



MEMORANDUM

TO: Bartholomew County Commissioners
FROM: Jeff Bergman
DATE: August 26, 2020
RE: Zoning Ordinance Revisions

Over the past several years, the Columbus Plan Commission and the Planning Department on its behalf have been studying small, neighborhood-based commercial areas and opportunities in the City. These neighborhood-based commercial areas are convenient for nearby residents and can provide needed services, but often generate complaints from the nearest home-owners. Their concerns include traffic, parking congestion, noise, and excessive light, among other issues. The study concluded with recommended revisions to the zoning ordinance's CN (Commercial: Neighborhood) zoning district that would make future neighborhood commercial development more compatible with its residential neighbors. The Columbus City Council adopted these zoning ordinance revisions for the City's jurisdiction at their August 18 meeting.

Because the City and County share the zoning ordinance and have generally committed to maintain consistent regulations between the two jurisdictions, the Planning Department did also examine making corresponding changes applicable to the County. In doing so we found that the CN zoning district is seldom used in the County's jurisdiction and primarily exists in small "neighborhoods" such as Waymansville, Grammer, and Newbern. These county neighborhoods may benefit from some of the same changes that were proposed for the City's jurisdiction. The Planning Department therefore approached the County Plan Commission with some, but not all, of the same CN zoning district changes that were considered for the City. The proposed changes affecting the County's jurisdiction include:

1. Making uses that are likely inconsistent with a neighborhood setting, such as fitness centers, night clubs, bars, parking lots, athletic complexes, and liquor stores conditional or prohibited in the CN zoning district.
2. Prohibiting businesses with drive-up windows (due to the increased traffic, noise and exhaust from idling cars, etc.).
3. Requiring a minimum of 4 bicycle rack spaces at businesses (an increase over the current 0 to 4 sliding scale based on parking lot size).
4. Including a requirement that a sidewalk be provided from any road-side public sidewalk to the building entrance (this requirement would be triggered very infrequently in the county due to the lack of sidewalks along roads). Further this proposed revision applies to all Multi-Family Residential, Commercial, Public/Semi-Public, and Industrial zoning districts, not just the CN district.
5. Reducing the maximum size and number of wall signs allowed.

The Bartholomew County Plan Commission considered these changes at its July 8 meeting and has forwarded a favorable recommendation to the County Commissioners by a vote of 7 in favor and 1 opposed.

Please note that, in addition to these CN zoning district changes, the revisions approved by the City and recommended by the County Plan Commission also include other needed zoning ordinance updates. Those updates include (1) a correction to the way a public airport is regulated, (2) the addition of a reference to Federal law with the floodplain regulations, and (3) a State-law mandated change to the way non-conforming homes are regulated.

Included for your reference are:

1. a proposed ordinance adopting the zoning ordinance revisions,
2. a mark-up copy of the proposed changes that would affect the Bartholomew County jurisdiction,
3. the ordinance Exhibit "A", which provides the text for all proposed revisions to the Zoning Ordinance (including both those affecting the Bartholomew County jurisdiction and those affecting the City of Columbus jurisdiction),
4. the resolution documenting the County Plan Commission's favorable recommendation,
5. an analysis of the affect of the proposed changes on all existing CN-zoned properties in the County jurisdiction.

Please feel free to contact me with any questions or concerns you may have.

ORDINANCE NO.: ____, 2020

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

**Favorably Recommended by
Bartholomew County Plan Commission General Resolution #2020-01**

WHEREAS, on February 8, 2008 the Bartholomew County Board of Commissioners passed Ordinance No. 3, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of Bartholomew County; and

WHEREAS, since that ordinance's effective date of April 1, 2008 its effectiveness has been monitored, reviewed, and evaluated by the Bartholomew County 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, in 2017 the City of Columbus - Bartholomew County Planning Department completed the City of Columbus Neighborhood Commercial Access and Design Study, which, through local community outreach and extensive research of neighboring communities, explored the benefits of neighborhood commercial centers and their compatibility with surrounding residential uses; and

WHEREAS, the City of Columbus Neighborhood Commercial Access and Design Study includes a series of recommended zoning ordinance amendments designed to more precisely meet the intent of the CN (Commercial: Neighborhood Center) zoning district and to enhance the compatibility of neighborhood commercial centers and nearby residential uses; and

WHEREAS, it has been determined that these recommendations should be implemented and coordinated with select other Zoning Ordinance amendments related to the regulation of public airports, flood hazards, and non-conforming residential uses; and

WHEREAS, while these recommended zoning ordinance amendments related to the CN zoning district primarily apply to the jurisdiction of the City of Columbus, some are beneficial to the rural neighborhoods of the Bartholomew County jurisdiction as well; and

WHEREAS, as required for the proper maintenance of the shared City of Columbus – Bartholomew County Zoning Ordinance, the Bartholomew County Plan Commission has acted in coordination with the City of Columbus Plan Commission to ensure that all amendments are lawfully adopted and properly applied to each jurisdiction; and

WHEREAS, the proposed zoning ordinance 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 through 2012, provides the policy guidance appropriate for the creation and periodic revision of the zoning ordinance; and

WHEREAS, the Plan Commission did, on July 8, 2020, hold a legally advertised public hearing and has certified a favorable recommendation to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has considered the criteria listed 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

- 1) The applicable provisions of the City of Columbus - Bartholomew County Zoning Ordinance are repealed and replaced with the text provided by Exhibit "A" attached to a made a part of this ordinance.
- 2) All references, cross-references, tables of contents, lists of figures, and other organizational aspects of the Zoning Ordinance affected by the revisions indicated on the above referenced Exhibit "A" shall be corrected to accurately reflect those revisions.

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.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON FIRST READING THIS ____ DAY OF _____ 2020.

Carl H. Lienhoop

Larry S. Kleinhenz

Richard A. Flohr

ATTEST:

Pia O'Connor, Auditor
Bartholomew County, Indiana

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW
COUNTY, INDIANA ON SECOND READING THIS _____ DAY OF _____, 2020.**

Carl H. Lienhoop

Larry S. Kleinhenz

Richard A. Flohr

ATTEST:

Pia O'Connor, Auditor
Bartholomew County, Indiana

City of Columbus – Bartholomew County Zoning Ordinance

Proposed Bartholomew County Amendments

A summary of those amendments affecting land use and development in the Bartholomew County jurisdiction.

Prepared By: City of Columbus – Bartholomew County Planning Department
Draft Date: August 25, 2020

Added Text – Red and Underlined
Deleted Text – ~~Strikethrough~~

The following proposed Zoning Ordinance amendments are based on the City of Columbus revisions to the CN (Commercial: Neighborhood) Zoning District

Amendment to the Permitted and Conditional Uses in the CN Zoning District

Section 3.18(A) Permitted Primary Uses

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

Residential Uses:

- ~~Bed and breakfast facility~~
- Dwellings, secondary (on upper floors of other uses)

~~Public / Semi-Public Uses:~~

- ~~Clinic~~
- ~~Day care center (adult or child)~~
- ~~Police, fire, or rescue station~~

Park Uses:

- Nature preserve / conservation area
- ~~Park / playground~~

Commercial Uses:

- ~~Office uses~~
- Personal service uses
- ~~Recreation uses (small scale)~~
- Restaurant
- Retail uses (small scale)

Section 3.18(B) Conditional Uses

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

~~Residential Uses:~~

- ~~Dwellings, multi-family~~
- ~~Shared housing facility~~

~~Communications / Utilities Uses:~~

- ~~Utility substation~~
- ~~Water tower~~

Public / Semi-Public Uses:

- Clinic
- Community center
- Community garden
- Daycare center (adult or child)
- Library

- ~~Parking lot / garage (as a primary use)~~
- School (grades pre-school through 12)
- Worship facility

Park Uses:

- ~~Amphitheater / outdoor venue~~
- ~~Athletic complex~~
- Park / playground

Commercial Uses:

- ~~Auto-oriented uses (small scale)~~
- Farmer's market
- Instructional center
- ~~Liquor store~~
- Office uses
- Recreation use (small scale)
- Retail uses (medium scale)

Table 3.1: Zoning Districts Use Matrix

The Use Matrix is amended to include only the following permitted uses in the CN zoning district: dwellings, secondary (on upper floors of other uses); nature preserve / conservation area; personal service uses; restaurant; and retail uses (small scale). The Use Matrix is amended to include only the following conditional uses in the CN zoning district: clinic; community center; community garden; daycare center (adult or child); library; school (grades pre-school through 12); worship facility; park / playground; farmer's market; instructional center; office uses; recreation use (small scale); and retail uses (medium scale).

Prohibition of Drive-Up Windows / Facilities in the CN Zoning District

Section 6.1 (Table 6.1) Permitted Accessory Uses

Use (P - Permitted, C - Conditional)	Zoning District																			
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1
dwelling, accessory (see Section 6.1(D)(1))	C	C	C	C	C	C	C		C											
recreation / guest building (see Section 6.1(D)(2))		C	C	C																
adult day-care home	C	C	C	C	C	C	C	C	C	C	C	C								
home-based business (see Chapter 6.6)	P	P	P	P	P	P	P	P	P	P	P	P								
drive-up window / facility													C	P	C	P	P	P	P	P
retail sales of products manufactured on-site																			P	P

Bicycle Parking Requirement in the CN Zoning District

Table 7.1(Table 7.4) Bicycle Parking Standards

Total Vehicle Parking Spaces Required	Bicycle Spaces Required	
	CN Zoning District	All Other Zoning Districts
1 - 25	<u>4</u>	0
26 - 250	<u>4</u>	2
over 250	<u>4</u>	4

Public Sidewalk & Connection Requirements

Section 7.3(Part 2): Pedestrian Circulation Standards

- B. **Public Sidewalk & Building Entrance Links:** ~~Wherever provided, sidewalks that link the public sidewalk to the entrance of the building shall be a minimum of 5 feet in width. When a sidewalk link passes through a parking lot pavement markings shall be used to delineate the sidewalk link.~~ A sidewalk that links any existing or new adjacent public sidewalk to the entrance of the building is required. "New" sidewalks are those required to be installed with the same development project that would result in the sidewalk link. The linking sidewalk shall be a minimum of 5 feet in width. If the sidewalk link passes through a parking lot, pavement markings shall be used to delineate the sidewalk link.

Wall Signs in the CN Zoning District

Section 10 (Table 10.1): Permitted Signs Table

Sign Type & Requirement (P - Permitted) (C - Conditional)		Zoning District																					
		AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3
Wall Sign (ground floor uses)		C	C	C		C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Maximum Number (for each public street or road frontage per use)		1	1	1		1	1	1	1	1	1	1	1	3	3 2	3	3	3	3	1	2	2	2
Maximum Total Area for all Wall Signs per Use (whichever is less)...	Percent of all Front Walls	15%	15%	15%		15%	15%	15%	15%	15%	15%	15%	8%	15%	45% 8%	15%	15%	15%	15%	15%	15%	15%	15%
	Sign Area (Square Feet)	150	150	150		150	150	150	150	150	150	150	150	200	350	200	250	350	350	150	350	350	350

Public Airports in the P Zoning District

(Corrects an oversight from the 2019 Zoning Ordinance Revisions)

Section 3.22(A) Permitted Primary Uses

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

Public / Semi-Public Uses:

- airport (public)

Section 3.22(B) Conditional Uses

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

Public / Semi-Public Uses:

- ~~airport (public)~~

Table 3.1: Zoning Districts Use Matrix

The Use Matrix is amended to include “airport (public)” as a permitted use and delete it as a conditional use.

Flood Hazard Area Standards Variances

(Modifies Text to Reference Federal Law)

Section 4.7(N): Appeals and Variances

Margin Note: Complete Federal law provisions regarding variances can be found in Chapter 44 of the Code of Federal Regulations Part 60.6(a) (44 CFR 60.6(a)). These provisions should be reviewed during the consideration of any variance request.

Nonconforming Uses

(Incorporates a 2020 Change to State Law)

Chapter 11.5 Nonconforming Uses

- A. **Legal Nonconforming Uses:** Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use.
- B. **Continuation of Legal Nonconforming Uses:** A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following ~~conditions~~:
1. Modification of Structures: No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, or moved, or structurally altered 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, ~~but no such use shall be extended to occupy any land outside a structure.~~
 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. 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.
 6. 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, and the The legal nonconforming use may not be resumed. ~~The provisions of Section 11.4(B), Nonconforming Site Features shall also apply.~~

7. Change of Use (Agricultural Uses): An agricultural use of land may be changed to another agricultural use without losing its nonconforming status (consistent with IC 36-7-4-616).
8. 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. Exemptions: 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 shall be exempt from this provision and may be restored.~~
 - ~~i. Such exempt 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. If replaced the use shall comply with Section 11.1(E).~~
 - ~~ii. In no instance shall acts of arson by the property owner, government enforcement of unsafe building codes, or other similar circumstances be considered as exemptions.~~
 - ~~b. Determination of Abandonment: 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.~~
9. 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.
 - a. *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.
 - i. Non-residential 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.
 - ii. Residential uses, for which the structure has been damaged or destroyed shall be permitted the reconstruction, repair, or renovation of that structure and the resumption of the use provided that (1) the structure will continue to be used for residential purposes and (2) the foundation area of the reconstructed, repaired, or renovated structure does not exceed the square footage of the foundation area of the damaged or destroyed structure (per Indiana Code Section 36-7-4-1019). This provision shall not apply to any residential use located in a floodplain.
 - b. *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.
10. 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.

City of Columbus – Bartholomew County Zoning Ordinance Amendments

Designation of the CN Zoning District as a Site Development Plan District

Section 3.18 District Intent

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

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

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

Amendment to the Permitted and Conditional Uses in the CN Zoning District

Section 3.18(A) Permitted Primary Uses

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

Residential Uses:

- Dwellings, secondary (on upper floors of other uses)

Park Uses:

- Nature preserve / conservation area

Commercial Uses:

- Personal service uses
- Restaurant
- Retail uses (small scale)

Section 3.18(B) Conditional Uses

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

Public / Semi-Public Uses:

- Clinic
- Community center
- Community garden
- Daycare center (adult or child)
- Library
- School (grades pre-school through 12)
- Worship facility

Park Uses:

- Park / playground

Commercial Uses:

- Farmer's market
- Instructional center
- Office uses
- Recreation use (small scale)
- Retail uses (medium scale)

Table 3.1: Zoning Districts Use Matrix

The Use Matrix is amended to include only the following permitted uses in the CN zoning district: dwellings, secondary (on upper floors of other uses); nature preserve / conservation area; personal service uses; restaurant; and retail uses (small scale). The Use Matrix is amended to include only the following conditional uses in the CN zoning district: clinic; community center; community garden; daycare center (adult or child); library; school (grades pre-school through 12); worship facility; park / playground; farmer's market; instructional center; office uses; recreation use (small scale); and retail uses (medium scale).

Maximum Front Building Setbacks in the CN Zoning District**Section 3.18(C) Lot Standards****Minimum Front Setback (County & Joint District Jurisdictions)**

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

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

Maximum Front Setback (Columbus Jurisdiction)

- Arterial Street or Road: 10 feet*
- Collector Street or Road: 10 feet*
- Local Street or Road: 10 feet*

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

Minimum Living Area per Dwelling

- 500 square feet

Design Guidelines in the CN Zoning District**Section 3.18(E) Design Guidelines**

A new Section 3.18(E) is added to include the attached text and images.

Prohibition of Drive-Up Windows / Facilities in the CN Zoning District

Section 6.1 (Table 6.1) Permitted Accessory Uses

Use (P - Permitted, C - Conditional)	Zoning District																						
	AV	AP	AG	RR	RS1	RS2	RS3	RS4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P	I1	I2	I3	
dwelling, accessory (see Section 6.1(D)(1))	C	C	C	C	C	C	C		C														
recreation / guest building (see Section 6.1(D)(2))		C	C	C																			
adult day-care home	C	C	C	C	C	C	C	C	C	C	C	C											
home-based business (see Chapter 6.6)	P	P	P	P	P	P	P	P	P	P	P	P											
drive-up window / facility													C	P		P	P	P	P	P	P	P	
retail sales of products manufactured on-site																				P	P	P	

Bicycle Parking Requirement in the CN Zoning District

Table 7.1(Table 7.4) Bicycle Parking Standards

Total Vehicle Parking Spaces Required	Bicycle Spaces Required	
	CN Zoning District	All Other Zoning Districts
1 - 25	4	0
26 - 250	4	2
over 250	4	4

Public Sidewalk & Connection Requirements

Section 7.3(Part 2): Pedestrian Circulation Standards

Part 2: These Pedestrian Circulation Standards apply to the Multi-Family Residential, Commercial, Public/Semi-Public, and Industrial zoning districts.



- A. **Public Sidewalks Required:** All development in Multi-Family Residential, Commercial, Public/Semi-Public and Industrial zoning districts shall provide a public sidewalk in adjoining street and road right-of-way along the frontage of the property on which the development is occurring, consistent with the applicable Subdivision Control Ordinance requirement (based on the classification of that street or road for the Columbus jurisdiction). Where required by the Subdivision Control Ordinance, if the property were to be subdivided, a sidewalk shall be installed with the development. Where the property to be developed has frontage on a street or road on which a sidewalk is indicated as permitted, conditional, or otherwise discretionary by the Subdivision Control Ordinance, a sidewalk shall only be required with the development if, within 300 feet and on the same side of the street or road as that frontage is (1) an existing sidewalk or (2) a location where a sidewalk is required to be installed as part of another, previously approved development. For the purposes of this Section, sidewalks in previously approved nearby developments include those required as part of a subdivision preliminary plat, site development plan or zoning compliance certificate approval, or as a rezoning, variance, or conditional use condition or commitment.

1. Exemptions: The following exemptions shall apply to this requirement:

- a. No sidewalks shall be required adjacent to Interstate Highways or within other similar street or road rights-of-way where pedestrians are prohibited.
 - b. Sidewalk replacement shall not be required in situations where sidewalks are already present, but do not meet the minimum design and construction requirements of the Subdivision Control Ordinance.
 - c. No sidewalk shall be required for development on property for which the Plan Commission has previously granted a modification of the sidewalk requirement of the Subdivision Control Ordinance.
2. **Design & Construction Requirements:** All sidewalks shall be designed and constructed consistent with the Subdivision Control Ordinance specifications for sidewalk and tree lawn widths and sidewalk location within the right-of-way for the street or road classification with which they are associated. This includes any increased requirements necessary to provide a sidepath or multi-use trail as specified by the Columbus Bicycle & Pedestrian Plan Comprehensive Plan Element.
 3. **Sidewalks Beyond Existing Right-of-Way:** The sidewalk and a sidewalk easement shall be provided adjacent to the existing right-of-way in all instances where that right-of-way is of insufficient width for sidewalk and tree lawn installation.
 4. **Asphalt Path Option:** The Planning Director may authorize an asphalt path as an acceptable alternative for a sidewalk consistent with any applicable, adopted bicycle and/or pedestrian plan and/or the recommendation of the City/County Engineer of jurisdiction.
- B. Public Sidewalk & Building Entrance Links:** A sidewalk that links any existing or new adjacent public sidewalk to the entrance of the building is required. "New" sidewalks are those required to be installed with the same development project that would result in the sidewalk link. The linking sidewalk shall be a minimum of 5 feet in width. If the sidewalk link passes through a parking lot, pavement markings shall be used to delineate the sidewalk link.

Required Buffer Types in the CN Zoning District

Section 8.2 (Table 8.3) Required Buffer Types Table for the City of Columbus Jurisdiction

Zoning of Adjacent Property	Zoning of the Subject Property																		
	Intensity 																		
	AV	AP	AG	RR	RS-1	RS-2	RS-3	RS-4	RE	RT	RM	RMH	CD	CDS	CN	CO	CC	CR	P
Intensity 	AV																		
	AP																		
	AG																		
	RR										B	B		A	A	B	A	A	A
	RS-1										B	B		A	A	B	A	A	A
	RS-2										B	B		A	A	B	A	A	A
	RS-3										B	B		A	A	B	A	A	A
	RS-4										B	B		A	A	B	A	A	A
	RE										B	B		A	A	B	A	A	A
	RT										C	B		A	A	B	A	A	A
	RM											C		A	B	B	A	A	A
	RMH										C			A	B	B	A	A	A
	CD																		A
	CDS																		A
	CN															C	C		A
	CO															C	C		A
	CC																		A
	CR																		B
	P															B	B		A
	I-1																		A
	I-2																		C
	I-3																		

Section 10 (Table 10.1): Permitted Signs Table

Site Development Plan Review Procedure

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

- Page 5 of 9

- c. Written commitments proposed to ensure compliance with the provisions of Section 12.8(E).
 - 2. Plan Commission Review: New site development plans and major modifications proposed for zoning districts for which this Ordinance does not provide specific design guidelines shall be subject to the review and approval of the Plan Commission.
 - 3. Public Hearing Required: Any Hearing Examiner or Plan Commission consideration of a site development plan shall include a public hearing regarding that plan. Public notice of that hearing shall be provided consistent with the requirements of Chapter 12.2 and the Plan Commission Rules of Procedure.
 - 4. Procedures: Hearing Examiner public hearings shall be scheduled on an as-needed basis following the Planning Director's determination that the application requirements have been met, provided that the required public notice has been given. Plan Commission public hearings shall be scheduled consistent with the adopted Calendar of Filing and Meeting Dates. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules of Procedure of the Commission.
 - 5. Possible Action: The Hearing Examiner or Commission, as appropriate, may approve, approve with conditions and/or commitments, deny, or continue the request as described below.
 - a. Approval: The application shall be approved if found to meet the provisions of Section 12.8(E).
 - b. Approval with Conditions and/or Commitments: The application shall be approved with conditions if specific changes to the plan are necessary for it to comply with the provisions of Section 12.8 (E) and those changes can be addressed prior to the final site development plan approval documentation being provided by the Planning Department. The Plan Commission, but not the Hearing Examiner, may also permit or require the applicant to make written commitments regarding the use and/or development of the property consistent with Section 12.8(F).
 - c. Denial: The application shall be denied if found to not meet the provisions of Section 12.8(E).
 - d. Continuance: The application may be continued consistent with the provisions of the Plan Commission Rules of Procedure or upon a determination by the Hearing Examiner or Commission that additional information is required prior to action being taken on the request.
 - e. Transfer to the Plan Commission: The Hearing Examiner shall transfer the application to the Plan Commission if it is deemed to be ineligible for Examiner review, and may transfer the application upon a determination that the complexity of the matter is such that Commission review is warranted.
 - 6. Appeals: The decision of the Hearing Examiner may be appealed to the Plan Commission. All appeals shall state the reason for the appeal in writing and shall otherwise be consistent with the Plan Commission Rules of Procedure. All appeals shall be filed with the Planning Director within 5 days of the decision that is subject to the appeal (per Indiana Code Section 36-7-4-402(d)). In considering the appeal, the Plan Commission shall hold a public hearing and may consider all aspects of the site development plan, with its consideration not limited to the stated reason for the appeal.
- D. Minor Modifications of Previously Approved Plans:** The Planning Director may approve minor modifications of previously approved site development plans. A public hearing shall not be required.
- 1. Limitations: Minor modifications are those that do not:
 - a. alter the basic relationship of the site to adjacent property,
 - b. involve a waiver of any development standard,
 - c. increase the originally approved height or lot coverage by more than 15%,
 - d. reduce any originally provided setback by more than 15%, and/or
 - e. alter vehicle ingress or egress or substantially change on-site circulation.
 - 2. Appeals: The decision of the Planning Director may be appealed to the Plan Commission. All appeals shall state the reason for the appeal in writing and shall otherwise be consistent with the Plan Commission Rules of Procedure. All appeals shall be filed with the Planning Director within 5 days of the decision that is subject to the appeal (per Indiana Code Section 36-7-4-402(d)). In considering the appeal, the Plan Commission shall hold a public hearing and may consider all aspects of the site development plan, with its consideration not limited to the stated reason for the appeal.

- E. **Development Requirements (Standards and Design Guidelines):** The review and approval of all site development plans by the Hearing Examiner or Plan Commission shall be consistent with the following:
1. Development Standards: All site development plans shall be subject to the development standards specified by this Ordinance for the zoning district in which the property is located. Any development standard may be waived or modified by the Hearing Examiner (to the extent allowed by Section 12.8(C)(1)) or Plan Commission, as applicable, based on findings that the altered standard will better serve (a) the intent of that standard, (b) the intent of the zoning district, and/or (c) the general standards listed in Section 12.8(E)(2) below.
 2. General Standards: In the review of a site development plan, the Hearing Examiner and Plan Commission shall consider the general standards listed below. This consideration shall include the application of design guidelines, if provided by this Ordinance for the zoning district in which the site development plan is proposed. Those design guidelines shall be interpreted as describing the conditions generally necessary for the site development plan to comply with subsections 12.8(E)(2)(c, d, and e) below.
 - a. The proposed development will be consistent with the comprehensive plan.
 - b. The proposed development will not be detrimental to or endanger the public health, safety, convenience, or general welfare.
 - c. The proposed development will not be injurious to the use and enjoyment of the surrounding property.
 - d. The proposed development will not impede the efficient, orderly, and normal development of the surrounding property.
 - e. The proposed development provides adequate access, utilities, landscaping, buffering, and other improvements.
 - f. The proposed development provides pedestrian and vehicle ingress, egress, and circulation in a manner that maintains adequate public safety and efficient movement.
- F. **Written Commitments:** The applicant in any site development plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property, consistent with Indiana Code Section 36-7-4-1015.
1. Documentation of Commitments: The site development plan final approval documentation shall not be issued by the Planning Department until the written commitments are recorded. The written commitments shall be recorded in the office of the Bartholomew County Recorder within 90 days of the site development plan Plan Commission approval. A recorded copy of the commitments shall be provided to the Planning Director for inclusion in the application file within that 90 day time period.
 2. Enforcement of Commitments: The written commitments shall be considered part of this Ordinance binding on the subject property. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 - a. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in Article 13, Enforcement and Penalties.
 - b. The written commitments may be modified only through the site development plan approval process described by this Chapter.
- G. **Site Development Plan Documentation:** The Planning Director shall prepare and sign documentation of all Hearing Examiner and Plan Commission decisions regarding site development plans.

Public Airports in the P Zoning District

Section 3.22(A) Permitted Primary Uses

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

Public / Semi-Public Uses:

- airport (public)

Table 3.1: Zoning Districts Use Matrix

The Use Matrix is amended to include “airport (public)” as a permitted use and delete it as a conditional use.

Flood Hazard Area Standards Variances

Section 4.7(N): Appeals and Variances

Margin Note: Complete Federal law provisions regarding variances can be found in Chapter 44 of the Code of Federal Regulations Part 60.6(a) (44 CFR 60.6(a)). These provisions should be reviewed during the consideration of any variance request.

Nonconforming Uses

Chapter 11.5 Nonconforming Uses

- A. **Legal Nonconforming Uses:** Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use.
- B. **Continuation of Legal Nonconforming Uses:** A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following:
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. 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.
 6. 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.
 7. Change of Use (Agricultural Uses): An agricultural use of land may be changed to another agricultural use without losing its nonconforming status (consistent with IC 36-7-4-616).
 8. 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.
9. 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.
- a. *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.
 - i. Non-residential 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.
 - ii. Residential uses, for which the structure has been damaged or destroyed shall be permitted the reconstruction, repair, or renovation of that structure and the resumption of the use provided that (1) the structure will continue to be used for residential purposes and (2) the foundation area of the reconstructed, repaired, or renovated structure does not exceed the square footage of the foundation area of the damaged or destroyed structure (per Indiana Code Section 36-7-4-1019). This provision shall not apply to any residential use located in a floodplain.
 - b. *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.
10. 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.

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

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

3.18 Commercial: Neighborhood (CN) (cont.)

E. Design Guidelines:

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

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



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



3.18 Commercial: Neighborhood (CN) (Cont.)



Zoning Districts

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



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



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

3.18 Commercial: Neighborhood (CN) (cont.)

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

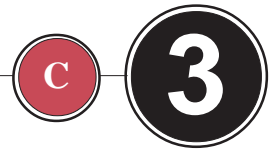


7. **Building Lighting:** Accent lighting for significant architectural features and building entrances is encouraged. *Lighting of an entire building or a significant portion of the building is discouraged. This guideline is intended to encourage illumination that is complementary of residential areas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



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

3.18 Commercial: Neighborhood (CN) (Cont.)



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



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



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

GENERAL RESOLUTION: #2020-01

of the Bartholomew County, Indiana Plan Commission

**regarding the
revision of the Columbus & Bartholomew County Zoning Ordinance
for the jurisdiction of Bartholomew County**

WHEREAS, on February 8, 2008 the Bartholomew County Board of Commissioners passed Ordinance No. 3, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of Bartholomew County; and

WHEREAS, since that ordinance's effective date of April 1, 2008 its effectiveness has been monitored, reviewed, and evaluated by the Bartholomew County 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, in 2017 the City of Columbus - Bartholomew County Planning Department completed the City of Columbus Neighborhood Commercial Access and Design Study, which, through local community outreach and extensive research of neighboring communities, explored the benefits of neighborhood commercial centers and their compatibility with surrounding residential uses; and

WHEREAS, the City of Columbus Neighborhood Commercial Access and Design Study includes a series of recommended zoning ordinance amendments designed to more precisely meet the intent of the CN (Commercial: Neighborhood Center) zoning district and to enhance the compatibility of neighborhood commercial centers and nearby residential uses; and

WHEREAS, it has been determined that these recommendations should be implemented and coordinated with select other Zoning Ordinance amendments related to the regulation of public airports, flood hazards, and non-conforming residential uses; and

WHEREAS, while these recommended zoning ordinance amendments related to the CN zoning district primarily apply to the jurisdiction of the City of Columbus, some are also applicable to the Bartholomew County jurisdiction; and

WHEREAS, as required for the proper maintenance of the shared City of Columbus – Bartholomew County Zoning Ordinance, the Bartholomew County Plan Commission has acted in coordination with the City of Columbus Plan Commission to ensure that all amendments are lawfully adopted and properly applied to each jurisdiction; and

WHEREAS, the proposed zoning ordinance 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 through 2012, provides the policy guidance appropriate for the creation and periodic revision of the zoning ordinance; and

WHEREAS, the Plan Commission did, on July 8, 2020, hold a public hearing consistent with the applicable requirements of Indiana law and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria listed 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; and

WHEREAS, the Plan Commission recognizes that its action represents a recommendation to the Board of Commissioners of Bartholomew County, Indiana, which will be responsible for final action on this matter.

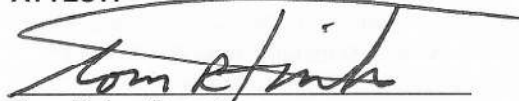
NOW THEREFORE BE IT RESOLVED, by the Plan Commission of Bartholomew County, Indiana, as follows:

- 1) The proposed revisions to the Columbus & Bartholomew County Zoning Ordinance as documented by the attached Exhibit "A", which is hereby made a part of this resolution, are forwarded to the Board of Commissioners with a favorable recommendation.
- 2) This resolution shall serve as the certification required by IC 36-7-4-605.

ADOPTED BY THE BARTHOLOMEW COUNTY, INDIANA PLAN COMMISSION THIS 8TH DAY OF JULY 2020 BY A VOTE OF 7 IN FAVOR AND 1 OPPOSED.

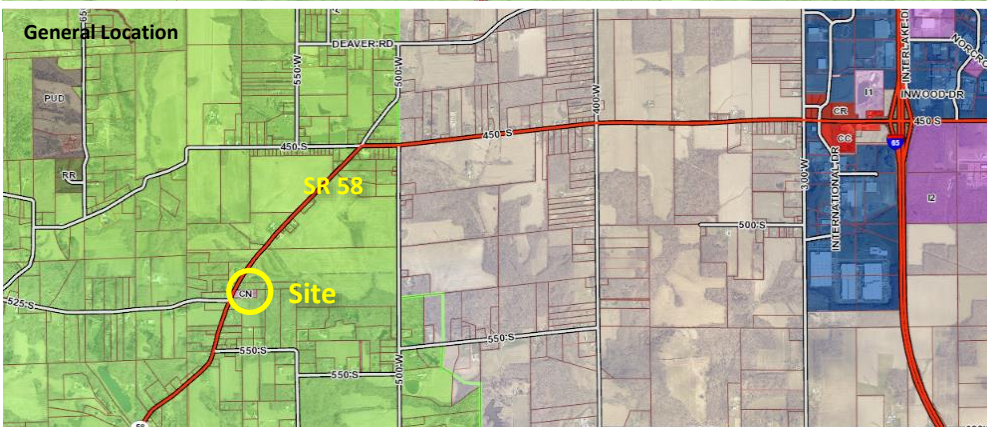
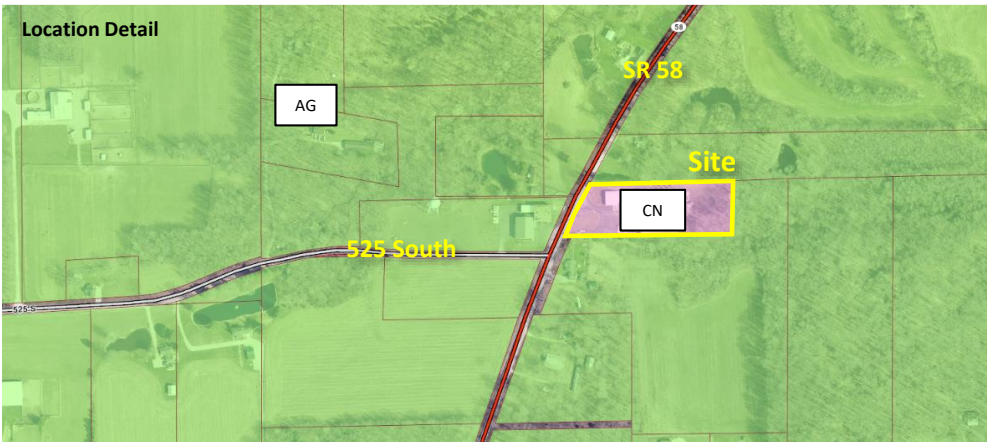

Jason Newton, President

ATTEST:


Tom Finke, Secretary



Site Photo



Tallman Electric (1 Property)

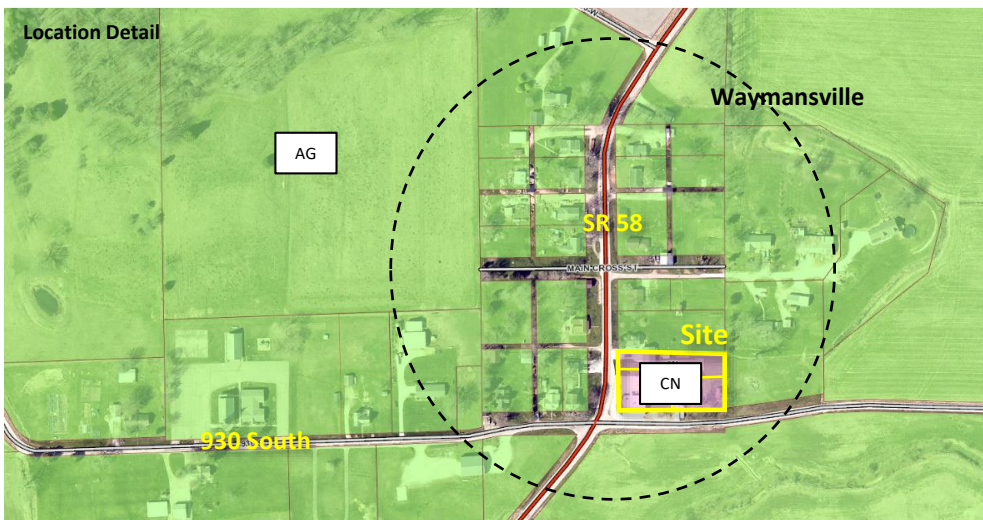
Address(es): 8491 South State Road 58

Property History:

The site received Use Variance approvals in 2008 and 2012, both to expand the existing electricity transmission equipment business. Tallman Electric relocated its primary facility to the Woodside Northwest Industrial Park in 2015.

Result of Proposed CN Changes:

The existing use is currently prohibited in the CN zoning district, which will not change with the proposed revisions.



Waymansville (3 Properties)

Address(es): 15633 & 15693 South State Road 58
11300 West 930 South

Property History:

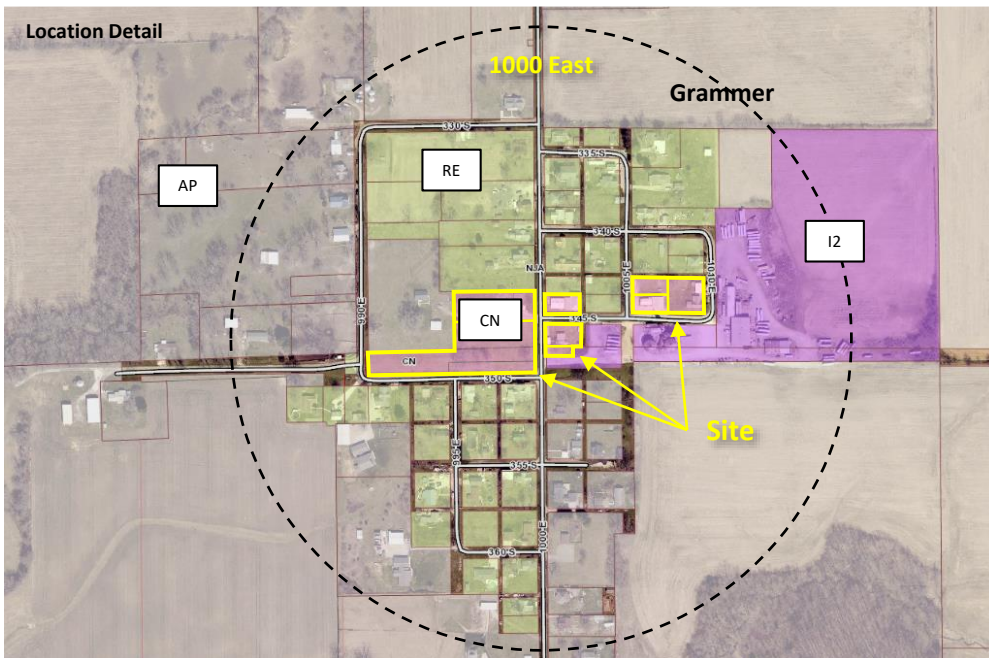
There have been no recent approvals issued for these three CN-zoned properties. Two are occupied by homes. The third has long been occupied by the Waymansville general store (which has operated under several names over time).

Result of Proposed CN Changes:

The general store is currently and would remain a permitted use in the CN zoning district. The homes are currently and would remain prohibited, but are legal non-conforming (“grandfathered”) and may remain in perpetuity.



Site Photo – Home at 5454 South 1000 East



Grammer (8 Properties)

Address(es): 18380 & 18574 East 345 South
5454 & 5483 South 1000 East
Unaddressed Properties (4)

Property History:

In 2014, five of the eight properties now zoned CN were rezoned to that district from a combination of residential, agricultural, and industrial zoning districts at the request of Route 3, LLC (Shorty Whittington / Grammer Industries). At the time of the rezoning, two of the properties were used for office space, two were vacant, and one was used as a home. The applicant indicated their intent to place modular homes on the vacant properties and convert the home, all for use as additional office space. No changes have taken place on these properties; the two properties remain vacant and the home (5454 South 1000 East) has since been sold and remains in residential use. Of the other three CN-zoned properties, two are used together as a single home site and one contains two buildings used for storage.

Result of Proposed CN Changes:

The two homes and storage use are currently and would remain prohibited, but are legal non-conforming (“grandfathered”) and may remain in perpetuity. The proposed CN revisions would change offices from a permitted to a conditional use, meaning that office uses could be allowed on a case-by-case basis by the Board of Zoning Appeals. The two Route 3, LLC properties currently used as offices may remain in perpetuity, but conditional use approval would be required for any expansion. Also, conditional use approval would be required prior to office construction on the 2 vacant Route 3, LLC properties



Newbern (7 Properties)

Address(es): 15801, 15862, & 16250 East State Road 46
15943 East Clay Street
3501 North Newbern Road
Unaddressed Properties (2)

Property History:

These properties include three used for business, two home sites, and two that are vacant. Faithful Friends in Passing, a Pet Crematorium located at 16250 East SR 46, most recently received a Use Variance to expand in 2017. RB Mowers, a mower sales and service business at 15862 East SR 46, received a Development Standards Variance to allow a new, taller than permitted sign in 2018. The third business, Rose Garden Antiques at 15801 East SR 46, has no recent approvals.

Result of Proposed CN Changes:

The two homes are currently and would remain prohibited, but are legal non-conforming (“grandfathered”) and may remain in perpetuity. Rose Garden Antiques is considered a Retail Use (Small Scale), which is currently a permitted CN use and would remain permitted under the proposed changes. RB Mowers is a Retail Use (Medium Scale), which is currently a conditional CN use and would remain conditional under the proposed changes. The status of Faithful Friends in Passing would also not change, with Use Variances required for an future expansions.

