

**Schedule for Common Council Consideration of Ordinance 09-12 which
Brings Forward Amendments to the Unified Development Ordinance from the
Plan Commission as a Result of Its Periodic Review of Title 20 of the
Bloomington Municipal Code
(Revised September 11, 2009)**

**SPECIAL SESSION TO CONSIDER AMENDMENTS TO THE UNIFIED
DEVELOPMENT ORDINANCE (ORD 09-12) WHICH WILL BE HELD ON THE
FOLLOWING EVENINGS AT THE FOLLOWING TIMES:**

WEDNESDAY, JULY 8, 2009 - 7:00 P.M.

Motion to Introduce Ordinance 09-12- *adopted*

Motion to Approve Schedule - *adopted*

Motion to Approve Procedure - *adopted*

The Council divided the question regarding the following list of amendments: UDO-001 – UDO-061 (Excluding UDO-025, UDO-02 and UDO-044). All but those noted in italics below were adopted with one motion. As noted below, two were revised before adoption, one was postponed, and another was set for reconsideration on August 5th:

- UDO-001 **Rooming house – adds asterisk.**
- UDO-002 **Establishes parking setback from *proposed* rather than *existing* right of way or easement in IG/QY districts.**
- UDO-003 **Pitched roof exception – extends to Third Street.**
- UDO-004 **Defines “proposal” as it relates to projects within the CD zoning district**
- UDO-005 **Adds one PUD final plan change that may be approved by Planning Director.**
- UDO-006 **Adds missing restrictions on accessory structures in multifamily zoning districts.**
- UDO-007 **Provides for some variation in sidewalk/tree plot designs.**
- UDO-008 **Requires connector paths to link developments to multi-use trails.**
- UDO-009 **Makes reduction of bike parking discretionary rather than automatic in CD zoning district.**
- UDO-010 **Clarifies calculation of amount of bicycle parking.**
- UDO-011 **Clarifies height and accessory status of communication facilities in CD district.**
- UDO-012 **Prohibits driveway design where driveway is parallel to street.**
- UDO-013 **Requires entrance & drive design to be paved (like parking areas).**
- UDO-014 **Requires conservation easements for wetland buffer areas.**
- UDO-015 **Corrects UDO reference.**
- UDO-016 **Clarifies fence height maximum & calculation of decorative features.**
- UDO-017 **Corrects topographic error.**
- UDO-018 **Corrects statutory reference.**
- UDO-019 **Makes landscaping of buffer yards separate from general landscaping requirements.**
- UDO-020 **Planting requirements – increases canopy tree requirements and makes interior requirements consistent.**

- UDO-021 **Clarifies landscaping requirement.**
- UDO-022 **Clarifies parking lot island and bump-out location and function.**
- UDO-023 **Clarifies outdoor storage and merchandizing requirements.**
(Revised on July 8, 2009 to correct error)

- UDO-024 **Adds omitted requirement for maximum parking lot slope.**
- UDO-026 **Corrects omission regarding parallel parking dimensions.**
- UDO-028 **Allows back-out parking on non-arterial streets in Core Neighborhoods.**
- UDO-029 **Clarifies setback for recreational equipment.**
- UDO-030 **Establishes same setback for detached and attached carports.**
- UDO-031 **Corrects statutory reference.**
- UDO-032 **Adds cross-references for exceptions to off-premises signs.**
- UDO-033 **Clarifies requirements for changeable copy on freestanding signs.**
- UDO-034 **Prohibits external illumination of temporary signs. *(On July 8th, the Council postponed consideration of this item until August 5, 2009 and on July 15th the Council moved consideration of this item to July 29th.)***
- CCL-006

- UDO-035 **Corrects section heading for multifamily signage.**
- UDO-036 **Creates wall signage allowance for multi-tenant non-residential centers.**
- UDO-037 **Clarifies minimum lot frontage requirements for freestanding signs.**
- UDO-038 **Corrects word usage in reference to drive-though bays. *(On July 10th, Cm. Satterfield declared his intent to request reconsideration and revision of this amendment at future meeting during this Special Session.)***
- CCL-007

- UDO-039 **Clarifies exemption regarding temporary containers used for charitable purposes.**

- UDO-040 **Corrects setback error for conservation subdivisions.**
- UDO-041 **Clarifies permitted activities within conservation/preservation easements.**
- UDO-042 **Requires public street frontage for new residential lots.**
- UDO-043 **Clarifies requirement for installation of no parking signs.**
(Revised on July 8, 2009 to correct error.)
- UDO-045 **Exempts construction of small accessory structures from events that end status as a non-conforming use in non-residential and multifamily properties.**
- UDO-046 **Requires developer to list bike rack model type.**
- UDO-047 **Requires petitioner to list scientific name of landscape species.**
- UDO-048 **Corrects typographical error under subdivision control.**
- UDO-049 **Defines start and duration of timing of final plat.**
- UDO-050 **Clarifies effect of withdrawal of demolition delay application.**
- UDO-051 **Requires submission of complete application before Demolition Delay waiting period begins.**
- UDO-052 **Adds basketball courts and batting cages to definition of recreational equipment.**
- UDO-053 **Clarifies change from one residential use to another and adds abandonment as a change in use.**
- UDO-054 **Adds “florist” to class of use table in definitions.**
- UDO-055 **Establishes depth of projection from wall to definition of wall sign.**
- UDO-056 **Changes definition of impound vehicle storage to include both inside and outside storage.**
- UDO-057 **Conforms erosion and storm water regulations to Title 10 of the BMC.**
- UDO-058 **Corrects references to Bicycle and Pedestrian Plan.**
- UDO-059 **Resolves conflict between temporary use and structure provisions for temporary signs.**
- UDO-060 **Corrects definition of outpatient care facility.**
- UDO-061 **Clarifies definition of basement to establish when it constitutes a “story”.**

The Council considered separate motions regarding the following map amendments and adopted them both:

- UDO-062 **Map Amendment - Rezones remaining part of the Highpoint PUD from PUD to CD/DEO.**
- UDO-063 **Map Amendment – Rezones Basswood area property from IN to RM.**

The Council considered individual motions regarding the following text amendments and took the actions noted in italics in regard to each one:

- UDO-065 **Prohibits primary pedestrian entrance in CD district to be off an alley.** *(On July 8th, the Council adopted this amendment...)*
- UDO-066 **Clarifies “masonry” materials to be used in residential projects.** *(On July 8th, the Council postponed consideration of this item until August 5th.)*
- CCL-008
- UDO-067 **Allows additions to single family attached and detached structures to have flat roofs.** *(Note: On July 8th the Council considered and rejected an amendment (CCL-005) to this item and then adopted UDO-067.)*
- UDO-068 **Clarifies that LEED-NC guidelines used in the UDO are periodically updated by USGBC.** *(On July 8th, the Council adopted this amendment.)*
- UDO-069 **Revises list of landscaping to add native species and prohibit certain invasive species.** *(On July 8th, the Council postponed consideration of this item until August 5th and on July 15th the Council moved consideration of this item to July 29th.)*
- CCL-009
- UDO-070 **Allows window signs on upper floors but counts such signs towards sign allotment.** *(On July 8th, the Council adopted this amendment.)*
- UDO-071 **Allows only attached wall signs and sandwich board signs outside of right-of-way along the B-Line trail** *(On July 8th, the Council adopted this amendment.)*

FRIDAY, JULY 10, 2009 – 10:00 a.m.

- *Deadline for Declaring Intent to Revive Amendments Non-Adopted by the Plan Commission and the Introduction of New Amendments.*
- *Deadline for Submitting Revived Amendments, Revised Amendments, and New Amendments for Consideration on the Evening of Wednesday, July 15, 2009*

WEDNESDAY, JULY 15, 2009

(AFTER REGULAR SESSION WHICH STARTS AT 7:00 P.M.)

The Council considered individual motions regarding the following text amendments and took the actions noted below in italics:

- UDO-075 **Converts density from units per acre to bedrooms per acre.** *(On July 15th, the Council postponed consideration of this amendment until August 5, 2009 at the request of*
- CCL-010

Councilmember Volan, who may amend it or prepare a new amendment to address this issue.

- UDO-077 **Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.** *(On July 15th, the Council adopted this amendment, but allowed for it to be amended on August 5th.)*
- CCL-011
- UDO-079 **Adds architectural design requirement along arterial streets.** *(On July 15th, the Council adopted this amendment.)*
- UDO-080 **Adds requirements for some areas now exempt from riparian buffer zones.** *(On July 15th, the Council voted to consider this amendment on July 29th.)*
- CCL-001 **Promotes Sustainable Development Practices** *(This amendment was not adopted by the Plan Commission. On July 10th, Cm. Piedmont-Smith declared her intent to reintroduce and amend this amendment. On July 15th, the Council adopted CCL-001 which amended this amendment.)*
- UDO-074
- CCL-002 **Restricts use of EIFS and other surface building materials in CD district.** *(On July 10th, Cm. Sturbaum declared his intent to reintroduce and revise this amendment. On July 15th, the Council did not reach consideration of this item which, according to Special Session procedure, meant this item would be taken up at the July 29th meeting.)*
- UDO-076

FRIDAY, JULY 17, 2009 – 10.00 a.m.

- *Deadline for Submitting Revived Amendments, Revised Amendments, and New Amendments for Consideration on the Evening of Wednesday, July 29, 2009*

WEDNESDAY, JULY 29, 2009 – 7:00 P.M.

The Council considered the following text amendments and took the actions regarding them as noted in italics:

- UDO-080 **Adds requirements for some areas now exempt from riparian buffer zones.** *(On July 15th, the Council voted to consider this amendment on July 29th. On July 29th, the Council adopted this amendment.)*
- CCL-002 **Restricts use of EIFS and other surface building materials in CD district.** *(This amendment was not adopted by the Plan Commission. On July 10th, Cm. Sturbaum declared his intent to reintroduce and amend this amendment. On July 15th, the Council did not reach consideration of this item which, according to Special Session procedure, meant this item would be taken up at the July 29th meeting. On July 29th, the Council adopted this amendment.)*
- UDO-076
- UDO-081 **Reduces buffer yard requirements.** *(On July 29th, the Council adopted this amendment.)*
- UDO-083 **Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments.** *(On July 10th, Cm. Volan declared his intent to amend this amendment or introduce a new amendment on this subject. On July 24th, the schedule was revised to note that staff will request consideration of an amendment that incorporates UDO-025, UDO-027, and UDO-044. On July 29th, the Council adopted CCL-013.)*
- CCL-013
- UDO-025 **Clarifies calculation of car dealer parking.** *(On July 29th, the Council denied this amendment because it had been incorporated into CCL-013.)*
- UDO-027 **Allows stacked parking for MF garages** *(On July 29th, the Council denied this amendment because it had been incorporated into CCL-013.)*
- UDO-044 **Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties.** *(On July 29th, the Council denied this amendment because it had been incorporated into CCL-013.)*
- UDO-085 **Adds or changes parking requirements for preschools, outdoor storage, and brewpubs.** *(On July 29th, the Council adopted this amendment.)*
- UDO-086 **Defines and adds parking requirements for “outdoor retail.”** *(On July 29th, the Council adopted this amendment.)*
- UDO-088 **Relaxes restrictions on size and duration of political signs to conform to case law.** *(On July 29th, the Council adopted this amendment.)*
- UDO-089 **Changes restrictions on “reader board” signs to conform to case law** *(On July 29th, the Council adopted this amendment.)*
- CCL-003 **Requires landscaping be installed when buildings are demolished unless a development plan is approved.** *(This amendment was not adopted by the Plan Commission. On July 10th, Cm. Sturbaum declared his intent to introduce CCL-003 which amends this amendment. On July 24th, he declared is intent to request postponement until August 5th to provide time to draft the amendment. On July 29th, the Council agreed to postpone this amendment and place at the end of the August 5th agenda with the possibility that it would be considered in September if the Council did not complete its deliberations that evening.)*
- UDO-082
- UDO-034 **Prohibits external illumination of temporary signs.** *(On July 8th, the Council postponed this item to August 5th and on July 15th moved its consideration to July 29th. On July 17th, Plan Staff submitted CCL-006 which defined “externally” and “internally” illuminated signs. On July 29th, the Council adopted CCL-0006.)*
- CCL-006
- UDO-069 **Revises list of landscaping to add native species and prohibit certain invasive species.** *(On July 8th, the Council postponed consideration of this item to August 5th and on July 15th moved*
- CCL-009

its consideration to July 29th. On July 17th, Plan Staff submitted an amendment which suitable and unsuitable cultivars of the “flowering crabapple” tree. On July 29th, the Council did not reach this item and will, therefore, hear it first on August 5th.) On July

FRIDAY, JULY 31, 2009 – 10:00 a.m.

- *Deadline for Submitting Revived Amendments, Revised Amendments, and New Amendments for Consideration on the Evening of Wednesday, July 29, 2009*

WEDNESDAY, AUGUST 5, 2009 (AFTER THE REGULAR SESSION WHICH BEGINS AT 7:00 P.M.)

The Council will Consider Individual Motions Regarding the Following Text Amendments:

- CCL-009** **Revises list of landscaping to add native species and prohibit certain invasive species.** (On July 8th, the Council postponed consideration of this item to August 5th and on July 15th moved its consideration to July 29th. On July 17th, Plan Staff submitted an amendment which suitable and unsuitable cultivars of the “flowering crabapple” tree. On July 29th, the Council did not reach this item and then adopted it on August 5th.)
- UDO-069**
- UDO-090** **Restricts seasonal sale of fireworks to CA districts and clarifies length seasonal sales are permitted.** (On August 5th the Council adopted this item.)
- UDO-091** **Adds maximum suburban parent tract size for Suburban Subdivision type.** (On August 5th, the Council adopted this item.)
- UDO-092** **Requires more detail for models accompanying downtown development proposals** (On August 5th, the Council adopted this item.)
- UDO-095** **Defines certain urban agricultural activities and imposes special conditions on**
- CCL-015** **community gardens in residential zones.** (On August 5th, the Council adopted CCL-015.)
- CCL-004** **Requires grading permit for single family lots which have not been part of a larger**
- UDO-093** **grading plan.** (This amendment was not adopted by the Plan Commission. On July 10th, Cm. Piedmont-Smith declared her intent to reintroduce and amend this amendment. On August 5th, the Council adopted CCL-004.)
- CCL-008** **Clarifies “masonry” materials to be used in residential projects.** (UDO-066 was adopted
- UDO-066** **by the Plan Commission and postponed on July 8th to August 5th by the Council. On August 5th, the Council adopted CCL-008 which amended UDO-066.)**

Other Amendments Declared by Council Members by July 10, 2009 and to be filed with the Council Office by July 31, 2009

- CCL-007** **Allows banks to have up to three drive-through bays in CD district** (On July 10th, during discussion of UDO-038, Cm. Satterfield declared his intent to, among other possible actions, introduce a new amendment on the subject of drive-through bays and banks. On July 31, Cm Satterfield submitted CCL-007 which, if adopted, would be treated as a Council initiative to amend the UDO under I.C. 36—4-607(b). On August 5th, the Council adopted this item.)
- CCL-010** **Converts density from units per acre to bedrooms per acre; Creates a weighting**
- UDO-075** **system that encourages efficiencies and 1-bedroom units and discourages 4-bedroom and 5-bedroom units.** (UDO-075 was adopted by the Plan Commission. On July 15th, the Council postponed consideration of this amendment until August 5, 2009 at the request of Councilmember Volan, who intends to introduce CCL-010 in order to amend it. On August 5th, the Council adopted CCL-010.)
- UDO-083** ~~**Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments.**~~ (On July 10th, Cm. Volan declared his intent to amend this amendment or introduce a new amendment on this subject. On July 29th, the Council considered CCL-013 which incorporates UDO-025, UDO-027, and UDO-044. By July 31st, Cm. Volan had not submitted an amendment to UDO-083.)
- UDO-094** **Defines “primary” and “secondary” exterior finish materials.** (On July 10th, Cm. Sturbaum
- CCL-012** **declared his intent to amend this amendment, but on July 31st indicated he would not do so.)**
- CCL-011** **Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.** (On
- UDO-077** **July 15th, the Council adopted this amendment and allowed for it to be amended on August 5th.)**
- UDO-078** **Prohibits residential uses on the ground floor along key corridors.** (This amendment was not adopted by the Plan Commission. On July 10th, Cm. Sturbaum declared his intent to reintroduce this amendment without change.)

- CCL-003 (a) **Requires landscaping be installed when buildings are demolished unless a development plan is approved.** (UDO-082 was not adopted by the Plan Commission. On July 10th, Cm. Sturbaum declared his intent to introduce CCL-003, which amends this amendment. On July 24th, he declared is intent to request postponement until August 5th to provide time to draft the amendment. On July 29th, the Council agreed to postpone this amendment and place at the end of the August 5th agenda, with the possibility that it would be considered in September in the event the Council did not complete its deliberations that evening. On July 31st, Cm. Sturbaum submitted CCL-003(a) and CCL-003(b) with the expectation that CCL (a) would be sponsored by a Council member that evening.)
- CCL-003 (b)
- UDO-082

At the end of this meeting, the Council voted to continue the Special Session until after the Regular Session on September 16th to consider the remaining amendments.

WEDNESDAY, SEPTEMBER 16, 2009 (AFTER THE REGULAR SESSION WHICH BEGINS AT 7:00 P.M.)

The Council will Consider Individual Motions Regarding the Following Amendments Which were Carried Over from the August 5th Meeting:

- UDO-094 **Defines “primary” and “secondary” exterior finish materials.** (On July 10th, Cm. Sturbaum declared his intent to amend this amendment, but on July 31st indicated he would not do so.)
~~CCL-012~~
- CCL-011 **Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.** (On July 15th, the Council adopted this amendment and allowed for it to be amended on August 5th.)
 UDO-077
- UDO-078 **Prohibits residential uses on the ground floor along key corridors.** (This amendment was not adopted by the Plan Commission. On July 10th, Cm. Sturbaum declared his intent to reintroduce this amendment without change.)
- CCL-003 (a) **Requires landscaping be installed when buildings are demolished unless a development plan is approved.** (UDO-082 was not adopted by the Plan Commission. On July 10th, Cm. Sturbaum declared his intent to introduce CCL-003, which amends this amendment. On July 24th, he declared is intent to request postponement until August 5th to provide time to draft the amendment. On July 29th, the Council agreed to postpone this amendment and place at the end of the August 5th agenda, with the possibility that it would be considered in September in the event the Council did not complete its deliberations that evening. On July 31st, Cm. Sturbaum submitted CCL-003(a) and CCL-003(b) with the expectation that CCL (a) would be sponsored by a Council member that evening. One or both of these amendments may be considered on September 16th.)
 CCL-003 (b)
- UDO-082
- CCL-014 **Assembles Amendments into Three Attachments and Returns the Ordinance to the Plan Commission** (This amendment was carried over from the August 5th meeting.)

Motion to Adopt Ord 09-12 As Amended

The Council may revise this schedule and continue consideration of the UDO to other dates by a vote of the Council taken at any time during this Special Session.

Posted and Distributed on: Friday, September 11, 2009