercial Downtown Support; CN, Commercial Neighborhood Center; CO, Commercial Professional Office Center; CC, Commercial: Community Center; and CR, Commercial Regional Center zoning districts.

Common Area: Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

Common Council: The Common Council of the City of Columbus, Indiana.

Common Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least 1 common stockholder, partner, or associate.

Communications Service Exchange: A telecommunications facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

14.2 Definitions (cont.)

Community Center: A meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities. The term community center includes a community-based marina, health center, recreation center, and other similar facilities.

Community Garden: A location where a government agency, neighborhood association, church group, or other entity offers seasonal garden plots or a common garden area for use by the public to grow fruits and vegetables for their individual household and/or community use. The term community garden includes associated parking areas, tool sheds, and water supplies, but not the sale or distribution of the items grown on site.

Compatible: Having harmony and consistency in design, function, and/or appearance.

Comprehensive Plan: A document, consistent with the requirements the Indiana Code, that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

Concrete/Asphalt Production Facility: A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Condition of Approval: Stipulations or provisions set forth as a prerequisite for approval of an application.

Conditional Use: see *Use, Conditional*

Condominium: Real estate lawfully subject to the IC 32-25 series, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation.

Confined Feeding: The raising of animals for food, fur or recreation in lots pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any 12-month period, and where ground cover or vegetation is not sustained over at least half of the animals' confinement area. Confined feeding does not include a livestock auction or sales facility. This definition is intended to be consistent with that provided by IC 13-11-2-39 and 327 IAC 19-2-6, as amended periodically. It is deemed to include any revisions to the indicated state regulations or their successors even if the text of those regulations differs from the specifics provided in this definition.

Confined Feeding Operation (CFO): The confined feeding of at least 300 cattle, 600 swine or sheep, 30,000 fowl, or 500 horses, either in association with or separately from a farm. This definition is intended to be consistent with that provided by IC 13-11-2-40 and 327 IAC 19-2-7, as amended periodically. This definition is further intended to distinguish confined feeding that is subject to Indiana Department of Environmental Management (IDEM) review and approval from that which is not, and to also establish local regulations through this Zoning Ordinance which apply to those confined feeding operations of a scale such that IDEM regulation is considered prudent. It is deemed to include any revisions to the indicated state regulations or their successors even if the text of those regulations differs from the specifics provided in this definition. However, in no instance shall a CFO defined here for the purposes of this ordinance be deemed to include those regulated by IDEM for reasons other than the number of animals (such as specific impacts to the waters of the state, etc.) See also *Farm*.

Confined Feeding Operation (CFO) Facility: The structures which together function as a CFO, including those that house CFO animals and those that are involved in the storage of CFO animal waste (including lagoons and other containments). A CFO facility shall not include any structures used to house CFO animal feed.

Contiguous: see *Abutting*

Contractor's Office / Workshop: A location at which a construction contractor maintains an office, a workshop, and/or a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

14.2 Definitions (cont.)

County: Bartholomew County, Indiana

Convenience Store: A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

Correctional Facility: A publicly or privately operated facility housing persons awaiting trial and/or persons serving a sentence after being found guilty of a criminal offense. A correctional institution would include a jail, a prison, a work-release center, and any other similar facility. A correctional institution may also include the offices of a sheriff's department and other similar uses.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

Craft/Fabric Store: Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

Crop Production: The production and management of agricultural crops, including planting, cultivation, and harvesting.

Cul-De-Sac: A street or road with a single common ingress and egress and with a circular turn-around at the end.

Curb Cut: The providing of vehicular ingress and/or egress between property and an abutting public street.

D

Dance/Martial Arts Studio: An establishment where patrons learn and/or practice dance or martial arts.

Data Processing / Call Center: Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

Day: A calendar day.

Day Care Center: see *Child Day Care Center, Adult Day Care Center*

Day Care Home: see *Child Day Care Home*

Deck: A platform, either freestanding or attached to building that is supported by pillars or posts.

Deciduous Tree: see *Tree, Deciduous*

Dedication: The intentional setting apart of land or interests in land for use by the local government.

Defective Landscaping: Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

Density: The number of dwelling units per acre.

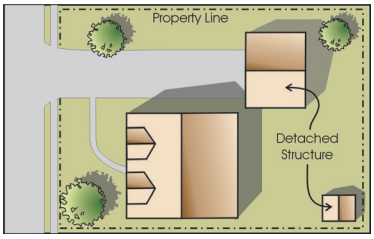
Density, Gross: The numerical value obtained by dividing the total number of dwelling units in a development or area by the total size of the area (in acres), including all non-residential land uses, rights-of-way, streets, and other features included in the area.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which the dwelling units are located, or proposed to be located, including common open space but excluding non-residential uses, rights-of-way, and streets.

Department Store: A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

14.2 Definitions (cont.)

Detached Structure: A building that has no structural connection with the another structure.



Detention Area: An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site plan showing the layout of the land and any public improvements. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider”, even though the personnel involved in successive stages of the project may differ.

Development Standards: Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings and property. Development standards may also be referred to as development requirements.

Distribution Facility: A use where goods are received and/or stored for delivery to the final consumer at off-site locations.

District: An area with common social, physical, economic, or land use characteristics.

Drainage: The outflow of water or other fluids from a site through either natural or artificial means.

Drainage System: All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drip Line: An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive, Private: see *Street, Private; Road, Private*

Drive-up Facility: A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

Drive-up Window: An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driveway, Common: An access shared by multiple, often adjacent property owners.

Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, which may or may not include a snack-bar, a putting area and pro-shop; but does exclude golf courses and miniature golf courses.

Dry Cleaners (Commercial): A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and groups of retail dry cleaning facilities, generally with the commercial cleaners picking up and delivering the clothing to its clients or retail outlets.

14.2 Definitions (cont.)

Dry Cleaners (Retail): An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

Dumpster: A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash and compacted materials, but excluding recycling bins.

Duplex: see *Dwelling, Two-Family*

Dwelling: Any structure or portion thereof designed for or used for residential purposes and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling, Accessory: A separate and complete dwelling unit established in conjunction with and clearly subordinate to the dwelling that is the primary use and/or structure on the property. The separateness and completeness of the accessory dwelling shall be determined by such features as an independent kitchen, bathroom, living quarters, and entrance.

Dwelling, Farm: A single-family dwelling that is located on, and used in conjunction with farm operations as the primary residence for a farm owner, operator, manager, or worker.

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 that is factory assembled to the standards of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and specifically meets the definition provided by 42 U.S.C. 5402.

Dwelling, Mobile Home: 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.).

Dwelling, Multi-Family: A structure designed for and occupied by 3 or more families, with the number of families in residence not exceeding the number of dwelling units provided. The term dwelling, multi-family also includes multiple single, two, and multi-family dwelling units located on a single lot, possibly organized as an apartment complex or under condominium ownership.

Dwelling, Single-Family: A structure designed for and occupied by 1 family, and therefore including no more than 1 dwelling unit. Single-family dwellings shall include type I manufactured homes designed, placed, and used on a site consistent with the development standards for the zoning district in which they are located. A dwelling, single-family may include domestic servants quarters which are clearly accessory to the primary living area of the structure. See also *Dwelling, Manufactured Home*.

Dwelling, Secondary: A dwelling or dwellings located on the upper floors of structures housing another use as the primary use on the ground floor. Examples would include apartments or condominiums located above commercial businesses.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

Dwelling, Two-Family: A structure designed for occupancy by 2 families and therefore including no more than 2 dwelling units. The term dwelling, two-family may also include two single-family dwellings located on a single lot.

14.2 Definitions (cont.)

E

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to and/or across the property.

Egress: An exit.

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.

Employment Service: An establishment that seeks and identifies available jobs for patrons seeking employment.

Equipment Rental: Establishments primarily engaged in the sale or rental of tools, trucks, construction equipment, agricultural implements, and similar industrial equipment.

Erosion: The detachment, movement, and wearing away of soil and rock fragments by flowing surface or subsurface water or by wind.

Evergreen Tree: see *Tree, Evergreen*

Explosive Manufacturing and Storage: The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

F

FAA: The Federal Aviation Administration, or any successor.

FCC: The Federal Communications Commission, or any successor.

Facade: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

14.2 Definitions (cont.)

Fairgrounds: An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

Family: One or more persons occupying a dwelling as a single unit and therefore using common facilities for cooking, sanitation, and gathering. A family shall include a residential facility for the developmentally disabled type I and residential facility for the mentally ill as required and defined by the Indiana Code (and repeated in the definitions of this Ordinance). However, a family shall not include any other grouping of more than 5 adults; any one of which is not related to the others by blood, marriage, adoption, guardianship, or other custodial responsibility. Further, a family does not include any society, club, fraternity, sorority; group living in a boarding house, hotel, motel, or bed and breakfast facility; or any group of individuals whose association with each other is seasonal. See also *Shared Housing Facility*. *Note: A definition of family is provided for the sole purpose of creating a baseline for population density, traffic patterns, and other characteristics of single and multi-dwelling unit ("family") zoning districts. In no instance shall this Ordinance be interpreted as defining family for any other purpose.*

Farm: Any property or area exceeding 5 acres in size that is generally used for agriculture (such as the production and storage of vegetables, fruit trees, or grain, and/or the raising of farm animals, such as poultry or cattle). A farm may include a single farm dwelling, all other related structures, and the storage and servicing of equipment and materials used on-site for the farm operation. A farm shall also include, as an accessory use, the seasonal sales of products grown on-site. Also, as an accessory use, a farm may function as a location where orders are placed for farm-related services (such as crop insurance) and/or bulk farm-related supplies (such as seeds). The term farm shall include all properties in residential use in an agriculture zoning district that exceed 5 aces in size. In no instance shall the term farm be interpreted as including a Confined Feeding Operation (CFO). See also *Dwelling, Farm* and *Confined Feeding Operation (CFO).*

Farm Equipment Sales & Service: An establishment that services and offers for sale farm implements, such as tractors, combines, etc.

Farmers' Market: A commercial operation and/or facility through which one or more farms offer seasonal products for sale. A farmers' market includes only those sales operations which occur in a pre-designated location and in which the vendors are the same entities which have raised the products for sale. A farmers' market occurs off-site from the location where the products have been raised. A farmers' market may include products in which items raised on the farm are the primary ingredients (such as pies, jams, jellies, etc.)

Fence: Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

Fertilizer Sales, Distribution, and Storage: An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

Final Plat: see *Plat, Final*

Financial Institution: Any establishment wherein the primary use is concerned with such federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

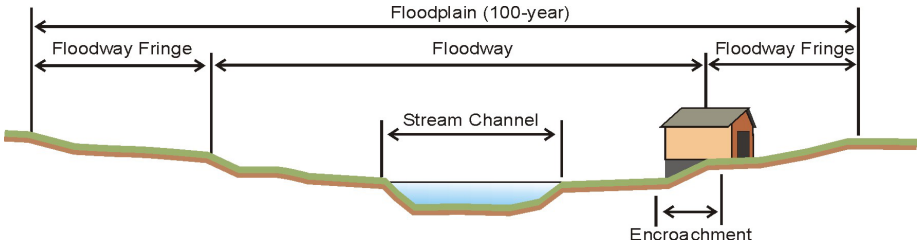
Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

Fixed Equipment: Machinery and other equipment associated with a mineral extraction operation that is designed to be fixed in place on site, including but not limited to conveyors, screening and classifying equipment, crushing and processing equipment, etc.

Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea market shall not include informal garage or yard sales.

Floodlight: Reflector type light fixture that produces unshielded and undirected illumination.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by the regulatory flood. The flood plain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration (FEMA). See also *Chapter 4.7, Flood Hazard Overlay Requirements*.



Flower Shop: An indoor facility that primarily sells cut flowers. Flower shops may include incidental sales of small gardening equipment and accessories.

Food and Beverage Production: The large-scale processing of raw ingredients and materials to create finished or unfinished food and beverages. In no instance shall this term be interpreting as including a Brewpub or Microbrewery / Artisan Distillery. See also *Brewpub* and *Microbrewery / Artisan Distillery*.

Foundation: The supporting member of a wall or structure.

Front Lot Line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

Front Yard: see *Yard, Front*

Frontage: The location where a lot or other parcel abuts a street or road. See also *Lot Frontage*

Funeral Home: A facility used for the preparation of the deceased for display and burial and the conducting of rituals and rites associated with burial.

G

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property associated with related dwelling units or related business establishments.

Garage Sale: The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, either within or outside or a structure.

Garden Shop: A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

Gas Station: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair service.

General Industrial Production: Industrial production involving manufacturing, fabrication, and related processes.

Gift Shop: An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

Glare: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

Golf Course: A tract of land laid out with at least 9 holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

14.2 Definitions (cont.)

Golf Course, Miniature: A theme-oriented recreational facility composed of a series of putting greens where patrons move in consecutive order from one green to the next.

Government Facility (Non-office): A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facility includes the storage and servicing of vehicles and equipment, the storage of bulk supplies and materials, and specialized training facilities (such as a police shooting range).

Government Office: An office space or facility occupied by a government agency that provides a governmental service to the public.

Grade: The finished surface of the ground adjacent to the exterior walls of a building.

Grade, Existing: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

Grade, Finished: The final elevation of the ground surface after man-made alterations have been completed.

Granny Flat: see *Dwelling, Accessory*

Greenhouse: A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

Greenhouse, Commercial: A facility used to extend the growing season for plants for the purpose of on-site retail sales. This shall not include greenhouse structures or facilities used in conjunction with a farm to extend the growing season of agricultural products to be primarily sold in bulk.

Grocery Store: A facility specializing in the retail sales of food, typically specializing in fresh produce and/or meat products. A grocery store is distinguished from a supermarket in that the grocery store does not include accessory flower shops, pharmacies, bakeries, branch banks, etc.

Gymnastics Center: An establishment where patrons learn and practice gymnastics, generally in a gymnasium.

H

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the requirements of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships.

Hard Surface: See *Paved Surface*.

Hardware Store: A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumber yard may be included as an incidental use to the hardware retail sales.

Hazardous Material: Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Material Production: All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

Health Spa: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, relaxation, and related activities with or without such equipment or apparatus.

14.2 Definitions (cont.)

Hedge: A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

Height: The vertical distance to the highest point of any roof for structures which have roofs, and the vertical distance to the highest point of all other structures, measured from grade level.

Historic Site: All structures and other features identified as contributing, notable, or outstanding by the *Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report,* or listed in the *National Register of Historic Places* or the *Indiana Register of Historic Sites & Structures*, as well as any subsequent amendments and/or additions to any of these publications.

Home-Based Business: A business conducted from a residential property that (1) is operated by a resident of that property, (2) is incidental and secondary to the use of the property for residential purposes, and (3) in no way alters the residential character and appearance of the property.

Home Electronics/Appliance Store: An establishment that primarily sells home appliances, electronics, and related accessories.

Home Improvement Store: A large warehouse-style establishment that offers retail and wholesale site development, building, and hardware supplies, including various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint, glass, housewares and household appliances, and garden supplies. A lumberyard may be included as an incidental use to the building supply retail sales.

Hospital: An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does include institutions operating for the treatment of insane persons and persons suffering addictions, but does not include nursing homes, retirement facilities, shelters, or boarding houses.

Hotel: A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office.

Ice Cream Shop: Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

Impervious Surface: Any hard-surfaced, man-made area that prevents absorption of stormwater into the ground.

Improvement: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property.

Improvement Location Permit: A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of this Ordinance. As specified by this Ordinance, building permits, sign permits and zoning compliance certificates are improvement location permits.

Incidental: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

Incidental Sales: *See Sales, Incidental.*

Incinerator: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

Indecisive Vote: A vote which fails to receive a majority, either in favor or opposed.

14.2 Definitions (cont.)

Industrial District: The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses.

Industrial Zoning Districts: The I1, Light Industrial; I2, General Industrial; and/or I3, Heavy Industrial zoning districts.

Industrialized Residential Structure: see Dwelling, Industrialized Residential Structure

Infrastructure: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

Inoperable Vehicle Storage: The outdoor storage of motor driven vehicles and their parts, that can not be physically and/or legally operated in their current state.

Instructional Center: A business facility where patrons receive education and/or instruction on a topic or topics in either group or individual settings. An instructional center includes facilities for tutoring of students of all ages, martial arts instruction, gymnastics, and other similar facilities. An instructional center excludes K-12 schools, business and trade schools, colleges, and other similar educational institutions.

Institutional Facility for the Developmentally Disabled: An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of Indiana Code. See also *Residential Facility for the Developmentally Disabled*

Institutional Facility for the Mentally Ill: An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code. See also *Residential Facility for the Mentally Ill*

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.

Investment Firm: Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

J

Jewelry Store: Store that primarily sells new jewelry, with some sales of used merchandise.

Junk: Scrap or waste material of any kind.

Junk Yard: A place where junk, including inoperable vehicles, appliances, wood, paper, rags, garbage, tires, shattered glass, and any other worn-out, cast-off, or discarded items have been collected for re-sale, disposal, or storage.

Jurisdiction: Any area over which a unit of government exercises power and authority.

K

Kennel: Any property where 5 or more dogs, cats, or other similar animals over the age of 4 months are kept, raised, cared for, trained, sold, bred, boarded, treated, or groomed either for commercial or non-commercial purposes.

L

Land Use: The occupation or use of land for any human activity or purpose.

14.2 Definitions (cont.)

Landscaping: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

Legal Drain: see *Regulated Drain*

Legal Nonconforming Lot: Any lot which has been legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the lot-specific development standards.

Legal Nonconforming Use: Any continuous, 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 zoning district in which it is located.

Library: A public facility primarily for the use of literary, musical, artistic, or reference materials.

Light Industrial Processing & Distribution: Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

Liquor Store: A store that offers retail and/or wholesale liquor, including wine and beer.

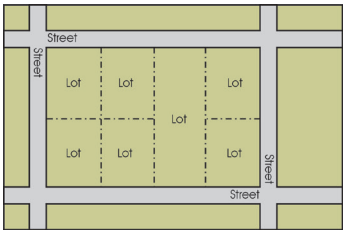
Livestock Auction/Sales Facility: A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

Loading Berth: A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

Local Street: see *Street, Local*

Local Road: see *Road, Local*

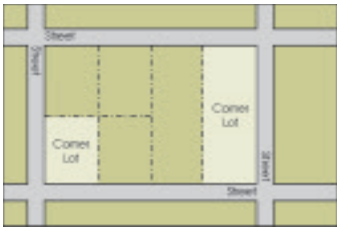
Lot: A contiguous area of land separated from other areas of land by a subdivision plat for the purpose of sale, lease, transfer of ownership, or separate use.



Lot, Legal: A lot that has been subdivided or otherwise established in a manner that meets all requirements of the Subdivision Control Ordinance of jurisdiction in affect at the time the lot was established.

Lot Area: The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

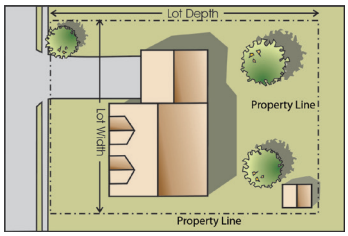
Lot, Corner: A lot located at the corner of two or more streets.



14.2 Definitions (cont.)

Lot Coverage: The portion of any lot occupied by permanent structures. Lot coverage does not include parking areas, driveways, walkways, temporary structures, or any other paved or impervious surfaces.

Lot Depth: The horizontal distance between the right-of-way line and rear lot line.



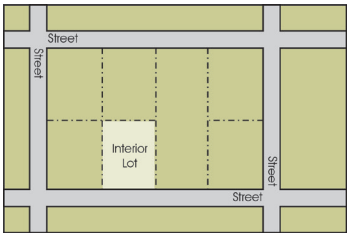
Lot, Developed: A lot upon which improvements have been made or is otherwise being used for human purposes.

Lot, Double Frontage: see *Lot, Through* and *Lot, Corner*

Lot Frontage: The horizontal distance between side lot lines where a property abuts a street.

Lot, Improved: see *Lot, Developed*

Lot, Interior: Any lot which is not a corner lot or through lot.



Lot Line: The property lines that define a lot.

Lot, Legal Nonconforming: see *Legal Nonconforming Lot*

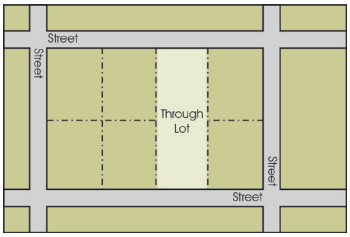
Lot Owners Association: An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Lot of Record: A distinct area of real estate that has been recorded in the office of the Bartholomew County Recorder as a part of a subdivision plat or a parcel described by metes and bounds.

Lot of Record, Legal: A distinct area of real estate that has been (1) recorded in the office of the Bartholomew County Recorder as a part of a subdivision plat or a parcel described by metes and bounds and (2) created in complete compliance with the subdivision control ordinance in effect at the time of its recording.

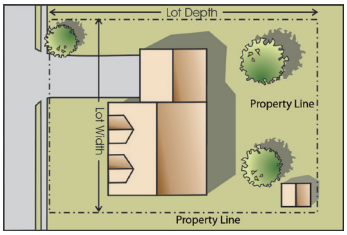
Lot, Recorded: see *Lot of Record*

Lot, Through: A lot having frontage on 2 or more streets, but not at the immediate intersection of those streets.



Lot, Undeveloped: A lot upon which no improvements exist.

Lot Width: The horizontal distance between side lot lines measured at the required minimum front setback line or build-to line affecting the property.



Lumber Yard: An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cut-off Type: A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut-off light.

M

Manufactured Home: see *Dwelling, Manufactured Home*

Manufacturing Facility: A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, or resins.

Marker (survey): A stake or any other object which is intended to mark a point on a lot or within a subdivision.

Meat Market (Butcher): A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

Medical Office: A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients.

Message, Commercial: A commerce-related message regarding an object, product, place, activity, person, institution, organization, business, service, or other similar topic.

Message, Non-Commercial: A message conveying an opinion or information regarding an issue, event, or other topic that is not commerce-related, or to otherwise provide a means of personal expression.

14.2 Definitions (cont.)

Metes and Bounds: A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points and encompassing a mathematically enclosable figure on the surface of the earth.

Microbrewery / Artisan Distillery: A facility for the production and packaging of malt beverages and/or distilled spirits for distribution, retail, or wholesale, on or off-premise, with a production capacity of not more than 15,000 barrels of malt beverage or 10,000 gallons of distilled spirits per calendar year (see also IC 7.1-3-2-7 and 7.1-3-27-3), and less than 25% of its products sold on-site. The facility may include tastings, a restaurant, a bar, and/or event space.

Mineral & Aggregate: Includes soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use.

Mineral Extraction: Any operation where soil, topsoil, water, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled for use off-site, including incidental uses and activities such as processing facilities, access roads, structures, offices, parking areas, and stockpiles.

Mineral Extraction Operation: The site or lot where mineral extraction is occurring or is proposed to occur.

Mineral Extraction Operator: Any person, firm, or corporation engaged in and controlling a mineral extraction operation or land use.

Mineral Extraction Processing: Any washing, crushing, milling, screening, handling or similar processing of on-site extracted minerals.

Mini-Warehouse Self-Storage Facility: A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of goods.

Mixed-Use Development: An area, parcel of land, or structure developed for 2 or more different land uses.

Mobile Home: see *Dwelling, Mobile Home*

Mobile / Manufactured Home Community: 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 mobile homes, manufactured homes, and/or industrialized residential structures 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)).

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. See also *Hotel*.

Motor Home: see *Recreational Vehicle*

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle, Inoperable: See *Vehicle, Inoperable*.

Multi-Family Dwelling: see *Dwelling, Multi-Family*

14.2 Definitions (cont.)

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

Music Store: An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings, sheet music, and instruments as well.

N

Natural Condition: The condition that arises from, or is found in nature unmodified by human intervention.

Natural Drainage: Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

Nature Preserve/Conservation Area: An area in which plants, animals, and topographic features are protected in their current, natural condition.

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.

Night Club: A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

Nonconforming Lot: A lot that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Structure: A building or other structure that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use: A use of land that does not conform to the regulations of the zoning district in which it is located.

Non-Participating Property (regarding a CSES): 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).

Nuisance: An interference with the enjoyment and use of property as defined by the nuisance provisions of a municipal or county code of ordinances.

Nursing Home: A private home for the 24-hour per day care of the aged, infirm, or any other person in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. Nursing home does include physical therapy equipment used in an on-going basis for the rehabilitation of patients.

O

Objectionable Odor: Odors that are nauseating, noxious, or generally recognized as unpleasant.

Occupancy: The use of any land or structure.

14.2 Definitions (cont.)

Office Supply Store: A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

Office Use: Administrative, executive, professional, research, or similar organizations, as well as laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

Official Zoning Map: The map or maps that legally denote the boundaries of zoning districts as they apply to the properties within a Plan Commission's jurisdiction.

Oil Change Shop: A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

Open Space: An area of land not covered by structures or accessory uses except for those related to recreation. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Ornamental Tree: *See Tree, Ornamental*

Outdoor Storage: The keeping of the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

Overburden: Earth and other natural materials over and around the minerals which will be displaced by mineral extraction operations.

Overlay Zoning District: A zoning district that extends across one or more other zoning districts which is intended to provide additional or alternate regulations for a specific feature or circumstance.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners Association: see *Lot Owners Association*

P

Packaging Facility: A facility that packages supplies and products that are manufactured off site.

Parapet: The portion of a wall which extends above the intersection of the wall and the roof.

Parcel: A contiguous area of land separated from other areas of land by a separate description (including a subdivision plat and metes and bounds legal description). The term parcel includes lots, lots of record, tracts, and other similar terms.

Parent Tract: Any legal lot of record from which additional lots or tracts are created.

Park: Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

Parking Lot: An open off-street area to be used for the storage of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

Parking, Off-Site: A storage space for an automobile that is not located on the same lot as the primary destination of the automobile's driver and/or facility which the spaces are intended to serve.

Parking, Off-Street: A storage space for an automobile located outside of a street right-of-way.

Parking, On-Street: A storage space for an automobile that is located within the right-of-way of a street.

14.2 Definitions (cont.)

Parking, Shared: A parking space or lot used jointly by 2 or more uses or structures.

Parking Space: A space within a public or private parking area for the storage of 1 motor vehicle.

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

Pathway: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is separated from streets or roads by distance or striping.

Paved Surface: A durable surface for parking, driving, or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks or similar material. Crushed gravel, street grindings, stone, rock, dirt, sand or grass are not a paved surface.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person: A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

Personal Services: An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

Pet Store: A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals.

Petroleum Processing and Storage: An establishment that processes and stores petroleum and its raw ingredients.

Pharmacy: A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

Photographic Studio: A facility engaged in on-site photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

Petitioner: see *Applicant*

Plan: see *Comprehensive Plan*

Plan Commission: see *Advisory Plan Commission*

Planned Unit Development: A large-scale unified development meeting the requirements of this Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district or districts established by this Ordinance.

Planning Jurisdiction: The area over which a municipality has planning authority as drawn by each community in compliance with IC 36-7-4 et al.

Planting Season: The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

Plat: A map or chart that shows a division of land.

Plat, Final: The Final Plat, pursuant to I.C. 36-7-4-700 series, is the plat document in recordable form.

Plat, Preliminary: The preliminary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision is based.

Playground: A recreational area for use primarily by children.

14.2 Definitions (cont.)

Police, Fire, or Rescue Station: A facility that serves as an office of operation for police, fire, and/or rescue services. Such stations include the housing of personnel and equipment, the storage of vehicles, and office functions. A police station may include a limited number of temporary holding cells which are secondary to the use of the station as an office. See also *Correctional Institution*.

Porch: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

Post Office: A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

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).*

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/her site in a practical manner.

Preliminary Plat: see *Plat, Preliminary*

Primary Structure: The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling. A primary structure is distinguished from accessory and agricultural structures.

Primary Use: see *Use, Primary*

Print Shop (Copy Center): A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

Printing / Publishing Facility: Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Private Club: A facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

Private Street: see *Street, Private*

Private Road: see *Road, Private*

Prohibited Tree: *see Tree, Prohibited.*

Property Owner: The person(s) identified as the property owner on the most recent list prepared and maintained by the Bartholomew County Auditor's Office. See also *Owner*.

Public Art: Any visual work of art that is accessible to public view and located on public or private property.

Public Hearing: A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

Public Improvement: Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

Public Sewer Utility: A municipality, corporation, company, partnership, or other entity that (1) provides sewage disposal service to the public within a specified territory and (2) is a legally organized and operating utility meeting all applicable state and local requirements. The term public sewer utility does not include any sewage disposal service or facility that is operated, owned, managed, or intended for use by a private association of property owners for the primary purpose of providing service to their properties.

Public Street: see *Street, Public*

14.2 Definitions (cont.)

Public Road: see *Road, Public*

Public Water Utility: A municipality, corporation, company, partnership, or other entity that (1) supplies water to the public within a specified territory and (2) is a legally organized and operating utility meeting all applicable state and local requirements. The term public water utility does not include any water supply service or facility that is operated, owned, managed, or intended for use by a private association of property owners for the primary purpose of providing service to their properties.

Publishing Facility: Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Q

Quarry: A lot or any part of a lot used for mineral extraction.

R

Racetrack: Any measured venue for the sport of racing where animals or machines are entered in competition against one another or against time. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to, oval track racing, drag racing, motorcross, tractor pulling, go-cart racing, remote control airplane flying, and similar uses.

Radio Station: An establishment that broadcasts radio signal programming.

Rear Yard: see *Yard, Rear*

Record: The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

Recreational Use, Large Scale: Recreational uses that tend to serve a regional area and include establishments such as riding stables, seasonal hunting and fishing facilities, and outdoor shooting ranges.

Recreational Use, Medium Scale: Recreational uses that tend to serve a community-wide area and include establishments such as bowling alleys, theaters, assembly halls, miniature golf courses, indoor shooting ranges, swimming pools, and skating rinks.

Recreational Use, Small Scale: Recreational uses that tend to serve a local area and include establishments such as fitness centers, billiard rooms, arcades, nightclubs, brewpubs, and bars.

Recreational Vehicle: Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

Recreational Vehicle (RV) Park: Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

Recreational Vehicle Sales: The sale and incidental storage of recreational vehicles.

Refuse Dump: A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

14.2 Definitions (cont.)

Regulated Drain: A drainage facility, route, or area regulated under the jurisdiction of the Bartholomew County Drainage Board consistent with the provisions of IC 33-9-27.

Replat: Any change in a final plat of an approved or recorded subdivision.

Research & Development Facility A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

Residence: see *Dwelling*

Residential District: An area used primarily for dwellings.

Residential Zoning Districts, Single-Family: Refers to the RR, Residential: Rural; RS1, Residential: Single-family 1; RS2, Residential: Single-family 2; RS3, Residential: Single-family 3; RS4, Residential, Single-family 4; RE, Residential: Established; and/or RT, Residential: Two-family zoning districts.

Residential Zoning Districts, Multi-Family: Refers to the RM, Residential: Multi-family and/or RMH, Residential: Manufactured Home Park zoning districts.

Residential Facility for the Developmentally Disabled Type I: A residential facility which provides residential services for not more than 8 developmentally disabled individuals. The term includes those recovering from substance abuse (per the 1988 Fair Housing Act Amendment). See also *IC 12-28-4-8.*

Residential Facility for the Developmentally Disabled Type II: A residential facility which provides residential services for more than 8 developmentally disabled individuals. The term includes those recovering from substance abuse (per the 1988 Fair Housing Act Amendment). See also *IC 12-28-4-8.*

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals. See also *IC 12-28-4-7.*

Restaurant: A structure in which the principal use is the preparation and sale of food and beverages.

Retail Uses: Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

Retail Uses, Large Scale: Retail uses that tend to serve a regional area and include establishments such as supermarkets, shopping malls, and department stores.

Retail Uses, Medium Scale: Retail uses that tend to serve a community-wide area and include establishments such as craft stores, sporting goods stores, pharmacies, antique shops, meat markets, and repair services.

Retail Uses, Small Scale: Retail uses that tend to serve a local area and include establishments such video stores, delicatessens, bakeries, gift shops, and ice cream shops.

Retirement Facility: A residential complex containing multi -family dwellings designed for and occupied by senior citizens. Such facilities may include a common gathering and dining facilities, but exclude nursing care.

Retreat Center: A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

Rezoning: An amendment to the Official Zoning Map which has the affecting of removing property from one zoning district and placing it in a different zoning district.

Riding Stable: An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures and land designated for horseback riding. See also *Animal Boarding*.

Right-of-Way: Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

Right-of-Way Line: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

Road: A public thoroughfare located within unincorporated Bartholomew County or other similar rural area that affords vehicular access to abutting property, excluding those that meet the definition of a street. See also *Street*.

Road, Arterial: A road that is identified as an Arterial on the Thoroughfare Plan.

Road, Collector: A road that is identified as a Collector on the Thoroughfare Plan.

Road Frontage: The distance along which a property line of a lot abuts the right-of-way of an adjacent road.

Road, Intersecting: Any road that joins another road at an angle, whether or not it crosses the other road.

Road Intersection: The point of crossing or meeting of 2 or more roads.

Road, Local: A road that is identified as a Local on the Thoroughfare Plan.

Road, Non-Residential: Any road where the primary land use of the lots which the road provides access to is not residential.

Road, Private: Any road which is privately owned and maintained that is used to provide vehicular access to more than 1 property.

Road, Public: A road constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Road, Residential: Any road where the primary land use of the lots which the road provides access to is residential.

Rooming House: A structure in which individual rooms, often referred to as “sleeping rooms”, are rented as separate dwellings; with each room intended and used as an individual unit, with no or minimal shared use of common cooking, sanitation, and/or gathering spaces.

ROW: *See Right-of Way*

S

Sales, Incidental: Sales that are related and subordinate to the primary service or retail activities of a commercial use.

Sales, Temporary Seasonal: Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

Sanitary Landfill: The designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools. See also *Trade or Business School*.

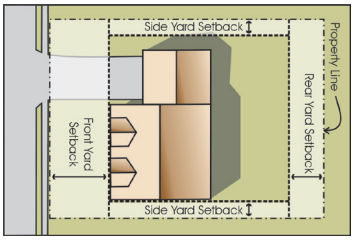
14.2 Definitions (cont.)

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

Seasonal Hunting/Fishing Facility: A designated outdoor area that allows for the hunting and fishing of certain species during their appropriate gaming seasons.

Self Service Laundry: A business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

Setback: The horizontal distance between a structure and a lot line or right-of-way line.



Sewage Treatment Plant: Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

Shared Housing Facility: A dwelling unit occupied as a single housekeeping unit, and therefore using common facilities for cooking, sanitation, and gathering, by more than 5 adults, any one of which is not related to the others by blood or marriage. A shared housing facility also includes, regardless of the number of adult occupants, a boarding house, shelter (for those who are homeless, victims of domestic violence, etc.), rooming house, co-housing facility, housing co-operative, and other similar facilities. A shared housing facility shall also include a residential facility for the developmentally disabled type II defined by the Indiana Code (and repeated in the definitions of this Ordinance). A shared housing facility does not include any society, club, fraternity, sorority, or group living in a hotel, motel, or bed and breakfast facility. See also *Dwelling, Single Family* and *Family*.

Shoe Repair Shop: An establishment that primarily repairs shoes, with incidental sales of shoe related items.

Shooting Range: Any establishment at which firearms are discharged for the purpose of recreation and entertainment.

Shooting Range (Indoor): A shooting range at which all shooting areas and targets are completely enclosed in a structure.

Shooting Range (Outdoor): A shooting range at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

Shopping Center: A shopping facility occupying a single lot that includes one or more structures containing numerous individual stores; all of which use common parking and vehicle circulation areas.

Shopping Mall: A shopping facility occupying a single lot where numerous individual stores front on a pedestrian way that may be enclosed or open to the outdoors.

Side Lot Line: A lot boundary line other than a front or rear lot line, typically those which are perpendicular to, and intersect with the front and rear lot lines.

Side Yard: see *Yard, Side*

14.2 Definitions (cont.)

Sign: Any image, text, device, display, or illustration that is affixed to, adhered to, applied to, or otherwise represented upon a structure or property that directs attention to an object, product, place, activity, person, institution, organization, business, service, or other topic from a public street or road and/or other properties. A sign includes the face area which conveys a message as well as any related mechanical, electrical, and/or structural supports and features, such as poles, cabinets, frames, and light fixtures. In no instance shall this be interpreted as including (1) markings and information required by state, federal, or local law; (2) traffic control and information devices, municipal boundary markers and other public information provided by a unit of government; (3) markings, notices, and information provided by utility companies; (4) displays or other information that is internal to any site, property, facility, complex, or venue and not designed, placed, or positioned to attract attention from a public street or road or other properties; or (5) murals, decorations, and art exhibits that are sized, designed, and located to affect the aesthetics of the property, area, neighborhood, or community at large without including or conveying a commercial message.

Sign, Area: The entire face of a sign including the message surface and any framing or trim, but excluding any poles or other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

Sign, Awning: A sign incorporated into, or attached to an awning.

Sign, Banner: A sign with a message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid or semi-rigid material for a background.

Sign, Beacon: A portable light that is beamed into the sky and used to draw attention to a specific location, typically the property on which the beacon sign is located.

Sign, Electronic: Any sign which makes use of electronic media technology, including liquid crystal display (LCD), light emitting diodes (LED), projection screens, or any other similar method that emits light. For the purposes of this Ordinance, an Electronic Sign is a type of Changeable Copy Sign. See Also: *Changeable Copy*.

Sign, Face: The area or display surface used for the message.

Sign, Freestanding: A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property.

Sign, Height: The highest point measured from grade level at the base of the sign to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

Sign, Inflatable: An inflated object tethered or otherwise attached to the ground, a structure, or other object that is erected for the purpose of advertising or drawing attention to a particular use or site.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed toward the sign.

Sign, Permanent: A sign that is designed, constructed, and installed such that it is permanently attached to the ground, through the use of a pole or other structural support, or to a building. Such signs are also constructed of stone, metal, wood, or similar rigid and durable materials.

Sign, Projecting: A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Sign Setback: The distance between any property line or right-of-way and the nearest portion of any sign at or above grade level.

Sign, Suspended: A sign that is suspended by chains or hooks and is generally placed under eaves or over walkways.

Sign, Temporary: A sign that is designed, constructed, and/or installed such that it is not permanently attached to the ground or a building, but rather is readily able to be rolled, slid, or otherwise moved, or to be temporarily affixed to light poles, trees, other items not design as its supports, or the ground. Such signs are most typically constructed of cardboard, plastic, or light-weight metal.

14.2 Definitions (cont.)

Sign, Wall: A sign attached to, painted on, or otherwise affixed to an exterior wall or window of a structure.

Sign Permit: An improvement location permit that must be obtained before temporary and permanent signs are erected.

Site Rehabilitation: The restoration of the area of a mineral extraction operation to conditions comparable with or similar to that which existed prior to the operation, or the preparation of the area for future development.

Site Rehabilitation Plan: A plan that depicts how a mineral extraction project area will be rehabilitated after excavation is complete, including but not limited to final grading, re-vegetation, and conceptual future development.

Skating Rink: An establishment that provides facilities for patron skating.

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.

Sporting Goods Shop: An establishment that primarily sells sporting equipment, sporting apparel, and related items.

Spotlight: A fixture designed to direct a narrow intense beam of light on a desired area.

State: The State of Indiana.

Stationary Shop: An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

Stealth Tower: Any telecommunications tower designed to resemble trees, silos, etc., or otherwise blend into its context.

Stockade Fence: A wooden fence made of half round posts with pointed tops.

Stockpile: An area where either man-made or natural materials are being piled up temporarily, either undercover or exposed to the elements, for future processing.

Stop-Work Order: A written document issued by an enforcement official which requires the cessation of an activity.

Storage, Outdoor: see *Outdoor Storage*

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

Stream Bank: The usual boundaries, not the flood boundaries, of a stream channel.

Stream-side Forest: A wooded or otherwise heavily vegetated area located along the banks of a creek, river, or other stream that serves to filter storm-water runoff, accommodate floodwaters, provide animal habitat and migration routes, and minimize the erosion of adjacent soils.

Street: A public thoroughfare located within the City of Columbus or other similar urban / suburban area, including a drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property. The term street includes those thoroughfares located within subdivisions located in rural areas.

Street, Arterial: A street identified as an Arterial on the Thoroughfare Plan within the Comprehensive Plan.

Street, Collector: A street identified as a Collector on the Thoroughfare Plan within the Comprehensive Plan.

Street Frontage: The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

14.2 Definitions (cont.)

Street, Intersecting: Any street that joins another street at an angle, whether or not it crosses the other street.

Street Intersection: The point of crossing or meeting of 2 or more streets.

Street, Local: A street identified as a Local on the Thoroughfare Plan within the Comprehensive Plan.

Street, Non-Residential: Any street where the primary land use of the lots which the street provides access to is not residential.

Street, Private: Any street which is privately owned and maintained that is used to provide vehicular access to more than 1 property.

Street, Public: A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Street, Residential: Any street where the primary land use of the lots which the street provides access to is residential.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

Structure Height: The vertical distance measured from the lowest point of ground level to the highest point of the roof. Structure height excludes any walkout basement and other similar element, the majority of which is located underground.

Subdivider: Any person or other entity which initiates proceedings to create a subdivision. See also *Developer*.

Subdivision: The division of any lot, tract or parcel of land into 2 or more lots, tracts, or other similar divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease.

Supermarket: Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.

Surety: An amount of money or other negotiable financial instrument provided by a developer to the local government which guarantees that they will perform all actions required by the local government regarding an approved plat or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the local government to complete those requirements.

Swimming Pool: Any structure located either (1) below grade or (2) permanently installed above grade through the use of bracing or other structural elements for the purpose of recreation and entertainment of adults and children.

T

Tailor Shop: An establishment that alters and repairs clothing for patrons.

Tanning Salon: Any business which provides a service that produces a tan on a person's body, including the incidental sale of tanning products.

Tavern: see *Bar*

Telecommunications: The transmission of information between or among geographic points without change in the form or content of the information as sent or received.

14.2 Definitions (cont.)

Telecommunications Antenna: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

Telecommunications Facility: All physical components that together form a single location serving the purpose of telecommunication, including one or more telecommunications support structures, telecommunications antenna, ground-based equipment and accessory structures, securing fencing, landscaping, and stabilizing cables.

Telecommunications Support Structure: A mast, pole, monopole, guyed or freestanding framework, or any other vertical structure to which one or more telecommunications antenna is affixed or attached.

Temporary Seasonal Sales: *see Sales, Temporary Seasonal.*

Temporary Use: *see Use, Temporary*

Theater: A facility for audio and visual productions and performing arts.

Thoroughfare Plan: The official plan, now and hereafter adopted, which sets forth the location, alignment, dimensions, and classification of existing and proposed streets, roads, and other thoroughfares.

Tool and Dye Shop: An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

Topography: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

Townhouse: A one-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

Tract: A piece of property, with a specified description established through a meters and bounds or other, similar method. If platted, the term tract refers to a specific property that is not intended as the site of a structure, such as an agricultural tract or subdivision common area.

Trade or Business School: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

Trail: A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

Transportation Terminal: A centralized and/or primary community facility for the transient housing or parking of vehicles related to mass transportation, as well as the loading and unloading of passengers and the transfer of passengers from one form of transportation to another. Such facility may include a bus transfer station, a park and ride location, and/or a train station. The storage of bicycles, personal automobiles, and other similar personal conveyances may also be present.

Tree, Deciduous: A tree that sheds its leaves annually.

Tree, Evergreen: A tree that does not shed its leaves annually.

Tree, Ornamental: A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under 40 feet.

Tree, Prohibited: A tree, as listed in this Ordinance that does not meet site landscaping requirements.

Truck Freight Terminal: An area and/or building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

Truck Stop / Travel Center: A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

Truck Sales and Service: Any establishment that sales and services semi-tractor trailers, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

U

Undeveloped Land: Land in its natural state.

University (or college): An institution for post-secondary education, public or private, offering courses in general, technical, or religious education. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

Unnecessary Hardship: A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgement on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.

Use: The purpose of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use Category: A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

Use, Change of: The discontinuation of the use of a lot or structure and the replacement of that previous use with a new use from a different use category, as listed on the Zoning Districts Use Matrix of this Ordinance.

Use, Conditional: A use that is designated by this Ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Use, Existing: The use of a lot or structure present at the effective date of this Ordinance.

Use, Illegal: Any use that is neither legal nonconforming nor permitted by right or conditional use in the zoning district in which it is located as defined by this Ordinance.

Use, Nonconforming: A use which does not conform with the use regulations of the zoning district in which it is located.

Use, Permitted: Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

Use, Primary: The main use of land or structures, as distinguished from an accessory use. A primary use may be either a permitted use or a conditional use.

Use, Temporary: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Use Variance: The approval of a use by the Board of Zoning Appeals which is not listed as a permitted or conditional use by this Ordinance and is not an accessory or temporary use associated with any primary use permitted by this Ordinance.

14.2 Definitions (cont.)

Utility Substation: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

V

Vacation: The termination or termination of interest in a plat, an easement, or a right-of-way or other public dedication.

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: see *Use, Variance*

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, and motorcycles.

Vehicle Detailing Shop: An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

Vehicle Display Lot: That portion of an auto-oriented use dedicated to the storage and display of new and/or used vehicles for sale or long-term lease.

Vehicle Display Pad: A ramp, platform or similar structure, or a build-up of earth or other materials raised above the surrounding grade, designed for the display of vehicles.

Vehicle, Inoperable: A vehicle which, due to mechanical defect or failure, or incorrect or unapparent licensing, is not physically or legally able to be operated.

Vertical Face: A mined or quarried area resulting in a wall that is between 80 and 100 degrees relative to the surrounding grade.

Veterinary Office (Animal Clinic): An establishment for the care, observation, or treatment of domestic animals.

Video Store: An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

W

Warehouse & Distribution Facility: A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Disposal Facility: Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Waste, Hazardous: see *Hazardous Waste*

Water Tower: A tower or standpipe that functions as a reservoir providing water to the community.

Wellfield: An area of land that contains 1 or more existing or proposed wells for supplying water to a water utility.

Wetland: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and/or certified by an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

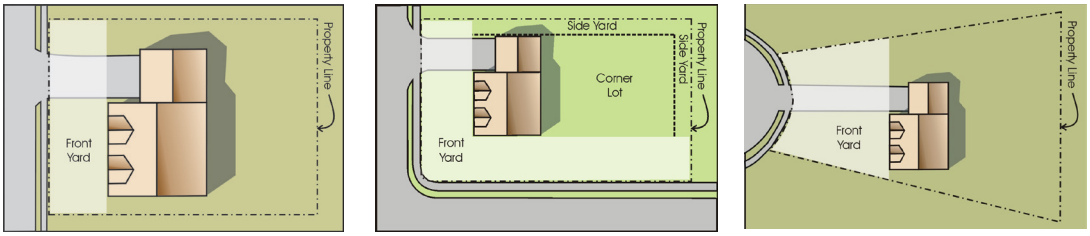
Winery: A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

Worship Facility: The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. Worship facility includes synagogue, temple, mosque or any other like facility used primarily for worship and religious activities.

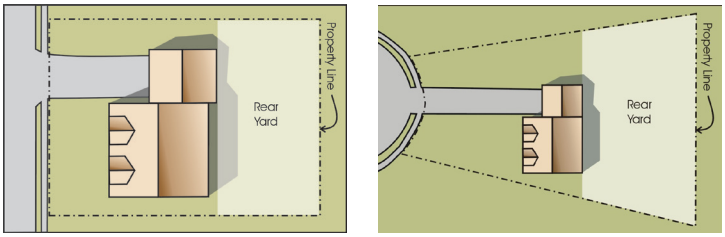
X Y & Z

Yard: A space on a lot that is open and unobstructed

Yard, Front: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

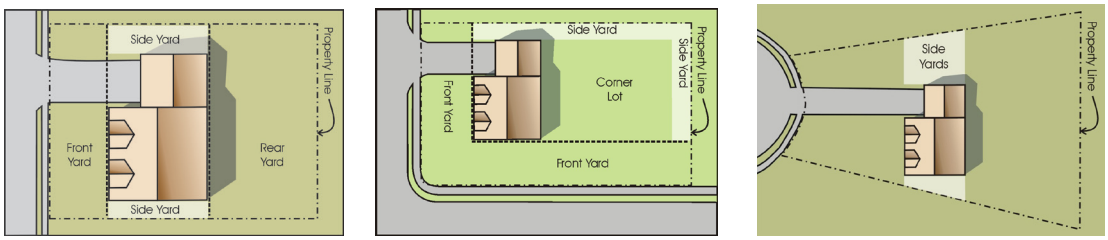


Yard, Rear: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots shall have no rear yards, only front yards and side yards.



Yard Sale: see *Garage Sale*

Yard, Side: The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, measured as the shortest distance between that foundation and the side lot line.



14.2 Definitions (cont.)

Zoning District: A section of the Plan Commission jurisdiction for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this Ordinance.

Zoning Map: see Official Zoning Map