Passed 8-1 (Rollo)

ORDINANCE 12-02

TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ORDINANCE AND PRELIMINARY PLAN FOR PARCEL C(a) OF THE THOMSON AREA PUD -
Re: 1140 S. Morton Street
(First Capital Management, Petitioner)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-20-11; recommended that the petitioners, First Capital Management, be granted an amendment to the PUD District Ordinance and Preliminary Plan for Parcel C (a) of the Thomson Area PUD and thereby requests that the Common Council consider this petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the PUD Preliminary Plan and District Ordinance and the list of permitted uses be amended for the property at 1140 S. Morton Street. The property is further described as follows:

A part of Land of Bloomington L.L.C (DR. 480, Pg 774), being a part of Campbell's Addition to the City of Bloomington (P.C. "C", Env 6) being a part of Seminary Lot 40 of the Reserved Township of Lands of Monroe County, Indiana, being a part of the Southeast Quarter of Section 5, Township 8 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the Southwest Comer of Lot 76 in said Campbell's Addition to the City of Bloomington; thence on the South line of said Campbell's Addition SOUTH 86 degrees 23 minutes 20 seconds East 197.94 feet to the POINT OF BEGINNING; thence continuing on said South line SOUTH 86 degrees 23 minutes 20 seconds East 138.02 feet to the Southwest Corner of Lot 74 in said Campbell's Addition; thence on the West and North line of said Lot 74 and continuing on the North line of said Lot 75 the following two (2) courses: 1) NORTH 03 degrees 47 minutes 35 seconds West 60.16 feet to a 3/8" rebar 7" tall; 2) SOUTH 86 degrees 23 minutes 20 seconds East 304.34 feet to the Northeast Corner of Lot 75 in said Campbell's Addition; thence on the East line of said Lot 75 and continuing on the East line of Land of Bloomington L.L.C SOUTH 03 degrees 47 minutes 35 seconds West 217.32 feet to a point on the North Right-of-Way of Patterson Drive, being recorded as Land of the City of Bloomington (D.R. 480, Pg 797); thence on said North Right-of-Way the following two (2) courses: 1) NORTH 86 degrees 21 minutes 17 seconds West 140.61 feet; 2) NORTH 58 degrees 51 minutes 23 seconds West 339.81 feet to the POINT OF BEGINNNING, containing 1.47 acres more or less.

SECTION 2. The PUD District Ordinance and Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 1st day of FEBRUARY, 2012.

TIM MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of FEBRUARY, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 2ND day of FEBRUARY, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the PUD District Ordinance and Preliminary Plan for a part of Tract C of the Thomson Area PUD, to be known now as Tract C (a). The amendment changes the permitted uses and development standards for this tract and establishes the standards for construction in the floodway. This amendment facilitates the construction of 16 multi-family units and a commercial building.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 12-02 is a true and complete copy of Plan Commission Case Number PUD-20-11 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 5, 2011.

Date: December 8, 2011

Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 8TH day of DECEMBER, 2011.

Regina Moore, City Clerk

Appropriation Ordinance # _____

Fiscal Impact Statement Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____ Emergency _____
Unforseen Need _____ Other _____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	$	$
Revenue to Date	$	$
Revenue Expected for Rest of year	$	$
Appropriations to Date	$	$
Unappropriated Balance	$	$
Effect of Proposed Legislation (+/-)	$	$
Projected Balance	$	$

Signature of Controller

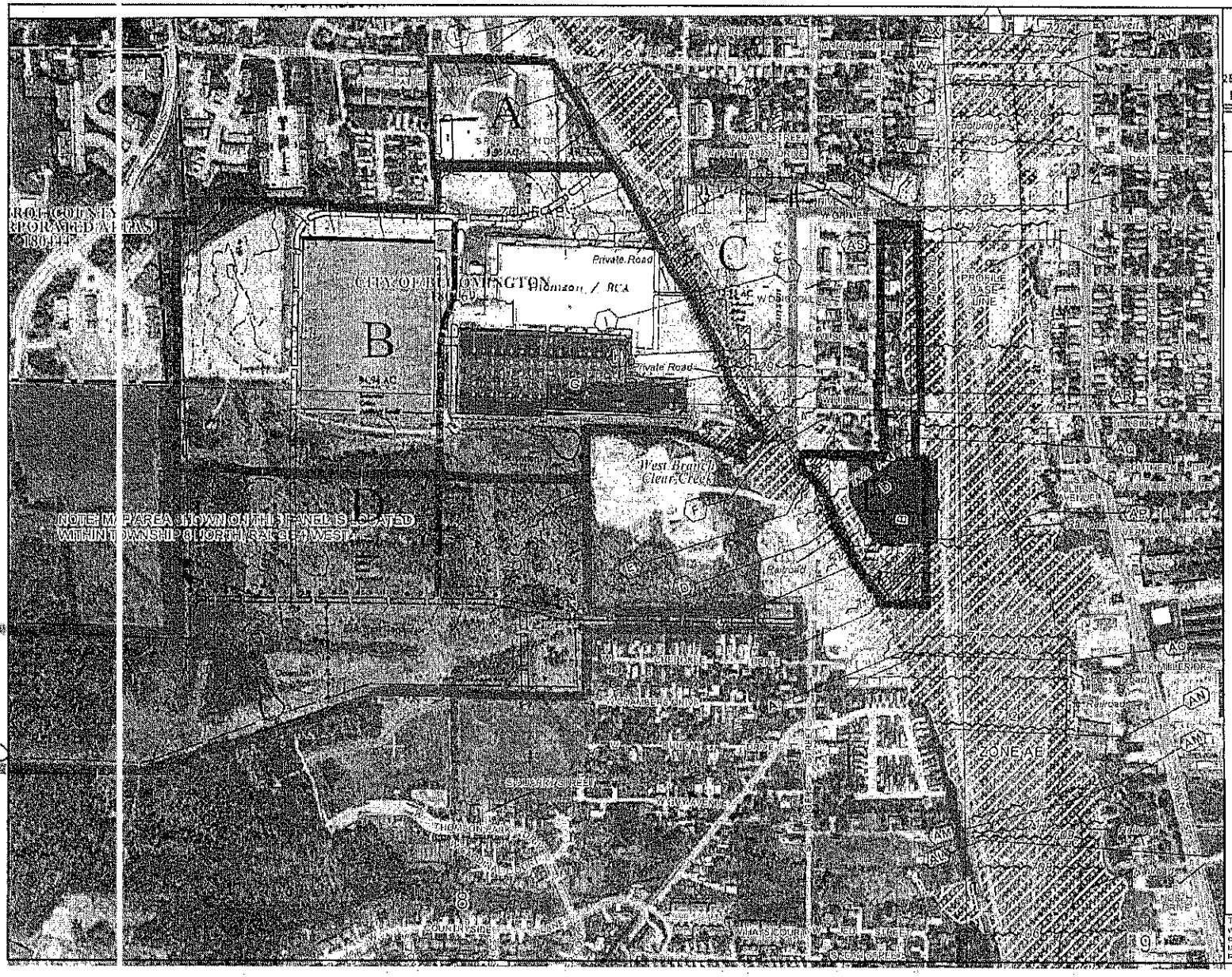
Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

FUKEBANEI ORD=CERT.MRG



MAP SCALE 1" = 500'

250 0 500 000

FEET

METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0143D

FIRM

FLOOD INSURANCE RATE MAP

MONROE COUNTY, INDIANA AND INCORPORATED AREAS

PANEL 143 OF 400

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
[illegible]	[illegible]	0143	D
[illegible]	[illegible]	0143	D

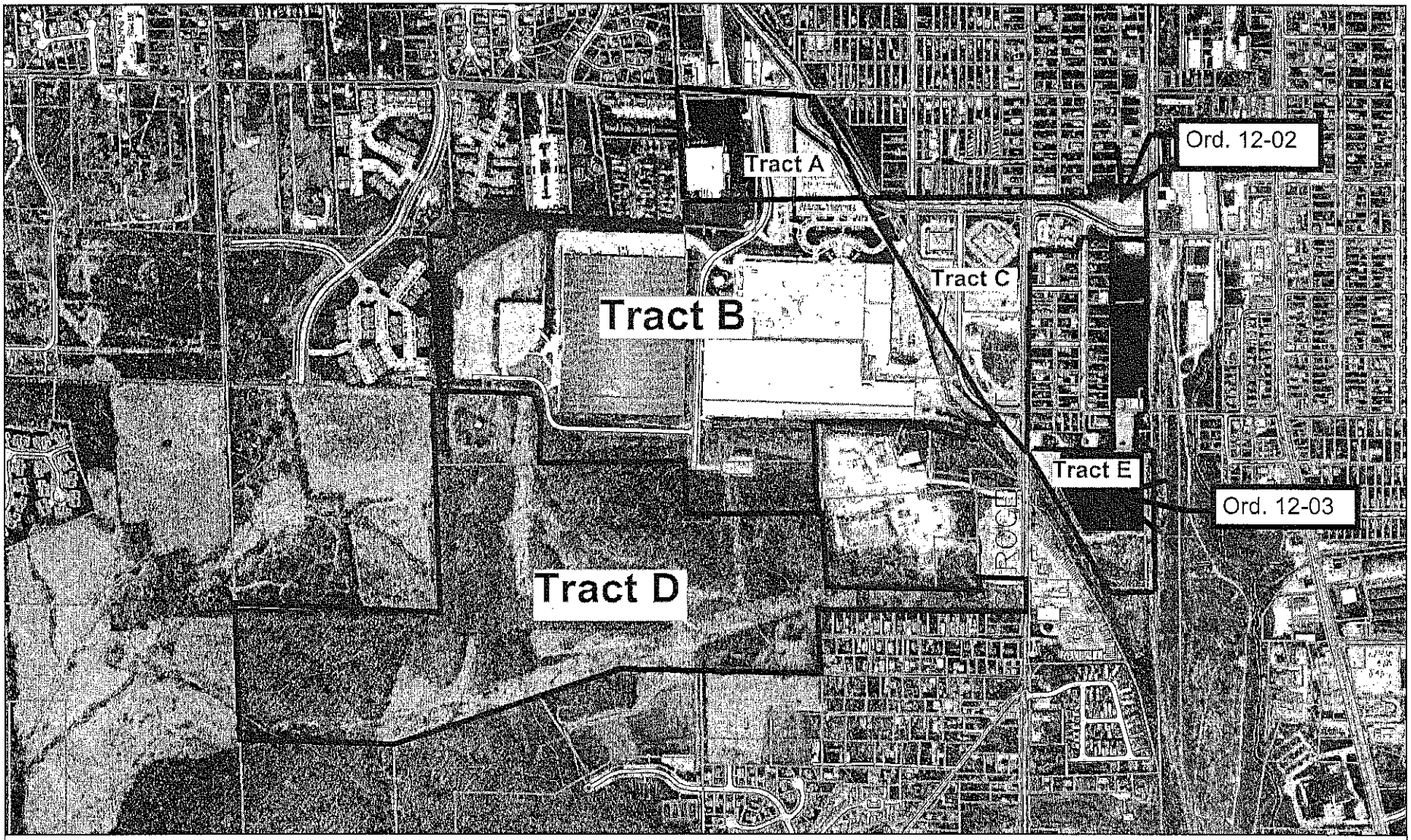
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER 18105C0143D

EFFECTIVE DATE DECEMBER 17, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was obtained using FEMA's Map Service Center on-line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



By: roachja
11 Jun 12

800 0 800 1600 2400 3200

N

City of Bloomington
Planning

Scale: 1" = 800'

For reference only; map information NOT warranted.

To: **Members of the Common Council**
From: **James Roach, Senior Zoning Planner**
Subject: **Case # PUD-20-11**
Date: **December 8, 2011**

Attached is the PUD District Ordinance and Preliminary Plan amendment pertaining to Plan Commission Case #PUD-20-11. The PUD District Ordinance and Preliminary Plan is made up of the staff reports, petitioner's statement and exhibits reviewed by the Plan Commission at its December 5, 2011 meeting. The Plan Commission voted 9-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner, First Capital Management, is requesting a PUD District Ordinance amendment to allow multi-family use within Tract C of the Thomson Planned Unit Development.

SITE INFORMATION:

Address:	1140 S. Morton Street
Lot Area:	1.47 Acres
Current Zoning:	Planned Unit Development (Thomson PUD)
GPP Designation:	Employment Center
Existing Land Use:	Vacant
Proposed Land Use:	Mixed-Use
Surrounding Uses:	North – Single Family (McDoel Gardens neighborhood) & Industrial South – Retail, Restaurant, & Single Family East – B-Line Trail, Bloomington Transit West – Vacant, Former Raintree Muffler

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REPORT: The petitioner is seeking approval to allow the redevelopment of the northeastern portion of Tract C of the Thomson Planned Unit Development also known as the Indiana Enterprise Center. This PUD was created in 1998 by the City to help guide future redevelopment of the Thomson Consumer Electronic site that had recently closed. The intent of this PUD was to recognize the former industrial use of the property and create incentives to redevelop this area with employment and ancillary uses.

Since that time, the PUD has slowly developed to reuse several existing buildings (Cook Pharmica, Indiana Warehouse, Schulte) and construct new buildings such as The McDoel Building (Sweetgrass, Clendening Johnson & Bohrer), Best Beers, Social Security, and two medical office buildings. Several public investments have also been made to the area, including street construction, streetscape and riparian buffer improvements, to promote development.

This portion of Tract C is approximately 1.47 acres and includes all of Tract C north of W. Patterson Dr. The site is currently vacant and is nearly entirely covered with a previously used surface parking lot. The original PUD permitted a

ATTACHMENTS TO ORD 12-02

variety of uses including several commercial and industrial uses. It also allowed for residential units located on the second floor and above.

This PUD District Ordinance and Preliminary Plan amendment would change the permitted use list for this portion of Tract C to include multifamily units on the ground floor and set development standards to allow the proposed site layout. This request requires two Plan Commission meetings and is ultimately decided by the Common Council.

The draft PUD Final Plan includes five buildings. The building at the immediate northwest corner of Patterson Dr. and Morton St. is planned to house a commercial use. This building has not yet been designed, but will be built to meet State floodplain construction requirements. Three residential buildings would be built that front on Patterson Dr. These would be 3-story buildings that each contain four 2-bedroom units. The fourth residential building is situated along Morton St. This building is set back from the road so that it is not within the floodplain. Parking and the main access drive to the site would be located between this building and Morton St. This building would be three stories and contain four 3-bedroom townhouse style units. The petitioner intends to develop this property as a condominium project with units for sale.

Neighborhood Meeting: This petition was presented to the McDoel Gardens Neighborhood Association on September 1st. Approximately 20 neighborhood residents were in attendance. Issues raised included connecting Madison St. to Patterson Dr., about connecting the project parking area to Madison St. and the potential for cut-through traffic, project phasing, and stormwater and floodplain issues.

Growth Policies Plan: This property is located within the Employment Center land use category of the Growth Policies Plan (GPP). The GPP states that Employment centers should be located in close proximity or contain commercial and housing opportunities to minimize the traffic generated by their employment base. (page 37)

The GPP also notes that Employment Centers should include "supporting commercial uses" and the commercial uses should be "integrated within an employment center [and be] at a scale that services the employment center but does not generate significant additional business from the community at large." (page 37)

The GPP specifically notes that "former Thomson property" is an important site for redevelopment. (page 21) The GPP's "McDoel Switchyard Subarea" states that the City should "promote mixed use development adjacent to the rail corridor that encourages retail services, new housing opportunities, and recreational amenities." It goes on to recommend that "In order to beautify the trailway, [the City should] explore redevelopment opportunities of industrial sites along the Morton Street corridor." (page 66)

While this property is not within the Core Residential land use category, it is

adjacent to the McDoel Gardens Core Neighborhood to the north. The Core Residential policies may be appropriate to help guide redevelopment of this lot. The GPP states that while the predominate land use in Core Residential is single family, "Multi-family (medium and high-density) residential and neighborhood-serving commercial uses may be appropriate for this district when compatibly designed and properly located to respect and compliment single family dwellings. Neighborhood-serving commercial uses, and possibly even office uses, may be most appropriate at the edge of Core Residential areas that front arterial street locations." (page 30)

The GPP also notes that in Core Residential areas multi-family residential should be encouraged along "designated major streets" and can serve as transitional uses, but should be "appropriately integrated with adjacent uses..." and the City should "explore opportunities to introduce nodes of appropriately designed, neighborhood scaled commercial uses within the core neighborhoods. (page 30)

Finally, the GPP broadly recommends increasing residential densities in the urbanized area (page 6) and redirecting commercial development to vacant and underutilized commercial sites, particularly along arterial roadway corridors. (page 7)

PUD DISTRICT ORDINANCE/PRELIMINARY PLAN REVIEW ISSUES:

Permitted Uses: The approved PUD anticipated that Tract C would be developed with mostly industrial, office or commercial uses. The permitted use list included a wide range of uses. Because this PUD was adopted under the previous zoning ordinance, the list of permitted uses does not match the current UDO use names. At the recommendation of staff, the petitioner has proposed to utilize the Residential High-Density (RH) use list for buildings outside the floodplain and the Commercial Limited (CL) use list for the building located within the floodplain area. The Plan Commission found that these uses were more consistent with current standards and more appropriate as a transition to the adjacent core neighborhood.

Development Standards: The petitioners propose RH standards for the residential section and CL standards for the commercial section. The project meets most of these standards. Deviations from these standards, including front setbacks, are highlighted in the report.

ROW Dedication: A 25 foot from centerline right-of-way dedication for Morton Street is required and is shown on the plans. All right-of-way for Patterson Drive, as indicated on the Thoroughfare Plan, is already in place.

Floodplain: This eastern portion of this site is located within the 100-year floodplain. The PUD anticipated redevelopment of this parking lot area including the area within the floodplain. However, residential uses are not permitted to be constructed within the floodplain. Therefore, the petitioner is proposing multifamily units only on the western portion of the site. Within the floodplain, the petitioner proposes a commercial building that would be built two feet above the

base flood elevation and drive and parking areas. While anticipated by the PUD, IDNR and FEMA have informed the City that there is no formal process within the PUD or the UDO to approve a building in the floodplain.

With this PUD amendment it is also necessary to include new language and updates to the floodplain development regulations of the UDO. Until the entire UDO can be rewritten to address how floodplain development issues are addressed in PUDs and with variances, the IDNR has recommended that staff include the attached language to this petition. The exhibit titled "Rules for the Special Flood Hazard Areas within Tract C(a) of the Thomson Area Planned Unit Development" is proposed to be a part of the amended PUD District Ordinance. The document contains language from the State's model floodplain ordinance and has been reviewed and approved by IDNR.

SITE DESIGN/PUD FINAL PLAN REVIEW ISSUES:

Final Plans: Also requested is a PUD Final Plan approval for the site layout and multi-family uses as well as delegation of the PUD Final Plan for the commercial building to the Planning Staff. Due to the complexity of the Floodplain review and approvals, the Plan Commission required that the PUD Final Plan for the residential uses instead be reviewed by the Planning Staff at a later date. Due to the uncertainty of the design of the commercial building, the Plan Commission required that the PUD Final Plan for this building be brought back to them.

Madison Street Extension, Connection and Pocket Park: The Plan Commission did not require that Madison Street be extended to Patterson Drive with this project. Several factors have led to this conclusion:

- Prior to the construction of Patterson Drive, Madison Street did not directly connect to W. Grimes Lane but to a Thomson parking lot
- The connection would only provide limited connectivity improvements
- The connection would not be able to properly align with Madison St. to the south, therefore creating a dogleg intersection within the curve of Grimes Ln.
- The adjacent neighborhood has expressed a strong preference for the street not to connect
- The street connection is not listed on the City's Master Thoroughfare Plan
- The area could be alternately utilized as greenspace
- Pedestrian and bicycle connectivity can still be achieved

The draft PUD Final Plan does however show a access drive connection between the development and the dead end of Madison St. Madison Street will be curved into the property to provide additional greenspace opportunities. The petitioner proposes a speed bump at the entrance to Madison St. This along with the indirect design of the parking lot will hopefully discourage cut-through traffic. The petitioner has developed a draft plan for a "pocket park" which includes structures, walking path and landscaping improvements in an area of greenspace south of Madison St., north of Patterson Dr. and west of the proposed buildings.

Stormwater: Due to the past use of the site as a large surface parking lot with little greenspace, the amount of impervious surface will decrease with the proposed site plan. Stormwater plans have been submitted to CBU and are under review. It is anticipated that no stormwater detention will be required. However, since the site is more than an acre in size, water quality improvements are required. The petitioner is proposing to install a mechanical stormwater separator (i.e. Aqua-Swirl) in the southeast portion and a vegetated swale north of the parking lot to fulfill these requirements.

Architecture: The petitioner is proposing three 3-story, 4-unit structures along Patterson Dr. and a 3-story townhouse structure along Morton St. The building elevations utilize mostly cementitious siding and brick. The buildings include lower level garages and storage with units on the second and third floors. The garages would be accessed from the rear.

The petitioner has submitted schematic architecture of the commercial building. This building may be one or two stories, would utilize a pitched roof and be clad in brick and metal. The draft PUD Final Plan shows a footprint of approximately 3,100 square feet. Given the uncertainty of the height, size, design and use of the commercial building the Plan Commission reserved the right to review the PUD final Plan for this building.

Parking: The UDO does not require any parking for the commercial use. The residential use requires a minimum of one space per bedroom. With the 36 proposed bedrooms, the residential portion requires at least 36 spaces. The petitition is proposing 46 off-street aprking spaces. This includes 12 garage spaces under the 4-unit flats buildings. This will provide approximately 10 parking spaces for the future commercial use. The petitioner has also designed 5 on-street parking spaces along the west side of Morton Street. Several on-street parking options were evaluated, including adding spaces to the east side on Morton St. and the north side of Patterson Dr. In the end, the petitioner determined that spaces on the west side of Morton St. were the easiest to accomplish and would provide convenient, high turn-over spaces for the commercial use.

Setbacks/Buffers: The proposed PUD Final Plan meets all CL and RH setback standards except for the front building and parking setbacks on Morton St. The deviation from the building setback requirements is necessary to push the building forward on the lot to frame the street. The building is proposed at 10 feet from the new Morton St. right-of-way instead of the required 15 feet.

The plan also does not meet the parking setback along Morton St. since the UDO prohibits parking within 20 feet of the front wall of a building. In this case, this would require a 30 foot parking setback off of Morton St. The draft PUD Final Plan shows parking 0 feet from the right-of-way. The PUD Final Plan is designed to place the residential building out of the 100 year floodplain. The parking in front of this building also is necessary to ramp the access up to the commercial building. The commercial building must be 2 feet above the base flood elevation, and an accessible entrance is proposed on the rear (north) side of the building,

adjacent to accessible parking. Without the grade change being compensated for through the parking lot and drive, creating the accessible route from the parking spaces to the commercial uses would be difficult.

Height: The standard height for the CL district is 40 feet and for the RH district is 50 feet. The petitioner is proposing three-story residential buildings and a two story commercial building, both of which will meet these standards.

Signage: The petitioner has not proposed a specific sign package for this project. RH standards will ne used for the residential portion of the site and CL standards for the commercial building.

Impervious Surface Coverage: The property is currently 63% impervious. With the proposed PUD Final Plan impervious surface coverage drops to about 56%. The petitioner is requesting a maximum impervious surface coverage standard of 60%. This is more impervious than the 50% permitted by the CL and RH districts. It is less than the 70% permitted in the IG (Industrial General) district, which is the most closely related district to the current PUD standards. The Plan Commission found that the proposed impervious surface percentage is appropriate given the history of the property and the reduction from the existing impervious surface percentage.

Density: The petitioner has proposed to construct four multi-family buildings with a total of 16 dwelling units and 36 total bedrooms. With the 1.47 acre site, the proposed density is 10.9 DUEs/Acre. This is less that the 15 units per acre permitted by the RH and CL districts.

Landscaping: The site is currently covered with asphalt paving. This project would remove a large amount of this asphalt and replace it with buildings and new pervious parking areas. The setbacks and buffers are nearly all compliant with current standards. The petitioner has submitted a landscaping plan that shows that they have the ability to meet landscaping standards. The final landscaping plan will be reviewed with the staff level PUD Final Plan.

PLAN COMMISSION CONCLUSIONS: The Plan Commission found that the proposed use of the property, including the multi-family, use, density, and the commercial building to be a better transition between the remainder of the PUD and the core neighborhood to the north than the permitted commercial or industrial uses. Furthermore, the Plan Commission found that the use and scale of development to be consistent with the Growth Policies Plan.

RECOMMENDATION: The Plan Commission voted 9-0 to forward this petition to the Common Council with a favorable recommendation and the following conditions:

1. This property shall be referred to as Tract C(a) for the purpose of this amended PUD District Ordinance.

2. The document titled "Rules for the Special Flood Hazard Areas within Tract C(a) of the Thomson area Planned Unit Development" shall be included as a part of the PUD District Ordinance.
3. Approval of this District Ordinance amendment specifically permits the depicted non-residential structure and parking within the floodway of Clear Creek, subject to the standards of the "Rules for the Special Flood Hazard Areas within Tract C(a) of the Thomson area Planned Unit Development" document.
4. Uses and development standards for this parcel shall be the same as the CL district for the commercial building and the same as the RH district for the residential buildings, except where noted in the report.
5. The PUD Final Plan for the residential buildings shall be reviewed by the Planning Department Staff.
6. The PUD Final Plan for the commercial building shall be reviewed by the Plan Commission.
7. Right-of-way dedication along Morton Street must take place concurrent with the first final plan approval.

BLOOMINGTON PLAN COMMISSION **CASE #: PUD-20-11**
SECOND HEARING STAFF REPORT **DATE: December 5, 2011**
LOCATION: 1140 S. Morton Street

PETITIONER: First Capital Management
1720 N. Kinser Pike, Bloomington

COUNSEL: Bynum Fanyo & Associates, Inc.
528 N. Walnut St, Bloomington

REQUEST: The petitioner is requesting a PUD District Ordinance amendment to allow multi-family use within Tract C of the Thomson Planned Unit Development. Also requested is a PUD Final Plan for 16 multi-family units.

SITE INFORMATION:

Lot Area:	1.47 Acres
Current Zoning:	Planned Unit Development (Thomson PUD)
GPP Designation:	Employment Center
Existing Land Use:	Vacant
Proposed Land Use:	Mixed-Use
Surrounding Uses:	North – Single Family (McDoel Gardens neighborhood) & Industrial South – Retail, Restaurant, & Single Family East – B-Line Trail, Bloomington Transit West – Vacant, Former Raintree Muffler

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Since that time, the PUD has slowly developed to reuse several existing buildings (Cook Pharmica, Upland/Indiana Warehouse, Schulte) and construct new buildings such as The McDoel Building (Sweetgrass, Clendening Johnson & Bohrer), Best Beers, Social Security, and two medical office buildings. Several public investments have also been made to the area, including street construction, streetscape and riparian buffer improvements, to promote development.

This portion of Tract C is approximately 1.47 acres and includes all of Tract C north of W. Patterson Dr. The site is currently vacant and is nearly entirely covered with a previously used surface parking lot. The original PUD permitted a variety of uses including several commercial and industrial uses. It also allowed for residential units located on the second floor and above.

This PUD District Ordinance amendment request would change the permitted use list for this portion of Tract C to include multifamily units on the ground floor and set development standards to allow the proposed site layout. This request requires two Plan Commission meetings and is ultimately decided by the Common Council.

The draft PUD Final Plan includes five buildings. The building at the immediate northwest corner of Patterson Dr. and Morton St. is planned to house a commercial use. This building has not yet been designed, but will be built to meet State floodplain construction requirements. Three residential buildings would be built that front on Patterson Dr. These would be 3-story buildings that each contain four 2-bedroom units. The fourth residential building is situated along Morton St. This building is set back from the road so that it is not within the floodplain. Parking and the main access drive to the site would be located between this building and Morton St. This building would be three stories and contain four 3-bedroom townhouse style units. The petitioner intends to develop this property as a condominium project with units for sale.

Changes since first hearing: Since the first hearing back in September, the petitioner has made several changes to the project:

1. Added lower level garages to the 4-unit flats. This increased parking on the site by 10 spaces and increased the height of the buildings.
2. Five on-street parking spaces added to Morton Street.
3. A rain garden/swale added north of the parking lot to further filter stormwater.
4. Schematic commercial building elevations and composite site elevations provided.
5. "Pocket park" details provided and park enlarged by reclaiming of unneeded Madison St. pavement at dead end.

Neighborhood Meeting: This petition was presented to the McDoel Gardens Neighborhood Association on September 1st. Approximately 20 neighborhood residents were in attendance. Concern was raised about connecting Madison St. to Patterson Dr., about connecting the project to Madison St. and the potential for cut-through traffic, project phasing, and stormwater and floodplain issues.

Growth Policies Plan: This property is located within the Employment Center land use category of the Growth Policies Plan (GPP). The GPP states that Employment centers should be located in close proximity or contain commercial and housing opportunities to minimize the traffic generated by their employment base. (page 37)

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While this property is not within the Core Residential land use category, it is adjacent to the McDoel Gardens Core Neighborhood to the north. The Core Residential policies may be appropriate to help guide redevelopment of this lot. The GPP states that while the predominate land use in Core Residential is single family, "Multi-family (medium and high-density) residential and neighborhood-serving commercial uses may be appropriate for this district when compatibly designed and properly located to respect and compliment single family dwellings. Neighborhood-serving commercial uses, and possibly even office uses, may be most appropriate at the edge of Core Residential areas that front arterial street locations." (page 30)

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PUD PRELIMINARY PLAN REVIEW ISSUES:

Permitted Uses: The approved PUD anticipated that Tract C would be developed with mostly industrial, office or commercial uses. The permitted use list included a wide range of uses. Because this PUD was adopted under the previous zoning ordinance, the list of permitted uses does not match the current UDO use names. Since the first hearing, the petitioner has agreed to utilize the Residential High-Density (RH) use list for buildings outside the floodplain and the Commercial Limited (CL) use list for the building located within the floodplain area. Staff finds these uses to be more consistent with current standards and more appropriate as a transition to the adjacent core neighborhood.

Development Standards: The petitioners propose RH standards for the residential section and CL standards for the commercial section. The project meets most of these standards. Deviations from these standards, including front setbacks, are highlighted in the report.

ROW Dedication: Since the first hearing, the petitioner has shown the required 25 foot from centerline right-of-way dedication for Morton Street.

Floodplain: This eastern portion of this site is located within the 100-year floodplain. The PUD anticipated redevelopment of this parking lot area including the area within the floodplain. However, residential uses are not permitted to be constructed within the floodplain. Therefore, the petitioner is proposing multifamily units only on the western portion of the site. While anticipated by the PUD, IDNR and FEMA have informed the City that there is no formal process within the PUD or the UDO to approve a building in the floodplain.

With this PUD amendment it is also necessary to include new language and updates to the floodplain development regulations of the UDO. Until the entire UDO can be rewritten to address PUD and variances, the IDNR has recommended that staff include the attached language to this petition. The exhibit titled "Rules for the Special Flood Hazard Areas within Tract C(a) of the Thomson Area Planned Unit Development" is proposed to be a part of the amended PUD District Ordinance. The document contains language from the State's model floodplain ordinance and has been reviewed and approved by IDNR.

SITE DESIGN/PUD FINAL PLAN REVIEW ISSUES:

Final Plans: Also requested is a PUD Final Plan approval for the site layout and multi-family uses as well as delegation of the PUD Final Plan for the commercial building to the Planning Staff. Due to the complexity of the Floodplain review and approvals, staff recommends that the PUD Final Plan for the residential uses instead be reviewed by the Planning Staff at a later date. Due to the uncertainty of the design of the commercial building, staff recommends Plan Commission review of the PUD Final Plan for this building.

Madison Street Extension, Connection and Pocket Park: Since the first hearing, the petitioner has further developed a plan for the "pocket park" which includes structures, walking path and landscaping improvements. Madison Street will be curved into the property to provide additional greensapce opportunities. The petitioner proposes a speed bump at the entrance to Madison St. This along with the indirect design of the parking lot will hopefully discourage cut-through traffic.

Stormwater: Due to the past use of the site as a large surface parking lot with little greenspace, the amount of impervious surface will decrease with the proposed site plan. Stormwater plans have been submitted to CBU and are under review. It is anticipated that no stormwater detention will be required. However, since the site is more than an acre in size, water quality improvements are required. The petitioner is proposing to install a mechanical stormwater separator (i.e. Aqua-Swirl) in the southeast portion and a vegetated swale north of the parking lot to fulfill these requirements. The vegetated swale was added since the first hearing.

Architecture: The petitioner is proposing three 3-story 4-unit structures along Patterson Dr. and a 3-story townhouse structure along Morton St. The building elevations utilize mostly cementitious siding and brick. Since the first hearing a

lower level garage has been added to the 4-unit structures. The garages would be accessed from the rear.

The petitioner has submitted schematic architecture of the commercial building. This building may be one or two stories, would utilize a pitched roof and be clad in brick and metal. The draft PUD Final Plan shows a footprint of approximately 3,100 square feet. Given the uncertainty of the height, size, design and use of the commercial building, staff recommends that the PUD final Plan for this building be reviewed and approved by the Plan Commission.

Parking: The UDO does not require any parking for the commercial use. The residential use requires a minimum of one space per bedroom. With the 36 proposed bedrooms, the residential portion requires at least 36 spaces.

Since the first hearing, the petitioner has increased the off-street parking from 38 spaces to 46 spaces. Additional spaces were added by the inclusion of 12 garage spaces under the 4-unit buildings. This will provide approximately 10 parking spaces for the future commercial use.

Since the first hearing, the petitioner has also designed 5 on-street parking spaces along the west side of Morton Street. Several on-street parking options were evaluated, including adding spaces to the east side on Morton St. and the north side of Patterson Dr. In the end, the petitioner determined that spaces on the west side of Morton St. were the easiest to accomplish and would provide convenient, high turn-over spaces for the commercial use.

Setbacks/Buffers: The proposed PUD Final Plan meets all CL and RH setback standards except for the front building and parking setbacks on Morton St. The deviation from the building setback requirements is necessary to push the building forward on the lot to frame the street. The building is proposed at 10 feet from the new Morton St. right-of-way instead of the required 15 feet. The building setback off of Patterson Dr. has been met since the first hearing.

The plan also violated the parking setback along Morton St. the UDO prohibits parking within 20 feet of the front wall of a building. In this case, this would require a 30 foot parking setback off of Morton St. The draft PUD Final Plan shows parking 0 feet from the right-of-way. The PUD Final Plan is designed to place the residential building out of the 100 year floodplain. The parking in front of this building also is necessary to ramp the access up to the commercial building. The commercial building must be 2 feet above the base flood elevation, and an accessible entrance is proposed on the rear (north) side of the building, adjacent to accessible parking. Without the grade change being compensated for through the parking lot and drive, creating the accessible route from the parking spaces to the commercial uses would be difficult.

Height: The standard height for the CL district is 40 feet and for the RH district is 50 feet. The petitioner is proposing three-story residential buildings and a two story commercial building, both of which will meet these standards.

Impervious Surface Coverage: The property is currently 63% impervious. With the proposed PUD Final Plan impervious surface coverage drops to about 56%. The petitioner is requesting a maximum impervious surface coverage standard of 60%. This is more impervious than the 50% permitted by the CL and RH districts. It is less than the 70% permitted in the IG (Industrial General) district, which is the most closely related district to the current PUD standards. Staff finds that the proposed impervious surface percentage is appropriate given the history of the property and the reduction from the existing impervious surface percentage.

Density: The petitioner has proposed to construct four multi-family buildings with a total of 16 dwelling units and 36 total bedrooms. With the 1.47 acre site, the proposed density is 10.9 DUEs/Acre. This is less that the 15 units per acre permitted by the RH and CL districts.

Landscaping: The site is currently covered with asphalt paving. This project would remove a large amount of this asphalt and replace it with buildings and new pervious parking areas. The setbacks and buffers are nearly all compliant with current standards. The petitioner has submitted a landscaping plan that shows that they have the ability to meet landscaping standards. The final landscaping plan will be reviewed with the staff level PUD Final Plan.

CONCLUSIONS: Staff is supportive of the proposed use of the property. Staff finds the multi-family use and commercial to be a better transition between the remainder of the PUD and the core neighborhood to the north than permitted commercial or industrial uses. Furthermore, staff finds the use and scale of development to be consistent with the Growth Policies Plan.

RECOMMENDATION: Staff recommends that the Plan Commission forward a positive recommendation to the Common Council with the following conditions:

1. This property shall be referred to as Tract C(a) for the purpose of this amended PUD District Ordinance.
2. The document titled "Rules for the Special Flood Hazard Areas within Tract C(a) of the Thomson area Planned Unit Development" shall be included as a part of the PUD District Ordinance.
3. Approval of this District Ordinance amendment specifically permits the depicted non-residential structure and parking within the floodway of Clear Creek, subject to the standards of the "Rules for the Special Flood Hazard Areas within Tract C(a) of the Thomson area Planned Unit Development" document.
4. Uses and development standards for this parcel shall be the same as the CL district for the commercial building and the same as the RH district for the residential buildings, except where noted in the report.
5. The PUD Final Plan for the residential buildings shall be reviewed by the Planning Department Staff.
6. The PUD Final Plan for the commercial building shall be reviewed by the Plan Commission.
7. Right-of-way dedication along Morton Street must take place concurrent with the first final plan approval.

MEMORANDUM

Date: December 1, 2011

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: PUD-20-11, Monon Crossing (First Capital Management)

This memorandum contains the Environmental Commission's (EC) recommendations regarding a PUD District Amendment and Final Plan approval for part of the Thomson Area Planned Unit Development (PUD), Tract C. If Tract C were not within a PUD and was regulated in accordance with the Unified Development Ordinance, the site would fall partially within both Industrial General (IG) and Commercial General (CG) Zoning Districts.

The EC supports the PUD amendment allowing residential use on the first floor outside of the floodplain. The site is divided from the rest of the PUD by Patterson Drive and appears to be a part of the McDoel neighborhood more than part of the rest of the PUD. The proposal illustrates a reasonable segue between residential and commercial/industrial uses.

The EC also supports the amended floodplain rules for this PUD. The original PUD District Ordinance was somewhat vague regarding development in a floodplain, and this amendment requires that the Petitioner follow State Department of Natural Resources (DNR) regulations.

The EC does not support approving a Final Plan at this time. This PUD District Amendment is not closely related enough to the Final Plan to approve them in the same action. There are still too many unknowns regarding floodplain, floodway, and floodway-fringe allowances, and also the EC has recommendations for modifications in the Final Plan that stress three major environmental categories. Specifically these are; low impact development, sustainable building and site design, and landscape design.

EC SPECIFIC CONCERNS

1.) FLOODPLAIN DEVELOPMENT:
Because of receiving comments from the DNR so close to the time of this meeting, the EC has not had sufficient time to review the floodplain section of the PUD District Ordinance amendment. Additionally, the EC believes that before a Final Plan is approved by the City, the Petitioner needs to have the required DNR Development in a Floodplain Permit in hand. This belief comes from Indiana State regulation 312 IAC 10-3-6 Sec. 6. (a) Local approval of

ıctivities within a floodway, which states that a county or municipality shall not authorize a ;tructure, obstruction, deposit, or excavation in a floodway until a license [permit] is issued by he department under IC 14-28 FLOOD CONTROL.

2.) LOW IMPACT DEVELOPMENT:

The original Thomson Area PUD allows development in the floodplain as long as State permits ıre obtained. Also, the PUD contains the requisite to "protect environmental quality as these ɔarcels develop by ensuring adequate stormwater management, karst protection, and tree ɔreservation." Therefore, the EC recommends that the plan be crafted to include state-of-the-art Low Impact Development (LID) best practices.

Low Impact Development is an integrated, holistic strategy for stormwater management, and hus is especially important at this site because just over one third of the site lies within a loodplain. The premise of LID is to manage rainfall at the source using decentralized small-scaled controls that will infiltrate, filter, store, evaporate, and detain runoff close to its source.

Examples of the types of LID practices that could be used are listed below.

1. Floodwater storage that can manage runoff timing
2. Multiple small biofiltration basins and trenches
3. Vegetated Roofs
4. Pervious pavement
5. Well-planned native landscaping
6. Remove curbs and gutters to allow sheet flow

3.) SUSTAINABLE BUILDING AND SITE DESIGN:

The location of this project is adjacent to the McDoel Neighborhood, the Indiana Enterprise Center, the downtown commercial area, and the B-Line Trail; therefore, its character will form an important transition between these important areas of our city. The PUD requires that the site design employ attractively landscaped roadways, entryways, berms, and parking lots. Therefore, the EC believes that this area is an excellent candidate for a "Complete Streets" approach (http://www.completestreets.org/) to enhance its navigability for all users – pedestrians, bicyclists, handicapped people, and others. While the EC recognizes that the developer is not responsible for the streetway itself, we encourage the developer to embrace a vision for the site that complements and anticipates the complete streets concept.

Beautiful, mixed-use development helps our city develop in a pedestrian-friendly fashion. The more walkable our city is, the less we rely on the use of automobiles, which translates into less oil depleted, less greenhouse gas emissions produced, cleaner air and a quieter, safer city. Walkable cities provide many tangible environmental benefits that contribute positively to high quality of life. All of these benefits help Bloomington to fulfill serious & important commitments to sustainability, including signing on to the Mayor's Climate Protection Agreement, passing resolutions supporting the Kyoto Protocol, and recognizing and planning for peak oil.

The EC encourages the developer to choose local and sustainably–manufactured building

materials, energy efficient architecture, appliances and windows, passive solar design, and climate-sensitive landscaping. Besides enhancing our city's overall value as a tourist destination and its native biodiversity, these efforts will attract residents and shoppers to the proposed site, thus helping to stimulate the economic vitality of the area.

4.) LANDSCAPE DESIGN:
The Landscape Plan submitted needs additional work. Specifically, more plant material should be added, an unacceptable and invasive species, Callery Pear (*Pyrus calleryana*), is listed for use, and the plant diversity is limited. Some alternatives to the pear include Washington Hawthorn (*Crataegus phaenopyrum*), Eastern Redbud (*Cercis Canadensis*), or Red Buckeye (*Aesculus pavia*) Thus, the EC recommends that the Landscape Plan be revised to omit any invasive species, increase diversity, and include more native species.

With specific regard to the proposed street tree and lawn plantings, the EC recommends that the developer work with the Planning Department and the EC to create diverse tree, shrub, and native perennial plantings that exemplify Indiana's natural heritage. For suggestions, please see the EC's Natural Landscaping materials at www.bloomington.in.gov/beqi/greeninfrastructure/htm under 'Resources' in the left column. For additional suggestions plus an excellent guide to Midwest sources of native plants see: http://www.inpaws.org/landscaping.html. Attractive educational signage could also be considered for this area. Native plants provide food and habitat for birds, butterflies and other beneficial insects, promoting biodiversity in the city. Furthermore, native plants do not require chemical fertilizers or pesticides and are water efficient once established.

EC RECOMMENDATIONS:

1.) The EC recommends that the PUD District Ordinance amendment be approved.

2.) The EC recommends that the Final Plan is not approved because:

a. the final floodplain regulations have not been finalized and a permit from DNR for development in a floodway has not been issued;

b. Low Impact Development strategies should be used to enhance and protect stormwater quality and quantity;

c. the petitioner should use "green", resource-conserving construction practices, ecologically-revitalizing landscape design, and an inviting, neighborhood attractiveness to enhance the overall site plan; and

d. the Landscape Plan should be revised to omit plants that are not allowed under the UDO and provide a more diverse mix of native species.

MEMORANDUM

TO: MEMBERS OF THE PLAN COMMISSION

FROM: VINCE CARISTO/BICYLE AND PEDESTRIAN COORDINATOR
Planning Dept. liaison to the Bloomington Bicycle and Pedestrian Safety Commission

RE: MORTON MANSIONS (PUD-20-11)

DATE: December 1, 2011

The Bloomington Bicycle and Pedestrian Safety Committee (BBPSC) reviewed the proposed final plan at their regular meeting on November 21, 2011 and made the following comments and recommendations:

- **Madison St Extension:** BBPSC expressed a preference to connect Madison to Grimes from the north in order to improve the urban street grid. If the street connection cannot be made, BBPSC recommends the Madison/Grimes connector path (currently 5') be made wider to be a true multi-use facility. Also if the street connection is not made, BPSC would like to see ramps from the Grimes Lane Sidepath to access Madison to the south
- **Parking:** BBPSC expressed a preference for on-street parking along Patterson Street. This would improve access to the commercial building, buffer the Patterson sidepath, and calm traffic.
- **Bike Parking:** Bike parking should be more conveniently located. Covered bike parking should also be provided.

BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

August 15, 2011

City of Bloomington Plan Commission
401 N. Morton Street
Bloomington, Indiana 47403

Re: Outline Plan Amendment to Tract "C" of The Thomson Area PUD;
BFA Project 400914

Attn: James Roach, AICP

Dear Plan Commission Members:

Our client, First Capital Management, respectfully request an amendment to the Thomson Area PUD Outline Plan and Final Plan approval. The purpose of the amendment is to add multifamily family dwellings to the approved list of uses that currently only allows for industrial, office and retail uses. The area we are proposing to allow multi-family uses consist of 1.47 acres and is located north of Patterson Drive, west of Morton Street and east of Madison Street.

We are proposing a mixed use development on this 1.47 acres consisting of a retail/ commercial building at the north west corner of Patterson Drive and Morton Street from the B-line trail, 16 apartments consisting of 36 bedrooms along Patterson Drive and the unimproved Madison Street right of way and a pocket Park in the triangular area west of the Madison Street right of way.

The proposed site plan proposes a building forward design with parking to the rear of the units. The parking lot has access to Morton Street and Madison Street.

The proposed retail/ commercial building is located in the flood fringe area of the flood plain, not the floodway, and will not infringe on the effective flow area. The building has been elevated more than the two feet above the 100-year flood elevation per the IDNR regulations.

Sanitary sewer exists in Morton Street and will serve the property. A 12-inch water main runs through the site and will be relocated along the Patterson Street frontage. This line will provide domestic and fire flows to the property. Storm water quality will be provided using a mechanical separator such as Aqua Swirl on the east side of the property.

The proposed apartment buildings are two stories and will step down in elevation following the existing slope of the site. The four townhouses are three stories and face the B-Line Trail. Landscaping is proposed to buffer this site from the commercial and residential used north of this property.

PUD-20-11, Ord. 12-02
Petitioner's Statement

628 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

We have included site, grading and utility plans along with building elevations for your review of this request. In consideration of the detail of the proposed design, we would ask that the development plan be relegated to the staff for final review.

After reviewing our petition please feel free to contact this office at any time for clarification or questions. We thank you in advance for your consideration on this project.

Sincerely,

Jeffrey S. Fanyo, P.E., CFM
Bynum Fanyo and Associates, Inc.
528 N. Walnut Street
Bloomington, IN 47404

Attachments: Site, grading and utility plans
Architectural elevations

CC: City of Bloomington Utilities
BFA file 400914

PUD-20-11, Ord. 12-02
Petitioner's Statement

BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

October 24, 2011

City of Bloomington Planning Department
401 N. Morton Street, Suite 160
Bloomington, Indiana 47402

Re: Monon Crossing, a.k.a. McDoel Garden
PUD Outline Plan Amendment BFA Project #400914

Attn: James Roach, AICP

Attached please find our revisions to the original filing for the referenced project. The attached revisions include the following:

1. We have added exterior bike parking racks at the commercial building and a position central to the property. Twelve enclosed garage spaces with bike storage have also been added to the project.
2. We have attached architectural drawings showing the perspective from Patterson and Morton.
3. A curb, tree plot, street trees and side walk have been added to Morton within the 25-foot dedicated right of way.
4. Rain gardens/ swales have been added to the pavement edges to collect and treat storm water runoff from the site.
5. We have created a passive pocket park with a seating and landscape area. We have also made a physical connection to Madison Street with a sidewalk to the multi-purpose path.
6. We have removed the baricade at the end of Madison and replace the pavement with landscaping and lawn by curving our drive with curb and walk to connect to Madison Street. A speed hump has been added to this connection.
7. We have met with the City Engineering Department regarding parking on Morton Street and Patterson Drive. The most feasible parking on Morton would be on the east side of the street and due to the bridge pier locations perpendicular parking would achieve the most spaces. After discussions with Dave Williams we learned that using this area for parking would interfere with funding for the B-Line Trail and could not be done. Parking on Patterson was briefly discussed but due to road curvature and the grade exceeding 5% maximum for parking it was decided not to pursue parking at this location.
8. We propose using the CL uses in 20.02.260 and 20.02.270 and also allowing dwelling units on the first floor of our proposed residential buildings.
9. We will adopt the approved language for the use in the flood plain and make it a part of our amendments to the petition.

PUD-20-11, Ord. 12-02
Petitioner's Statement

812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

10. We have developed elevations for the commercial building for the plan commission's review and to allow staff level approval for the final plan.
11. Green features for the design, construction and operation of the buildings include the following:
    - Fiber cement siding, energy efficient windows and appliances
    - Low/no VOC paints, recycled content for flooring where possible
    - Locally sourced masonry products
    - Rain garden and bio-swale storm water filtration
    - Covenants and restrictions in condominium documents requiring onsite recycling program
12. Variance from the CL development standards include impervious surface area allowed at 60%. Parking setback variance allowing parking in front of the townhouse building and at the Morton Street frontage of the commercial building to be flush with the east face of the building.
13. The zoning districts to be use for the development standards would be RH for the residential use allowing 21 units where we are proposing 16 and CL for the commercial use with a impervious surface variance to allow 60% coverage. The site is currently 63% impervious.
14. Phasing would be accomplished by constructing the site as shown and leaving a building pad for the commercial building for a future end user. The building pad would have an established turf cover to prevent erosive action.

After you have had a chance to review the attached documents and above information, please feel free to contact me at any time.

Sincerely,

Jeffrey S. Fanyo, P.E., CFM
Bynum Fanyo and Associates, Inc.
528 N. Walnut Street
Bloomington, Indiana 47404

Attachments: two sets site, grading and landscape plan and architectural elevations along with digital copies of the above.

November 21, 2011

City of Bloomington Plan Commission
401 N. Morton Street
Bloomington, Indiana 47403

Re: Outline Plan Amendment to Tract "C" of Thomson Area PUD;
BFA Project 400914

Attn: James Roach, AICP

Dear Plan Commission Members:

Our client, First Capital Management, respectfully request an amendment to the Thomson Area PUD Outline Plan and Final Plan approval. The purpose of the amendment is to add multifamily family dwellings to the approved list of uses that currently only allows for industrial, office and retail uses. The area we are proposing to allow multi-family uses is located north of Patterson Drive, west of Morton Street and east of Madison Street.

We are proposing a mixed use development on this 1.47 acres consisting of 3000 to 6000 square feet of a retail/ commercial building at the north west corner of Patterson Drive and Morton Street across from the B-line trail, 12 condominium flats consisting of 24 bedrooms along Patterson Drive, four 3-bedroom townhouse condominiums facing Morton Street and a pocket Park in the triangular area north of Patterson Drive and south of the Madison Street right of way.

We are providing 12-garages with 12-stacked parking spaces in front of the garages and 22 surface parking spaces. In addition we are widening Morton Street to provide for five additional parallel parking spaces for a total of 51 parking spaces. We investigated adding parallel parking spaces along Patterson Drive but have declined the addition to our plan due to the expense of demolishing the existing curb, drainage system, multi-purpose path and having to reconstruct the same 8-feet north of the existing edge of pavement. The cost is prohibitive for this size of a project and the lack of desirability of having parallel parking on an arterial with a slope of 6.25% and on a curve.

The proposed retail/ commercial building is located in the flood fringe area of the flood plain, not the floodway, and will not infringe on the effective flow area. The building has been elevated more than the two feet above the 100-year flood elevation per the IDNR regulations. A permit has been applied for construction in the floodplain and is pending. The staff has worked with IDNR and FEMA to address necessary language in the original PUD document that will become a part of this amendment.

Sanitary sewer exists in Morton Street and will serve the property. A 12-inch water main runs through the site and will be relocated along the Patterson Street frontage. This line will provide domestic and fire flows to the property. Storm water quality will be provided using bio-swales on the north and east side of the property.

The proposed apartment buildings along Patterson Drive are two stories with garages below and will step down in elevation following the existing slope of the site. The four townhouses are three stories and face the B-Line Trail. Landscaping is proposed to buffer this site from the commercial and residential uses north of this property.

We have included site, grading and utility plans along with building elevations for your review of this request. In consideration of the detail of the proposed design, we would ask that the development plan be relegated to the staff for final review.

After reviewing our petition please feel free to contact this office at any time for clarification or questions. We thank you in advance for your consideration on this project.

Sincerely,

Jeffrey S. Fanyo, P.E., CFM
Bynum Fanyo and Associates, Inc.
528 N. Walnut Street
Bloomington, IN 47404

Attachments: Site, grading and utility plans
Architectural elevations

XC: City of Bloomington Utilities
BFA file 400914

PUD-20-11, Ord. 12-02
Petitioner's Statement

KIRKWOOD
designstudio pc

113 east 6th street
bloomington, in 47408
812.331.0255 ph
812.331.0755 fax
kds@kdsarchitects.com
ARCHITECTURE + PLANNING

November 30, 2011

City of Bloomington Planning Department
P.O. Box 100
Bloomington, IN 47402
James Roach, Development Review Manager

Dear Mr. Shay,

Monon Crossing

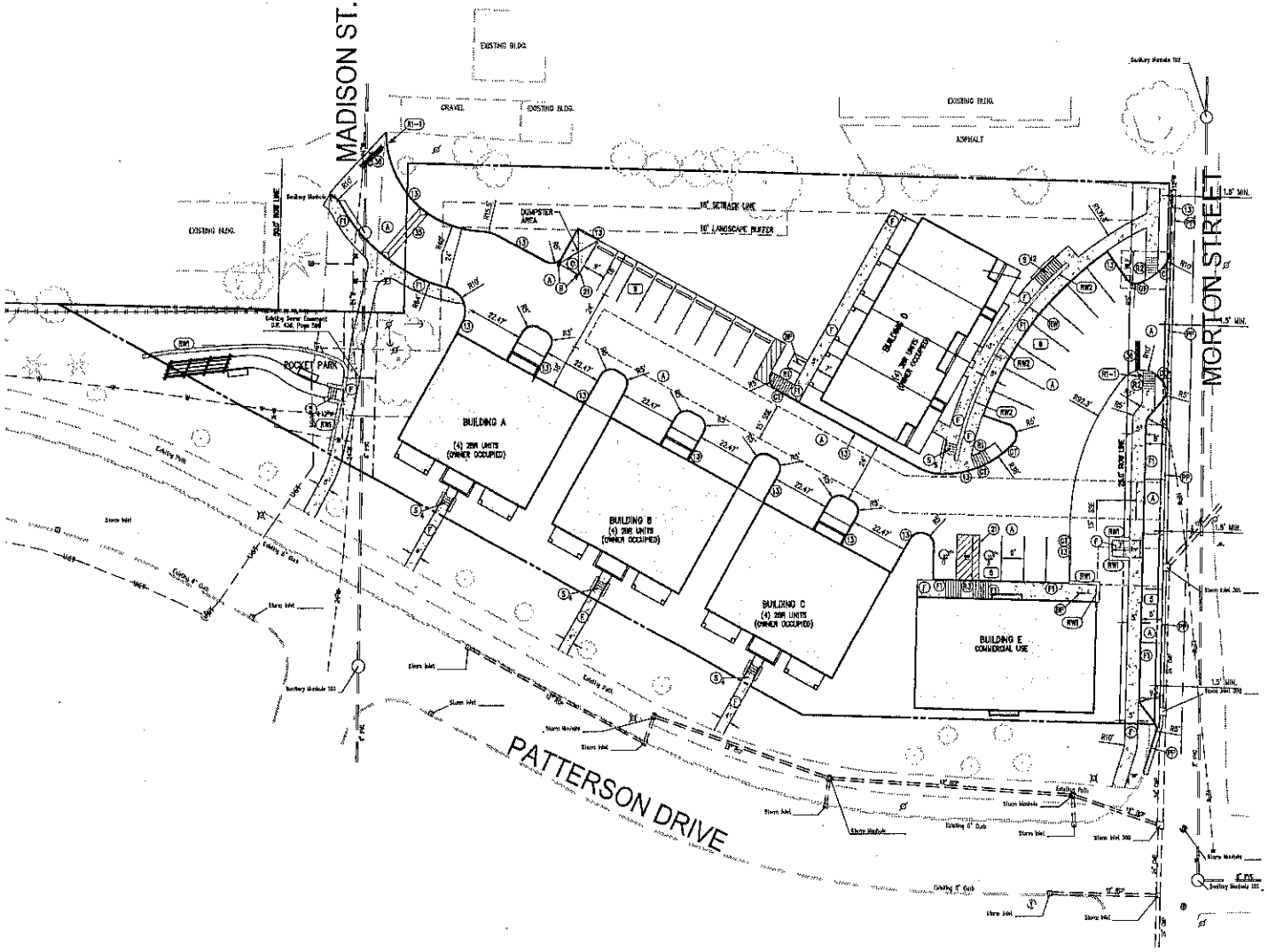
The architectural style of Monon Crossing is in response to the that of the adjacent McDoel Neighborhood and the brick commercial structures across Patterson Street. While this project has structures that range from one-story commercial to the 3-story townhouses, elements predominant in the McDoel area are used as a basis to integrate this project as part of the neighborhood. First of all the site planning has responded to a variety of conditions; the street structure, the topography, and the flood plain. The project will be perceived strongly from Patterson and the housing units there face frontally to Patterson and the streetscape in place there. The corner of the site at Morton Street is anchored with a commercial building that will address the street frontage of both. The Morton Street development is impacted by the floodplain and therefore the four townhouses located there are as forward as they can be and set at that reflective angle of the floodplain. These townhouses are also set perpendicular to the housing along Patterson and therefore have some logical geometric relationship to each other.

There are two types of residential condominium buildings. Each of them have hip roofs with gabled porch or bay elements. The quad units along Patterson are two stories plus a parking garage level. With the steeply sloping site, these will appear to be approximately elevated from the sidewalk level along Patterson. The porch columns and base of these buildings will be constructed of brick to relate to two elements: the first being the brick commercial structures on the south side of Patterson and secondly, the traditional use of brick on the otherwise predominant clapboard houses in the area. The gabled section of the porches will allow for some detail to again align with similar conditions in the McDoel neighborhood. The window style is consistent with the double-hung vertical emphasis of the neighborhood. The balance of these condominiums will be constructed of cement board executed in a clapboard style. The facades with the garages face the parking access route from within the site.

The four townhouse units that face Morton Street will take a similar aesthetic. The bays that delineate the front facades will be detailed in a panelized manner of cement board while the rest of the exterior cladding will be cement board executed in a clapboard manner. Again the windows will have a vertical emphasis, with the exception of bathroom/closet windows which will relate to the top half of the double hung window style. The top level of the bay elements become an outdoor room/ porch area. The rear facade will have a functional sitting/entry porch while the front entries have a protected covering complemented by a separate patio area.

The commercial building on the corner is being shown as either a one story or two story structure. In either scenario the building will have a hip roof form to complement that of the rest of the project. The building is executed with a rhythm of bays with brick pilasters and glass or metal infill. This patterning will complement the brick structures across Patterson and have window patterns with a vertical emphasis. Whether the building is one story or two will depend on the final tenant and market secured for this site. If it is a two story structure, there is a covered second floor outdoor patio that might serve for outdoor dining. It is also intended that the first floor area have an outdoor patio area as well. The roof material for all the structures will be similar and made of a fiberglass asphalt shingle, similar to that used within the balance of the neighborhood.

PUD-20-11, Ord. 12-02
Petitioner's Architectural Statement



SITE LEGEND

A	PROPOSED BITUMINOUS PAVING
C	PROPOSED CONCRETE PAVING
C3	PROPOSED 6" STANDING CURB
H1	PROPOSED ACCESSIBLE RAMP, 1:12 SLOPE MAX, 6/8" DEEP GROOVES SPACED 4" O.C.
H2	PROPOSED ADA ACCESSIBLE RAMP, TYPE 'B'
H3	PROPOSED ADA ACCESSIBLE RAMP, TYPE 'A'
C7	PROPOSED CURB TRANSITION, 6' LENGTH FROM 0" TO 6" CURB HEIGHT
M5	PROPOSED SPEED HUMP
M6	PROPOSED STOP BAR
P1	PROPOSED MARKING; PAINTED, SOLID, WHITE, 4"
F	PROPOSED CONCRETE SIDEWALK
F1	PROPOSED MONOLITHIC CURB AND SIDEWALK
HR	PROPOSED HANDRAIL
RW	PROPOSED MODULAR BLOCK RETAINING WALL
RW2	PROPOSED CAST-IN-PLACE REINFORCED CONCRETE RETAINING WALL
XX	PROPOSED NUMBER OF PARKING SPACES PER LOT
S	PROPOSED CONCRETE STEPS AS REQUIRED
B	PROPOSED BOLLARD
PP	PROPOSED PAVEMENT PATCH
BP	PROPOSED BIKE PARKING ORIGINAL CYCLOPS MODEL 21-70-5 WITH 63"X72"X4" CONCRETE PAD

LEGAL DESCRIPTION

A PART OF LAND OF BLOOMINGTON LLC (DR. 486, PG 774), BEING A PART OF CAMPBELL'S ADDITION TO THE CITY OF BLOOMINGTON (P.D. "C", ENVELOPE 8) BEING A PART OF SEMINARY LOT 40 OF THE NORTHEAST TOWNSHIP OF LANDS OF MONROE COUNTY, INDIANA, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 9 NORTH, RANGE 1 WEST, IN MONROE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 78 IN SAID CAMPBELL'S ADDITION TO THE CITY OF BLOOMINGTON THENCE ON THE SOUTH LINE OF SAID CAMPBELL'S ADDITION SOUTH 88 DEGREES 23 MINUTES 20 SECONDS EAST 181.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID SOUTH LINE SOUTH 88 DEGREES 23 MINUTES 20 SECONDS EAST 130.62 FEET TO THE SOUTHWEST CORNER OF LOT 74 IN SAID CAMPBELL'S ADDITION; THENCE ON THE WEST AND NORTH LINE OF SAID LOT 74 AND CONTINUING ON THE NORTH LINE OF SAID LOT 75 THE FOLLOWING TWO (2) COURSES: 1) NORTH 03 DEGREES 17 MINUTES 36 SECONDS WEST 80.16 FEET TO A 3/4" REBAR 7" TALL; 2) SOUTH 86 DEGREES 23 MINUTES 20 SECONDS EAST 304.34 FEET TO THE NORTHEAST CORNER OF LOT 78 IN SAID CAMPBELL'S ADDITION; THENCE ON THE EAST LINE OF SAID LOT 78 AND CONTINUING ON THE EAST LINE OF LAND OF BLOOMINGTON L.L.C. SOUTH 03 DEGREES 47 MINUTES 36 SECONDS WEST 307.33 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF PATTERSON DRIVE, BEING RECORDED AS LAND OF THE CITY OF BLOOMINGTON (DR. 490, PG 797); THENCE ON SAID NORTH RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) NORTH 86 DEGREES 23 MINUTES 17 SECONDS WEST 140.46 FEET; 2) NORTH 88 DEGREES 21 MINUTES 23 SECONDS WEST 308.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.47 ACRES MORE OR LESS.

SCALE: 1"=20'

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

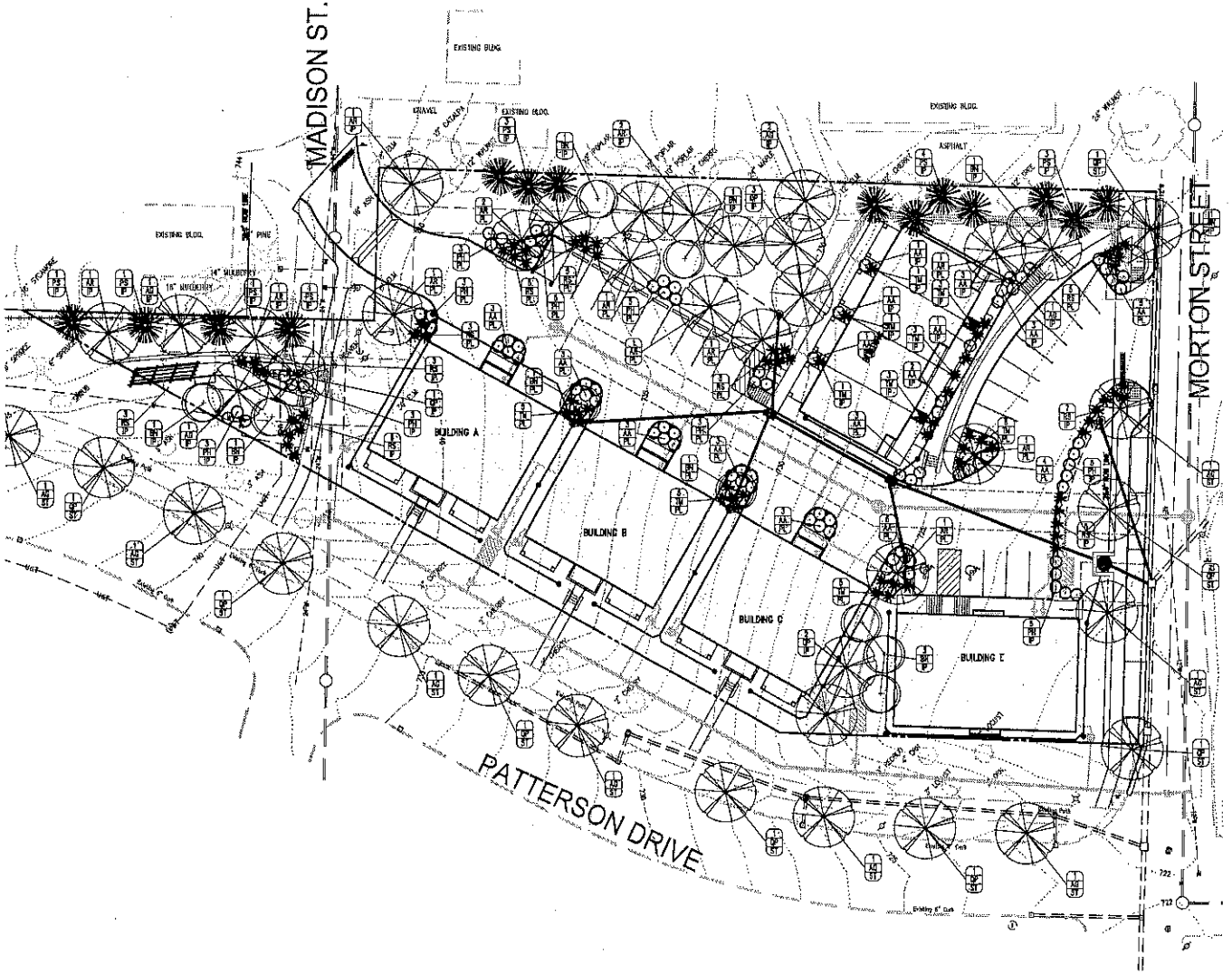
BYNUM FANYO & ASSOCIATES, INC.
ARCHITECTURE
CIVIL ENGINEERING
PLANNING
Bloomington, Indiana
(812) 336-6536 (Fax)
528 north walnut street
(812) 332-8030

certified by:

Proposed
MONON CROSSING
Bloomington, Indiana

title: SITE PLAN

designed by: JBT
drawn by: JR
checked by: JBF
sheet no: 2
project no.: 400814



PLANT LIST

LARGE CANOPY DECIDUOUS TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	QP	QUERCUS PRINUS	CHESNUT OAK	11	2" CAL, B & B
	AS	ACER SACCHARUM	SUGAR MAPLE	15	2" CAL, B & B
	AR	ACER RUBRUM	RED SUNSET MAPLE	13	2" CAL, B & B

SMALL / MEDIUM DECIDUOUS TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	BN	BETULA NIGRA	RIVER BIRCH	11	2" CAL, B & B

EVERGREEN TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	PS	PINUS STROBUS	WHITE PINE	14	6-8' HEIGHT

DECIDUOUS SHRUBS

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	AA	ARONIA ARBUTIFOLIA 'VIKING PLUS'	BLACK CHOKEBERRY 'SOUTHWICK'	65	24" SPREAD*
	PH	PHILADELPHUS	MOCK ORANGE	56	24" HEIGHT*

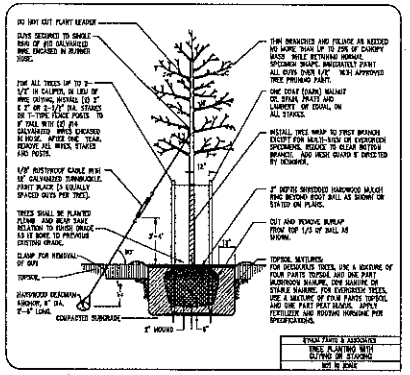
EVERGREEN SHRUBS

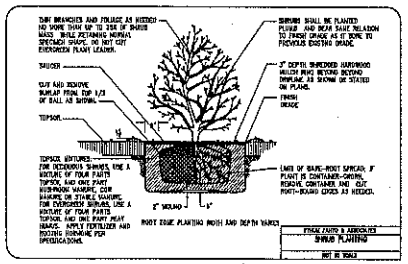
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	TM	TAXUS X MEDIA 'BROWNII'	BROWN'S YEW	36	24" INST. CONT.
	RR	RHODODENDRON SPECIES	RHODODENDRON	64	24" INST. CONT.

PLANT QUANTITY
PLANT TYPE
PLANTING AREA DESIGNATION
PP=PARKING LOT PERIMETER PLANTINGS
BP=BUILDING PLANTINGS
ST=STREET TREES

*CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE

NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.05 TABLE OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VARIES.





SCALE: 1"=20'

NOTE TO CONTRACTOR

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revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING
BYNUM FANYO & ASSOCIATES, INC.
Bloomington, Indiana
528 North Walnut Street
(812) 336-2900 (Fax)

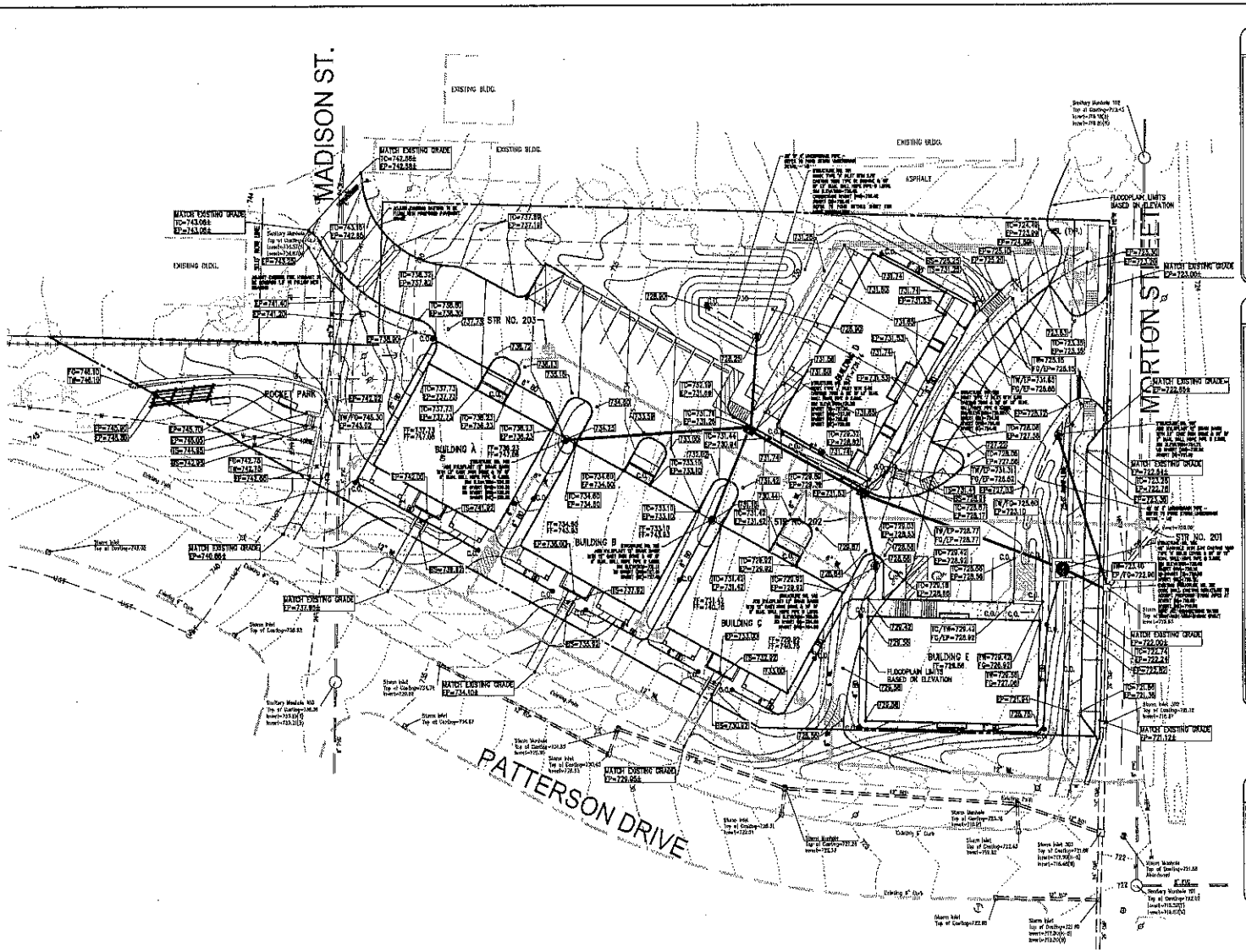
certified by:

PROPOSED
McDOEL GARDEN
Bloomington, Indiana

title: LANDSCAPE PLAN

designed by: JBT
drawn by: JR
checked by: JSF
sheet no: 5
project no.: 400914

[illegible]



GENERAL LEGEND

PROPERTY LINE	
CONSTRUCTION LIMITS	CL
DEED BOOK AND PAGE	XXX/XXX
TO BE REMOVED	T.B.R.
TO REMAIN UNDISTURBED	T.R.U.
SETBACK LINE	X' SBL
PROPOSED 20'x10' DUMPSTER PAD SURROUNDED BY 6' SOLID WOOD FENCE WITH GATE	
PROPOSED ACCESSIBLE PARKING	
SANITARY SEWER EASEMENT	S.S.E.
GAS EASEMENT	G.E.
WATER LINE EASEMENT	W.L.E.
ELECTRIC EASEMENT	E.E.
DRAINAGE EASEMENT	D.E.
UTILITY EASEMENT	U.E.

UTILITY AND GRADING LEGEND

PROPOSED DIP WATER LINE	X"-WL
PROPOSED FIRE HYDRANT (FH)	
PROPOSED 8" ASTM 3034 SDR 35 PVC SANITARY SEWER AND SANITARY SEWER MANHOLE	LINE "S-X"
PROPOSED 8" ASTM 3034 SDR 35 PVC SANITARY LATERAL AND SANITARY SEWER CLEAN-OUT	8" SSL C.O.
PROPOSED STORM PIPE, INLET AND END SECTION	
PROPOSED BUILDING DOWNSPOUT DRAIN: SOLID SCHEDULE 40 PVC DRAIN PIPE TO POINT OF DISCHARGE - 1% MIN. SLOPE, 2.5' MIN. COVER	X"-BD
PROPOSED SCHEDULE 40 PVC PIPE, ELECTRICAL GRADE (GREY) CONDUIT BURRED 36" BELOW FINISHED GRADE	X"-EC
PROPOSED CONTOUR	XXX
PROPOSED FLOW LINE	
PROPOSED TOP OF CURB ELEVATION	TC=XXX.XX
PROPOSED PAVEMENT ELEVATION	EP=XXX.XX
PROPOSED TOP OF WALL ELEVATION	TW=XXX.XX
PROPOSED FINISHED EARTH GRADE ELEVATION	FG=XXX.XX
FINISHED EDGE OF PAVEMENT OF TOP STAIR ELEVATION	TS=XXX.XX
FINISHED EDGE OF PAVEMENT OF BOTTOM OF BOTTOM STAIR ELEVATION	BS=XXX.XX
FINISHED FLOOR ELEVATION	FF=XXX.XX
FINISHED EDGE OF PAVEMENT ELEVATION	EP=XXX.XX
PROPOSED FIRE PIT/DOUBLEDETECTOR CHECK VALVE 6" FIRE SERVICE LINE 2" SERVICE LINE	

NOTE: ALL WATER AND SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON UTILITY SPECIFICATIONS.

EROSION CONTROL LEGEND

	SILTATION FENCE (TEMPORARY)
CL	CONSTRUCTION LIMITS
MS	MULCH SEEDING - SEE SPECIFICATIONS (TEMPORARY)
SP	20' X 50' STONE PAD, 6" DEEP TO KEEP FROM TRACKING MUD OFF SITE (TEMPORARY)
CW	CONCRETE WASHOUT AREA (TEMPORARY)

SCALE: 1"=20'

NOTE TO CONTRACTOR

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revisions:

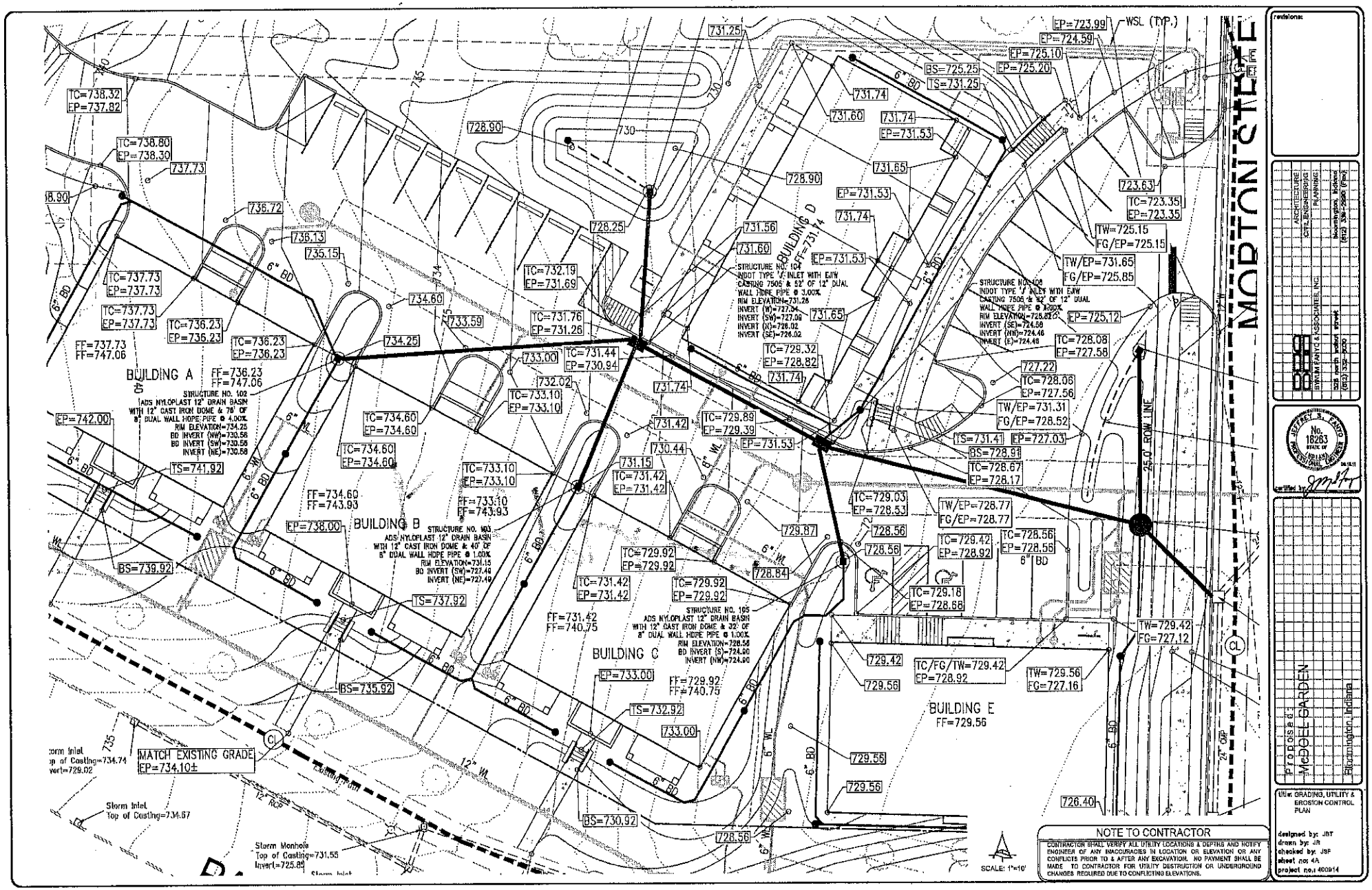
BBB
BYNUM PANYO & ASSOCIATES, INC.
ARCHITECTURE
CIVIL ENGINEERING
PLANNING
528 north walnut street
bloomington, indiana
(812) 339-2900 (Fax)
(812) 332-8030

certified by:

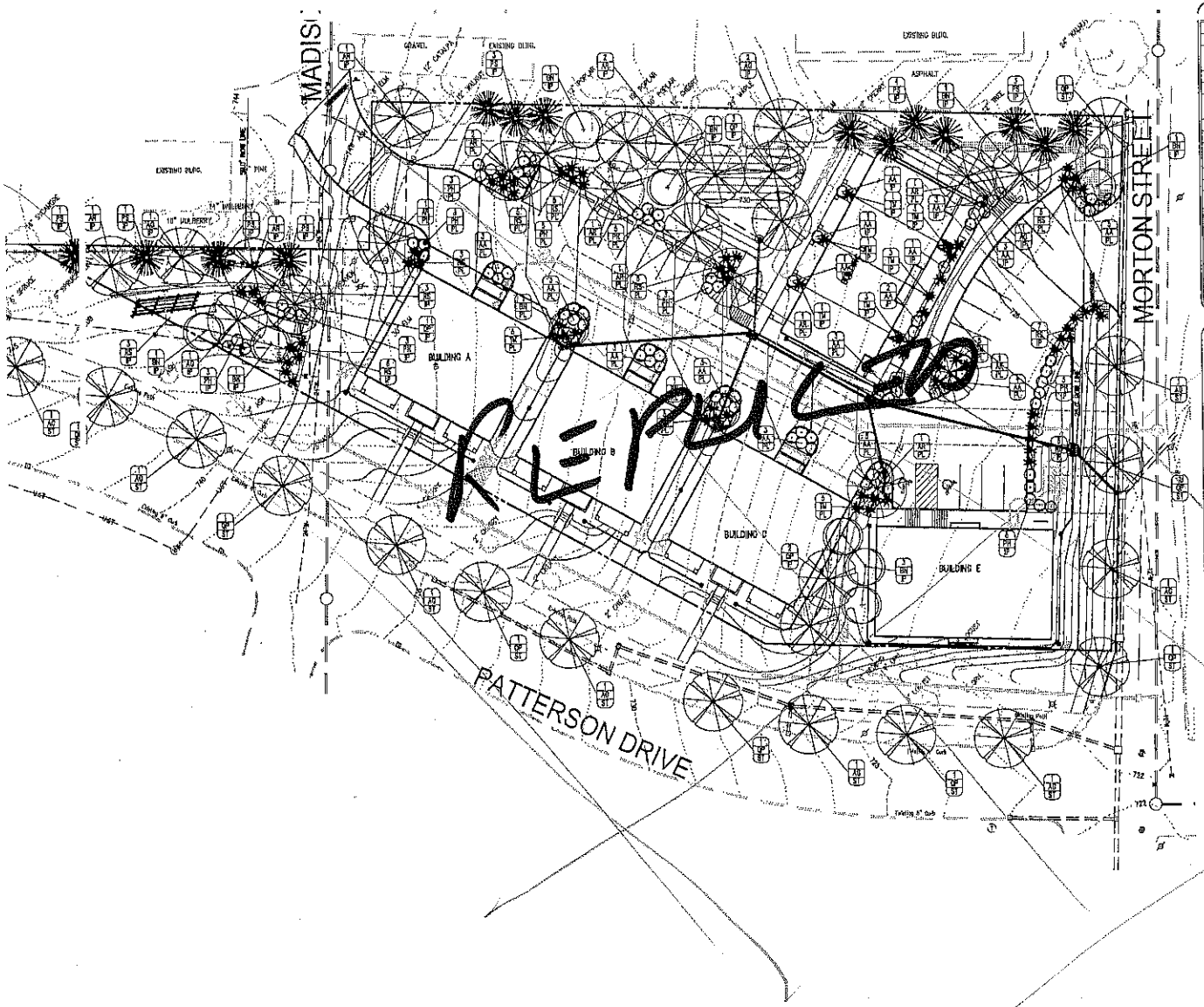
Proposed:
MONON CROSSING
Bloomington, Indiana

title: GRADING, UTILITY & EROSION CONTROL PLAN

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: 4
project no.: 400914



PUD-20-11, Ord. 12-02
Grading Plan Detail



PUD-20-11, Ord. 12-02
Draft Landscaping Plan

PLANT LIST

LARGE CANOPY DECIDUOUS TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	QP	QUERCUS PRINUS	CHESTNUT OAK	14	3" CAL., B & B
	QS	QUERCUS SHUMARDII	SHUMARD RED OAK	16	3" CAL., B & B
	AR	ACER RUBRUM	RED SUNSET MAPLE	13	3" CAL., B & B

SMALL / MEDIUM DECIDUOUS TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	BK	BETULA NIGRA	RIVER BIRCH	11	2" CAL., B & B

EVERGREEN TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	PS	PINUS STROBUS	WHITE PINE	14	8'-9' HEIGHT

DECIDUOUS SHRUBS

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	AA	ARONIA ARBUTIFOLIA	BLACK CHOKEBERRY	44	24" SPREAD*
	HA	HYDRANGEA PANICULATA	GRANDIFLORA	36	24" SPREAD*

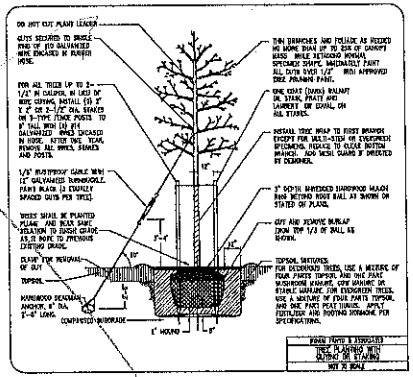
EVERGREEN SHRUBS

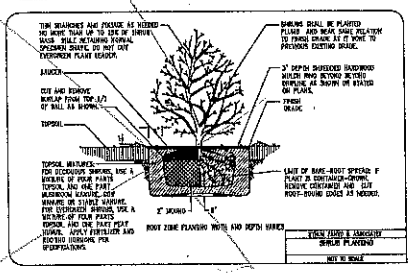
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	TM	TAXUS X MEDIA 'BROWNII'	BROWN'S YEW	33	24" HGT., CONT.
	RR	RHODODENDRON SPECIES	RHODODENDRON	44	24" HGT., CONT.

PLANT QUANTITY
PLANT TYPE
REQUIREMENT DESIGNATION
PL=PARKING LOT PERIMETER PLANTINGS
F=FOYER PLANTINGS
ST=STREET TREES

*DISTANCE OR BALL AND BURLAP CONDITION ACCEPTABLE

NOTE: SPECIES SHOWN, THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE, CHAPTER 20.04 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VALUES.





SCALE: 1"=20'

NOTE TO CONTRACTOR

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revisions:

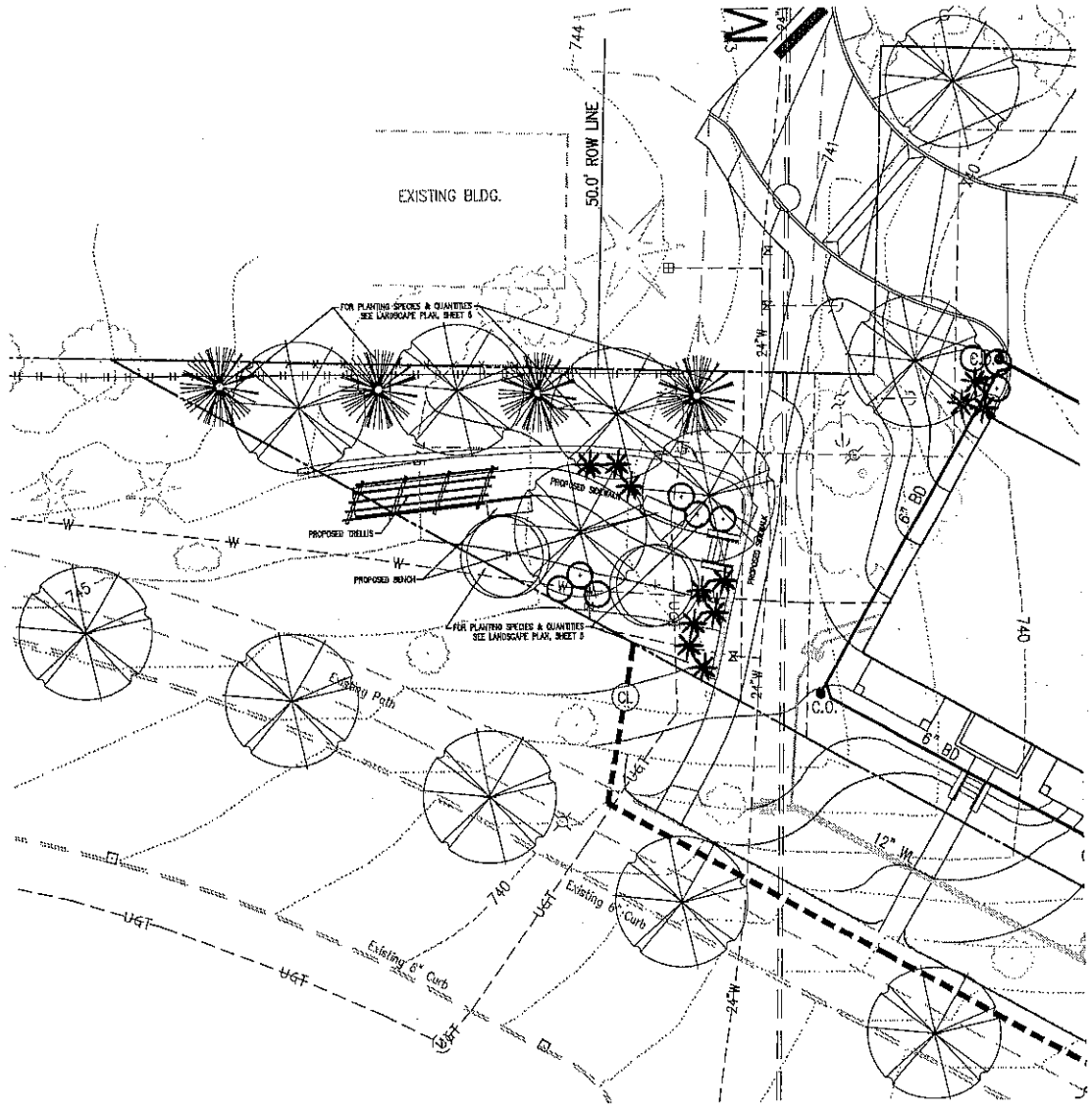
BRAND ARCHITECTURE
CIVIL ENGINEERING
PLANNING
Bloomington, Indiana
(812) 332-2900 (Fax)

JEFFREY S. FANTO
No. 18283
STATE OF INDIANA
REGISTERED LANDSCAPE ARCHITECT
06.29.12
certified by

Proposed
McDOEL GARDEN
Bloomington, Indiana

title: LANDSCAPE PLAN

designed by: JRT
drawn by: JR
checked by: JSF
sheet no.: 6
project no.: 400914



PUD-20-11, Ord. 12-02
Draft Private Pocket Park Plan

SCALE: 1"=10'

NOTE TO CONTRACTOR

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revisions:

BRG
BYNUM FANYO & ASSOCIATES, INC.
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CIVIL ENGINEERING
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1525 north walnut street
bloomington, indiana
(812) 332-8030
(812) 336-2990 (Fax)

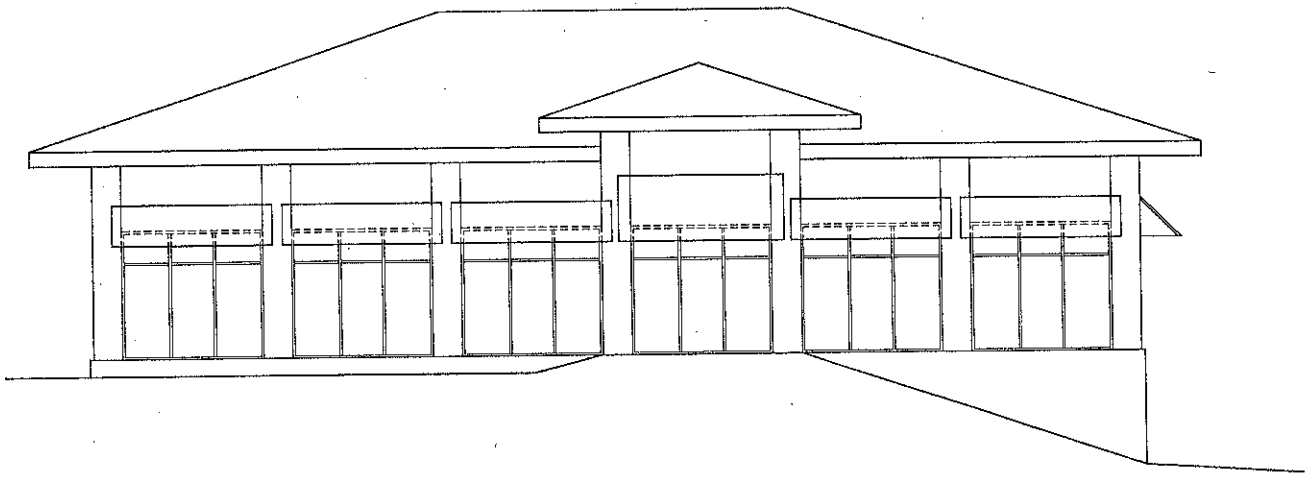
JEFFREY S. FANYO
No. 18283
STATE OF INDIANA
PROFESSIONAL ENGINEER
08.15.11

certified by:

Proposed:
McDOEL GARDEN
Bloomington, Indiana

title: POCKET PARK

designed by: JBT
drawn by: JR
checked by: JSF
sheet no: 5A
project no.: 400914



COMMERCIAL BUILDING
FRONT ELEVATION
SCALE: 1/8" = 1'-0"

PUD-20-11, Ord. 12-02
Commercial Architecture

KIRKWOOD
designstudio
p.c.

MONON CROSSING
BLOOMINGTON
INDIANA

A.204

TOWNHOUSE - OPTION A

WEST ELEVATION

SCALE: 3/32" = 1'-0"

PUD-20-11, Ord. 12-02
Townhouse Architecture,
Version A

PUD-20-11
4 unit townhouse building elevation 1

FINAL

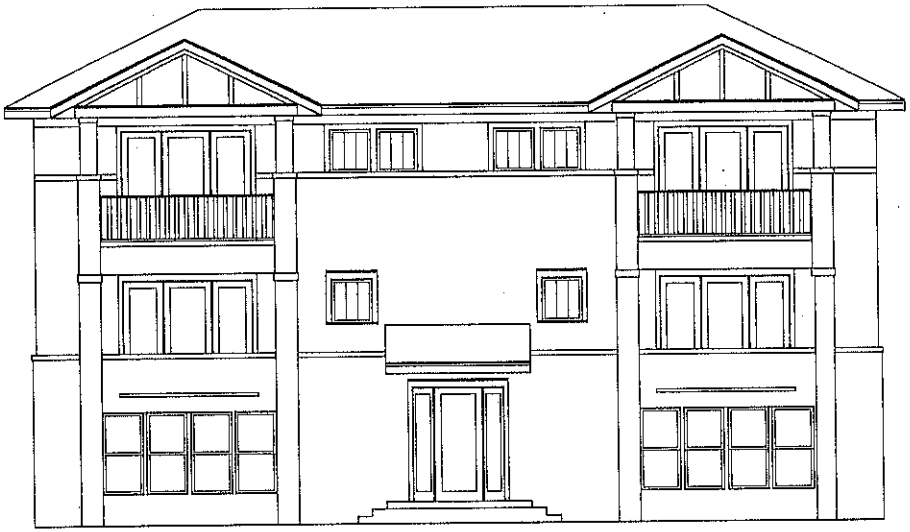
TOWNHOUSE - OPTION B

A ELEVATIONS

SCALE: 3/32" = 1'-0"

PUD-20-11
4 unit townhouse building elevation 2 **AL**

PUD-20-11, Ord. 12-02
Townhouse Architecture,
Version B



QUAD - OVER GARAGE

FRONT ELEVATION

SCALE: 1/8"=1'-0"

KIRKWOOD designstudio p.c.

MONON CROSSING

BLOOMINGTON INDIANA

A.201

PUD-20-11, Ord. 12-02
4-unit Flat Architecture, Front

QUAD - OVER GARAGE

REAR ELEVATION

SCALE: 1/8"=1'-0"

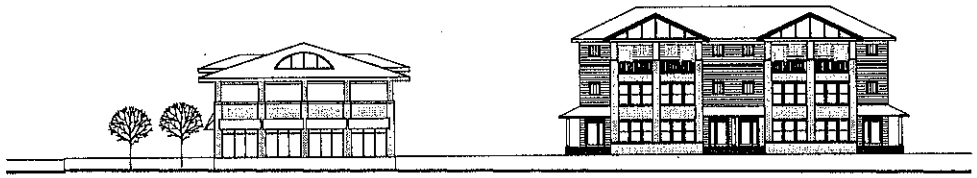
PUD-20-11, Ord. 12-02
4-unit Flat Architecture, Rear

KIRKWOOD designstudio pc

MONON CROSSING

WEST CANAL BLOOMINGTON INDIANA

A.202



MORTON STREET ELEVATION

SCALE: 1/32" = 1'-0"

PATTERSON DRIVE ELEVATION

SCALE: 1/32" = 1'-0"

PUD-20-11, Ord. 12-02
Proposed buildings placed on street grade

KIRKWOOD ARCHITECTURE + PLANNING
design studio p.c.
113 east 4th street
bloomington, in 47408
ph 812.331.0755
fax 812.331.0755
www.kirkwoodarch.com

MONON CROSSING
BLOOMINGTON INDIANA

PROJECT NO.: 2011-06
DATE: 10.24.11

1

RULES FOR THE SPECIAL FLOOD HAZARD AREAS WITHIN TRACT C(a) OF THE THOMSON AREA PLANNED UNIT DEVELOPMENT
PUD District Case number PUD-20-11, Ordinance number _____
1140 South Morton Street

Article 1. Statutory Authorization, Findings of Fact, Purposes, and Objectives.

Section A. Statutory Authorization.

The City of Bloomington, Indiana Unified Development Ordinance (UDO) is adopted by the City pursuant to its authority under the laws of the State of Indiana, The Bloomington Municipal Code (BMC), Indiana Code IC 36-7-4 and IC 14-28-4, and all other applicable authorities and provisions of Indiana statutory and common law. Therefore, the City of Bloomington, Indiana hereby adopts the following floodplain management regulations for the Thomson Area, Tract C(a) Planned Unit Development through Amendment PUD-20-11.

Section B. Findings of Fact.

(1) The flood hazard areas of Tract C(a) of the Thomson Area PUD are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose.

These floodplain regulations are being adopted in conjunction with a PUD Preliminary Plan Amendment within the Thomson Area PUD. This amendment will allow for multifamily uses outside of the floodplain on Tract C(a) of the Thomson Area PUD. Development of this portion of the Tract will also include a new commercial building to be built at or above the flood protection grade, and grading and parking lot construction within the floodway of Clear Creek.

The purpose of this PUD district ordinance is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,

(6) Make federally subsidized flood insurance available for structures and their contents in the PUD district by fulfilling the requirements of the National Flood Insurance Program.

Section D. Objectives.

The objectives of this PUD district ordinance are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(7) To ensure that potential property owners are notified that this land is in a special flood hazard area.

Article 2. Definitions.

Unless specifically defined below, words or phrases used in this PUD district ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)
Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.
Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate including but not limited to:
(1) construction, reconstruction, or placement of a structure or any addition to a structure;
(2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
(5) mining, dredging, filling, grading, excavation, or drilling operations;
(6) construction and/or reconstruction of bridges or culverts;

(7) storage of materials; or
(8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate is a FEMA form for recording a certified statement that verifies a structure's elevation information. Elevation Certificates can only be completed by a licensed land surveyor, engineer, or architect who is licensed by the State of Indiana to perform such functions. Elevation Certificates must be on file with the City of Bloomington, Indiana for every structure within the SFHA that has been constructed or substantially improved since July 28, 1972.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Five-hundred year flood (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this PUD district ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is the portions of the floodplain lying outside the floodway.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this PUD district ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The City of Bloomington, Indiana, Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the Thomson Area PUD ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest of the following:
(1) the top of the lowest level of the structure;
(2) the top of the basement floor;
(3) the top of the garage floor, if the garage is the lowest level of the structure;
(4) the top of the first floor of a structure elevated on pilings or pillars;
(5) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one percent annual chance flood. See "Regulatory Flood".

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Planned Unit Development (PUD) is a large-scale unified development approved under the provisions of Chapter 20.04: Planned Unit Development Districts of the Unified Development Ordinance. Generally a Planned Unit Development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and/or required open space to the regulations established in any district of the Unified Development Ordinance. A planned development requires approval through a zoning map amendment. The uses and standards expressed in the PUD District Ordinance constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for a standard zoning district.

Post-FIRM construction means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is
(1) built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projections;
(3) designed to be self-propelled or permanently towable by a light duty truck; and
(4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3. Section B of this PUD ordinance. The "Regulatory Flood" is also known by the terms "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdictions of the City of Bloomington, Indiana subject to inundation by the regulatory flood. The SFHAs of the Thomson Area PUD are generally identified as such on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010. These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this PUD district ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this PUD district ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM, and are all subject to mandatory flood insurance purchase requirements.

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zone X means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Article 3. General Provisions.

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of Tract C(a) of the Thomson Area PUD District.

Section B. Basis for Establishing Regulatory Flood Data.

This PUD district ordinance protection standard covers the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Tract C(a) of the Thomson Area PUD shall be delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Monroe County, Indiana and Incorporated Areas and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated December 17, 2010.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Tract C(a) of the Thomson Area PUD, delineated as an "A Zone" on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2010, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit, Building Permit, Grading Permit, or any other local, state, or federal permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities or land disturbing activities in areas of special flood hazard.

Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this PUD district ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions.

This PUD district ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:
(1) Considered as minimum requirements; and

(2) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability.

The degree of flood protection required by this PUD district ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Bloomington, Indiana, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation Within Tract C(a) of the Thomson PUD.

Failure to obtain a Final PUD Plan and all applicable local, state, and federal permits in the SFHA, or failure to comply with the requirements of them or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Unified Development Ordinance (UDO) for the City of Bloomington, Indiana. All violations shall be punishable according to the rules in Title 20 of the UDO.
(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The City of Bloomington, Indiana shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent the City of Bloomington, Indiana from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. Administration.

Section A. Designation of Administrator.

The City of Bloomington, Indiana has appointed The Planning Director or his/her designee to administer and implement the provisions of this PUD district ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a PUD Final Plan shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.

a). A description of the proposed development;
b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
c). A legal description of the property site;
d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed, and;
g). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction stage.
Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification on a FEMA Elevation Certificate form of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this PUD district ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

(1) Review all floodplain development permits to assure that the permit requirements have been satisfied;

(2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to this PUD district ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;

(5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this PUD district ordinance.

(7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures;

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed;

(11) Review certified plans and specifications for compliance.

(12) Stop Work Orders

a). Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this PUD district ordinance shall immediately cease.
b). Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of Permits

a). The floodplain administrator may revoke a permit or approval, issued under the provisions of this PUD district ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
b). The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(14) Other Enforcement and Penalties
In addition to the contents of this PUD district ordinance, all enforcement procedures and penalties described in the UDO, Chapter 20.10 Enforcement and Penalties, shall apply to this PUD district ordinance.

(15) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized City of Bloomington, Indiana officials shall have the right to enter and inspect properties located in the SFHA.

Article 5. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the Flood Protection Grade (FPG);

(3) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this PUD district ordinance shall meet the requirements of "new construction" as contained in this ordinance;

(8) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced;

(9) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

a). The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located;
b). Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;
c). The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water;
d). The fill or structure shall not obstruct a drainage way leading to the floodplain;
e). The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water;
f). The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,
g). Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a

certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

(10) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

Section B. Specific Standards.

In the SFHAs of Tract C(a) of the Thomson Area PUD, the following provisions are required:

(1) In addition to the requirements herein this PUD district ordinance, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

a). Construction or placement of any new structure having a floor area greater than 400 square feet;
b). Addition or improvement made to any existing structure:
(i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
(ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.
c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
d). Installing a travel trailer or recreational vehicle on a site for more than 180 days.
e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
f). Reconstruction or repairs made to a repetitive loss structure.

(2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall be prohibited in a floodway.

(3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards herein. Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure

design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth herein).
b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

a). provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area); and
b). all openings shall be located entirely below the BFE; and
c). the bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
d). openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
e). openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device; and
f). access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
g). the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
h). the interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and
i). where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on permanent land fill in accordance with the following:

a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method;
b). The fill shall extend at least ten feet beyond the foundation of the structure before sloping below the FPG;

c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical;
d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; and
e). The top of the lowest floor including basements shall be at or above the FPG.

(6) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

(i) outside a manufactured home park or subdivision;

(ii) in a new manufactured home park or subdivision;

(iii) in an expansion to an existing manufactured home park or subdivision; or

(iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

c). Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.

d). Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

e). Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days; and,

(ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(iii) meet the requirements for "manufactured homes" as stated earlier in this section.

Section C. Standards for Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

(5) All subdivision proposals should minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

Section D. Critical Facility.

Construction of new critical facilities should be located outside the limits of the SFHA. Construction of new critical facilities may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities within the SFHA.

Section E. Standards for Identified Floodways.

Located within SFHAs are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.

If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot. For all projects involving channel modifications or fill (including levees) the City of Bloomington, Indiana shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

Section G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

(1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indian Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this PUD district ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Section H. Standards of Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5. Section A (1) through (10).

Article 6. Variance Procedures.

Section A. Designation of Variance and Appeals Board.

Because this document is a Planned Unit Development District Ordinance, the Plan Commission as established by the City of Bloomington, Indiana shall hear and decide appeals and requests for variances from requirements of this PUD district ordinance. If an appeal or variance is granted to a Petitioner, the rule change shall be manifested through a PUD District Ordinance amendment.

Section B. Duties of Variance and Appeals Board.

The Plan Commission shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Plan Commission may appeal such decision to the Board of Zoning Appeals.

Section C. Variance Procedures.

In passing upon such applications, the Plan Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

(1) The danger of life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The importance of the services provided by the proposed facility to the community;

(4) The necessity to the facility of a waterfront location, where applicable;

(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(6) The compatibility of the proposed use with existing and anticipated development;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section D. Conditions for Variances.

(1) Variances shall only be issued when there is:

a). A showing of good and sufficient cause;
b). A determination that failure to grant the variance would result in exceptional hardship; and,
c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway may be granted.

(3) Any variance granted in a floodway will require a permit from the Indiana Department of Natural Resources.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(6) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest

floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(7) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Section E. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Section F. Historic Structures.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design or the structure.

Section G. Special Conditions.

Upon the consideration of the factors listed herein, and the purposes of this PUD district ordinance, the Plan Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Article 7. Severability.

If any section, clause, sentence, or phrase of this Tract C(a) of the Thomson Area PUD Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this PUD district ordinance.

Article 8. Effective Date.

This ordinance shall take effect upon its passage by the City of Bloomington Indiana, Common Council.