



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING  
CITY HALL & VIA WEBEX  
MONDAY, DECEMBER 18, 2023  
6:00 O'CLOCK P.M.**

**I. Meeting Called to Order**

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

**II. Old Business Requiring Council Action**

- A. Confirmation of an Ordinance entitled, "ORDINANCE NO. 27, 2023, AN ORDINANCE AMENDING THE COLUMBUS & BARTHOLOMEW COUNTY ZONING ORDINANCE FOR THE JURISDICTION OF THE CITY OF COLUMBUS." Jeff Bergman
- B. Second Reading of an Ordinance entitled, "ORDINANCE NO.\_\_\_\_\_, 2023, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AUTHORIZING A DIRECT LOAN TO THE DEVELOPER OF AN ECONOMIC DEVELOPMENT FACILITY (6TH & WASHINGTON PROJECT) AND APPROVING OTHER MATTERS IN CONNECTION THEREWITH." Heather Pope

**III. New Business Requiring Council Action**

- A. Reading of a Resolution entitled, "RESOLUTION NO.\_\_\_\_\_, 2023, A RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS BETWEEN CATEGORIES IN AVIATION NON-REVERTING FUND FOR THE BUDGET YEAR 2023." Regina McIntyre

#### **IV. Other Business**

- A. Standing Committee and Liaison Reports
- B. The next meeting is scheduled for **Tuesday, January 2, 2023, 6:00 p.m.**
- C. Adjournment



## MEMORANDUM

**TO:** Columbus City Council Members  
**FROM:** Jeff Bergman  
**DATE:** December 11, 2023  
**RE:** Zoning Ordinance Amendments

Please recall that the Council's recent adoption of amended zoning ordinance revisions, per Indiana law, necessitates review of those amendments by the Plan Commission. Those amendments, specifically regarding Commercial Solar Energy Systems (CSES), are to be considered by the Commission at its December 13, 2023 meeting. If the Commission approves the amendments, the revision process is complete and the ordinance becomes effective. If the Commission disapproves of the amendments, the Council must conduct an additional vote to confirm its prior decision.

Attached is Ordinance 27, 2023, which the Council adopted on November 8, 2023. The ordinance has been updated to include additional confirmation language. If the Plan Commission votes to approve the amendments, this ordinance confirmation will be removed from your upcoming meeting agenda.

Please feel free to contact me or Alan Whitted if you have any questions.

**ORDINANCE NO.: 27, 2023**

**AN ORDINANCE AMENDING THE  
COLUMBUS & BARTHOLOMEW COUNTY ZONING ORDINANCE  
FOR THE JURISDICTION OF THE CITY OF COLUMBUS**

**Favorably Recommended by  
Columbus Plan Commission General Resolution #2023-08**

**WHEREAS**, on March 18, 2008 the Columbus Common Council passed Ordinance No. 13, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of the City of Columbus; and

**WHEREAS**, since that ordinance's effective date of April 3, 2008, its effectiveness has been monitored, reviewed, and evaluated by the Columbus Plan Commission and its professional staff; and

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

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

**WHEREAS**, following extensive research by the Plan Commission's staff and consideration by the Commission, these amendments include provisions on the added topics of solar energy generation and electric vehicle charging stations with the intent of establishing reasonable requirements for these facilities and minimizing potential conflict between them and surrounding land uses and developments; and

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

**WHEREAS**, the City of Columbus Comprehensive Plan, adopted in a series of elements from 1999 through 2023, provides the policy guidance appropriate for the creation and periodic revision of the zoning ordinance; and

**WHEREAS**, the Plan Commission did, on September 13, 2023, hold a legally advertised public hearing on these zoning ordinance amendments and has certified a favorable recommendation to the Common Council; and

**WHEREAS**, the Common Council has considered the criteria listed by Indiana Code Section 36-7-4-603; including (1) the Comprehensive Plan, (2) the current conditions in each district, (3) the most desirable use for land in each district, (4) the conservation of property values, and (5) responsible growth and development.

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



### SECTION 1: Zoning Ordinance Amended

The provisions of the Columbus & Bartholomew County Zoning Ordinance for the jurisdiction of the City of Columbus are amended as follows:

- A) As provided in Exhibit "A" attached to and made a part of this ordinance.
- B) Such that all references, cross-references, table of contents, lists of figures, and other organizational aspects of the Zoning Ordinance affected by the amendments indicated on the above referenced Exhibit "A" are corrected to accurately reflect those amendments.

### SECTION 2: Repealer

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

### SECTION 3: 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 4: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

**ADOPTED**, by the Common Council of the City of Columbus, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_ 2023 at \_\_\_\_\_ o'clock \_\_\_\_\_.m., by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

\_\_\_\_\_  
Presiding Officer

### ATTEST:

\_\_\_\_\_  
Luann Welmer  
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the \_\_\_\_\_ day of \_\_\_\_\_ 2023 at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
James D. Lienhoop  
Mayor of the City of Columbus, Indiana

**CONFIRMED**, consistent with Indiana Code Section 36-7-4-607(e)(4)(B), by the Common Council of the City of Columbus, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_ 2023 at \_\_\_\_\_ o'clock \_\_\_\_\_.m., by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

\_\_\_\_\_  
Presiding Officer

**ATTEST:**

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Luann Welmer  
Clerk-Treasurer of the City of Columbus, Indiana

## **Exhibit “A”**

### **Amendments to the City of Columbus - Bartholomew County Zoning Ordinance for the Jurisdiction of the City of Columbus**

#### **Mobile & Manufactured Home Standards**

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**Section 3.15(A): Permitted Primary Uses** - is revised to include the following:

**Residential Uses**

- mobile / manufactured home community

**Park Uses**

- nature preserve / conservation area

**Section 3.15(C): Lot Standards** - is revised to include the following:

**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 Indiana Code Section 36-7-2-12)

**Minimum Ground Floor Living Area**

- 100%

### **Maximum Primary Structures per Lot**

- 1\*

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

### **Maximum Height**

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

**Table 3.1: Zoning Districts Use Matrix** - is amended to replace the use "mobile home / manufactured home park" with "mobile / manufactured home community".

**Sections 3.4(C), 3.5(C), 3.6(C), 3.7(C), 3.8(C), 3.9(C), 3.10(C), and 3.11(C): Lot Standards** - are revised as follows with regard to Minimum Living Area per Dwelling:

### **Minimum Living Area per Dwelling**

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

**Section 3.13(C): Lot Standards** – is revised as follows with regard to Minimum Living Area per Dwelling:

### **Minimum Living Area per Dwelling**

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

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

**Chapter 6.7: Mobile & Manufactured Home Standards** - is revised to read as follows:

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

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



- 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.

**Table 6.4(3): Permitted Mobile / Manufactured Homes** - is deleted.

**Chapter 11.3: Nonconforming Structures** - is revised to read as follows:

- 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 non-conformity without the approval of a variance by the Board of Zoning Appeals. Any structure may be altered to decrease its nonconformity.
  - 2. Intentional Alterations: The 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.
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.

**Chapter 11.5: Nonconforming Uses** - is revised to read as follows:

- 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.
  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.

**Section 14.2: Definitions** – the select definitions indicated are added, deleted, or revised to read as follows:

**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, Manufactured Home Type I**: Is deleted

**Dwelling, Manufactured Home Type II**: Is deleted

**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.).

**Industrialized Residential Structure:** see *Dwelling, Industrialized Residential Structure*

**Manufactured Home:** see *Dwelling, Manufactured Home*

**Manufactured Home Type I:** Is deleted

**Manufactured Home Type II:** Is deleted

**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)).

## **Mixed Density Neighborhood (MX-OL) Overlay Zoning District**

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

## **Accessory Dwellings**

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**Section 6.1(D)(1): Accessory Dwellings** - is revised to read as follows:

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.
  - 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 those required for the primary residence by Chapter 7.1 of this Ordinance, shall be provided for the accessory dwelling. All off-street parking spaces provided shall meet all applicable design and circulation standards for the zoning district in which the property is located as provided by Article 7 of this Ordinance.
- g. *Waste Disposal:* Both the primary residence and the accessory dwelling shall either (i) be served by a public sewer system or (ii) be served by one shared or two individual septic systems approved by the Bartholomew County Health Department. The waste disposal method shall also comply with the Utility Requirements established for each zoning district by Article 3 of this Ordinance.
- h. *Architectural Design:* The accessory dwelling unit should make use of exterior materials consistent with or complimentary to the primary residence on the property.

**Table 6.1 - Permitted Accessory Uses** - is amended to add dwelling, accessory as a conditional use in the RS4 zoning district.

## **RE (Residential: Established) Zoning District**

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**Section 3.12(C): Lot Standards** - is revised to include the following:

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

### **Minimum Lot Area**

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

### **Minimum Lot Width**

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

### **Minimum Lot Frontage**

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

### **Maximum Lot Coverage**

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

### **Minimum Front Setback**

- equal to the 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 structures originally constructed for single-family use to be used in this calculation have been converted to multiple dwelling units, the total living area of the entire structure shall be used. See also Section 6.7(A)(2)(a) for Manufactured Homes.
- Multi-Family Structure: 500 square feet

### **Maximum Ground Floor Living Area**

- 40%

### **Maximum Primary Structures per Lot**

- 1

### **Maximum Height**

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

### **Single Family Residential Zoning District Maximum Gross Density**

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Sections 3.8(C), 3.9(C), 3.10(C), 3.11(C), and 3.13(C): Maximum Gross Density - is deleted.

### **Residential Zoning District Park / Playground Uses**

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

#### **Permitted Primary Park Uses**

- nature preserve / conservation area
- park / playground

#### **Conditional Primary Park Uses**

- amphitheater / outdoor venue
- athletic complex
- golf course

### **RT (Residential: Two-Family) District Intent**

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**District Intent** – is revised to read as follows:

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

## **I3 (Industrial: Heavy) District Conditional Commercial Uses**

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**Sections 3.25(B): Conditional Primary Uses**— is revised to read as follows with regard to Commercial Uses:

### **Commercial Uses**

- agricultural supply facility
- truck stop / travel center

## **Accessory Structure Vehicle Access**

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**Section 6.1(E)(4): Accessory Structure Vehicle Access** – is revised to read as follows:

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).

## **Various Vehicle Parking Provisions**

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**Section 7.1(Part 1)(D)(4) and (5): Recreational Vehicle Storage and Vehicle Maintenance** - is deleted.

**Section 7.2(Part 3): Residential Front Yard Parking** - is deleted.

## **Incidentals**

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**Section 6.1(C)(5): Other Incidentals** – is revised to read as follows:

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, doghouses, 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.

## **Electric Vehicle Charging**

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**Section 7.1(Part 1)(A)(3): General Parking Standards** - is added, to read as follows; subsequent content is re-numbered as appropriate:

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



**Section 7.1(Part 1)(E): Electric Vehicle Charging Space Requirements** - is added as follows:

- 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:** 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.
      - 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.

**Chapter 14.2: Definitions** - the select definitions indicated are added, deleted, or revised to read as follows:

**Auto Oriented Uses, Small Scale:** Uses such as gas stations, electric vehicle fueling stations, car washes, and others listed under the heading of Auto-Oriented Uses, Small Scale by the Zoning Districts Use Matrix



included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or medium scale.

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

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

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

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

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

## Wheel Stop Placement

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**Section 7.2(Part 4)(A)(5)(c): Wheel Stops for Landscaped Areas and Pedestrian Walkways** – is revised to read as follows:

- 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.

## Bicycle Rack Spacing

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**Section 7.1(Part 2)(C): Bicycle Parking Requirements** – is revised to read as follows:

- 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 12<sup>th</sup> grade shall be exempt from the bicycle rack type limitations and location and placement standards provided by Sections 7.1(Part 2)(C)(2)&(3) above. Any bicycle rack type(s) and locations on the property may be used.

**Figure 7.1: Bicycle Rack Examples**

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

## Parking Lot Public Street Frontage Landscaping

**Section 8.1(C)(1): Area #1 - Parking Lot Street Frontage** - is revised to read as follows:

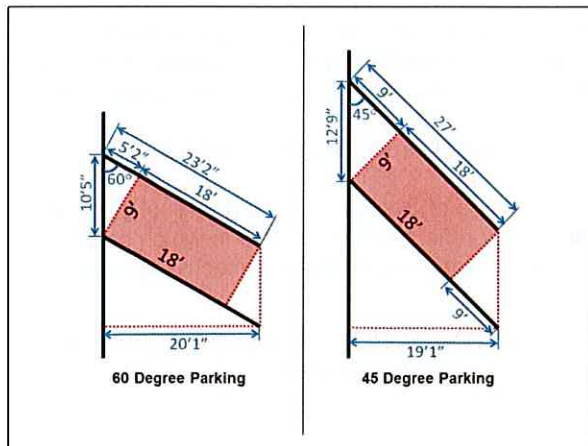
1. **Area #1 – Parking Lot Street/Road Frontage:** The front setback areas for all parking areas, including parking spaces, interior drives, and loading/unloading areas, shall be landscaped. The front setback area shall be planted with either one or a combination of the following options. Plant material 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 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.

## Parking Space Measurement

**Figure 7.2: Parking Space Measurement Illustration** - is amended to include the following:



## Solar Energy Generation

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

**Table 3.1: Zoning District Use Matrix** - is revised as follows:

Commercial Solar Energy System (CSES) is added to the use list under “Industrial Uses”.

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

**Chapter 6.10: Solar Energy Generation Systems** - is added as follows:

**Intent:** The purposes of the solar energy generation system standards are to provide clear requirements for those systems capturing solar energy for primarily on-site and neighborhood-scale use.

**These On-Site and Neighborhood-Scale System Standards apply to all zoning districts.**

- A. **On-Site Use Systems:** Solar energy systems and equipment capturing solar energy for primarily on-site (on the same property) use, with any excess amounts supplied to the electrical grid, shall be considered (1) mechanical appurtenances when attached to a structure and (2) incidental or accessory structures,

as appropriate, when ground-mounted, consistent with the applicable provisions of this Ordinance. Specifically, ground-mounted solar panels shall be regulated consistent with the provisions of Section 6.1(C)(5) regarding incidental uses and structures.

- B. **Neighborhood-Scale Systems:** Solar energy systems capturing solar energy for use primarily by those properties within a specific neighborhood or development, with any excess amounts supplied to the electrical grid, shall meet the standards provided below. The system may include building and/or ground-mounted solar panels, as well as battery storage systems, back-up generators, and other accessory components.
1. The solar energy system shall be entirely located within the neighborhood or development served.
  2. Any ground-mounted solar arrays and/or battery systems located as a primary use on a property shall:
    - a. be subject to all primary structure setbacks for the zoning district in which they are located;
    - b. be provided with a Buffer Yard Type A, in addition to the setback indicated in Section 6.10(Part 1)(B)(2)(a) above, where adjoining or visible from any public street or road or a property outside of the neighborhood or development served;
    - c. be subject to the maximum height standards for accessory structures in the applicable zoning district); and
    - d. for solar arrays, comply with the ground cover provisions of Section 6.10(Part 2)(A)(4), except where the arrays are designed to capture solar energy reflected from below, in which case crushed stone or other material may be used as necessary to provide the reflective ground cover.
  3. Any inverters and similar equipment should be located and designed to minimize the extent to which any noise generated is detectable beyond the property on which it is located.

**Chapter 14.2: Definitions** - the select definitions indicated are added, deleted, or revised to read as follows:

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

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

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

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

**Neighborhood-Scale Solar Energy System:** A system that captures and converts solar energy into electricity primarily for use by a specific neighborhood or development of homes, commercial businesses, public facilities, and/or industries. The system is located in the neighborhood or development for which it provides electricity and may include a combination of roof/building mounted and/or ground-mounted solar arrays, as well as a battery storage system, back-up generators, and other accessory components. Any



excess, but clearly secondary, amounts of energy generated but not utilized by the neighborhood or development may be supplied to the electrical grid.

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

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

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

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

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

ORDINANCE NO. \_\_, 20\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY  
OF COLUMBUS, INDIANA, AUTHORIZING A DIRECT LOAN  
TO THE DEVELOPER OF AN ECONOMIC DEVELOPMENT  
FACILITY (6<sup>th</sup> & WASHINGTON PROJECT) AND APPROVING  
OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Columbus, Indiana (the "City"), is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 36-7-11.9, I.C. 36-7-12 and I.C. 36-7-14 (collectively, the "Act"), is authorized and empowered to adopt this ordinance (this "Ordinance") and to carry out its provisions; and

WHEREAS, the Act declares that the financing and refinancing of economic development facilities (as defined in the Act) constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City is authorized to make loans for the purpose of financing, reimbursing or refinancing all or a portion of the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, F&C Development, Inc. or an affiliate thereof (the "Developer") has informed the City that it desires to construct certain economic development facilities within the City which will consist of a four to five-story, mixed-use, multi-family development, including approximately 50 luxury apartments and 10,000 square feet of first-floor commercial space, with an approximate total development cost of \$16,000,000, on certain real property generally located on a parcel on the northwest corner of the intersection of 6<sup>th</sup> Street and Washington Street in the City (the "Project"), and has requested that the City make a loan to the Developer for the purposes of financing or reimbursing the Developer for a portion of the costs of acquisition, construction and/or equipping of the Project; and

WHEREAS, the Project will be physically connected to, and will directly serve and benefit, the Central Economic Development Area and the Central Allocation Area (the "Allocation Area"); and

WHEREAS, the Developer has advised the City and the City of Columbus Economic Development Commission (the "Commission") that the City make a loan to the Developer pursuant to the Act in an amount not to exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000) for the purpose of financing a portion of the costs of the Project (the "Loan") as described in the proposed Financing and Loan Agreement between the City and the Developer (the "Loan Agreement"); and

WHEREAS, the completion of the Project will result in the creation of jobs, the diversification of industry and the creation of business opportunities in the City; and

WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public hearing on the proposed financing of a portion of the Project costs (the "Public Hearing"); and



WHEREAS, on the date specified in the notice of the Public Hearing, the Commission conducted the Public Hearing, and adopted its evaluative report and resolution, which have been transmitted to the Common Council, finding that the financing of a portion of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City and its citizens; and

WHEREAS, the Commission has performed all actions required of it by the Act preliminary to the adoption of this Ordinance and has approved and forwarded to the Common Council the forms of: (1) the Loan Agreement; (2) the Funding and Reimbursement Agreement (the "Funding Agreement") between the City and City of Columbus Redevelopment Commission (the "Redevelopment Commission"); and (3) this Ordinance (the Loan Agreement, the Funding Agreement, and this Ordinance, collectively, the "Financing Agreements"); and

WHEREAS, pursuant to Indiana Code 36-7-14-39(b)(3), the Redevelopment Commission may use certain incremental property taxes, among other purposes, to reimburse the City for expenditures (including loans) made for local public improvements (which include buildings, parking facilities, and all expenses reasonably incurred in connection with the acquisition and redevelopment of property) that are physically located in or physically connected to the Allocation Area; and

WHEREAS, prior to making of the Loan, the Redevelopment Commission will, subject to the approval of the Common Council, pledge tax increment revenues currently on deposit in the allocation fund for the Allocation Area (the "Central TIF Revenues") to simultaneously reimburse the City for its costs incurred to fund the Loan to the Developer with respect to the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, THAT:

1. Findings; Public Benefits. The Common Council hereby finds and determines that the Project involves the acquisition, construction and equipping of an "economic development facility" as that phrase is used in the Act; that the Project will increase employment opportunities and increase diversification of economic development in the City, will improve and promote the economic stability, development and welfare in the City, will encourage and promote the expansion of industry, trade and commerce in the City and the location of other new industries in the City; that the public benefits to be accomplished by the making of the Loan to the Developer to finance and/or reimburse Project costs, in tending to overcome insufficient employment opportunities, insufficient diversification of industry and lack of adequate downtown housing, are greater than the cost of public works or services (as that phrase is used in the Act) which will be required by the Project; and, therefore, that the financing of a portion of the Project by the making the Loan to the Developer under the Act: (i) will be of benefit to the health and general welfare of the City; and (ii) complies with the Act.

2. Approval of Financing. The proposed financing of the Project by the funding of the Loan to the Developer under the Act, in the form that such financing was approved by the Commission, is hereby approved.



3. Terms of the Loan. (a) A portion of the costs of the Project will be funded by the Loan to the Developer. The City shall fund the Loan, in the aggregate principal amount not to exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000), from Central TIF Revenues currently on deposit in the Allocation Area, and pledged by the Redevelopment Commission to the City for the purposes of making the Loan to the Developer under the Act and the terms of the Loan Agreement. The Loan shall (i) mature on the Maturity Date (as defined herein), (ii) bear no interest, unless interest must accrue for tax purposes of the Developer, in which case the interest rate shall not exceed seven percent (7.0%) per annum and such interest shall be deferred until maturity, and (iii) be secured by the pledge of an unsecured promissory note of the Borrower. The proceeds of the Loan shall not be disbursed to the Developer unless and until the Developer closes on its construction loan for the Project with its Project lender. Unless the Developer has abandoned the Project or otherwise failed to timely and substantially complete the Project by the Maturity Date (as defined herein), the principal of and interest, if any, on the Loan shall be forgiven upon: (i) the earlier of the substantial completion date of the Project, an agreed-upon outside required date for completion, or upon the repayment of principal and interest, if any, of the Loan, or (ii) at the discretion of the Developer, annually in the amount of the real property taxes assessed against the Project and actually paid by the Developer (collectively, the "Maturity Date"). In the event that the Loan is forgiven, it is hereby acknowledged that the consideration received by the City for the Loan being forgiven is the completion of the Project by the Developer and the economic benefits resulting to the City therefrom.

(b) The Loan and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City. Forms of the Financing Agreements are before this meeting and are by this reference incorporated in this Ordinance, and the Clerk of the City is hereby directed, in the name and on behalf of the City, to insert them into the minutes of the Common Council and to keep them on file.

4. Execution and Delivery of Financing Agreements. The Mayor, the Clerk and the Controller of the City are hereby authorized and directed, in the name and on behalf of the City, to execute or endorse and deliver the Financing Agreements, submitted to the Common Council, which are hereby approved in all respects.

5. Changes in Financing Agreements. The Mayor, the Clerk and the Controller of the City are hereby authorized, in the name and on behalf of the City, without further approval of the Common Council or the Commission, to approve such changes in the Financing Agreements as may be permitted by the Act, such approval to be conclusively evidenced by their execution thereof.

6. General. The Mayor, the Clerk and the Controller of the City, and each of them, are hereby authorized and directed, in the name and on behalf of the City, to execute or endorse any and all agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by them, or either of them, to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this Ordinance (including the preambles hereto and the documents mentioned herein), the Project, the making of the Loan, and the securing of the Loan under the Financing Agreements, and any such execution, endorsement, performance or doing of other things heretofore effected be, and hereby is, ratified and approved.



7. Binding Effect. The provisions of this Ordinance and the Financing Agreements shall constitute a binding contract between the City and the Developer, and after making the Loan, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the Developer.

8. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

9. Effective Date. This Ordinance shall be in full force and effect immediately upon adoption and compliance with I.C. § 36-4-6-14.

10. Copies of Financing Agreements on File. Two copies of the Financing Agreements incorporated into this Ordinance were duly filed in the office of the Clerk of the City, and are available for public inspection in accordance with I.C. § 36-1-5-4.

[Signature Page Follows]

DULY PASSED on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Common Council of the City of Columbus, Indiana.

COMMON COUNCIL OF THE  
CITY OF COLUMBUS, INDIANA

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk

Presented by me to the Mayor of the City of Columbus for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock a.m./p.m.

\_\_\_\_\_  
Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16 (a)(1), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock a.m./p.m.

\_\_\_\_\_  
Mayor of the City of Columbus, Indiana

Attest:

\_\_\_\_\_  
Clerk



**RESOLUTION # \_\_\_\_\_**

**A RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS BETWEEN  
CATEGORIES IN AVIATION NON-REVERTING FUND FOR THE BUDGET YEAR 2023**

**WHEREAS**, on October 18, 2022, the Common Council of the City of Columbus approved Ordinance #38, the Columbus City budget for 2023; and

**WHEREAS**, when approving this budget, Council approved spending in Aviation Non-Reverting Fund; and

**WHEREAS**, Aviation has experienced a significant increase in fuel sales during the month of November which has resulted in increased Sales Tax on the fuel sales beyond the additional appropriation provided in November/December; and

**WHEREAS**, Aviation will reallocate funds totaling \$100 from the Supplies line item of Self Fueling to help cover capital expenditures for the shortfall in the Sales Tax line item; and

**WHEREAS**, cities have the ability to transfer funds between categories with approval of Common Council;

**NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA** that the City wishes to:

**Transfer From:                    Aviation Non-Reverting Fund**

Account Number :        63260000-522000 Self Fueling  
Amount:                    \$100

**Transfer To:                    Aviation Non-Reverting Fund**

Account Number :        63260000-538700 Self Fueling Sales Tax  
Amount:                    \$100

**BE IT FURTHER ORDAINED**, that the above transfer shall be effective as of the date of adoption of this Resolution.

**BE IT FURTHER ORDAINED**, that the Clerk-Treasurer and the Mayor be and are hereby authorized and empowered and directed to take any and all further actions necessary to effect these transfers.

**ADOPTED**, by the Common Council of the City of Columbus, Indiana, this \_\_\_\_ day of \_\_\_\_, 2023 at \_\_\_\_ o'clock P.M. by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Presiding Officer

**ATTEST:**

\_\_\_\_\_  
Luann Welmer  
Clerk Treasurer, City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana the \_\_\_\_ day of \_\_\_\_, 2023 at \_\_\_\_ o'clock  
P.M.

\_\_\_\_\_  
James D. Lienhoop  
Mayor, City of Columbus, Indiana