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Luann G. Welmer, City Clerk

**CITY COUNCIL MEETING
CITY HALL & VIA WEBEX
TUESDAY, FEBRUARY 6, 2024
6:00 O’CLOCK P.M.**

I. Meeting Called to Order

- A. Invocation
- B. Pledge of Allegiance
- C. Introduction of Guests and Visitors
- D. Roll Call
- E. Acceptance of Minutes

II. Old Business Requiring Council Action

- A. Second Reading of an Ordinance entitled, “ORDINANCE NO. _____, 2024, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM I3 (INDUSTRIAL: HEAVY) TO CC (COMMERCIAL: COMMUNITY) (Tyler Payton rezoning). Jeff Bergman
- B. Second Reading of an Ordinance entitled, ORDINANCE NO. _____, 2024, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM CN (COMMERCIAL: NEIGHBORHOOD) TO CD (COMMERCIAL; NEIGHBORHOOD) TO CD (COMMERCIAL: DOWNTOWN) Rubicon Investment Group Rezoning). Jeff Bergman

III. New Business Requiring Council Action

- A. First Reading of an Ordinance entitled, “ORDINANCE NO. _____, 2024, AN ORDINANCE TO AMEND SECTION 1.12.010 (GENERAL PENALTIES) OF THE COLUMBUS MUNICIPAL CODE.” Robin Hilber

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. The next meeting is scheduled for **Tuesday, February 20, 2024, 6:00 p.m.**
- C. Adjournment



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: January 8, 2024

RE: Tyler Payton Rezoning
(*Plan Commission Case RZ-2023-004*)

At its December 13, 2023 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 10 in favor and 0 opposed.

Tyler Payton proposes that the zoning for the property at 710 South Marr Road be changed from the current I3 (Industrial: Heavy) to CC (Commercial: Community). This property is on the west side of Marr Road, between State Street and Kiel Way. The applicant has indicated his desire to use the property for motorsports sales in the future.

No members of the public spoke at the Plan Commission's public hearing on this request.

The following items of information are attached to this memo for your consideration:

1. the proposed ordinance approving the rezoning,
2. the resolution certifying the action of the Plan Commission,
3. a copy of the Planning Department staff report prepared for the Plan Commission, and
4. a location map.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2024

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY
FROM I3 (INDUSTRIAL: HEAVY)
TO CC (COMMERCIAL: COMMUNITY)**

**To be known as the: Tyler Payton Rezoning
Plan Commission Case No.: RZ-2023-004**

WHEREAS, this rezoning was requested by Tyler Payton and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on December 13, 2023, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from I3 (Industrial: Heavy) to CC (Commercial: Community):

Tract "M" on the Plat of Bartholomew County Industrial Park as recorded October 3, 1972 in Plat Book "G", page 132, in the Office of the Recorder of Bartholomew County, Indiana.

SECTION 2: Condition(s) and Commitment(s)

No conditions or commitments are attached to this rezoning.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, the fulfillment of any condition(s), and the recording of any commitment(s), as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2024 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk of the City of Columbus, Indiana

Presented by me to the Mayor of the City of Columbus, Indiana, this _____ day of _____,
2024 at _____ o'clock _____.m.

Luann Welmer
Clerk of the City of Columbus, Indiana

Approved by me, Mayor of the City of Columbus, Indiana, this _____ day of _____, 2024 at
_____ o'clock _____.m.

Mary K. Ferdon
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-2023-004

of the City of Columbus, Indiana Plan Commission

regarding
**case number RZ-2023-004
(Tyler Payton Rezoning),
a proposal to rezone +/-1.3 acres
from I3 (Industrial: Heavy) to CC (Commercial: Community)**

WHEREAS, the Plan Commission has received the application referenced above from Tyler Payton; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of Indiana Code Section 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on December 13, 2023, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

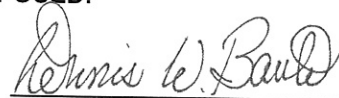
WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

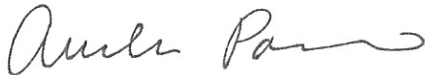
- 1) The rezoning of the property subject to the application (approximately 1.3 acres located at 710 South Marr Road, on the west side of Marr Road, north of its intersection with Kiel Way) is forwarded to the Common Council with a favorable recommendation.
- 2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by Indiana Code Section 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 13th DAY OF DECEMBER, 2023 BY A VOTE OF 10 IN FAVOR AND 0 OPPOSED.



Dennis W. Baute, Presiding Officer

ATTEST:



Amber Porter, Secretary



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (December 13, 2023 Meeting)

Docket No. / Project Title: RZ-2023-004 (Tyler Peyton)
Staff: Melissa Begley
Applicant: Tyler Peyton
Property Size: 1.3 Acres
Current Zoning: I-3 (Industrial: Heavy)
Proposed Zoning: CC (Commercial: Community)
Location: 710 South Marr Road, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of allowing motorsport and powersport vehicles sales.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is CC (Commercial: Community) appropriate at this location?

Preliminary Staff Recommendation:

Favorable recommendation to the City Council.

Plan Commission Options:

In reviewing a request for *rezoning* the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may recommend that conditions or commitments be attached to the rezoning request. The City Council makes all final decisions regarding *rezoning* applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Comprehensive Plan does not speak directly to this type of rezoning request and does not give any specific guidance other than to: "Encourage a business-friendly climate which will foster growth in the commercial sector, while protecting the character of neighborhoods" and "Allow the free market and private investment decisions to govern the quantity of each type of business and the variety of goods and services available, within the framework of an overall land use plan".

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: There is a mix of industrial and commercial zoning in the immediate area, with some residential and public zoning and a multi-family development on the north side of State Street.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The Comprehensive Plan identifies this area as industrial, however by comparison this lot is relatively small (1.3 acres) to support a heavy industrial use.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: The site has good access to a minor arterial street that can accommodate commercial traffic, which should not interfere with industrial traffic in the area. Commercial zoning on this property would be consistent with the zoning of the adjacent lots to the north and west.

Responsible growth and development.

Preliminary Staff Comments: Rezoning the subject property to CC (Commercial: Community) represents responsible growth and development. The rezoning would be consistent with the adjacent property to the north and west and the site has access to a minor arterial street that can accommodate commercial traffic. The site is on the edge of a larger industrial area but the traffic from the commercial site would not interfere with semi-trucks or other heavy industrial traffic.

Current Property Information:	
Land Use:	Vacant, formerly used for storage.
Site Features:	Existing building, fenced gravel area.
Flood Hazards:	No flood hazards exist on the property.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances exist on the property.
Vehicle Access:	Marr Road (Minor Arterial, Industrial, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CC (Commercial: Community)	South Central Company
South:	I-2 (Industrial: General)	Auto Glass Depot Weise Forklifts
East:	I-1 (Industrial: Light)	Former West Rock
West:	CC (Commercial: Community) I-3 (Industrial: Heavy)	South Central Kroot's

Zoning District Summary (Existing / Proposed):

	Existing Zoning: I-3	Proposed Zoning: CC
Zoning District Intent:	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.	To establish appropriate locations for a variety of businesses providing a variety of goods and services to community-wide customers and those who travel through or visit the area. This zoning district is <u>not</u> intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes.

Permitted Uses:	<p>Agriculture Uses</p> <ul style="list-style-type: none"> • Farm <p>Communications /Utility Uses</p> <ul style="list-style-type: none"> • Communication Service Exchange • Sewage Treatment Plant • Utility Substation • Water Tower <p>Public/Semi-Public Uses</p> <ul style="list-style-type: none"> • Parking Lot / Garage (As a Primary Use) • Police, Fire, or Rescue Station <p>Park Uses</p> <ul style="list-style-type: none"> • Nature Preserve / Conservation Area <p>Commercial Uses</p> <ul style="list-style-type: none"> • Conference Center <p>Industrial Uses</p> <ul style="list-style-type: none"> • 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 	<p>Communications / Utilities Uses</p> <ul style="list-style-type: none"> • Communications service exchange • Utility substation • Water tower <p>Public / Semi-Public Uses</p> <ul style="list-style-type: none"> • 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 <p>Park Uses</p> <ul style="list-style-type: none"> • Nature preserve / conservation area • Park / playground <p>Commercial Uses</p> <ul style="list-style-type: none"> • Auto-oriented uses (small scale) • Auto-oriented uses (medium scale) • Auto-oriented uses (large scale) • Auto rental (includes truck, RV, etc.) • Builders supply store • Equipment rental • Health spa • Hotel / motel • Instructional center • Liquor store • Microbrewery / artisan distillery • Office uses • Personal service uses
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	<ul style="list-style-type: none"> • Truck Freight Terminal • Warehouse & Distribution Facility 	<ul style="list-style-type: none"> • Recreation uses (small scale) • Recreation uses (medium scale) • Restaurant • Retail uses (small scale) • Retail uses (medium scale) • Retail uses (large scale)
Water and Sewer Service:	Required	Required
Lot and/or Density Requirements:	Minimum Lot Area: 1 acre Maximum Lot Coverage: 75%	Minimum Lot Area: 10,000 square feet Maximum Lot Coverage: 65%
Setbacks Required:	Side Yard Setback: Primary Structure - 20 feet Accessory Structure- 20 feet Rear Yard Setback: Primary Structure - 20 feet Accessory Structure- 20 feet Front Yard Setback: Arterial Street or Road - 50 feet Collector Street or Road - 35 feet Local Street or Road - 25 feet	Side Yard Setback: Primary Structure - 10 feet Accessory Structure - 10 feet Rear Yard Setback: Primary Structure - 10 feet Accessory Structure - 10 feet Front Yard Setback: Arterial Street – 10 feet* Arterial Road - 50 feet Collector Street – 10 feet* Collector Road - 35 feet Local Street – 10 Feet* Local Road - 25 feet *25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures
Height Restrictions:	Primary Structure: 60 feet Accessory Structure: 40 feet	Primary Structure: 40 feet Accessory Structure: 25 feet
Floor Area Requirements:	NA	NA

Signs:	Wall Signs: 2 per frontage with a total area of 15% of all front walls or 350 square feet (whichever is less)	Wall Signs: 3 per frontage with a total area of 15% of all front walls or 350 square feet (whichever is less)
	Freestanding Sign: 1 per frontage with a maximum height of 10 feet and a maximum area of 75 square feet	Freestanding Sign: 1 per frontage with a maximum height of 20 feet and a maximum of 100 square feet

Interdepartmental Review:	
City Engineering:	We have no comments at this time.
City Utilities:	We have no issues with the proposed rezoning.
Fire Department:	The rezoning for this building will not hinder an emergency response at this location.
Code Enforcement:	Code Enforcement does not have any issues with this proposal.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as industrial.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **GOAL E-3:** Encourage a business-friendly climate which will foster growth in the commercial sector, while protecting the character of neighborhoods.
2. **POLICY E-3-1:** Allow the free market and private investment decisions to govern the quantity of each type of business and the variety of goods and services available, within the framework of an overall land use plan.
The city should not make decisions about the number of certain businesses that are needed. The market, not the government, should decide whether another restaurant, another filling station, or another clothing store is needed. These businesses, however, must be located in areas where the plan indicates that they are appropriate and compatible with surrounding land uses.
3. **POLICY J-10-1:** Create a positive business climate characterized by flexibility.
The needs of businesses are continuously changing, and the city needs to have sufficient flexibility in its regulatory system to respond to these changes and to encourage and nurture new businesses.
4. **POLICY J-10-3:** Promote the growth of local companies.
Columbus' economic history is tied to the growth of its industrial base. In addition to attracting outside companies to locate in Columbus, the city should nurture the growth of those companies already located in the community.

This property is located in the East Columbus character area. The following Planning Principle(s) apply to this application: None

The subject property is identified in the State Street Corridor Plan Comprehensive Plan Element, although this site it is not specifically addressed. General planning objectives include:

1. Promote improvements to existing buildings, storefronts and parking areas, and encourage good visual merchandising and storefront design practices that can help attract shoppers and visitors and

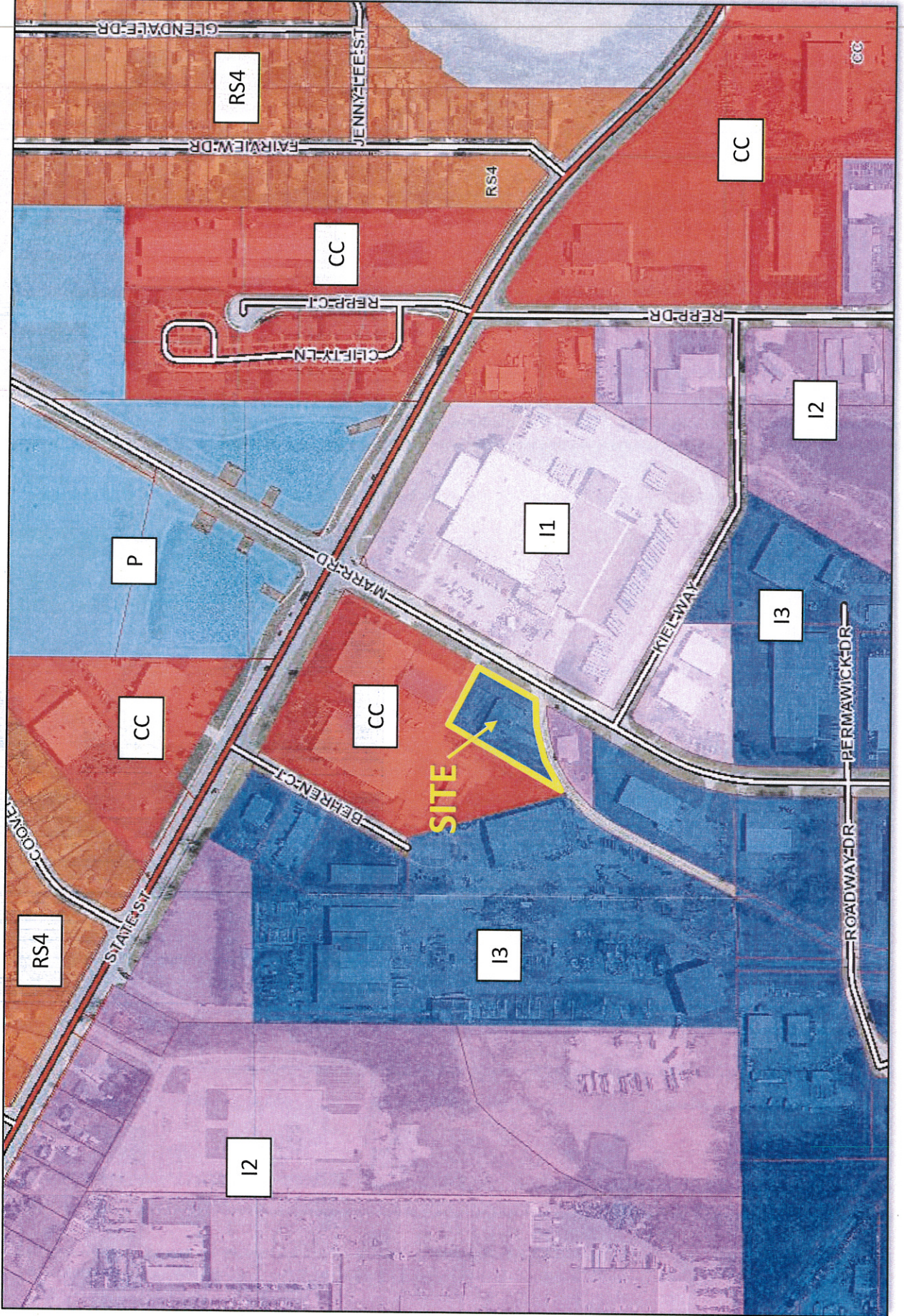
- boost sales for State Street businesses and merchants. New developments should also be of high quality and fit in within the design character of adjacent buildings and blocks.
2. Promote more efficient and intensive use of land in areas that can receive new development as well as support adjacent commercial, residential and institutional uses. In particular, new multi-family residential would be an ideal land use to introduce in areas adjacent or near corridor employment centers and new commercial development.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is requesting to rezone 1.3 acres from I-3 (Industrial: Heavy) to CC (Commercial: Community). The applicant intends to reuse the existing 5,000 square foot building for motorsports sales.
2. The property is located approximately 500 feet south of the intersection of Marr Road and State Street. The property has frontage on Marr Road, which is a minor arterial street.
3. The properties to the south are predominantly industrial. The adjacent property to the north is commercial with some residential and public zoning and a multi-family development on the north side of State Street.
4. The minimum lot size for I-3 (Industrial: Heavy) is one acre. The site is 1.3 acres and would be too small for many of the permitted industrial uses. The CC (Commercial: Community) zoning district would allow for more permitted uses on the 1.3 acre site, in particular all of the auto oriented uses.

Location & Zoning Context (Case #RZ-2023-004: Tyler Payton)





MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: January 8, 2024

RE: Rubicon Investment Group Rezoning
(*Plan Commission Case RZ-2023-005*)

At its December 13, 2023 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 9 in favor, 0 opposed, and 1 abstention.

Rubicon Investment Group proposes that an area of 2.04 acres, which includes 4 properties, be rezoned from the current CN (Commercial: Neighborhood) to CD (Commercial: Downtown). The properties are located at 1008 through 1034 Washington Street and 921 Jackson Street, generally at the southwest corner of 11th and Washington Streets. The applicants have indicated their desire to redevelop this area with a mixed-use commercial-residential project.

Several members of the public provided letters and spoke at the Plan Commission's public hearing on this request. Those who commented sought additional information on the applicant's future development project as well as additional time to better understand and provide comment on that project. They also expressed concerns about increased traffic and possible negative impacts on the character of the nearby neighborhood.

The following items of information are attached to this memo for your consideration:

1. the proposed ordinance approving the rezoning,
2. the resolution certifying the action of the Plan Commission,
3. a copy of the Planning Department staff report prepared for the Plan Commission, and
4. a location map.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2024

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY
FROM CN (COMMERCIAL: NEIGHBORHOOD)
TO CD (COMMERCIAL: DOWNTOWN)**

**To be known as the: Rubicon Investment Group Rezoning
Plan Commission Case No.: RZ-2023-005**

WHEREAS, this rezoning was requested by the Rubicon Investment Group and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on December 13, 2023, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from CN (Commercial: Neighborhood) to CD (Commercial: Downtown):

(1020 Washington Street)

Lot numbered One (1) of Suverkrup's Minor Plat, recorded in Plat Book "J", Page 124 in the Office of the Recorder of Bartholomew County, Indiana.

And,

(1034 Washington Street)

Part of the Southeast Quarter of the Northwest Quarter of Section 24, Township 9 North, Range 5 East, lying in Columbus Township, Bartholomew County, Indiana, and described as follows:

Beginning at a found 5/8" rebar marking the northeast corner of "Suverkrup's Minor Plat" as recorded in Plat Book "J", page 124, in the Office of the Recorder of Bartholomew County, Indiana; thence North 89 degrees 19'59" West (plat bearing) along the north line of said plat a distance of 156.53 feet to a 5/8" x 30" rebar set; thence North 01 degrees 05'09" east a distance of 116.80 feet (deed) to a 5/8" x 30" rebar set; thence South 89 degrees 19'59" east along the south right of way line of Eleventh Street a distance of 156.53 feet to a 5/8" x 30" rebar set; thence south 01 degrees 05'09" West along the west right of way line of Washington Street a distance of 116.80 feet (deed) to the point of beginning, containing 0.42 acres, more or less.

And,

(1008 Washington Street)

Part of the Southeast Quarter of the Northwest Quarter of Section Twenty-four (24), Township Nine (9) North, Range Five (5) East in Bartholomew County, Indiana, and being more particularly described as follows:

Beginning at a point a distance of Fifty-four and Thirty-five Hundredths (54.35) feet West and Four and Thirty-seven Hundredths (4.37) feet North of the Southeast corner of said Quarter Quarter; thence West along a line parallel to the East and West centerline of said Section a distance of One Hundred Sixty (160) feet; thence North along a line parallel to the North and South centerline of Washington Street in the City of Columbus a distance of Eighty-six and Sixty-five Hundredths (86.65) feet; thence East along a line parallel to said east and West centerline a distance of One Hundred Sixty (160) feet; thence South a distance of Eighty-six and Sixty-five Hundredths (86.65) feet to the place of beginning, being unplatted ground in the City of Columbus.

And,

(921 Jackson Street)

Part of the Southeast Quarter of the Northwest Quarter of Section Twenty-four (24), Township Nine (9) North, Range Five (5) East in Bartholomew County, Indiana, and being more particularly described as follows:

Beginning at a point a distance of Two Hundred Fourteen and Thirty-five Hundredths (214.35) feet West and Four and Thirty-seven Hundredths (4.37) feet North of the Southeast corner of said Quarter Quarter; thence West along a line parallel to the East and West centerline of said Section a distance of One Hundred and Seventy-seven (177) feet; thence North a distance of Eighty-six and Sixty-five Hundredths (86.65) feet; thence East along a line parallel to said East and West centerline a distance of One Hundred Seventy-eight and Thirty-three Hundredths (178.33) feet; thence South a distance of Eighty-six and Sixty-five Hundredths (86.65) feet to the place of beginning.

SECTION 2: Condition(s) and Commitment(s)

No conditions or commitments are attached to this rezoning.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, the fulfillment of any condition(s), and the recording of any commitment(s), as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2024 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk of the City of Columbus, Indiana

Presented by me to the Mayor of the City of Columbus, Indiana, this _____ day of _____,
2024 at _____ o'clock _____.m.

Luann Welmer
Clerk of the City of Columbus, Indiana

Approved by me, Mayor of the City of Columbus, Indiana, this _____ day of _____, 2024 at
_____ o'clock _____.m.

Mary K. Ferdon
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-2023-005

of the City of Columbus, Indiana Plan Commission

regarding
case number RZ-2023-005
(Rubicon Investment Group Rezoning),
a proposal to rezone +/-2.04 acres
from CN (Commercial: Neighborhood) to CD (Commercial: Downtown)

WHEREAS, the Plan Commission has received the application referenced above from the Rubicon Investment Group; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of Indiana Code Section 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on December 13, 2023, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

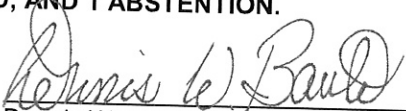
WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The rezoning of the property subject to the application (approximately 2.04 acres located at 1008, 1020, 1034 Washington Street and 921 Jackson Street, generally between Jackson and Washington Streets, south of 11th Street) is forwarded to the Common Council with a favorable recommendation.
- 2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by Indiana Code Section 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 13th DAY OF DECEMBER, 2023 BY A VOTE OF 9 IN FAVOR, 0 OPPOSED, AND 1 ABSTENTION.


Dennis W. Baute, President

ATTEST:


Amber Porter, Secretary



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (December 13, 2023 Meeting)

Docket No. / Project Title: CRZ-2023-005 (Rubicon Investment Group)
Staff: Kyra Behrman

Applicant: Rubicon Investment Group LLC
Property Size: 2.04 Acres
Current Zoning: CN (Commercial: Neighborhood)
Proposed Zoning: CD (Commercial: Downtown)
Location: 1008-1034 Washington Street and 921 Jackson Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of allowing a higher density development of multi-family residential and commercial uses and prepare the four parcels for future development that will be consistent with its setting in downtown Columbus.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is the proposed CD zoning district appropriate for this area?

Preliminary Staff Recommendation:

Favorable recommendation to the City Council.

Plan Commission Options:

In reviewing a request for *rezoning* the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may recommend that conditions or commitments be attached to the rezoning request. The City Council makes all final decisions regarding *rezoning* applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Land Use Plan Element of the Comprehensive Plan shows the subject properties being located in the Downtown Columbus Character Area; the Future Land Use Map identifies these parcels being in a Mixed Use area. The boundary of 11th Street to the north offers a feeling of the end of the Downtown Core area due to the increased volume of traffic on 11th Street (Minor Arterial) that intersects with Washington Street, as compared to Local streets 4th through 10th Streets, which carry much less traffic. The subject parcels about CD (Commercial: Downtown) district to the south and west. This area can be appropriate as a CD zoning district.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The structures that exist on these parcels are all vacant; no owner or developer has made steps to improve or propose any re-use of the existing structures. This area is a potential infill development site, which is encouraged in the downtown area. The permitted uses in the CD district would be compatible in this mixed use area.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: Both the existing CN district and the proposed CD district require site development plans, with the proposed CD district allowing more density and zero build-to lines, which follows the pattern for downtown developments. The proposed CD district and the permitted uses are not out of character with this area.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: Rezoning the property should not be expected to negatively impact property values throughout the jurisdiction, and will possibly enhance the property values in the area. Currently, all structures are vacant and underutilized, likely creating a negative impact to the jurisdiction.

Responsible growth and development.

Preliminary Staff Comments: The site has access to existing utilities and the street infrastructure is in place. The potentially denser development of the subject property would complement other uses in the surrounding CD and CN zoning districts and would also complement the nearby downtown area, indicating responsible growth and development.

Current Property Information:	
Land Use:	Vacant
Site Features:	One existing house used commercially with associated parking lot. One existing house and detached garage used residentially, currently vacant. Commercial structure, formerly bank, with associated parking lot and two, free-standing monument signs.
Flood Hazards:	No flood hazards
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances
Vehicle Access:	Washington Street (Collector, Commercial, Urban) 11 th Street (Minor Arterial, Commercial, Urban) Jackson Street (Local, Commercial, Urban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CN (Commercial: Neighborhood)	Public Facility – Fire Station #1

South:	CD (Commercial: Downtown) CN (Commercial: Neighborhood)	Telecommunication facility – A T & T Private Club – Fraternal Order of Eagles
East:	CN: (Commercial: Neighborhood)	Funeral Home – Barkses Weaver & Glick
West:	P: (Public / Semi-Public District) CD: (Commercial: Downtown)	Park / Maintenance Building Commercial – Office Space Mixed-Use Residential/Commercial – Jackson Place

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: CN	Proposed Zoning: CD
Zoning District Intent:	<p>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.</p> <p>In the jurisdiction of the City of Columbus this district is intended for use only within the City limits.</p>	<p>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.</p>

Permitted Uses:	Residential Uses	Residential Uses
	<ul style="list-style-type: none"> • Dwellings, secondary (on upper floors of other uses) <p>Park Uses</p> <ul style="list-style-type: none"> • Nature preserve / conservation area <p>Commercial Uses</p> <ul style="list-style-type: none"> • Personal service uses • Restaurant 	<ul style="list-style-type: none"> • Bed and breakfast facility • Dwellings, secondary (on upper floors of other uses) <p>Public / Semi-Public Uses</p> <ul style="list-style-type: none"> • Clinic • Day-care center (adult or child) • Funeral home • Government office

	<ul style="list-style-type: none"> • Retail uses (small scale) 	<ul style="list-style-type: none"> • Library • Museum • Parking lot / garage (as a primary use) • Police, fire, or rescue station • Post office • Trade or business school <p>Park Uses</p> <ul style="list-style-type: none"> • Nature preserve / conservation area • Park / playground <p>Commercial Uses</p> <ul style="list-style-type: none"> • 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)
Water and Sewer Service:	Required	Required
Lot and/or Density Requirements:	<p>Maximum Lot Coverage: 75%</p> <p>Minimum Lot Width & Frontage: 50 feet</p> <p>Minimum Lot Area: 5,000 square feet</p>	<p>Maximum Lot Coverage: 100%</p> <p>Minimum Lot Width & Frontage: 20 feet</p> <p>Minimum Lot Area: 3,000 square feet</p>

<p>Setbacks Required:</p>	<p>Side Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 5 feet • Accessory Structure: 5 feet <p>Rear Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 5 feet • Accessory Structure: 5 feet <p>Maximum Front Yard Setback:</p> <ul style="list-style-type: none"> • Arterial Street or Road: 10 feet* • Collector Street or Road: 10 feet* • Local Street or Road: 10 feet* <p>* 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</p>	<p>Side Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 0 feet • Accessory Structure: 0 feet <p>Rear Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 0 feet • Accessory Structure: 0 feet <p>Front Yard Setback / Build-to Line:</p> <ul style="list-style-type: none"> • Arterial Street: 0 foot build-to* • Collector Street: 0 foot build-to* • Local Street: 0 foot build-to* <p>* 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.</p>
<p>Height Restrictions:</p>	<p>Primary Structure: 35 feet.</p> <p>Accessory Structure: 25 feet</p>	<p>Primary Structure:</p> <ul style="list-style-type: none"> • 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. <p>Accessory Structure: 35 feet</p>
<p>Floor Area Requirements:</p>	<p>Minimum Ground Floor Living Area: Not applicable</p> <p>Minimum Living Area / Dwelling: 500 square feet</p>	<p>Minimum Ground Floor Living Area: Not applicable</p> <p>Minimum Living Area / Dwelling:</p> <p>Single-Family - 1,000 square feet; Two-Family - 1,000 square feet; Secondary - 500 square feet; Multi-family - 500 square feet</p>

Signs:	Wall Signs (ground floor uses): • 2 / Street frontage either 8% of front wall area or 200 square feet, whichever is less, for maximum total area	Wall Signs (ground floor uses): • 1 / Street frontage either 8% of front wall area or 200 square feet, whichever is less, for maximum total area
	Wall Signs (upper floor uses): • 1 / Street frontage either 10% of upper wall area or 200 square feet, whichever is less, for maximum total area	Wall Signs (upper floor uses): • 1 / Street frontage either 8% of upper wall area or 200 square feet, whichever is less, for maximum total area
	Free-standing Signs (single use lot): • 1 / Street frontage per lot, maximum 50 square feet, maximum 6 feet tall.	
	Free-standing Signs (multi use lot): • 1 / Street frontage per lot, maximum one 50 sq. ft. primary element and maximum three 25 sq. ft. secondary elements, maximum 8 feet tall.	

Interdepartmental Review:	
City Engineering:	No comment.
City Utilities:	We have no issues with the proposed rezoning.
Parks Department:	No comment.
Fire Department:	The change in zoning designation from CN to CD will not have any negative effect in regards to fire code compliance.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Mixed Use.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **GOAL A-2:** Preserve & enhance the character of the community.
2. **POLICY A-2-9:** Preserve and enhance the character of neighborhoods. *Older neighborhoods have distinctive characteristics which should be retained. These vary from one neighborhood to another, but they include such things as smaller lots, lesser setbacks, service alleys, and a distinctive architectural style.*

3. **POLICY A-2-11:** Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood-by-neighborhood basis. *New development should be designed in a manner that is sensitive to the surroundings.*
4. **POLICY A-2-18:** Maintain and enhance neighborhood-scale business areas, with special attention to the unique character of each area. *Neighborhoods can be enhanced by convenient shopping areas, provided that these are of a type, size and design consistent with their surroundings*
5. **POLICY A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located. *Vacant parcels represent lost opportunities, and they can become neighborhood nuisances. These parcels should be used, either for development, or for other neighborhood assets such as parks or community gardens. It is less expensive to develop these parcels than to create new subdivisions*
6. **POLICY A-4-3:** Prevent urban sprawl. *Sprawling development patterns waste land and cost tax dollars. Development should be compact and orderly.*
7. **POLICY A-4-7:** Require new development to take place in an orderly fashion to facilitate efficient provision of services at reasonable cost. *Public services, such as police and fire protection, school busing, trash pick-up, road maintenance, and snow removal all cost more when development is scattered rather than compact.*
8. **GOAL D-1:** Develop new housing where adequate public services can be provided economically.
9. **POLICY D-1-3:** Encourage development adjacent to already developed areas. *Compact development contiguous to already developed areas is the most economical and convenient urban form, and the city should encourage that type of development.*
10. **GOAL E-1:** Maintain and enhance the attractiveness and vitality of the city's neighborhood business areas.
11. **POLICY E-1-2:** Encourage retail, entertainment, restaurant, and similar uses which add to the vitality of the downtown, with emphasis on after-hours and weekend activities. *There is no greater asset to a downtown than people. Successful downtowns are "destination" places: places people seek out for activities and shopping, rather than places people pass by or visit en route to some other destination. The city should encourage a land use mix which will attract people to the downtown.*

This property is located in the Downtown Columbus character area. The following Planning Principle(s) apply to this application:

1. New development or redevelopment should enhance the positive qualities of downtown. A healthy land-use mix should be retained, including a variety of retail, office, financial, professional, and institutional uses. Suburban-type uses such as big-box retail stores should not be permitted.
2. Residential uses add to the vitality and customer base of downtown, and they should be encouraged where they do not compete for retail space. Appropriate areas include properties north of 14th Street, Franklin Street north of 7th Street, and the upper floors of commercial buildings throughout the downtown.
3. As uses change or expand, the city should ensure that smooth traffic flow will be maintained and that convenient parking is available.
4. Retain the urban character by locating buildings close to the street.
5. Prevent establishment of parking lots that will create gaps in the continuity of downtown buildings.
6. Locate off-street parking behind structures rather than in front of or beside them.
7. Retail and restaurant uses should be encouraged in the downtown but not to the exclusion of existing office, professional, financial, and institutional uses

The Downtown Strategic Development Plan (Envision Columbus) identifies this site as being within the "Zipper" Infill zone, one of the Key Opportunity Zones of the overall plan. It states that strategic infill development in the Zipper Zone could help extend walkability of the downtown core with potential residential, commercial and retail destinations that are desirable for urban living.

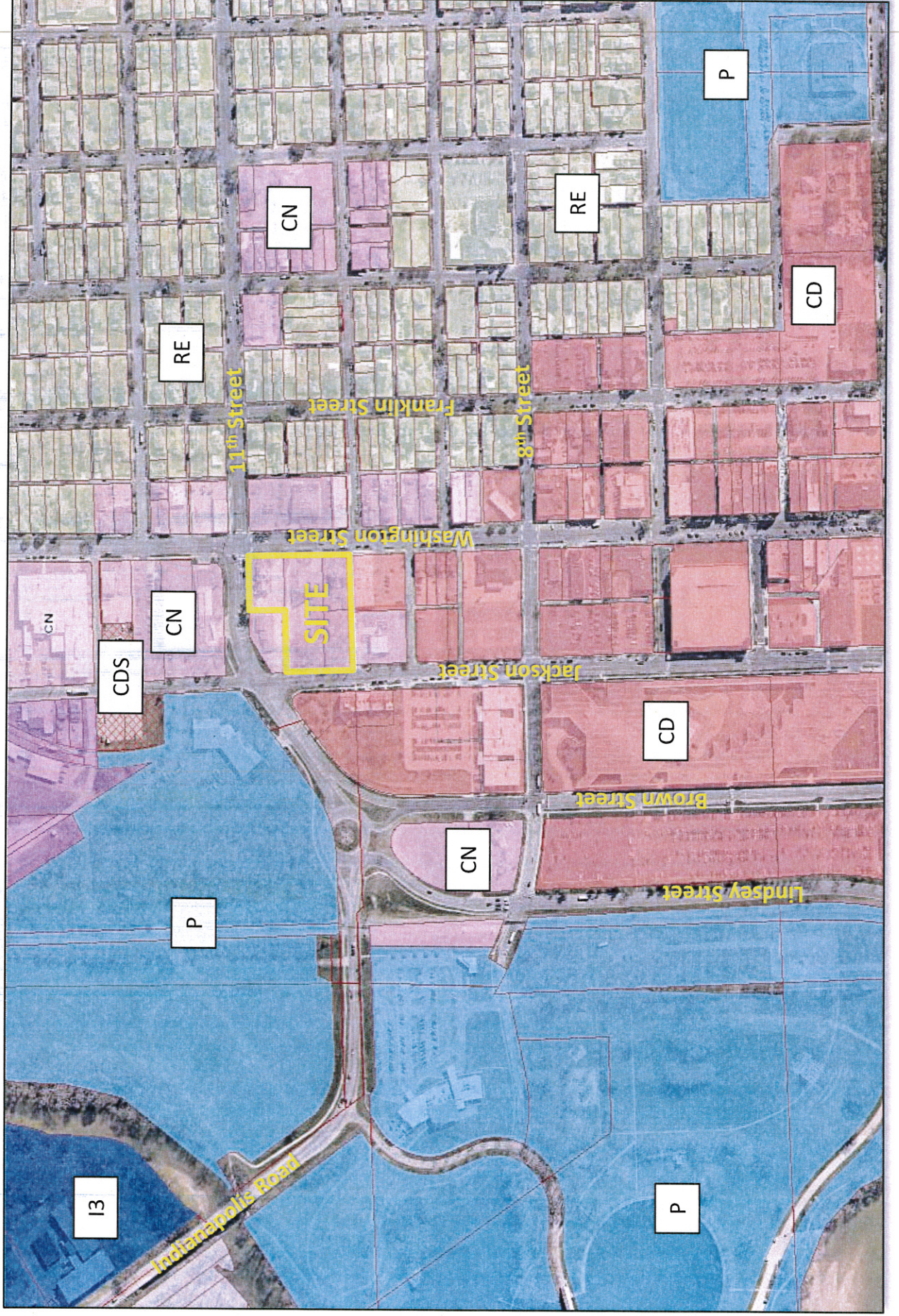
The Bicycle & Pedestrian Plan indicates a recommended Cycle Track along Jackson Street, which would connect to the existing Shared Use Path along the north side of 11th Street, which may also be accessed at the corner of Washington and 11th Streets.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The subject parcels contain the following existing structures: a residential house used commercially with an asphalt parking lot, a commercial building with an asphalt parking lot and circulation lanes, and a vacant residential structure with a detached garage.
2. The subject parcels are surrounded by a mix of uses: a private club to the south, funeral home to the east, public facility (fire station and park maintenance building) and commercial (office space) to the north, and a mixed-use commercial/residential development to the west. These uses are permitted outright in the CD zoning district or via a conditional use. The existing surrounding uses are more consistent with the CD zoning.
3. Washington and 11th streets are classified as Collector and Minor Arterials, respectively, by the Columbus Thoroughfare Plan; Jackson Street is classified as a Local street. Currently, these properties gain access from Washington and Jackson streets; the vacant home is accessed by the alley to the south.
4. Both the existing CN (Commercial: Neighborhood) and proposed CD (Commercial: Downtown Center) zoning districts are site development districts. This means that the details of any development plan are subject to review and approval by the Plan Commission.
5. The general regulations for setbacks and lot coverage allow more dense development in the proposed CD zoning district compared to the current CN zoning.
6. The CD zoning district is intended to serve as a focal point, and to be the most intensely developed area in the community
7. A Shared Use path connection is located on 11th Street, just south of the fire station that connects pedestrian and bicyclists to the Mill Race Park and Noblitt Trail for park and recreational uses.
8. ColumBUS Route #1 is located along Washington Street; ColumBUS Route #5 is 2 blocks to the south. The ColumBUS Transit Center is approximately 4 blocks to the west. While a downtown grocery does not exist nearby, Route #1 goes north to Kroger and Route #5 goes west to Walmart and other commercial uses for goods and services.
9. Goods, services and entertainment are within walking distance in the downtown core.

Location & Zoning Context (Case #RZ-2023-005: Rubicon Investment Group)





Community Development

MEMORANDUM

TO: Members of Common Council
FROM: Robin S. Hilber
RE: Revision of General Penalties Ordinance
DATE: January 30, 2024

Councilors –

Attached is a revised General Penalties Ordinance which has been reviewed by the Ordinance Review Committee. We would like to recommend it to City Council for passage due to changes in Indiana Code. Our current ordinance allows a maximum penalty of \$2,500 per day for non-compliance.

Indiana Code 36-1-3-8 is attached and allows local government the power to prescribe a penalty of not more than \$2,500 for the first violation and not more than \$7,500 for a second or subsequent violation of the ordinance.

Our recommendation is to change the verbiage to read “not to exceed the maximum penalty allowed under I.C. 36-1-3-8(10)” so that our ordinance will move in sync with the maximum penalties under Indiana Code and will not necessitate coming before Council when there is a revision in the maximum penalty.

Our goal is always to resolve violations without Court action but, in the event an issue is not resolved, we are also recommending the addition of item “F” which allows us to recover all court costs, attorney fees, and other expenses associated with enforcement of our municipal code.

Best Regards,

A handwritten signature in black ink that reads 'Robin S. Hilber'.

Robin S. Hilber
Director of Community Development

Attachment

cc: Mayor Mary K. Ferdon
Alex Whitted, Corporate Counsel

1.12.010 General penalties.

- A. Any person violating any of the provisions of this code shall be guilty of an ordinance violation.
- B. Each day a violation of this code is committed or permitted to continue shall constitute a separate offense.
- C. Except in cases where a different punishment is prescribed by statute or a specific section of this code, any person convicted of an ordinance violation shall be punished by a fine of ~~not more than two thousand five hundred dollars~~ **not to exceed the maximum penalty allowed under I.C. 36-1-3-8(10).**
- D. The city may bring a civil action to enjoin any person from:
1. Violating any ordinance regulation or prohibiting a condition or use of property: or
 2. Engaging in conduct without a license if an ordinance requires a license to engage in the conduct.
- E. The court may suspend all or any part of a penalty imposed for an ordinance violation and may require a condition of such suspension that the defendant shall perform uncompensated work that benefits the community.
- F. **The city may recover all court costs, reasonable attorney fees, and other expenses or costs associated with enforcement of the Columbus Municipal Code.**

Ind. Code § 36-1-3-8

Section 36-1-3-8 - Powers specifically withheld

(a) Subject to subsection (b), a unit does not have the following:

- (1) The power to condition or limit its civil liability, except as expressly granted by statute.
- (2) The power to prescribe the law governing civil actions between private persons.
- (3) The power to impose duties on another political subdivision, except as expressly granted by statute.
- (4) The power to impose a tax, except as expressly granted by statute.
- (5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.
- (6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.
- (7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.
- (8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.
- (9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air permit program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

(i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

- (11) The power to invest money, except as expressly granted by statute.
- (12) The power to adopt an ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2, or otherwise conduct an election, except as expressly granted by statute. An ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2 that was adopted before January 1, 2023, is void unless a statute expressly granted the unit the power to adopt the ordinance, resolution, or order.

(13) The power to adopt or enforce an ordinance described in section 8.5 of this chapter.

(14) The power to take any action prohibited by section 8.6 of this chapter.

(15) The power to dissolve a political subdivision, except:

(A) as expressly granted by statute; or

(B) if IC 36-1-8-17.7 applies to the political subdivision, in accordance with the procedure set forth in IC 36-1-8-17.7.

(16) After June 30, 2019, the power to enact an ordinance requiring a solid waste hauler or a person who operates a vehicle in which recyclable material is transported for recycling to collect fees authorized by IC 13-21 and remit the fees to:

(A) a unit; or

(B) the board of a solid waste management district established under IC 13-21.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

IC 36-1-3-8

Pre-Local Government Recodification Citations: 17-2-2.5-3 part; 17-2-2.5-4 part; 18-1-1.5-1 part; 18-1-1.5-4; 18-1-1.5-13 part; 18-1-1.5-19 part; 18-1-1.5-20 part; 18-3-1-47 part; 18-3-1-49 part; 18-4-2-2 part; 18-4-2-3; 18-4-2-35(b); 18-4-2-35(c); 19-10-3-1.

Amended by P.L. 4-2023, SEC. 1, eff. 4/5/2023, app. retroactive.

Amended by P.L. 19-2019, SEC. 3, eff. 7/1/2019.

Amended by P.L. 189-2016, SEC. 5, eff. 7/1/2016.

Amended by P.L. 150-2016, SEC. 1, eff. 3/23/2016.

Amended by P.L. 13-2013, SEC. 148, eff. 4/1/2013.

As added by Acts 1980, P.L. 211, SEC. 1. Amended by Acts 1981, P.L. 17, SEC. 3; P.L. 123-1987, SEC. 2; P.L. 3-1987, SEC. 540; P.L. 3-1990, SEC. 122; P.L. 251-1993, SEC. 4; P.L. 164-1995, SEC. 14; P.L. 1-1996, SEC. 84; P.L. 200-2005, SEC. 4.

ORDINANCE NO. _____, 2024

CITY OF COLUMBUS, INDIANA

**AN ORDINANCE TO
AMEND SECTION 1.12.010 (GENERAL PENALTIES) OF THE
COLUMBUS MUNICIPAL CODE**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, Indiana Code 36-1-3-8(10) authorizes the Common Council of the City of Columbus, Indiana to prescribe penalties for violations of any Ordinance; and

WHEREAS, it is the desire of the Common Council of the City of Columbus, Indiana to update the Ordinances to incorporate by reference the authority to prescribe a penalty of a fine that is consistent with Indiana Code 36-1-3-8(10), and to collect attorney fees incurred by the City to prosecute ordinance violations under the Columbus Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, that:

SECTION I. The Columbus Municipal Code, Section 1.12.010, is hereby amended to read as follows:

- A. Any person violating any of the provisions of this code shall be guilty of an ordinance violation.
- B. Each day a violation of this code is committed or permitted to continue shall constitute a separate offense.
- C. Except in cases where a different punishment is prescribed by statute or a specific section of this code, any person convicted of an ordinance violation shall be punished by a fine not to exceed the maximum penalty allowed under I.C. 36-1-3-8(10).
- D. The city may bring a civil action to enjoin any person from:
 - 1. Violating any ordinance regulation or prohibiting a condition or use of property: or
 - 2. Engaging in conduct without a license if an ordinance requires a license to engage in the conduct.
- E. The court may suspend all or any part of a penalty imposed for an ordinance violation and may require a condition of such suspension that the defendant shall perform uncompensated work that benefits the community.

F. The city may recover all court costs, reasonable attorney fees, and other expenses or costs associated with enforcement of the Columbus Municipal Code.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the City Council.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2024 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

CITY OF COLUMBUS, INDIANA

Presiding Officer

ATTEST:

Luann Welmer
Clerk of the City of Columbus, Indiana

Presented by me to the Mayor of the City of Columbus, Indiana, this _____ day of _____, 2024 at _____ o'clock _____.m.

Luann Welmer
Clerk of the City of Columbus, Indiana

Approved by me, Mayor of the City of Columbus, Indiana, this _____ day of _____, 2024 at _____ o'clock _____.m.

Mary K. Ferdon
Mayor of the City of Columbus, Indiana

Prepared by the City of Columbus - Legal
Austin A. Whitted, Attorney #37672-03 – City Attorney