

**COMMISSIONER'S MEETING**  
**June 27, 2011**

The Bartholomew County Commissioners met in regular session on June 27, 2011 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Carl Lienhoop called the meeting to order at 10:00 am. Commissioner Larry Kleinhenz, Commissioner Paul Franke, Auditor Barbara J. Hackman were also in attendance. County Attorney J. Grant Tucker came in late to the meeting. County Assessor Lew Wilson gave the Invocation and led the Pledge of Allegiance.

Next, the minutes of the June 20, 2011 meeting were approved unanimously on a motion by Commissioner Kleinhenz and seconded by Commissioner Franke.

The Payroll Claims were presented for approval. Commissioner Franke made a motion to approve the Payroll Claims. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Chairman Lienhoop read the New Permits Report from 6/20/2011 to 6/24/2011. Forty-nine permits were issued with a fee amount of \$3,087.00 and a valuation amount of \$977,161.00.

County Highway Engineer Danny Hollander presented the Commissioners with a letter to send to County Surveyor E.R. Gray requesting right-of-way description assistance for Bridge #45 on 425 North just east of 800 East. Commissioner Kleinhenz made a motion to approve sending this request letter to County Surveyor E.R. Gray in

regards to Bridge #45. Commissioner Franke seconded the motion that passed unanimously.

Next, Engineer Hollander presented the Commissioners with the Weekly Crew Report. Last week, the Highway Crew mowed in Harrison, Hawcreek, Jackson, and Rockcreek Townships, patched roads, replaced pipes on Youth Camp, 525 South, 700 South, and 750 West, added on to a pipe on 300 West at the campground, milled joints for overlay, wedged on 650 North, 50 West, Heflin Park, and at the Fairgrounds, chipped brush, swept sand off of the Southern Crossing Bridge, and worked on signs. Commissioner Franke and Commissioner Kleinhenz both commented on what a great job the Highway Crew is doing with the mowing.

Commissioner Kleinhenz mentioned that the intersection of Old Nashville Road and Baker Hollow Road is a very dangerous intersection that will be included into next year's CEDIT plan for improvement.

Next, Planning Department Director Jeff Bergmann presented the Commissioners with the Consideration of an Ordinance Amending the Columbus and Bartholomew County Zoning Ordinance for the Jurisdiction of Bartholomew County on First Reading. The last time this Ordinance was amendment was in 2009. The Planning Commission has approved amending this Zoning Ordinance and had a public hearing about this ordinance. Both the City and County are involved in this ordinance and will make similar revisions to this ordinance. The amendments to this Zoning Ordinance are show beginning on page 3.

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

**Favorably Recommended by  
Bartholomew County Plan Commission General Resolution 2011-01**

**WHEREAS**, on February 4, 2008 the Board of Commissioners of Bartholomew County passed Ordinance No.3, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of Bartholomew County; and

**WHEREAS**, since the adoption of that replacement zoning ordinance its effectiveness has been review and evaluated by the Bartholomew County Plan Commission and its professional staff; and

**WHEREAS**, the Plan Commission and its professional staff have identified provisions of the replacement zoning ordinance that require and/or clarification; and

**WHEREAS**, the Plan Commission, acting through its professional staff, has prepared a setoff revisions for the replacement zoning ordinance for the jurisdiction of Bartholomew County; and

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

**WHEREAS**, the Bartholomew County Comprehensive Plan, adopted in a series of elements from 1999 to 2003, provides the policy guidance for the creation and revision of the zoning ordinance; and

**WHEREAS**, the Bartholomew County Plan Commission on June 8, 2011, hold a legally advertised public hearing on the zoning ordinance revisions and has certified a favorable recommendation for their adoption to the Board of Commissioners; and

**WHEREAS**, the Board of Commissioners of Bartholomew County, Indiana has considered the criteria provided by IC 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 Board of Commissioners of Bartholomew County, Indiana, as follows:

## **SECTION 1: Zoning Ordinance Amended**

The Columbus & Bartholomew County Zoning Ordinance, adopted as Ordinance No. 3, 2008, is amended for the jurisdiction of Bartholomew County as follows:

1. Errors & Omissions: Errors and omissions in the document are corrected as described below:
  - a. Chapter 3.5 Intent is revised to read "...and non-agricultural property within the community."
  - b. Chapter 3.16(A) is amended to delete the "Agriculture Use" heading and the "farmer's market" use listed under that heading.
  - c. Table 3.1 – Commercial Uses, Personal Service Uses is revised to delete "bank".
  - d. Table 3.1 – Industrial Uses, Light Industrial Processing & Distribution / Tool and Die Shop is revised to correct the spelling of "die".
  - e. Section 6.1(C)(3) is revised to be titled and read as "...outdoor storage, display and/or sales". The same change is made in all instances where similar phrasing is used in Subsections 6.1(C)(3)(b) and (d).
  - f. Section 6.1(C)(3)(c) is revised to read "Loading Areas: Any outdoor staging area intended for the temporary loading and/or unloading of materials shall be clearly marked as such. These staging areas may not be used for outdoor storage, display and/or sales unless they meet the requirements for such uses provided by this Chapter."
  - g. Sections 6.1(C)(3)(f), (g) and (h) are revised to consistently refer to "...outdoor sales and/or display...". This includes all similar phrasing in all subsections.
  - h. Section 6.1(C)(3)(g)(ii) is revised to read "All outdoor sales and/or display areas shall be paved..."
  - i. Section 6.1(C)(3)(h)(ii) is revised to make reference to Section 8.1(C)(1), rather than 8.1(C)(3)(a).
  - j. Section 6.1(D)(1) is revised to read "...otherwise commonly known as..."
  - k. Section 6.8(A)(1) is revised to reference Section 6.8(D) rather than 6.8(C).
  - l. Section 7.1(Part 1)(A)(5) is deleted.

- m. Section 7.2(Part 1)(A) is revised to delete subsections 4, 5, and 6; with subsections 7 and 8 renumbered as appropriate.
- n. Section 7.2(Part 4)(A)(1) is revised to read “All parking spaces and any driveways, including any access drives shall be paved.”
- o. Section 7.2(Part 4)(C) is revised to consistently apply the phrase “loading areas”.
- p. Section 7.3(Part 1)(C)(3)(c)(ii) is revised to read “Collector Street or Road: 200 feet”
- q. Section 8.2(E)(4) is revised to reference “Section 8.2(C)(1)(c)”.
- r. Section 9.1(A)(2) is deleted. Also, Section 9.1(A)(1) is merged with Section 9.1(A).
- s. Section 9.1(B)(4) is revised to read “...the permitted height requirements for primary structures for the zoning district...”
- t. Section 9.4(E)(1) is revised to read “...directed toward adjacent streets, roads, or adjoining properties.”
- u. Section 9.4(A) is revised to read as follows: (i) “...not to exceed 0.1 foot-candles is hereby established as a consistent...”, (ii) “...in instances where exterior lighting at property lines is to be regulated” and (iii) “...in determining compliance with exterior lighting standards related to property lines”.
- v. Section 10(D)(7) is revised to read “...on which the sign is located, with the exception of multi-lot freestanding signs permitted by Section 10(H)(3)(c).”
- w. Section 10(E) is revised to read “The following signs are permitted and shall not require a permit...”
- x. Section 10(H)(3)(c) is revised to correctly spell “property” in line 7.
- y. Section 10(H)(17) is revised to read “...in a manner that reduces the width of a required sidewalk to less than 5 feet.”
- z. Table 10.1 is revised to include additional description of the requirements for added clarity as follows:
  - i. Wall Sign (ground floor uses): “Maximum Number (for each public street or road frontage per use)”
  - ii. Wall Sign (ground floor uses): “Maximum Total Area for all Wall Signs per Use (whichever is less)....”
  - iii. Wall Sign (upper floor uses): “Maximum Total Area for all Wall Signs

- iv. Freestanding Sign (single use lot): “Maximum Number (for each public street or road frontage per lot)”
  - v. Freestanding Sign (single use lot): “Maximum Area for Each Sign (square feet)”
  - vi. Freestanding Sign (multiple use lot): “Maximum Number (for each public street or road frontage per lot)”
  - vii. Freestanding Sign (multiple use lot): “Maximum Area for Each Sign (square feet)”
  - viii. Development Entry Sign: “Maximum Number (per public street/road access point)”
  - ix. Directional Sign: “Maximum Number (per driveway)”
  - x. Directional Sign: “Maximum Area per Sign (square feet)”
  - xi. Directory Sign: “Maximum Area per Sign (square feet)”
  - xii. Window Sign: “Maximum Total Area for all Window Signs per Use (whichever is less). . . .”
  - xiii. Suspended Sign: “Maximum Area per Sign (square feet)”
  - xiv. Pedestrian Entry Sign: “Maximum Area per Sign (square feet)”
  - xv. Banner Sign: “Maximum Area per Sign (square feet)”
- aa. Section 11.3(B)(4) is revised to reference Section 11.5(B)(8).
- bb. Section 11.4(B)(3) is revised to correct the spelling of “compliance” and “structure”.
- cc. Section 12.9(B)(2) is revised to correct the spelling of “from”.
- dd. Chapter 14.2 “Frontage” definition is revised to read as “The location where a lot or other parcel abuts a street or road. See also *Lot Frontage*”.
- ee. Chapter 14.2 “Agricultural Structure” definition is revised to read “An agricultural structure shall be distinguished. . . .”
- ff. Chapter 14.2 “Road” definition is revised to read “...that affords vehicular access to abutting property, excluding those that meet the definition of a street. See also *Street*.”
- gg. Chapter 14.2 “Worship Facility” definition is revised to read “...or any other facility used primarily for worship. . . .”
2. Section 1.2(B)(2) – Federal and State Property: is revised to read “This ordinance shall not apply to any property owned or occupied by the government of the State of Indiana or the United States of American (consistent with IC 36-7-4-1104). However, this ordinance shall apply to all property owned and/or operated by other units of local government. . . .”

3. Section 1.2(B) – Utility Exemptions: subsection 1.2(B)(5) is added reading “Utility Facilities: This ordinance shall not apply to the supply, distribution, collection, or other service facilities of any utility that both (a) is regulated by the Indiana Utility Regulatory Commission and (b) has been granted the power of eminent domain. This exemption includes installations such as transmission lines, water towers, treatment plants, booster stations, lift stations, etc. This exemption does not include general office space, equipment yards, and other similar administrative facilities the location of which does not relate to the provision of utility services.” Also, a note stating “See also Section 1.2(B)(5) for exemptions.” is added to the Communications/Utility Uses section header of Table 3.1 and each Section A (Permitted Primary Uses) and Section B (Conditional Primary Uses) in Chapters 3.4 through 3.24 that include listings of Communication / Utility Uses.
4. Section 1.3(B) – Overlapping Regulations: is deleted and replaced with the following: “This Ordinance shall apply regardless of any private covenants, private contracts, or private agreements. In no instance shall this Ordinance be interpreted as altering or negating any such private restrictions or any other applicable regulations, state laws, or federal laws, or preventing their enforcement by the appropriate entity.”
5. Section 1.4(G)(3) – Bodies of Water: is amended for the 2<sup>nd</sup> sentence to read as follows: “...shall be construed as moving with any changes in the actual shore line and including all aspects of any uses that extend from the shore line into the water, such as marinas, mineral extraction operations, floating restaurants, etc., even if their only presence on land is a dock or other departure point.”
6. Article 3 – Commercial: Downtown Support (CDS) Zoning District: is amended to include a new Commercial: Downtown Support zoning district as Chapter 3.17; with the Intent, Permitted Uses, Conditional Uses, Lot Standards, and Utility Connections & Subdivision Limitations as portrayed on the attached Exhibit “A” (which is made a part of this ordinance). Also, all cross-references and other Zoning Ordinance content is re-organized as appropriate to accommodate the added zoning district. Further, the following specific changes are made to the development standards and other related content:
  - a. Table 3.1 (Zoning Districts Use Matrix) is updated to include the CDS district and its permitted and conditional uses.
  - b. Table 6.1 (Permitted Accessory Uses) is updated to include the CDS district, with all content to duplicate that of the CC zoning district.
  - c. Table 6.2 (Permitted Accessory Structures) is updated to include the CDS district, with all content to duplicate that of the CC zoning district.
  - d. Table 6.5 (Telecommunications Facilities Table) is updated to include the CDS district, with all content to duplicate that of the CD zoning district.
  - e. Section 7.1(A)(1) is revised to read “Downtown and Downtown Support Exemptions: all properties located in the CD, Commercial Downtown and CDS, Commercial Downtown Support zoning districts shall be fully or partially

exempt from the requirement that off-street parking spaces be provided as described below. However, all design, construction, and other requirements established by this Article shall apply to any parking areas that are established. (a) all properties located in the CD, Downtown Commercial zoning district shall be fully exempt. (b) all properties located in the CDS, Downtown Commercial Support zoning district may provide only 50% of the parking spaces otherwise required by this Ordinance if the use of the property is not auto-oriented, the use of the property does not include any drive-up window or facility, and the primary structure establishes a primary pedestrian entrance and zero (0) foot build-to-line on at least 1 public street frontage.”

- f. Section 7.3(Part 1)(D)(5) is revised to read “...with the exception of those located in the CD, Commercial Downtown and CDS, Commercial Downtown Support zoning districts, shall maintain a clear vision area...”
  - g. Section 8.1(A)(1) is revised to read “Downtown and Downtown Support Districts: Properties located within the CD, Commercial Downtown and CDS, Commercial Downtown Support zoning districts shall be exempt...”
  - h. Tables 8.3 and 8.4 (Required Buffer Types Tables) are updated to include the CDS district, with a type “A” buffer required between this district and all residential zoning districts.
  - i. Table 10.1 (Permitted Signs Table) is updated to include the CDS district, with all content to duplicate that of the CC zoning district.
  - j. Section 14.2 – Commercial Zoning District definition is revised to also include the CDS, Commercial Downtown Support zoning district.
7. Section 3.2(C) – Minor Essential Services: is revised to state “Minor essential services shall be permitted in all zoning districts; no permit shall be required.” Also, the following text is added: “Minor essential services shall also include unstaffed utility installations, such as sewer lift stations, used in direct support of collection or distribution systems. In no instance shall minor essential services be deemed to include waste water treatment plants, water towers, or any other uses specifically listed in Chapters 3.4 through 3.24 and Table 3.1. Further, minor essential services shall not include any telecommunications facilities regulated by Chapter 6.8.”
8. Section 3.3(C)(2) – Lot Area: is revised to read “...excluding any rights-of-way or similar dedications to the public and any areas that are regularly covered by water a majority of the calendar year.”
9. Section 3.3(C)(6) – Setback from Interstate Highways: is revised to include a subsection “c” which reads “Interstate Highways: The minimum setback for all interstate highways shall equal that which is specified for an Arterial Road in the applicable zoning district.”
10. Sections 3.4(C), 3.5(C) and 3.6(C) – Minimum Lot Frontage: are revised to set the minimum lot frontage to 30 feet for all lots.
11. Sections 3.7(B) through 3.15(B) and Section 3.17(B) – Community Garden: are revised



to add “community garden” to the list of Conditional Primary Uses under the heading of Public / Semi-public Use. Also, “community garden” is added as a Public / Semi-public Use in Table 3.1 and indicated as conditional in the RR, RS1, RS2, RS3, RS4, RE, RT, RM, RMH, and CN zoning districts. Further, Chapter 14.2 is revised to include a definition of community garden as follows: “Community Garden: a location where a government agency, neighborhood association, church group, or other entity offers seasonal garden plots or a common garden area for use by the public to grow fruits and vegetables for their individual household and/or community use. The term community garden includes associated parking areas, tool sheds, and water supplies, but not the sale or distribution of the items grown on site.”

12. Section 3.21(A) – Community Garden: is revised to add “community garden” to the list of Permitted Primary Uses under the heading of Public / Semi-public Use. Also, Table 3.1 is amended to indicate “community garden” as permitted in the P zoning district.
13. Section 3.12(C) – Minimum Garage Front Setback in the RE District: is revised for the minimum front setback text to read as follows “...of the subject property, however all garages with a vehicle entrance facing a public street shall have a minimum front setback of 25 feet.”
14. Sections 3.7(C) through 3.13(C) – Maximum Accessory Structure Height: is revised to add the following to the maximum height provisions for an accessory structure “(or the height of the primary structure on the property, whichever is less).”
15. Section 3.12(C) – Residential Established (RE) Accessory Structure Setback: is revised for the minimum side and rear yard setbacks to be 3 feet.
16. Section 3.16(C) – Downtown Commercial (CD) Primary Structure Maximum Height: is revised for the maximum height for primary structures to read “125 feet, except for the following - (1) Washington Street Frontage: 60 feet, for the one-half block on each side of Washington Street between 2<sup>nd</sup> and 8<sup>th</sup> Streets and (2) Residential Context: 50 feet, within one-half block of an RE (Established Residential) Zoning District”.
17. Section 3.16 – Downtown Commercial (CD) Intent: is revised to make the CD district a site development plan district by adding the following “The ‘CD’, Commercial, Downtown zoning district is established as a Site Development Plan district consistent with the IC 36-7-4-1400 series and Chapter 12.8 of this Ordinance.” Also, Section 12.8(G)(1)(b) is deleted and replaced with “change the primary use to a different use for which this Ordinance has established different use-related development standards (such as minimum number of parking spaces required, etc.).”
18. Section 3.21 – Public / Semi-public Facilities (P) Intent: is revised for the 3<sup>rd</sup> sentence to read “This district should be applied in those locations where a single facility or combination of facilities forms an institutional center.”

19. Table 3.1 – Public / Semi-public Uses – Places of Assembly: is revised to establish “community centers” and “worship facilities” as permitted uses in the CC and CR zoning districts. Also, Sections 3.19(A) and (B) and 3.20(A) and (B) are amended to reflect this change.
20. Table 3.1 – Public / Semi-public Uses – Day-care Centers: is amended to establish “day-care centers (adult or child)” as conditional uses in the RS1, RS2, RS3, RS4, RE, RT, RM, and RMH zoning districts. Also, Section (A) of Chapters 3.8 through 3.15 is revised to reflect this change.
21. Chapter 5.7 – PUD Modifications: is revised to be titled as “Modifications”, with corresponding revisions to the article and document tables of contents. Also, Section 5.7(A) is re-titled as “Minor Modifications” and Sections 5.7(B) and 5.7(C) are re-organized as Subsections 5.7(A)(3) and (4) respectively. Further, a new Section 5.7(B) is added as follows: “Major Modifications: All modifications that exceed the limitations for minor modifications shall be considered major modifications. The application and review procedure and decision criteria for a major modification shall be the same as that for a PUD final plan and rezoning established by Chapter 5.4 of this Ordinance.”
22. Section 5.8(B) – PUD Final Plan Expiration: is deleted and replaced with the following: “Final Plan Expiration: Final PUD Plans that take the form of a site plan for an individual lot shall expire consistent with the provisions of IC 36-7-4-1109. Final Plans that take the form of a set of specifications and/or regulations for all or part of the PUD area shall not expire.”
23. Section 6.1(C)(2) – Trash & Recycling Containers: is revised to add a new 4<sup>th</sup> sentence as follows: “No such dumpster or other similar container shall be located in any front yard, with the exception of the front yard opposite the front orientation of the primary structure in the case of a through lot.”
24. Section 6.1(C)(3)(b) – Outdoor Storage, Display and/or Sales Locations: is revised to read “...loading area, accessway, required accessory structure setback or applicable...”
25. Section 6.1(C)(3)(e) – Outdoor Storage, Display and/or Sales Exemptions: is revised to reorganize the existing text as Subsection 6.1(C)(3)(e)(ii), to add the following as a replacement 6.1(C)(3)(e): “Exemptions: The following exemptions shall apply:”, and add a new 6.1(C)(3)(e)(i): “Vending machines shall be exempt from these outdoor storage, display and/or sales standards provided they are accessory to a use other than single or two-family residential, that the items for sale are completely enclosed in the vending device, and they are not located in any required accessory structure setback area or buffer yard.”
26. Section 6.1(C)(3)(f)(iii) – Temporary Sales and/or Display Business Hours: is revised to read “...left outside beyond typical daytime business hours (6:00 a.m. to 10:00 p.m.) shall require...”

27. Section 6.1(C)(3)(g)(iii) – Sales and/or Display Area Enclosure: is revised to read “...fence or wall of a height equal to the items displayed, up to a maximum of 8 feet and made of...”
28. Section 6.1(E)(3) – Yard Location for Accessory Structures: is revised to add a 3<sup>rd</sup> sentence that reads “In the case of through lots the prohibition on accessory structures in the front yard shall apply only to the front yard to which the primary structure faces; accessory structures shall be prohibited from being located in the required setback for the other front yard.”
29. Section 6.1(E)(4) – Vehicle Access to Accessory Structures: is revised to read “...shall be setback no less than 25 feet from the adjacent right-of-way (to allow for off-street parking). Properties located in the RE, Established Residential zoning district shall be exempt from this requirement in the case of access from alleys, but not where vehicle access is provided by a public street or road.”
30. Section 6.1(F)(4) – Swimming Pools and Hot Tubs: is deleted in its entirety and replaced with “The provisions of this Ordinance shall only apply to pools and hot tubs that exceed 18 inches in depth.”
31. Section 7.1(Table 7.1) – Multi-family Parking Requirements: is revised as follows:

Residential Uses		
For this use..	...the following minimum number of parking spaces is required..	...for every:
Bed and Breakfast Facility	2	facility (to serve the resident family), <b>plus</b>
	1	guest room
Single and Two-family Residential	2	dwelling unit
Multi-family Residential and Manufactured Home Parks	1.5	dwelling unit, <b>plus</b>
	1	non-resident employee in multi-family developments and manufactured home parks, <b>plus</b>
	1	6 persons of seating capacity in any accessory community center, meeting hall, or similar facility.
Nursing Homes, Assisted Living Facilities and other Similar Uses	1	dwelling unit, 3 beds, or 2 patient rooms, whichever is less, <b>plus</b>
	1	employee

32. Section 7.1(Part 1)(A)(2) – On-street and Public Parking: is revised to read as follows:

“On-premise Requirements: All required parking spaces shall be located on the same property with the use(s) for which they are required, with the following exceptions:

- a. On Street and Public Parking: uses in all commercial, public / semi-public, and industrial zoning districts may count 20% of any public spaces within 300 feet of the property on which the use is located toward meeting the minimum number of required parking spaces. Public spaces include those both (i) located on streets upon which the subject property has frontage and (ii) located in public parking lots.
  - b. Off-site and Shared Parking: off-site and/or shared parking may be established consistent with Section 7.1(Part 2)(A) of this Ordinance.”
33. Section 7.1(Part 2)(C)(Table 7.4) – Bicycle Parking: is deleted and replaced with the following:

Total Vehicle Parking Spaces Required	Bicycle Spaces Required
1 - 25	0
26 - 250	2
over 250	4

34. Section 7.2(Part 4)(B)(1) – Parking Lot Front Setback: is revised to add a new 3<sup>rd</sup> sentence that reads “The provided setback area shall be designed, constructed, and maintained as a grass lawn or landscaped area.” The current 3<sup>rd</sup> sentence becomes the 4<sup>th</sup> sentence.
35. Section 7.2(Part 4)(B)(2) – Parking Lot Side and Rear Setback: is revised to add a new 2<sup>nd</sup> sentence that reads “The provided setback area shall be designed, constructed, and maintained as a grass lawn or landscaped area.” The current 2<sup>nd</sup> sentence becomes the 3<sup>rd</sup> sentence. Also, the following is added as the 4<sup>th</sup> sentence: “Also exempt shall be instances where new property lines are added in existing parking lots as part of infill development and/or redevelopment activities.”
36. Section 7.2(Part 4)(B)(4) – Interior Driveway Width Requirements: is revised to add a new subsection (d) that reads “20 feet for two-way traffic and no parking”.
37. Section 7.3(Part 1)(D)(2) – Driveway Entrance Width: is deleted and replaced with the following:

“All entrances shall be designed to provide clear, distinct points by which vehicles enter and exit property. Typically, a vehicle access point shall include one entry and one exit lane of adequate, but not excessive, width to accommodate the anticipated vehicle user types. Multi-family and non-residential accesses may also include turn lanes as deemed acceptable by the City Engineer. All access point widths shall be measured at the right-of-way line. The measurement shall exclude any acceleration or deceleration lanes, tapers, and turning radii. No access point to a single or two-family residential use shall exceed 24 feet in width. No access point to a multi-family residential or non-residential use shall exceed 14 feet in width per lane where typical access is by passenger

automobiles and 20 feet in width per lane where access is by large vehicles (service vehicles, school buses, delivery vehicles, semi-tractor trailers, etc.).” Also, Section 7.3(Part 1)(D)(3) is revised to read “...shall be a minimum of 6 feet in width and a maximum of 10 feet in width.”

38. Section 7.3(Part 1)(D)(5)(Table 7.7) – Intersection Visibility Requirements: is deleted and replaced with the following:

Measure along this type of street, road, or driveway the distance shown...		..from its intersection with this type of street, road, or driveway.			
		Arterial	Collector	Local	Driveway or Alley
Arterial	Thru or Yield Controlled	150	150	150	150
	Stop Sign or Light Controlled	15	15	15	15
Collector	Thru or Yield Controlled	75	75	75	75
	Stop Sign or Light Controlled	15	15	15	15
Local	Thru or Yield Controlled	75	75	75	75
	Stop Sign or Light Controlled	15	15	15	15
Driveway or Alley	Thru or Yield Controlled	65	40	40	Not Applicable
	Stop Sign or Light Controlled	15	15	15	15

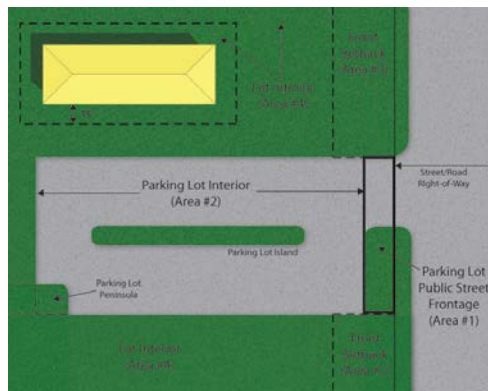
Also, Figure 7.6 is deleted. Further, Section 7.3(Part 1)(D)(5)(a) is revised to read “The sight visibility triangle shall be established by connecting points along the nearest edge of the nearest travel lane at the distances...”.

39. Section 7.3(Part 2)(A) – Sidewalk Exemptions: is deleted and replaced with the following:

“Public Sidewalks Required: All development in Multi-Family Residential, Commercial, Public/Semi-Public and Industrial zoning districts shall provide public sidewalks in all adjoining street and road rights-of-way.

1. Exemptions: The following exemptions shall apply to this requirement:
  - a. No sidewalks shall be required adjacent to Interstate Highways or within other similar street or road rights-of-way where pedestrians are prohibited.
  - b. Development in industrial zoning districts shall not be required to provide sidewalks along any Local Street or Road.
  - c. Sidewalk replacement shall not be required in situations where sidewalks are already present, but do not meet the minimum design and construction requirements of the Subdivision Control Ordinance.
  - d. No sidewalk shall be required for development on property for which the Plan Commission has previously granted a modification of the sidewalk requirement of the Subdivision Control Ordinance.

2. **Design & Construction Requirements:** All sidewalks shall be designed and constructed to meet the sidewalk requirements of the Subdivision Control Ordinance for the street or road with which they are associated. This includes any increased requirements necessary to provide a sidepath or multi-use trail as specified by the Columbus Bicycle & Pedestrian Plan Comprehensive Plan Element.
  3. **Sidewalks Beyond Existing Right-of-Way:** The sidewalk and a sidewalk easement shall be provided adjacent to the existing right-of-way in all instances where that right-of-way is of insufficient width for sidewalk installation.
  4. **Asphalt Path Option:** The Planning Director may authorize an asphalt path as an acceptable alternative for a sidewalk in the jurisdiction of Bartholomew County.”
40. Section 8.1(C)(1) – Parking Lot Frontage Landscaping: an additional sentence is added that reads: “For the purpose of determining the amount of landscaping required the frontage shall be rounded to the nearest 50 feet.” Also, Subsection 8.1(C)(1)(a) is revised to read “...a minimum of 1 large tree or 1.25 medium trees (excluding ornamental trees), plus...” Further, Subsection 8.1(C)(1)(b) is revised to read “A minimum of 1 large tree or 1.25 medium trees (excluding ornamental trees), plus...”
41. Section 8.1(C)(2)(c) – Parking Lot Interior Landscaping: is revised to read “A minimum of 1 large tree or medium tree (excluding ornamental trees), and...”
42. Section 8.1(E)(2) – Landscaping Financial Guarantee: is revised to read “...provided that a performance guarantee in the form of an irrevocable letter of credit, performance bond, or cashier’s check is posted with the City or County.”
43. Figure 8.3 – Required Landscaping Areas: is revised such that the top of the 2 images is deleted and replaced with the following:



44. Section 8.2(G) – Other Use of Buffers Prohibited: is re-organized as Section 8.1(B), with the existing Section 8.1(B) and all subsequent sections re-numbered and re-lettered as appropriate. Also, all affected cross-references are appropriately revised. Further, the

following is added to the new 8.1(B) “The buffer area shall not overlap any drainage easement, utility easement, or other similar easement or area that would conflict with the planting, maintenance, and/or maturing of landscaping.”

45. Section 9.1(B)(4) – Height of Necessary Appurtenances: is revised to read “...may exceed the permitted height requirements for the applicable structure type (primary, accessory, etc.) for the zoning district in which they are located...”
46. Section 9.2(L) – Waste & Debris Regulations: is deleted in its entirety.
47. Section 9.3(A) – Outdoor Storage, Display and/or Sales Fence Regulation Exemption: is revised to add Subsection 9.3(A)(6) as follows: “Outdoor Storage, Display and/or Sales Areas: Fences required for the screening of areas of outdoor storage, display, and/or sales shall comply with the provisions of Section 6.1(C)(3) of this Ordinance.”
48. Section 9.3(A) – Setback Fence Regulation Exemption: is revised to add Subsection 9.3(A)(7) as follows: “Fences Setback from Property Lines: Fences that are setback from property lines, provided that such fences comply with all regulations established by this Ordinance for accessory structures in the applicable zoning district.”
49. Section 9.3(C)(2) – Residential Fence Height Limits: is revised to read “No fence or wall shall exceed a height of 8 feet in any side or rear yard or 42 inches in any front yard. When applying this subsection to through lots (which technically have 2 front yards), the front yard on to which the primary structure faces shall be considered the front yard, and the other front yard shall be considered a rear yard. Corner lots shall be considered as having 2 front yards, consistent with the other provisions of this ordinance.”
50. Section 9.4(A) – Lighting Measurement Criteria: is revised to read “A level of illumination not to exceed 0.1 foot-candles is hereby established as a consistent maximum in instances where exterior lighting at property lines is regulated. It is further revised as follows “...in determining compliance with exterior lighting standards related to property lines.”
51. Section 9.4(E) – Property Illumination: is revised to delete the current 2<sup>nd</sup> sentence and therefore read as follows: “The exterior illumination of all properties shall be designed and installed so as to prevent glare from affecting adjacent streets and excessive light trespass from affecting adjacent properties. No exterior illumination...” Further, Section 9.4(E)(2) is revised to be titled as “Free-standing Light Fixtures & General Parking Area/Yard Lighting” and read as follows: “The provisions of this section shall apply to all free-standing light fixtures, such as parking lot lighting, and all free-standing, building-mounted, and other fixtures intended to illuminate parking areas, yards, and other outdoor spaces. All such fixtures shall be limited to a maximum total height of 30 feet for industrial uses and 25 feet for all other uses. Each free-standing light fixture may be provided with a base of up to 36 inches in height, which will not be included in the total height measurement. All free-standing and general parking area/yard lighting shall

make use of 90 degree cut-off fixtures with fully recessed lens covers.”

52. Section 10(D)(4) – Vehicle Signs: is deleted and replaced with the following:

“Vehicle Signs: Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. In no instance shall this be interpreted to prohibit any of the following when (1) the vehicle(s) in question are properly parked in lawfully designated parking spaces and (2) the sign takes the form of a decal that is directly related to the vehicle’s use:

- a. Decals identifying the use or other affiliation of vehicles parked for the purpose of lawfully making deliveries, sales, or service calls;
- b. Decals identifying the use or other affiliation of vehicles in regular use for transporting persons or property;
- c. Decals displayed on business vehicles parked at the driver’s residence or other locations for the driver’s transportation or convenience.”

53. Section 10(E) – Murals & Art as Sign Regulation Exemptions: is revised to include a new Subsection 10(E)(17) titled as “Murals & Art” and reading as follows: “Murals and Art Exhibits, both temporary and permanent. Murals and art shall be distinguished from other displays meeting the definition of a sign in that murals and art are sized, designed, and located so as to be clearly secondary to the use of the property; affecting the aesthetic of the property without drawing specific attention to the use(s) present on site. The terms mural and art shall not include any corporate logos or any statuary, images, or other items that directly relate to the use(s) on site and/or the lines of business and/or services provided.”

54. Section 10(G)(2) – Measurement of Embedded Signs: is revised to add a new Subsection 10(G)(2)(c) reading as follows: “Embedded Signs: Signs embedded and/or incorporated as part of a mural, statue, other art display, or architectural feature shall be measured based on the area and height from ground level of the sign itself, excluding the mural, art, or architectural feature.”

55. Section 10(G)(2)(b) – Separate Signs: is deleted in its entirety and replaced with the following:

“Each portion of a sign display that is both physically and visually separated from other portions shall be considered to be a separate sign. Spaces between lines of type, letters, logo elements, etc. are not to be construed as physical separations in instances where these elements form a single composition intended to be viewed as a whole. To be considered as a single sign the various elements (primary and secondary elements) and/or components (changeable copy sign, time & temperature sign, etc.) of freestanding signs shall not be separated from any other element or component by more than 6 inches, either horizontally or vertically, regardless of the number of poles or other supports used.”

56. Section 10(H) – Lots & Tenant Spaces Without Street or Road Frontage: is revised to



add the following after the first sentence: “In instances where the amount of signage permitted is determined by frontage on a public street or road and a lot or tenant space does not have any frontage on a public street or road, and instead gains access through an access easement or private street, the amount of signage allowed shall be calculated as if there was a single street or road frontage for that lot or tenant. When applicable, the area of the wall on which the primary entrance to the building or tenant space is located shall be used for the calculation of the maximum sign area.”

57. Section 10(H)(3)(b) – Gas Stations / Convenience Stores as Separate Uses: is revised to add: “For the purposes of this Chapter, gas stations and associated convenience stores located on the same lot shall be considered as two separate business uses when operated and branded separately.”
58. Section 10(H)(4) – Projecting Sign Size: is revised to read: “...no projecting sign shall extend further than 6 feet horizontally from the wall to which it is attached.”
59. Section 10(H)(5) – Roof-mounted Signs: a new Section 10(H)(5) is added as follows: “Roof-mounted Signs: Where permitted, a roof-mounted sign may be used as an alternate for a freestanding sign. The roof-mounted sign shall count towards the number and area allowed for the freestanding sign(s) on the property up to the maximum number and area allowed for roof-mounted signs in the Permitted Signs Table (Table 10.1). However, in no instance shall any portion of the roof-mounted sign extend above the highest point of the roof on which it is mounted.” Also, the existing Sections 10(H)(5) through 10(H)(17) are retained and renumbered as appropriate. Further, Table 10.1 is amended to add “Roof-mounted Sign (as an alternate for a Freestanding Sign)” under the heading of Permanent Primary Signs (Options & Alternates). Roof-mounted signs shall be shown as permitted in the CN, CO, CC, and CR zoning districts with a maximum number of “1 per street or road frontage” and a maximum square footage “Equal to that permitted per sign for a Freestanding Sign on the same property” in each zoning district.
60. Table 10.1 (Note 4) – Downtown Commercial Freestanding Signs: is revised to add a second sentence that reads: “This provision applies separately to each public street frontage for lots meeting the minimum size requirement, provided that the freestanding sign shall be placed on the qualifying frontage.”
61. Table 10.1 (Permanent Secondary Signs) – Directional Signs in the CD Zoning District: is revised to list directional signs as permitted “P”, rather than conditional “C”.
62. Section 12.4(A)(1) – Conditional Use Application Site Plan: is deleted and replaced with the following: “Use Description: A written narrative or sketch of the proposed use on the subject property that clearly describes features that are related to the conditional use request. Such features may include anticipated traffic circulation, buffering of adjacent uses, etc.”
63. Section 12.8(F) – Site Development Plan Written Commitments: is revised to include the

final sentence in a new subsection 12.8(F)(1) titled “Written Commitments Defined” and reading as follows: “Specifically, written commitments shall be defined as any elements of the site development plan that provide an alternate for and/or exceed the otherwise applicable development standards for the zoning district in which the property is located. Written commitments may also include any specific actions to be taken by the applicant to remedy an issue related to the property or its development.” Also, the existing 2<sup>nd</sup>-to-last paragraph of Section 12.8(F) is deleted and existing subsections 12.8(F)(1) and (2) are renumbered as appropriate. Further, Subsection 12.8(F)(1) is revised to read “...until the written commitments are recorded (either in the form of the site development plan drawing itself or as a text document). The written commitments shall be...”

64. Section 12.9(A) – ILP General Requirements: is deleted and replaced with the following:

“No construction, use or other activity regulated by this Ordinance shall begin on any property prior to the issuance of an Improvement Location Permit, as required by this Ordinance. Construction includes the erecting, moving, adding to, occupying, and/or use of any structure; the installation of any other built features (such as parking lot pavement); and the initiation or expansion of any use of land. Construction does not include the clearing and preparation of the land for construction or the demolition of structures. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the City of Columbus or Bartholomew County, as applicable. When a building permit is required it shall serve as the ILP. When a building permit is not required, the Zoning Compliance Certificate shall serve as the ILP.”

65. Section 12.9(B)(1) – Outdoor Storage, Sales and/or Display Permit Requirements: is revised to include a new subsection “j” reading “Non-residential Outdoor Storage, Display and/or Sales Areas: the addition, enlargement, relocation, or alteration of any area of outdoor storage, display and/or sales.”
66. Section 12.9(C)(3) – ILP Exemptions: is deleted in its entirety and replaced with “cosmetic changes to any structure.”
67. Section 12.9(D) – ILP Application Requirements: is revised to read “All applications for ILPs which require a Zoning Compliance Certificate, as described by Section 12.9(B)(1) of this Ordinance, shall be accompanied by the material listed below. All other ILPs shall comply with the requirements of the Chief Code Enforcement Officer:”
68. Section 12.9(D)(2)(u) – Floodplain Building Site Spot Elevations: is revised to read “any flood hazard areas and information, including the finished floor elevation, base flood elevation, flood protection grade, and spot elevations at 10 feet from the foundation in each direction for all structures.”
69. Section 12.9(D)(6) – Design Professional Seal and Survey Verification: the current text of this subsection is deleted and replaced with “Design Professional Seal: The seal of the

licensed design professional (land surveyor, civil engineer, architect, or landscape architect) that is primarily responsible for the contents of all drawings”. Also, a new Subsection 12.9(D)(7) is added stating “Property Boundaries (if applicable): A drawing, statement, or other evidence sufficient to demonstrate that the location of property lines, easements, etc. (used as the basis of all plan drawings) has been completed by a land surveyor licensed in the State of Indiana. This evidence is only required for property that has not been previously platted in its current configuration.”

70. Chapter 12.10 – Sign Permits: the second sentence of the opening text is deleted and replaced with the following: “Sign permit application procedures shall be as established by the Chief Code Enforcement Officer, and shall include ZCC approval as described below.” Also, Section 12.10(A)(1) is revised to read as follows: “Any sign regulated by this Ordinance shall be approved as part of a ZCC prior to a sign permit being issued. ZCC approval for signs may be applied for (a) separately for each individual sign, (b) as a combined sign package for a property, or (c) as part of any related ZCC application (such as a site plan or change of use approval). Application for a ZCC shall be accompanied by any information the Planning Director deems is necessary to assure compliance with this Ordinance, including but not limited to:” Further, subsection 12.10(A)(2) is deleted and subsection 12.10(A)(3) is re-numbered as appropriate.
71. Chapter 13.1 – Enforcement General Provisions: a new Section 13.1(F) is added as follows:

“Accumulated Violations & Fines: The resolution of unresolved violations and any unpaid fines resulting from previous violations may be a consideration during the review of any applications under this Ordinance for the same property. The Planning Director, Chief Code Enforcement Officer, Plan Commission, Board of Zoning Appeals, and/or legislative body may withhold the issuance of any subsequent approvals for the property until any unresolved violations are remedied and/or accumulated fines paid.”

72. Section 13.4(D)(4)(b) – Determination of Fines: is amended to read “In all instances where a legal remedy is sought the dollar amount to be paid...”
73. Section 14.2 – Agri-tourism Facility Definition: is amended for the 2<sup>nd</sup> sentence to read “An agri-tourism facility shall involve primarily those events and activities that directly relate to the on-site agricultural operations.”

## **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 adoption and any publication required by Indiana law.

**PASSED AND ADOPTED ON FIRST READING BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA, this 27<sup>th</sup> day of June, 2011.**

S/s Carl Lienhoop  
Carl Lienhoop, Chairman

S/s Larry Kleinhenz  
Larry Kleinhenz, Member

S/s Paul Franke  
Paul Franke, Member

**ATTEST:**

By: S/s Barbara Hackman  
Barbara Hackman, Auditor of  
Bartholomew County, Indiana

Chairman Lienhoop opened the public hearing part of the meeting to hear questions or comments from the audience about the first reading of this Zoning Ordinance. Hearing no public comment, Chairman Lienhoop closed the public hearing part of the meeting. Commissioner Franke made a motion to approve the first reading of this Amended Zoning Ordinance. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Solid Waste Management Education Coordinator Emily Hodnett presented the Commissioners with an update on the Recycling Center and the Solid Waste District.

To begin, Ms. Hodnett gave each Commissioner a handout that gave the totals for the Tox-Away Day that Solid Waste Management District held at the Bartholomew County Fairgrounds on Saturday, May 14, 2011. The Tox-Away Day was a grand success thanks to Cummins Foundation, Toyota Industrial, and Dorel Juvenile Group for all of their support. Ms. Hodnett said that there is a weekly Tox-Away Day every Wednesday where Bartholomew County residents can bring in old cooking oil, motor oil, etc. for disposal, but the SWMD will not take medicines, ammunition, explosives, etc.

The second handout Ms. Hodnett presented to the Commissioners was a handout stating the total for the first half of 2011 from the Solid Waste Management Districts Program. Ms. Hodnett mentioned that there was a noticeable increase in the amount of brush that has been accumulated due to all the storm damage that has occurred in Bartholomew County lately. Also, the amount of cardboard collected has increased.

Next, County Clerk Tami Hines and Department Head of Voter's Registration Debbie Jackson presented the Commissioners with an Agreement for computer software for the Clerk's Office. The software that Ms. Hines is looking to purchase is from 39° North. Ms. Hines said that if an Election Day voting precinct changes, then the Clerk's Office has to mail out precinct letters to everyone. This is required by law.

Ms. Hines attended a State Board of Accounts Clerk's Conference in June and listened to a presentation from 39° North. The 39° North software is for both GIS and Voter's Registration. Ms. Hines had a representative from 39° North to come to Bartholomew County to give a seminar. IT Director Jim Hartsook and GIS Department

Head Jeff Lucas went to this presentation. Both Mr. Hartsook and Mr. Lucas were impressed with this software. The 39° North software is an Administration Reprecincting and Redistricting Program.

Ms. Hines said she would likely split the cost between the Voter's Registration Fund and the Election Fund since the 39° North software will affect both. County Attorney J. Grant Tucker found this agreement to be in order and on point. Commissioner Kleinhenz made a motion to approve the agreement with 39° North in the amount of \$5,000.00. Commissioner Franke seconded the motion that passed unanimously. Commissioner Franke complimented County Clerk Tami Hines for being flexible and willing to try new software, technology, etc. to benefit the County.

Next, Chairman Lienhoop presented the Commissioners with a Proposal for the Sheriff's Department to purchase trees to plant around the Jail. Chairman Lienhoop read the following quotes:

<b>May Nursery and Landscaping (Columbus, IN)</b>	<b>\$1,090.00</b>
<b>Schneider Nursery Inc. (Seymour, IN)</b>	<b>\$ 529.45</b>
<b>Wischmeier Nursery, Inc. (Columbus, IN)</b>	<b>\$2,893.40</b>

Commissioner Franke mentioned that the variation in quotes is due to the size of the trees. Commissioner Franke said that the May Nursery quote was for 1.5" trees and the Schneider Nursery quote 2" trees. Commissioner Franke said the cost savings on 1.5" tree from May Nursery was a better price. Therefore, Commissioner Franke made a motion to approve the bid from May Nursery and Landscaping in the amount of 1,090.00. Chairman Lienhoop seconded the motion that passed unanimously.

Next, Commissioner Kleinhenz presented the Commissioners with the May 2011 Monthly Animal Control Report. In May 2011, Animal Control took forty-four (44) dogs and forty-three (43) cats to the Humane Society, picked up two (2) raccoons, had one hundred thirty-eight (138) audits, twelve (12) violations, six (6) fines, five (5) bite cases, hung fourteen (14) door hangers, had five (5) animals reclaimed, loaned out (5) traps to the public, and had a total of two hundred and one (201) cases. Van #1 was driven 3,108 miles, and Van #2 was driven 1,790 miles. Commissioner Kleinhenz made a motion to approve the Animal Control Monthly Report for May 2011. Commissioner Franke seconded the motion that passed unanimously.

Chairman Lienhoop mentioned that all County Offices will be closed on Monday, July 4, 2011 in observance of Independence Day, but will reopen for business at 8:00 a.m. on Tuesday, July 5, 2011. Chairman Lienhoop also mentioned that tomorrow would be Laura Thayer's last day. She has worked at the Bartholomew County Planning Department for twelve years.

VIP Commission President Dan Arnholt commended the Bartholomew County Solid Waste Management District for the fine job that they do. Chairman Lienhoop thanked Mr. Arnholt for his efforts on the VIP Commission. Mr. Arnholt was appointed for two years (until 12/31/2012) to the VIP Commission by the Commissioners.

There being no other business, the meeting was adjourned by Chairman Lienhoop at 10:55 am. The next Commissioner's meeting will be held on Tuesday, July 5, 2011 at 10:00 am in the Commissioner's Chambers.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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CARL H. LIENHOOP, CHAIRMAN

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PAUL FRANKE, MEMBER

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LARRY S. KLEINHENZ, MEMBER

ATTEST:

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BARBARA J. HACKMAN, AUDITOR