Unified Development Ordinance

City Of Bloomington

Effective

February 12, 2007

As Amended

December 17, 2010

Planning Department

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Unified Development
Ordinance

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Chapter

20.01

Ordinance Foundation

City of Bloomington
Unified Development
Ordinance

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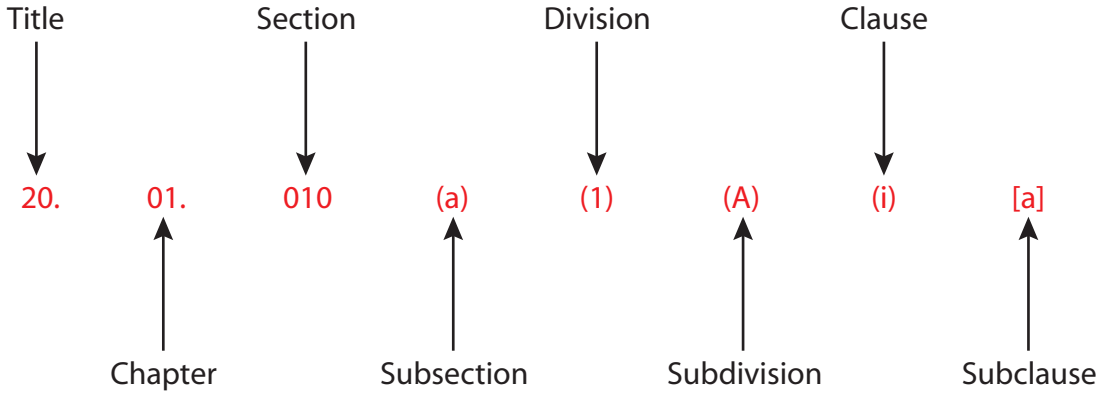
GroundRules
website www.groundrulesinc.com

Ordinance Structure

The structural hierarchy of the City of Bloomington Unified Development Ordinance generally parallels the rest of the Bloomington Municipal Code (BMC). Within the Unified Development Ordinance, the following nomenclature is used for the various levels:



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20.01.440 Thoroughfare Plan

20.01.010 Title

The ordinance codified in this title shall be known, cited and referred to as the "Bloomington Unified Development Ordinance" and may also be cited or referred to as the "Unified Development Ordinance", the "Zoning Ordinance", or the "Subdivision Control Ordinance."

20.01.020 Authority

This 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), and all other applicable authorities and provisions of Indiana statutory and common law.

20.01.030 Purpose

This Unified Development Ordinance is adopted for the following purposes:

(a) To promote the orderly, responsible, and sustainable development and redevelopment of the areas within the planning jurisdiction in accordance with the Growth Policies Plan and its components, including but not limited to the Master Thoroughfare Plan, the Bicycle and Pedestrian Transportation and Greenways System Plan and the Subarea Plans, which include among others the Downtown Vision and Infill Strategy Plan, along with such additions and revisions as may hereafter be made to such Plans, and with all other City land use policy;

(b) To promote the public health, safety, morals, comfort, convenience, and general welfare;

(c) To protect the character and stability of residential, institutional, business, industrial, and natural areas;

(d) To minimize or avoid congestion in the public streets and to ensure safe, convenient, and efficient traffic circulation;

(e) To secure adequate light, air, convenience of access, and safety from fire and other danger, which may include providing adequate open spaces for light, air, and outdoor uses;

(f) To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction;

(g) To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;

(h) To regulate and restrict the location and intensity of use of buildings, structures and land for trade, industry, residence and other uses;

(i) To define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this Unified Development Ordinance;

(j) To establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this Unified Development Ordinance;

(k) To insure ongoing compliance with the provisions of this Unified Development Ordinance by requiring regular maintenance and replacement, as needed, of required improvements, including but not limited to landscaping;

(l) To establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;

(m) To avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services;

(n) To ensure the provision of drainage facilities, the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding;

(o) To prevent the pollution of air, water, and soil;

(p) To ensure that the cost of design and installation of improvements in new, platted subdivisions are borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or the City as a whole;

(q) To ensure proper legal descriptions, legal recording, and monumenting of subdivided land;

(r) To otherwise accomplish the purposes of IC 36-7-4: Local Planning and Zoning; and

(s) To further such other purposes as are stated hereinafter within specific provisions of this Unified Development Ordinance.

(t) To minimize the negative secondary impacts of sexually oriented businesses by avoiding their undue concentration and by separating them from sensitive land uses.

20.01.040 Jurisdiction

This Unified Development Ordinance shall apply to all land, uses, buildings and structures within the incorporated City of Bloomington, and to those areas outside the incorporated City limits over which the City exercises planning, zoning and/or subdivision authority, including but not limited to those areas identified within the Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction, dated March 6, 2002, as such Agreement may hereafter be amended or extended.

20.01.050 General Applicability

(a) After the effective date of this Unified Development Ordinance, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in accordance with the provisions of this Unified Development Ordinance, except as otherwise hereinafter provided.

(b) This Unified Development Ordinance shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Bloomington Municipal Code which are necessary for an understanding of *Title 20: Unified Development Ordinance* and the attainment of its purposes.

20.01.060 Repeal of Preexisting Ordinances

The following City ordinances are hereby repealed and are replaced by this Unified Development Ordinance and Official Zoning Map:

(a) The City of Bloomington Zoning Ordinance of 1995, Ordinance No. 95-21, as amended.

(b) The City of Bloomington Official Zoning Map of 1995, incorporated in and adopted as a part of Ordinance No. 95-21, as amended.

(c) The City of Bloomington Subdivision Control Ordinance of 1973, Ordinance No. 73-3, as amended.

20.01.070 Rules of Interpretation

(a) Minimum Requirements: The provisions of this Unified Development Ordinance shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this Unified Development Ordinance, these provisions shall be held to be the minimum requirements for the protection and the promotion of the public health, safety, morals, comfort, convenience, and general welfare.

(b) Conflicts or Inconsistency:

(1) *Internal*: Unless otherwise specifically stated within this Unified Development Ordinance, and unless the context clearly indicates the contrary, if two or more provisions of this Unified Development Ordinance are in conflict or are inconsistent with each other, then the most restrictive provision shall apply.

(2) *Federal, State and Local*:

(A) Whenever a provision of this Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal law or regulation, or other County or City ordinance or regulation, the provision of this Unified Development Ordinance shall apply.

(B) Whenever a provision of any State or federal law or regulation, or other County or City ordinance or regulation imposes a greater restriction or a higher standard than is required by this Unified Development Ordinance, the provision of the State or federal law or regulation, or other County or City ordinance or regulation shall apply.

(3) *Other*: Whenever a private covenant, contract, commitment, agreement, or other similar private land use restriction imposes a greater restriction or a higher standard than is required by a provision of this Unified Development Ordinance, the more restrictive provision shall apply. This section shall not be interpreted to mean that the City is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar restrictions; rather, the City shall make an effort to respect such agreements, and this Unified Development Ordinance shall not have the effect of abrogating or annulling any such private restriction. Where this Unified Development Ordinance imposes a greater restriction or a higher standard than is required by a private covenant, contract, commitment, agreement, or other similar private land use restriction, the provisions of this Unified Development Ordinance shall govern.

(c) Text to Govern: In case of any difference of meaning or implication between the text of this Unified Development Ordinance and any caption, illustration, figure, summary table, or illustrative table, the text shall control.

(d) Illustrations: All illustrations in the Unified Development Ordinance are intended to help the reader understand terminology and concepts utilized in this ordinance, unless otherwise indicated. Illustrations are not to be interpreted as examples of character or design that must be matched.

(e) Time Frames: Any time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays, unless stated otherwise. If a time frame ends on a Saturday, Sunday, or holiday on which the City offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within this Unified Development Ordinance.

(f) Delegation of Authority: If a provision in this Unified Development Ordinance requires the Planning Director or other City official to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.

(g) Fractions: Where application of a numerical standard results in a fraction, the fraction shall be rounded as follows:
- (1) Where the standard is a minimum requirement, the fraction shall be rounded up the nearest whole number; and
- (2) Where the standard is a maximum allowed or permitted under this Unified Development Ordinance, the fraction shall be rounded down to the nearest whole number.

(h) Rules of Word Usage: The following rules of word usage apply to the text of this Unified Development Ordinance:
- (1) The particular shall control the general.
- (2) The words "shall" and "must" are always mandatory and not discretionary. The words "may" and "should" are permissive.
- (3) Unless the context clearly indicates otherwise, words used in a specific tense (past, present or future) shall be construed to include all tenses; words used in the singular number shall include the plural, and the plural the singular; and, use of gender-specific pronouns shall be interpreted to include both sexes.
- (4) A "building" or "structure" includes any part thereof unless the context clearly indicates otherwise.
- (5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - (A) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - (B) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - (C) "Either...or" indicates that the connected items, conditions, provision, or events shall apply singly but not in combination.
  - (D) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (6) Terms not defined herein shall have the meanings customarily assigned to them in common, ordinary usage, except that legal or technical terms shall be interpreted in their legal or technical sense.

(i) Material Incorporated by Reference: As required per IC 36-1-5-4, two (2) copies of any material incorporated into the Unified Development Ordinance by reference are on file in the City Clerk's office for public inspection.

20.01.080 Effective Date

This ordinance shall be in full force and effect from and after February 12, 2007 provided, however, *Section 20.05.094 SC-09: Special Conditions; Dwelling, Multifamily*, and *Section 20.05.097 SC-12: Special Conditions; Dwelling, Upper Floor Units*, concerning fire sprinkler requirements for certain residential uses in the Commercial Downtown District, shall not take effect until they are approved by the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security.

20.01.090 Severability

If any of the provisions of this Unified Development Ordinance are declared invalid, the other provisions shall remain in full force and effect.

20.01.100 Transition Rules; General

In determining the applicability of this Unified Development Ordinance with respect to land, uses, buildings, structures, permits, approvals, and applications for permits or approvals, existing immediately before the effective date hereof, the following rules shall apply.

20.01.110 Uses Rendered Conditional Uses

When a use lawfully existing on the effective date of this Unified Development Ordinance was classified as a permitted use prior to the effective date of this Unified Development Ordinance, and such use is classified as a "Conditional Use" by this Unified Development Ordinance, such use shall be deemed a lawful nonconforming use. Such use may be granted a Conditional Use Permit pursuant to *Section 20.09.150: Conditional Use*, if applicable criteria are met.

20.01.120 Uses Rendered Nonconforming

When a use was lawfully existing as a permitted use on the effective date of this Unified Development Ordinance and this Unified Development Ordinance, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a lawful nonconforming use and shall be subject to the provisions of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*.

20.01.130 Buildings, Structures, and Lots Rendered Nonconforming

Where any building, structure or lot lawfully existing on the effective date of this Unified Development Ordinance does not meet all development standards set forth in this Unified Development Ordinance, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the provisions of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*.

20.01.140 Previously Granted Variances

All variances granted prior to the effective date of this Unified Development Ordinance shall remain in full force and effect subject to the expiration provision in effect at the time the variance was granted and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular variance approval by the approving entity. However, such variance shall apply only to the specific Use Variance or Development Standards Variance granted. Provided, however, in the event of a conflict between this Section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.150 Previously Granted Conditional Use Permits

All Conditional Use Permits granted prior to the effective date of this Unified Development Ordinance shall remain in full force and effect subject to the expiration provisions established in *Section 20.09.150: Conditional Use* of this Unified Development Ordinance and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular Conditional Use approval by the Board of Zoning Appeals. Expansion or change in use shall require compliance with this Unified Development Ordinance. Provided, however, in the event of a conflict between this Section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.160 Previously Granted Special Exceptions

All Special Exceptions granted prior to the effective date of this Unified Development Ordinance shall remain in full force and effect subject to the expiration limitations set forth in the rules under which the Special Exception was established, and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular Special Exception approval by the Board of Zoning Appeals. Expansion or change in use shall require compliance with this Unified Development Ordinance. Provided, however, in the event of a conflict between this section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.170 Previously Granted Certificates of Appropriateness for Properties Designated Historic

All Certificates of Appropriateness granted by the Plan Commission prior to May 1, 1995, shall remain in full force and effect pursuant to the terms of approval set forth in the Plan Commission action, unless such Certificates of Appropriateness have expired pursuant to their terms or pursuant to applicable prior law.

20.01.180 Previously Approved Planned Developments

An Outline or Preliminary Plan approved under a previous ordinance and retained as a Planned Development on the Zoning Map adopted as part of this Unified Development Ordinance shall constitute an approved Preliminary Plan. A Development or Final Plan approved under a previous ordinance where the Planned Development is retained on the Zoning Map adopted as part of this Unified Development Ordinance shall constitute an approved Final Plan, subject to the expiration provisions in effect at the time of approval. Where an Outline or Preliminary Plan has been approved, but a Development or Final Plan has not been approved, or has been approved but has expired, prior to the effective date of this Unified Development Ordinance, the Final Plan shall require Plan Commission review, unless the Plan Commission, at a public hearing, determines that the staff should review the Final Plan; moreover, such Final Plans shall be subject to the development standards of this Unified Development Ordinance, except to the extent that different development standards were expressly set forth in the approved Outline or Preliminary Plan. Provided, however, in the event of a conflict between this Section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.190 Previously Approved Site Plans

(a) A Site Plan approved prior to the effective date of this Unified Development Ordinance shall remain in full force and effect, such that building and occupancy permits may be issued in accordance with the approved Site Plan, subject to any conditions placed upon such approval and subject to the expiration provisions in effect at the time of approval. Provided, however, any change from the approved Site Plan, including but not limited to, changes in use or development standards, shall be subject to the provisions of this Unified Development Ordinance. Provided, however, in the event of a conflict between this section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

(b) Provided, further, the foregoing shall apply only to fully detailed Site Plans and shall not apply to any portion of a parcel or development not fully detailed and expressly approved, even if shown on such plans.

20.01.200 Previously Approved Subdivisions

Except as otherwise provided by *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, Preliminary and Final Plats approved prior to the effective date of this Unified Development Ordinance shall be governed by this Section. A Preliminary Plat and/or Final Plat approved prior to the effective date of this Unified Development Ordinance, whether or not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Final Plats may be recorded as approved; Preliminary Plats shall be entitled to approval of a Final Plat consistent with the Preliminary Plat approval; lots in such subdivisions shall be established in their platted size and configuration as lots of record. Such lots shall be subject to use and development standards of this Unified Development Ordinance, other than minimum lot dimensions.

20.01.210 Effect of Change in the Law after Filing of Complete Application

(a) For any application filed with the City prior to March 15, 2006 for any permit or approval listed in *Subsection 20.01.210(b)*, the effect of any change in the applicable law after such application but prior to the grant or denial of the permit or approval sought shall be governed by the transition rules of the prior Zoning Ordinance that was in effect on the date of application.

(b) Whenever a complete application is filed with the City on or after March 15, 2006 for any of the permits or approvals listed in *Subsection 20.01.210(c)*, the grant or denial of such permit or approval, and the grant or denial of any secondary, additional or related permit or approval required by the City with respect to the general subject matter of the first complete application, shall be governed by the statutes, ordinances, rules, development standards, and regulations applicable to the property in question (hereinafter "Requirements") that were in effect at the time of the first complete application, for the time periods listed in *Subsection 20.01.210(d)*, notwithstanding any change in such requirements that occurs after such first application but prior to the grant or denial of such permit or approval, except as otherwise provided herein.

(c) The permits and approvals covered by *Section 20.01.210* are:
(1) Certificate of Zoning Compliance (*Section 20.09.220*);
(2) Site Plan Review (*Section 20.09.120*);
(3) Conditional Use (*Section 20.09.150*);
(4) Preliminary Plat (*Section 20.09.180*);
(5) Final Plat (*Section 20.09.190*);
(6) Grading Permit (*Section 20.09.240*);
(7) Planned Unit Development (*Section 20.04.080* and *Section 20.04.090*).

(d) The requirements in effect at the time of the first complete application for a permit or approval described in *Subsection 20.01.210(b)* shall continue to govern such first complete application and any secondary, additional or related permits described in that subsection for a period of at least three (3) years from the date of the first complete application. If no construction or other activity to which the permit or approval relates is commenced within that three-year period, then thereafter the renewal of any expired permit, and the grant or denial of any new application for any secondary, additional or related permit, shall be governed by then-current regulations if the Planning Director, based upon advice from the Legal Department, determines that such action is lawful and does not deprive the owner or applicant of any vested right. Moreover, if construction or other activity to which the permit or approval relates is not completed within seven (7) years of the date upon which such construction or other activity commenced, then thereafter the renewal of any expired permit, and the grant or denial of any new application for any secondary, additional or related permit, shall be governed by then-current regulations if the Planning Director, based upon advice from the Legal Department, determines that such action is lawful and does not deprive the owner or applicant of any vested right.

(e) Where a permit or approval is rendered pursuant to *Section 20.01.210*, any construction, use or other activity authorized by such permit or approval shall be treated as lawfully nonconforming to the extent such activity does not conform to the current requirements of this Unified Development Ordinance and shall be subject to the provisions of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*.

(f) For purposes of *Section 20.01.210*, amendment or modification to an application for a permit or approval shall not constitute a new application unless the changes are such that the proposed activity is substantially greater in scope, complexity or process of review, or otherwise significantly increases the land use issues and impacts that are presented, compared to the original application.

20.01.220 Petitions for Variance or Rezoning (Map Change other than PUD)

Any petition for variance or zoning map change (other than for a PUD designation) for which a full and complete application was properly filed prior to the effective date of this Unified Development Ordinance shall be processed pursuant to the terms and conditions of the Zoning Ordinance that was in effect at the time of filing, provided that the approval is still required under the terms of this Unified Development Ordinance. Provided, other than as specifically set forth in *Section 20.01.220*, the property and the proposal for which variance or map change was sought will be subject to all regulations of this Unified Development Ordinance, unless otherwise required by these Transition Rules or by law.

20.01.230 Standard Zoning Districts; Establishment

Each of the standard zoning districts in this Unified Development Ordinance stands alone and is not a part of a hierarchical or pyramidal system of zoning. For example, what is permitted in the RS zoning district is not necessarily permitted in the RC zoning district. Only those uses and development standards that are expressly permitted and noted for each zoning district apply to that zoning district. In addition, accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements. The regulations that apply within each zoning district are set forth in *Chapter 20.02: Zoning Districts* of this Unified Development Ordinance. The following zoning districts are hereby established for the general uses as stated:

(a) RE; Residential Estate: This zoning district is established for single-family detached homes in a rural or agricultural setting, while protecting sensitive environmental resources.

(b) RS; Residential Single-family: This zoning district is established for single-family detached homes with medium to large-sized lots.

(c) RC; Residential Core: This zoning district is established for single-family detached homes with small to medium-sized lots.

(d) RM; Residential Multifamily: This zoning district is established for medium density residential housing on small to medium-sized parcels.

(e) RH; Residential High-density Multifamily: This zoning district is established for high density residential housing on larger-sized parcels.

(f) MH; Manufactured/Mobile Home Park: This zoning district is established for leased lot developments (typically mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.

(g) CL; Commercial Limited: This zoning district is established for the provision of small scale retail goods and services required for regular or daily convenience of adjacent residential neighborhoods.

(h) CG; Commercial General: This zoning district is established for medium scale commercial services that create minimal detrimental impacts to the surrounding area.

(i) CA; Commercial Arterial: This zoning district is established for high intensity commercial developments along major thoroughfares.

(j) CD; Commercial Downtown: This zoning district is established for the central business district of the community with a variety of uses and intensities.

(k) IG; Industrial General: This zoning district is established for the provision of basic employment needs of the surrounding region.

(l) BP; Business Park: This zoning district is established for a mixture of office related uses that provide large scale employment opportunities for the surrounding region.

(m) IN; Institutional: This zoning district is established for the establishment of public related services, operations, and uses.

(n) MD; Medical: This zoning district is established to allow hospital uses and associated medical facilities.

(o) QY; Quarry: This zoning district is established for the retention of existing quarry operations.

20.01.240 Standard Zoning Districts; Labeling

On the Official Zoning Map a standard zoning district shall be labeled using the two-character abbreviation as noted in *Section 20.01.230: Standard Zoning Districts; Establishment*. The following are the appropriate labels for standard zoning districts: RE, RS, RC, RM, RH, MH, CL, CG, CA, CD, IG, BP, IN, MD and QY.

20.01.250 Overlay Districts; Establishment

The overlay districts as noted below have been established to add additional and unique development standards which will better help the City accomplish the goals of the Growth Policies Plan. The following overlay districts are hereby established for the general purposes as stated:

(a) CSO; Courthouse Square Overlay: This district is established to guide both new development and redevelopment activities within the Courthouse Square Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.

(b) DCO; Downtown Core Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Core Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.

(c) UVO; University Village Overlay: This district is established to guide both new development and redevelopment activities within the University Village Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.

(d) DEO; Downtown Edges Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Edges Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.

(e) DGO; Downtown Gateway Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Gateway Character Areas, as defined in the Downtown Vision and Infill Strategy Plan as the Illinois Central Railroad Gateway and the Seminary Square Gateway and as mapped on the Official Zoning Map.

(f) STPO; Showers Technology Park Overlay: This district is established to guide both new development and redevelopment activities within the Showers Technology Park Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.

20.01.260 Planned Unit Development Districts; Establishment

The provisions of this Unified Development Ordinance allow the establishment of Planned Unit Developments in all zoning districts.

20.01.270 Planned Unit Development Districts; Labeling

On the Official Zoning Map a Planned Unit Development zoning district, once established, shall be labeled "PUD".

20.01.280 District Land Uses

Land uses may be a permitted or a Conditional Use as listed in each standard zoning district. Only uses indicated as either permitted or Conditional Uses shall be undertaken in that zoning district. Bloomington's permitted and Conditional Uses for each zoning district are noted in the "Permitted Use" and "Conditional Use" columns in *Chapter 20.02: Zoning Districts*. In addition, accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements.

20.01.290 Unlisted or Questionable Land Uses

Any land use not listed, or that is questionable as to whether it falls within the meaning of a listed permitted or Conditional Use on the two-page layouts in *Chapter 20.02: Zoning Districts,* is not allowed unless determined otherwise, through interpretation of this Unified Development Ordinance pursuant to *Section 20.01.290* (See also *Section 20.09.340: Administrative Interpretations*).

20.01.300 Official Zoning Map

(a) The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map," as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this Unified Development Ordinance. The Official Zoning Map is a geographic coverage layer entitled "Zoning" that is maintained as part of the City's geographic information system (GIS) under the direction of the Planning Director.

(b) The Planning Director may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

(c) Two (2) copies of the Official Zoning Map shall be on file and available for public inspection in the Planning Department.

20.01.310 Designation of Zoning District

The abbreviations for the zoning districts appearing in this Unified Development Ordinance shall be used to identify the zoning districts on the Official Zoning Map. Planned Unit Developments shall be shown on the map by abbreviations as noted in this Unified Development Ordinance.

20.01.320 Regular Revisions

(a) Only persons authorized by the Planning Director may revise the Official Zoning Map when amendments are passed. Such revisions shall be made as soon as possible after the effective date of the amendment.

(b) During the time it takes for the formal electronic version of the Official Zoning Map to be reprinted for public display, hand-drawn lines and text on an authorized printed copy of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the Official Zoning Map, but shall not have the effect of amending the Official Zoning Map.

20.01.330 Standards

Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

(a) Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.

(b) Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or City corporate boundary lines shall be construed as following or paralleling such lines.

(c) Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.

(d) Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

(e) Any disputes as to the exact zoning district boundaries shall be determined by the Planning Director. The Planning Director may refuse to make a determination when he cannot definitely determine the location of a zoning district boundary. In such cases, the Planning Director shall refer the interpretation to the Plan Commission. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Unified Development Ordinance. All zoning district boundary determinations made pursuant to *Section 20.01.330(e)* may be appealed to the Board of Zoning Appeals.

20.01.340 Overlay District Applicability

The Overlay District boundaries on the Official Zoning Map shall be interpreted as follows:

(a) An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.

(b) A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Chapter 20.03: Overlay Districts*.

(c) A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.

20.01.350 Summary of Authority

The administrative and decision making bodies and officials listed herein, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Unified Development Ordinance in the manner described in *Chapter 20.01: Ordinance Foundation*.

20.01.360 Common Council

The Common Council shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance and the applicable provisions of the Indiana Code:

(a) To initiate, adopt, or reject any amendment to the Official Zoning Map, and to initiate, adopt, amend, or reject any amendment to the text of this Unified Development Ordinance in accordance with IC 36-7-4-600 Series: Zoning Ordinance;

(b) To adopt; impose reasonable conditions, condition the issuance of a certificate of zoning compliance on the providing of certain assurances, and allow or require the property owner to make written commitments; or reject a Planned Unit Development (PUD) district ordinance in accordance with IC 36-7-4-1500 Series: Planned Unit Development.

(c) To initiate, approve, amend, or reject proposed amendments to the City's Growth Policies Plan and its components, including but not limited to the Master Thoroughfare Plan and the Subarea Plans;

(d) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.

20.01.370 Plan Commission

(a) Jurisdiction and Authority: The Plan Commission shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance and the applicable provisions of the Indiana Code.

(1) To initiate, hear, review, and certify recommendations to the Common Council on replacement or amendment of the Growth Policies Plan and this Unified Development Ordinance, including the Official Zoning Map;

(2) To hear, review, and make recommendations to the Common Council on the PUD District Ordinance and Preliminary Plan for a proposed Planned Unit Development. When stipulated by the Plan Commission at the time of preliminary approval, to review and approve the Final Plan for a Planned Unit Development;

(3) To authorize a Hearing Officer pursuant to IC 36-7-4-923, and to establish rules prescribing and limiting the authority and procedures therefor pursuant to IC 36-7-4-923 and IC 36-7-4-924;

(4) To hear, review, and make recommendations to the Board of Zoning Appeals on Use Variance petitions involving multifamily or nonresidential uses.

(5) To review and approve or disapprove Site Plans and amendments to Site Plans, as required pursuant to *Section 20.09.120: Site Plan Review*, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;

(6) To aid and assist the Common Council and the Mayor in implementing the City's adopted Comprehensive Plan and in planning, developing, and completing specific projects;

(7) To review and report on any matters referred to it by the Common Council or the Mayor;

(8) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City to aid them in the performance of their respective duties relating to the planning and development of the City;

(9) To delegate responsibilities relating to ordinance administration and enforcement to the planning staff and to other appropriate executive departments and personnel;

(10) To review and approve or disapprove plats and replats of subdivisions;

(11) To supervise and make rules for the administration of the affairs of the Plan Commission, including but not limited to adopting and maintaining a schedule of uniform fees for permits, processes and official actions of the Common Council and the Planning Department;

(12) To prescribe uniform rules pertaining to investigations and hearings;

(13) To keep a complete record of all proceedings;

(14) To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;
(15) To prepare, publish and distribute reports, ordinances and other materials relating to the activities authorized under this chapter;
(16) To adopt a seal;
(17) To certify to all official acts;
(18) To make recommendations to the Common Council or other bodies concerning any other matter within the jurisdiction of the Plan Commission, as authorized by the advisory planning law (IC 36-7-4: Local Planning and Zoning);
(19) To approve or delegate the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming;
(20) To authorize a Plat Committee pursuant to IC 36-7-4-701(e);
(21) To permit, require, modify and terminate commitments, and to hear appeals from Final Plan decisions by planning staff; as authorized elsewhere in *IC Title 36*; and
(22) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.

(b) Membership, Term and Organization: The Plan Commission shall be composed as set forth in *Chapter 2.13: Plan Commission* of the Bloomington Municipal Code in accordance with Indiana statute.

(c) Quorum and Official Action: No official action shall be taken by the Plan Commission without a quorum being present. A quorum is defined by IC 36-7-4-301 as a majority of the entire membership of the Plan Commission, who are qualified by IC 36-7-4-300 Series: Plan Commission Organization to vote. Official action of the Plan Commission requires authorization by a majority of the entire membership of the Plan Commission at a regular or special meeting.

(d) Meetings—Hearings—Procedures:
(1) Regular meetings of the Plan Commission shall be held as provided by the Plan Commission Rules of Procedure.
(A) All meetings and hearings of the Plan Commission shall be open to the public except when closed pursuant to the provisions of applicable State law.
(B) The Plan Commission shall adopt its own Rules of Procedure, subject to the limitations of the Indiana Code. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Plan Commission.
(2) Special meetings of the Plan Commission may be called as provided by IC 36-7-4-307.

(e) Record: The transcript of testimony, if any; minutes; all applications, exhibits, and papers filed in any proceeding before the Plan Commission; the staff report; and the decision of the Plan Commission shall constitute the record. The record shall be maintained for public inspection in the Planning Department.

(f) Decisions: Every recommendation or decision of the Plan Commission upon an application filed pursuant to this Unified Development Ordinance shall be repeated in the summary minutes prepared by the planning staff. Where required by law, such decisions shall include written findings of fact upon criteria used in making the decision. The minutes shall expressly set forth any limitations, commitments or conditions recommended or imposed by the Plan Commission.

(g) Conflicts:
(1) Pursuant to IC 36-7-4-223, a member of either the Plan Commission or the Common Council may not participate in a hearing or decision of the Plan Commission or Common Council concerning a zoning matter in which he has a direct or indirect financial interest. The Plan Commission or Common Council shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.
(2) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

20.01.380 Board of Zoning Appeals

(a) Jurisdiction and Authority: The Board of Zoning Appeals shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance:
  (1) To hear and decide upon applications for Development Standards Variances from this Unified Development Ordinance;
  (2) To hear and decide upon applications for Use Variances from this Unified Development Ordinance;
  (3) To hear and decide upon applications for Conditional Use permits;
  (4) To establish or extend time limitations placed upon variances and Conditional Uses;
  (5) To permit or require commitments under IC 36-7-4-921 as a condition of approval of a variance or Conditional Use;
  (6) To hear and determine appeals from:
    (A) Any order, requirement, decision, or determination made by an administrative office, Hearing Officer, or staff member under this Unified Development Ordinance;
    (B) Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Unified Development Ordinance;
    (C) Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Unified Development Ordinance requiring the procurement of a Certificate of Zoning Compliance or Certificate of Occupancy.
  (7) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City, to aid them in the performance of their respective duties relating to this Unified Development Ordinance and its administration; and
  (8) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.

(b) Membership, Term and Organization: The Board of Zoning Appeals shall be composed as set out in *Chapter 2.15: Advisory Board of Zoning Appeals* of the Bloomington Municipal Code in accordance with Indiana statute.

(c) Quorum and Official Action:
  (1) Three (3) members shall constitute a quorum to conduct business.
  (2) Three (3) concurring votes of the Board of Zoning Appeals membership shall be required for rendering a final decision on any matter.

(d) Meetings and Procedures:
  (1) Meetings of the Board of Zoning Appeals shall be conducted in accordance with the rules established by the Board of Zoning Appeals;
  (2) The Board of Zoning Appeals shall adopt Rules of Procedure, which may not conflict with this Unified Development Ordinance, concerning the:
    (A) Filing of appeals;
    (B) Application for Use Variances, Development Standards Variances, and Conditional Uses;
    (C) Giving of notice;
    (D) Conduct of hearings; and
    (E) Determination of whether a variance application is for a Use Variance or Development Standards Variance.
  (3) The Board of Zoning Appeals may also adopt Rules of Procedure:
    (A) Governing the creation, form, recording, modification, enforcement and termination of commitments.
    (B) Designating those specially affected persons and classes of specially affected persons who are entitled to enforce commitments.
  (4) Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all applicants and other interested persons.

(e) Record: The transcript of testimony, if any; minutes; all applications, exhibits, and papers filed in any proceeding before the Board of Zoning Appeals; the staff report and the decision of the Board of Zoning Appeals shall constitute the record. The record shall be maintained for public inspection in the Planning Department.

(f) Decisions: The Board of Zoning Appeals shall keep minutes of its proceedings and record the vote on all actions taken, which shall expressly set forth any limitations or conditions imposed. All minutes and records shall be filed in the office of the Board of Zoning Appeals and are public records. The Board of Zoning Appeals shall, in all cases heard by it, make written findings of fact.

(g) Conflicts:

(1) A person shall not communicate with any member of the Board of Zoning Appeals before hearings with intent to influence the member's action on a matter pending before the Board of Zoning Appeals. A member who feels his or her impartiality has been compromised in this manner is allowed to disqualify himself or herself. The planning staff may, however, file with the Board of Zoning Appeals a written statement setting forth any facts or opinions relating to the matter no less than five (5) days before the hearing.

(2) A member of the Board of Zoning Appeals shall not participate in a hearing or decision of the Board of Zoning Appeals concerning a zoning matter in which he or she has a direct or indirect financial interest. The Board of Zoning Appeals shall enter in its records the fact that a member has such a disqualification and the name of the alternate member, if such an alternate member is appointed under *Section 2.15.030: Terms* of the BMC, who participates in the hearing or decision in place of the regular member.

20.01.390 Planning Department

(a) Authority: Pursuant to *Chapter 2.14: Planning Department* of the Bloomington Municipal Code, the Planning Director or his designee, hereinafter referred to as "planning staff," shall be charged with the administration of this Unified Development Ordinance and, in particular, shall have the jurisdiction, authority and duties described in this chapter:

(1) To meet with and counsel those persons maintaining an interest in this Unified Development Ordinance, other questions of land use, and related City ordinances, plans and policies;

(2) To conduct Zoning Compliance Reviews regarding any permit pertaining to the alteration, erection, construction, reconstruction, moving, division, enlargement, demolition, use or maintenance of lands, buildings or structures, and to issue or refuse to issue Certificates of Zoning Compliance;

(3) To approve temporary uses requiring administrative approval;

(4) To review any Site Plan submitted for such review, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurance for public improvements, and to make decisions or recommendations to the Plan Commission, as appropriate and as authorized in *Section 20.09.120: Site Plan Review*;

(5) To make written interpretations of permitted use and other specific provisions of this Unified Development Ordinance pursuant to the provisions of *Section 20.09.340: Administrative Interpretations*;

(6) To approve, or forward to the Plan Commission, applications for approval of Planned Unit Development Final Development Plans, which shall include authority to permit or require commitments and impose reasonable conditions, as authorized elsewhere in this Unified Development Ordinance;

(7) If authorized by the Plan Commission, to approve Final Plats of subdivisions pursuant to this Unified Development Ordinance; and

(8) To exercise such other powers and perform such other duties as are allowed by Indiana law.

(b) Staff Assistance to the Board of Zoning Appeals and Plan Commission: The Planning Department shall make staff and consulting assistance available to the Board of Zoning Appeals and the Plan Commission, and to any Hearing Officer or Plat Committee as may be authorized by the Plan Commission in its rules, and shall in that capacity:

(1) Attend the meetings of each such body;

(2) Inform each such body of all facts and information at the Planning Department's disposal with respect to any matter brought before each such body;

(3) Assist each such body by performing research and making recommendations on matters brought before each such body; and

(4) Perform such other duties as may be assigned to the planning staff by this Unified Development Ordinance.

(c) Records:

(1) The planning staff shall maintain permanent and current records of this Unified Development Ordinance, including all maps, amendments, Conditional Use, Site Plan, Variance and Planned Unit Development approvals and denials, interpretations, and decisions rendered respectively by the Board of Zoning Appeals, the Hearing Officer, the Plan Commission, the Plat Committee, and the planning staff, together with relevant background files and materials. The records shall be maintained for public inspection in the Planning Department.

(2) The City shall maintain a current geographic information system (GIS). All applicants shall have the affirmative duty to inform the Planning Department in writing of any errors in the GIS maps they receive or have access to as part of the application process.

(d) Zoning Text and Map: The planning staff shall prepare and have available for examination in the Planning Department:

(1) The compiled text of this Unified Development Ordinance, including all amendments thereto; and

(2) The Official Zoning Map of this Unified Development Ordinance, showing the zoning districts, divisions and classifications, including all amendments thereto.

(e) Receipt, Processing, and Referral of Applications: The planning staff shall receive all applications for any petition, permit or process required to be filed pursuant to this Unified Development Ordinance. Upon receipt of any such application, the planning staff shall see to its processing, which may include its prompt referral to and retrieval from each official, department, board or commission of the City or any other governmental unit or agency with any interest or duty with respect to such application.

(f) Investigation of Application: Whenever the Plan Commission, the Board of Zoning Appeals, or the Common Council shall so request, by general rule or specific direction, the planning staff may conduct or cause to be conducted such surveys, investigations, and field studies and may prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be necessary and appropriate to the processing of any application filed pursuant to this Unified Development Ordinance.

(g) Inspection and Enforcement: To ensure enforcement of this Unified Development Ordinance, the planning staff may initiate investigations and inspections as warranted, and may take all actions necessary and appropriate to abate and redress such violations, pursuant to the provisions of *Chapter 20.10: Enforcement and Penalties* of this Unified Development Ordinance.

(h) New Technologies: The Planning Department shall be responsible for investigating and evaluating the feasibility of adopting new technologies, such as three-dimensional architectural computer modeling, that will enable it, other City departments, the Plan Commission, Board of Zoning Appeals, and Common Council to make better, more informed decisions about the visual impact that proposed developments will have on surrounding structures.

20.01.400 Hearing Officer

(a) Authority: The Hearing Officer, as may be authorized in the Plan Commission Rules of Procedure, shall have authority to act upon those matters, if any, delegated by the Plan Commission pursuant to IC 36-7-4-923, which may include to approve or deny a:
  (1) Development Standards Variance from this Unified Development Ordinance in accordance with IC 36-7-4-918.5; and
  (2) Conditional Use under the terms of this Unified Development Ordinance in accordance with IC 36-7-4-918.2.
  (3) Use Variance from this Unified Development Ordinance in accordance with IC 36-7-4-918.4. The Hearing Officer may consider Use Variances under the authority of this subdivision only if the Use Variance would allow all of the following:
    (A) The expansion of a use currently existing on the property; and
    (B) A use that is consistent with the Growth Policies Plan.

(b) Procedures: The Hearing Officer shall review and hear applications pursuant to procedures adopted by the Plan Commission by rule in accordance with IC 36-7-4-923 and IC 36-7-4-924. Where feasible and permissible, those procedures shall allow for the consolidation and simultaneous review of approvals connected with applications relating to the same site.

(c) Appeals: Any interested person may appeal a decision by the Hearing Officer to the Board of Zoning Appeals within fourteen (14) days after the decision is made.

20.01.410 Plat Committee

(a) Authority: The Plat Committee, as may be authorized in the Plan Commission Rules of Procedure, shall have authority to act upon those matters, if any, delegated to it by the Plan Commission pursuant to IC 36-7-4-701(e), which may include approval or denial of:
  (1) Preliminary Plats;
  (2) Final Plats;
  (3) Requests for vacation of plats or parts of plats.

(b) Procedures: The Plat Committee shall review and hear applications pursuant to procedures adopted by the Plan Commission by rule.

20.01.420 Growth Policies Plan (Comprehensive Plan)

(a) Purpose: The purpose of the Comprehensive Plan, hereinafter referred to as the "Growth Policies Plan," is to provide jurisdiction-wide policies to guide the major decisions of the City and other governmental entities within the planning jurisdiction, including zoning decisions and other land use related decisions. The Growth Policies Plan may include special focus components such as park, school, and public utility plans.

(b) Relationship Between Growth Policies Plan and Unified Development Ordinance:
   (1) The Growth Policies Plan is the principal land use policy document for the City's planning jurisdiction. The Unified Development Ordinance is the primary implementing document of the Growth Policies Plan. Together, these documents establish guidelines and regulate land use within the planning jurisdiction.
   (2) When considering amendments to the Unified Development Ordinance text and/or maps, the Plan Commission and Common Council shall pay reasonable regard to the recommendations of the Growth Policies Plan and any subsequent amendments.

(c) Amendments to the Growth Policies Plan: The following procedure is established for review and amendment of the Growth Policies Plan.
   (1) *Frequency*: The Plan Commission may recommend and the Common Council may determine the appropriate interval for a review, but such review should be conducted once every four (4) years.
   (2) *Procedure*: Amendments to the Growth Policies Plan shall proceed pursuant to IC 36-7-4, Series 500.

(d) Growth Policies Plan Incorporated Herein: The Growth Policies Plan, which includes the Master Thoroughfare Plan, the Bicycle and Pedestrian Transportation and Greenways System Plan, and all Subarea Plans, which include among others, the Downtown Vision and Infill Strategy Plan and The Plan for West Kirkwood, is hereby incorporated into and made a part of this Unified Development Ordinance. Two (2) copies of the Growth Policies Plan are on file and available for public inspection in the Office of the City Clerk.

20.01.430 Subarea Plans

(a) Relationship of Subarea Plans to the Growth Policies Plan: Another type of policy plan which guides the decisions of the City is the Subarea Plan. Subarea Plans are amendments to the Growth Policies Plan, designed to more specifically address areas which are unique within the City and require a more deliberate approach to their proper development.

(b) Adoption and Amendments to Subarea Plans: Adoption of and amendments to Subarea Plans shall follow the procedures for Comprehensive Plan adoption and amendment.

20.01.440 Thoroughfare Plan

The Thoroughfare Plan is a component of the Growth Policies Plan that:

(a) Establishes functional classification of public ways;

(b) Determines locations for new, extended, widened, or narrowed public ways;

(c) Constitutes a criterion used by the Board of Zoning Appeals in the consideration of certain Conditional Use Permits;

(d) Provides the planning staff guidance for Site Plan Reviews of projects near mass transit or alternative transportation facilities, including bike paths; and

(e) Establishes conceptual road and bicycle/pedestrian networks for the purpose of right-of-way dedication and construction standards.

Chapter

20.02

Zoning Districts

City of Bloomington
Unified Development
Ordinance

February 12, 2007 © 2007 Bradley E. Johnson, AICP

GroundRules
website www.groundrulesinc.com

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Residential Estate (RE) District

20.02.010 Residential Estate (RE); District Intent

The RE (Residential Estate) District is intended to be used as follows:

- Permit rural development while protecting sensitive environmental resources such as karst formations, wetlands, hillsides, heavily wooded land, and lake watersheds.
- Promote compactness in city structure by maintaining a pattern of growth that is consistent with the cost-efficient provision of urban services.

Plan Commission/Board of Zoning Appeals Guidance:

- Any development should be low in density and clustered in a manner that protects environmentally sensitive lands and preserves infrastructure capacity.
- Provision of urban services should be closely scrutinized to ensure that no substandard subdivisions are developed.

20.02.020 Residential Estate (RE); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- community garden*
- crops and pasturage, and accessory chicken flocks*
- dwelling, single-family (detached)
- government operations (non-office)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- orchard
- park
- tree farm
- urban agriculture
- utility substation and transmission facility*

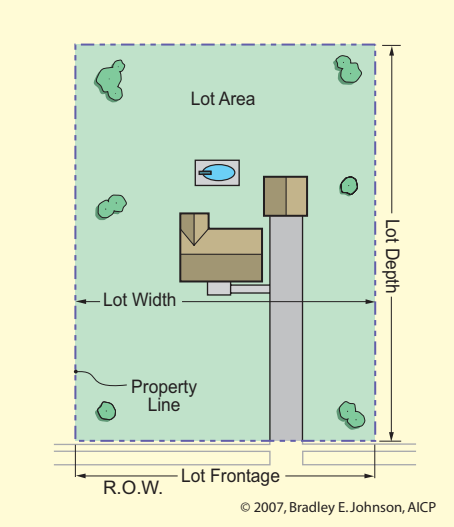
20.02.030 Residential Estate (RE); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

- bed and breakfast*
- communication facility*
- country club
- golf course
- golf driving range, outdoor
- historic adaptive reuse*
- museum
- place of worship
- plant nursery/greenhouse
- police, fire or rescue station
- school, preschool
- school, primary/secondary

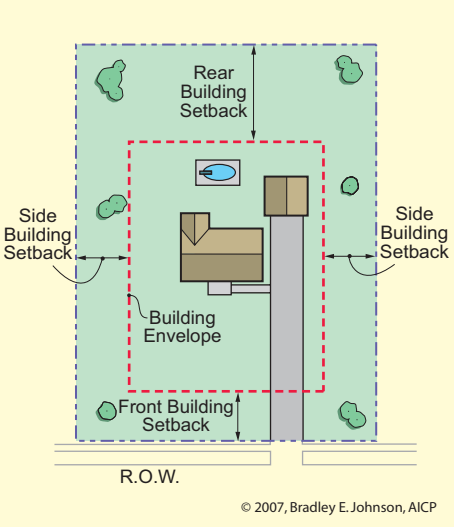
Residential Estate (RE) District

20.02.040 Residential Estate (RE); Development Standards



Minimum Lot Area for Subdivision:
- 108,900 square feet

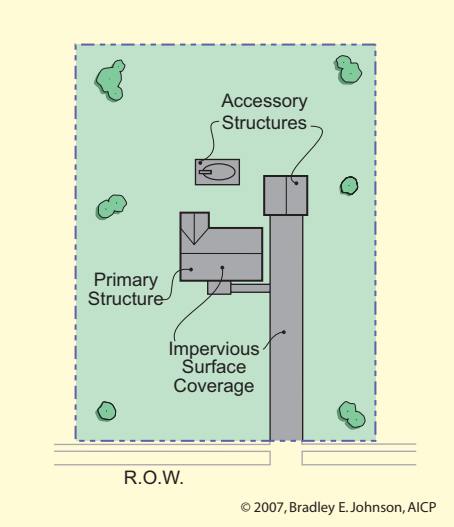
Minimum Lot Width:
- 200 feet



Minimum Front Building Setback:
- 30 feet from the proposed right-of-way indicated on the Thoroughfare Plan

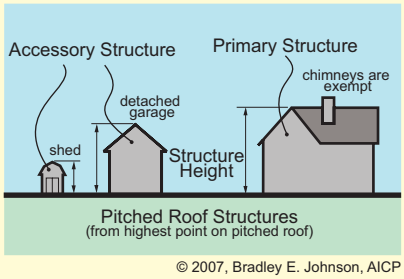
Minimum Side Building Setback:
- 30 feet

Minimum Rear Building Setback:
- 60 feet



Maximum Impervious Surface Coverage:
- 15% of the Lot Area

Maximum Number of Primary Structures:
- One (1)



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 30 feet

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20.02.050 Residential Single-family (RS); District Intent

The RS (Residential Single-family) District is intended to be used as follows:

- Provide for the development of single-family neighborhoods while ensuring compatibility with existing patterns of development.

Plan Commission/Board of Zoning Appeals Guidance:

- On vacant tracts, develop sites for predominantly single-family residential uses; however, consider mixed residential densities, varied housing types, and nonresidential services where supported by adjacent land use patterns.
- Ensure new developments contain a high level of street connectivity and are supported by adequate public services.

20.02.060 Residential Single-family (RS); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- accessory chicken flocks*
- community garden*
- dwelling, single-family (attached)*
- dwelling, single-family (detached)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- urban agriculture
- utility substation and transmission facility*

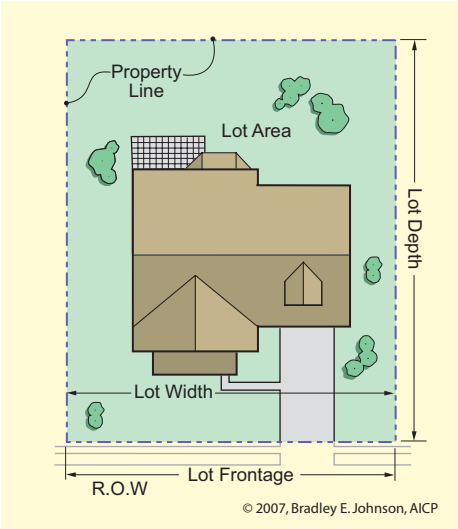
20.02.070 Residential Single-family (RS); Conditional Uses

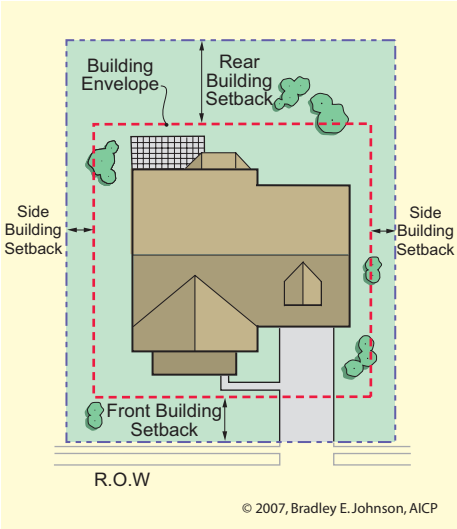
*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

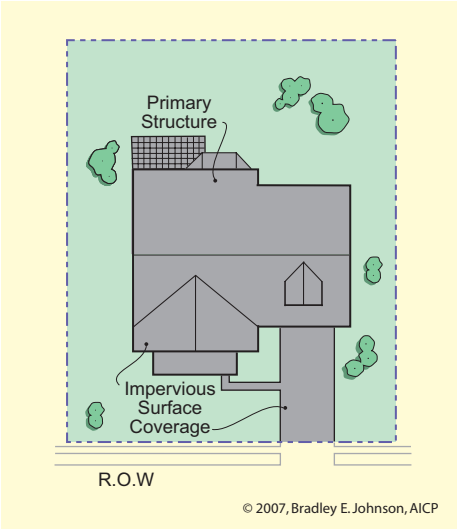
- bed and breakfast*
- community center
- historic adaptive reuse*
- museum
- place of worship
- police, fire or rescue station
- recreation center
- school, preschool
- school, primary/secondary

Residential Single-family (RS) District

20.02.080 Residential Single-family (RS); Development Standards







Minimum Lot Area for Subdivision:
- 8,400 square feet

Minimum Lot Width:
- 60 feet

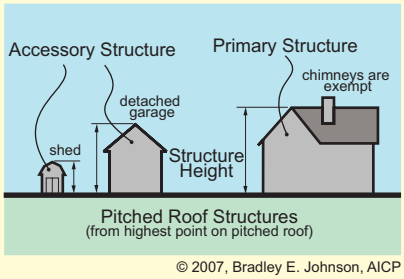
Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more
- Attached front-loading garage or carport, 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:
- 8 feet, plus 4 feet for each story above the ground floor
- Lots of record that are less than 60 feet in width may reduce the required setback up to 2 feet
- Additions to existing structures may utilize the existing side setbacks, provided that the gross floor area of the existing structure is not increased by more than 50%. In no case shall the setback be less than 4 feet

Minimum Rear Building Setback:
- 25 feet
- Additions to existing structures may utilize the existing rear setback, provided that the gross floor area of the existing structure is not increased by more than 50%. In no case shall the setback be less than 10 feet

Maximum Impervious Surface Coverage:
- 40% of the Lot Area

Maximum Number of Primary Structures:
- One (1)



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6
- AS-02 ..... Page 5-6

Affordable Housing (AH)
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Alternative Transportation (AT)
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Architectural (AG)
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Conditional Use (CU)
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- CU-02 ..... Page 5-21
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Drainage Standards (DS)
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Entrances/Drives (ED)
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Environmental (EN)
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Fence and Wall (FW)
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- FW-02 ..... Page 5-36

Floodplain (FP)
- FP-01 ..... Page 5-37

Green Development (GD)
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Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
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Lighting (LG)
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Outdoor Storage (OT)
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- OT-02 ..... Page 5-66

Parking (PK)
- PK-01 ..... Page 5-67
- PK-02 ..... Page 5-71

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sign (SI)
- SI-01 ..... Page 5-81
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Special Conditions (SC)
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- SC-22 ..... Page 5-94

Temporary Use and Structure (TU)
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Vision Clearance (VC)
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20.02.090 Residential Core (RC); District Intent

The RC (Residential Core) District is intended to be used as follows:

- Protect and enhance the core residential areas with emphasis on discouraging the conversion of dwellings to multifamily or commercial uses.
- Increase the viability of owner-occupied and affordable dwelling units through the use of small-lot subdivisions, accessory dwelling units, and compatible property improvements.

Plan Commission/Board of Zoning Appeals Guidance:

- Explore multifamily redevelopment opportunities along designated arterial streets, in transition areas between the downtown and existing single-family residential areas, and when supported by adjoining land use patterns.
- Neighborhood-serving commercial and office uses may be appropriate at the edge of Core Residential areas that front arterial streets.

20.02.100 Residential Core (RC); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- accessory chicken flocks*
- artist studio*
- community garden*
- dwelling, single-family (detached)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- urban agriculture
- utility substation and transmission facility*

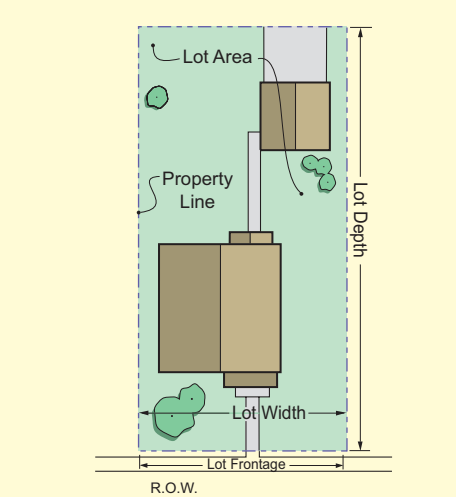
20.02.110 Residential Core (RC); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

- bed and breakfast*
- community center
- historic adaptive reuse*
- museum
- place of worship
- police, fire or rescue station
- recreation center*
- school, preschool
- school, primary/secondary

Residential Core (RC) District

20.02.120 Residential Core (RC); Development Standards



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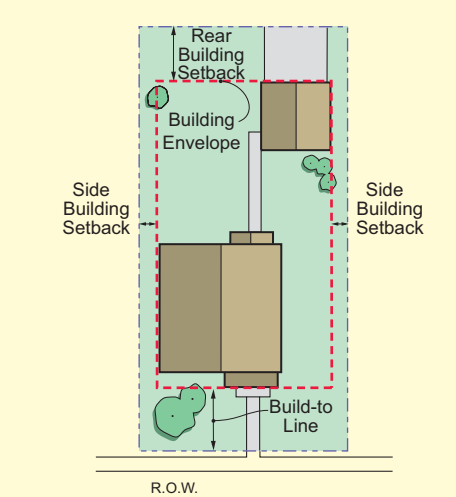
Minimum Lot Area for Subdivision:
- 7,200 square feet

Minimum Lot Width:
- 55 feet



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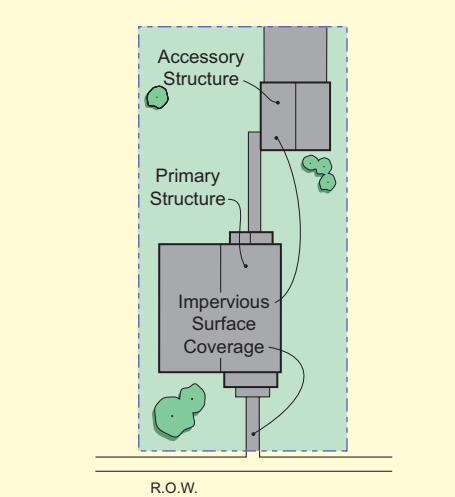
Build-to Line:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is less. Additions to existing structures may utilize the existing front setback
- Attached front-loading garage or carport, 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:
- 6 feet, plus 4 feet for each story above the ground floor



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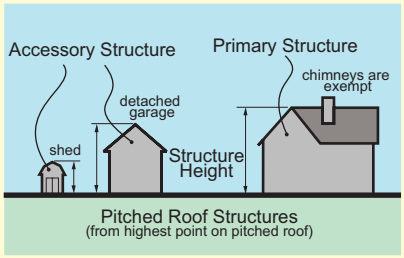
Minimum Rear Building Setback:
- 25 feet
- Additions to existing structures may utilize the existing rear setback, provided that the gross floor area of the existing structure is not increased by more than 40%. In no case shall the setback be less than 10 feet

Maximum Impervious Surface Coverage:
- 45% of the Lot Area

Maximum Number of Primary Structures:
- One (1)



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Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
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- AS-02 ..... Page 5-6

Affordable Housing (AH)
- AH-01 ..... Page 5-8

Alternative Transportation (AT)
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Conditional Use (CU)
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- CU-02 ..... Page 5-21
- CU-03 ..... Page 5-22
- CU-04 ..... Page 5-22

Drainage Standards (DS)
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Entrances/Drives (ED)
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Environmental (EN)
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- EN-03 ..... Page 5-29
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- EN-06 ..... Page 5-34
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Fence and Wall (FW)
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- FW-02 ..... Page 5-36

Floodplain (FP)
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Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
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Home Occupation (HO)
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Landscaping (LA)
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Lighting (LG)
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Municipal Services (MS)
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- OT-02 ..... Page 5-66

Parking (PK)
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- PK-03 ..... Page 5-71

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sign (SI)
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Special Conditions (SC)
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Temporary Use and Structure (TU)
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Vision Clearance (VC)
- VC-01 ..... Page 5-97

20.02.130 Residential Multifamily (RM); District Intent

The RM (Residential Multifamily) District is intended to be used as follows:

- Allow medium density residential development to ensure an adequate mix of housing types throughout the community.
- Facilitate compact development patterns in locations where there are high levels of public infrastructure capacity.

Plan Commission/Board of Zoning Appeals Guidance:

- Discourage the location of student-oriented housing distant from the main Indiana University Bloomington Campus.
- Restrict the location of new multifamily development to areas serviced by public transportation.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.140 Residential Multifamily (RM); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- artist studio
- community center*
- community garden*
- dwelling, multifamily
- dwelling, single-family (attached)
- dwelling, single-family (detached)*
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- recreation center*
- rooming house*
- urban agriculture
- utility substation and transmission facility*

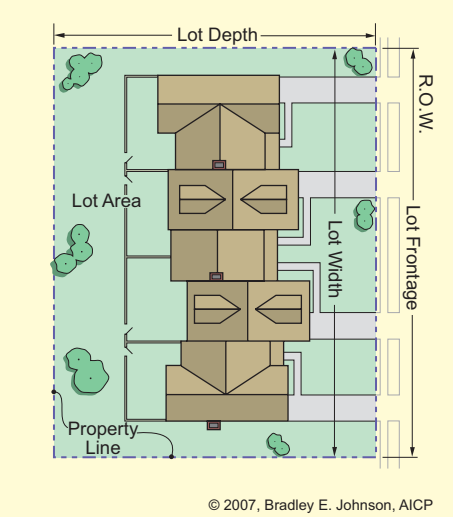
20.02.150 Residential Multifamily (RM); Conditional Uses

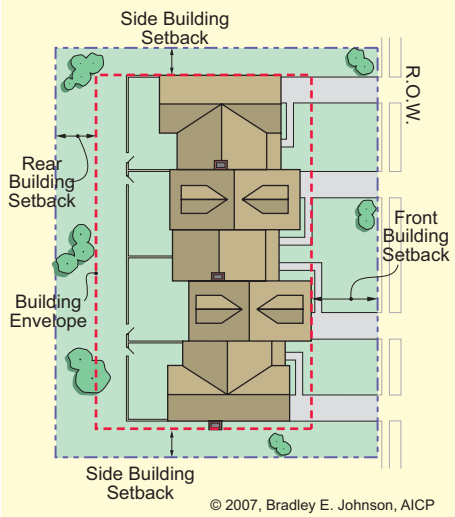
*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

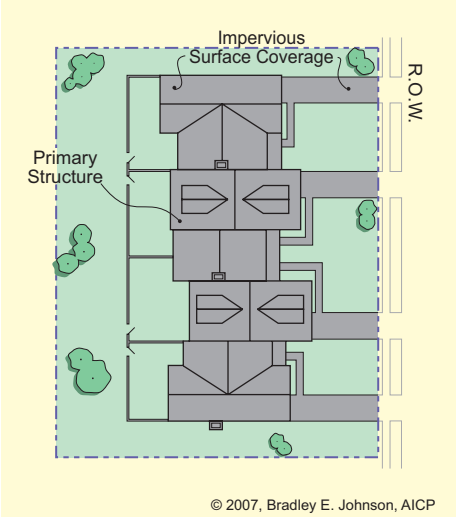
- bed and breakfast*
- day-care center, adult*
- day-care center, child*
- historic adaptive reuse*
- library
- museum
- place of worship
- police, fire or rescue station
- restaurant, limited service*
- retail, low intensity*
- school, preschool
- school, primary/secondary

Residential Multifamily (RM) District

20.02.160 Residential Multifamily (RM); Development Standards







Minimum Lot Area for Subdivision:
- 21,780 square feet

Minimum Lot Width:
- 85 feet

Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more

Minimum Side Building Setback:
- 15 feet

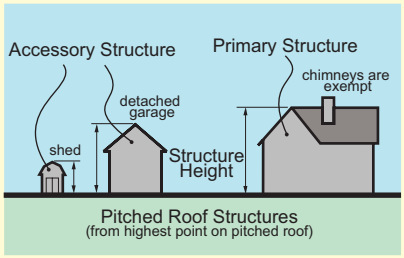
Minimum Rear Building Setback:
- 15 feet

Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall
- Side: 7 feet
- Rear: 7 feet

Maximum Impervious Surface Coverage:
- 40% of the Lot Area

Maximum Density:
- 7 units/acre (6,223 square feet per dwelling unit)
- 21 units/acre (2,074 square feet per dwelling unit) for the total net acreage (gross acreage minus acres set aside due to environmental constraints) provided that the maximum gross density does not exceed 7 units per acre (6,223 square feet per dwelling unit) over the entire development

Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
- 4-bedroom unit = 1.5 units;
- 3-bedroom unit = 1.0 unit;
- 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
- Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
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Affordable Housing (AH)
- AH-01 ..... Page 5-8

Alternative Transportation (AT)
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Entrances/Drives (ED)
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Environmental (EN)
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- FW-02 ..... Page 5-36

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Green Development (GD)
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Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
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Lighting (LG)
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- OT-03 ..... Page 5-66

Parking (PK)
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Temporary Use and Structure (TU)
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Vision Clearance (VC)
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Residential High-Density Multifamily (RH) District

20.02.170 Residential High-Density Multifamily (RH); District Intent

The RH (High Density Multifamily) District is intended to be used as follows:

- Allow high-density residential development to ensure an adequate mix of housing types throughout the community.
- Continue the viability of existing high-density residential developments surrounding Indiana University and the Downtown.

Plan Commission/Board of Zoning Appeals Guidance:

- Discourage the location of student oriented housing distant from the main Indiana University Bloomington Campus.
- Restrict the location of new multifamily development to areas serviced by public transportation.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.180 Residential High-Density Multifamily (RH); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- assisted living facility
- bed and breakfast
- community center*
- community garden*
- dwelling, multifamily
- dwelling, single-family (attached)
- dwelling, single-family (detached)*
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- nursing/convalescent home
- park
- rooming house*
- urban agriculture
- utility substation and transmission facility*

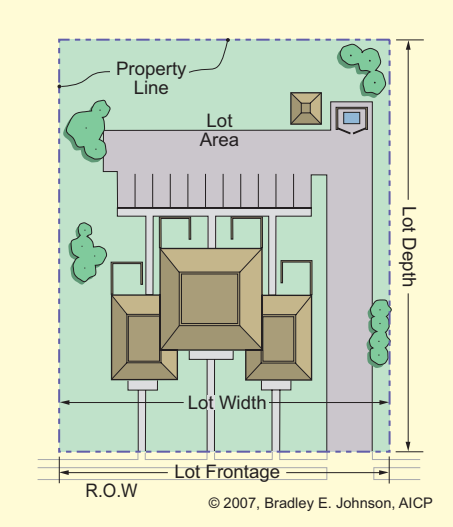
20.02.190 Residential High-Density Multifamily (RH); Conditional Uses

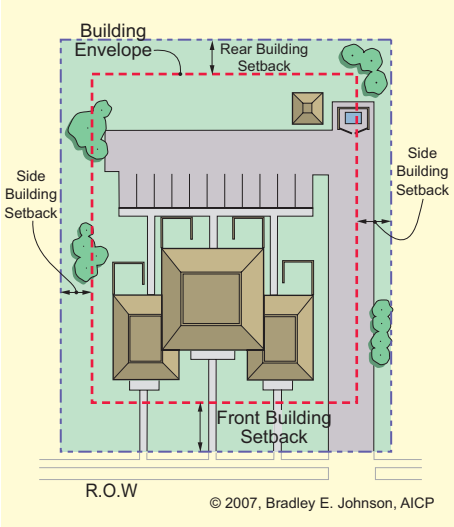
*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

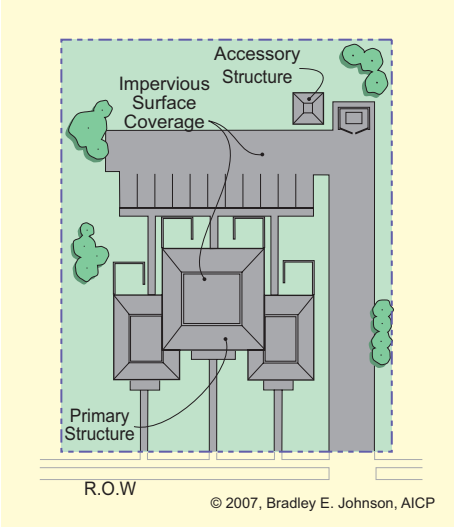
- day-care center, adult*
- day-care center, child*
- historic adaptive reuse*
- library
- museum
- place of worship
- police, fire or rescue station
- recreation center
- rehabilitation clinic
- restaurant, limited service*
- retail, low intensity*
- school, preschool
- school, primary/secondary

Residential High-Density Multifamily (RH) District

20.02.200 Residential High-Density Multifamily (RH); Development Standards







Minimum Lot Area for Subdivision:
- 21,780 square feet

Minimum Lot Width:
- 85 feet

Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more

Minimum Side Building Setback:
- 15 feet

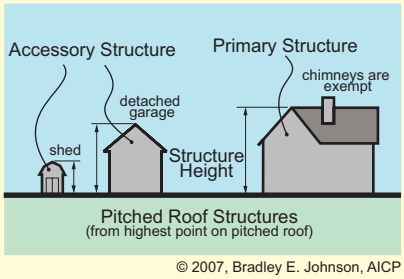
Minimum Rear Building Setback:
- 15 feet

Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Impervious Surface Coverage:
- 50% of the Lot Area

Maximum Density:
- 15 units/acre (2,904 square feet per dwelling unit)
- 30 units/acre (1,452 square feet per dwelling unit) for the total net acreage (gross acreage minus acres set aside due to environmental constraints) provided that the maximum gross density does not exceed 15 units per acre (2,904 square feet per dwelling unit) over the entire development

Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
- 4-bedroom unit = 1.5 units;
- 3-bedroom unit = 1.0 unit;
- 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
- Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
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Affordable Housing (AH)
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Alternative Transportation (AT)
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Communication Facilities (CF)
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Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
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Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
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Temporary Use and Structure (TU)
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Vision Clearance (VC)
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Manufactured/Mobile Home Park (MH) District

20.02.210 Manufactured/Mobile Home Park (MH); District Intent

The MH (Manufactured/Mobile Home Park) District is intended to be used as follows:

- Establish accommodations for manufactured housing/mobile home parks and to afford city residents an additional housing type.
- The MH (Mobile Home Park) District is intended to provide a land use category for housing districts (typically mobile homes or manufactured home parks) where dwelling sites are leased.

Plan Commission/Board of Zoning Appeals Guidance:

- Ensure any new manufactured housing/mobile home parks are located in areas with ready access to public services, including public transportation and social services.
- In the case of rezoning petitions the minimum size of a MH zoning district shall be two (2) acres.
- Manufactured home or mobile home parks shall be in accordance with IC 16-41-27-1 *et seq*., Rule 410 IAC 6-6 and their subsequent amendments. Additionally all developments in this zoning district are subject to the State Board of Health requirements, and the requirements of this Ordinance.

20.02.220 Manufactured/Mobile Home Park (MH); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- dwelling, mobile home
- dwelling, single-family (detached)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- manufactured/mobile home park
- park
- utility substation and transmission facility*

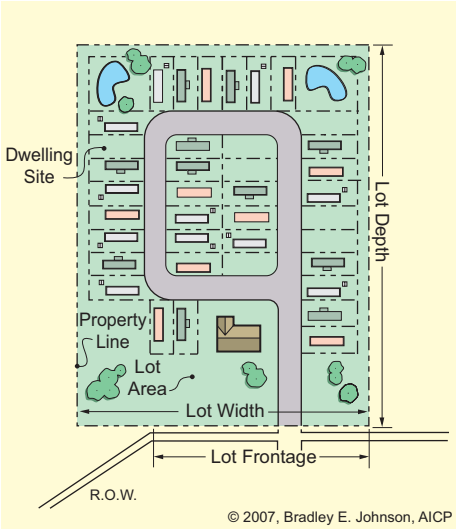
20.02.230 Manufactured/Mobile Home Park (MH); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

- day-care center, adult*
- day-care center, child*
- historic adaptive reuse*
- place of worship
- police, fire or rescue station
- school, preschool
- school, primary/secondary

Manufactured/Mobile Home Park (MH) District

20.02.240 Manufactured/Mobile Home Park (MH); Development Standards



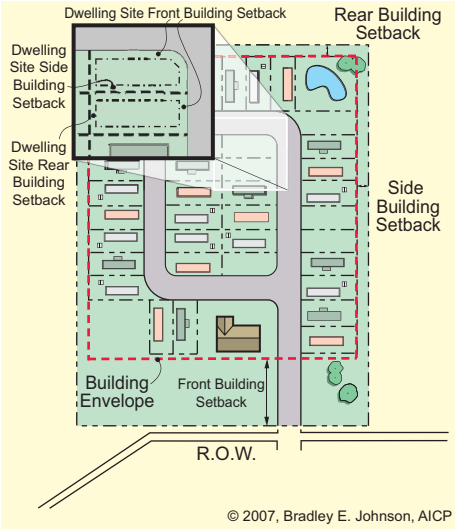
Minimum Lot Area for Subdivision:
- 87,120 square feet

Minimum Lot Width:
- 200 feet

Minimum Front Building Setback:
- 25 feet from the proposed right-of-way indicated on the Master Thoroughfare Plan

Minimum Side Building Setback:
- 20 feet

Minimum Rear Building Setback:
- 20 feet



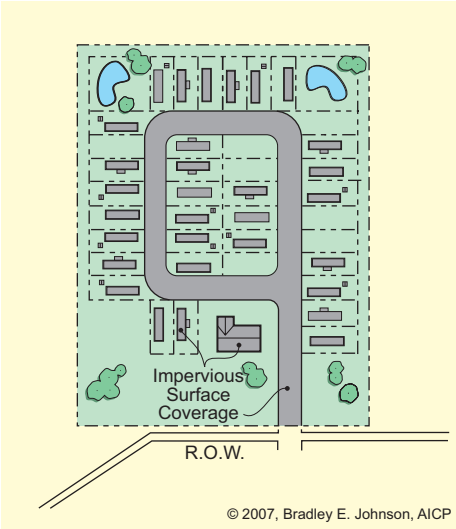
Minimum Dwelling Site Size:
- 4,000 square feet

Minimum Dwelling Site Width:
- 40 feet

Minimum Dwelling Site Front Building Setback:
- 10 feet from edge of pavement of interior roads and 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan

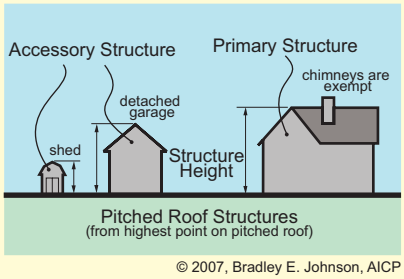
Minimum Dwelling Site Side Building Setback:
- 10 feet for Primary Structures
- 2 feet for Accessory Structures

Minimum Dwelling Site Rear Building Setback:
- 10 feet for Primary Structures
- 2 feet for Accessory Structures



Maximum Impervious Surface Coverage:
- 65% of the Lot Area

Maximum Primary Structures:
- One per Dwelling Site



Maximum Structure Height:
- Primary Structure: 20 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6
- AS-03 ..... Page 5-6

Affordable Housing (AH)
- AH-01 ..... Page 5-8

Alternative Transportation (AT)
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- AT-02 ..... Page 5-12
- AT-04 ..... Page 5-13

Architectural (AG)
- AG-03 ..... Page 5-15

Communication Facilities (CF)
- CF-02 ..... Page 5-20

Conditional Use (CU)
- CU-01 ..... Page 5-21
- CU-02 ..... Page 5-21
- CU-03 ..... Page 5-22
- CU-07 ..... Page 5-23
- CU-08 ..... Page 5-23

Drainage Standards (DS)
- DS-01 ..... Page 5-25

Entrances/Drives (ED)
- ED-01 ..... Page 5-26
- ED-03 ..... Page 5-27

Environmental (EN)
- EN-01 ..... Page 5-28
- EN-02 ..... Page 5-28
- EN-03 ..... Page 5-29
- EN-04 ..... Page 5-31
- EN-05 ..... Page 5-33
- EN-06 ..... Page 5-34
- EN-07 ..... Page 5-34
- EN-08 ..... Page 5-35

Fence and Wall (FW)
- FW-01 ..... Page 5-36
- FW-02 ..... Page 5-36

Floodplain (FP)
- FP-01 ..... Page 5-37

Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
- LA-01 ..... Page 5-46
- LA-02 ..... Page 5-50
- LA-03 ..... Page 5-50

Lighting (LG)
- LG-01 ..... Page 5-60

Municipal Services (MS)
- MS-01 ..... Page 5-65

Outdoor Storage (OT)
- OT-01 ..... Page 5-66
- OT-02 ..... Page 5-66
- OT-03 ..... Page 5-66

Parking (PK)
- PK-01 ..... Page 5-67
- PK-04 ..... Page 5-72

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sign (SI)
- SI-01 ..... Page 5-81
- SI-02 ..... Page 5-84
- SI-03 ..... Page 5-85

Special Conditions (SC)
- SC-15 ..... Page 5-93
- SC-22 ..... Page 5-94

Temporary Use and Structure (TU)
- TU-01 ..... Page 5-95

Vision Clearance (VC)
- VC-01 ..... Page 5-97

Commercial Limited (CL) District

20.02.250 Commercial Limited (CL); District Intent

The CL (Commercial Limited) District is intended to be used as follows:

- Provide small scale retail goods and services required for regular or daily convenience of adjacent residential neighborhoods.
- Create an environment of well-planned, visually appealing commercial developments that are quiet and well buffered from adjacent residential areas.
- Preserve existing neighborhood serving commercial uses with context sensitive regulations where other more intensive or permissive commercial zoning districts (*e.g.* CG, CA, CD) are not appropriate or desired.
- Promote the development of small scale, mixed use urban villages with storefront retail, professional office, and residential dwelling uses. Development should incorporate pedestrian oriented design (scale and massing) and accommodate alternative means of transportation.

Plan Commission/Board of Zoning Appeals Guidance:

- Commercial and office uses should be at a scale that serves the immediate neighborhood.
- Residential uses should be limited to multifamily development on floors above the street level commercial uses.
- Pedestrian scale lighting, building forward design, transit accessibility, and reduced parking should be incorporated into the site plan design.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.260 Commercial Limited (CL); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

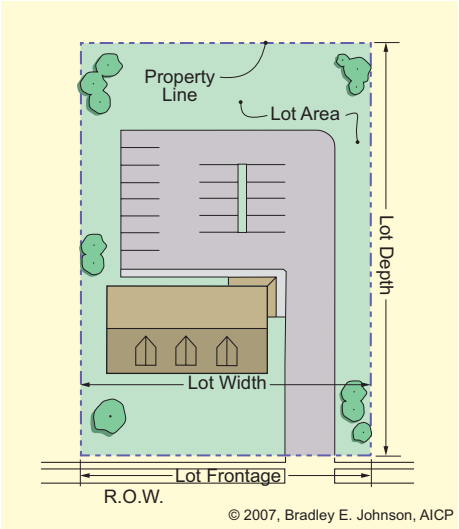
- antique sales
- apparel and shoe sales
- art gallery
- artist studio
- arts/crafts/hobby store
- barber/beauty shop
- bed and breakfast
- bicycle sales/repair
- bookstore
- brewpub*
- business/professional office
- coin laundry
- community center
- computer sales
- convenience store (without gas)
- copy center
- day care center, adult
- day care center, child
- drugstore
- dry-cleaning service
- dwelling, single-family (detached)*
- dwelling, upper floor units
- fitness/training studio
- florist
- garden shop
- gift shop/boutique
- government office
- grocery/supermarket
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- hardware store
- health spa
- jewelry shop
- medical clinic
- music/media sales
- musical instrument sales
- park
- pet grooming
- pet store
- photographic studio
- restaurant
- restaurant, limited service
- retail, low-intensity
- shoe repair
- social service
- sporting goods sales
- tailor/seamstress shop
- tanning salon
- utility substation and transmission facility*
- video rental

20.02.270 Commercial Limited (CL); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

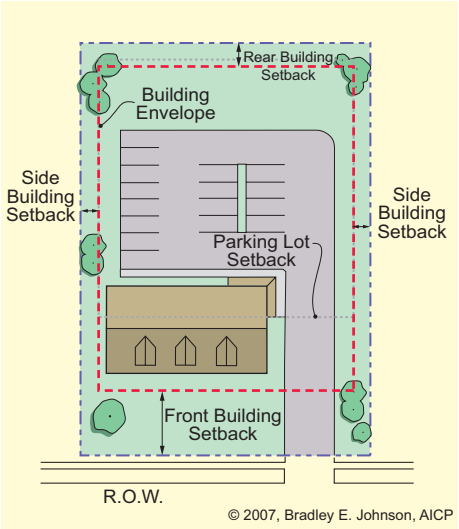
- billiard/arcade room
- historic adaptive reuse*
- library
- museum
- place of worship
- police, fire or rescue station
- recreation center
- school, preschool
- school, primary/secondary
- veterinarian clinic

20.02.280 Commercial Limited (CL); Development Standards



Minimum Lot Area for Subdivision:
- 5,000 square feet

Minimum Lot Width:
- 50 feet

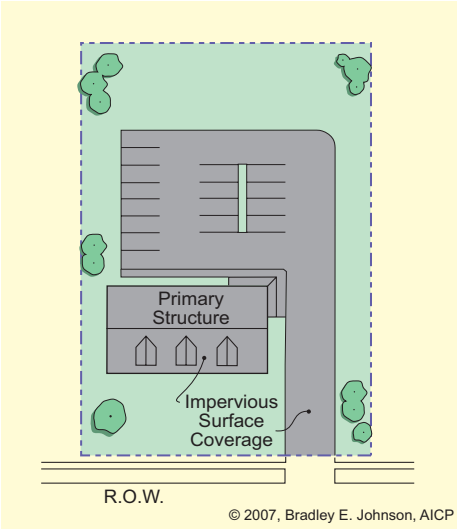


Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the average of the front setbacks of the existing Primary Structures on the same block face, whichever is less

Minimum Side Building Setback:
- 7 feet

Minimum Rear Building Setback:
- 10 feet

Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall
- Side: 7 feet
- Rear: 7 feet

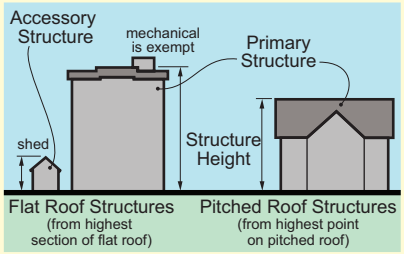


Maximum Impervious Surface Coverage:
- 50% of the Lot Area

Maximum Density:
- 15 units /acre (2,904 square feet per dwelling unit)

Maximum Area of Any Individual Commercial Tenant:
- 5,000 square feet gross floor area

Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
- 4-bedroom unit = 1.5 units;
- 3-bedroom unit = 1.0 unit;
- 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
- Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6
- AS-04 ..... Page 5-7

Affordable Housing (AH)
- AH-01 ..... Page 5-8

Alternative Transportation (AT)
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- AT-02 ..... Page 5-12
- AT-03 ..... Page 5-12
- AT-04 ..... Page 5-13
- AT-05 ..... Page 5-13

Architectural (AG)
- AG-01 ..... Page 5-14
- AG-05 ..... Page 5-16

Conditional Use (CU)
- CU-01 ..... Page 5-21
- CU-02 ..... Page 5-21
- CU-03 ..... Page 5-22

Drainage Standards (DS)
- DS-01 ..... Page 5-25

Entrances/Drives (ED)
- ED-01 ..... Page 5-26

Environmental (EN)
- EN-01 ..... Page 5-28
- EN-02 ..... Page 5-28
- EN-03 ..... Page 5-29
- EN-04 ..... Page 5-31
- EN-05 ..... Page 5-33
- EN-06 ..... Page 5-34
- EN-07 ..... Page 5-34
- EN-08 ..... Page 5-35

Fence and Wall (FW)
- FW-01 ..... Page 5-36
- FW-02 ..... Page 5-36

Floodplain (FP)
- FP-01 ..... Page 5-37

Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
- LA-01 ..... Page 5-46
- LA-02 ..... Page 5-50
- LA-05 ..... Page 5-52

Lighting (LG)
- LG-01 ..... Page 5-60
- LG-02 ..... Page 5-62
- LG-03 ..... Page 5-62

Loading (LD)
- LD-01 ..... Page 5-64

Municipal Services (MS)
- MS-01 ..... Page 5-65

Outdoor Storage (OT)
- OT-01 ..... Page 5-66
- OT-02 ..... Page 5-66
- OT-03 ..... Page 5-66

Parking (PK)
- PK-01 ..... Page 5-67

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sign (SI)
- SI-01 ..... Page 5-81
- SI-02 ..... Page 5-84
- SI-04 ..... Page 5-85
- SI-06 ..... Page 5-87
- SI-08 ..... Page 5-89

Special Conditions (SC)
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- SC-11 ..... Page 5-93
- SC-15 ..... Page 5-93
- SC-22 ..... Page 5-94

Temporary Use and Structure (TU)
- TU-01 ..... Page 5-95

Vision Clearance (VC)
- VC-01 ..... Page 5-97

20.02.290 Commercial General (CG); District Intent

The CG (Commercial General) District is intended to be used as follows:

- Provide areas within the city where medium scale commercial services can be located without creating detrimental impacts to surrounding uses.
- Promote the development of medium-scaled urban projects with a mix of storefront retail, professional office, and/or residential dwelling units creating a synergy between uses where stand-alone uses have traditionally dominated.

Plan Commission/Board of Zoning Appeals Guidance:

- Site plan design should incorporate residential and commercial uses utilizing shared parking in order to ease the transition to residential districts.
- Street cuts should be minimized in order to enhance streetscape and improve access management.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.300 Commercial General (CG); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- amusements, indoor
- antique sales
- apparel and shoe sales
- art gallery
- artist studio
- arts/crafts/hobby store
- assisted living facility
- auto parts sales
- bank/credit union
- banquet hall
- bar/dance club
- barber/beauty shop
- bed and breakfast
- bicycle sales/repair
- billiard/arcade room
- bookstore
- bowling alley
- brewpub*
- business/professional office
- car wash*
- cellular phone/pager services
- coin laundry
- community center
- computer sales
- convenience store (with gas or alternative fuels)*
- convenience store (without gas)
- copy center
- day-care center, adult
- day-care center, child
- drive-through*
- drugstore
- dry-cleaning service
- dwelling, single-family (detached)*
- dwelling, upper floor units
- equipment/party/event rental (indoor)
- fitness center/gym
- fitness/training studio
- florist
- furniture store
- garden shop
- gas station*
- gift shop/boutique
- government office
- government operations (non-office)
- grocery/supermarket
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- hardware store
- health spa
- home electronics/appliance sales
- jewelry shop
- library
- license branch
- liquor/tobacco sales
- lodge
- medical care clinic, immediate
- medical clinic
- mortuary
- museum
- music/media sales
- musical instrument sales
- nursing/convalescent home
- office supply sales
- oil change facility
- park
- parking garage/structure
- pawn shop
- pet grooming
- pet store
- photographic studio
- place of worship
- plant nursery/greenhouse
- police, fire or rescue station
- recreation center
- restaurant
- restaurant, limited service
- retail, low intensity
- rooming house
- school, preschool
- school, primary/secondary
- school, trade or business
- shoe repair
- skating rink
- social service
- sporting goods sales
- tailor/seamstress shop
- tanning salon
- tattoo/piercing parlor
- transportation terminal
- utility substation and transmission facility*
- vehicle accessory installation
- veterinarian clinic
- video rental

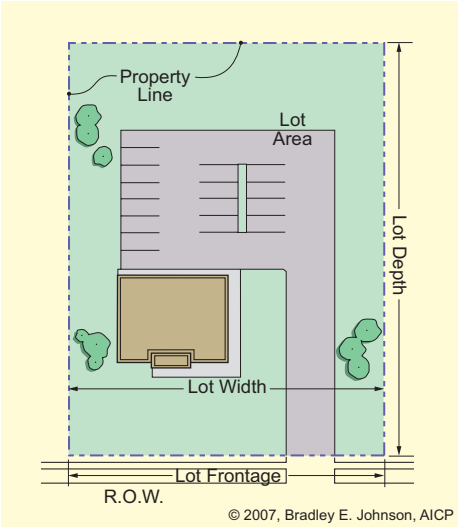
20.02.310 Commercial General (CG); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

- historic adaptive reuse*
- homeless shelter
- rehabilitation clinic

Commercial General (CG) District

20.02.320 Commercial General (CG); Development Standards



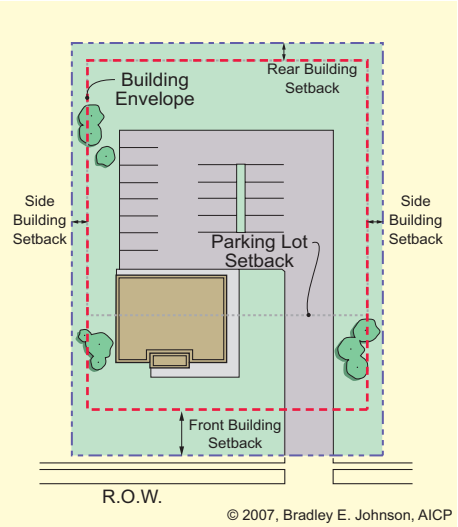
Minimum Lot Area for Subdivision:
- 21,780 square feet

Minimum Lot Width:
- 85 feet

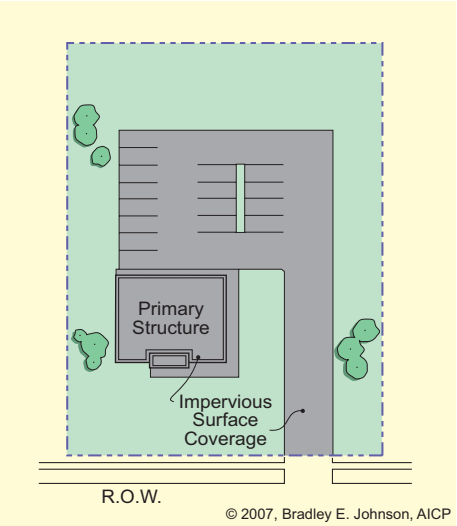
Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the average of the front setbacks of the existing Primary Structures on the same block face, whichever is less

Minimum Side Building Setback:
- 7 feet

Minimum Rear Building Setback:
- 7 feet



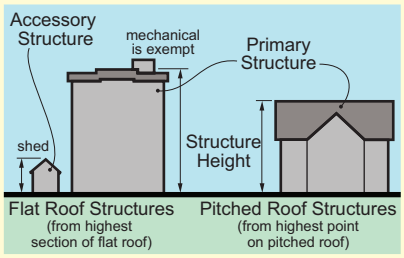
Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall. For through lots, this required setback shall only be located on the street with the highest Thoroughfare Plan classification
- Side: 7 feet adjacent to nonresidential zoning districts; 15 feet adjacent to residential zoning districts
- Rear: 7 feet adjacent to nonresidential zoning districts; 15 feet adjacent to residential zoning districts



Maximum Impervious Surface Coverage:
- 60% of the Lot Area

Maximum Density
- 15 units /acre (2,904 square feet per dwelling unit)

Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
- 4-bedroom unit = 1.5 units;
- 3-bedroom unit = 1.0 unit;
- 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
- Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6
- AS-04 ..... Page 5-7

Affordable Housing (AH)
- AH-01 ..... Page 5-8

Alternative Transportation (AT)
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- AT-03 ..... Page 5-12
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- AT-05 ..... Page 5-13

Architectural (AG)
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- AG-05 ..... Page 5-16

Conditional Use (CU)
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- CU-02 ..... Page 5-21
- CU-03 ..... Page 5-22

Drainage Standards (DS)
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Entrances/Drives (ED)
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Environmental (EN)
- EN-01 ..... Page 5-28
- EN-02 ..... Page 5-28
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- EN-08 ..... Page 5-35

Fence and Wall (FW)
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- FW-02 ..... Page 5-36

Floodplain (FP)
- FP-01 ..... Page 5-37

Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
- LA-01 ..... Page 5-46
- LA-02 ..... Page 5-50
- LA-05 ..... Page 5-52

Lighting (LG)
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- LG-02 ..... Page 5-62
- LG-03 ..... Page 5-62

Loading (LD)
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Municipal Services (MS)
- MS-01 ..... Page 5-65

Outdoor Storage (OT)
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- OT-02 ..... Page 5-66
- OT-03 ..... Page 5-66
- OT-04 ..... Page 5-66

Parking (PK)
- PK-01 ..... Page 5-67

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sign (SI)
- SI-01 ..... Page 5-81
- SI-02 ..... Page 5-84
- SI-04 ..... Page 5-85
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Special Conditions (SC)
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- SC-04 ..... Page 5-91
- SC-06 ..... Page 5-91
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- SC-14 ..... Page 5-93
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Temporary Use and Structure (TU)
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- TU-02 ..... Page 5-96

Vision Clearance (VC)
- VC-01 ..... Page 5-97

Commercial Arterial (CA) District

20.02.330 Commercial Arterial (CA); District Intent

The CA (Commercial Arterial) District is intended to be used as follows:

- Identify locations for higher intensity commercial developments along major thoroughfares.
- Ensure that new developments and redevelopment opportunities incorporate a balanced mix of retail, office and multifamily residential uses.

Plan Commission/Board of Zoning Appeals Guidance:

- Site Plan design of retail centers should ensure access to all modes of transportation.
- Redevelopment and expansion of commercial uses should incorporate improvements to access management, signage, and landscaping.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.340 Commercial Arterial (CA); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- amusements, indoor
- antique sales
- apparel and shoe sales
- art gallery
- artist studio
- arts/crafts/hobby store
- assisted living facility
- auto body shop*
- auto parts sales
- bank/credit union
- banquet hall
- bar/dance club
- barber/beauty shop
- bed and breakfast
- bicycle sales/repair
- billiard/arcade room
- boat sales
- bookstore
- bowling alley
- brewpub
- building supply store
- building trade shop
- business/professional office
- car wash*
- cellular phone/pager services
- check cashing
- coin laundry
- community center
- computer sales
- convenience store (with gas or alternative fuels)
- convenience store (without gas)
- copy center
- country club
- day-care center, adult
- day-care center, child
- department store
- drive-through
- drugstore
- dry-cleaning service
- dwelling, single-family (detached)*
- dwelling, upper floor units
- equipment/party/event rental, indoor
- equipment rental, outdoor
- fitness center/gym
- fitness/training studio
- florist
- furniture store
- garden shop
- gas station
- gift shop/boutique
- golf driving range, outdoor
- government office
- government operations (non-office)
- grocery/supermarket
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- hardware store
- health spa
- home electronics/appliance sales
- hotel/motel
- jewelry shop
- library
- license branch
- liquor/tobacco sales
- lodge
- medical care clinic, immediate
- medical clinic
- miniature golf
- mini-warehouse facility
- mortuary
- museum
- music/media sales
- musical instrument sales
- nursing/convalescent home
- office supply sales
- oil change facility
- park
- parking garage/structure
- pawn shop
- pet grooming
- pet store
- photographic studio
- place of worship
- plant nursery/greenhouse
- police, fire or rescue station
- radio/TV station
- recreation center
- research center
- restaurant
- restaurant, limited service
- retail, low-intensity
- retail, outdoor
- rooming house
- school, preschool
- school, primary/secondary
- school, trade or business
- sexually oriented business
- shoe repair
- skating rink
- social service
- sporting goods sales
- tailor/seamstress shop
- tanning salon
- tattoo/piercing parlor
- theater, indoor
- transportation terminal
- utility substation and transmission facility*
- vehicle accessory installation
- vehicle repair*
- vehicle sales/rental
- veterinarian clinic
- video rental

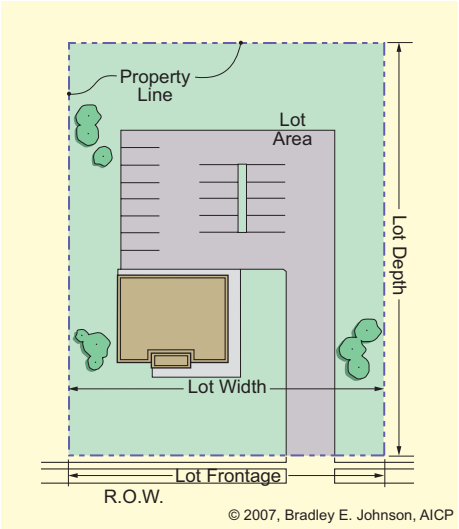
20.02.350 Commercial Arterial (CA); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

- amusements, outdoor
- communication facility*
- crematory
- historic adaptive reuse*
- homeless shelter
- impound vehicle storage
- kennel*
- manufactured home sales
- rehabilitation clinic
- theater, drive-in

Commercial Arterial (CA) District

20.02.360 Commercial Arterial (CA); Development Standards



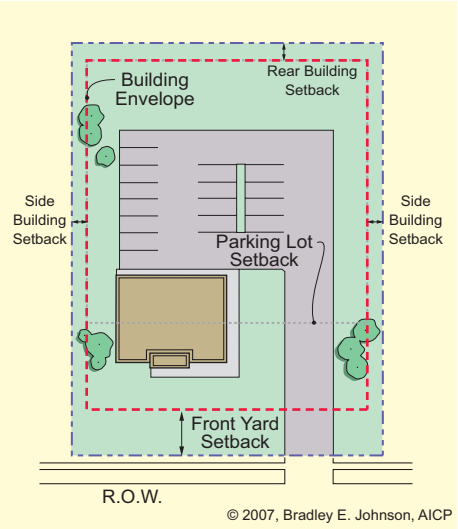
Minimum Lot Area for Subdivision:
- 32,670 square feet

Minimum Lot Width:
- 130 feet

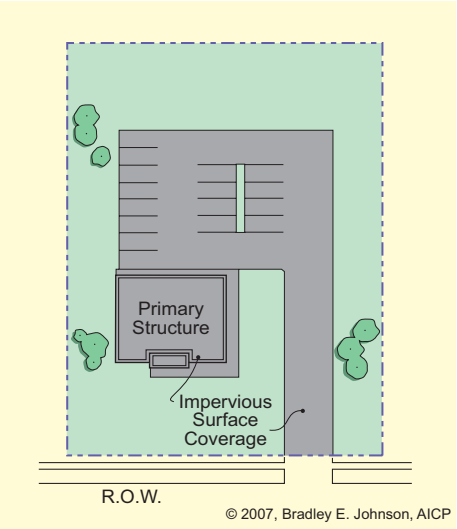
Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the average of the front setbacks of the existing primary structures on the same block face, whichever is less

Minimum Side Building Setback:
- 7 feet

Minimum Rear Building Setback:
- 7 feet



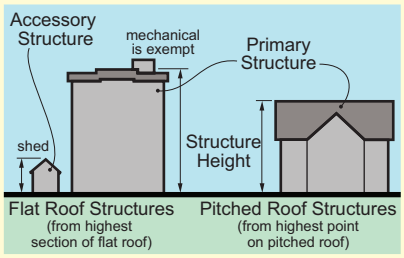
Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall. For through lots, this required setback shall only be located on the street with the highest Thoroughfare Plan classification
- Side: 7 feet adjacent to nonresidential zoning districts; 15 feet adjacent to residential zoning districts
- Rear: 7 feet adjacent to nonresidential zoning districts; 15 feet adjacent to residential zoning districts



Maximum Impervious Surface Coverage:
- 60% of the Lot Area

Maximum Density:
- 15 units/acre (2,904 square feet per dwelling unit)

Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
- 4-bedroom unit = 1.5 units;
- 3-bedroom unit = 1.0 unit;
- 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
- Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6
- AS-04 ..... Page 5-7

Affordable Housing (AH)
- AH-01 ..... Page 5-8

Alternative Transportation (AT)
- AT-01 ..... Page 5-9
- AT-02 ..... Page 5-12
- AT-03 ..... Page 5-12
- AT-04 ..... Page 5-13
- AT-05 ..... Page 5-13

Architectural (AG)
- AG-01 ..... Page 5-14

Communication Facilities (CF)
- CF-01 ..... Page 5-17

Conditional Use (CU)
- CU-01 ..... Page 5-21
- CU-02 ..... Page 5-21
- CU-03 ..... Page 5-22
- CU-05 ..... Page 5-22
- CU-09 ..... Page 5-23

Drainage Standards (DS)
- DS-01 ..... Page 5-25

Entrances/Drives (ED)
- ED-01 ..... Page 5-26
- ED-02 ..... Page 5-27
- ED-03 ..... Page 5-27

Environmental (EN)
- EN-01 ..... Page 5-28
- EN-02 ..... Page 5-28
- EN-03 ..... Page 5-29
- EN-04 ..... Page 5-31
- EN-05 ..... Page 5-33
- EN-06 ..... Page 5-34
- EN-07 ..... Page 5-34
- EN-08 ..... Page 5-35

Fence and Wall (FW)
- FW-01 ..... Page 5-36
- FW-02 ..... Page 5-36

Floodplain (FP)
- FP-01 ..... Page 5-37

Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
- LA-01 ..... Page 5-46
- LA-02 ..... Page 5-50
- LA-05 ..... Page 5-52

Lighting (LG)
- LG-01 ..... Page 5-60
- LG-02 ..... Page 5-62
- LG-03 ..... Page 5-62

Loading (LD)
- LD-01 ..... Page 5-64

Municipal Services (MS)
- MS-01 ..... Page 5-65

Outdoor Storage (OT)
- OT-01 ..... Page 5-66
- OT-02 ..... Page 5-66
- OT-03 ..... Page 5-66
- OT-04 ..... Page 5-66

Parking (PK)
- PK-01 ..... Page 5-67

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sexually Oriented Business (SX)
- SX-01 ..... Page 5-80

Sign (SI)
- SI-01 ..... Page 5-81
- SI-02 ..... Page 5-84
- SI-04 ..... Page 5-85
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Special Conditions (SC)
- SC-02 ..... Page 5-90
- SC-03 ..... Page 5-90
- SC-04 ..... Page 5-91
- SC-11 ..... Page 5-93
- SC-15 ..... Page 5-93
- SC-22 ..... Page 5-94

Temporary Use and Structure (TU)
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- TU-02 ..... Page 5-96

Vision Clearance (VC)
- VC-01 ..... Page 5-97

Commercial Downtown (CD) District

20.02.370 Commercial Downtown (CD); District Intent

The CD (Commercial Downtown) District is intended to be used as follows:

- Protect and enhance the central business district, which contains many unique and historic structures.
- Promote high density development of mixed uses with storefront retail, professional office, and residential dwelling uses.
- Promote a diversity of residential housing for all income groups and ages.
- Development should incorporate pedestrian-oriented design (scale and massing) and accommodate alternative means of transportation.

Plan Commission/Board of Zoning Appeals Guidance:

- The downtown is targeted for intensified usage of vacant and under utilized buildings and sites.
- Space on the first floor of downtown buildings should be commercial with residential uses on the second floor and above.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.380 Commercial Downtown (CD); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- amusements, indoor
- antique sales
- apparel and shoe sales
- art gallery
- artist studio
- arts/crafts/hobby store
- assisted living facility
- bank/credit union
- bar/dance club
- barber/beauty shop
- bed and breakfast
- bicycle sales/repair
- billiard/arcade room
- bookstore
- brewpub
- business/professional office
- cellular phone/pager services
- coin laundry
- community center
- computer sales
- convenience store (with gas or alternative fuels)*
- convenience store (without gas)
- copy center
- day-care center, adult
- day-care center, child
- department store
- drugstore
- dry-cleaning service
- dwelling, multifamily*
- dwelling, single-family (detached)*
- equipment/party/event rental (indoor)
- fitness center/gym
- fitness/training studio
- florist
- furniture store
- garden shop
- gift shop/boutique
- government office
- government operations (non-office)
- grocery/supermarket
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- hardware store
- health spa
- home electronics/appliance sales
- hotel/motel
- jewelry shop
- library
- license branch
- liquor/tobacco sales
- lodge
- medical care clinic, immediate
- medical clinic
- museum
- music/media sales
- musical instrument sales
- office supply sales
- park
- parking garage/structure
- pawn shop
- pet grooming
- pet store
- photographic studio
- place of worship
- police, fire or rescue station
- post office
- radio/TV station
- recreation center
- research center*
- restaurant
- restaurant, limited service
- retail, low intensity
- school, preschool
- school, primary/secondary
- school, trade or business
- shoe repair
- social service
- sporting goods sales
- tailor/seamstress shop
- tanning salon
- tattoo/piercing parlor
- theater, indoor
- transportation terminal
- utility substation and transmission facility*
- veterinarian clinic
- video rental

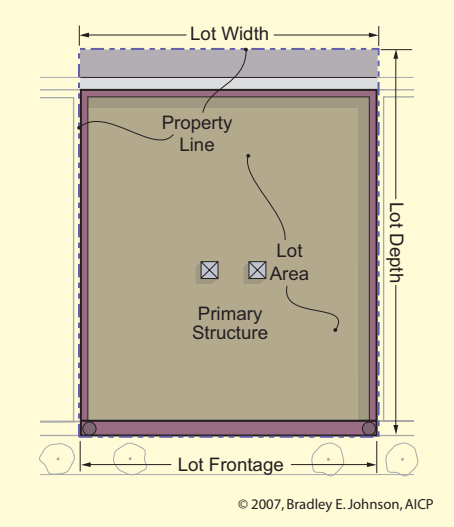
20.02.390 Commercial Downtown (CD); Conditional Uses

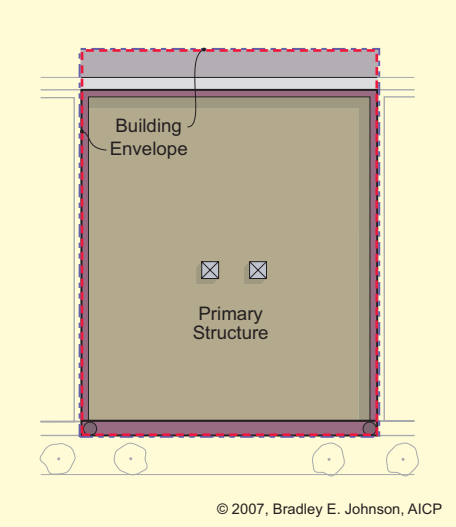
*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

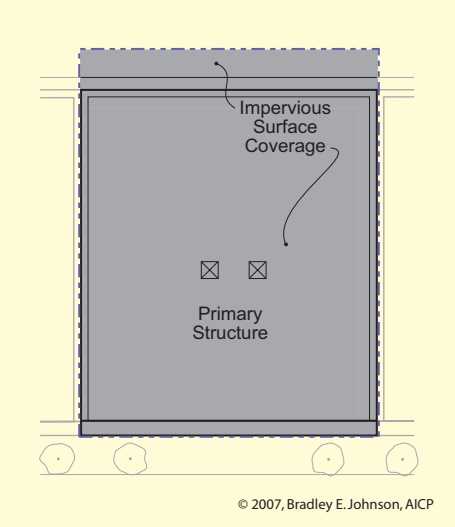
- communication facility*
- historic adaptive reuse*
- homeless shelter
- jail*
- juvenile detention facility*
- light manufacturing
- rehabilitation clinic

Commercial Downtown (CD) District

20.02.400 Commercial Downtown (CD); Development Standards

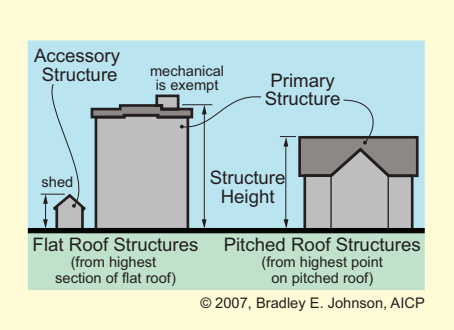






Cross Reference:

- See *Chapter 20.03: Overlay Districts* for development standards applicable to the site's specific Downtown Design Overlay



Maximum Structure Height:

- Primary Structure: See *Chapter 20.03; §Downtown Design Overlays*
- Accessory Structure: 25 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6

Affordable Housing (AH)
- AH-01 ..... Page 5-8

Alternative Transportation (AT)
- AT-01 ..... Page 5-9
- AT-02 ..... Page 5-12
- AT-03 ..... Page 5-12
- AT-04 ..... Page 5-13
- AT-05 ..... Page 5-13

Architectural (AG)
- AG-04 ..... Page 5-16

Communication Facilities (CF)
- CF-03 ..... Page 5-20

Conditional Use (CU)
- CU-01 ..... Page 5-21
- CU-02 ..... Page 5-21
- CU-03 ..... Page 5-22
- CU-05 ..... Page 5-22
- CU-10 ..... Page 5-24

Drainage Standards (DS)
- DS-01 ..... Page 5-25

Entrances/Drives (ED)
- ED-01 ..... Page 5-26

Environmental (EN)
- EN-01 ..... Page 5-28
- EN-02 ..... Page 5-28
- EN-03 ..... Page 5-29
- EN-04 ..... Page 5-31
- EN-05 ..... Page 5-33
- EN-06 ..... Page 5-34
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- EN-08 ..... Page 5-35

Fence and Wall (FW)
- FW-01 ..... Page 5-36
- FW-02 ..... Page 5-36

Floodplain (FP)
- FP-01 ..... Page 5-37

Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
- LA-01 ..... Page 5-46
- LA-04 ..... Page 5-51

Lighting (LG)
- LG-01 ..... Page 5-60
- LG-02 ..... Page 5-62
- LG-03 ..... Page 5-62

Loading (LD)
- LD-01 ..... Page 5-64

Municipal Services (MS)
- MS-01 ..... Page 5-65

Outdoor Storage (OT)
- OT-01 ..... Page 5-66
- OT-02 ..... Page 5-66
- OT-03 ..... Page 5-66

Parking (PK)
- PK-01 ..... Page 5-67
- PK-05 ..... Page 5-72

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sign (SI)
- SI-01 ..... Page 5-81
- SI-02 ..... Page 5-84
- SI-04 ..... Page 5-85
- SI-07 ..... Page 5-88
- SI-08 ..... Page 5-89

Special Conditions (SC)
- SC-01 ..... Page 5-90
- SC-03 ..... Page 5-90
- SC-06 ..... Page 5-91
- SC-09 ..... Page 5-92
- SC-11 ..... Page 5-93
- SC-12 ..... Page 5-93
- SC-15 ..... Page 5-93
- SC-22 ..... Page 5-94

Temporary Use and Structure (TU)
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- TU-02 ..... Page 5-96

Vision Clearance (VC)
- VC-01 ..... Page 5-97

20.02.410 Industrial General (IG); District Intent

The IG (Industrial General) District is intended to be used as follows:

- Accommodate existing and future industrial uses that provide basic employment needs for Bloomington and the surrounding region.
- Ensure that industrial uses mitigate the potential negative impacts to surrounding properties in terms of noise, vibration, outdoor storage, and harmful air or water quality.

Plan Commission/Board of Zoning Appeals Guidance:

- Provide for appropriate lot sizes, setbacks, buffering, and loading/storage area designs to ensure compatibility between industrial uses and surrounding properties.
- New industrial land uses should have adequate access to arterial level streets and should avoid locations adjoining residentially zoned properties.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.420 Industrial General (IG); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

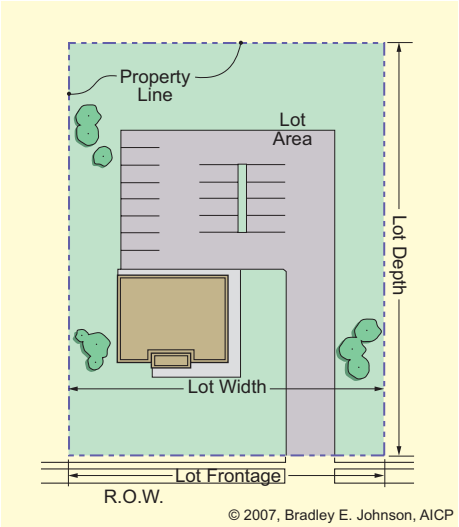
- auto body shop
- beverage bottling
- bottled gas storage/distribution
- building trade shop
- business/professional office
- communication facility
- convenience store (with gas or alternative fuels)*
- distribution facility
- equipment rental, outdoor
- gas station*
- government operations (non-office)
- heavy equipment sales/rental
- impound vehicle storage*
- light manufacturing
- manufactured home sales
- outdoor storage*
- police, fire or rescue station
- print shop
- radio/TV station
- research center
- school, trade or business
- sexually oriented business
- testing lab
- tool and die shop
- utility substation and transmission facility*
- warehouse
- welding

20.02.430 Industrial General (IG); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

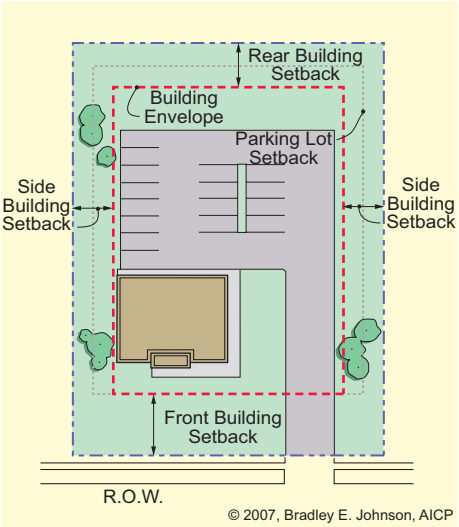
- amusements, outdoor
- crematory
- food production/processing
- gravel/sand/cement production
- heavy manufacturing
- historic adaptive reuse*
- juvenile detention facility*
- kennel*
- salvage/scrap yard

20.02.440 Industrial General (IG); Development Standards



Minimum Lot Area:
- 21,780 square feet

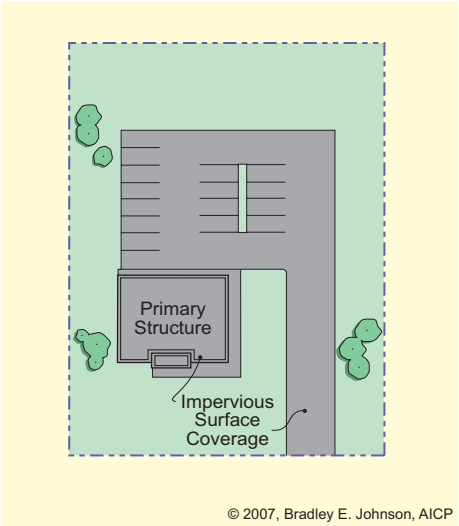
Minimum Lot Width:
- 100 feet



Minimum Front Building Setback:
- 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

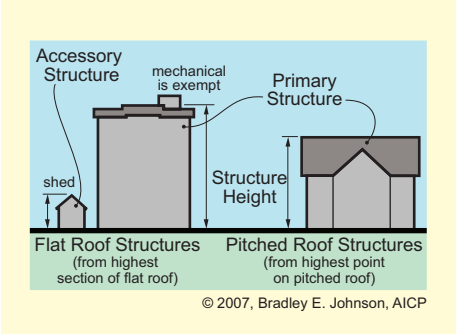
Minimum Side Building Setback:
- 20 feet

Minimum Rear Building Setback:
- 20 feet



Maximum Impervious Surface Coverage:
- 70% of the Lot Area

Minimum Parking Setback:
- Front: 25 feet from the proposed right-of-way or ingress/egress easement
- Side: 10 feet
- Rear: 10 feet



Maximum Structure Height:
- Primary Structure: 60 feet
- Accessory Structure: 35 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6
- AS-05 ..... Page 5-7

Alternative Transportation (AT)
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- AT-02 ..... Page 5-12
- AT-05 ..... Page 5-13

Architectural (AG)
- AG-01 ..... Page 5-14

Communication Facilities (CF)
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Conditional Use (CU)
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- CU-02 ..... Page 5-21
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- CU-09 ..... Page 5-23
- CU-10 ..... Page 5-24

Drainage Standards (DS)
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Entrances/Drives (ED)
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Environmental (EN)
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- EN-02 ..... Page 5-28
- EN-03 ..... Page 5-29
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- EN-05 ..... Page 5-33
- EN-06 ..... Page 5-34
- EN-07 ..... Page 5-34
- EN-08 ..... Page 5-35

Fence and Wall (FW)
- FW-01 ..... Page 5-36
- FW-02 ..... Page 5-36

Floodplain (FP)
- FP-01 ..... Page 5-37

Green Development (GD)
- GD-01 ..... Page 5-40

Height (HT)
- HT-01 ..... Page 5-43

Home Occupation (HO)
- HO-01 ..... Page 5-44

Landscaping (LA)
- LA-01 ..... Page 5-46
- LA-02 ..... Page 5-50
- LA-05 ..... Page 5-52

Lighting (LG)
- LG-01 ..... Page 5-60
- LG-03 ..... Page 5-62

Loading (LD)
- LD-01 ..... Page 5-64

Municipal Services (MS)
- MS-01 ..... Page 5-65

Outdoor Storage (OT)
- OT-01 ..... Page 5-66
- OT-03 ..... Page 5-66
- OT-05 ..... Page 5-66

Parking (PK)
- PK-01 ..... Page 5-67

Public Improvement (PV)
- PV-01 ..... Page 5-77

Setback (SB)
- SB-01 ..... Page 5-78

Sexually Oriented Business (SX)
- SX-01 ..... Page 5-80

Sign (SI)
- SI-01 ..... Page 5-81
- SI-02 ..... Page 5-84
- SI-05 ..... Page 5-86

Special Conditions (SC)
- SC-06 ..... Page 5-91
- SC-14 ..... Page 5-93
- SC-16 ..... Page 5-94
- SC-18 ..... Page 5-94
- SC-22 ..... Page 5-94

Temporary Use and Structure (TU)
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- TU-02 ..... Page 5-96

Vision Clearance (VC)
- VC-01 ..... Page 5-97

20.02.450 Business Park (BP); District Intent

The BP (Business Park) District is intended to be used as follows:

- Provide for a mixture of office-related uses that provide large-scale employment opportunities for the community and the surrounding region
- Ensure a high quality campus environment including recreational amenities, common space, limited commercial services, and integrated architecture and site design concepts

Plan Commission/Board of Zoning Appeals Guidance:

- Large tracts of land with good access to State Road 37 should be protected for future business park land uses
- Where business park sites have exposure to multiple road frontages, a 360-degree building profile should be utilized
- Allow for the integration of commercial services, but only at a scale and development phasing that fulfill the service needs for on-site employment uses
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.460 Business Park (BP); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

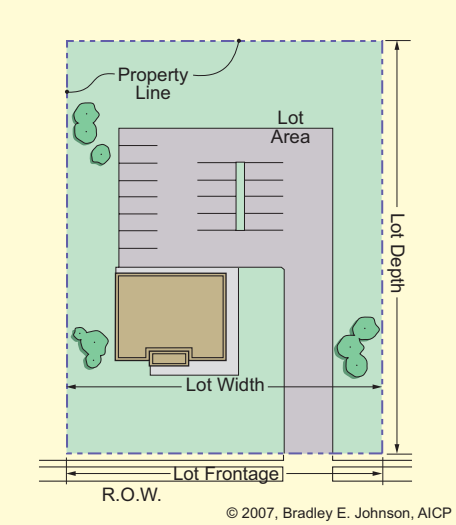
- business/professional office
- convenience store (with gas or alternative fuels)*
- dwelling, single-family (detached)*
- dwelling, upper floor units
- government office
- government operations (non-office)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- light manufacturing
- parking garage/structure
- police, fire or rescue station
- radio/TV station
- research center
- restaurant, limited service*
- retail, low intensity*
- school, trade or business
- testing lab
- utility substation and transmission facility*

20.02.470 Business Park (BP); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

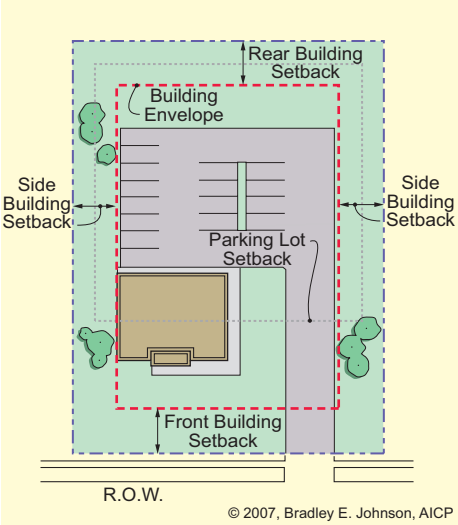
- communication facility*
- day-care center, adult*
- day-care center, child*
- food production/processing
- historic adaptive reuse*
- hotel/motel
- print shop
- recreation center
- rehabilitation clinic
- warehouse

20.02.480 Business Park (BP); Development Standards



Minimum Lot Area:
- 32,670 square feet

Minimum Lot Width:
- 130 feet

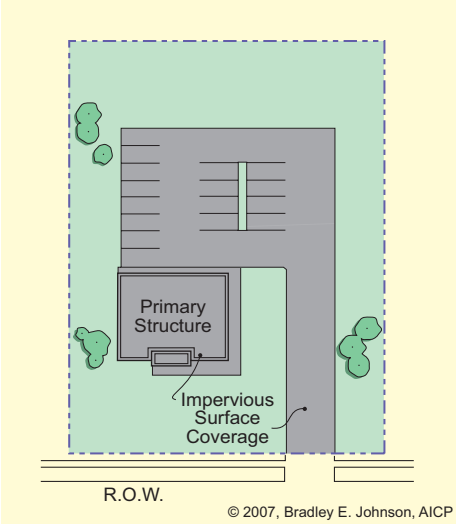


Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:
- 20 feet

Minimum Rear Building Setback:
- 20 feet

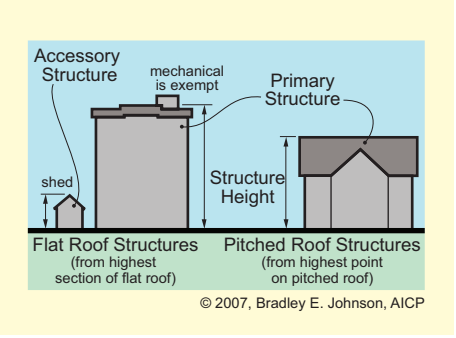
Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet



Maximum Impervious Surface Coverage:
- 60% of the Lot Area

Maximum Density:
- 15 units/acre (2,904 square feet per dwelling unit)

Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
- 4-bedroom unit = 1.5 units;
- 3-bedroom unit = 1.0 unit;
- 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
- Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.



Maximum Structure Height:
- Primary Structure: 60 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-6
- AS-04 ..... Page 5-7

Alternative Transportation (AT)
- AT-01 ..... Page 5-9
- AT-02 ..... Page 5-12
- AT-03 ..... Page 5-12
- AT-05 ..... Page 5-13

Architectural (AG)
- AG-01 ..... Page 5-14

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20.02.490 Institutional (IN); District Intent

The IN (Institutional) District is intended to be used as follows:

- Provide regulations for properties owned by state, county, city, and quasi-public institutions; including but not limited to parks, schools, cemeteries, golf courses, and other facilities.

Plan Commission/Board of Zoning Appeals Guidance:

- Ensure that institutional uses are adequately distributed throughout the community to prevent segments from being under served.
- Institutional uses should be located in areas that contain adequate public services. In particular, educational uses must be accessible via all modes of transportation.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.500 Institutional (IN); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

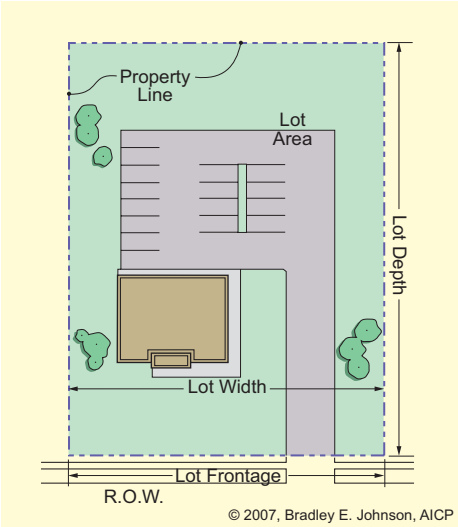
- cemetery/mausoleum
- communication facility
- community center
- fraternity house/sorority house
- golf course
- government office
- government operations (non-office)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- library
- license branch
- museum
- outdoor storage*
- park
- parking structure
- place of worship
- police, fire or rescue station
- post office
- recreation center
- school, preschool
- school, primary/secondary
- school, trade or business
- transportation terminal
- university or college
- utility substation and transmission facility*

20.02.510 Institutional (IN); Conditional Uses

Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.

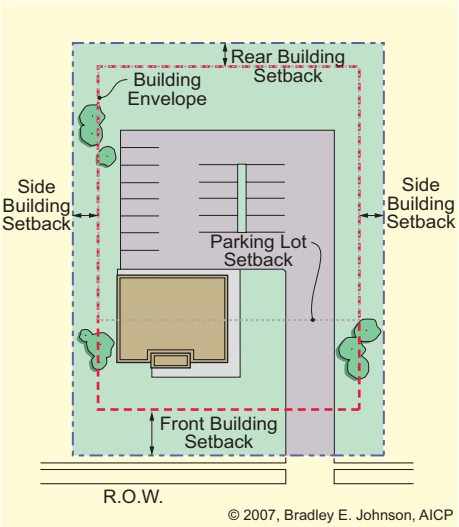
- crematory
- day-care center, adult*
- day-care center, child*
- historic adaptive reuse*
- homeless shelter
- jail*
- juvenile detention facility*
- prison*
- rehabilitation clinic

20.02.520 Institutional (IN); Development Standards



Minimum Lot Area:
- 21,780 square feet

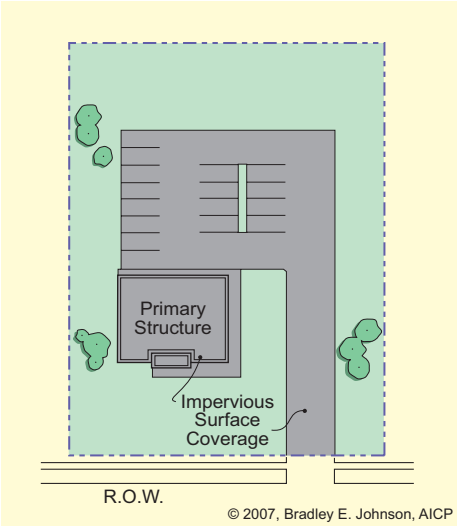
Minimum Lot Width:
- 50 feet



Minimum Front Building Setback:
- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan

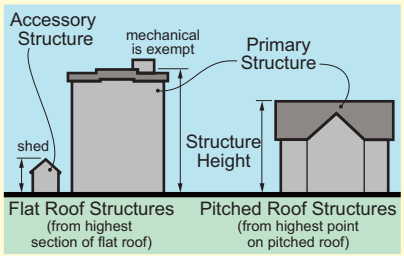
Minimum Side Building Setback:
- 10 feet

Minimum Rear Building Setback:
- 10 feet



Maximum Impervious Surface Coverage:
- 60% of the Lot Area

Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

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20.02.530 Medical (MD); District Intent

The MD (Medical) District is intended to be used as follows:

- Provide for the location and regulation of hospital uses and associated medical facilities.
- Ensure that medical land uses do not negatively impact adjoining residential land uses through control of lighting, noise, traffic congestion, and spill-over parking.
- Encourage the continuation of Bloomington Hospital's medical care and related services to the entire community, regardless of ability to pay, by ensuring that Bloomington Hospital meets its long-term space utilization needs.

Plan Commission/Board of Zoning Appeals Guidance:

- Bloomington Hospital is encouraged to expand without encroachment into established neighborhoods such as McDoel Gardens and Prospect Hill.
- Proposals for new or expanded medical facilities should be scrutinized in recognition of community interest, public heath needs, and impacts on Bloomington Hospital so long as Bloomington Hospital continues to provide its current level of community service.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.540 Medical (MD); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

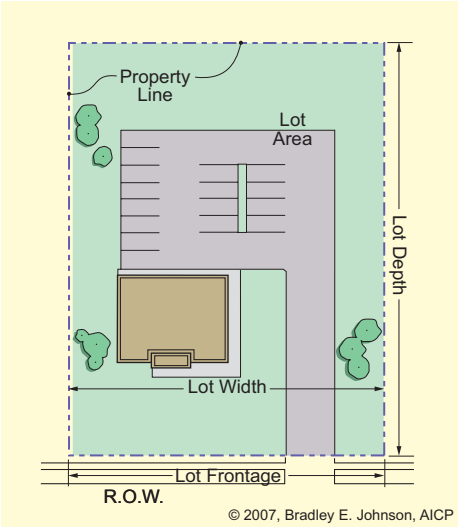
- day-care center, adult
- dwelling, single-family (detached)
- dwelling, upper floor units
- fitness center/gym*
- fitness/training studio*
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- medical care clinic, immediate
- medical clinic
- nursing/convalescent home
- police, fire or rescue station
- testing lab*
- utility substation and transmission facility*

20.02.550 Medical (MD); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

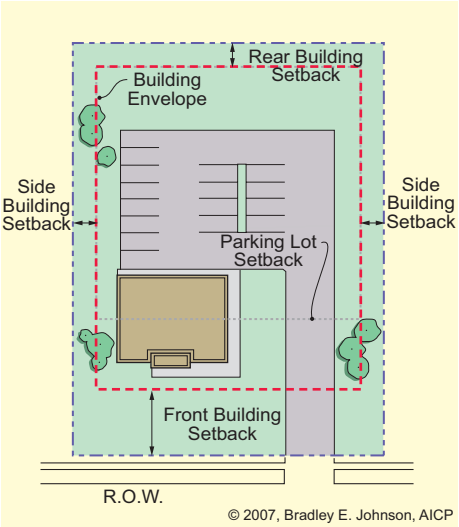
- ambulatory surgical care
- communication facility*
- day-care center, child*
- drugstore
- florist
- gift shop/boutique
- historic adaptive reuse*
- homeless shelter
- hospital
- outpatient care facility
- parking garage/structure
- place of worship
- rehabilitation clinic
- research center

20.02.560 Medical (MD); Development Standards



Minimum Lot Area:
- 10,890 square feet

Minimum Lot Width:
- 65 feet

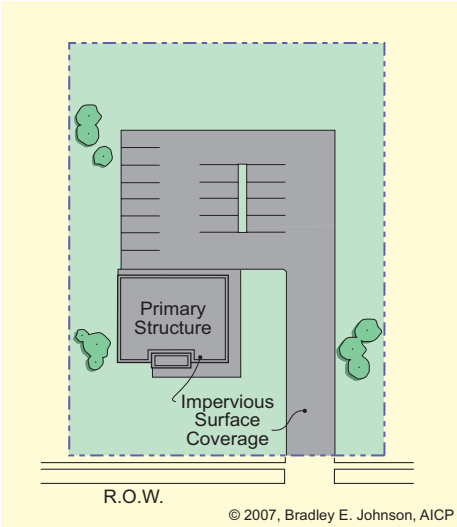


Minimum Front Building Setback:
- 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:
- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Minimum Rear Building Setback:
- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

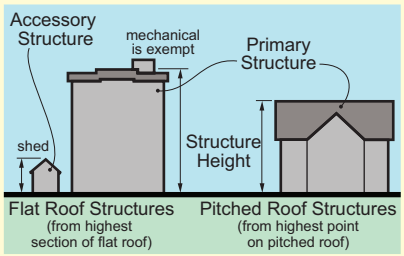
Minimum Parking Setback:
- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet



Maximum Impervious Surface Coverage:
- 60% of the Lot Area

Maximum Density:
- 15 units/acre (2,904 square feet per dwelling unit)

Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
- 4-bedroom unit = 1.5 units;
- 3-bedroom unit = 1.0 unit;
- 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
- Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.



Maximum Structure Height:
- Primary Structure: 80 feet
- Accessory Structure: 25 feet

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Quarry (QY) District

20.02.570 Quarry (QY); District Intent

The QY (Quarry) District is intended to be used as follows:

- Protect existing quarries from encroaching land uses that would negatively impact operations.
- Provide appropriate development standards to buffer surrounding land uses from quarry activities.

Plan Commission/Board of Zoning Appeals Guidance:

- As existing quarries lose their economic feasibility, redevelopment proposals should consider retention of some existing quarry features to preserve the property's limestone heritage.
- If redevelopment occurs on quarry sites, land use decisions should be made in consideration of the dominant land use patterns that surround each site.

20.02.580 Quarry (QY); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- communication facility
- government operations (non-office)
- orchard
- park
- police, fire or rescue station
- quarry
- stone processing
- tree farm
- utility substation and transmission facility*

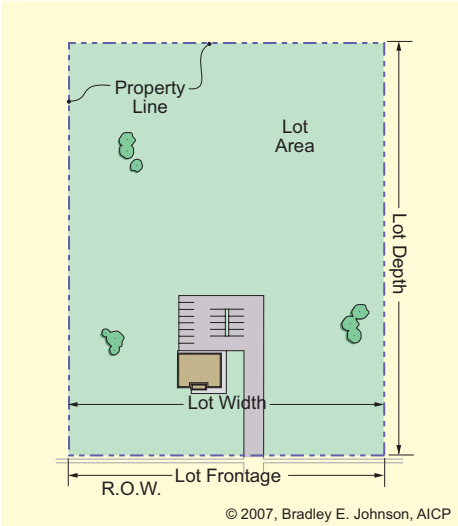
20.02.590 Quarry (QY); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

- gravel/sand/cement production
- historic adaptive reuse*
- kennel*
- quarry adaptive reuse*

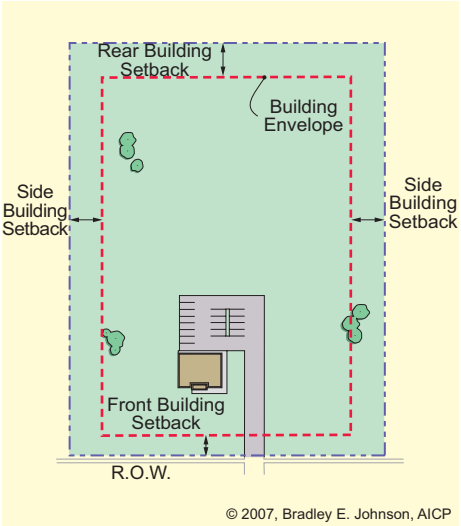
Quarry (QY) District

20.02.600 Quarry (QY); Development Standards



Minimum Lot Area:
- 435,600 square feet

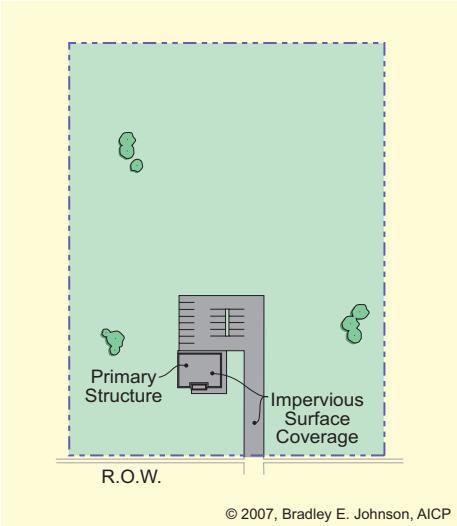
Minimum Lot Width:
- 400 feet



Minimum Front Building Setback:
- 30 feet from the proposed right-of-way indicated on the Thoroughfare Plan

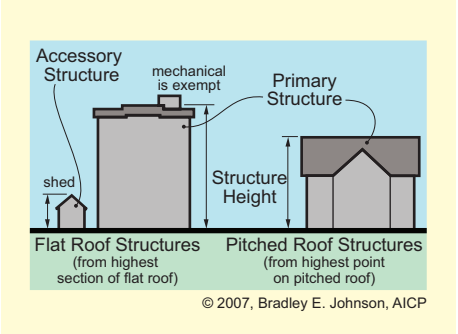
Minimum Side Building Setback:
- 50 feet

Minimum Rear Building Setback:
- 50 feet



Maximum Impervious Surface Coverage:
- Not Applicable

Minimum Parking Setback:
- Front: 30 feet from the proposed right-of-way or ingress/egress easement
- Side: 50 feet
- Rear: 50 feet



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

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Chapter

20.03

Overlay Districts

City of Bloomington
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

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20.03.010 Courthouse Square Overlay (CSO); District Intent

The Courthouse Square Overlay (CSO) District is intended to guide both new development and redevelopment activities as follows:

- Ensure that new development is compatible in mass and scale with structures listed in the *2001 City of Bloomington Survey of Historic Sites and Structures* located in the Courthouse Square Character Area.
- Provide a diverse mix of traditional commercial retail uses at the street level to capitalize on, maintain and enhance the pedestrian activity generated by the CSO District.
- Visually define the sidewalk edges with interesting buildings that respect the established context of traditional commercial storefront buildings that are two to four stories in height.
- Preserve historic structures to maintain the integrity and heritage of the downtown.

20.03.020 Courthouse Square Overlay (CSO); Review Process

Review by Planning Staff:

Planning Staff shall review any proposal that complies with all of the standards in *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards*, except where the Proposal meets one of the criteria for Plan Commission review in this section.

Review by Plan Commission

The Plan Commission shall review:

- Any proposal identified for Plan Commission review in *Subdivision 20.09.120(e)(1)(A): Site Plan Review Process, Plan Commission;*
- Any proposal that does not comply with all of the standards of *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards;*
- Any development that includes any of the following uses:
  - Residential Dwelling, Upper Floor Units: Above 30 bedrooms.
  - Retail, High Intensity: Greater than 15,000 square feet gross floor area.
  - Parking Garage/Structure: As a primary use; and
- Any proposal adjacent to a residentially zoned district or a residential use.

20.03.030 Courthouse Square Overlay (CSO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review.*

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review.*

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review,* and
- Satisfies the design guidelines set forth in *Section 20.03.070: Courthouse Square Overlay (CSO); Design Guidelines.*
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

20.03.040 Courthouse Square Overlay (CSO); Effect on Uses

Permitted Uses:

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- All uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the CSO District, except for the following, which shall be excluded from the CSO District.
  - assisted living facility
  - convenience store (with gas or alternative fuels)
  - dwelling, multifamily
  - medical care clinic, immediate
- The following uses are also permitted uses in the CSO District:
  - dwelling, upper floor units*

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the CSO District.

20.03.050 Courthouse Square Overlay (CSO); Development Standards

(a) Density and Intensity Standards:
  (1) *Maximum Residential Density*: 33 units per acre
    (A) Dwelling Unit Equivalents:
      5-bedroom unit: 2 units;
      4-bedroom unit = 1.5 units;
      3-bedroom unit = 1.0 unit;
      2-bedroom unit with less than 950 square feet = 0.66 of a unit;
      1-bedroom unit with less than 700 square feet = 0.25 of a unit;
      Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.
  (2) *Maximum Impervious Surface Coverage*: 100%.

(b) Height Standards:
  (1) *Minimum Structure Height*: 25 feet.
  (2) *Maximum Structure Height*: 40 feet.

(c) Parking Standards:
  (1) *Minimum Surface Parking Setback*:
    (A) Front Yard: 20 feet behind primary structure's front building wall.
    (B) Side Yard: 0 feet.
    (C) Rear Yard: 0 feet.
  (2) *Residential Parking Standards*: No parking spaces required.
  (3) *Nonresidential Parking Standards*: No parking spaces required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:
  (1) *Build-to Lin*e: 0 feet.
  (2) *Maximum Front Setback*: n/a.
  (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.
  (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

20.03.060 Courthouse Square Overlay (CSO); Architectural Standards

These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

(a) Site Plan:
  (1) *Building Frontage*: A minimum of ninety percent (90%) of the building façade facing the street shall be constructed at the build-to line.
  (2) *Building Alignment*: New buildings located immediately adjacent to the side of an Outstanding, Notable and/or Contributing structure as identified in the Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall align their respective façades to match the front setback established by the surveyed structure rather than the required build-to line.
  (3) *Building Orientation and Entrances*:
    (A) For all buildings, any façade facing a public street shall be considered a primary façade.
    (B) A minimum of one (1) pedestrian entrance shall be provided for any primary façade which contains at least 66 feet of frontage facing a public street. No primary pedestrian entrance shall be located on a building facade adjacent to an alley.
    (C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.
    (D) B-Line Trail:
      (i) One (1) pedestrian entrance shall be provided per one hundred (100) feet of building frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge.

(4) *Street Trees*: Street Trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate as approved by the City Urban Forester.

(5) *Lighting*:

(A) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works and shall follow the following standards:

(i) Height: Pedestrian-scale street lights shall be less than fifteen (15) feet high.

(ii) Design: Traditional design styles such as gas lamp, acorn, or similar decorative style of street light shall be used.

(B) All exterior building lighting shall comply with *Chapter 20.05; §LG: Lighting Standards*.

(6) *Mechanical Equipment and Service Areas*: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays and recycling storage areas shall be screened from public view using the following measures:

(A) Mechanical equipment and service areas shall be located at the rear of the building, along an alley façade or on the building rooftop;

(B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices and/or landscaping; and

(C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.

(b) Architectural Character:

(1) *Roofs or Building Caps*: Building caps may use different materials, detailed limestone carvings and/or a cornice integrated with the roof form and downspouts/gutters for storm water diversion to further define the building cap.

(A) Design: Buildings shall incorporate flat roofs with parapets.

(B) Height: In no case shall a parapet height exceed fifteen percent (15%) of the supporting wall height.

(2) *Void-to-Solid Percentage*:

(A) First Floor (Building Base): Transparent glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of seventy percent (70%) of the total wall/façade area of the first floor façade/elevation facing a street.

(B) Upper Stories (Building Middle): Transparent glass or façade openings shall comprise a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade facing a street but shall not exceed a maximum of seventy percent (70%) of the wall/façade area of each floor above the first floor façade facing a street.

(C) Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise a minimum of sixty percent (60%) of the wall/facade area of the first floor facade/elevation facing the B-Line Trail.

(3) *Windows*:

(A) All windows shall be transparent and shall not make use of dark tinting or reflective glass

(B) First Floor Windows:

(i) Large display windows shall be used along all first floor façades facing a street.

(ii) Display windows shall incorporate transom windows and window bases/kickplates.

(iii) A frieze or sign band shall be incorporated above first floor display windows.

(C) Upper Story Windows:

(i) Window frame heights shall be a minimum of one and one-half (1.5) times the window frame width.

(ii) Window frames shall incorporate window sills and lintels and/or window heads that are visually distinct from the primary exterior finish materials used on the respective façade.

(iii) Windows forms/types shall be visually different from the display window forms/types used on the first floor and shall have the visual appearance of double hung windows that are punched into the wall surface.

(4) *Materials*:

(A) All exterior finish materials shall have a non-reflective, low reflectance, or matte finish.

(B) The following materials shall not be used as primary or secondary exterior finish materials:

(i) Wood;

(ii) Exterior Insulation Finish System (EIFS);

(iii) Smooth-faced or split-faced cement block;

(iv) Vinyl;

(v) Metal;

(vi) Cementitious siding; and

(vii) Precast concrete.

(5) *Vertical and Horizontal Design*:

(A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table and/or plinth using natural stone or masonry.

(B) Horizontal elements shall visually align with similar horizontal design elements of adjacent historic structures.

(C) Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building façade focal points.

(6) *Entrance Detailing*: The primary pedestrian entrance for a building shall be designed as follows:

(A) Entrance shall be recessed a minimum of four (4) feet from the building façade.

(B) Entrance shall incorporate a prominent building address, building name and exterior lighting.

(C) The entrance shall also incorporate one (1) or more of the following features:

(i) Canopy or awning;

(ii) Pilasters or façade modules;

(iii) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk;

(iv) Raised corniced entryway parapet.

(c) Mass, Scale and Form:

(1) *Building Façade Modulation*: Façade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior façade materials.

(A) Building facades with street frontage shall utilize a maximum façade width interval of fifty (50) feet for a façade module.

(B) The building façade module shall be offset by a minimum depth (projecting or recessing) of three percent (3%) of the total façade length and the offset shall extend the length of its module.

(2) *Building Height Step Down*: Buildings located immediately adjacent to the side of Outstanding, Notable and Contributing structures as identified in the ndiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall incrementally step down upper stories at each respective façade module to within one (1) story or fourteen (14) feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

20.03.070 Courthouse Square Overlay (CSO); Design Guidelines

In reviewing proposals under this Chapter, the Plan Commission shall consider the following Sections of the Downtown Vision and Infill Strategy Plan that are expressly applicable to the CSO District, and may consider such other material contained in the Downtown Vision and Infill Strategy Plan as the Plan Commission considers relevant to its review:

(a) Site Plan: Guidelines 3.1 and 3.2.

(b) Architectural Character: Guidelines 3.3 and 3.4.

(c) Mass, Scale and Form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9.

(d) Exterior Building Materials: Guidelines 3.10, 3.11 and 3.12.

(e) Upper Story Windows: Guidelines 3.13 and 3.14.

(f) Entries: Guidelines 3.15 and 3.16.

(g) Pedestrian Interest: Guidelines 3.17, 3.18 and 3.19.

(h) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22 and 3.23.

(i) Parking Structures: Guidelines 3.24 and 3.25.

(j) Lighting: Guidelines 3.26, 3.27 and 3.28.

20.03.080 Downtown Core Overlay (DCO); District Intent

The Downtown Core Overlay (DCO) District is intended to guide both new development and redevelopment activities as follows:

- Ensure that new development is compatible in mass and scale with historic structures in the Downtown Core Character Area;
- Draw upon the design traditions exhibited by historic commercial buildings by providing individual, detailed storefront modules that are visually interesting to pedestrians;
- Promote infill and redevelopment of sites using residential densities and building heights that are higher in comparison to other Character Areas within the Downtown.

20.03.090 Downtown Core Overlay (DCO); Review Process

Review by Planning Staff:

Planning Staff shall review any proposal that complies with all of the standards in *Section 20.03.120 : Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards*, except where the Proposal meets one of the criteria for Plan Commission Review in this Section.

Review by Plan Commission

The Plan Commission shall review:

- Any proposal identified for Plan Commission review in *Subdivision 20.09.120(e)(1)(A): Site Plan Review Process, Plan Commission;*
- Any proposal that does not comply with all of the standards of *Section 20.03.120: Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards*;
- Any development that includes any of the following uses:
  - Residential Dwelling, Multifamily: Above 100 bedrooms.
  - Retail, High Intensity: Greater than 30,000 square feet gross floor area.
  - Parking Garage/Structure: As a primary use.
- Any proposal adjacent to a residentially zoned district or a residential use.

20.03.100 Downtown Core Overlay (DCO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.120: Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review.*

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.120: Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review.*

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.120: Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review,* and
- Satisfies the design guidelines set forth in *Section 20.03.140: Downtown Core Overlay; Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

20.03.110 Downtown Core Overlay (DCO); Effect on Uses

Permitted Uses:

- All uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the DCO District, except for the following, which shall be excluded from the DCO District:
  - convenience store (with gas or alternative fuels)

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) District shall be Conditional Uses within the DCO District.

20.03.120 Downtown Core Overlay (DCO); Development Standards

(a) Density and Intensity Standards:
- (1) *Maximum Residential Density*: 60 units per acre
  - (A) Dwelling Unit Equivalents:
    5-bedroom unit: 2 units;
    4-bedroom unit = 1.5 units;
    3-bedroom unit = 1.0 unit;
    2-bedroom unit with less than 950 square feet = 0.66 of a unit;
    1-bedroom unit with less than 700 square feet = 0.25 of a unit;
    Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.
- (2) *Maximum Impervious Surface Coverage*: 100%.

(b) Height Standards:
- (1) *Minimum Structure Height*: 35 feet
- (2) *Maximum Structure Height*: 50 feet

(c) Parking Standards:
- (1) *Minimum Surface Parking Setback*:
  - (A) Front Yard: 20 feet behind primary structure's front building wall.
  - (B) Side Yard: 5 feet.
  - (C) Rear Yard: 5 feet.
- (2) *Residential Parking Standards*:
  - (A) For the first ten (10) bedrooms, no parking shall be required.
  - (B) For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.
  - (C) For any bedrooms above twenty (20), eight-tenths (0.8) parking spaces per bedroom shall be provided.
  - (D) For development located south of 4th Street, no parking shall be required.
- (3) *Nonresidential Parking Standards*: No parking required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:
- (1) *Build-to Line*: 0 feet.
- (2) *Maximum Front Setback*: n/a.
- (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.
- (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

(e) Ground Floor Nonresidential Uses:
- (1) This subsection shall apply to any property with frontage on the following streets:
  - (A) 10th Street
  - (B) 9th Street
  - (C) 8th Street (between Morton Street and Walnut Street)
  - (D) 7th Street
  - (E) 6th Street
  - (F) Kirkwood Avenue
  - (G) 4th Street
  - (H) 3rd Street
  - (I) 2nd Street
  - (J) Madison Street
  - (K) Morton Street (between 6th Street and 10th Street)
  - (L) College Avenue
  - (M) Walnut Street
  - (N) Washington Street (between 3rd Street and 4th Street)
- (2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the

applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

20.03.130 Downtown Core Overlay (DCO); Architectural Standards

These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

(a) Site Plan:

(1) *Building Frontage*: A minimum of seventy percent (70%) building façade facing a street shall be constructed at the build-to line.

(2) *Building Alignment*: New buildings located immediately adjacent to the side of an Outstanding, Notable and/or Contributing structure as identified in the ndiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall align its respective façade to match the front setback established by a surveyed structure. If no historic structure is located immediately adjacent to the side of the site then the build-to line as identified in *Division 20.03.120(d)(1): Build-to Line* shall apply.

(3) *Building Orientation and Entrances*:

(A) For all buildings, any façade facing a public street shall be considered a primary façade.

(B) A minimum of one (1) pedestrian entrance shall be provided for any primary façade which contains at least 66 feet of frontage facing a public street. No primary pedestrian entrance shall be located on a building facade adjacent to an alley.

(C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.

(D) B-Line Trail:

(i) One (1) pedestrian entrance shall be provided per one hundred (100) feet of building frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge.

(4) *Street Trees*: Street Trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate as approved by the City Urban Forester.

(5) *Lighting*:

(A) Pedestrian scaled lighting shall be provided as approved by the Board of Public Works and shall follow the meet the following standards:

(i) Height: Pedestrian scaled street lights shall be less than fifteen (15) feet high.

(ii) Design: Traditional design styles such as gas lamp, acorn, or contemporary design styles shall be used.

(B) All exterior building lighting shall comply with *Chapter 20.05; §LG: Lighting Standards*.

(6) *Mechanical Equipment and Service Areas*: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays and recycling storage areas shall be screened from public view by incorporating the following design standards:

(A) Locate mechanical equipment and service areas at the rear of the building, along an alley façade or on the building rooftop;

(B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices and/or landscaping; and

(C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.

(b) Architectural Character:

(1) *Roofs or Building Caps*: Building caps may use different materials, detailed limestone carvings and/or a cornice integrated with the roof form and downspouts/gutters for storm water diversion to further define

the building cap:

(A) Design: Buildings shall incorporate flat roofs with parapets.

(B) Height: In no case shall a parapet exceed fifteen percent (15%) of the supporting wall height.

(2) *Void-to-Solid Percentage*:

(A) First Floor (Building Base): Transparent glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of sixty percent (60%) of the total wall/façade area of the first floor façade/elevation facing a street.

(B) Upper Stories (Building Middle): Transparent glass or façade openings shall comprise a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade facing a street but shall not exceed a maximum of seventy percent (70%) of the wall/façade area of each floor above the first floor façade facing a street.

(C) Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise a minimum of sixty percent (60%) of the wall/facade area of the first floor facade/elevation facing the B-Line Trail.

(3) *Windows*:

(A) All windows shall be transparent and shall not make use of dark tinting or reflective glass

(B) First Floor Windows: Large display windows shall be used along all first floor façades facing a street.

(C) Upper Story Windows:

(i) Window frame heights shall be a minimum of one and one-half (1.5) times the window frame width.

(ii) Window frames shall incorporate window sills and lintels and/or window heads that are visually distinct from the primary exterior finish materials used on the respective façade.

(4) *Materials*:

(A) The following materials shall not be used as primary exterior finish materials:

(i) Wood;

(ii) EIFS;

(iii) Smooth-faced or split-faced cement block;

(iv) Vinyl;

(v) Cementitious siding;

(vi) Highly reflective materials.

(B) The following materials shall not be used as secondary exterior finish materials:

(i) EIFS;

(ii) Smooth-faced or split-faced cement block;

(iii) Vinyl.

(5) *Vertical and Horizontal Design*:

(A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table and/or plinth using natural stone or masonry.

(B) Horizontal elements shall visually align with similar horizontal design elements of adjacent historic structures.

(C) Building façades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building façade focal points.

(6) *Entrance Detailing*: The primary pedestrian entrance for a building shall be designed as follows:

(A) Entrance shall be recessed a minimum of four (4) feet from the building façade.

(B) Entrance shall incorporate a prominent building address, building name and exterior lighting.

(C) The entrance shall also incorporate one (1) or more of the following features:

(i) Canopy or awning;

(ii) Pilasters or façade modules;

(iii) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk;

(iv) Raised corniced entryway parapet.

(c) Mass, Scale and Form:

(1) *Building Façade Modulation*: Façade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior façade materials.

(A) Building facades with street frontage shall utilize a maximum façade width interval of sixty-five (65) feet for a façade module.

(B) The building façade module shall be offset by a minimum depth (projecting or recessing) of three percent (3%) of the total façade length, and the offset shall extend the length of its module.

(2) *Building Height Step Down*: Buildings located immediately adjacent to the side of Outstanding, Notable and Contributing structures as identified in the Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall incrementally step down upper stories at each respective façade module to within one story or fourteen (14) feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

(3) *Building Height Step Back*:

(A) Building facades over forty-five (45) feet in height shall step back the horizontal façade/wall plane a minimum of fifteen (15) feet from the horizontal façade/wall plane below forty-five (45) feet in height.

(B) The first thirty-five (35) feet of a building façade shall not utilize a building height step back.

20.03.140 Downtown Core Overlay (DCO); Design Guidelines

In reviewing proposals under this Chapter, the Plan Commission shall consider the following Sections of the Downtown Vision and Infill Strategy Plan that are expressly applicable to the DCO District, and may consider such other material contained in the Downtown Vision and Infill Strategy Plan as the Plan Commission considers relevant to its review:

(a) Site Plan: Guidelines 3.1 and 3.2

(b) Architectural Character: Guidelines 3.3 and 3.4

(c) Mass, Scale and Form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9

(d) Exterior Building Materials: Guidelines 3.10, 3.11 and 3.12

(e) Upper Story Windows: Guidelines 3.13 and 3.14

(f) Entries: Guidelines 3.15 and 3.16

(g) Pedestrian Interest: Guidelines 3.17, 3.18 and 3.19

(h) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22 and 3.23

(i) Parking Structures: Guidelines 3.24 and 3.25

(j) Lighting: Guidelines 3.26, 3.27 and 3.28

20.03.150 University Village Overlay (UVO); District Intent

The University Village Overlay (UVO) District is intended to guide both new development and redevelopment activities as follows:

- Ensure that new development is compatible in mass and scale with historic structures in the University Village Character Area;
- Draw upon the variety of architectural styles combined with diverse land uses and site features to enhance the existing eclectic mix of developments that serves as a dynamic and key transitional activity center that connects the Courthouse Square with Indiana University;
- Promote infill and redevelopment of sites using moderate residential densities for the University Village area and higher residential densities along the Kirkwood Corridor (Washington Street to Indiana Avenue);
- Maintain and reinforce the traditional main street character of the Kirkwood Corridor as a strong pedestrian-friendly route;
- Protect and maintain the unique character of the converted residential structures along Restaurant Row (4th Street between Lincoln Street and Dunn Street).

Applicability:

- Any references to the "Kirkwood Corridor" apply to properties located adjacent to East Kirkwood Avenue, between Washington Street and Indiana Avenue, extending north and south to the platted alleys on either side of East Kirkwood Avenue.
- Any references to “Restaurant Row” in this UVO District Ordinance shall apply to properties located adjacent to East 4th Street, between Lincoln Street and Dunn Street, extending north and south to the platted alleys on either side of East 4th Street.

20.03.160 University Village Overlay (UVO); Review Process

Review by Planning Staff:

Planning Staff shall review any proposal that complies with all of the standards in *Section 20.03.190 : University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards*, except where the Proposal meets one of the criteria for Plan Commission Review in this Section.

Review by Plan Commission

The Plan Commission shall review:

- Any proposal identified for Plan Commission review in *Subdivision 20.09.120(E)(1)(A): Site Plan Review Process, Plan Commission;*
- Any proposal that does not comply with all of the standards of *Section 20.03.190: University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards;*
- Any development that includes any of the following uses:
  - Residential Dwelling, Upper Floor Units: Above 50 bedrooms.
  - Residential Dwelling, Multifamily: Ground floor units in the Kirkwood Corridor or Restaurant Row.
  - Retail, High Intensity: Greater than 15,000 square feet gross floor area.
  - Parking Garage/Structure: As a primary use.
- Any proposal adjacent to a residentially zoned district or a residential use.

20.03.170 University Village Overlay (UVO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.190: University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review.*

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.190: University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review.*

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.190: University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review,* and
- Satisfies the design guidelines set forth in *Section 20.03.210: University Village Overlay (UVO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

20.03.180 University Village Overlay (UVO); Effect on Uses

Permitted Uses:

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- All uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the UVO District, except for the following, which shall be excluded from the UVO District:
  - convenience store (with gas or alternative fuels)
- Restaurant Row (The following uses shall be specifically excluded from Restaurant Row):
  - amusements, indoor
  - assisted living facility
  - bank/credit union
  - bar/dance club
  - billiard/arcade room
  - brewpub
  - cellular phone/pager services
  - coin laundry
  - community center
  - computer sales
  - convenience store (without gas)
  - day-care center, adult
  - day-care center, child
  - department store
  - drug store
  - dry-cleaning service
  - fitness center/gym
  - fitness training studio
  - hardware store
  - home electronics/appliance sales
  - hotel/motel
  - license branch
  - liquor/tobacco sales
  - lodge
  - medical care, immediate
  - office supply sales
  - park
  - pawn shop
  - pet grooming
  - pet store
  - radio/TV station
  - recreation center
  - research center
  - school, preschool
  - school, primary/secondary
  - school, trade or business
  - tattoo/piercing parlor
  - theater, indoor
  - transportation terminal
  - utility substation and transmission facility
  - veterinarian clinic

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the UVO District.

20.03.190 University Village Overlay (UVO); Development Standards

(a) Density and Intensity Standards:
- (1) *Maximum Residential Density*: 33 units per acre.
  - (A) Dwelling Unit Equivalents:
    5-bedroom unit: 2 units;
    4-bedroom unit = 1.5 units;
    3-bedroom unit = 1.0 unit;
    2-bedroom unit with less than 950 square feet = 0.66 of a unit;
    1-bedroom unit with less than 700 square feet = 0.25 of a unit;
    Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.
- (2) *Maximum Impervious Surface Coverage*:
  - (A) General: 85%;
  - (B) Kirkwood Corridor: 100%.

(b) Height Standards:
- (1) *General*:
  - (A) Minimum Structure Height: 25 feet
  - (B) Maximum Structure Height: 40 feet
- (2) *Restaurant Row*:
  - (A) Minimum Structure Height: 25 feet.
  - (B) Maximum Structure Height: 35 feet.

(c) Parking Standards:
- (1) *Minimum Surface Parking Setback*:
  - (A) General:
    - (i) Front Yard: 20 feet behind primary structure's front building wall;
    - (ii) Side Yard: 5 feet;
    - (iii) Rear Yard: 5 feet.
  - (B) Kirkwood Corridor:
    - (i) Front Yard: 20 feet behind primary structure's front building wall;
    - (ii) Side Yard: 0 feet;
    - (iii) Rear Yard: 0 feet.
- (2) *Residential Parking Standards*:
  - (A) For the first ten (10) bedrooms, no parking shall be required.
  - (B) For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking space per bedroom shall be provided.
  - (C) For any bedrooms above twenty (20), eight-tenths (0.8) parking space per bedroom shall be provided.
- (3) *Nonresidential Parking Standards*: No parking required

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:
- (1) *Build-to Line*: n/a;
- (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code;
- (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

(e) Ground Floor Nonresidential Uses:
- (1) This subsection shall apply to any property with frontage on the following streets:
  - (A) Kirkwood Avenue
  - (B) 4th Street
  - (C) 3rd Street
  - (D) Washington Street
  - (E) Lincoln Street
  - (F) Grant Street
  - (G) Dunn Street
  - (H) Indiana Avenue
- (2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such

nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

20.03.200 University Village Overlay (UVO); Architectural Standards

These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

(a) Site Plan:

(1) *Building Frontage*: n/a.

(2) *Building Alignment*: New buildings located immediately adjacent to the side of an Outstanding, Notable and/or Contributing structure as identified in the Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall align its respective façade to match the front setback established by a surveyed structure.

(3) *Building Orientation and Entrances*:

(A) For all buildings, any façade facing a public street shall be considered a primary façade.

(B) A minimum of one (1) pedestrian entrance shall be provided for any primary façade which contains at least 66 feet of frontage facing a public street. No primary pedestrian entrance shall be located on a building facade adjacent to an alley.

(i) For structures located within the Kirkwood Corridor, the primary pedestrian entrance shall be oriented to Kirkwood Avenue.

(ii) For structures located within Restaurant Row, the primary pedestrian entrance shall be oriented to 4th Street.

(C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.

(4) *Street Trees*:

(A) General: Street Trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate as approved by the City Urban Forester.

(B) Kirkwood Corridor: For locations along the Kirkwood Corridor, street trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate or in a large curbed planting area as approved by the City Urban Forester.

(C) Restaurant Row: For locations along Restaurant Row, street trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot wide grassed tree plot area as approved by the City Urban Forester.

(5) *Lighting*:

(A) Pedestrian-scale lighting shall be provided as approved by the Board of Public Works and shall meet the following standards:

(i) Height: Pedestrian-scale street lights shall be less than fifteen (15) feet high.

(ii) Design:

[a] General: Traditional or contemporary design styles shall be used.

[b] Kirkwood Corridor and Restaurant Row: Traditional design styles such as gas lamp, acorn, or similar decorative style of street light shall be used.

(B) All exterior building lighting shall comply with *Chapter 20.05; §LG: Lighting Standards*.

(6) *Mechanical Equipment and Service Areas*: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays and recycling storage areas shall be screened from public view by incorporating the following design standards:

(A) Locate mechanical equipment and service areas at the rear of the building, along an alley façade or on the building rooftop;

(B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices and/or landscaping; and

(C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.

(b) Architectural Character:

(1) *Roofs or Building Caps*: Building caps may use different materials, detailed limestone carvings and/or a cornice

integrated with the roof form and downspouts/gutters for storm water diversion to further define the building cap.

(A) General: Buildings shall incorporate roof designs using either *Subdivision 20.03.200(b)(1)(C): Kirkwood Corridor* or *Subdivision 20.03.200(b)(1)(D): Restaurant Row* below.

(B) Minimum Pitch: All sloped roofs shall incorporate a minimum 8/12 pitch.

(C) Kirkwood Corridor:

(i) Buildings shall incorporate flat roofs with parapets.

(ii) In no case shall a parapet exceed fifteen percent (15%) of the supporting wall height.

(D) Restaurant Row:

(i) Buildings shall incorporate sloped or pitched gable and/or hip roofs.

(ii) Roof ridges greater than forty (40) feet in width parallel to a street shall incorporate a minimum of one (1) dormer into this section of sloping roof.

(2) *Void-to-Solid Percentage*:

(A) First Floor (Building Base):

(i) General: Transparent glass areas shall comprise a minimum of fifty percent (50%) of the total wall/façade area of the first floor façade/elevation facing a street.

(ii) Kirkwood Corridor: Transparent glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of sixty percent (60%) of the total wall/façade area of the first floor façade/elevation facing a street.

(B) Upper Stories or Building Middle: Transparent glass or façade openings shall comprise a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade facing a street.

(3) *Windows*:

(A) All windows shall be transparent and shall not make use of dark tinting or reflective glass

(B) First Floor Windows: Large display windows shall be used along all first floor façades facing a street except for structures within Restaurant Row.

(C) Upper Story Windows:

(i) Window frame heights shall be a minimum of one and one-half (1.5) times the window frame width.

(ii) Window frames shall incorporate window sills and lintels and/or window heads that are visually distinct from the primary exterior finish materials used on the respective façade.

(iii) Restaurant Row: Window forms/types shall have the visual appearance of double hung windows.

(5) *Materials*:

(A) General: The following materials are not permitted as primary exterior finish materials:

(i) Highly reflective materials;

(ii) Vinyl;

(iii) EIFS;

(iv) Metal; and

(v) Smooth or Split-faced cement block.

(B) General: The following materials are not permitted as secondary exterior finish materials:

(i) Highly reflective materials;

(ii) Vinyl;

(iii) EIFS.

(C) Kirkwood Corridor: The following materials are not permitted as primary exterior finish materials:

(i) Wood;

(ii) EIFS;

(iii) Smooth-faced or split-faced cement block;

(iv) Vinyl; and

(v) Cementitious siding.

(D) Kirkwood Corridor: The following materials are not permitted as secondary exterior finish materials:

(i) EIFS;

(ii) Vinyl;

(iii) Cementitious siding (first floor only).

(E) Restaurant Row: The following materials are not permitted as primary exterior finish materials:

(i) EIFS;

(ii) Smooth-faced or split-faced cement block;
(iii) Natural stone or masonry;
(iv) Precast concrete;
(v) Vinyl.

(F) Restaurant Row: The following materials are not permitted as secondary exterior finish materials:
(i) EIFS;
(ii) Vinyl.

(6) *Entrance Detailing*:

(A) General: The primary pedestrian entrance for a building shall incorporate three (3) or more of the following architectural design features:
(i) Recessed entry (minimum of four (4) feet);
(ii) Ornamental paving and integral landscape planters;
(iii) Canopy or awning;
(iv) Portico;
(v) Buttress and arched entry;
(vi) Pilasters or façade module projecting from the exterior wall plane;
(vii) Prominent building address, building name and enhanced entryway exterior lighting;
(viii) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk;
(ix) Raised corniced entryway parapet (may exceed building height three (3) feet) or a gable;
(x) Rusticated masonry;
(xi) Landscaped patio area to accommodate a minimum of eight (8) people for outdoor seating.

(B) Restaurant Row: The primary pedestrian entrance for a building shall be designed as follows:
(i) The entrance shall incorporate a front porch, canopy, or awning.
(ii) The entrance shall also incorporate two (2) or more of the architectural design features listed in *Subdivision (A): General* above.

(c) Mass, Scale and Form:

(1) *Building Façade Modulation*: Façade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior façade materials.

(A) Building façades with street frontage shall utilize a maximum façade width interval of fifty (50) feet for a façade module.

(B) The building façade module shall be offset by a minimum depth (projecting or recessing) of three percent (3%) of the total façade length, and the offset shall extend the length of its module.

(2) *Building Height Step Down*: Buildings located immediately adjacent to the side of Outstanding, Notable and Contributing structures as identified in the Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall incrementally step down upper stories at each respective façade module to within one (1) story or fourteen (14) feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

20.03.210 University Village Overlay (UVO); Design Guidelines

In reviewing proposals under this Chapter, the Plan Commission shall consider the following Sections of the Downtown Vision and Infill Strategy Plan that are expressly applicable to the UVO District, and may consider such other material contained in the Downtown Vision and Infill Strategy Plan as the Plan Commission considers relevant to its review:

(a) Site Plan: Guidelines 3.1 and 3.2
(b) Architectural Character: Guidelines 3.3 and 3.4
(c) Mass, Scale and Form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9
(d) Exterior Building Materials: Guidelines 3.10, 3.11 and 3.12
(e) Upper Story Windows: Guidelines 3.13 and 3.14
(f) Entries: Guidelines 3.15 and 3.16
(g) Pedestrian Interest: Guidelines 3.17, 3.18 and 3.19
(h) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22 and 3.23
(i) Parking Structures: Guidelines 3.24 and 3.25
(j) Lighting: Guidelines 3.26, 3.27 and 3.28

20.03.220 Downtown Edges Overlay (DEO); District Intent

The Downtown Edges Overlay (DEO) District is intended to guide both new development and redevelopment activities as follows:

- Ensure that new development is compatible in mass and scale with historic structures in the Downtown Edges Character Area;
- Draw upon the design traditions exhibited by the adjacent established core residential neighborhoods;
- Promote infill and redevelopment of sites using residential densities and building heights that are higher in comparison to adjacent core residential neighborhoods;
- Create a transitional zone between downtown commercial and core residential development where design reflects a mix of traditional commercial storefronts, single-family structures and multifamily terraced-type apartments.

20.03.230 Downtown Edges Overlay (DEO); Review Process

Review by Planning Staff:

Planning Staff shall review any proposal that complies with all of the standards in *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards*, except where the Proposal meets one of the criteria for Plan Commission Review in this Section.

Review by Plan Commission

The Plan Commission shall review:

- Any proposal identified for Plan Commission review in *Subdivision 20.09.120(E)(1)(A): Site Plan Review Process, Plan Commission;*
- Any proposal that does not comply with all of the standards of *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards*;
- Any development that includes any of the following uses:
  - Residential Dwelling, Upper Floor Units: Above 30 bedrooms.
- Any proposal adjacent to a residentially zoned district or a residential use.

20.03.240 Downtown Edges Overlay (DEO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review.*

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review.*

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review,* and
- Satisfies the design guidelines set forth in *Section 20.03.280: Downtown Edges Overlay (DEO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

20.03.250 Downtown Edges Overlay (DEO); Effect on Uses

Permitted Uses:

- All uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the DEO District.

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the DEO District.

20.03.260 Downtown Edges Overlay (DEO); Development Standards

(a) Density and Intensity Standards:
  (1) *Maximum Residential Density*: 20 units per acre
    (A) Dwelling Unit Equivalents:
      5-bedroom unit: 2 units;
      4-bedroom unit = 1.5 units;
      3-bedroom unit = 1.0 unit;
      2-bedroom unit with less than 950 square feet = 0.66 of a unit;
      1-bedroom unit with less than 700 square feet = 0.25 of a unit;
      Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.
  (2) *Maximum Impervious Surface Coverage*: 70%.

(b) Height Standards:
  (1) *Minimum Structure Height*: 25 feet
  (2) *Maximum Structure Height*: 35 feet

(c) Parking Standards:
  (1) *Minimum Surface Parking Setback*:
    (A) Front Yard: 20 feet behind primary structure's front building wall;
    (B) Side Yard: 7 feet;
    (C) Rear Yard: 7 feet.
  (2) *Residential Parking Standards*: 0.8 spaces per bedroom.
  (3) *Nonresidential Parking Standards*: Fifty percent (50%) of the maximum parking permitted in *Chapter 20.05; §PK: Parking Standards*.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:
  (1) *Build-to Line*: n/a;
  (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
  (3) *Minimum Side Setback*: 7 feet;
  (4) *Minimum Rear Setback*: 10 feet.

(e) Ground Floor Nonresidential Uses:
  (1) This subsection shall apply to any property with frontage on the following streets:
    (A) 7th Street (west of Washington Street)
    (B) Kirkwood Avenue (between Rogers Street and Madison Street)
    (C) 3rd Street (between Rogers Street and Dunn Street)
    (D) 2nd Street (between Morton Street and Washington Street)
    (E) Madison Street (north of 3rd Street)
    (F) College Avenue
    (G) Walnut Street (South of 10th Street)
  (2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

20.03.270 Downtown Edges Overlay (DEO); Architectural Standards

These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

(a) Site Plan:
  (1) *Building Frontage*: n/a.
  (2) *Building Alignment*: New buildings located immediately adjacent to the side of an Outstanding, Notable and/or Contributing structure as identified in the Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall align its respective façade to match the front setback established

by a surveyed structure. If no historic structure is located immediately adjacent to the side of the site then the build-to-line as identified in *Division 20.03.260(d)(2): Maximum Front Setback* shall apply.

(3) *Building Orientation and Entrances*:
- (A) For all buildings, any façade facing a public street shall be considered a primary façade.
- (B) A minimum of one (1) pedestrian entrance shall be provided for any primary façade which contains at least 66 feet of frontage facing a public street. No primary pedestrian entrance shall be located on a building facade adjacent to an alley.
- (C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.
- (D) One (1) pedestrian entrance shall be provided per one hundred (100) feet of building frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.
- (E) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge.

(4) *Street Trees*: Street Trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate or in a minimum five (5) foot wide grassed tree plot area as approved by the City Urban Forester.

(5) *Lighting*:
- (A) Pedestrian scaled lighting shall be provided as approved by the Board of Public Works and shall meet the following standards:
  - (i) Height: Pedestrian scaled street lights shall be less than fifteen (15) feet high.
  - (ii) Design: Traditional design styles such as gas lamp, acorn, or similar decorative style of street light shall be used.
- (B) All exterior building lighting shall comply with *Chapter 20.05; §LG: Lighting Standards*.

(6) *Mechanical Equipment and Service Areas*: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays and recycling storage areas shall be screened from public view by incorporating the following design standards:
- (A) Locate mechanical equipment and service areas at the rear of the building, along an alley façade or on the building rooftop;
- (B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices and/or landscaping; and
- (C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.

(b) <u>Architectural Character</u>:

(1) *Roofs or Building Caps*:
- (A) Buildings shall incorporate sloped or pitched gable and/or hip roofs.
- (B) All sloped roofs shall incorporate a minimum 8/12 pitch.
- (C) Roof ridges greater than forty (40) feet in width parallel to a street shall incorporate a minimum of one (1) dormer into this sloping roof section.
- (D) Exemptions: For locations along Rogers Street, College Avenue, Walnut Street, Third Street, and Washington Street, buildings may incorporate flat roofs with parapets.

(2) *Void-to-Solid Percentage*:
- (A) First Floor (Building Base): Transparent glass areas shall comprise a minimum of forty percent (40%) of the wall/façade area of the first floor façade/elevation facing a street.
- (B) Upper Stories (Building Middle): Transparent glass or façade openings shall comprise a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade along each street, but shall not exceed seventy percent (70%) of the wall/façade area of each floor above the first floor façade facing a street.
- (C) Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise a minimum of sixty percent (60%) of the wall/facade area of the first floor facade/

elevation facing the B-Line Trail.

(3) *Windows*:
(A) All windows shall be transparent and shall not make use of dark tinting or reflective glass
(B) Upper Story Windows: Window forms/types shall have the visual appearance of double hung windows.

(4) *Materials*:
(A) The following materials are not permitted as primary exterior finish materials:
(i) Smooth-faced or split-faced cement block;
(ii) Vinyl;
(iii) Highly relective materials;
(iv) EIFS;
(v) Metal;
(vi) Precast concrete.
(B) The following materials are not permitted as secondary exterior finish materials:
(i) Vinyl;
(ii) Highly relective materials;
(iii) EIFS.

(5) *Entrance Detailing*: The primary pedestrian entrance for a building shall incorporate two (2) or more of the following architectural design features:
(A) Recessed entry (minimum of four (4) feet);
(B) Ornamental paving and integral landscape planters;
(C) Canopy or awning;
(D) Portico;
(E) Prominent building address, building name and enhanced entryway exterior lighting;
(F) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk;
(G) Raised corniced entryway parapet (may exceed building height three (3) feet) or a gable;
(H) Landscaped patio area or front porch;

(c) Mass, Scale and Form:
(1) *Building Façade Modulation*: Façade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior façade materials.
(A) Building facades along each street shall utilize a maximum façade width interval of forty-five (45) feet for a façade module.
(B) The building façade module shall be offset by a minimum depth (projecting or recessing) of three percent (3%) of the total façade length, and the offset shall extend the length of its module.

(2) *Building Height Step Down*: Buildings located immediately adjacent to the side of Outstanding, Notable and Contributing structures as identified in the ndiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall incrementally step down upper stories at each respective façade module to within one (1) story or fourteen (14) feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

(3) *Building Height Step Back*: n/a.

20.03.280 Downtown Edges Overlay (DEO); Design Guidelines

In reviewing proposals under this Chapter, the Plan Commission shall consider the following Sections of the Downtown Vision and Infill Strategy Plan that are expressly applicable to the DEO District, and may consider such other material contained in the Downtown Vision and Infill Strategy Plan as the Plan Commission considers relevant to its review:

(a) Site Plan: Guidelines 3.1 and 3.2

(b) Architectural Character: Guidelines 3.3 and 3.4

(c) Mass, Scale and Form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9

(d) Exterior Building Materials: Guidelines 3.10, 3.11 and 3.12

(e) Upper Story Windows: Guidelines 3.13 and 3.14

(f) Entries: Guidelines 3.15 and 3.16

(g) Pedestrian Interest: Guidelines 3.17, 3.18 and 3.19

(h) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22 and 3.23

(i) Parking Structures: Guidelines 3.24 and 3.25

(j) Lighting: Guidelines 3.26, 3.27 and 3.28

20.03.290 Downtown Gateway Overlay (DGO); District Intent

The Downtown Gateway Overlay (DGO) District is intended to guide both new development and redevelopment activities as follows:

- Ensure that new development is compatible in mass and scale with historic structures in the Downtown Gateway Character Area;
- Draw upon architectural detailing and thoughtful site planning to reflect the vital transitional nature of the district to the overall arrival and departure sequence to the downtown area;
- Retain vestiges of residential and traditional commercial storefront design with enhanced street edge and streetscape improvements to improve pedestrian safety;
- Establish a sense of expectation of the character and quality of development that will be found in the core areas of the downtown;
- Create active mixed-use developments that link to adjacent neighborhoods and the downtown circulation network.

20.03.300 Downtown Gateway Overlay (DGO); Review Process

Review by Planning Staff:

Planning Staff shall review any proposal that complies with all of the standards in *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards*, except where the Proposal meets one of the criteria for Plan Commission Review in this Section.

Review by Plan Commission

The Plan Commission shall review:

- Any proposal identified for Plan Commission review in *Subdivision 20.09.120(E)(1)(A): Site Plan Review Process, Plan Commission;*
- Any proposal that does not comply with all of the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards*;
- Any development that includes any of the following uses:
  - Residential Dwelling, Upper Floor Units: Above 30 bedrooms.
  - Residential Dwelling, Multifamily: Ground floor units.
  - Retail, High Intensity: Greater than 30,000 square feet gross floor area.
  - Parking Garage/Structure: As a primary use.
- Any proposal adjacent to a residentially zoned district or a residential use.

20.03.310 Downtown Gateway Overlay (DGO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review.*

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Downtown Gateway Overlay (DGO); Site Plan Review.*

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review,* and
- Satisfies the design guidelines set forth in *Section 20.03.350: Downtown Gateway Overlay (DGO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

20.03.320 Downtown Gateway Overlay (DGO); Effect on Uses

Permitted Uses:

- All uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the DGO District.

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the DGO District.

20.03.330 Downtown Gateway Overlay (DGO); Development Standards

(a) Density and Intensity Standards:
  (1) *Maximum Residential Density*: 33 units per acre
    (A) Dwelling Unit Equivalents:
      5-bedroom unit: 2 units;
      4-bedroom unit = 1.5 units;
      3-bedroom unit = 1.0 unit;
      2-bedroom unit with less than 950 square feet = 0.66 of a unit;
      1-bedroom unit with less than 700 square feet = 0.25 of a unit;
      Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.
  (2) *Maximum Impervious Surface Coverage*: 75%.

(b) Height Standards:
  (1) *Minimum Structure Height*: 25 feet
  (2) *Maximum Structure Height*: 40 feet

(c) Parking Standards:
  (1) *Minimum Surface Parking Setback*:
    (A) Front Yard: 20 feet behind primary structure's front building wall.
    (B) Side Yard: 5 feet.
    (C) Rear Yard: 5 feet.
  (2) *Residential Parking Standards*:
    (A) For the first ten (10) bedrooms, no parking shall be required.
    (B) For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.
    (C) For any bedrooms above twenty (20), eight-tenths (0.8) parking spaces per bedroom shall be provided.
  (3) *Nonresidential Parking Standards*: Seventy-five percent (75%) of the maximum parking permitted in *Chapter 20.05; §PK: Parking Standards*.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:
  (1) *Build-to Line*: n/a;
  (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
  (3) *Minimum Side Setback*: 5 feet;
  (4) *Minimum Rear Setback*: 5 feet.

(e) Ground Floor Nonresidential Uses:
  (1) This subsection shall apply to any property with frontage on the following streets:
    (A) 10th Street
    (B) 2nd Street
    (C) College Avenue (between 1st Street and 2nd Street)
    (D) Walnut Street (between 1st Street and 2nd Street)
  (2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

20.03.340 Downtown Gateway Overlay (DGO); Architectural Standards

These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

(a) Site Plan:
  (1) *Building Frontage*: n/a.
  (2) *Building Alignment*: New buildings located immediately adjacent to the side of an Outstanding, Notable

and/or Contributing structure as identified in the ndiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall align its respective façade to match the front setback established by a surveyed structure.

(3) *Building Orientation and Entrances*:
- (A) For all buildings, any façade facing a public street shall be considered a primary façade.
- (B) A minimum of one (1) pedestrian entrance shall be provided for any primary façade which contains at least 66 feet of frontage facing a public street. No primary pedestrian entrance shall be located on a building facade adjacent to an alley.
- (C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.
- (D) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge.
- (E) One (1) pedestrian entrance shall be provided per one hundred (100) feet of building frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

(4) *Street Trees*: Street Trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate or in a minimum five (5) foot wide grassed tree plot area as approved by the City Urban Forester.

(5) *Lighting*:
- (A) Pedestrian scaled lighting shall be provided as approved by the Board of Public Works and shall meet the following standards:
  - (i) Height: Pedestrian scaled street lights shall be less than fifteen (15) feet high.
  - (ii) Design: Traditional or contemporary design styles of street light shall be used.
- (B) All exterior building lighting shall comply with *Chapter 20.05; §LG: Lighting Standards*.

(6) *Mechanical Equipment and Service Areas*: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays and recycling storage areas shall be screened from public view by incorporating the following design standards:
- (A) Locate mechanical equipment and service areas at the rear of the building, along an alley façade or on the building rooftop;
- (B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices and/or landscaping; and
- (C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.

(b) Architectural Character:

(1) *Roofs or Building Caps*: Buildings shall incorporate roof designs using either flat roofs with parapets or sloped or pitched gable and/or hip roofs to further define the building cap.
- (A) In no case shall a parapet exceed fifteen percent (15%) of the supporting wall height.
- (B) All sloped roofs shall incorporate a minimum 8/12 pitch.
- (C) Sloped roof ridges greater than sixty-five (65) feet in width parallel to a street shall incorporate a minimum of one (1) dormer into this sloping roof section.

(2) *Void-to-Solid Percentage*:
- (A) First Floor (Building Base): Transparent glass shall areas shall comprise a minimum of forty percent (40%) of the total wall/façade area of the first floor façade/elevation facing a street.
- (B) Upper Stories (Building Middle): Transparent glass or façade openings shall comprise a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade facing a street, but shall not exceed eighty percent (80%) of the wall/façade area of each floor above the first floor façade facing a street.
- (C) Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise a minimum of sixty percent (60%) of the wall/facade area of the first floor facade/elevation facing the B-Line Trail.

(3) *Windows*:
(A) All windows shall be transparent and shall not make use of dark tinting or reflective glass.
(B) Large display windows shall be used along all first floor façades facing a street.

(4) *Materials*:
(A) The following materials are not permitted as primary exterior finish materials:
(i) Highly reflective materials;
(ii) Vinyl;
(iii) Metal;
(iv) EIFS.
(B) The following materials are not permitted as secondary exterior finish materials:
(i) Highly reflective materials;
(ii) Vinyl;
(iii) EIFS.

(5) *Entrance Detailing*: The primary pedestrian entrance for a building shall incorporate three (3) or more of the following architectural design features:
(A) Recessed entry (minimum of four (4) feet);
(B) Ornamental paving and integral landscape planters;
(C) Canopy or awning;
(D) Portico;
(E) Buttress and arched entry;
(F) Pilasters or façade module projecting from the exterior wall plane;
(G) Prominent building address, building name and enhanced entryway exterior lighting;
(H) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk;
(I) Raised corniced entryway parapet (may exceed building height three (3) feet) or a gable;
(J) Front porch.

(c) Mass, Scale and Form:
(1) *Building Façade Modulation*: Façade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior façade materials.
(A) Building facades with street frontage shall utilize a maximum façade width interval of sixty-five (65) feet for a façade module.
(B) Building façade module shall be offset by a minimum depth (projecting or recessing) of three percent (3%) of the total façade length, and the offset shall extend the length of its module.

(2) *Building Height Step Down*: Buildings located immediately adjacent to the side of Outstanding, Notable and Contributing structures as identified in the ndiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall incrementally step down upper stories at each respective façade module to within one (1) story or fourteen (14) feet whichever is less above the highest elevation of the respective adjacent historic structure.

(3) *Building Height Step Back*:
(A) Building facades over thirty-five (35) feet in height shall step back the horizontal façade/wall plane a minimum of fifteen (15) feet from the horizontal façade/wall plane below twenty-five (25) feet in height.
(B) The first twenty-five (25) feet of a building façade shall not utilize a building height step back.

20.03.350 Downtown Gateway Overlay (DGO); Design Guidelines

In reviewing proposals under this Chapter, the Plan Commission shall consider the following Sections of the Downtown Vision and Infill Strategy Plan that are expressly applicable to the DGO District, and may consider such other material contained in the Downtown Vision and Infill Strategy Plan as the Plan Commission considers relevant to its review:

(a) Site Plan: Guidelines 3.1 and 3.2

(b) Architectural Character: Guidelines 3.3 and 3.4
(c) Mass, Scale and Form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9
(d) Exterior Building Materials: Guidelines 3.10, 3.11 and 3.12
(e) Upper Story Windows: Guidelines 3.13 and 3.14
(f) Entries: Guidelines 3.15 and 3.16
(g) Pedestrian Interest: Guidelines 3.17, 3.18 and 3.19
(h) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22 and 3.23
(i) Parking Structures: Guidelines 3.24 and 3.25
(j) Lighting: Guidelines 3.26, 3.27 and 3.28

20.03.360 Showers Technology Park Overlay (STPO); District Intent

The Showers Technology Park Overlay (STPO) District is intended to guide both new development and redevelopment activities as follows:

- Ensure that new development is compatible in mass and scale with historic structures in the Showers Technology Park Character Area;
- Draw upon neo-traditional design concepts to extend the street grid and to create publicly accessible open space;
- Integrate a campus style of development that is strategically planned to provide convenient connections and access to the Courthouse Square for pedestrian and vehicular circulation;
- Promote mixed-use development focused on light industrial/manufacturing and office uses where live-work, young professional, single-family, empty nester and retiree housing markets are targeted.

20.03.370 Showers Technology Park Overlay (STPO); Review Process

Review by Planning Staff:

Planning Staff shall review any proposal that complies with all of the standards in *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*, except where the Proposal meets one of the criteria for Plan Commission Review in this Section.

Review by Plan Commission

The Plan Commission shall review:

- Any proposal identified for Plan Commission review in *Subdivision 20.09.120(e)(1)(A): Site Plan Review Process, Plan Commission;*
- Any proposal that does not comply with all of the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*;
- Any development that includes any of the following uses:
  - Residential Dwelling, Upper Floor Units: Above 30 bedrooms.
  - Residential Dwelling, Multifamily: Ground floor units.
  - Retail, High Intensity: Greater than 15,000 square feet gross floor area.
  - Parking Garage/Structure: As a primary use.
- Any proposal adjacent to a residentially zoned district or a residential use.

20.03.380 Showers Technology Park Overlay (STPO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review.*

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review.*

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review,* and
- Satisfies the design guidelines set forth in *Section 20.03.420: Showers Technology Park Overlay (STPO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

20.03.390 Showers Technology Park Overlay (STPO); Effect on Uses

Permitted Uses:

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- All uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the STPO District, except for the following, which shall be excluded from the STPO District:
  - amusements, Indoor
  - assisted living facility
  - billiard/arcade room
  - coin laundry
  - convenience store (with gas or alternative fuels)
  - department store
  - drugstore
  - dwelling, multifamily
  - equipment/party/event rental (indoor)
  - garden shop
  - grocery/supermarket
  - hardware store
  - home electronics/appliance sales
  - liquor/tobacco sales
  - lodge
  - pawn shop
  - place of worship
  - theater, indoor
- The following uses are also permitted uses in the STPO District:
  - dwelling, upper floor units*

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the STPO District.
- The following uses are also conditional uses in the STPO District:
  - place of worship

20.03.400 Showers Technology Park Overlay (STPO); Development Standards

(a) Density and Intensity Standards:
  (1) *Maximum Residential Density*: 15 units per acre
    (A) Dwelling Unit Equivalents:
      5-bedroom unit: 2 units;
      4-bedroom unit = 1.5 units;
      3-bedroom unit = 1.0 unit;
      2-bedroom unit with less than 950 square feet = 0.66 of a unit;
      1-bedroom unit with less than 700 square feet = 0.25 of a unit;
      Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.
  (2) *Maximum Impervious Surface Coverage*: 75%

(b) Height Standards:
  (1) *Minimum Structure Height*: 25 feet.
  (2) *Maximum Structure Height*: 45 feet.

(c) Parking Standards:
  (1) *Minimum Surface Parking Setback*:
    (A) Front Yard: 20 feet behind primary structure's front building wall
    (B) Side Yard: 7 feet
    (C) Rear Yard: 7 feet
  (2) *Residential Parking Standards*:
    (A) For the first ten (10) bedrooms, no parking shall be required.
    (B) For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.
    (C) For any bedrooms above twenty (20), eight-tenths (0.8) parking spaces per bedroom shall be provided.
  (3) *Nonresidential Parking Standards*:
    (A) Commercial Retail: No parking required;
    (B) Other Nonresidential Uses: Seventy-five percent (75%) of the maximum parking permitted in *Chapter 20.05; §PK: Parking Standards*.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:
  (1) *Build-to Line*: n/a
  (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way
  (3) *Minimum Side Setback*: 5 feet
  (4) *Minimum Rear Setback*: 5 feet

20.03.410 Showers Technology Park Overlay (STPO); Architectural Standards

These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

(a) Site Plan:
  (1) *Building Frontage*: n/a
  (2) *Building Alignment*: New buildings located immediately adjacent to the side of an Outstanding, Notable and/or Contributing structure as identified in the ndiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall align its respective façade to match the front setback established by a surveyed structure.
  (3) *Building Orientation and Entrances*:
    (A) For all buildings, any façade facing a public street shall be considered a primary façade.
    (B) A minimum of one (1) pedestrian entrance shall be provided for any primary façade which contains at least 66 feet of frontage facing a public street. No primary pedestrian entrance shall be located on a building facade adjacent to an alley.
    (C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.

(D) B-Line Trail:
(i) One (1) pedestrian entrance shall be provided per one hundred (100) feet of building frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.
(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of fifteen (15) feet from the right-of-way edge.
(iii) The pedestrian entrance shall incorporate a landscaped plaza area that provides three (3) or more of the following plaza amenities:
[a] Benches (minimum of two (2));
[b] Informational kiosk (for public use to display flyers);
[c] Bike racks;
[d] Public art;
[e] Drinking fountain;
[f] Trash receptacles.

(4) *Street Trees*: Street Trees shall be planted as required in *Chapter 20.05; §LA: Landscaping Standards* in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate or in a minimum five (5) foot wide grassed tree plot area as approved by the City Urban Forester.

(5) *Lighting*:
(A) Pedestrian scaled lighting shall be provided as approved by the Board of Public Works and shall meet the following standards:
(i) Height: Pedestrian scaled street lights shall be less than fifteen (15) feet high.
(ii) Design: Contemporary design styles of street lights shall be used.
(B) All exterior building lighting shall comply with *Chapter 20.05; §LG: Lighting Standards*.

(6) *Mechanical Equipment and Service Areas*: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays and recycling storage areas shall be screened from public view by incorporating the following design standards:
(A) Locate mechanical equipment and service areas at the rear of the building, along an alley façade or on the building rooftop;
(B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices and/or landscaping; and
(C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.

(b) Architectural Character:

(1) *Roofs or Building Caps*:
(A) Buildings shall incorporate roof designs using either flat roofs with parapets or sloped or pitched gable and/or hip roofs to further define the building cap.
(B) All sloped roofs shall incorporate a minimum 8/12 pitch.
(C) Sloped roof ridges greater than sixty-five (65) feet in width parallel to a street shall incorporate a minimum of one (1) dormer into this sloping roof section.
(D) In no case shall a flat roof incorporate a parapet that exceeds fifteen percent (15%) of the supporting wall height.

(2) *Void-to-Solid Percentage*:
(A) First Floor (Building Base): Glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of forty percent (40%) of the wall/façade area of the first floor façade/elevation facing a street or the B-Line Trail.
(B) Upper Stories (Building Middle): Façade openings shall comprise a minimum of twenty percent (20%) of wall/façade area of each floor above the first floor façade facing a street or the B-Line Trail.
(C) Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise a minimum of sixty percent (60%) of the wall/facade area of the first floor facade/elevation facing the B-Line Trail.

(3) *Windows*: n/a.

(4) *Materials*:

(A) The following materials are not permitted as primary exterior finish materials:
(i) Wood;
(ii) Vinyl;
(iii) Smooth-faced cement block;
(iv) Cementitious siding;
(v) EIFS.
(B) The following materials are not permitted as secondary exterior finish materials:
(i) Vinyl;
(ii) EIFS.

(5) *Entrance Detailing*: The primary pedestrian entrance for a building shall incorporate three (3) or more of the following architectural design features:
(A) Recessed entry (minimum of four (4) feet);
(B) Plaza space with ornamental paving and integral landscape planters;
(C) Canopy or awning;
(D) Buttress and arched entry;
(E) Pilasters or façade module projecting from the exterior wall plane;
(F) Prominent building address, building name and enhanced entryway exterior lighting;
(G) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk;
(H) Raised corniced entryway parapet (may exceed building height three (3) feet).

(c) Mass, Scale and Form:
(1) *Building Façade Modulation*: Façade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior façade materials.
(A) Building facades along each street and the B-Line Trail shall utilize a maximum façade width interval of one hundred (100) feet for a façade module.
(B) The building façade module shall be offset by a minimum depth (projecting or recessing) of three percent (3%) of the total façade length, and the offset shall extend the length of its module.
(2) *Building Height Step Down*: Buildings located immediately adjacent to the side of Outstanding, Notable and Contributing structures as identified in the ndiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report shall incrementally step down upper stories at each respective façade module to within one (1) story or fourteen (14) feet whichever is less above the highest elevation of the respective adjacent historic structure.
(3) *Building Height Step Back*:
(A) Building façades over thirty-five (35) feet in height shall step back the horizontal façade/wall plane a minimum of fifteen (15) feet from the horizontal façade/wall plane below thirty-five (35) feet in height.
(B) The first twenty-five (25) feet of a building façade shall not utilize a building height step back.

20.03.420 Showers Technology Park Overlay (STPO); Design Guidelines

In reviewing proposals under this Chapter, the Plan Commission shall consider the following Sections of the Downtown Vision and Infill Strategy Plan that are expressly applicable to the STPO District, and may consider such other material contained in the Downtown Vision and Infill Strategy Plan as the Plan Commission considers relevant to its review:

(a) Site Plan: Guidelines 3.1 and 3.2
(b) Architectural Character: Guidelines 3.3 and 3.4
(c) Mass, Scale and Form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9
(d) Exterior Building Materials: Guidelines 3.10, 3.11 and 3.12
(d) Upper Story Windows: Guidelines 3.13 and 3.14
(e) Entries: Guidelines 3.15 and 3.16
(f) Pedestrian Interest: Guidelines 3.17, 3.18 and 3.19
(g) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22 and 3.23
(h) Parking Structures: Guidelines 3.24 and 3.25
(i) Lighting: Guidelines 3.26, 3.27 and 3.28

Chapter

20.04

Planned Unit Development Districts

City of Bloomington
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Planned Unit Development (PD) Districts

20.04.010 District Intent
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20.04.040 General Standards
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20.04.080 Process; PUD District Ordinance and Preliminary Plan
20.04.090 Process; Final Plan

20.04.010 District Intent

The purpose of the Planned Unit Development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one (1) or more of the following advantages:

(a) Implement the guiding principles and land us policies of the Growth Policies Plan; specifically reflect the policies of the Growth Policies Plan specific to the neighborhood in which the Planned Unit Development is to be located;

(b) Buffer land uses proposed for the PUD so as to minimize any adverse impact which new development may have on surrounding properties; additionally proved buffers and transitions of density within the PUD itself to distinguish between different land use areas;

(c) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;

(d) Counteract urban monotony and congestion on streets;

(e) Promote architecture that is compatible with the surroundings; and

(f) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.

(g) Provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance.

20.04.020 General Regulations

(a) Permitted Uses:

(1) The permitted uses in a PUD District Ordinance are subject to the discretion and approval of the Plan Commission and Common Council.

(2) The permitted uses shall be determined in consideration of the Growth Policies Plan, the existing zoning district designation of the area being rezoned to a Planned Unit Development, the land uses contiguous to the area being rezoned to a Planned Unit Development, and the Development Standards and Design Standards of the Unified Development Ordinance.

(b) Development Standards:

(1) The development standards in a PUD District Ordinance are subject to the discretion and approval of the Plan Commission and Common Council.

(2) The development standards shall be determined in consideration of the Growth Policies Plan, the existing zoning district designation of the area being rezoned to a Planned Unit Development, and the Development and Design Standards of the Unified Development Ordinance.

20.04.030 Qualifying Standards

(a) The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants or commitments that run to the benefit of the zoning jurisdiction.

(b) The minimum gross area required for a Planned Unit Development is five (5) acres. The minimum gross area may be waived by the Plan Commission if it is demonstrated that granting such waiver is consistent with the District Intent as specified in *Section 20.04.010: District Intent*.

(c) A Planned Unit Development may be established in any district except for the Commercial Downtown (CD) zoning district.

20.04.040 General Standards

(a) Any qualifying parcel may be rezoned to a Planned Unit Development zoning district after compliance with *Chapter 20.04: Planned Unit Development Districts*, Plan Commission review, and Common Council approval.

(b) The requirements of *Chapter 20.05: Development Standards* and *Chapter 20.07: Design Standards* of the Unified Development Ordinance shall apply to Planned Unit Developments unless alternate standards are deemed appropriate by the Plan Commission and Common Council. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of Planned Unit Developments, specified in *Section 20.04.010: District Intent*, as determined by the Plan Commission and Common Council.

(c) The PUD District Ordinance shall indicate the land uses, development requirements, and other applicable specifications that shall govern the Planned Unit Development. If the PUD District Ordinance is silent on a particular land use, development requirement, or other specification, the standard of the zoning district specified in the PUD District Ordinance or the applicable regulations shall apply. The development requirements that apply to the specified zoning district shall apply to the Planned Unit Development zoning district unless the PUD District Ordinance specifies an alternate standard. The PUD District Ordinance may set land use, development requirement, or other specifications for aspects of the development on which the Unified Development Ordinance is otherwise silent, but may specify alternatives only to the standards of the provisions listed below, and may not specify alternatives to any requirement of this UDO that is not listed below:

(1) *Chapter 20.02: Zoning Districts*; and

(2) *Chapter 20.05: Development Standards*.

(d) The Preliminary Plan shall show the conceptual location of all proposed improvements.

20.04.050 Origination of Proposals

Any property owner may propose a Planned Unit Development zoning district in accordance with these procedures. A parcel proposed for a Planned Unit Development is not required to be under single ownership. However, if not under single ownership, the multiple owners must all consent to the development of their individual properties consistent with the requirements of the proposed PUD District Ordinance. Any transfer of land within the development resulting in ownership within the development by two (2) or more parties after an application has been filed shall not alter the applicability of the regulations contained in the Unified Development Ordinance. A Preliminary Plan approved hereunder shall be binding upon the petitioner, their successors and assigns and shall limit and control the issuance and validity of all Certificates of Zoning Compliance.

20.04.060 Rules of Procedure

All proceedings brought under this section are subject to the Plan Commission Rules of Procedure, where not described otherwise herein. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Chapter 20.09: Processes, Permits and Fees* of the Unified Development Ordinance.

20.04.070 Limitation of Revisions to the Unified Development Ordinance

(a) Changes to the Unified Development Ordinance that directly affect public health and safety shall apply to any Planned Unit Development even if such changes are adopted during the Planned Unit Development build-out. In addition, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*, changes to the Unified Development Ordinance which alter any development standards for which the PUD District Ordinance is silent shall be enforced upon the Planned Unit Development.

(b) If a Planned Unit Development is no longer proceeding in accordance with its PUD District Ordinance, commitments, or time requirements imposed herein or by agreement, amendments to the Unified Development Ordinance may be applied to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*.

(c) All Planned Unit Developments, once at least ninety-five percent (95%) built-out, may be subject to being rezoned into an appropriate standard zoning district if the Common Council deems it necessary.

20.04.080 Process; PUD District Ordinance and Preliminary Plan

(a) Purpose and Intent:

(1) *PUD District Ordinance*: The purpose of the PUD District Ordinance is to:

(A) Designate a parcel of real property as a Planned Unit Development zoning district;

(B) Specify uses or a range of uses permitted in the Planned Unit Development zoning district;

(C) Specify development requirements in the Planned Unit Development zoning district;

(D) Specify the plan documentation and supporting documentation that may be required;

(E) Specify any limitation applicable to the Planned Unit Development zoning district; and

(F) Meet the requirements of IC 36-7-4-1500 *et seq*.

(2) *Preliminary Plan*: The purpose of a Preliminary Plan is to delineate the location of basic elements such as land uses, vehicular and pedestrian traffic routes, drainage, perimeter buffer yards, and other site planning elements.

(b) Prerequisites:

(1) *Pre-submittal Meeting*: Prior to submitting a Planned Unit Development application, the petitioner shall meet with the Planning Department to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The planning staff shall aid and advise the petitioner in preparing the application and supportive documents as necessary.

(2) *Development Review Committee*: After the required pre-submittal meeting, and after the Planning Department determines that it has received a submittal that is sufficiently complete for Development Review Committee review, the planning staff may place the item on an agenda of the Development Review Committee and inform the petitioner of the time, date, and place of the meeting.

(3) *Neighborhood Meeting*: The petitioner shall conduct a neighborhood meeting prior to filing a petition to rezone a site to a Planned Unit Development. Notice of the neighborhood meeting shall be made to any neighborhood association on record with the City within a five hundred (500) foot radius of the boundaries of the proposed Planned Unit Development. Such notice shall be made to the neighborhood associations and the Planning Department at least seven (7) days in advance of the meeting. Planning Department staff may require additional neighborhood meetings if significant changes are made to a Planned Unit Development proposal after the initial neighborhood meeting occurs.

(c) Applicability: *Section 20.04.080* is applicable to new Planned Unit Development proposals, and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD District Ordinance or the general layout of any element of the Preliminary Plan.

(d) Application: An Application for a Planned Unit Development shall not be considered complete until all information and documentation required by this Subsection has been submitted and all meetings required by *Subsection 20.04.080(b)* of this Section have been completed. Applications shall include, but not be limited to, the following documents:

(1) *Application Form*: An application form as provided by the Planning Department.

(2) *PUD District Ordinance*: A narrative document that provides the following information:

(A) Proposed Uses:

(i) A list of the specified zoning districts to be used for use regulation in each land use component; or

(ii) A specific list of uses for each land use component area.

(B) Proposed Development Standards:

(i) A list of the specified zoning districts to be used for development standards regulation in each land use component; and

(ii) Any deviation from the standards in each land use component.

(C) Proposed Design Standards: Any deviations or additions to the design standards of *Chapter 20.07: Design Standards*.

(3) *Preliminary Plan*: A drawing of the Planned Unit Development shall be prepared and shall show enough details to indicate the character of the proposed development. The submission shall include:

(A) Map data including the name of development, north point, scale and date of preparation.

(B) Existing Conditions:

(i) A current topographic survey including two-foot (2') contours and a location map.

(ii) Existing conditions on adjoining land: land use, topography, use and location of buildings, railroads, and utilities; name of any adjoining subdivision plat;

(iii) Existing streets on and adjacent to the tract, including street name, right-of-way width, pavement width, and pedestrian facilities;

(iv) Existing utilities on the tract;

(v) Any land on the tract within the regulated floodplain, including a delineation of floodway and floodway fringe;

(vi) Streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the Master Thoroughfare Plan and other relevant documents.

(C) Boundary lines and acreage of each proposed land use component;

(D) Conceptual location of roads, buildings, structures, and parking areas;

(E) Location, acreage, use and description of open space areas;

(F) Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees six (6) inches dbh, surface karst features, steep and excessive slopes, existing structures and other significant features.

(4) *Supportive Information*:

(A) Infrastructure Plan: Preliminary concepts and feasibility reports for roads, utilities, storm water management and pedestrian ways.

(B) Traffic Analysis: If requested by the planning staff or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.

(C) Description of Character: A written description explaining the character of the Planned Unit Development. The description shall include a specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies of the City.

(D) Ownership: Statement of present and proposed ownership of all land within the project including ownership of any open space.

(E) Development Schedule: Development Schedule indicating the stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.

(F) Environmental Plan: Documentation necessary to demonstrate compliance with *Chapter 20.05; §EN: Environmental Standards*, where applicable.

(G) Architectural Character: Narrative, renderings, representative photographs, or other materials that illustrate the proposed architectural character of development within the Planned Unit Development. Such material shall clearly depict the massing, scale and architectural detail of the proposed development.

(H) Additional Information: Such other additional information as may be required by the planning staff to evaluate the application. The planning staff shall inform the applicant of any additional documents or data requirements after the pre-application conference.

(e) Planning Department:

(1) *Review*: The Planning Department shall review the PUD District Ordinance and Preliminary Plan and shall forward the application and the results of the review to the Plan Commission for its consideration, public hearing and recommendations together with the planning staff's report and such other documents as may be pertinent to the Planned Unit Development.

(f) Plan Commission:

(1) *Decision*: The Plan Commission shall:

(A) Forward the petition to the Common Council with:

(i) A favorable recommendation;

(ii) A favorable recommendation and conditions, commitments, and/or changes to the PUD District Ordinance or to the Preliminary Plan;

(iii) A negative recommendation; or

(iv) No recommendation; or

(B) Continue the petition to a definite future meeting date.

(2) *Changes by Plan Commission*: The Plan Commission may vote to favorably recommend a proposal with changes to the PUD District Ordinance or to the Preliminary Plan if the petitioner agrees in writing to the changes. If the petitioner is unable to respond to the proposed changes prior to the vote, then such motion and vote shall be in the alternative: either for favorable recommendation, with the changes, contingent upon the petitioner's acceptance of the changes in writing within ten (10) days of the Plan Commission's approval, or, in the alternative, if the petitioner fails to accept the changes in writing within said specified time, the Plan Commission's motion and vote shall be to continue the application to the next Plan Commission meeting. The Plan Commission shall permit the petitioner to comment upon changes to the PUD District Ordinance or to the Preliminary Plan made by the Plan Commission after a motion to approve with changes is made but prior to the vote, and the Plan Commission may amend its motion accordingly.

(3) *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the PUD District Ordinance and Preliminary Plan that address the comments, concerns, and conditions of approval of the Plan Commission. The petitioner shall refer to the application form to determine the format and number of copies of the revised plans to deliver to the Planning Department.

(4) *Final Plan Review Authority*: In general, the Plan Commission shall review all Final Plans. When adequate detail has been provided on a Preliminary Plan, the Plan Commission may, at the time of its favorable recommendation of a Planned Unit Development, delegate the review of Final Plans to the Planning staff. If the Plan Commission recommends denial of a Planned Unit Development or provides no recommendation on the Planned Unit Development, and the Common Council approves the Planned Unit Development, the Plan Commission shall review all Final Plans.

(g) Common Council:

(1) *Action*: The Common Council shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal. The Common Council may adopt or reject the proposal and may also exercise powers set forth under IC 36-7-4-1500 et seq. Those powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allowing or requiring the owner of real property to make written commitments. If the Plan Commission has given the proposal a favorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the Ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the proposal is defeated.

(2) *Effect of Approval of a PUD District Ordinance and Preliminary Plan*:

(A) When a PUD District Ordinance and Preliminary Plan for a Planned Unit Development have been approved by the Common Council, the PUD District Ordinance and Preliminary Plan shall become effective and its location shall be shown on the zoning map. The zoning map shall be amended to designate the site as a Planned Unit Development zoning district.

(B) Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance and Preliminary Plan, subject to approval of a Final Plan.

(C) No permit of any kind shall be issued until the Final Plan has been approved.

(h) Review Considerations: In their consideration of a PUD District Ordinance and Preliminary Plan, the Plan Commission and Common Council shall consider as many of the following as may be relevant to the specific proposal. The following list shall not be construed as providing a prioritization of the items on the list. Each item shall be considered individually as it applies to the specific Planned Unit Development proposal.

(1) The extent to which the proposed Preliminary Plan meets the requirements, standards, and stated purpose of Chapter 20.04*: Planned Unit Development Districts*.

(2) The extent to which the proposed Preliminary Plan departs from the Unified Development Ordinance provisions otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.

(3) The extent to which the Planned Unit Development meets the purposes of this Unified Development Ordinance, the Growth Policies Plan, and any other adopted planning objectives of the City. Any specific benefits shall be specifically cited.

(4) The physical design of the Planned Unit Development and the extent to which it:

(A) Makes adequate provision for public services;

(B) Provides adequate control over vehicular traffic;

(C) Provides for and protects designated common open space; and

(D) Furthers the amenities of light and air, recreation and visual enjoyment.

(5) The relationship and compatibility of the proposed Preliminary Plan to the adjacent properties and neighborhood, and whether the proposed Preliminary Plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.

(6) The desirability of the proposed Preliminary Plan to the City's physical development, tax base and economic well-being.

(7) The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.

(8) The proposal preserves significant ecological, natural, historical and architectural resources.

(9) The proposal will not be injurious to the public health, safety, and general welfare.

(10) The proposal is an effective and unified treatment of the development possibilities on the PUD site.

(i) Duration:

(1) *Abandonment*: The Preliminary Plan shall be considered abandoned if, two (2) years after the approval of the Preliminary Plan by the Common Council, no Final Plan approval has been granted for any section of the Planned Unit Development. In such cases, the Plan Commission shall determine if the Preliminary Plan should be extended for a period up to a maximum of one hundred eighty (180) days. If no extension is sought for the Planned Unit Development, and the two (2) year period since Common Council approval has elapsed, the Plan Commission may initiate a proposal to rezone the area designated as a Planned Unit Development to an appropriate zoning district. Any such rezoning must follow the process provided in *Section 20.09.160: Amendment to Zoning Map*. The owner or owners of any property proposed to be rezoned by the Plan Commission under the provisions of this Division shall be notified at least ten (10) days in advance of the Plan Commission public hearing on the proposed rezoning.

(2) *Review*: If, ten (10) years after the approval of the Preliminary Plan by the Common Council, Final Plan approval has been granted for one or more sections of the Planned Unit Development, but sections of the Planned Unit Development remain without approved Final Plans, the Plan Commission may, on its own initiative, make a recommendation to the Common Council to rezone those portions of the Planned Unit Development that do not have approved Final Plans to an appropriate zoning district.

(j) Changes or Amendments:

(1) *PUD District Ordinance*: Amendments to the PUD District Ordinance shall follow the procedure for creating a new PUD District Ordinance pursuant to *Section 20.04.080: Process; PUD District Ordinance and Preliminary Plan*.

(2) *Preliminary Plan*: To the extent that a Preliminary Plan is a conceptual and general rendering of a proposed development conforming to the PUD District Ordinance, a Final Plan may deviate from the approved Preliminary Plan in some respects without necessitating an amendment to the Preliminary Plan. However, any deviation from an approved Preliminary Plan that alters the concept or intent of the Planned Unit Development shall be subject to the procedure for approval of a new Preliminary Plan. The Plan Commission may require that an application for Preliminary Plan Amendment encompass the entire Planned Unit Development. Deviations that require a Preliminary Plan Amendment include, but are not limited to, the following:

(A) Changes in the location, proportion or allocation of uses, or changes to the types of uses allowed;
(B) Increases in residential density;
(C) More than a ten percent (10%) change to the proportion of housing types;
(D) Substantial increase in the cube of a building;
(E) More than a one percent (1%) reduction of proposed open space;
(F) Changes in functional uses of open space, where such change constitutes an intensification of open space usage;
(G) Substantial change in the ratio of off-street parking spaces to use;
(H) Substantial changes in standards, continuity, or general location of roads, utilities, or storm water management features; or
(I) Substantive changes in the Covenants, Conditions and Restrictions, or other governing agreements, that affect any matter regulated by this Unified Development Ordinance.

20.04.090 Process; Final Plan

(a) Purpose and Intent: The purpose of the Final Plan is to designate with particularity the controls for development of the Planned Unit Development. The Final Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.

(b) Prerequisites: The Final Plan shall conform to the PUD District Ordinance and Preliminary Plan as approved.

(c) Applicability:
- (1) *Effect of Approval of Final Plan*: No permit of any kind shall be issued for any purpose within a Planned Unit Development zoning district except in accordance with the approved Final Plan.
- (2) No permit of any kind shall be issued until the Final Plan has been approved.

(d) Application:
- (1) *Supportive Documentation*: The application shall include, but not be limited to, the following documents:
  - (A) An accurate map exhibit of the entire phase for which Final Plan approval is being requested.
  - (B) Such additional information as may have been required by the Preliminary Plan approval.
  - (C) An accurate map exhibit of each separate un-subdivided use area, including open space.
  - (D) If land to be subdivided is included in the Planned Unit Development, a Preliminary Plat meeting the requirements of *Chapter 20.06: Subdivision Regulations* and *Chapter 20.07: Design Standards* and the PUD District Ordinance shall be submitted..
  - (E) Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single-family residential development on individual lots need not show precise location of buildings on each lot, but plans shall show setback and other bulk constraints.
  - (F) Design and precise location of all streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.
  - (G) Location of all utility lines and easements.
  - (H) A final, detailed Landscape Plan, including size and species, installation specifications, identification of vegetation to be preserved and the measures to accomplish preservation, and conservation easements where required.
  - (I) Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
  - (J) Projected construction schedule.
  - (K) Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
  - (L) Additional Information: Such other additional information as may be required by the Planning Department or other members of the Development Review Committee to evaluate the application. Such additional information may include a three-dimensional scale, model, either physical or computer generated that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development. If a physical model is provided, it must be accompanied by a digital video archival file showing the physical model in 360 degrees.

(e) Planning Department:
- (1) *Decision*:
  - (A) Planning Department Approval: The Planning Director shall review all Final Plans that have been delegated to him by the Plan Commission. The Planning Director may permit or require the petitioner to make a written commitment, and may also impose reasonable conditions of approval.
  - (B) Minor Deviations from Preliminary Plan: If the Planning Director finds the Final Plan proposes minor deviations from the approved Preliminary Plan that do not require a PUD District Ordinance amendment or a Preliminary Plan amendment pursuant to *Division 20.04.080(j)(2)*, and that do not change the concept or intent of the development, he may review and approve or deny the Final Plan without public notice or a public hearing, as authorized by Rule of the Plan Commission. The Planning Director's decision is subject to appeal under *Subdivision 20.04.090(e)(1)(D)*.

(C) Determination that Amendment is Required: If the Planning Director finds the Final Plan proposes changes to the approved PUD District Ordinance, or deviations from the approved Preliminary Plan that require a Preliminary Plan amendment pursuant to *Subdivision 20.04.080(j)(2)(A)*, he shall not approve the Final Plan, but shall notify the petitioner that a PUD Amendment is required pursuant to the procedures for approval of a new PUD District Ordinance or Preliminary Plan. If the petitioner disagrees with the Planning Director's determination, he may request that the Plan Commission review the Final Plan and determine whether such amendment is required. Such request must be submitted in writing to the Planning Department not later than fourteen (14) days after the Planning Director's determination is made. The Plan Commission procedure upon such review shall be the same as for an appeal pursuant to (D) below. If the Plan Commission determines that no amendment to the PUD District Ordinance or Preliminary Plan is required, the Plan Commission shall review and act upon the Final Plan. In this case, the Plan Commission decision shall be final and appealable pursuant to IC 36-7-4-1016. If the Plan Commission determines that and amendment is required pursuant to *Subdivision 20.04.080(j)(2)(A)*, the Plan Commission shall review the proposal as a PUD Amendment application and shall forward a recommendation to the Common Council, pursuant to the procedures for approval of a new PUD District Ordinance or Preliminary Plan.

(D) Appeal to Plan Commission of Planning Director Decision: Interested parties, as defined by the Plan Commission Rules of Procedure, affected by the decision of the Planning Director upon review of a Final Plan may within fourteen (14) days of such decision request that the Plan Commission review the Planning Director decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required with notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission may affirm, reverse, or modify the Planning Director decision.

(2) *Revisions*: Following planning staff approval, the petitioner shall submit revised copies of the Final Plan that address the comments and concerns of the planning staff. The petitioner shall refer to the Final Plan application form to determine the format and number of copies of the revised plans to deliver to the Planning Department.

(f) Plan Commission:

(1) *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:

(A) The written statement and supportive material submitted by the petitioner;
(B) The PUD District Ordinance;
(C) The Preliminary Plan;
(D) The Final Plan;
(E) Any commitments or conditions of approval attendant to prior approvals;
(F) Any applicable section of the Unified Development Ordinance;
(G) Additional information as may be required by the Plan Commission to evaluate the application.

(2) *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the Final Plan that address the comments and concerns of the Plan Commission. The petitioner shall refer to the Final Plan application form to determine the format and number of copies of the revised plans to deliver to the Planning Department.

(3) All development shall be in conformity with the approved Final Plan. Any material deviation from the Final Plan is subject to appropriate enforcement action.

(g) Duration:

(1) *Abandonment*: The Final Plan shall be considered abandoned if no Grading Permits or Building Permits have been obtained and are still valid for the area contained in the Final Plan within three (3) years after Final Plan Approval has been granted, or if such permits have been obtained but are no longer valid per the terms of this Unified Development Ordinance.

(2) *Extension*: An extension, not to exceed twelve (12) months, may be granted by the Plan Commission for good cause shown. The Plan Commission may grant one (1), twelve-month extension.

(h) Changes or Amendments:

(1) *Minor Changes*: The Planning Director may approve minor changes to an approved Final Plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice as authorized by Rule of the Plan Commission. Such decisions shall be subject to appeal pursuant to *Subdivision 20.04.090(e)(1)(D)*. This shall include the following:

(A) Minor changes in the location and siting of buildings and structures;

(B) Changes in height of less than one (1) story, but not over eight (8) feet in any case;

(C) Minor changes to an approved Landscape Plan that do not alter the general concept or screening effectiveness of the landscaping; and

(D) Minor changes to the internal street system and off-street parking areas.

(E) Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the PUD District Ordinance and Preliminary Plan in that general location.

(F) Changes of less than ten percent (10%) of the gross floor area of an approved building.

(2) *Major Changes*: Changes requiring a new Final Plan shall include the following provided that this Subdivision shall not be interpreted to allow any change that would otherwise require an amendment to the PUD District Ordinance and/or the Preliminary Plan:

(A) Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;

(B) Changes in site design requirements, such as location or design of required landscaping, signage, building heights or footprints, setbacks, encroachment into areas slated for preservation under any of the sections of *Chapter 20.05; §EN: Environmental Standards*, or other such development or design standards in the PUD District Ordinance;

(C) Changes in access to the development site, where such change amounts to an intensification of traffic patterns on roadways;

(D) Any reduction in aesthetic treatment.

Chapter

20.05

Development Standards

City of Bloomington
Unified Development
Ordinance

February 12, 2007 © 2007 Bradley E. Johnson, AICP

GroundRules
website www.groundrulesinc.com

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20.05.076 PV-01 [Public Improvement Standards; General]
20.05.077 SB-01 [Setback Standards; General]
20.05.078 SX-01 [Sexually Oriented Businesses; General]
20.05.079 SI-01 [Sign Standards; General]
20.05.080 SI-02 [Sign Standards; Temporary Signs]
20.05.081 SI-03 [Sign Standards; Residential]
20.05.082 SI-04 [Sign Standards; Permanent Display Cabinets]
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20.05.087 SC-01 [Special Conditions; Artist Studio]
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20.05.112 VC-01 [Vision Clearance; General]

Development Standards Overview

20.05.001 Introduction

After the effective date of this Unified Development Ordinance, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in compliance with the Development Standards of this Chapter, except as otherwise hereinafter provided.

20.05.002 How to Use this Chapter

Chapter 20.05: Development Standards contains development standards that are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

(a) Refer to the two-page layouts in *Chapter 20.02: Zoning Districts* for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that zoning district.

[*As an example, on page 2-5, the four digit code "AT-01" can be found under the "Additional Development Standards that Apply" section in the Residential Estate (RE) zoning district. Therefore, the development standards in Section 20.05.010; AT-01 [Alternative Transportation; General] (on page 5-9) applies to the Residential Estate (RE) zoning district*.]

(b) Refer to the icons used at the top of each development standard section in *Chapter 20.05: Development Standards*. Each development standard section begins with a four-digit code and introductory sentence followed by square icons with zoning district abbreviations (e.g. "CD" for the Commercial Downtown zoning district or "RS" for the Residential Single-family zoning district). These zoning district icons note that the development standard written in that section applies to that zoning district.

[*As an example, on page 5-27, the RS icon (RS) can be found under Section 20.05.036; ED-02 [Entrance and Drive Standards; Single-family]. Therefore the language in Section 20.05.036; ED-02 [Entrance and Drive Standards; Single-family]applies to the RS zoning district.*]

Icon Key

20.05.003 Icon Key

RE - Residential Estate (RE) District

RS - Residential Single-family (RS) District

RC - Residential Core (RC) District

RM - Residential Multifamily (RM) District

RH - Residential High-density Multifamily (RH) District

MH - Manufactured/Mobile Home Park (MH) District

CL - Commercial Limited (CL) District

CG - Commercial General (CG) District

CA - Commercial Arterial (CA) District

CD - Commercial Downtown (CD) District

IG - Industrial General (IG) District

BP - Business Park (BP) District

IN - Institutional (IN) District

MD - Medical (MD) District

QY - Quarry (QY) District

20.05.004 AS-01 [Accessory Structures; General]

This Accessory Structure Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Conformance with the Regulations: Accessory structures shall comply with all development standards for the subject zoning district regardless of whether a Certificate of Zoning Compliance is required; unless specified otherwise.

(b) Prohibitions: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat or motor vehicle shall not be used as an accessory structure in any zoning district.

(c) Timing: Accessory structures are not permitted on a parcel prior to any primary structure being constructed, except where the accessory structure is being used in conjunction with the act of constructing a primary structure or for agricultural purposes.

(d) Swimming Pools: Swimming pools are subject to the Indiana Administrative Code (675 IAC 20: Swimming Pool Code), the standards of this Unified Development Ordinance, and the standards of the Bloomington Municipal Code (BMC 14.36.160).

(e) Exemptions: The installation of detached structures that serve as covered, short-term Class II bicycle parking facilities shall not count towards the maximum number of accessory structures allowed under *Subsection 20.05.005(a), 20.05.006(b)* and *20.05.007(a)*.

20.05.005 AS-02 [Accessory Structures; Residential]

This Accessory Structure Standards section applies to the following zoning districts:

RS RC

(a) Maximum Number: No more than two (2) enclosed accessory structures (*e.g.* detached garage, pool house, shed) are permitted on a parcel.

(b) Maximum Cumulative Area: The cumulative area of the footprints of all enclosed accessory structures shall not exceed:
   (1) Five hundred eighty (580) square feet for the RC zoning district; or
   (2) Eight hundred forty (840) square feet for the RS zoning district.

(c) Architectural Design: The exterior finish and façade of a detached garage shall match or closely resemble the finish and façade materials used on the primary structure.

20.05.006 AS-03 [Accessory Structures; Manufactured and Mobile Homes]

This Accessory Structure Standards section applies to the following zoning districts:

MH

(a) Criteria: Management offices, sales offices, storage, laundry, and other structures customarily incidental to manufactured home parks or mobile home parks are permitted, provided the following criteria are met:
   (1) The accessory structure is subordinate to the residential component of the park; and
   (2) The accessory structure is located, designed and intended to serve only the needs of the park; and
   (3) The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.

(b) Maximum Number: Each manufactured home or mobile home is allowed no more than one (1) accessory structure in addition to a carport or garage.

(c) Maximum Cumulative Area: The total area of all accessory structures shall not exceed ten percent (10%) of the dwelling site. Attached or detached garages, and carports are to be counted toward the total accessory building area.

20.05.007 AS-04 [Accessory Structures; Multifamily and Commercial]

This Accessory Structure Standards section applies to the following zoning districts:

RM RH CL CG CA BP MD

(a) Maximum Number: No more than two (2) enclosed accessory structures (*e.g.* detached garage, shed, storage building) are permitted on a parcel.

(b) Maximum Cumulative Area: The cumulative area of all enclosed accessory structures shall not exceed 1,500 square feet or fifty percent (50%) of the square footage of the primary structure, whichever is less.

(c) Architectural Design: The exterior finish and façade of each enclosed accessory structure shall match or closely resemble the finish and façade materials used on the primary structure.

20.05.008 AS-05 [Accessory Structures; Industrial, Institutional and Quarry]

This Accessory Structure Standards section applies to the following zoning districts:

IG IN QY

(a) Maximum Number: There is no limit to the number of enclosed accessory structures (*e.g.* warehouse, storage building) on a parcel.

20.05.009 AH-01 [Affordable Housing; General]

Purpose: Within the City of Bloomington, it is acknowledged that there is a need to provide affordable housing for very low- to moderate-income households. It is necessary to help maintain a diverse housing stock and to allow working people to have better access to jobs and to upgrade their economic status.

This Affordable Housing Standards Section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD

(a) Prohibitions: No person shall sell, rent, purchase, or lease an affordable unit created pursuant to *Section 20.05.009* except to income-eligible households and in compliance with the provisions of *Section 20.05.009*.

(b) Eligibility: To qualify for the development standard incentives outlined in this section, petitioners must enter into an affordable housing program administered by the federal, State, or local governments.

(c) Location: When built as part of a larger development that also includes market rate housing, all affordable units constructed or rehabilitated under this section shall not be situated within the development in less desirable locations than market-rate units and shall not, on average, be less accessible to public amenities, such as open space, than the market rate units. Affordable housing shall be integrated with the rest of the development and shall be compatible with the market rate units in design, appearance, construction and quality of materials.

(d) Incentives: The following incentives may be used to build affordable housing units:

(1) *Waiver of Fees*:

(A) Filing fees for the Plan Commission and/or Board of Zoning Appeals may be waived by the Planning Director.

(B) Fees associated with Right-of-way Excavation Permits may be waived by the Director of the Public Works Department.

(C) Sewer hook-on fees may be waived or reduced by the Utilities Service Board.

(2) *Sidewalk Construction*: Where deemed appropriate by the Director of the Public Works Department and the Planning Director, the construction of sidewalks and installation of street trees may be done by the City.

(3) *Single-family Residential Parking*: Parking requirements may be reduced to a maximum of one (1) on-site parking space per single-family house when adequate adjacent on-street parking is available.

(4) *Reduced Bulk Requirements; Single-family Lots*: The following reductions in development standards may be applied to single-family residential lots and may be approved by the planning staff:

(A) Lot Area: Minimum lot area standards may be reduced up to forty percent (40%).

(B) Lot Width: Minimum lot width standards may be reduced up to twenty percent (20%).

(C) Side Building Setbacks: Side building setbacks may be reduced to five (5) feet regardless of the number of stories.

(D) Rear Building Setbacks: Rear building setbacks may be decreased to fifteen (15) feet.

20.05.010 AT-01 [Alternative Transportation; General]

Purpose: To reduce traffic congestion in the City of Bloomington and improve the health, fitness and quality of life of Bloomington's residents by providing safe, convenient, and attractive alternative transportation paths, sidewalks, trails, and other facilities throughout the City.

This Alternative Transportation Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Inspection and Acceptance: Prior to the issuance of a Final Certificate of Occupancy, all alternative transportation facilities located within the adjoining public right-of-way or dedicated easements shall be inspected for compliance with City of Bloomington, Bloomington Public Transportation Corporation, and/or AASHTO standards.

(b) Paths, Sidewalks and Trails:

(1) *Construction Standards*: All path, sidewalk, and trail improvements shall be constructed as per the City of Bloomington standards and/or AASHTO requirements.

(2) *Additional Facility Amenities*: The following amenities shall be required in accordance with the design standards identified in the Bicycle and Pedestrian Transportation and Greenways System Plan:

(A) Informational signage;
(B) Pavement marking; and
(C) Safety bollards.

(3) *Sidewalks*: Sidewalks shall be provided as follows:

(A) Minimum Width: Five (5) feet.
(B) Surface: Sidewalks shall be constructed of concrete.
(C) Location:

(i) External Sidewalks: Sidewalks shall be located one (1) foot inside the public right-of-way or within a pedestrian easement along all abutting street frontages.
(ii) Internal Sidewalks: Sidewalks shall be provided that link abutting streets to facilities on the site, link separate facilities within the site to each other, and provide access to adjoining transit stops. Internal sidewalks shall not be required for single-family residential lots.

(D) Separation: Sidewalks shall have a minimum separation of five (5) feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the sidewalk location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the sidewalk is not within the public right-of-way, and that the minimum five (5) foot separation is maintained.

(i) In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface coverage for the property.
(ii) In situations where the City Engineering Department has determined that a pedestrian easement is not feasible, the Public Works Director may approve the following design options:
[a] A five (5) foot wide sidewalk with reduced vegetated plot width.
[b] A six (6) foot wide monolithic sidewalk and curb.

(E) Cross-Slopes: Sidewalks shall be constructed in such a manner to ensure that the cross-slopes over entrances and drives comply with ADA requirements.

(4) *Sidepaths*: Where sidepaths are identified on the Bicycle and Pedestrian Transportation and Greenways System Plan, or as construction of new streets warrants the provision of sidepaths, such facilities shall be provided as follows:

(A) Minimum Width: Eight (8) feet.
(B) Surface: Sidepaths shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the Planning Director in order to mitigate environmental impacts.

(C) Location: Sidepaths shall be constructed one (1) foot inside the public right-of-way line.

(5) *Bike Lanes*: Where development projects include the construction of new public streets that are identified as having bike lanes in the Bicycle and Pedestrian Transportation and Greenways System Plan, such facilities shall be provided as follows:

(A) Minimum Width: Five (5) feet. Any adjacent curb and gutter shall not be included in the bike lane width measurement.

(B) Location: Striped bike lanes shall be located at the outer edge of the street, adjacent to the curb.

(C) Substitution: Substitution of an eight (8) foot wide sidepath may be allowed per the Planning Director.

(6) *Multiuse Trails*: Where multiuse trails are identified on the Bicycle and Pedestrian Transportation and Greenways System Plan, such facilities shall be provided as follows:

(A) Minimum Width: Pavement width shall be a minimum of twelve (12) feet, and the paved trail shall have two (2) foot wide crushed stone shoulders on both sides.

(B) Surface: Multiuse trails shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the Planning Director in order to mitigate environmental impacts.

(C) Dedication: All multiuse trails shall be dedicated to the City Parks Department within rights-of-way of fifty (50) feet in width. Right-of-way width for multiuse trails may be reduced by the Planning Director upon approval by the City Parks Administrator.

(7) *Connector Paths*: Where a development is adjacent to a public park, school, commercial area, or existing or proposed multiuse trail as identified in the Bicycle and Pedestrian Transportation and Greenways System Plan, connector paths shall be provided as follows:

(A) The design of any required connector path that will connect to a public park or multiuse trail shall be subject to the approval of the City Parks and Recreation Department. The Parks and Recreation Department may waive the connector path requirement if it determines that the proposed connection to a public park or multiuse trail is not desirable or is redundant to existing facilities.

(B) Minimum Width: Eight (8) feet.

(C) Surface: Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the Planning Director in order to mitigate impacts to environmental constraints.

(D) Easement: Connector paths shall be contained within pedestrian easements of at least fifteen (15) feet in width.

(E) Recording of Easements: Refer to *Chapter 20.07; §EA: Easement Standards*.

(F) Undeveloped Properties: Where vacant or undeveloped properties are adjacent to a property under development, connector paths shall be stubbed to the property line to allow for future connection when adjacent properties are developed.

(c) Transit Facility Standards:

(1) *General Standards*:

(A) For the purposes of *Section 20.05.010: [AT-01 Alternative Transportation; General]*, Transit Facilities shall include:

(i) Benches;

(ii) Shelters; or

(iii) Other similar transit stop amenities.

(B) Where a development is required to install one (1) or more transit facilities, the type and location of such facilities shall be as determined by the Bloomington Public Transportation Corporation. Where such facilities are proposed within the public right-of-way, Board of Public Works approval shall also be required.

(C) The Bloomington Public Transportation Corporation may waive a required transit facility if deemed unnecessary based on existing facilities.

(2) *Existing Public Transportation Routes*:

(A) Transit Facility: For any multifamily development of at least twenty (20) dwelling units, or for any nonresidential development of at least 20,000 square feet gross floor area, developed adjacent to one (1) or more public transportation routes, a transit facility shall be constructed on all routes for which one (1) or more of the following criteria are met:

(i) Usage: The proposed development is expected to generate public transit usage; or

(ii) Proximity: The nearest existing transit facility on the route is more than one-fifth of one mile (1,056 feet) away from the closest primary building on the site, measured along rights-of-way; or

(iii) Route Overlap: The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes.

(B) Location: The transit facility shall occupy:

(i) A site within or adjacent to the right-of-way on which the public transportation route is established; or

(ii) Another site as approved by the public transportation authority. Such site shall be contained within a transit facility easement.

(C) Pedestrian Accessibility: Transit facilities shall be connected to the public sidewalk system and ADA-accessible routes.

(3) *Future Public Transportation Routes*:

(A) Transit Facility Easement: For any development where one (1) or more public transportation routes are reasonably expected to exist on adjacent public streets in the future, and where the development is expected to generate public transit usage, transit facility easements shall be established on each future route if one (1) or more of the following criteria exist:

(i) Route Overlap: The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes; or

(ii) Insufficient Right-of-way: Insufficient right-of-way exists to reasonably allow a transit facility and/or transit service access.

(B) Location: Transit facility easements shall occupy:

(i) A site adjacent to the right-of-way on which the public transportation route is established; or

(ii) Another site as approved by the public transportation authority.

(4) *Transit Facilities and Easements*:

(A) Pedestrian Traffic: Public transit facilities shall be designed such that they will not interfere with the normal flow of pedestrian traffic on public or private sidewalks.

(B) Construction Standards: Public transit facilities, shelters, and appurtenant amenities shall be built to meet the requirements of the Bloomington Public Transportation Corporation.

(C) Setback Exemption: Public transit facilities, shelters, and appurtenant amenities shall be exempt from the setback standards of the zoning district.

(D) Minimum Easement Depth: Ten (10) feet.

(E) Minimum Easement Width: Fifteen (15) feet.

(F) Recording of Easements: Refer to *Chapter 20.07; §EA: Easement Standards*.

(5) *Bus Turnout Areas*:

(A) Bus Turnout: Bus turnout areas shall be constructed in conjunction with a given transit route if a transit stop is warranted, and the street on which the public transportation route is established is classified as a Primary Arterial on the Master Thoroughfare Plan.

(B) Dimensional Standards: Bus turnout areas shall be built to the dimensional requirements of the Bloomington Public Transportation Corporation.

(C) Construction Standards: The engineering design of bus turnout areas shall be coordinated with the City Engineering Department.

20.05.011 AT-02 [Alternative Transportation; Bicycle Parking Standards; General]

This Alternative Transportation Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Rights-of-way: Bicycle parking spaces shall not be located fully or partially within a public right-of-way except upon approval from the Board of Public Works.

(b) Access: All required bicycle parking spaces shall be located such that a three (3) foot clear space is provided to all sides of a standard six (6) foot bicycle parked in each required space.

(c) Pedestrian Obstruction: Bicycle parking facilities shall not cause any obstruction to pedestrian traffic.

(d) Surface: Bicycle parking areas shall be placed on a paved surface composed of concrete, asphalt, brick pavers, or the like. Under no circumstances shall bark mulch, crushed stone, stone, rock, dirt, sand or grass be permitted as a surface for bicycle parking areas.

(e) Type: A long-term Class I or short-term Class II bicycle security facility shall be utilized for all bicycle parking requirements.

(f) Collocation: Bicycle parking facilities may be located in one (1) non-required vehicular automobile parking space so long as it is not designated a handicap space and the location meets the other provisions of this section.

20.05.012 AT-03 [Alternative Transportation; Bicycle Parking Standards; Exceptions]

This Alternative Transportation Standards section applies to the following zoning districts:

CL CG CA CD BP IN

(a) Partial Exceptions: The following nonresidential uses shall provide a minimum of two (2) Class II bicycle parking spaces, and are otherwise exempt from *Section 20.05.014: AT-05 [Alternative Transportation; Bicycle Parking Standards; Nonresidential and Mixed Use]*:
   (1) Vehicle sales/rental;
   (2) Boat sales;
   (3) Car washes;
   (4) Vehicle repair;
   (5) Drive-through;
   (6) Mortuaries;
   (7) Cemeteries/mausoleums;
   (8) Crematories;
   (9) Crops and pasturage;
   (10) Orchards; and
   (11) Tree farms.

(b) Full Exceptions: The following nonresidential uses are exempt from bicycle parking requirements:
   (1) Utility substation and transmission facilities.
   (2) Communications facilities.

20.05.013 AT-04 [Alternative Transportation; Bicycle Parking Standards; Multifamily Residential]

This Alternative Transportation Standards section applies to the following zoning districts:

RM RH MH CL CG CA CD

(a) Number: Multifamily developments shall provide one (1) Class II bicycle parking space per six (6) bedrooms, or a minimum of four (4) bicycle parking spaces, whichever is greater.

(b) Location:

(1) *Proximity*: A dedicated bicycle parking area equipped with bicycle racks shall be within fifty (50) feet of the main entrance of each primary residential building on site.

(2) *Distribution*: Buildings with twelve (12) bedrooms or more shall provide a minimum of two (2) Class II bicycle parking spaces per residential building. These spaces shall count toward fulfilling the total site requirement.

(c) Covered Spaces: Developments with more than thirty-two (32) bedrooms total shall provide a minimum of one-half (½) of the total number of required bicycle parking spaces as covered, short-term Class II bicycle parking facilities and a minimum of one quarter (1/4) as long term Class I facilities.

20.05.014 AT-05 [Alternative Transportation; Bicycle Parking Standards; Nonresidential and Mixed Use]

This Alternative Transportation Standards section applies to the following zoning districts:

CL CG CA CD IG BP IN MD QY

(a) Nonresidential Uses:

(1) *Number*: Developments shall provide one (1) Class II bicycle parking space per fifteen (15) required vehicular parking spaces, or a minimum of four (4) bicycle parking spaces, whichever is greater. The Planning Director may approve a reduced number of bicycle parking spaces for a development within the CD zoning district where existing bicycle parking facilities located within the public right-of-way are within one hundred (100) feet of the building's main entrance, provided that a minimum of four (4) bicycle parking spaces are provided on-site.

(2) *Location*: A dedicated bicycle parking area, equipped with bicycle racks, shall be located within fifty (50) feet of the main entrance of each primary building on site.

(3) *Covered*: Developments with more than 20,000 square feet of gross floor area shall provide Class II covered bicycle parking spaces for all required spaces.

(b) Mixed Uses:

(1) Developments with both nonresidential and residential uses shall provide the cumulative required number of bicycle parking spaces as calculated for the respective nonresidential and residential requirements in *Section 20.05.012: AT-03 [Alternative Transportation; Bicycle Parking Standards; Exceptions], Section 20.05.013: AT-04 [Alternative Transportation; Bicycle Parking Standards; Multifamily Residential] and Section 20.05.014: AT-05 [Alternative Transportation; Bicycle Parking Standards; Nonresidential and Mixed Use]*.

20.05.015 AG-01 [Architectural Standards; General]

This Architectural Standards section applies to the following zoning districts:

CL CG CA IG BP IN MD

(a) Applicability: The following architectural standards shall apply to the construction of new buildings on parcels located wholly or partially within three hundred (300) feet of the centerline of a primary arterial, or five hundred (500) feet of the centerline of a freeway/expressway, as classified by the Master Thoroughfare Plan.

(b) Exceptions: Single-family dwelling units shall not be subject to the architectural standards of this section. Such residential dwelling units shall be subject to the architectural standards found in *Section 20.05.016: AG-02 [Architectural Standards; Residential]*

(c) Standards: The following architectural standards shall apply:

(1) *Materials*: Primary exterior building materials for facades visible from a primary arterial or freeway/expressway shall consist of one (1) or more of the following:
- (A) Cementitious siding;
- (B) EIFS;
- (C) Masonry;
- (D) Natural stone;
- (E) Precast concrete;
- (F) Split-faced block;
- (G) Transparent glass;
- (H) Wood;
- (I) Other products that replicate the appearance and durability of the above materials, as approved by the planning staff.

(2) *Exterior Facades*: No building façade visible from a primary arterial or freeway/expressway shall have a blank, uninterrupted length exceeding forty (40) feet without including three (3) or more of the following design elements:
- (A) Awning or canopy;
- (B) Change in building façade height (minimum of five (5) feet of difference);
- (C) A regular pattern of transparent glass which shall comprise a minimum of fifty percent (50%) of the total wall/facade area of the first floor facade/elevation facing a street;
- (D) Wall elevation recesses and/or projections, the depth of which shall be at least three percent (3%) of the horizontal width of the building façade.

(3) *Patterns*: Building facades visible from a primary arterial or freeway/expressway shall contain the following color and texture changes:
- (A) Façades shall consist of at least one (1) primary and one (1) secondary color.
- (B) At least one (1) of these elements, either texture or color, shall repeat horizontally across the façade.
- (C) Variations in texture and color elements shall repeat vertically every thirty (30) feet.

(4) *Eaves and Roofs*: Buildings with sloped roofs (those greater than 3:12 pitch) visible from a primary arterial or freeway/expressway shall contain overhanging eaves, extending no less than two (2) feet past the supporting walls. Flat roofs (those less than 3:12 pitch) shall include a parapet on supporting walls.

(5) *360-Degree Architecture*: Those sides of a building that are not visible from a primary arterial or freeway/expressway shall have a finished façade that is complementary to the visible façades in terms of materials and architectural detailing.

(6) Primary Pedestrian Entry: One (1) primary pedestrian entrance shall be provided for any facade which contains at least sixty six (66) feet of frontage along a primary arterial or freeway/expressway. The pedestrian entry shall contain at least three (3) of the following architectural details:
- (A) Pilasters or facade modules;
- (B) Public art display;

(C) Prominent building address, building name, and lighting;
(D) Raised corniced entryway parapet; or
(E) Buttress and arched entry.

20.05.016 AG-02 [Architectural Standards; Residential]

This Architectural Standards section applies to the following zoning districts:

RE RS RC RM RH

(a) Applicability: The following architectural standards shall apply to the construction, expansion, or alteration of any building used for residential occupancy.

(b) Standards: The following architectural standards shall apply:

(1) *Materials*: Primary exterior finish building materials used on residential dwellings shall consist of any of the following:
(A) Horizontal lap siding (*e.g.* vinyl, cementitious, wood);
(B) V-grooved tongue-and-groove siding;
(C) Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
(D) Cedar or other wood materials;
(E) Stucco, plaster, or similar systems;
(F) Stone;
(G) Split face block, ground face block, or brick;
(H) Cast or cultured stone;
(I) Cast in place concrete;
(J) Earthen structural materials;
(K) Other materials that replicate the look and durability of the above materials, as approved by the planning staff.

(2) *Minimum Coverage*: Siding materials listed above, or a combination of such materials, shall extend from roofline to within six (6) inches of finished grade.

(3) *Foundations*: All buildings shall be placed on permanent foundations.

(4) *Roofs*:
(A) Attached and detached single-family dwelling units shall have sloped roofs consisting of shingles, shakes, tile, standing-seam metal, or V-grain metal. Additions to attached or detached single-family dwelling units may use flat roofs.
(B) Multifamily structures may utilize a flat roof with a parapet or a sloped roof consisting of the materials listed in *Subdivision 20.05.016(a)(4)(A)* above.

(5) *Rain Gutters and Downspouts*: Rain gutters and downspouts are required.

(6) *Uniform Architecture*: When the rear or side facade of a newly constructed building is adjacent to a street, the architecture of these façades shall be made to match that of the front façade. Such matching shall occur through use of similar materials, window/doorway openings, variation in rooflines, or fenestration.

(7) *Anti-monotony Standards*: In the case of new construction of multifamily units, any development containing more than three (3) individual buildings shall incorporate the following variations to break up monotony in design:
(A) Differences in rooflines;
(B) Differences in building footprint;
(C) Differences in the number of floors per building.

(8) *Attached Garages*: In the RC zoning district, attached garages shall not exceed five hundred eighty (580) square feet in area.

20.05.017 AG-03 [Architectural Standards; Manufactured and Mobile Homes]

This Architectural Standards section applies to the following zoning districts:

RE RS RC RM RH MH MD

(a) Foundations: All manufactured homes shall be placed on a permanent foundation. All mobile homes shall be strapped down and have perimeter skirting.

20.05.018 AG-04 [Architectural Standards; Commercial Downtown]

This Architectural Standards section applies to the following zoning districts:

CD

(a) Overlay Districts: All construction activity shall be subject to the design standards set forth in the applicable overlay district as specified in *Chapter 20.03: Overlay Districts* of the Unified Development Ordinance.

20.05.019 AG-05 [Architectural Standards; West Kirkwood Corridor]

This Architectural Standards section applies to the following zoning districts:

RC CL CG

(a) Applicability: The construction of new buildings on lots between Kirkwood Avenue and its adjacent alleys to the north and south, between Rogers Street and Adams Street, as more specifically mapped in The Plan for West Kirkwood, shall comply with the architectural standards outlined in The Plan for West Kirkwood.

(b) Effect on Regulations: Where both this Unified Development Ordinance and The Plan for West Kirkwood contain standards governing any architectural feature, the standards contained in The Plan for West Kirkwood shall govern.

20.05.020 CF-01 [Communication Facility; General]

Purpose: The purpose of these standards is to provide sensible and reasonable development standards for the provision of reliable public and private telecommunication service; and whereas, there is a need to maximize the use of any communication transmission towers in order to reduce the total number of towers needed to serve the communications needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such communication towers and to provide for the reasonable location of such towers in the City.

This Communication Facility Standards section applies to the following zoning districts:

RE CA IG BP IN MD QY

All communication facilities must comply with the following provisions:

(a) All communication facilities in *Section 20.05.020; CF-01 [Communication Facility; General]* shall be subject to planning staff Site Plan review and shall meet the following requirements and all other requirements of this Unified Development Ordinance.

(b) Buffer Requirements: The location of the tower and equipment buildings shall comply with all local, State and federal natural resource protection standards. The following buffer plantings shall be located around the outermost perimeter or security fence of a communication facility:
   (1) An evergreen screen consisting of a hedge, planted at a maximum of three (3) feet on center, or a row of evergreen trees planted at a maximum of ten (10) feet on center shall be planted around the entire communication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting shall be no less than five (5) feet.
   (2) An eight (8) foot high wood fence or brick masonry wall shall completely surround the entire communication facility, excluding the guy wires and anchors.

(c) Access to Site: Proposed communication towers and antennas shall meet the following access requirements:
   (1) Vehicular access to the tower and equipment building shall be provided along an existing driveway, whenever feasible.
   (2) The communication facility shall be fully automated and unattended on a daily basis, and may be visited only for periodic maintenance, emergencies, installations, or equipment removal.

(d) Design Requirements: Proposed communication towers and antennas shall meet the following design requirements:
   (1) All communication towers shall be a monopole design.
   (2) Communication towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging, landscaping, materials, and architectural treatment, except in an instance where the color is dictated by federal or State authorities such as the Federal Aviation Administration (FAA).
   (3) Only lighting that is for safety or security reasons, or required by the FAA or other federal or State authority shall be permitted. All required lighting shall be oriented inward so as not to project onto surrounding properties.
   (4) The use of any portion of a communication facility for signs other than warning or equipment signs shall be prohibited.

(e) Setbacks:
   (1) Communication towers shall be set back from any property line a distance equal to at least eighty percent (80%) of the height of the tower.
   (2) No tower shall be placed closer to any residential structure than five hundred (500) feet.
   (3) Communication towers are generally not permitted in front yards, except where evidence provided by the petitioner demonstrates that placement in a front yard would provide the best camouflage for the tower.

(f) Maximum Height:
   (1) *Tower*: One hundred ninety-nine (199) feet
   (2) *Accessory Structure*: Fifteen (15) feet

(g) Collocation Requirements: Proposed communication towers and antennas shall meet the following collocation requirements:

(1) At a minimum, all proposed monopoles shall be constructed to support the initial user plus the anticipated loading of the number of additional users required in accordance with this Unified Development Ordinance.

(2) Any proposed communication tower shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the proposed user and the number of additional users as required in accordance with this Unified Development Ordinance. Communication towers shall be designed to allow for future rearrangement of communication equipment and antennas upon the tower and to accept communication equipment and antennas mounted at varying heights.

(3) A minimum of four (4) additional antenna sites shall be provided on a tower of one hundred fifty (150) feet or more in height.

(h) Siting Requirements: A proposal for a new communication tower shall not be approved unless the petitioner submits verification that the communication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:

(1) The planned communication equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved towers, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned communication equipment at a reasonable cost.

(2) The planned communication equipment would cause interference impacting the usability of other existing communication equipment at the site if placed on existing structures. A qualified and licensed professional engineer shall submit supportive documentation indicating that the interference cannot be prevented at a reasonable cost.

(3) The existing or approved towers, buildings or structures within the search radius cannot accommodate the planned communication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

(4) Other unforeseen reasons that make it infeasible or impossible to locate the planned communication equipment upon an existing or approved tower, building or structure.

(5) Additional land area is not available at the base of existing towers, buildings or structures to accommodate the proposed communication facility.

(i) Construction Requirements: All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:

(1) All applicable provisions of this Unified Development Ordinance and the of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.

(2) All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association.

(3) With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.

(4) All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

(5) All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).

(6) All signal and remote control conductors of low energy extending between a communication tower and other communication equipment, or between communication towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.

(7) All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

(8) An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, and strength requirements to withstand natural forces such as ice, wind, and earth movements.

(9) All communication towers and communication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least eighty (80) miles per hour with one-half (0.5) inch of ice and to accommodate all collocation sites as required by this Unified Development Ordinance.

(j) Existing Structures: The following shall apply to existing antennas, communication towers and communication equipment:

(1) Existing structures shall not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this Unified Development Ordinance.

(2) All requests to install any communication equipment on an existing approved tower, building, or structure shall be submitted to the Planning Director for approval. All such requests shall only require an Electrical Permit from the County Building Department, a Certificate of Zoning Compliance, and the contract between the petitioner and the owner of the existing tower, building, or structure, unless other approvals are required as set out in this Unified Development Ordinance.

(k) Inspection of Towers: The following shall apply to the inspection of communication towers:

(1) All communication towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Planning Director, the City Engineering Department, and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which any permit was obtained shall constitute a violation of the Unified Development Ordinance.

(2) Notices of Violation shall be sent by registered mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner is required to notify the Planning Director that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results of same.

(l) Abandoned Towers: Any tower unused or left abandoned for six (6) months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after thirty (30) days from the date a notice of violation is issued, the City may remove the tower and bill the owner for the costs of removal and cleanup of the site.

20.05.021 CF-02 [Communication Facility; Residential]

This Communication Facility Standards section applies to the following zoning districts:

RE RS RC RM RH MH

(a) Noncommercial Antennas: Noncommercial antennas for individual, private use, including but not limited to, amateur radio antennas, shall be permitted as an accessory use in all residential districts, subject to the following standards:

(1) *Height*: The height of a noncommercial antenna shall not exceed seventy-five (75) feet, measured from the ground, whether the antenna is mounted on the roof or on the ground.

(2) *Setbacks*: No such antenna shall be located within a front setback, and shall be set back at least five (5) feet from any side or rear property line.

20.05.022 CF-03 [Communication Facility; Commercial Downtown]

This Communication Facility Standards section applies to the following zoning districts:

CD

(a) Communication facilities shall be strictly limited to antennas or other communication equipment accessory to the primary use of the building. No free-standing communication facilities are allowed.

(b) All antennas or other communication equipment shall be no taller than ten (10) feet above the height of the building to which they are affixed.

(c) All communication facilities shall be mounted on a building of at least two (2) stories in height.

(d) Communication facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging, materials, and/or architectural treatment, except in an instance where the color is dictated by federal or State authorities such as the Federal Aviation Administration (FAA).

20.05.023 CU-01 [Conditional Use; General Standards]

This Conditional Use Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) All Conditional Uses are subject to the criteria established in *Section 20.05.023: CU-01 [Conditional Use; General Standards]*. Additional criteria as specified in *Chapter 20.05; §CU: Conditional Use Standards* shall be met by the specified categories of Conditional Use found therein. Development Standards for Conditional Uses shall be determined by either the Hearing Officer or Board of Zoning Appeals. Such standards shall either be based on the zoning designation of the property or the zoning district most applicable to the proposed conditional use.

(b) No Conditional Use approval shall be granted pursuant to *Chapter 20.09: Processes, Permits, and Fees* unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met:

(1) The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;

(2) The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;

(3) The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;

(4) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, storm water management structures, and other services, or that the applicant will provide adequately for such services;

(5) The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(6) The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance;

(7) The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood;

(8) Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeals' determination, shall not be approved; and

(9) The proposed use and development complies with any additional standards imposed upon that particular use by *Chapter 20.05; §CU: Conditional Use Standards*.

20.05.024 CU-02 [Conditional Use; Floodway and Floodway Fringe Development]

This Conditional Use Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) No Conditional Use approval shall be rendered until such time as a permit citing the 100-year flood elevation and the recommended flood protection grade, or a letter stating that no permit is required, has been obtained from the Indiana Department of Natural Resources (DNR) and all conditions and specifications of that permit and other applicable DNR regulations are met.

(b) Development shall not increase the elevation of the regulatory flood beyond the limits allowed by State and federal regulations.

(c) On-site waste disposal systems such as sewage treatment plants shall be located so as to avoid their impairment and to avoid contamination during the occurrence of the regulatory flood. No septic systems shall be installed within either floodway or floodway fringe areas.

(d) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted provided that all manholes or other above ground openings are located at or above the flood protection grade, or those which are located below the flood protection grade are watertight.

20.05.025 CU-03 [Conditional Use; Historic Adaptive Reuse]

This Conditional Use Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) The property shall have been designated historic at the local level, or have had a petition filed for such designation, at the time of the application for a Conditional Use approval.

(b) The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.

(c) The proposed use shall enhance the ability to restore and/or preserve the property.

(d) The granting of the Conditional Use approval shall be contingent upon any required Certificate of Appropriateness and upon the granting of a local historic designation or the presence of such designation being in place.

20.05.026 CU-04 [Conditional Use; Bed and Breakfast Establishments]

This Conditional Use Standards section applies to the following zoning districts:

RE RS RC RM

(a) The operator of the bed and breakfast establishment shall reside on the property.

(b) The establishment shall maintain a maximum of three (3) guest rooms.

(c) The establishment shall provide a maximum of one (1) parking space per guest room in addition to the spaces required for the dwelling unit per *Chapter 20.05; §PK: Parking Standards*.

(d) The building and its parking facilities shall be designed for compatibility with the surrounding properties.

20.05.027 CU-05 [Conditional Use; Communication Facility]

This Conditional Use Standards section applies to the following zoning districts:

RE CA CD BP MD

(a) The proposed communication facility shall comply with *Chapter 20.05; §CF: Communications Facility Standards* of this Unified Development Ordinance.

(b) The communication facility shall minimize land use impacts by accommodating future collocation by at least five (5) other users.

(c) The tower shall be masked to blend with surroundings and reduce negative visual impact.

20.05.028 CU-06 [Conditional Use; Retail Low Intensity and Restaurant Limited Service]

This Conditional Use Standards section applies to the following zoning districts:

RM RH

Commercial uses under this Section must be accessory to a principal or primary permitted use.

(a) Minimum Development Size: Accessory commercial uses shall not be permitted within a multifamily development unless such development contains a minimum of fifty (50) dwelling units.

(b) Scale: The petitioner shall demonstrate that the use, scale and intensity of the accessory commercial use shall primarily serve the immediate neighborhood. The use shall be integrated into the development with emphasis on pedestrian access and limited automobile access or attraction.

(c) Architectural Design Standards: The accessory commercial structure shall be compatible with the primary use, with respect to architectural style, roof pitch, color, and materials.

(d) Maximum Gross Floor Area: Total gross floor area for an individual accessory commercial use shall not exceed 2,500 square feet.

(e) Parking: Parking spaces shall be provided at a fifty percent (50%) reduction from the requirements of *Chapter 20.05; §PK: Parking Standards*, with a maximum of three (3) spaces for any accessory commercial use. Parking spaces required for the primary use shall not be used to satisfy this requirement.

(f) Signage: Separate freestanding signage for an accessory commercial use shall not be permitted. A maximum of thirty (30) square feet of wall signage shall be permitted for an accessory commercial use.

20.05.029 CU-07 [Conditional Use; Adult Day Care Center]

This Conditional Use Standards section applies to the following zoning districts:

RM RH MH BP IN

(a) Proof of Licensing: When a license is required by the State, proof of licensing shall be presented with the application for the Conditional Use approval. Day care centers exempt from State licensing requirements shall provide proof of exemption.

(b) Compliance with Applicable Regulations: The day care center operator shall be responsible for compliance with all applicable City ordinances and State and federal statutes and regulations.

(c) Screening: The day care center shall be screened from adjacent properties with a fence or vegetative buffer, and an adequate fenced area shall be provided.

(d) Site Security: Site design and supervision characteristics shall ensure the safety of the users.

(e) Proximity: An adult day care center shall not be located closer than five hundred (500) feet to any other adult or child day care center.

20.05.030 CU-08 [Conditional Use; Child Day Care Center]

This Conditional Use Standards section applies to the following zoning districts:

RM RH MH BP IN MD

(a) Proof of Licensing: When a license is required by the State, proof of licensing shall be presented with the application for the Conditional Use approval. Day care centers exempt from State licensing requirements shall provide proof of exemption.

(b) Compliance with Applicable Regulations: The day care center operator shall be responsible for compliance with all applicable City ordinances and State and federal statutes and regulations.

(c) Screening: The day care center shall be screened from adjacent properties with a fence or vegetative buffer, and an adequate fenced play area shall be provided.

(d) Minimum Lot Area: The minimum lot area for child day care centers shall be 15,000 square feet or the minimum lot area for the zoning district, whichever is greater.

(e) Site Security: Site design and supervision characteristics shall ensure the safety of the users.

(f) Proximity: A child day care center shall not be located closer than five hundred (500) feet to any other adult or child day care center.

20.05.031 CU-09 [Conditional Use; Kennel]

This Conditional Use Standards section applies to the following zoning districts:

CA IG QY

(a) Minimum Building Setbacks:
  (1) *Front*: Per *Chapter 20.02: Zoning Districts*.
  (2) *Side*: Fifty (50) feet.
  (3) *Rear*: Fifty (50) feet.
  (4) *Outdoor Activities*: Animals shall not be permitted outside except within a secure animal run, and no outdoor animal run shall be permitted within two hundred (200) feet of any adjacent residential district or use.

(b) Minimum Lot Area: Three (3) acres.

(c) Minimum Lot Width: Two hundred (200) feet.

(d) Perimeter Fencing: The perimeter of the kennel operation shall be enclosed with an opaque fence that meets the following standards:
  (1) *Minimum Depth Underground*: Twelve (12) inches.
  (2) *Minimum Height*: Eight (8) feet from grade.
  (3) *Minimum Gauge of Chain-link Fence*: Eleven (11).
  (4) *Minimum Fence Setback*: Twenty (20) feet from any adjoining property line.

(e) License: Prior to establishment, the property owner, or the kennel operator if the operator is not the property owner, shall provide proof of all necessary licenses to the Planning Director.

(f) Sanitary Facilities: A plan for management of animal wastes shall be submitted with the Conditional Use application.

20.05.032 CU-10 [Conditional Use; Jail/Prison/Juvenile Detention Facility]

This Conditional Use Standards section applies to the following zoning districts:

CD IG IN

(a) Access: Adequate access shall be provided to a street classified as a collector or arterial per the Master Thoroughfare Plan.

(b) Compatibility: The design of the site and structure shall be compatible with the surrounding area.

(c) Intensity: The intensity of use shall be compatible with the surrounding area.

(d) Neighborhood Security: Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired.

20.05.033 CU-11 [Conditional Use; Quarry Adaptive Reuse]

This Conditional Use Standards section applies to the following zoning districts:

QY

(a) Feasibility: The applicant shall provide documentation that limestone or other stone processing operations are no longer feasible due to environmental and/or physical site characteristics. Market economic conditions may be considered, but the purpose is to protect these natural resources from encroachment of other land uses that may inhibit or prevent quarry or stone processing activities.

(b) Land Use Compatibility: The proposed adaptive reuse shall retain, to the greatest extent possible, the existing quarry features to preserve the region's quarry heritage.

(c) Redevelopment: Land use decisions should be made in consideration of the dominant land use patterns that surround each site.

(d) Intensity of Reuse: The proposed adaptive reuse shall be a less intense land use than quarry uses in regard to environmental regulatory standards and general nuisance in regard to noise, vibration, and dust.

(e) Environmental Cleanup: An Environmental Mitigation Plan shall be submitted with the Conditional Use application. The Environmental Mitigation Plan shall include, but not be limited to cleanup measures, water quality protection, and long-term monitoring standards. All Environmental Mitigation Plans shall meet the standards of the City Utilities Department, as well as any applicable State and federal requirements.

20.05.034 DS-01 [Drainage Standards; General]

This Drainage Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) General: All proposed site plans submitted for approval, under the provisions of the Unified Development Ordinance, shall provide for the collection and management of all surface water drainage.

(b) Drainage Plan: All site plan requests shall include the submittal of a Drainage Plan to the City Utilities Department. The Drainage Plan shall include, but not be limited to, the following items:
  (1) Complete Construction Plan showing all proposed detention and retention facilities, swales, and drainage structures.
  (2) All proposed piping including size and location of proposed storm water lines, as well as plan and profile drawings for all proposed improvements.
  (3) Complete and accurate storm water calculations justifying methodology of the Drainage Plan in compliance with City Utilities Department standards.

(c) Storm Water Mitigation Requirements: Drainage facilities shall be provided to control runoff from all upstream drainage areas and from all areas within the site to a location adequate to receive such runoff. Furthermore, drainage facilities shall:
  (1) Be designed and constructed in accordance with City Utilities Department standards.
  (2) Be durable, easily maintained, retard sedimentation, and retard erosion. Facilities shall not endanger the public health and safety, or cause significant damage to property.
  (3) Be sufficient to accept runoff from the site after development and the present water runoff from all areas upstream to achieve discharge rates meeting City Utilities Department Standards.
  (4) Provide storm water runoff quality mitigation in compliance with City Utilities Department Standards.

(d) Exemption: The construction of single family homes on platted lots of record with fully engineered drainage infrastructure shall be exempt from the requirements of this section.

(e) Poorly Drained Sites: Development proposed for sites that are adjacent to a floodplain area, located in an area with converging drainage flows, located in an area characterized by documented drainage problems, or located in an area with closed, depressed contour lines as shown on the City's GIS maps shall be subject to a higher level of drainage plan review. Site plans for these areas are additionally subject to the submittal of drainage plans documenting that finished floor elevations of structures shall be at least two (2) feet above areas that would be flooded during a 100-year storm event.

20.05.035 ED-01 [Entrance and Drive Standards; General]

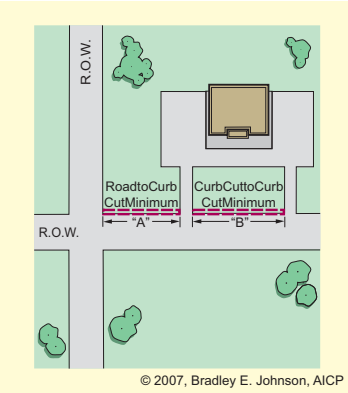
This Entrance and Drive Standards section applies to the following zoning districts:

RM RH MH CL CG CA CD IG BP IN MD QY

(a) The classification of all streets shall be as indicated on the Master Thoroughfare Plan as contained in the Growth Policies Plan.

(b) No entrance or drive shall be installed:
- (1) Within one hundred fifty (150) feet of any intersecting street if along an arterial or collector street. If the parcel is not large enough to achieve a one hundred fifty (150) foot separation, then the drive shall be installed at a location farthest from the intersection.
- (2) Within one hundred (100) feet of any intersecting street if along a neighborhood street. If the parcel is not large enough to achieve a one hundred (100) foot separation, then the drive shall be installed at a location farthest from the intersection.
- (3) Within fifty (50) feet of any intersection.
- (4) Within the front parking setback running less than forty five (45) degrees from parallel to the street right-of-way or ingress/egress easement.
- (5) Within one hundred (100) feet of another entrance if along an arterial or collector street.
- (6) Within fifty (50) feet of another entrance if along a neighborhood street.

(c) The distances for the standards outlined in *Subsection 20.05.035(b)* shall be determined as follows:
- (1) Intersection and Drive Separation: By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive.
- (2) Separation Between Drives: By measuring from the back of curb or edge of pavement to the back of curb or edge of pavement (whichever is less) of each entrance or drive.



(d) No property shall be permitted to have more than two (2) drives per street frontage.

(e) No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (½) of the below requirements):
- (1) Thirty-four (34) feet if from a nonresidential use onto an arterial or collector street.
- (2) Twenty-four (24) feet if from a nonresidential use onto a neighborhood street.
- (3) Twenty-four (24) feet if from a multifamily residential use onto any type of street.

(f) The distances for the standards outlined in *Subsection 20.05.035(g)* shall be determined by measuring from the back of curb or edge of pavement to the back of curb or edge of pavement (whichever is less) of each entrance or drive.

(g) For nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Master Thoroughfare Plan.

(h) Single-family residential uses shall be limited to a single drive access point regardless of the number of street frontages contained on the parcel.

(i) The City Engineering Department shall determine if the following improvements are necessary:
- (1) Acceleration or deceleration lane, or
- (2) Passing blister.

(j) The City Engineering Department shall determine curb radii and other construction standards for all entrances.

(k) Sidewalk crossings over entrances and drives must maintain cross-slopes necessary to comply with ADA requirements.

(l) Surface Material:
  (1) Unless specifically stated otherwise in the Unified Development Ordinance, all entrances and drives shall be asphalt, concrete, or other approved material.
  (2) The Planning Director may approve structurally-engineered, permeable parking pavers for entrances and drives provided these areas are intended for low intensity or intermittent vehicular use and pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.
  (3) Areas utilizing permeable pavers shall not be counted in impervious surface calculations.
  (4) All driveway aprons onto a street shall be constructed of concrete.

20.05.036 ED-02 [Entrance and Drive Standards; Single-family]

This Entrance and Drive Standards section applies to the following zoning districts:

RE RS RC

(a) The classification of all streets shall be as indicated on the Master Thoroughfare Plan as contained in the Growth Policies Plan.

(b) No single-family residential entrance or drive shall be installed:
  (1) Within fifty (50) feet of any intersecting street if along an arterial or collector street. If the parcel is not large enough to achieve a fifty (50) foot separation, then the drive shall be installed at a location farthest from the intersection.
  (2) Within thirty (30) feet of any intersecting street if along a neighborhood street. If the parcel is not large enough to achieve a thirty (30) foot separation, then the drive shall be installed at a location farthest from the intersection.

(c) The distances for the standards outlined in *Subsection 20.05.036(b)* shall be determined by measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive.

(d) Within the RC zoning district, if the side or rear setback is accessible via an improved alley, a driveway shall not be permitted to access the street. Required parking spaces shall be accessed directly from the adjacent alley per the requirements of *Chapter 20.05; §PK Parking Standards*.

(e) The width of a driveway between the front building setback and the street shall not exceed the width of the door of an attached garage or twenty-two (22) feet where there is no attached garage, except in the RC zoning district where the maximum width of a driveway shall be eighteen (18) feet regardless of the presence of a garage.

(f) Surface materials for single-family residential driveways shall be as required in *Chapter 20.05; §PK Parking Standards*.

(g) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

(h) Single-family residential uses shall be limited to a single driveway access point, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards:
  (1) The maximum circle drive width shall be ten (10) feet;
  (2) The lot must have at least one hundred twenty (120) feet of street frontage on the street that the circle drive will access; and
  (3) The minimum distance between the driveway access points of a circle drive shall be sixty (60) feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

20.05.037 ED-03 [Entrance and Drive Standards; Manufactured or Mobile Home Park]

This Entrance/Drive Standards section applies to the following zoning districts:

MH

(a) Manufactured or mobile home parks with twenty (20) or more dwelling sites shall be designed such that:
  (1) At least two (2) access points provide ingress to and egress from the manufactured or mobile home park; and
  (2) Individual dwelling sites only have driveways on interior streets.

20.05.038 EN-01 [Environmental Standards; General]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

Purpose: The Bloomington area is characterized by a wide variety of environmental constraints that affect the way land is developed. These constraints include karst terrain (sinkholes, caves, springs, *etc.*), wetland areas, steep slopes, mature tree stands, and water resources such as lakes, streams and other surface watercourses. It is prudent and necessary that every area which becomes the subject of a petition for development be routinely scrutinized for the presence of environmental constraints in order to protect these environmental features as well as the public health, safety and welfare.

20.05.039 EN-02 [Environmental Standards; Steep Slopes]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Steep Slopes:

(1) *Applicability*: This section shall apply to all land disturbing activities on properties that contain steep or excessive slopes.

(2) *Slope Measurement*: For the purposes of *Subsection 20.05.039(a)*, the percent slope shall be calculated by dividing the number of feet of elevation change in any fifty (50) foot horizontal distance by fifty (50) feet, then multiply by one hundred (100) to acquire a percent figure.

(3) *Easements*: All slope areas required to be preserved subject to *Section 20.05.039* shall be placed within Conservation Easements pursuant to the standards of *Chapter 20.07: Design Standards*.

(4) *Excessive Slopes*: Areas of land where the pre-development slopes are greater than eighteen percent (18%) shall not be disturbed for any improvements with the exception of utility lines.

(5) *Steep Slopes*: Any development on slopes between twelve percent (12%) and eighteen percent (18%) shall be allowed a maximum disturbance of fifty percent (50%) of the total slope area. Priority for slope preservation shall be given to slope areas that exhibit one (1) or more of the following characteristics:

(A) Presence of highly erodible soils as identified in the Soil Survey of Monroe County, Indiana.

(B) Adjacent to slopes of greater than eighteen percent (18%);

(C) Adjacent to water resources; or

(D) Adjacent to other environmental features that are required to be preserved as part of this Ordinance.

(6) *Construction Measures*: Any development on slopes between twelve percent (12%) and eighteen percent (18%) shall incorporate construction measures such as retaining walls and walkout basements as well as special erosion control measures during construction.

(7) *Street Grades*: Arterial and collector streets shall not exceed grades of six percent (6%) and neighborhood streets or alleys shall not exceed grades of eight percent (8%) unless it is demonstrated that steeper grades will minimize disturbances to existing topography.

(8) *Street Design*: All drives and streets shall follow the topography with a minimum of cutting and filling.

(9) *Soil Constraints*: The extent of cutting and filling, the resulting slopes, and the stabilization measures shall be appropriate to the characteristics of the soils involved.

(10) *Overlapping Preservation Areas*: Where acreage set aside to fulfill the conservation or buffer requirements in *Section 20.05.041: EN-04 [Environmental Standards; Riparian Buffer], Section 20.05.042: EN-05 [Environmental Standards; Karst Geology], Section 20.05.043: EN-06 [Environmental Standards; Wetlands], and Section 20.05.044: EN-07 [Environmental Standards; Tree and Forest Preservation]* also meets the requirements for steep slope preservation under *Section 20.05.039*, such acreage shall be counted toward fulfillment of all applicable requirements.

20.05.040 EN-03 [Environmental Standards; Siltation and Erosion Prevention]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Siltation and Erosion Prevention:

(1) *Applicability*: *Subsection 20.05.040(a)* applies to any land development or land-disturbing activities that include one (1) or more of the following conditions:

(A) That disturbs a surface of 1,000 square feet or more;

(B) That involves excavation or filling of forty (40) cubic yards or more of dirt, sand, or clean fill;

(C) That involves street, highway, or bridge construction, enlargement, relocation or reconstruction; or

(D) That involves the laying, repairing, replacing, or enlarging of an underground pipe, facility, or any utility for a distance of fifty (50) feet or more.

(2) All municipal government departments, including the City Utilities Department, are bound by *Section 20.05.040*.

(3) *Maintenance of Control Measures*: Sedimentation basins and other control measures necessary to meet the requirements of *Subsection 20.05.040(a)* shall be maintained by the property owner during construction.

(4) *Erosion and Pollutant Control Requirements*:

(A) Environmental Constraints: For land-disturbing activities that occur adjacent to environmentally sensitive areas, as regulated in this chapter, redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, shall be required.

(B) Waste and Material Disposal: Waste and unused building materials (*e.g.* garbage, debris, cleaning wastes, concrete waste, wastewater, toxic materials or hazardous materials) shall be properly disposed of and shall be prevented from going off-site or into storm sewers.

(C) Tracking: Each site shall have crushed stone streets, access drives, and parking areas of sufficient size and thickness to prevent sediment from being tracked onto public or private streets. Any sediment reaching a public or private street shall be removed by street cleaning (not flushing) by those responsible before the end of each workday.

(D) Drain Inlet Protection: All storm inlets shall be protected with best management practices (BMPs) meeting accepted design criteria, standards and specifications.

(E) Sediment Control: Sediment shall be controlled and contained on-site and control measures shall prevent damage to existing vegetation or pavement.

(F) Ground Cover: Vacant land held for development shall be planted with grass or other vegetative ground cover.

(G) Inspection: All erosion control measures shall be installed by the developer, and inspected and approved by the City Engineering Department and/or Planning Department before land disturbing activity may take place. Developers shall follow their self monitoring inspection program throughout construction as outlined in Bloomington Municipal Code Section 10.21.070.

(H) Finished Grade: Disturbed areas that are at finished grade with installed utilities shall be permanently seeded within seven (7) days.

(I) Unfinished Grade: Areas that have undergone land disturbing activities and are not yet at finished grade, and that have no construction activity as indicated in the Construction Plan for fifteen (15) days or more, shall be established with temporary vegetation or mulching.

(J) Soil Stockpiles: All soil stockpile areas that remain inactive for seven (7) days or more shall be seeded, covered, or protected by erosion control barriers.

(K) Single-family Lots: Single-family lots that remain inactive for fifteen (15) days or more shall be established with temporary vegetation.

(L) Channelized Runoff: Channelized runoff from off-site areas passing through a construction site shall be diverted around disturbed areas. Sheet flow runoff from off-site areas greater than 10,000 square feet in area shall also be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

(M) Sedimentation Basins:

(i) Disturbance of One or More Acres: For sites with one (1) or more acres disturbed at one time, or if a channel originates in the disturbed area, one (1) or more sedimentation basins shall be constructed.

(ii) Disturbance of Less Than One Acre: For sites with less than one (1) acre disturbed at one time, filter fences, straw bales or other BMPs shall be placed along all side slopes of the site as an alternative to sedimentation basins. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel. Diversion ditches and other sediment control measures shall be utilized.

(iii) Design: Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth and shall be constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size based on the set of two-year design storms having durations from one-half (0.5) minute to twenty-four (24) hours. The basin discharge rate shall be sufficiently low as to not cause erosion along the discharge channel.

(N) Sequence of Land-disturbing Activity: Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time. Construction sequencing shall be subject to the approval of the City Engineering Department.

(5) *Additional Requirements*: Compliance with the requirements set out in this provision shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5 and 327 IAC 15-13, regarding storm water runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of *Title 10: Wastewater* of the Bloomington Municipal Code regarding storm water runoff; and all applicable rules, regulations, standards and specifications of the City Utilities Department regarding storm water management practices.

20.05.041 EN-04 [Environmental Standards; Riparian Buffer]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Riparian Buffer:

(1) *Applicability: Subsection 20.05.041(a)* shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, platted lots of record of less than one (1) acre in size shall not be subject to part (a)(6) Intermediate Zone Design nor part (a)(7) Fringe Zone Design.

(2) *Adjacent Properties*: Where intermittent or perennial streams are present on adjacent properties, and where required buffer zones for such streams would extend onto the subject property, such buffer zones shall be established according to the provisions of *Subsection 20.05.041(a)*.

(3) *Easements*: All riparian buffer zones required to be preserved subject to this section shall be placed within Riparian Buffer Easements pursuant to the standards of *Chapter 20.07: Design Standards*.

(4) *Graduated Buffer Zones*: All intermittent or perennial streams shall be protected by a riparian buffer composed of three (3) distinct zones. These zones shall be defined as:

(A) Streamside Zone (Zone 1): The primary function of the streamside zone is to ensure stream-bank stabilization.

(B) Intermediate Zone (Zone 2): The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.

(C) Fringe Zone (Zone 3): The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.

(5) *Streamside Zone Design*: The Streamside Zone (Zone 1) shall be designed as follows:

(A) Location: Immediately adjacent to the stream channel.

(B) Buffer Width: The width of this zone shall be a minimum of twenty-five (25) feet on each side of the top of stream bank. The buffer width shall be measured perpendicular to the adjoining top of stream bank, following the natural curvature of the stream channel.

(C) Vegetation Requirements: All vegetative cover within this zone shall consist of undisturbed, existing vegetation. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Appropriate species for planting within buffer zones are listed in *Subsection 20.05.057(c): Shrubs, Hedges, Vines and Groundcovers*. Plant spacing and density for new vegetation within buffer zones shall be per specifications of the Natural Resources Conservation Service for each plant type.

(D) Disturbance Activities: Only the following land disturbance activities may be allowed within this zone, subject to Planning Department approval:

(i) Utility installation; if no alternative location is available;

(ii) Street crossings, where necessary to achieve connectivity;

(iii) Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;

(iv) Connector path, if constructed with a permeable surface.

(6) *Intermediate Zone Design*: The Intermediate Zone (Zone 2) shall be designed as follows:

(A) Location: Immediately outside the Streamside Zone (Zone 1).

(B) Buffer Width: The required width shall be a minimum twenty-five (25) feet on each side of Zone 1.

(C) Vegetation Requirements: Vegetative cover within this zone shall consist of undisturbed, existing vegetation, supplemented by native, groundcover and edge vegetation. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Appropriate species for planting within buffer zones are listed in *Subsection 20.05.057(c): Shrubs, Hedges, Vines and Groundcovers*. Plant spacing and density for new vegetation within buffer zones shall be per specifications of the Natural Resources Conservation Service for each plant type.

(D) Disturbance Activities: Only the following land-disturbing activities may be allowed within this zone, subject to Planning Department approval:
(i) All activities allowed in Zone 1 (Streamside Zone);
(ii) Storm water management facilities;
(iii) Removal of nonnative or invasive species;
(iv) Multiuse trails.

(7) *Fringe Zone Design*: The Fringe Zone (Zone 3) shall be designed as follows:
(A) Location: Immediately outside the Intermediate Zone (Zone 2).
(B) Buffer Width: The required width shall be a minimum of twenty-five (25) feet measured perpendicular from the outer boundary of Zone 2.
(C) Vegetation Requirements: The vegetative cover for the outer zone shall be native grasses, sedges, and forbs that perform phytofiltration. In addition, woody plants may be utilized where appropriate. Appropriate species for planting within buffer zones are listed in *Subsection 20.05.057(c): Shrubs, Hedges, Vines and Groundcovers*. Plant spacing and density for new vegetation within buffer zones shall be per specifications of the Natural Resources Conservation Service for each plant type.
(D) Disturbance Activities: Only the following land-disturbance activities may be allowed within this zone, subject to Planning Department approval:
(i) All activities allowed within Zone 1 and Zone 2.
(ii) Streets, as needed to achieve connectivity.

(8) *Additional Riparian Buffer Design Standards*:
(A) Riparian buffer design shall be fitted to the topography and soil conditions of the site. Preference shall be given to preserving existing vegetation within riparian buffer areas. Protection of tree crowns and root zones within the drip-line shall be required for all trees planned for retention.
(B) Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water and protection to ensure reestablishment.
(C) In order to ensure vegetative diversity, a minimum of nine (9) different plant species shall be utilized within the overall riparian buffer area. At least three (3) of these species must be trees selected from *Section 20.05.057(c): Shrubs, Hedges, Vines and Groundcovers; §Plants and Trees Suitable for Wet Areas.*
(D) No alteration to the shoreline or bed of a stream or creek shall be made unless written approval is obtained from the appropriate governmental agencies. Alterations subject to this requirement include, but are not limited to, filling, damming, or dredging of a stream, creek, ditch, or wetland.

(9) *Riparian Buffer Maintenance*: Management of riparian buffers shall be limited to the minimum necessary, with no alterations of forest understory, except for the removal of nonnative or invasive species. Limited mowing may occur in Zone 3, but shall be prohibited in Zone 1 and Zone 2.

(10) Any new, non-single family development which is exempt from providing riparian buffer zones as outlined in Division 20.05.041(a)(1), shall provide at least a twenty-five (25) foot wide Streamside Buffer Zone in compliance with the design standards of Division 20.05.041(a)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design:
(A) Use of one-hundred percent (100%) native vegetation;
(B) Use of permeable pavement for at least fifty percent (50%) of all on-site parking areas;
(C) Biofiltration swales;
(D) Rain gardens; or
(E) Fifty percent (50%) vegetated roof.

20.05.042 EN-05 [Environmental Standards; Karst Geology]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Karst Geology:

(1) *Applicability*: This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.

(2) *Adjacent Properties*: Where surface or subsurface karst features are present on adjacent properties, and where required conservation areas for such karst features would extend onto the subject property, such conservation areas shall be established according to the provisions of *Section 20.05.042*.

(3) *Compound Karst Features*: For the purposes of *Subsection 20.05.042(a)*, compound karst features shall be defined as any two (2) or more karst features where the last closed contour of the features are located within one hundred (100) feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour of each individual karst feature with a tangential line.

(4) *Karst Conservancy Easement (KCE)*: All karst features shall be protected by Karst Conservancy Easements. Such easements shall be established in accordance with the following standards:

(A) No land-disturbing activity, permanent or temporary structures, or the placement of any fill material shall be allowed within a KCE.

(B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.

(C) For all individual karst features, the KCE shall encompass the entire feature and all of the area within twenty-five (25) feet horizontally from the last closed contour line of the feature. The last closed contour line shall be as shown on the City's geographic information system (GIS) using a contour interval of two (2) feet. When the City has reason to doubt the accuracy of the GIS data, the City shall use field verification to determine the location of the last closed contour.

(D) For all compound karst features, the KCE shall encompass the entire outer boundary of the compound karst feature as defined in *Division 20.05.042(a)(3): Compound Karst Features* above and all of the area within twenty-five (25) feet horizontally from the outer boundary of the compound karst feature.

(5) *Setback*: No structures shall be located within ten (10) feet of a Karst Conservancy Easement.

(6) *Storm Water Discharge*: Storm water discharge into a karst feature shall not be increased over its pre-development rate. In addition, such discharge into a karst feature shall not be substantially reduced from pre-development conditions.

(7) *Storm Water Detention:* Karst Conservancy Easements shall not be utilized for storm water detention. Drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature.

(8) *Spring or Cave Entrances*: Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.

20.05.043 EN-06 [Environmental Standards; Wetlands]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Wetlands:

(1) *Applicability*: This section shall apply to all land disturbing activities on properties containing wetland resources.

(2) *Adjacent Properties*: Where wetland resources are present on adjacent properties, and where required buffer areas for such wetland resources would extend onto the subject property, such buffer areas shall be established according to the provisions of this section.

(3) *Jurisdiction*: In addition to the standards of the Unified Development Ordinance, all determined and delineated jurisdictional wetlands subject to disturbance shall be governed by Indiana Department of Natural Resources (DNR) and Army Corps of Engineers regulations.

(4) *Disturbance*: No land disturbing activity, mowing, or temporary or permanent structure shall be allowed within twenty-five (25) feet of a delineated wetland.

(5) *Buffer Area*: A wetland buffer area extending twenty-five (25) feet from a delineated wetland shall be placed within a Conservancy Easement consistent with the standards of Section 20.07.070(e)(10) and shall be protected with silt fencing, tree protection fencing, or both, during the entire period of construction.

(6) *Draining:* In no case shall draining of a delineated wetland be allowed.

(7) *Storm Water Discharge*: Storm water discharge into a wetland shall not be increased over its preexisting rate. In addition, such discharge into a wetland shall not be substantially reduced from preexisting conditions.

20.05.044 EN-07 [Environmental Standards; Tree and Forest Preservation]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Tree and Forest Preservation:

(1) *Applicability*: This section shall apply to all land disturbing activities on properties containing wooded areas.

(2) *Retention of Existing Canopy*: The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land disturbance activity.

Baseline Canopy Cover:	**Retained Canopy Cover:**
80-100%	0.50 × Baseline Canopy Cover
60-79%	0.60 × Baseline Canopy Cover
40-59%	0.70 × Baseline Canopy Cover
20-39%	0.80 × Baseline Canopy Cover
0-19%	0.90 × Baseline Canopy Cover

Example: For a property of 20 acres with 50% canopy cover (i.e. 10 acres), a development would be required to maintain at least 7.0 acres (10 acres × 0.70) of canopy cover.

(3) *Preference to Stands of Vegetation*: The retention standards outlined above shall be applied to retain high-quality stands of native trees, undisturbed woodlands, and corridors of contiguous vegetation in priority over individual specimen trees, or younger stands of vegetation. No more than ten percent (10%) of the canopy retention standard shall be met by preserving individual trees not included within preferred wooded areas as defined in *Division 20.05.044(a)(3)*. Where individual specimen trees are to be preserved, preference shall be given to protecting heritage trees that are of particular value due to their type, size or age.

(4) *Smaller Parcels:* For parcels of land less than two (2) acres, the preservation standards outlined in *Division 20.05.044(a)(2): Retention of Existing Canopy* may be altered by the Planning Director to allow preservation of individual specimen trees or tree lines along property borders.

(5) *Overlapping Preservation Areas*: Where acreage set aside to fulfill the conservation or buffer requirements found in *Section 20.05.039: EN-02 [Environmental Standards; Steep Slopes], Section 20.05.041: EN-04 [Environmental Standards; Riparian Buffer], Section 20.05.042: EN-05 [Environmental Standards; Karst Geology]*, and *Section 20.05.043: EN-06 [Environmental Standards; Wetlands]* also meets the requirements for tree and forest preservation under *Subsection 20.05.044(a)*, such acreage shall be counted

toward fulfillment of all applicable requirements.

(6) Where contiguous areas of at least one-half (0.5) acre of tree cover are required to be preserved, a Conservation and/or Tree Preservation Easement shall be required per *Chapter 20.07: Design Standards*. The edges of such easements shall be delineated ten (10) feet beyond the driplines of the trees to be preserved.

20.05.045 EN-08 [Environmental Standards; Lake Watershed Areas]

This Environmental Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Lake Watershed Areas:

(1) *Applicability*: This section shall apply to all land-disturbing activities on properties located within the watersheds of Lake Monroe and Griffy Lake as delineated on the City's Geographic Information System (GIS).

(2) *Exception:* Single-family detached dwellings on lots of record shall not be subject to the requirements of *Subsection 20.05.045(a)*.

(3) *Geotechnical Report:* Site Plans, subdivision plats, and Planned Unit Development plans shall include a report prepared by a geotechnical consultant that addresses soil stabilization, erosion/siltation control and storm water runoff quality. The geotechnical consultant who prepares the required report must be a licensed professional engineer.

(4) *Site Design:* Site design shall locate structures and land disturbing activities so as to avoid tree concentrations. Streets, parking areas and building pads shall conform closely to existing contours and minimize grading.

(5) *Steep Slopes:* The maximum slope on which buildings may be constructed shall be twelve percent (12%). No disturbance shall occur on any slope greater than twelve percent (12%).

(6) *Recordable Commitment*: Developments shall incorporate redundant storm water runoff quality mitigation measures. The ongoing maintenance of these measures shall be ensured through a binding, recordable commitment that provides for all the following:

(A) Periodic third-party inspection and report;

(B) A homeowner's association with financing capability;

(C) City authorization to order maintenance;

(D) City authorization to seek injunctive relief;

(E) City authorization to perform necessary maintenance and charge the homeowner's association for such work; and

(F) Provisions, meeting the standards of *Subsection 20.07.090(c),* for responsibility of individual lot owners in the event the owners' association fails or refuses to perform.

20.05.046 FW-01 [Fence and Wall Standards; General]

This Fence and Wall Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Orientation: Fences and walls must present the non-structural face outward towards adjacent parcels and any adjacent public right-of-way.

(b) Vision Clearance: Fences and walls must meet all vision clearance standards in *Chapter 20.05; §VC: Vision Clearance Standards*.

(c) Location:
- (1) *Property Line*: Fences and walls shall be permitted up to the property line.
- (2) *Easements*: No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

(d) Maximum Height:
- (1) Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight (8) feet.
- (2) Forward of the front building wall of the primary structure, fences and walls shall not exceed four (4) feet in height.
- (3) Where no primary structure exists on the parcel, fences and walls shall not exceed four (4) feet in height.

(e) Exceptions:
- (1) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in *Subsection 20.05.046(d): Maximum Height*; however they shall not be less than six (6) feet in height.
- (2) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from *Subsection 20.05.046(d): Maximum Height*.
- (3) Retaining walls are exempt from the height standards, but must be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.
- (4) Fences and walls used to screen swimming pools shall not be less than five (5) feet in height or greater than eight (8) feet in height.
- (5) Fences and walls located in the RE, IG, IN and QY zoning districts are exempt from height standards.
- (6) Decorative features of fences such as post tops are exempt from height requirements provided they extend no more than 12 inches from the top of the fence and are spaced at least 8 feet apart.

20.05.047 FW-02: [Fence and Wall Standards; Prohibitions]

This Fence and Wall Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD

(a) The following shall be prohibited from use as a component of a fence or wall:
- (1) Barbed wire;
- (2) Security wire;
- (3) Sharpened top spikes;
- (4) Electrified wires; and
- (5) Other similar elements or materials.

20.05.048 FP-01 [Floodplain Standards; General]

Purpose: The Floodplain Standards are intended to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, reduce the potential for extraordinary public expenditures for flood protection and relief, and make federally subsidized flood insurance available for existing structures and their contents by fulfilling the requirements of the National Flood Insurance Program.

This Floodplain Standards Section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Development in the Floodplain: Development shall be prohibited within the floodplain, except as specified in *Section 20.05.048*.

(b) Floodwater Storage Capacity: Under no circumstance shall there be a net loss of floodwater storage capacity. No development or other activity which might impair the flow of water in the floodplain shall be permitted. No development that may cause any increase in the elevation of the regulatory flood shall be permitted.

(c) Jurisdictional Boundary for the Floodplain Standards: The jurisdictional boundaries for the Floodplain Standards shall be as shown on the Flood Insurance Rate Maps (FIRM) prepared under the National Flood Insurance Program by FEMA. The areas included in the floodplain are the floodway, floodway fringe, and the floodplain, as defined in *Division 20.05.048(d)(3): Floodplain Features* below. The floodplain is also referred to as the Special Flood Hazard Area (SFHA).

(d) Additional Development Standards for Floodplain Areas:

(1) *Warning and Disclaimer of Liability*: It is not represented herein that flooding will be limited to those areas designated as floodplain or flood hazard areas or to the conditions of the regulatory flood. It is asserted that there is no liability on the part of the City or the State or any employee thereof for any flood damage that may occur as a result of reliance upon, or conformance with, these regulations.

(2) *Duties of Administrator*: The Planning Director or their designee shall be the administrator of the Floodplain Standards, as required by the Federal Emergency Management Agency (FEMA).

(3) *Floodplain Features*: For the purpose of these regulations, the following features are established:

(A) Floodway: That portion of the flood hazard area required to store, convey, and discharge the peak flood flow of the regulatory flood. The floodway shall include the floodway as shown on the Flood Insurance Rate Map (FIRM) prepared under the National Flood Insurance Program by FEMA.

(B) Floodway Fringe: Those portions of the floodplain outside the floodway.

(C) Floodplain: The channel proper and the areas adjoining wetlands, lakes or watercourses which have been or hereafter may be covered by the regulatory flood. The floodplain includes the floodway and the floodway fringe features.

(4) *Permitted and Conditional Uses*:

(A) Permitted Uses:

(i) Floodway: The following are permitted in the floodway provided that no structure, obstruction, deposit or excavation is involved:

[a] Pasturage;
[b] Forestry;
[c] Wildlife areas;
[d] Nature preserves;
[e] Riparian buffers;
[f] Storm sewers;
[g] New and replacement utility pipelines; and
[h] Parks and Recreational open space.

(ii) Floodway Fringe: The following are permitted in the floodway fringe provided that no structure, obstruction, deposit or excavation is involved:
[a] Pasturage;
[b] Forestry;
[c] Wildlife areas;
[d] Nature preserves;
[e] Storm sewers;
[f] New and replacement utility pipelines;
[g] Parks and Recreational open space; and
[h] Open areas used to meet lot area, setback, density and impervious surface coverage requirements for structures and uses located outside the floodplain or floodway boundaries.

(B) Conditional Uses:
(i) Floodway Fringe: The following are Conditional Uses in the floodway fringe:
[a] Transportation facilities, including, but not limited to, bridges, streets or drives;
[b] Water related urban uses, such as wastewater treatment facilities, electric generating and transmission facilities and water treatment facilities;
[c] Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;
[d] Parking lots constructed solely of permeable pavers; and
[e] Recreational equipment.

(5) *Floodplain Boundaries*:
(A) Location: The locations of the floodplain boundaries are based upon the regulatory flood elevation, floodway, and floodway fringe limits for the studied Special Flood Hazard Areas of the City of Bloomington as delineated on the 100-year profiles in the Flood Insurance Study of Monroe County and Incorporated Areas and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2010. The flood profiles, and the Special Flood Hazard Areas delineated on the December 17, 2010 FIRM are a component of the official zoning map. The regulatory flood elevation, floodway, and fringe limits for each unstudied Special Flood Hazard Area of the City of Bloomington delineated as an "A Zone" on the FIRM of Monroe County and Incorporated Areas 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.
(B) Disputed Boundaries: The elevation of the regulatory flood profile for the point in question shall be the governing factor in locating the boundary on the land. Any person contesting the location of the boundaries on the FIRM maps may apply to FEMA for a Letter of Map Amendment (LOMA) to establish that the property is not located in a Flood Hazard Area (FHA). Any person who believes the FIRM maps to be in error in the location of the flood districts, delineations, and/or elevations may apply to FEMA for a Letter of Map Revision (LOMR) for an official revision to the FIRM maps.
(C) Structures Located on Boundary Lines: Where a floodplain boundary line divides a structure, these regulations shall apply to the entire structure.
(D) Subdivision Plats: Developers shall record the base flood elevation and delineate the floodplain boundary on all Final Plats prior to submitting the Final Plats for approval by the Plan Commission.
(E) Site Plans: Upon receipt of an application for a Site Plan review and/or a Certificate of Zoning Compliance, the Planning Department shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain.

(i) Floodway: If the site is in an identified floodway, the Planning Department shall require the applicant to forward the application, along with all pertinent plans and specifications, to DNR and apply for a Permit for Construction in a Floodway.

[a] Under the provisions of IC 14-28-1, a permit from DNR is required prior to the issuance of a local Certificate of Zoning Compliance 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 construction of the building.

[b] No action shall be taken by the Planning Department until a Permit for Construction in the Floodway has been has been issued by DNR. Once a permit has been issued by DNR, and provided the applicant has received approval as necessary from the Board of Zoning Appeals under *Section 20.09.130: Development Standards Variance or Section 20.09.150: Conditional Use*, the Planning Department may issue a Certificate of Zoning Compliance provided the provisions of this Unified Development Ordinance have been met. The Certificate of Zoning Compliance and standards of Site Plan review may not be less restrictive than the permit issued by DNR.

(ii) Floodway Fringe: If the site is located in an identified floodway fringe, the Planning Department may issue a Certificate of Zoning Compliance provided the provisions of this Unified Development Ordinance, and particularly the provisions of *Chapter 20.05; §FL: Floodplain Standards*, have been met.

(iii) Floodplain with Drainage Area Greater Than One Square Mile: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one (1) square mile, the Planning Department shall require the petitioner to forward the application, along with all pertinent plans and specifications, to DNR for review and comment.

[a] No action shall be taken by the Planning Department until either a Permit for Construction in the Floodway or a letter stating that no permit is required citing the base flood elevation and the recommended flood protection grade has been received from DNR.

[b] Once a Permit for Construction in the Floodway or a letter stating that no permit is required has been issued by DNR, and provided the petitioner has received approval as necessary from the Board of Zoning Appeals under *Section 20.05.024: CU-02 [Conditional Use; Floodway and Floodway Fringe Development]*of this Unified Development Ordinance, the Planning Department may issue a Certificate of Zoning Compliance provided the provisions of this Unified Development Ordinance have been met. The Certificate of Zoning Compliance and standards of Site Plan review may not be less restrictive than the Permit for Construction in the Floodway issued by DNR.

(iv) Floodplain with Drainage Area Less Than One (1) Square Mile: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one (1) square mile, the Planning Department shall require the petitioner to provide an engineering analysis from a certified professional engineer showing the limits of the floodway, floodway fringe and base flood elevation for the site. Once the Planning Department has verified that the proposed development will not cause any increase in the elevation of the regulatory flood, the Planning Department may issue a Certificate of Zoning Compliance provided the provisions of this Unified Development Ordinance have been met.

(6) *Watercourse Alterations*: No alteration shall be made to any watercourse in any floodplain area as shown on the Official Zoning Map or any area otherwise subject to the jurisdiction of DNR or FEMA without first securing a LOMR from FEMA, as well as any necessary permits and approvals from DNR, IDEM, and the Army Corps of Engineers. Prior to any alteration or relocation of a watercourse, the City shall notify any applicable adjacent communities and the State Floodplain Coordinator. Copies of such notification shall also be submitted to FEMA. Maintenance of any altered or relocated watercourse is required in order to ensure that no diminishing of flood-carrying capacity occurs.

(7) No local floodplain development permit shall be issued unless all necessary federal or state permits have been received. Copies of such permits are to be maintained on file with the floodplain development permit.

(8) Record Keeping: The City shall maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, LOMA, 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 ordinance.

(9) Construction of Utilities and Waste Disposal Systems: Public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed so as to minimize or eliminate flood damage. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

20.05.049 GD-01 [Green Development Incentives; General]

Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction. Implementation of these practices will help to make Bloomington a more sustainable community.

This Green Development Incentives section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a development in order to achieve development standards bonuses as provided in *Subsection 20.05.049(b): Level One Incentives, Subsection 20.05.049(c): Level Two Incentives and Subsection (d): Level Three Incentives*. Any development that incorporates these practices shall indicate such inclusion at the Site Plan review stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

(1) *Goal 1*: Structures and developments that demonstrate exceptional efficiency in the use of energy and resources and minimize their impact on the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

(A) Installation of a vegetated roof covering at least 50% of the total roof area. Incorporation of this practice shall conform to the provisions of SS Credit 7.2: Heat Island Effect: Roof as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(B) Demonstrate a percentage improvement in the proposed building performance rating compared to the baseline building performance rating per the most current version of the LEED for New Construction Rating System as approved by Plan Commission. Incorporation of this practice shall conform to the provisions of EA Credit 1: Optimize Energy Performance as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(C) Incorporate non-polluting and/or renewable on-site energy sources including, but not limited to, solar, wind, geothermal, biomass and bio-gas energy sources. Incorporation of this practice shall conform to the provisions of EA Credit 2: On-Site Renewable Energy as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(D) Recycling and/or salvaging of at least 50% of non-hazardous construction and demolition debris. Incorporation of this practice shall conform to the provisions of MR Credit 2.1: Construction Waste Management as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(E) Utilization of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value. Incorporation of this practice shall conform to the provisions of MR Credit 5.1: Regional Materials as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(2) *Goal 2*: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

(A) Use of permeable pavement materials for at least fifty percent (50%) of all private driveways, pathways, and parking areas.

(B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.

(C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.

(D) Placement of all slopes of 12% or greater within Conservancy Easements to ensure that they are not developed, nor disturbed during the development of remaining portions of the site, as well as the retention of at least 90% of existing tree canopy cover in compliance with *Division 20.05.044(a)(2)* of this Ordinance.

(3) *Goal 3*: A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:

(A) Incorporation of a mix of residential and nonresidential land uses either within the development or within individual buildings.

(B) Provision of 100% of the required bicycle parking spaces as either long-term Class I Bicycle Parking Facilities or covered, Class II Bicycle Parking Facilities, or a combination of those two bicycle parking facility types.

(C) Provision of automobile parking at least twenty-five percent (25%) below permitted maximums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums.

(D) Provision of subsidized Bloomington Transit passes or provision of a private van or shuttle.

(4) *Goal 4*: A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:

(A) Location of the development within one-quarter (¼) mile of a Bloomington Transit stop, provided that the transit facility is accessible using pedestrian facilities.

(B) Location of the development within one-quarter (¼) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the Growth Policies Plan, provided these commercial areas are accessible using pedestrian facilities.

(C) Location of the development within one-quarter (¼) mile of a public school or park, provided these public facilities are accessible using pedestrian facilities.

(D) Location of the development within one-quarter (¼) mile of a public multiuse trail facility, provided the development can be connected with pedestrian facilities to the public trail facility.

(b) Level One Incentives:

(1) A development may utilize the Level One Incentives detailed in *Division 20.05.049(b)(2)* if the reviewing authority determines that the development meets all four (4) goals listed in *Subsection 20.05.049(a): Sustainable Development Practices* through the incorporation of the following:

(A) At least two (2) Sustainable Development Practices from Goal 1 as specified in *Division (a)(1)* above; and

(B) At least one (1) Sustainable Development Practice from each of Goals 2, 3 and 4 as specified in *Division 20.05.049(a)(2), Division 20.05.049(a)(3)* and *Division 20.05.049(a)(4)* above.

(2) Developments described in *Division 20.05.049(b)(1)* above may utilize the following changes to development standards:

(A) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to six (6) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by twenty-five percent (25%).

(B) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to twenty (20) feet. For nonresidential districts, rear building setback requirements shall be reduced by twenty-five percent (25%).

(C) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by twenty-five percent (25%).

(c) Level Two Incentives:

(1) A development may utilize the Level Two Incentives detailed in *Division 20.05.049(c)(2)* if the reviewing authority determines that the development meets all four (4) goals listed in *Subsection 20.05.049(a): Sustainable Development Practices* through the incorporation of the following:

(A) At least three (3) Sustainable Development Practices from Goal 1 as specified in *Division*

20.05.049(a)(1) above; and

(B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in *Division 20.05.049(a)(2), Division 20.05.049(a)(3)* and *Division 20.05.049(a)(4)* above.

(2) Developments described in *Division 20.05.049(c)(1)* above may utilize the following changes to development standards:

(A) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).

(B) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).

(C) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by fifty percent (50%).

(d) Level Three Incentives:

(1) A development may utilize the Level Three Incentives detailed in *Division (2)* if the reviewing authority determines that the development meets all four (4) goals listed in *Subsection 20.05.049(a): Sustainable Development Practices* through the incorporation of the following:

(A) At least four (4) Sustainable Development Practices from Goal 1 as specified in *Division 20.05.049(a)(1)* above; and

(B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in *Division 20.05.049(a)(2), Division 20.05.049(a)(3)* and *Division 20.05.049(a)(4)* above.

(C) An allocation of at least fifteen percent (15%) of the total number of housing units located in the development as affordable housing. Such housing units must be entered into an affordable housing program administered by the local, State or Federal governments.

(2) Developments described in *Division 20.05.049(d)(1)* above may utilize the following changes to development standards:

(A) Side Building Setbacks: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).

(B) Rear Building Setbacks: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).

(C) Density: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by seventy-five percent (75%).

(e) Waiver of Fees: All developments utilizing the provisions of this Section to achieve the incentives outlined in *Subsections 20.05.049(b), 20.05.049(c)* and *20.05.049(d)* shall also be eligible for the following waivers or reductions of fees:

(1) Filing fees for the Plan Commission and/or Board of Zoning Appeals may be waived by the Planning Director.

(2) Fees associated with Right-of-way Excavation Permits may be waived by the Director of the Public Works Department.

(3) Sewer hook-on fees may be waived or reduced by the Utilities Service Board.

(f) Application Material and Verification of Compliance: In addition to the standard application requirements specified in *Section 20.09.080: Site Plan Review*, the petitioner shall provide the following information:

(1) A completed Green Building Worksheet shall be submitted and approved at the time of Site Plan approval. The Green Building Worksheet shall be accompanied by supporting material specifying how the development will incorporate the specific sustainable development practices selected from *Subsection (a): Sustainable Development Practices*.

(2) At the time of Site Plan approval, the petitioner shall record a Commitment verifying that the development will comply or has already complied with the sustainable development practices petitioned for as part of the Site Plan application. The Commitment shall comply with the requirements specified in *Section 20.09.100: Commitments; Site Plan.*

20.05.050 HT-01: [Height Standards; General]

This Height Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Height Exceptions: The following types of structures or building features are exempt or partially exempt from the maximum structure height standards of *Chapter 20.02: Zoning Districts* as follows:

(1) *Religious Elements*: Church steeples, bell towers, and similar features may exceed the maximum height of the applicable zoning district by no more than twenty-five percent (25%) of the applicable maximum height.

(2) *Water Towers and Quarry Derricks*: Water towers and quarry derricks are allowed up to a height of one hundred fifty (150) feet.

(3) *Chimneys*: Chimneys are allowed to extend ten (10) feet above the roof's highest point.

(4) *Mechanical Equipment*: Roof-mounted mechanical equipment including, but not limited to, utility boxes, telecommunication devices, cables, conduits, vents, chillers and fans, may extend up to ten (10) feet above the roof's highest point. In such cases, roof-mounted equipment shall be:

(A) Located such that it is not visible from adjacent private and public streets, or

(B) Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private or public streets.

(5) *Elevator Bulkheads*: Elevator bulkheads may extend up to ten (10) feet above the roof's highest point. In such cases, an elevator bulkhead shall be:

(A) Located such that it is not visible from adjacent private and public streets, or

(B) Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private and public streets, or

(C) Be constructed with the same exterior building materials, or

(D) Be architecturally integrated into the building's design so as to not look like an elevator bulkhead.

(6) *Communication Facilities*: Communication Facilities are exempt from height restrictions, subject to the limitations of *Chapter 20.05; §CF: Communication Facilities*.

20.05.051 HO-01 [Home Occupation; General]

This Home Occupation Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Certificate of Zoning Compliance: No person shall conduct a home occupation in a dwelling in any zoning district without having first received a Certificate of Zoning Compliance. Such Certificate of Zoning Compliance shall not be transferable to any other person, nor shall this Certificate of Zoning Compliance be valid at any address or for any home occupation other than the one appearing on the Certificate of Zoning Compliance.

(b) Conditional Use Approval: In residential districts, a Conditional Use approval by the Board of Zoning Appeals or the Hearing Officer shall be required for home occupations prior to the issuance of a Certificate of Zoning Compliance.

(c) Site Plan Review:

(1) *Residential Districts*: An approved home occupation in a residential district shall be treated as a single-family dwelling unit for purposes of Site Plan review. Upon approval of a home occupation request, the petitioner shall be required to install bicycle and pedestrian facilities in compliance with *Section 20.05.010: AT-01 [Alternative Transportation; General]* and *Section 20.05.011 AT-02 [Alternative Transportation; Bicycle Parking Standards; General]* of this Unified Development Ordinance.

(2) *Nonresidential Districts*: A home occupation in a nonresidential district that meets all of the standards of *Section 20.05.051* shall be treated as a single-family dwelling unit for purposes of Site Plan review. Upon approval of a home occupation request, the petitioner shall be required to install bicycle and pedestrian facilities in compliance with *Section 20.05.010* of this Unified Development Ordinance. A home occupation that does not meet the standards of *Section 20.05.051* shall be treated as a commercial use and subject to Site Plan review.

(d) Exceptions:

(1) *Exempted Uses*: The follow uses shall not be regulated as home occupations:

(A) Child Care Home, provided that the child care home is also the primary residence of the operator;
(B) Adult Day Care Home;
(C) Group Care Home for Developmentally Disabled;
(D) Group Care Home for Mentally Ill;
(E) Group/Residential Care Home.

(2) *Other Exempted Home Occupations*: Activities such as drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require a Certificate of Zoning Compliance or Conditional Use approval, provided that the following regulations are met:

(A) No employees or customers visit the premises;
(B) No signs are displayed; and
(C) No deliveries other than those normally associated with residential uses are made to the site.

(e) Operations Standards:

(1) *Operator Residency Required*: The operator of the home occupation shall reside in the dwelling unit.

(2) *Maximum Number of Nonresident Employees*: Any home occupation shall be permitted a maximum of one (1) employee who does not reside in the dwelling unit.

(3) *Maximum Floor Area*: A maximum of fifteen percent (15%) of the total interior floor area of the dwelling unit shall be used in connection with the home occupation. However, no home occupation shall be limited to less than two hundred (200) square feet, nor shall the area of a home occupation exceed five hundred (500) square feet. If there is more than one (1) home occupation being conducted within a dwelling unit, then all home occupations within the dwelling unit shall cumulatively use no more than fifteen percent (15%) or five hundred (500) square feet of the dwelling unit, whichever is less. Area used for storage of materials or products used in the home occupation shall be included in this calculation.

(4) *Multiple Home Occupations*: More than one (1) home occupation may be permitted within an individual dwelling unit. Where multiple home occupations are conducted within an individual dwelling unit, the operations standards of *Subsection 20.05.051(e): Operations Standards* shall be applied to the combined total of all home occupation activities, not to each home occupation individually.

(5) *Residential Character*: There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit within which the home occupation operates.

(6) *Location and Entrance*: The home occupation shall be conducted entirely within the primary structure or attached garage. The use of an attached garage for a home occupation shall not interfere with the provision of any required off-street parking.

(7) *Outdoor Display and Storage*: Outdoor display of goods, materials, supplies, or equipment shall be prohibited.

(8) *Sales*: Direct sales and/or rentals of products shall be prohibited. Incidental sales of products related to the home occupation are permitted. Mail and/or telephone sales activities are permitted.

(9) *Signage*: A home occupation shall be permitted to display one (1) sign, attached to the wall of the building, of a maximum size of two (2) square feet. All other advertising, signs, displays, or other indications of a home occupation in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit shall be prohibited.

(10) *Off-street Parking and Loading*: No additional driveway to serve the home occupation shall be permitted. No off-street parking or loading facilities, other than requirements of the applicable zoning district, shall be permitted.

(11) *Hours of Operation*: Customer visitation in association with the home occupation shall be limited to between 8:00 a.m. and 8:00 p.m. The hours of operation of the home occupation shall not interfere with the use and enjoyment of adjacent residential properties.

(12) *Commercially Licensed Vehicles*: No vehicles requiring the operator to have a Commercial Drivers License shall be allowed in conjunction with any Home Occupation.

(13) *Deliveries*: Deliveries to the property shall not be permitted, except those by typical residential delivery services.

20.05.052 LA-01 [Landscaping Standards; General]

Purpose: The Landscaping Standards are intended to improve Bloomington's vegetated environment and foster development that will protect and preserve the appearance, character, health, safety and welfare of the community. Additionally, the standards are intended to foster aesthetically pleasing development that will protect and improve Bloomington's biodiversity and the ecological services provided by native species and ecosystems. Trees, vegetation, irrigation systems, fences, walls, and other landscape elements are essential components of a project. These components act to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environments.

This Landscaping Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Placement of Landscape Materials:
- (1) *Rights-of-way and Easements:* It shall be the responsibility of the property owner to install and maintain landscape material in rights-of-way or easements. Plant types shall be approved by either the City or the easement holder.
- (2) *Utility Infrastructure*: Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. Trees shall be planted at least ten (10) feet from sanitary sewer and water service lines. A tree canopy may project over a right-of-way or easement. All landscaping plans shall be reviewed by the City Utilities Department in order to ensure that there are no conflicts between proposed landscaping and utility lines.
- (3) *Vehicular and Pedestrian Movement*: Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of eight (8) feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of fifteen (15) feet.
- (4) *Vision Clearance*: Materials shall be located to avoid interference with visibility per *Chapter 20.05; §VC: Vision Clearance Standards*.
- (5) *Energy Conservation*: Plantings shall be arranged to promote energy conservation.
  - (A) Deciduous Trees: Tall deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun, and provide warmth from the winter sun.
  - (B) Evergreens: Evergreens should be planted on the north side of buildings to dissipate the effect of winter winds.
- (6) *Distribution*: Required landscaping shall be reasonably distributed throughout all open space areas. It is suggested that the required plantings be planted in clusters or irregular patterns, and that native grasses and other native species be used for ornamentation in addition to the required plantings.

(b) Maintenance: Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of this Unified Development Ordinance subject to the provisions of *Chapter 20.10: Enforcement and Penalties*. Specifically:
- (1) All plant material shall be maintained alive, healthy, and free from disease and pests.
- (2) All landscape structures including, but not limited to, fences and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

(c) Plant Material Standards:
- (1) *Live Plantings*: All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized as contributing to required landscaping.
- (2) *Species Diversity*: On sites that require an aggregate total of twenty (20) or more new trees, any given species of tree shall be limited to a maximum of thirty-three percent (33%) of the total number of newly planted trees on site.
- (3) *Permitted Plant Material*: All plant material shall be selected from *Exhibit LA-A: Permitted Plant Species by Characteristics*. Substitutions to the list shall be submitted to the Planning Department for approval.
- (4) *Prohibited Plant Material*: Species identified in *Exhibit LA-B: Invasive and Poor Characteristics Species* shall under no circumstances be planted.

(5) *New Planting Sizes*: The following minimum sizes shall apply to all required plant material:
(A) Deciduous Trees: All newly planted deciduous trees shall be at least two (2) inches in caliper.
(B) Evergreen Trees: All newly planted evergreen trees shall be at least six (6) feet tall.
(C) Shrubs: Shrubs shall be at least three-gallon container size or eighteen (18) inches tall.

(6) *Substitution*:
(A) Public Art: The Planning Department may reduce the landscaping requirement by up to twenty-five percent (25%) if it is replaced with public art. Public art shall not replace required buffer yard landscaping as required by *Subsection 20.05.052(f): Buffer Yards*.
(B) Existing Vegetation: The Planning Department may permit the substitution of required landscaping with existing vegetation provided that the existing vegetation is similar in species and location as well as in good health and quality. Vegetation preserved to meet the requirements of *Section 20.05.044: EN-07 [Environmental Standards; Tree and Forest Preservation]*, may be substituted for required landscaping, provided it meets the requirements of *Subsection 20.05.052(c)(6)*. Qualified existing vegetation shall be credited towards required landscaping based on the following values:
(i) Deciduous Trees: A credit of one (1) tree per every four (4) inches in caliper of an existing qualified deciduous tree is earned. No single existing tree shall count towards more than five (5) individual required trees.
(ii) Evergreen Trees: A credit of one (1) tree per every twelve (12) feet in height of an existing qualified evergreen tree is earned. No single existing tree shall count towards more than three (3) individual required trees.
(iii) Shrubs: A credit of one (1) shrub per every one (1) existing qualified shrub is earned.
(C) Shrubs: Where shrubs are required to be planted by this Ordinance, up to twenty percent (20%) of the total number of required shrubs may be substituted for with flowering perennials, grasses, or ferns.

(d) Street Trees:
(1) *Number*: A minimum of one (1) canopy tree shall be planted per forty (40) feet of property that abuts a public right-of-way.
(2) *Location*:
(A) Freeway/Expressway: Street trees along a limited-access highway shall be planted within fifteen (15) feet of the property line that abuts the limited-access highway. No trees shall be planted in the right-of-way.
(B) Arterial, Collector, Local or Private Street: Street trees along an arterial, collector, local or private street shall be planted in the tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street. Street trees planted within the front yard shall not count towards other landscaping requirements.
(C) Proximity of Adjacent Street Trees: The spacing between adjacent street trees shall be no less than twenty (20) feet and no more than forty (40) feet.
(D) Tree Grates: Where approved by the City's Urban Forester, street trees may be planted in a minimum twenty-five (25) square foot cutout covered with an ADA compliant tree grate to maintain a flush grade with adjacent sidewalks.
(E) Vision Clearance: Street trees shall be planted outside the vision clearance triangle as defined in *Chapter 20.05; §VC: Vision Clearance Standards*. Within fifty (50) feet of an intersection, street trees may be planted behind the sidewalk in order to maintain sight distances for traffic control signs. Low-branching species shall not be allowed within fifty (50) feet of an intersection. Locations for street trees within fifty (50) feet of an intersection shall be approved by the City Engineering Department. Street trees shall be located a minimum of ten (10) feet from a driveway cut, traffic control sign, or street light, and a minimum of three (3) feet from a fire hydrant.

(3) *Type*: Street tree species shall be subject to approval by the City's Urban Forester.

(e) Ground Cover: Grass and other vegetative ground cover shall be used for all open space including parking lot bumpouts and islands. The exceptions are as follows:

(1) Decorative mulch or stone planting beds shall not extend more than one (1) foot beyond the drip line of shrubbery, and shall be no more than six (6) feet in diameter surrounding the trees.

(f) Buffer Yards:

(1) *Buffer Yard Requirements*: A Buffer Yard shall be provided along the side and rear property lines of any property where the zoning district of the subject property conflicts with the zoning district of the adjacent property. New landscaping that is requried to meet these Buffer Yard requirements shall not count toward other site or parking landscaping requirements. The Buffer Yard Requirements Table below shall be used to determine the type of buffer yard to be installed on the subject property. The following requirements shall apply to all buffer yards:

(A) Responsibility: The developer or owner of the property being developed is responsible for installing the buffer yard at the time of that development. The adjacent property owner shall not be required to participate in the installation of the buffer yard.

(B) Location: All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance. The required buffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.

(C) Plant Material: All plant material used to meet the buffer yard requirements shall meet the standards of *Section 20.05.052: LA-01 [Landscaping Standards; General]*, and shall be selected from the list of permitted plant species in *Section 20.05.057: Exhibit LA-A: Permitted Plant Species by Characteristics.*

(D) Groundcover: All portions of a buffer yard not planted with trees, shrubs, or other required landscape materials shall be covered with grass or similar ground-covering vegetation. Landscaping stone or other non-vegetative materials may not be substituted for ground-covering vegetation. Decorative mulch or stone planting beds may be used around trees, provided that such planting beds are no greater than six (6) feet in diameter.

(E) Planned Unit Development: For development adjacent to a Planned Unit Development, or for a Planned Unit Development adjacent to existing development, the zoning district that most closely matches the predominant use of the Planned Unit Development shall be used to determine the buffer yard type.

(2) *Buffer Yard Types*: Required buffer yards shall be installed according to the following standards:

(A) Buffer Yard Type 1:

(i) A minimum setback of ten (10) feet shall be provided in addition to the setback otherwise required by this Ordinance.

(ii) One (1) deciduous canopy tree shall be planted in the buffer yard for every thirty (30) feet of boundary between the subject and adjoining properties.

(B) Buffer Yard Type 2:

(i) A minimum setback of fifteen (15) feet shall be provided in addition to the setback otherwise required by this Ordinance.

(ii) One (1) deciduous canopy tree and two (2) evergreen trees shall be planted in the buffer yard for every twenty-five (25) feet of boundary between the subject and adjoining properties.

(C) Buffer Yard Type 3:

(i) A minimum setback of twenty (20) feet shall be provided in addition to the setback otherwise required by this Ordinance.

(ii) A row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with one (1) tree placed every twenty (20) feet along the boundary between the subject and adjoining properties.

(iii) One (1) of the following shall also be provided:

[a] A six (6) foot tall opaque fence or brick/stone wall;

[b] A five (5) foot tall undulating berm planted with shrubs; or

[c] A row of evergreen trees, comprised of one (1) tree placed every ten (10) feet along the property boundary.

The BufferYard type indicated on the table below shall be provided on the subject property when...															
...the zoning for the subject property is...	...and the adjoining property is zoned:														
	RE	**RS**	**RC**	**RM**	**RH**	**MH**	**CL**	**CG**	**CA**	**CD**	**IG**	**BP**	**IN**	**MD**	**QY**
RM	1	1	1												
RH	2	1	1												
MH	2	1	1	1	1										
CL	2	1	1	1	1	2									
CG	3	2	2	2	2	2	1					1	1		
CA	3	2	2	2	2	2	1					2	2	2	
CD	3	2				1	1	1	1		2	2	1	1	
IG	3	3	3	3	3	3	2	1	1	2		1	2	2	
BP	3	3	3	2	2	2	1	1	2	2	1				
IN	3	2	2	2	2	2	1	1	2	1	2	1			
MD	3	2	2	2	2	2	1	1	2	1	2	1			
QY	3	3	3	3	3	3	3	2	2		1	2	2	3	

20.05.053 LA-02 [Landscaping Standards; General Parking]

This Landscaping Standards section applies to the following zoning districts:

RM RH MH CL CG CA IG BP IN MD QY

(a) Parking Lot Perimeter Plantings: Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen berms. Parking lots with four (4) or more spaces shall have the following perimeter planting:

(1) *Trees*:

(A) Number: Parking lot perimeter areas shall contain one (1) tree per four (4) parking spaces.

(B) Type: A minimum of seventy-five percent (75%) of the required trees shall be large, canopy trees.

(C) Location: Trees shall be planted within ten (10) feet of the parking lot edge.

(2) *Shrubs*:

(A) Number: Parking lot perimeter areas shall contain three (3) shrubs per one (1) parking space.

(B) Type: A minimum of fifty percent (50%) of the shrubs shall be evergreen.

(C) Location: Shrubs shall be planted within five (5) feet of the parking lot edge.

(D) Height: Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four (4) feet.

(b) Landscape Bumpouts and Islands:

(1) *Number*: Parking lots with sixteen (16) or more parking spaces shall provide one (1) landscape bumpout or island per every sixteen (16) parking spaces.

(2) *Minimum Area*: Each landscape bumpout or island shall be at least three hundred and twenty-four (324) square feet in size.

(3) *Minimum Planting*: Each landscape bumpout or island shall contain at least one (1) large canopy tree.

(4) *Curbing*: Parking lot bumpouts or islands shall be surrounded by a concrete curb of at least four (4) inches in height.

(5) *Placement*: Landscape islands shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than sixteen (16) consecutive spaces.

20.05.054 LA-03 [Landscaping Standards; Multifamily Residential]

This Landscaping Standards section applies to the following zoning districts:

RM RH MH

(a) Interior Plantings: The following standards apply:

(1) *Trees*:

(A) Number: Any areas of a site not covered by a structure, parking lot or required buffer yard shall be planted with a minimum of fourteen (14) large canopy trees, five (5) evergreen trees, and five (5) medium or small canopy trees per acre.

(2) *Shrubs*:

(A) Number: Lots shall be planted with a minimum of thirty-six (36) shrubs per acre.

(B) Type: A minimum of fifty percent (50%) of the required shrubs shall be evergreen.

(C) Substitution: One (1) ornamental tree may be substituted for every four (4) shrubs; however, substitution shall not exceed fifty percent (50%) of the required shrubs.

(D) Foundation Plantings: Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two (2) feet and eight (8) feet respectively from the foundation wall.

20.05.055 LA-04 [Landscaping Standards; Commercial Downtown]

This Landscaping Standards section applies to the following zoning district:

CD

(a) Interior Plantings: The following standards apply:

(1) *Trees*:

(A) Number: Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with a minimum of one (1) tree per five hundred (500) square feet.

(B) Type: All of the required trees shall be canopy trees.

(C) Substitution: Open areas less than ten (10) feet wide may substitute ornamental trees for required canopy trees.

(2) *Shrubs*:

(A) Number: Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with a minimum of eight (8) shrubs per five hundred (500) square feet.

(B) Type: A minimum of fifty percent (50%) of the required shrubs shall be evergreen.

(C) Substitution: One (1) ornamental tree may be substituted for every four (4) shrubs; however, substitution shall not exceed fifty percent (50%) of the required shrubs.

(D) Foundation Plantings: Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two (2) feet and eight (8) feet respectively from the foundation wall.

(b) Parking Lot Perimeter Plantings: Parking lots shall be screened from streets and adjacent uses using a combination of plant materials and decorative walls or decorative fences. Parking lots with six (6) or more spaces shall have the following perimeter planting and decorative wall or fence requirements:

(1) *Trees*:

(A) Number: One (1) tree shall be planted per six (6) parking spaces.

(B) Type: Required trees shall be canopy or ornamental trees.

(C) Location: Trees shall be planted within ten (10) feet of the parking lot edge.

(2) *Shrubs*:

(A) Number: Three (3) shrubs shall be planted per one (1) parking space.

(B) Type: A minimum of fifty percent (50%) of the shrubs shall be evergreen.

(C) Location: Shrubs shall be planted within five (5) feet of the parking lot edge.

(D) Height: Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four (4) feet.

(3) *Walls*: A decorative wall shall be installed for locations along the perimeter of the parking area to effectively screen any parking lot from the public right-of-way except for parking spaces where vehicles back out into the public right-of-way. Decorative walls shall be a minimum of thirty (30) inches and a maximum of forty-two (42) inches in height and may incorporate breaks to allow for pedestrian movement.

(c) Parking Lot Landscape Bumpouts and Islands:

(1) *Number:* Parking lot areas with sixteen (16) or more spaces shall provide one (1) landscape bumpout or island per every sixteen (16) consecutive parking spaces.

(2) *Minimum Area:* Each landscape bumpout or island shall be at least three hundred twenty-four (324) square feet in size.

(3) *Minimum Planting:* Each landscape bumpout or island shall contain at least one (1) large canopy tree.

(4) *Curbing*: Parking lot bumpouts or islands shall be surrounded by a concrete curb of at least four (4) inches in height.

(5) *Placement*: Landscape islands shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than sixteen (16) consecutive spaces.

20.05.056 LA-05 [Landscaping Standards; Nonresidential]

This Landscaping Standards section applies to the following zoning districts:

CL CG CA IG BP IN MD

(a) Interior Plantings: The following standards apply:

(1) *Trees*:

(A) Number: Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with a minimum of nine (9) large canopy trees, three (3) evergreen trees, and three (3) medium or small canopy trees per acre.

(2) *Shrubs*:

(A) Number: Lots shall be required to be planted with twenty-seven (27) shrubs per acre.

(B) Type: A minimum of fifty percent (50%) of the required shrubs shall be evergreen.

(C) Substitution: One (1) ornamental tree may be substituted for every four (4) shrubs; however, substitution shall not exceed fifty percent (50%) of the required shrubs.

(D) Foundation Plantings: Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two (2) feet and eight (8) feet respectively from the foundation wall.

20.05.057 LA-06 [Landscaping Standards; Vacant Lot Landscaping]

This Landscaping Standards section applies to the following zoning districts:

RM RH CL CG CA CD IG BP IN MD

(a) Applicability: Any lot with frontage on a public street shall be subject to the requirements of this section.

(b) Timing: Landscaping or ground cover shall be installed as required in Subsection (c) on the lot where demolition activity has occurred within one hundred and eighty (180) days after the issuance of a demolition permit, unless:

(1) The Planning Director has granted an extension of time due to the need for more time to complete demolition activities or due to the presence of seasonal or inclement weather; or

(2) A site plan has been approved for the reuse of the property. If an approved site plan has expired and has not been renewed, landscaping as outlined in Subsection (c) shall be installed within one hundred and eighty (180) days after site plan expiration.

(c) Planting Requirements:

(1) For lots of one-half (1/2) acre or less, the entire lot containing the demolition activity shall be covered with grass or other suitable ground cover as outlined in Section 20.05.057. No ground cover is required in locations where existing vegetation, remaining structures, or parking areas serving such remaining structures still exist.

(2) For lots greater than one-half (1/2) acre, one of the following landscaping options must be selected:

(A) The entire area disturbed for demolition shall be covered with grass or other suitable ground cover as outlined in Section 20.05.057; or

(B) A ten (10) foot wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. This planting area may either utilize raised planters or be level with street grade. Evergreen shrubs that grow to a minimum height of at least four (4) feet shall be planted every three (3) feet within these planting areas.

(d) Maintenance Requirements:

(1) All plant material shall be maintained alive, healthy, and free from disease and pests;

(2) All raised landscape planters shall be repaired or replaced periodically to maintain a structurally sound condition;

(3) Ground cover shall be maintained in compliance with Bloomington Municipal Code Title 6, *Health and Sanitation;* and

(4) Public sidewalks shall be maintained in compliance with Bloomington Municipal Code Title 12, *Streets, Sidewalks, and Storm Sewers*.

Street Trees
Trees suitable for planting along public streets and highways, parking lots, and in locations where low maintenance and hardy constitution are required.
(bold indicates native species)

20.05.058 Exhibit LA-A: Permitted Plant Species by Characteristics and Location

Large street trees 45' and over at mature height

Common Name	Scientific Name
Black Maple	***Acer nigrum***
Red Maple	***Acer rubrum***
Sugar Maple	***Acer saccharum***
Sugar Hackberry	***Celtis laevigata***
Hackberry	***Celtis occidentalis***
American Beech	***Fagus grandfolia***
European Beech	*Fagus sylvatica*
Ginkgo	*Ginkgo biloba*
Thornless Honeylocust	***Gleditsia triacanthos inermis***
Kentucky Coffee Tree	***Gymnocladus dioica***
Sweetgum	***Liquidambar styraciflura***
Tulip Tree	***Liriodendron tulipifera***
Cucumbertree	*Magnolia acuminate*
Blackgum or Tupelo	***Nyssa sylvatica***
Sycamore	***Platanus occidentalis***
London Planetree	*Plantanus x acerfolia*
Sawtooth Oak	***Quercus acutissima***
White Oak	***Quercus alba***
Swamp White Oak	***Quercus bicolor***
Scarlet Oak	***Quercus coccinea***
Shingle Oak	***Quercus imbricaria***
Bur Oak	***Quercus macrocarpa***
English Oak	*Quercus robur*
Red Oak	***Quercus rubra***
Shumard Oak	***Quercus shumardii***
Black Oak	***Quercus velutina***
Bald Cypress	***Taxodium distichum***
Basswood or American Linden	***Tilia Americana***
Littleleaf Linden	*Tilia cordata*
Silver Linden	*Tilia tomentosa*
Crimean Linden	*Tilia x euchiora*
Homestead Elm	*Ulmus x*
Japanese Zelkova	*Zelkova serrata*

Medium street trees 25' to 45' at mature height

Common Name	Scientific Name
Hedge Maple	*Acer campestre*
Nikko Maple	*Acer nikoense*
Autumn Flame Red Maple	***Acer rubrum***
Roughbark or Three-Flowered Maple	*Acer triflorum*
Downy Serviceberry	***Amelanchier arborea***
Whitespire Birch	*Betula platyphylla japonica*
European Hornbeam	*Carpinus betulus*

American Hornbeam or Blue Beech	***Carpinus caroliniana***
Katsura Tree	*Cercidiphyllum japonicum*
Yellowwood	***Cladrastis lutea***
Turkish Filbert	*Corylus colurna*
Golden Raintree	*Koelreuteria paniculata*
Magnolia	*species*
Hop Hornbeam or Ironwood	***Ostrya virginiana***
Purple Robe Locust	***Robinia x ambigua***

Small street trees under 25' at mature height

Common Name	Scientific Name
Paperbark Maple	*Acer griseum*
Tartarian Maple	*Acer tartaricum*
Shadblow Serviceberry	***Amelanchier canadensis***
Apple Serviceberry hybrids	*Amelanchier x grandiflora*
Allegheny Serviceberry	*Amelanchier laevis*
Eastern Redbud	***Cercis canadensis***
Flowering Dogwood	***Cornus florida***
Kousa Dogwood	*Cornus kousa chinensis*
Thornless Cockspur Hawthorn	*Crataegus crus-galli*
Washington Hawthorn	***Crataegus phaenopyrum***
Green Hawthorn	***Crataegus viridis***
Flowering Crabapple	*Malus sp.*
Cultivars: 'Adirondack', baccata 'Jackii', 'Bechtel', 'Centzam', 'David', 'Hargozam', 'Pink Spires', 'Prairie Fire', 'Red Barron', 'Red Jewel', 'Sinai Fire', 'Van Esltine', 'Winter Gold', x zumi 'Calocarpa'	
Japanese Tree Lilac	*Syringa reticulata*

Interior Trees
Trees suitable for use within the interior of a site. Permitted street tree species listed in previous tables may also be used in addition to the species identified below.
(bold indicates native species)

Large trees 45' and over at mature height

Common Name	Scientific Name
Ohio Buckeye	***Aesculus glabra***
Yellow Buckeye	***Aesculus octandra***
Horsechestnut or Buckeye	***Aesculus sp.***
Bitternut Hickory	***Carya cordiformis***
Pignut Hickory	***Carya glabra***
Shellbark Hickory	***Carya laciniosa***
Shagbark Hickory	***Carya ovata***
Mockernut Hickory	***Carya tomentosa***
Northern Catalpa	***Catalpa speciosa***
American Holly	***Ilex opaca***
Black Walnut	***Juglans nigra***
White Pine	*Pinus strobes*
Virginia Pine	***Pinus virginiana***
Black Cherry	***Prunus serotina***
Chestnut Oak	***Quercus prinus***
Canadian or Eastern Hemlock	***Tsuga Canadensis***

Medium trees 25' to 45' at mature height

Common Name	Scientific Name
River Birch	***Betula nigra***
Hardy Rubber Tree	*Eucommia ulmoides*
Sassafras	***Sassafras albidum***
Arborvitae	***Thuja occidentalis***

Small trees under 25' tall at mature height

Common Name	Scientific Name
Red Buckeye	***Aesculus pavia***
Pawpaw	***Asimina triloba***
Dwarf Hackberry	*Celtis tenuifolia*
Pagoda Dogwood	***Cornus alternifolia***
Smoke Tree	*Cotinus coggygria*
Silverbell	***Halesia carolina***
Wild Plum	***Prunus Americana***
Oriental or Flowering Cherry	*Prunus*

Shrubs, Bushes, & Hedges
Plants suitable for individual, screen, biohedge uses (up to 12 feet at mature height)
(bold indicates native species)

Common Name	Scientific Name
Red Chokeberry	***Aronia arbutifolia***
Black Chokeberry	***Aronia melanocarpa***
Boxwood	*Buxus species*
Caolinia Allspice or Sweet Shrub	*Calycanthus floridus*
New Jersey Tea	***Ceanothus americanus***
Buttonbush	***Cephalanthus occidentalis***
Flowering Quince	*Chaenomeles*
False Cypress	*Chamaecyparis*
Gray Dogwood	***Cornus racemosa***
American Hazelnut	***Corylus Americana***
Cotoneaster	*Cotoneaster*
Silverbell shrub	***Halesia tetraptera***
Spring Witch Hazel	***Hamamelis vernalis***
Eastern Witch Hazel	***Hamamelis virginiana***
Wild Hydrangia	***Hydrangia arborescens***
Oakleaf Hydrangia	***Hydrangia quercifolia***
Winterberry Holly	***Ilex verticillata***
Virginia Sweetspire	***Itea virginica***
Juniper	*Juniper species*
Spicebush	***Lindera benzoin***
Mockorange	*Philadelphus*
Ninebark	***Physocarpus opulifolius***
Shrubby Cinquefoil	***Potentilla***
Purple Leaf Sand Cherry	*Prunus cistena*
Sand Cherry	***Prunus pumila***
Rhododendron	*Rhododendron species*
Lilac	*Syringa vulgaris*
Fragrant Sumac	***Rhus aromatica***

Winged Sumac	***Rhus copallina***
Shinning Sumac	***Rhus glabra***
Staghorn Sumac	***Rhus typhina***
Virginia Rose	***Rosa virginiana***
Pussy Willow	***Salix discolor***
Bladdernut	***Stapphylea trifolia***
Coralberry or Indian Currant	***Symphoricarpos orbiculatus***
Canadian Yew	*Taxus canadensis*
Weeping Hemlock	*Tsuga Canadensis 'pendula'*
Highbush Blueberry	***Vaccinium corymbosum***
Mapleleaf Viburnum	***Viburnum acerifolium***
Arrowwood	***Viburnum dentatum***
Nannyberry	***Viburnum lentago***
Black Haw	***Viburnum prunifolium***
American Highbush Cranberry	***Viburnum trilobum***
Prickly Ash	***Zanthoxylum americanum***

Herbaceous Perennial Plants
Plants suitable for infill, aesthetics, and cover
(bold indicates native species)

Flowering Perennials

Common Name	Scientific Name
Columbine	***Aquilegia canadensis***
Swamp or Marsh Milkweed	***Asclepias incarnata***
Common Milkweed	***Asclepias syriaca***
Butterflyweed	***Asclepias tuberosa***
Smooth Aster	***Aster laevis***
Short's Aster	***Aster shortii***
False Blue Indigo	***Baptisia australis***
Tall Coreopsis	***Coreopsis tripteris***
Larkspur	***Delphinium tricorne***
Purple Coneflower	***Echinacea purpurea***
Spotted-Joe-Pye-Weed	***Eupatorium maculatum***
Wild Geranium	***Geranium maculatum***
Autumn Sneezeweed	***Helenium autumnale***
Stiff or Prairie Sunflower	***Helianthus pauciflorus***
False Sunflower	***Heliopsis helianthoides***
Hosta	*Hosta species*
Violet Lespedeza	***Lespedeza violacea***
Prairie Blazing Star	***Liatris pycnostachya***
Dense Blazing Star	***Liatrus spicata***
Cardinal Flower	***Lobelia cardinalis***
Great Blue Lobelia	***Lobelia siphilitica***
Virginia Bluebells	***Mertensia virginica***
Bergamot or Bee-balm	***Monarda fistulosa***
Purple Prairie Clover	***Petalostemum purpureum***
Blue Phlox	***Phlox divaricata***
Summer Phlox	***Phlox paniculata***
Obedient Plant	***Physostegia virginiana***
Yellow Coneflower	***Ratibida pinnata***

Black-Eyed-Susan	***Rudbeckia hirta***
Green-Headed Coneflower	***Rudbeckia laciniata***
Sweet Coneflower	***Rudbeckia subtomentosa***
Stiff Goldenrod	***Solidago rigida***
Blue-stemed Goldenrod	***Solidago caesia***
Grey Goldenrod	***Solidago nemoralis***
Royal Catchfly	***Silene regia***
Fire Pink	***Silene virginica***
Celandine Poppy	***Stylophorum diphyllum***
Culver's Root	***Veronicastrum virginicum***
Violet	***Viola sororia***

Ground Covers

Common Name	Scientific Name
Canada Anemone	***Anemone canadensis***
Wild Ginger	***Asarum canadense***
Palm Sedge	***Carex muskingumensis***
Common Oak Sedge	***Carex pensylvanica***
Green and Gold	***Chrysogonum virginianum***
Running Strawberry Bush	***Euonymus obovatus***
Wild Strawberry	***Fragaria virginiana***
Dwarf Crested Iris	***Iris cristata***
Creeping Phlox	***Phlox subulata***
Partridge Berry	***Mitchella repens***
Wild Stonecrop	***Sedum ternatum***
Foam Flower	***Tiarella cordifolia***

Vines

Common Name	Scientific Name
Wooly Douchman's Pipe	***Aristolochia tomentosa***
Crossvine	***Bignonia capreolata***
Trumpet Creeper	***Campsis radicans***
American Bittersweet	***Celastrus scandens***
Virgin's Bower (native clematis)	***Clematis virginiana***
Virginia Creeper	***Parthenocissus quinquefolia***

Plants Suitable for Erosion Control

Common Name	Scientific Name
Canada Anemone	***Anemone canadensis***
Wild Ginger	***Asarum canadense***
Canada Milkvetch	***Astragalus canadensis***
Sideoats Grama	***Bouteloua curtipendula***
Roundheaded bushclover	***Lespedeza capitata***
Switch Grass	***Panicum virgatum***
Little Bluestem	***Schizachyrium scoparium***
Coralberry	***Symphoricarpos orbiculatus***
Goat's Rue	***Tephrosia virginiana***
Purple Vetch	***Vinca americana***

Ferns

Common Name	Scientific Name
Maidenhair Fern	***Adiantum pedatum***
Lady Fern	***Athyrium filix-femina***
Giant Wood Fern or Goldie's Fern	***Dryopteris goldiana***
Evergreen Shield Fern	***Dryopteris marginalis***
Ostrich Fern	***Matteuccia struthiopteris***
Cinnamon Fern	***Osmunda cinnamomea***
Christmas Fern	***Polystichum acrostichoides***

Grasses

Common Name	Scientific Name
Big Bluestem	***Andropogon gerardii***
Side-Oats Gramma	***Bouteloua curtipendula***
Bottlebrush Grass	***Elymus hystrix***
June Grass	***Koeleria macrantha***
Switch Grass	***Panicum virgatum***
Little Bluestem	***Schizachyrium scoparium***
Prarie Dropseed	***Sporobulus heterolepsis***

20.05.059 Exhibit LA-B: Invasive Species, Species with Poor Characteristics and Noxious or Detrimental Plants

Species considered unacceptable and that should not be planted because of invasive characteristics, weak wood, and/or abundant litter.

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)
\+ = Indiana detrimental plants (INDNR)

Unacceptable Plants

Invasive Trees

Common Name	Scientific Name
Amur Maple	*Acer ginnala*
Norway Maple	*Acer platanoides*
Tree-of-Heaven	*Ailanthus altissima*
Russian Olive	*Elaeagnus angustifolia*
Autumn Olive	*Elaeagnus umbellata*
White Mulberry	*Morus alba*
European or Common Buckthorn	*Rhamnus cathartica*
Glossy or Smooth Buckthorn	*Rhamnus frangula*
Buckthorn Tallhedge	*Rhamnus frangula columnaris*
Black Locus	*Robinia pseudoacacia*
Siberian Elm	*Ulmus pumila*

Trees with Poor Characteristics

Common Name	Scientific Name
Box Elder	*Acer negundo*
Silver maple	*Acer saccharinum*
European White Birch	*Betula pendula*
Ash	*Fraxinus species*
Gingko (female only)	*Gingko biloba*
Flowering Crabapple	*Malus*

Cultivars: 'Brandywine', 'Candied Apple', 'Donald Wyman', 'Doubloons', 'Indian Magic', 'Indiana Summer', 'Liset', 'Madonna', 'Mary Potter', 'Prairie Maid', 'Profusion', 'Robinson', 'Selkirk', 'Sentinel', 'Snowdrift', 'Sugar Tyme', 'Velvet Pillar', 'White Cascade', 'White Candle'.

Bradford Pear	*Pyrus calleryana*
American Elm	*Ulmus Americana*

Invasive Herbaceous Perennials

Common Name	Scientific Name
Wild Garlic and Wild Onion	*Alliums spp.* *
Garlic Mustard	*Alliaria petiolata*
Cornflower or Bachelor's Button	*Centaurea cyanus*
Russian Knapweed	*Centaurea repens* *
Canada Thistle	*Cirsium arvense* *+
Grecian Foxglove	*Digitalis lanata*
Teasel	*Dipsacus fullonum ssp. Sylvestris*
Giant Hogweed	*Fallopia japonica*
Dame's Rocket	*Hesperis matronalis*
Meadow Fleabane or British Yellowhead	*Inula britannica*
Sericea Lespedeza	*Lespedeza cuneata*
Purple Loosestrife	*Lythrum salicaria* *
Sweet Clover	*Melilotus alba, M. officinalis*
Star of Bethlehem	*Ornithogalum umbellatum*
Japanese Knotweed	*Polygonum cuspidatum*
Perennial Sowthistle	*Sonchus arvensis* *

Invasive Grasses

Common Name	Scientific Name
Quackgrass	*Agropyron repens* *
Smooth Brome	*Bromus inermis*
Tall Fescue	*Festuca elatior*
Perennial Peppergrass	*Lepidium draba* *
Japanese Stilt Grass	*Microstegium vimineum*
Maiden Grass	*Miscanthus sinensis*
Reed Canary Grass	*Phalaris arundinacea*
Common Reed Grass	*Phragmites australis*
Columbus Grass	*Sorghum almun Parodi* *
Shattercane	*Sorghum bicolor* *+
Johnson Grass or Sorghum Almum	*Sorghum halepense* *+

Invasive Vines and Groundcovers

Common Name	Scientific Name
Oriental Bittersweet	*Celastrus orbiculatus*
Field Bindweed	*Convolvulus arvensis* *
Crown Vetch	*Coronilla varia*
Black Swallow-Wort	*Cynanchum nigrum, syn. Vincetoxicum nigrum*
Pale Swallow-Wort	*Cynanchum rossicum*
Potato vine	*Dioscorea batatas*
Chinese Yam	*Dioscora oppositifolia*
Purple Winter Creeper	*Euonymus fortunei*
Creeping Charlie	*Glechoma hederacea*
English Ivy	*Hedera helix*

Japanese Hops	*Humulus japonicus*
Japanese Honeysuckle	*Lonicera japonica*
Amur Honeysuckle	*Lonicera maackii*
Creeping Jenny or Moneywort	*Lysimachia nummularia*
Mile-A-Minute Weed	*Polygonum perfoliatum*
Kudzu	*Pueraria montana lobata*
Poison Ivy	*Rhus radicans*
Bur Cucumber	*Sicyos angulatus* *+
Periwinkle or Myrtle	*Vinca minor*

Invasive Shrubs

Common Name	Scientific Name
Black Alder	*Alnus glutinosa*
Japanese Barberry	*Berberis thunbergii*
Butterfly Bush	*Buddleia davidii*
Asiatic Bittersweet	*Celastrus scandens*
Burning Bush	*Euonymus alatus*
Bicolor Lespedeza	*Lespedeza bicolor*
Common Privet	*Ligustrum vulgare*
Bush or Amur Honeysuckle	*Lonicera maackii*
Morrow's Honeysuckle	*Lonicera morowii*
Tatarian Honeysuckle	*Lonicera tatarica*
Multiflora Rose	*Rosa multiflora* *
Japanese Spirea	*Spiraea japonica*
Atlantic Poison Oak	*Toxicodendron pubescens, syn. Rhus pubescens*
Poison Sumac	*Toxicodendron vernix, syn Rhus vernix*
European Highbush Cranberry	*Viburnum opulus v. opulus*

20.05.060 LG-01 [Lighting Standards; General]

Purpose: The purpose of the Lighting Standards is to:

A. Encourage lighting practices and systems that conserve energy and resources;
B. Minimize light pollution, glare, and light trespass, while maintaining nighttime safety, security, and enjoyment of property; and
C. Curtail the degradation of the nighttime visual environment.

This Lighting Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Conformance with Applicable Codes: All outdoor illuminating devices shall be installed in conformance with the provisions of this Unified Development Ordinance, all applicable building and electrical codes.

(b) Applicability:
(1) *New Construction:* For all new building construction that requires a Certificate of Zoning Compliance, all lighting fixtures shall meet the requirements of *Chapter 20.05; §LG: Lighting Standards.*
(2) *Change in Use:* If there is any change in use of the property, the provisions of *Chapter 20.05; §LG: Lighting Standards* shall apply when the new use commences. Changes in use within multi-tenant centers shall not require the individual tenant or the entire center to comply with the provisions of *Chapter 20.05; §LG: Lighting Standards*.
(3) *Major Modifications of 25% or More:* All site or structure modifications that result in an increase of twenty-five percent (25%) or more of the gross floor area, number of dwelling units or number of parking spaces shall cause the requirements of *Chapter 20.05; §LG: Lighting Standards* to apply to the entire property.
(4) *Modification, Replacement or Addition of Outdoor Lighting:* Modification, replacement or addition of outdoor lighting fixtures constituting twenty-five percent (25%) or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a site, shall constitute a major modification for purposes of *Chapter 20.05; §LG: Lighting Standards*.

(c) Interpretation:
(1) *Initial Lumens*: For the purposes of *Chapter 20.05; §LG: Lighting Standards*, "lumens" means "initial lumens." The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.
(2) *Light Trespass Measurements*: Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five (5) feet, using any orientation of the light meter.

(d) Prohibitions and Exemptions:
(1) *Prohibitions*:
(A) Laser Source Light: The use of laser, strobe, and/or flashing source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
(B) Searchlights: The operation of searchlights is prohibited except when used by civil authorities for purposes of public safety.
(C) Towers: Tower lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).
(2) *Exemptions*:
(A) Carnivals and Festivals, Temporary: Lighting for temporary festivals and carnivals is exempt but shall be turned off within thirty (30) minutes of the last event.
(B) Emergency Lighting: Emergency lighting, used by police, fire fighting, or medical personnel, or at their direction, is exempt from all requirements of *Chapter 20.05; §LG: Lighting Standards*.
(C) Traffic Control Lighting: Traffic control lighting is exempt from the provisions of *Chapter 20.05; §LG: Lighting Standards*.
(D) Flags, Lighted: United States, State of Indiana, Monroe County, City of Bloomington, university, college, military, and place of worship flags are exempt from the provisions of *Chapter 20.05; §LG: Lighting Standards*. All other outdoor lighted flags, including, but not limited to, decorative and commercial flags shall conform to the provisions of *Chapter 20.05; §LG: Lighting Standards*.

(E) Holiday Lighting: Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent lamps are exempt from the provisions of *Chapter 20.05; §LG: Lighting Standards*.

(F) Low-intensity Lighting:

(i) No shielding is required for a light fixture with a bulb rated at two hundred sixty (260) lumens or less.

(ii) Full shielding is not required for a light fixture with a bulb rated at more than two hundred sixty (260) lumens and less than 1,000 lumens when the bulbs are installed inside frosted glass or other translucent covers and shielded on top.

(iii) The total lumens of bulbs specified in *Clause 20.05.059(d)(2)(F)(i)* and *Clause 20.05.059(d)(2)(F)(ii)* above, when not motion detector activated, shall not exceed 2,000 lumens per building, or 1,000 lumens per exterior entryway, whichever is less.

(G) Swimming Pool and Fountain Lighting: Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of *Chapter 20.05; §LG: Lighting Standards*.

(e) General Design Standards and Outdoor Lighting Standards:

(1) *Light Trespass*: All lighting fixtures shall be installed so as to not cause light trespass beyond the property boundary. Light trespass from any property shall not exceed the following:

(A) Thirty (30) luces at any location on the property line of any parcel either zoned or used for nonresidential purposes;

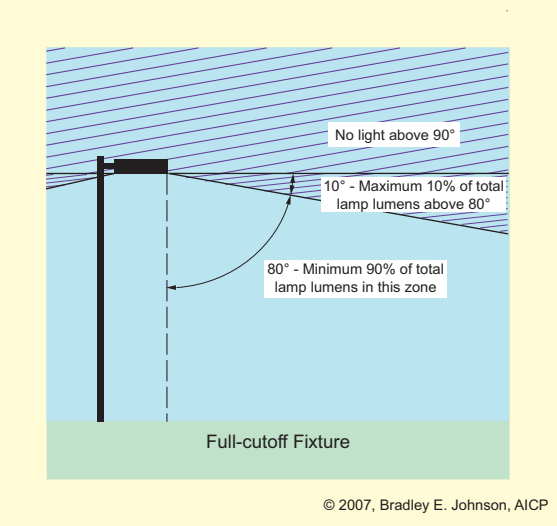
(B) Ten (10) luces at any location on the property line of any parcel either zoned or used for residential purposes; and

(2) *Glare*: All lighting fixtures shall be installed so as not to cause glare at or beyond the property line, or be aimed toward traffic.

(A) Shielding:

(i) All lighting fixtures shall be fully shielded, except as specified otherwise herein.

(ii) All lighting fixtures shall be full cutoff type as installed, except as specified otherwise herein.



(iii) All lighting fixtures that are required to be shielded shall be installed and maintained in such a manner that ensures their continued compliance with all standards for shielded fixtures as specified in *Chapter 20.05; §LG: Lighting Standards*.

(iv) A lighting fixture may beam light upward, if all such upward light is reflected back down by a canopy, roof, or other such structure.

(v) All lamps emitting 1,000 lumens or more, except motion detector-activated lighting, must be fully shielded to an observer at the property line.

(B) Floodlights and Spotlights:

(i) Floodlights and spotlights must be fully shielded when the source is visible from any property either zoned or used for residential purposes or any public right-of-way.

(ii) The centerline beam of a floodlight or spotlight shall be aimed no higher than forty-five degrees (45º) above vertical; however, light fixtures that cast illumination over more than ninety degrees (90º) shall be aimed such that no light shall be cast above the horizontal.

(3) *Landscape Lighting*:

(A) When planting materials are lighted, high-pressure sodium lamps and low-intensity incandescent lamps shall not be used.

(B) Lighting of any tree protection area or conservation easement is prohibited.

(4) *Security Lighting*: Full shielding is not required for motion detector activated lighting of less than 1,800 lumens, provided the light cycles off no more than ten (10) minutes after coming on.

20.05.061 LG-02 [Lighting Standards; Multifamily Residential]

This Lighting Standards section applies to the following districts:

RM RH CL CG CA CD

(a) A parcel occupied by a multifamily dwelling shall not be illuminated by more than 6,000 lumens per primary structure, including a maximum of 2,000 lumens per building entryway of any combination of motion detector activated lighting and bulbs rated at no more than 1,000 lumens.

20.05.062 LG-03 [Lighting Standards; Non-Residential]

This Lighting Standards section applies to the following districts:

CL CG CA CD IG BP IN MD QY

(a) Nonresidential Districts adjacent to Residential Districts:

(1) Nonresidential uses bordered by any residentially zoned parcel shall be allowed a total light output of not more than 40,000 lumens per acre. Provided, regardless of parcel size, the allotment shall be sufficient to provide a maximum of 2,500 lumens per entryway with motion detector activated lighting counted as ½-lumens.

(b) Use-specific Conditions:

(1) *Canopies, Pavilions, or Drive-through Bays*:

(A) Illuminance: The canopy, pavilion, or drive-through bay shall be designed to achieve no greater than the minimal illuminance level of a service station pump island as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments).

(B) Shielding: All light fixtures mounted on or recessed into the lower surface of canopies, pavilions, or drive-through bays shall be full cutoff, fully shielded and utilize flat lenses.

(2) *Outdoor Recreational Facilities*:

(A) Illuminance: All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6: Sports and Recreational Area Lighting).

(B) Light Trespass: The installation shall limit light trespass as follows:

(i) Fifty (50) luces at any location on the property line of any parcel zoned for nonresidential purposes; and

(ii) Twenty (20) luces at any location on the property line of any parcel zoned for residential purposes.

(C) Restriction: Field lighting for all outdoor recreational facilities shall be turned off within thirty (30) minutes after the completion of the last event of the night.

(3) *Parking Lots and Outdoor Display Lots or Areas*:

(A) Illuminance: The parking lot shall be designed to achieve no greater than the minimal illuminance levels for the given land use as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments). However, a parking lot shall also be designed to achieve a minimum illuminance level of one (1) lux.

(B) Curfew: Lighting for outdoor display lots and parking lots with more than twenty (20) parking spaces shall be reduced by half no later than 11:00 p.m., or within thirty (30) minutes after closing of the business, whichever is later.

20.05.063 LD-01 [Loading Standards]

This Loading Standards section applies to the following zoning districts:

CL CG CA CD IG BP IN MD QY

(a) Loading berths shall be located at the rear of a structure.

(b) Loading berths shall be paved with asphalt or concrete.

(c) Loading berths shall be effectively screened from view from adjacent public streets and residential uses by solid building walls, constructed of similar building materials as the primary structure and not less than six (6) feet in height.

(d) The design of loading berth areas shall prevent any portion of any vehicle using the loading facility from projecting into a public right-of-way.

20.05.064 MS-01 [Municipal Services; General]

This Municipal Services Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Sewer and Water:

(1) Municipal sewer and water hookup is required for all developments except for instances where written approvals by the City Utilities Department and the County Health Department grant an exception to the hookup requirement.

(2) All sewer and water facilities shall meet the design specifications of the City Utilities Department.

(b) Dry Hydrants: Any development that incorporates a retention pond with a standing pool of water of at least 10,000 cubic feet in volume shall provide a dry hydrant that meets the specifications of the National Fire Protection Association (NFPA) Standard on Water Supplies for Suburban and Rural Fire Fighting, NFPA 1142 Chapter 9 (2001 Edition), or any subsequent amendment thereto.

(c) Bloomington Digital Underground: Any new development that includes the construction of a new or widened public street shall be required to install underground telecommunications conduit to extend the City's fiber optic network, known as the Bloomington Digital Underground (BDU). Conduit installation shall be in accordance with BDU specifications and permit requirements of the City of Bloomington. This requirement may be waived by the Planning Director if the City's Director of Information and Technology Services determines that the new conduit is not necessary.

Outdoor Storage Standards (OT)

20.05.065 OT-01 [Outdoor Storage Standards; Storage and Parking of Vehicles]

This Outdoor Storage Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Vehicles and trailers shall not be stored or parked on an unimproved surface.
(b) Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.
(c) Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

20.05.066 OT-02 [Outdoor Storage Standards; Miscellaneous]

This Outdoor Storage Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD BP MD

(a) Outdoor storage of equipment, materials, waste or scrap materials, pallets and like materials is prohibited.
(b) Shipping containers, cargo containers, portable on-demand storage units and the like, shall only be permitted if they are providing storage for construction projects or are in the process of being loaded or unloaded, the duration of which can be no more than seventy two (72) hours.

20.05.067 OT-03 [Outdoor Storage Standards; Trash Receptacles]

This Outdoor Storage Standards section applies to the following zoning districts:

RM RH MH CL CG CA CD IG BP IN MD QY

(a) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on a paved slab.
(b) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be effectively screened on all sides by a fence or wall that is constructed of wood, brick, stone, chain link with opaque slats, or exterior building materials similar to those used on the primary structure. At least one (1) side of such fence or wall shall incorporate a movable gate for access.
(c) The height of the enclosure shall be a minimum of six (6) feet, and shall be high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way.
(d) Outdoor trash receptacle or dumpster, compactor, and similar container enclosures shall meet the setback requirements in *Chapter 20.05; §SB: Setback Standards*.
(e) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

20.05.068 OT-04 [Outdoor Storage Standards; Outdoor Merchandising]

This Outdoor Storage Standards section applies to the following zoning districts:

CG CA

(a) Outdoor display of merchandise for sale is permissible provided that the following criteria are met:
  (1) All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers. Use of display area shall not block handicapped parking areas, parking lot access aisles, or sidewalk areas.
  (2) Parking spaces shall not be displaced below minimum code requirements.
  (3) No more than five percent (5%) of existing parking spaces shall be utilized for the display or storage of merchandise.

20.05.069 OT-05 [Outdoor Storage Standards; Miscellaneous]

This Outdoor Storage Standards section applies to the following zoning districts:

IG IN

(a) Outdoor storage of equipment, materials, waste or scrap materials, pallets and like materials shall be effectively screened on all sides with a minimum six (6) foot privacy fence or wall and meet the applicable fence and wall standards in *Chapter 20.05; §FW: Fence and Wall Standards*.

(b) Additional landscaping screening requirements are as follows:
  (1) One (1) evergreen shrub reaching a height of at least six (6) feet at maturity shall be planted for every eight (8) feet of fencing facing adjacent parcels or public rights-of-way.
  (2) The shrubs required per *Division 20.05.068(b)(1)* shall be planted along the outside of the fence, no closer than three (3) feet from the fence or any impervious surfaces and shall meet the applicable landscaping requirements found in *Chapter 20.05; §LA: Landscaping Standards*.

20.05.070 PK-01 [Parking Standards; General]

Purpose: To provide adequate on-site parking for developments, minimize any detrimental effects of on-site parking areas on adjacent properties, and ensure the proper and uniform development of parking areas throughout the City. On-site parking and loading spaces for every use shall be provided in accordance with the standards established in *Section 20.05.069; PK-01 [Parking Standards; General]*. Further, parking areas shall be designed to:

A. Minimize dangerous traffic movements;
B. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers (ITE) Transportation and Traffic Engineering Handbook and the Master Thoroughfare Plan; and
C. Conform to the applicable parking requirements and provide for the optimum number of parking spaces, while maintaining design standards and preserving green space.

This Parking Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Maximum Number of Parking Spaces Permitted:
  (1) *Maximum Number of Parking Spaces Permitted*:
    (A) Unless specifically stated otherwise in the Unified Development Ordinance, the number of on-site parking spaces shall be as specified in *Section 20.05.074; Exhibit PK-A: Maximum Number of Parking Spaces Permitted by Land Use*.
    (B) In cases where the number of parking spaces is based on gross floor area in *Section 20.05.074; Exhibit PK-A: Required Number of Parking Spaces by Land Use*, an applicant may provide Planning staff with a notarized affidavit stating the square footage of the assignable area of the building. When such an affidavit is provided, the number of parking spaces required shall be calculated based on assignable area rather than gross floor area. Space which is designated as non-assignable shall not be used as assignable area without provision of additional required on-site parking for that area.
    (C) If a use is not clearly noted in *Section 20.05.074; Exhibit PK-A: Required Number of Parking Spaces by Land Use*, the Planning Director shall determine which land use is most similar to the proposed development, and determine the required number of parking spaces based on that similar use.
  (2) *Exceptions*: The parking ratios contained in *Section 20.05.074; Exhibit PK-A* shall be considered ***minimum*** parking requirements for the following uses:
    (A) Single family residential uses;
    (B) Multifamily residential units located within or adjacent to the Residential Core (RC) zoning district and multifamily residential units located within the Commercial Downtown (CD) zoning district.
      (i) For sites where fifteen (15) or fewer parking spaces are required by this Ordinance, a maximum of four (4) additional parking spaces above the minimum requirement may be provided.
      (ii) For sites where sixteen (16) or more parking spaces are required by this Ordinance, additional parking spaces may be provided up to a maximum of fifteen percent (15%) above the minimum requirement.
  (3) Display Vehicles: Parking spaces for vehicles that are specifically displayed for purchase or rental shall not be included in the calculation of maximum parking requirements.

(b) Parking for the Disabled:
  (1) Accessible spaces shall be provided per the specifications of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC).
  (2) Each accessible space shall be located adjacent to an access aisle and in proximity to the building entrance most accessible for the disabled.
  (3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces.

(c) Multifamily Parking: Multifamily developments may utilize garages with individual driveways accessing the street provided that the street being accessed is designated a Secondary Collector or lower by the Master Thoroughfare Plan, or is a private street.

(d) Minimum Dimensions: Perpendicular and angled parking spaces shall be designed to provide a parking area that is a minimum of nine (9) feet wide by eighteen (18) feet long. Parallel parking spaces shall be designed to provide a parking area that is a minimum of eight (8) feet wide by twenty-two (22) feet long, except for end spaces, which may be a minimum of twenty (20) feet in length where no obstruction exists. Except in the case of single-family detached or attached residential uses, all parking spaces shall be striped to clearly mark each space.

(e) Location:
(1) *Rights-of-way*: On-site parking spaces shall not be located within public rights-of-way.
(2) *Shared Parking Facilities*:
(A) Authorization: In those situations where a minimum number of parking spaces is required, the owners of two (2) or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request by the Planning Director, the Planning Director may authorize the shared use of parking facilities under the following conditions:
(i) Minimum: In a shared parking arrangement, each property shall provide a minimum of sixty percent (60%) of the individual parking requirements. In no case shall the total combined parking spaces be less than one hundred and twenty percent (120%) of the greater individual parking requirement.
(ii) Proximity: Any property utilizing shared parking facilities shall be located within three hundred (300) feet of such parking facility, using established sidewalks and crosswalks where available.
(B) Shared Parking Agreement: The property owner seeking leased spaces shall provide a recordable zoning commitment to the Planning Department stating that in the case where leased spaces are no longer available, that an adequate parking alternative will be provided.

(f) Stacked Parking: Stacked parking arrangements are permitted.

(g) Use of Parking Spaces:
(1) *Exclusive Use*: Unless a shared parking agreement has been established in accordance with the requirements of *Division 20.05.069(e)(2): Shared Parking Facilities*, required on-site parking spaces shall be designed, maintained and used exclusively for the tenants, occupants and customers of the buildings or uses on the site.
(2) *Storage of Vehicles or Equipment*: Parking lots and spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.
(3) *Motor Vehicle Repair*: Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use. Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.

(h) Parking of Nuisance Vehicles:
(1) *Vehicles and Trailers*: The parking of any vehicle or trailer of any type without current license plates or in an inoperable condition shall be prohibited unless completely enclosed within a building or within an approved salvage/scrap yard.
(2) *Storage, Occupancy, or Similar Uses*: Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.
(3) *Motor Vehicle Repair*: A maximum of three (3) wrecked or inoperable vehicles awaiting repair may be stored on-site at one time. No such vehicle shall be stored on-site in excess of thirty (30) days.

(i) Parking Aisles:

(1) *Widths*: Parking aisle widths shall be as follows:

(A) Parallel Spaces:

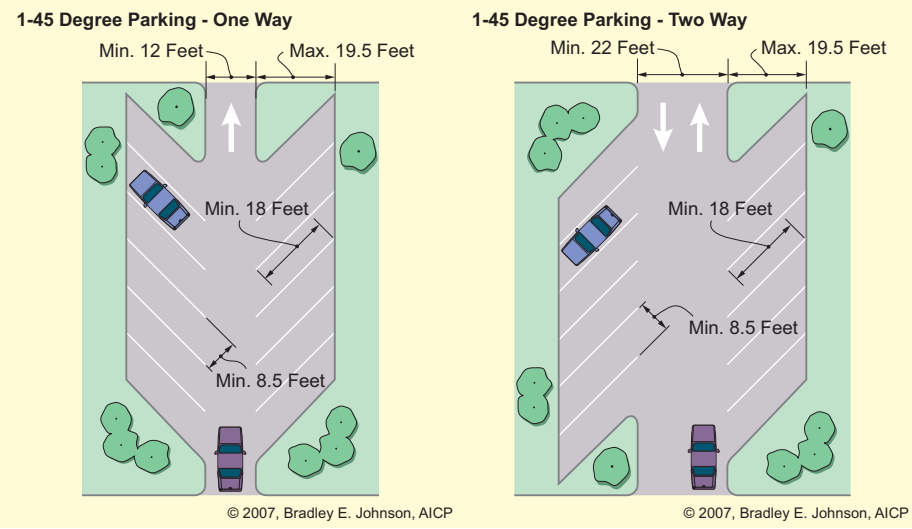
(i) One-way: 12-foot wide aisle;

(ii) Two-way: 22-foot wide aisle.

(B) 1° - 45° Angle Space:

(i) One-way: 12-foot wide aisle;

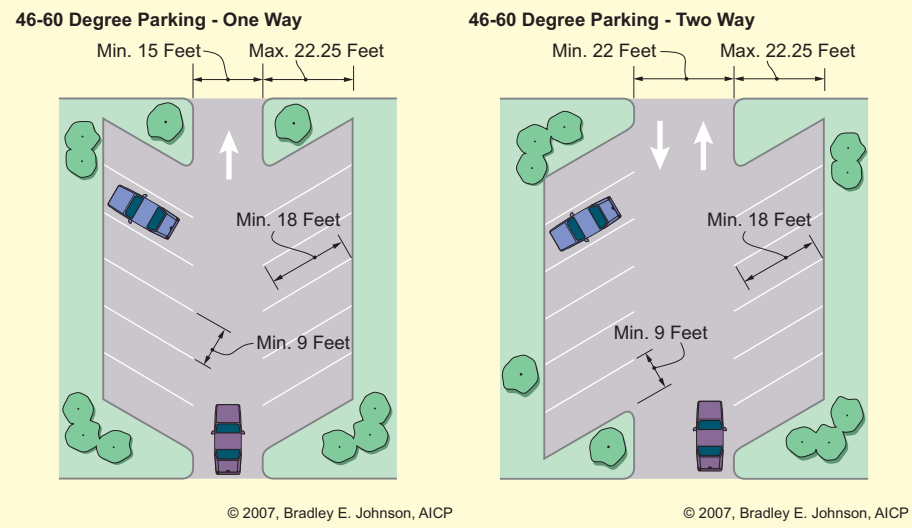
(ii) Two-way: 22-foot wide aisle.



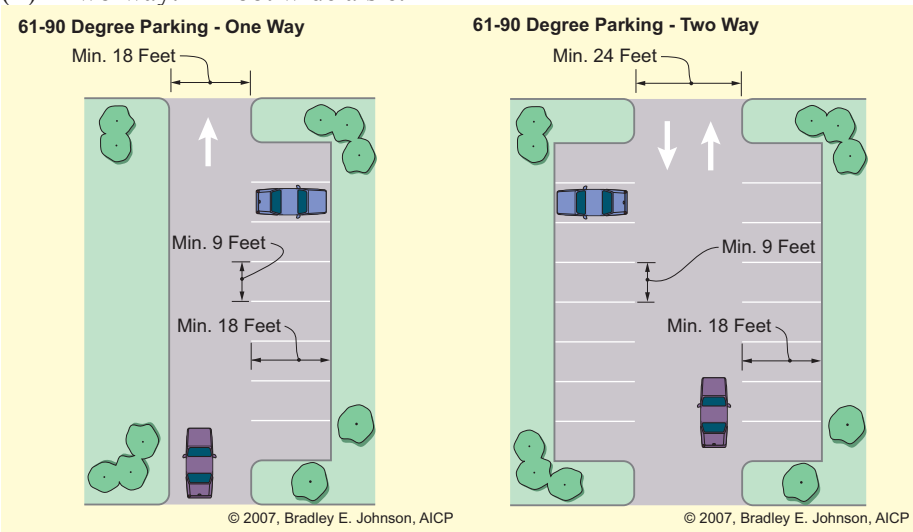
(C) >45° - 60° Angle Space:

(i) One-way: 15-foot wide aisle;

(ii) Two-way: 22-foot wide aisle.



(D) >60° - 90° Angle Space:
(i) One-way: 18-foot wide aisle;
(ii) Two-way: 24-foot wide aisle.



(2) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
(3) All driving lanes and parking aisles in parking lots shall be clearly striped or shall be curbed.

(j) Back-out Parking: Unless specifically stated otherwise in the Unified Development Ordinance, all on-site parking areas shall be designed to prevent vehicles from backing onto public streets.

(k) Back-out Parking Waiver: Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:
(1) The lot in question does not exceed 20,000 square feet in area;
(2) A maximum of eight (8) back-out parking spaces are permitted per site; and
(3) Parking shall directly access an improved alley.

(l) Storm Water Drainage:
(1) Parking lots shall be constructed such that all surface water is directed into a storm water drainage system.
(2) Water draining from a parking lot shall not flow across a sidewalk.
(3) Storm Water Drainage Plans for off-street parking lots shall be reviewed and approved by the City Utilities Department.
(4) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent (5%) or less.

(m) Surface Material:
(1) Unless specifically stated otherwise in the Unified Development Ordinance, all areas used for parking shall be asphalt, concrete, or other approved material.
(2) For all new parking lots of sixteen (16) spaces or greater, the following best management practices shall be used to improve stormwater infiltration and water quality:
(A) Permeable pavement materials. If such materials are the only practice employed from this list,then they must cover at least twenty five percent (25%) of the total parking lot area; or
(B) Treatments such as rain gardens, bioretention basins, or vegetated swales designed to the specifications of City of Bloomington Utilities; or
(C) Other combinations of best management practices subject to approval by the City of Bloomington Planning and Utilities Departments.
(3) Areas utilizing permeable parking pavers shall not count towards impervious surface calculations.

20.05.071 PK-02 [Parking Standards; Residential]

This Parking Standards section applies to the following zoning districts:

RE RS

(a) Parking spaces required for single-family residential uses shall be located on the same lot as the residence.

(b) Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of *Chapter 20.05; §ED: Entrances and Drives*.

(c) Back-out Parking: Parking shall be permitted to directly back-out onto a public street or alley for single-family uses in these zoning districts. However, back-out parking onto any arterial street is prohibited.

(d) Stacked Parking: Stacked parking shall be permitted for single-family uses in these zoning districts.

(e) Surface Material:
- (1) Driveways and parking area shall utilize a dustless, hard surface of concrete, asphalt, brick pavers, crushed stone, permeable pavement, or comparable material. Crushed stone parking surfaces shall be contained within a raised, permanent border.
- (2) Under no circumstances shall dirt, sand or grass be permitted as a parking surface material.
- (3) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

20.05.072 PK-03 [Parking Standards; Core Residential]

This Parking Standards section applies to the following zoning districts:

RC

(a) Location:
- (1) The parking spaces required for single-family residential uses shall be located on the same lot as the residence.
- (2) Parking for single-family residential uses shall be prohibited within the setback between the street and the building except on a single drive not exceeding eighteen (18) feet in width.
- (3) In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. The required parking area shall directly access the alley and be limited to twenty (20) feet in depth and twenty (20) feet in width. Any necessary determination concerning whether an alley allows for safe access shall be made by the City Engineering Department.
- (4) Parking spaces that allow users to back out onto a public or private street shall be permitted, except onto those streets classified as arterial streets by the Master Thoroughfare Plan.

(b) Surface:
- (1) Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, crushed stone, or comparable material. Crushed stone parking surfaces shall be contained within a raised, permanent border.
- (2) Under no circumstances shall stone, rock, dirt, sand or grass be permitted as parking areas.
- (3) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

20.05.073 PK-04 [Parking Standards; Manufactured/Mobile Home Park Residential]

This Parking Standards section applies to the following zoning districts:

MH

(a) Location:
- (1) Required parking shall be located on the dwelling site.

(b) Surface Material:
- (1) Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, brick pavers, or the like.
- (2) Under no circumstances shall crushed stone, stone, rock, dirt, sand, or grass be permitted as a parking surface.
- (3) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

20.05.074 PK-05 [Parking Standards; Commercial Downtown]

This Parking Standards section applies to the following zoning districts:

CD

(a) Number of Parking Spaces: Parking requirements for all uses shall be as defined in the applicable Overlay District in *Chapter 20.03: Overlay Districts*.

(b) Surface Material:
   (1) Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, or comparable materials.
   (2) Under no circumstances shall crushed stone, stone, rock, dirt, sand, or grass be permitted as a parking surface.
   (3) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

(c) Back-out Parking Waiver: Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:
   (1) The lot in question does not exceed 20,000 square feet in area;
   (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
   (3) Parking shall directly access an improved alley.

Parking Standards (PK)

Land Use	Required Number of Parking Spaces
amusements, indoor	1 space per 250 sq. ft. GFA
amusements, outdoor	1 space per 400 sq. ft. of site area accessible to the public
antique sales	1 space per 400 sq. ft. GFA
apparel and shoe sales	1 space per 250 sq. ft. GFA
art gallery	1 space per 300 sq. ft. GFA
arts/craft/hobby store	1 space per 300 sq. ft. GFA
assisted living facility	1 space per employee on the largest shift plus 1 space per 3 residential units
auto body shop	1 space per employee on the largest shift plus 2 spaces per repair bay
auto parts sales	1 space per 300 sq. ft. GFA
bank/credit union	1 space per 250 sq. ft. GFA
banquet hall	1 space per 250 sq. ft. GFA
bar/dance club	1 space per 250 sq. ft. GFA
barber/beauty shop	2 spaces per operator station
bed and breakfast	Per single family standard plus 1 space per guest room
billiard/arcade room	1 space per 250 sq. ft. GFA
boat sales	1 space per 1500 sq. ft. indoor and outdoor display area
bookstore	1 space per 200 sq. ft. GFA
bottled gas storage/distribution	1 space per employee on the largest shift
bowling alley	3 spaces per bowling lane
brewpub	1 space per 200 sq. ft. GFA of tavern/restaurant space plus 1 space per employee on the largest shift of brewery
building supply store	1 space per 500 sq. ft. GFA
building trade shop	1 space per employee on the largest shift
business/professional office	1 space per 300 sq. ft. GFA
car wash, full service	1 space per employee on the largest shift plus 8 stacking spaces per washing bay
car wash, self service	4 stacking spaces per washing bay
cellular phone/pager services	1 space per 250 sq. ft. GFA
cemetery/mausoleum	1 space per 50 grave sites
check cashing	1 space per 300 sq. ft. GFA
coin laundry	1 space per 3 washing machines
communication facility	1 space
community center	1 space per 300 sq. ft. GFA
computer sales	1 space per 300 sq. ft. GFA
convenience store (with gas pumps)	1 space per employee on the largest shift plus 1 spaces per double-sided pump; 1 space per 3 restaurant seats; 1 space per 1000 sq. ft. GFA of convenience store space
convenience store (without gas pumps)	1 space per employee on the largest shift plus 1 space per 3 restaurant seats and 1 space per 500 sq. ft. GFA of convenience store space
copy center	1 space per 300 sq. ft. GFA
country club	3 spaces per golf hole plus 1 space per 300 sq. ft. GFA customer seating area in an accessory restaurant or bar use
crematory	1 space per employee on the largest shift plus 3 visitor spaces
day-care center, adult/child	1 space per 4 persons of licensed capacity
day-care home, adult/child	Per single family standard
department store	1 space per 200 sq. ft. GFA
distribution facility	1 space per employee on the largest shift
drive-through	5 stacking spaces per drive-through window
drugstore	1 space per 250 sq. ft. GFA
dry-cleaning service	1 space per employee on the largest shift plus 1 space per 300 sq. ft. accessible to the public

20.05.075 Exhibit PK-A [Maximum Number of Permitted Spaces by Land Use]

Land Use	Required Number of Parking Spaces
dwelling, mobile home	2 spaces per dwelling unit
dwelling, multifamily	1 space per bedroom
dwelling, single-family	2 spaces per dwelling unit
equipment/party/event rental (indoor)	1 space per 500 sq. ft of building space
equipment/party/event rental (outdoor)	1 space per 500 sq. ft of building space, plus 1 space per 3,000 sq. ft. of outdoor storage
fitness center/gym	1 space per 300 sq. ft. GFA
fitness/training studio	1 space per 400 sq. ft. GFA
flower shop	1 space per 300 sq. ft. GFA
food production/processing	1 space per employee on the largest shift
fraternity house/sorority house	0.8 spaces per bedroom
furniture store	1 space per 500 sq. ft. GFA
garden shop	1 space per 400 sq. ft. GFA
gift shop/boutique	1 space per 400 sq. ft. GFA
golf course	2 spaces per golf hole
golf driving range, outdoor	1 space per tee box
government office	1 space per 300 sq. ft. GFA
government operations (non-office)	1 space per employee on the largest shift
gravel/sand/cement production	1 space per employee on the largest shift
grocery/supermarket	1 space per 200 sq. ft. GFA
group care home for developmentally disabled/mentally ill	1 space per employee
group/residential care home	1 space per employee on the largest shift plus 1 space per 6 persons maximum occupancy
hardware store	1 space per 300 sq. ft. GFA
health spa	2 spaces per spa suite
heavy equipment sales/rental	1 space per 2000 sq. ft. indoor and outdoor display area
home electronics/appliance sales	1 space per 250 sq. ft GFA
homeless shelter	1 space per employee on the largest shift plus 1 space per 30 beds
hospital	1.5 spaces per bed
hotel/motel	1 space per lodging unit
impound vehicle storage	1 space per employee on the largest shift
jail	1 space per employee on the largest shift plus 1 visitor space per 8 cells
jewelry store	1 space per 300 sq. ft. GFA
junk/salvage yard	1 space per employee on the largest shift
juvenile detention facility	1 space per employee on the largest shift plus 1 visitor space per 10 beds
kennel	1 space per employee on the largest shift, plus 1 space per 500 sq. ft. GFA
library	1 space per 500 sq. ft. GFA
license branch	1 space per 300 sq. ft. GFA
liquor and tobacco sales	1 space per 250 sq. ft. GFA
lodge	1 space per 250 sq. ft. GFA
manufactured home park	2 spaces per unit plus 1 visitor space per 2 units
manufactured housing sales	1 space per 2000 sq. ft. indoor and outdoor display area
manufacturing, heavy/light	1 space per employee on largest shift
medical care clinic, immediate	1 space per 300 sq. ft. GFA
medical clinic	1 space per 300 sq. ft. GFA
miniature golf	1 space per golf hole
mini-warehouse facility	1 space per employee on largest shift plus 1 space per 25 storage units
mortuary	1 space per 4 chapel or parlor seats

20.05.075 Exhibit PK-A [Maximum Number of Permitted Spaces by Land Use] (continued)

Land Use	Required Number of Parking Spaces
multi-tenant nonresidential center	
less than 100,000 sq. ft. GFA	1 space per 250 sq. ft. GFA
100,000 sq. ft. GFA or greater	1 space per 300 sq. ft. GFA
museum	1 space per 300 sq. ft. GFA
musical instrument sales	1 space per 250 sq. ft. GFA
music/media sales	1 space per 250 sq. ft. GFA
nursing/convalescent home	1 space per employee on the largest shift plus 1 space per 4 person maximum occupancy
office supply sales	1 space per 250 sq. ft. GFA
oil change facility	1 space per employee on the largest shift plus 2 stacking spaces per bay
orchard/tree farm	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
outdoor storage	1 space per 2,000 square feet of storage area
outpatient care facility	1 space per 250 sq. ft. GFA
park	5 spaces per acre
pawn shop	1 space per 300 sq. ft. GFA
pet grooming	1 space per 400 sq. ft. GFA
pet store	1 space per 250 sq. ft. GFA
photographic studio	1 space per 400 sq. ft. GFA
place of worship	1 space per 4 fixed seats or 1 space per 50 square feet of seating area in sanctuary, whichever results in the greater number of spaces
plant nursery/greenhouse	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
police, fire or rescue station	1 space per employee on the largest shift
post office	1 space per employee on the largest shift plus 1 per 200 sq. ft. GFA accessible to the public
print shop	1 space per employee on the largest shift
prison	1 space per employee on the largest shift plus 1 visitor space per 15 cells
quarry	1 space per employee on the largest shift
radio/TV station	1 space per employee on the largest shift plus 1 visitor space per 3 employees
recreation center	1 space per 250 sq. ft. GFA
rehabilitation clinic	1 space per employee on the largest shift plus 1 space per 2 client capacity
research center	1 space per employee on the largest shift plus 1 visitor space per 10 employees
restaurant	
under 5,000 sq. ft. GFA:	1 space per 200 sq. ft. GFA
5,000 sq. ft. GFA or greater	1 space per 100 sq. ft. GFA
restaurant, limited service	1 space per 300 sq. ft. GFA customer seating area
retail, low intensity	1 space per 300 sq. ft. GFA
retail, outdoor	1 space per 500 sq. ft. of outdoor display area
rooming house	2 spaces plus 1 space for each room for rent
school, business/trade	1 space per employee plus 1 space per two students maximum capacity
school, college/university	1 space per two employees plus 1 space per 4 students maximum capacity
school, preschool	1 space per employee plus 1 space per 6 students maximum capacity
school, primary/secondary	1 space per employee plus 1 space per 10 students maximum capacity
sexually oriented business	1 space per 200 sq. ft. GFA
shoe repair	1 space per 400 sq. ft. GFA
skating rink	1 space per 200 sq. ft. GFA
social services	1 space per 250 sq. ft. GFA
sporting goods sales	1 space per 250 sq. ft. GFA
stone processing	1 space per employee on the largest shift
storage tanks	1 space per employee on the largest shift

20.05.075 Exhibit PK-A [Maximum Number of Permitted Spaces by Land Use] (continued)

Land Use	Required Number of Parking Spaces
tailor/seamstress shop	1 space per 400 sq. ft. GFA
tanning salon	1 space per 250 sq. ft. GFA
tattoo/piercing parlor	1 space per 300 sq. ft. GFA
testing lab	1 space per employee on the largest shift plus 1 visitor space per 10 employees
theater, drive-in	1 space per vehicle maximum capacity
theater, indoor	1 space per 4 seats
tool and dye shop	1 space per employee on the largest shift
transportation terminal	1 space per employee on largest shift plus 1 space per 400 sq. ft. GFA
utility substation and transmission facility	2 spaces
vehicle accessory installation	1 space per employee on the largest shift plus 2 spaces per bay
vehicle repair	1 space per employee on the largest shift plus 2 spaces per bay
vehicle sales/rental	1 space per 1,000 sq. ft. GFA indoor display area
veterinary clinic	1 space per 300 sq. ft. GFA
video rental	1 space per 200 sq. ft. GFA
warehouse	1 space per employee on the largest shift
welding	1 space per employee on the largest shift

20.05.076 PV-01 [Public Improvement Standards; General]

This Public Improvement Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Compliance with the Regulations: Developments shall be permitted only if the required on-street public streets, drainage facilities, and utilities are in compliance with the standards outlined in *Chapter 20.07: Design Standards*, the City Engineering Department standards and any applicable specifications referenced in the City Utilities Department Rules, Regulations, and Standards of Service.

(b) Interpretation of Public Improvement Standards: The Planning Department, City Engineering Department, or City Utilities Department shall be responsible for making determinations regarding necessary street, drainage, and utility improvements, subject to their respective jurisdictions.

(c) Financial Guarantees: When public improvements are required, the petitioner or authorized representative shall post performance and maintenance guarantees for such improvements. Such financial guarantees shall be submitted, reviewed, and approved per *Chapter 20.09; §Surety Standards*.

(d) Private Streets: All private streets shall be constructed to the public street standards set forth in *Chapter 20.07: Design Standards* and the City Engineering Department standards.

(e) Street Connectivity: Public and private streets shall adhere to the connectivity requirements as set forth in *Chapter 20.07: Design Standards*.

(f) Street Names: The names of all new public and private streets are subject to approval by the City Engineering Department in compliance with Emergency-911 street naming procedures and *Chapter 20.07; §SN: Street Name Standards*.

(g) Manufactured or Mobile Home Park: Manufactured or mobile home park infrastructure shall be installed in accordance with IC 16-41-27-1 *et seq*., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health requirements, and the requirements of this Unified Development Ordinance.

20.05.077 SB-01 [Setback Standards; General]

This Setback Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) The following setback standards shall supplement the setback requirements for individual zoning districts provided in *Chapter 20.02: Zoning Districts*.
  (1) For private streets, setbacks shall be measured from the edge of the curb or easement, whichever distance is greater.
  (2) Where existing right-of-way is wider than that proposed on the Master Thoroughfare Plan, the setback shall be measured from the existing right-of-way.
  (3) For lots of record with no street frontage, a minimum building setback of ten (10) feet is required from the property line where access is gained.

(b) The following site feature setback requirements or exemptions shall apply:
  (1) *Building Features*:
    (A) Air Conditioners (ground): May encroach up to five (5) feet into the setback if screened by a fence, wall, or appropriate landscaping.
    (B) Air Conditioners (window): May encroach up to thirty (30) inches into the setback.
    (C) Architectural Features: Architectural features that extend eighteen (18) inches or less from the building are exempt from applicable setback requirements.
    (D) Awnings: May encroach up to six (6) feet into the setback.
    (E) Balconies: May encroach up to six (6) feet into the setback.
    (F) Bay Windows: May encroach up to three (3) feet into the setback.
    (G) Canopies: May encroach up to six (6) feet into the setback.
    (H) Chimneys: May encroach up to three (3) feet into the setback.
    (I) Decks: May encroach up to six (6) feet into the side or rear setback provided that no deck is closer than two (2) feet to a side property line.
    (J) Dumpster or Outdoor Trash Receptacles: Shall not be located within the front setback and shall be five (5) feet from side and rear property lines, except that:
      (i) Side and rear locations adjacent to alleyways are exempt;
      (ii) Side and rear locations adjacent to single-family residential districts shall have a twenty-five (25) foot setback from the respective property lines.
    (K) Eaves: Eaves may encroach up to three (3) feet into the setback
    (L) Fire Escapes: May encroach up to six (6) feet into side and rear setbacks.
    (M) Patios: May encroach up to six (6) feet into the setback.
    (N) Porches (uncovered, open): May encroach up to six (6) feet into the setback.
    (O) Steps: May encroach up to six (6) feet into the setback.
  (2) *Site Features*:
    (A) Clothes Lines/Poles: Shall be located no closer than thirty-five (35) feet from the front property line and five (5) feet from the side and rear property lines.
    (B) Detached Garages and Carports: Shall be located at least ten (10) feet behind the primary structure's front façade and five (5) feet from side and rear property lines.
    (C) Flagpoles: Shall be located no closer than twelve (12) feet from the front property line and one (1) foot from the side and rear property lines.
    (D) Handicap Ramps: Are exempt from setback requirements.
    (E) Playhouses: Shall be located no closer than thirty-five (35) feet to the front property line and shall be located no closer than five (5) feet to the side and rear property lines.
    (F) Pool and Pool Equipment: Shall be located no closer than thirty-five (35) feet to the front property line and five (5) feet to side and rear property lines.

(G) Recreational Equipment: Shall be located no closer than thirty-five (35) feet to the front property line and shall be located no closer than five (5) feet to the side and rear property lines.

(H) Satellite Dishes: May encroach up to five (5) feet into the front setback and shall be located no closer than one (1) foot to the side and rear property lines.

(I) Storage Sheds: Shall be located no closer than thirty-five (35) feet from the front property line and five (5) feet to side and rear property lines.

(J) Underground Safety Shelters (located completely underground): Shall be located no closer than thirty-five (35) feet to the front property line and five (5) feet to the side and rear property lines.

20.05.078 SX-01 [Sexually Oriented Businesses; General]

Purpose: Within the City it is acknowledged that there are some uses, often referred to as sexually oriented businesses, which because of their nature can have a negative impact on nearby property, particularly when these sexually oriented businesses are concentrated together or located in direct proximity to residential uses, child care centers, churches, cemeteries, schools, libraries, playgrounds, and/or parks. Special regulations for these sexually oriented businesses are necessary to insure that these adverse impacts will not contribute to the blighting of surrounding areas. The primary goal of these regulations is to prevent the concentration or location of these uses in a manner that would exacerbate their adverse effects.

This Sexually Oriented Business Standards section applies to the following zoning districts:

CA IG

(a) Location: A sexually oriented business shall not be located on a property within five hundred (500) feet of any of the following:
   (1) Place of worship;
   (2) School (preschool, K-12);
   (3) Day care center, child or adult;
   (4) Park (For purposes of this section, publicly owned multiuse trails shall be deemed to be a park);
   (5) Library;
   (6) Residential district, including any portion of a Planned Unit Development designated for residential use;
   (7) Large-scale Multi-tenant nonresidential center;
   (8) Cemetery; and
   (9) Another sexually oriented business.

(b) Distance Measurements: The distance between a sexually oriented business and established uses outlined in *Subsection 20.05.077(a): Location* shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the sexually oriented business use will be located, using a straight line, without regard to intervening structures or public rights-of-way.

(c) Exterior Display: No sexually oriented business shall be conducted in any manner that permits the observation from any right-of-way of material depicting specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening.

20.05.079 SI-01 [Sign Standards; General]

Purpose: The intent of these sign standards is to:

A. Accomplish the goals of the Growth Policies Plan;
B. Avoid unnecessary proliferation of signs;
C. Provide developments with appropriate identification;
D. Create a consistent streetscape;
E. Maintain and enhance the aesthetic environment of the City and its planning jurisdiction;
F. Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and
G. Promote the health, safety, and welfare of the residents of the City of Bloomington and its planning jurisdiction.

This Sign Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Permit Required: A Sign Permit shall be required for all signs located, erected, constructed, reconstructed, moved, or altered unless specifically exempted by *Chapter 20.05: Development Standards*.

(b) Nonconforming Signage: All existing nonconforming signage is subject to the provisions of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*.

(c) Sign Measurements: Sign height and sign area measurements shall be calculated as follows:
   (1) The area of wall signs shall be calculated as the smallest regular geometric figure needed to circumscribe any logos, text, or other identifying trait placed on a structure.
   (2) The area of freestanding signs shall be calculated as the smallest regular geometric figure needed to circumscribe the sign, exclusive of supporting structures.
   (3) The height of a freestanding sign shall be measured from the grade beneath the sign or from the crown of the adjacent street, whichever is higher. The ground beneath a sign shall not be raised to artificially change the point at which the sign height is measured.

(d) Double-faced Signs: For all freestanding and projecting signs permitted by *Chapter 20.05: Development Standards*, a double-faced sign may be erected. Only the face area of one (1) of the two (2) sides shall be considered the face area of the entire sign. In such cases, the two (2) sign faces shall be identical in area, shall be placed back to back, and shall be separated by a distance of no more than two (2) feet.

(e) Maintenance: All signs and components thereof shall be kept in good repair and in safe, clean, neatly painted, and working condition.

(f) Abandoned Sign Structures: On any site where the use has been abandoned for a period of six (6) months or greater, all sign structures, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, shall be removed by the owner of the premises upon which it is located.

(g) Miscellaneous Signs: The following signs are exempt from permit requirements:
   (1) *Public Signs*: Public signs erected by or on the order of a public officer in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; signs to indicate transit stops; memorial plaques; signs of historical interest; and signs directing people to public and quasi-public facilities or events.
   (2) *Private Signs*: Any permanent sign of not more than one and one-half (1.5) square feet in area.
   (3) *Flags*: Flags of any nation, state, county, city, university, college, military organization, or place of worship.
   (4) *Murals*: Murals without a commercial message.
   (5) *Window Signs*: Window signs shall be subject to the following standards:
      (A) Residential Uses: Window signs are not permitted for residential uses.
      (B) Signage Allotment: Window signs displayed in ground floor windows shall not count toward the wall signage allotment of the use. Window signs displayed in windows on floors above the ground floor shall count toward the wall signage allotment of the use and shall not be exempt from permit requirements.
      (C) Area: Window signage shall not exceed twenty-five percent (25%) of the glass area of any individual window pane.
   (6) *Directional Signs*: Directional signs shall be subject to the following standards:
      (A) Area: Signs shall not exceed four (4) square feet in area per side.
      (B) Height: Signs shall not exceed forty-two (42) inches in height above the ground.

(7) *Construction Signs*: Construction signs shall be subject to the following standards:
- (A) Nonresidential, Multifamily, and Single-family Subdivision Projects: Signs shall not exceed twenty-four (24) square feet in area per side.
- (B) Individual Single-family Lots: Signs shall not exceed five (5) square feet in area per side.
- (C) Number: Individual contractors, developers, or financiers may have a maximum of one (1) construction sign.
- (D) Duration: Constructions signs may be displayed throughout the duration of construction and shall be removed upon completion of construction.

(8) *Not-for-profit Signs*: Signs advertising special events by a registered not-for-profit organization shall be subject to the following standards:
- (A) Size: Signs shall not exceed five (5) square feet in area per side.
- (B) Location: Signs shall not be placed on a property unless permission is granted by the property owner.
- (C) Duration: Signs shall be displayed no more than seven (7) days prior to the special event and shall be removed within two (2) days after the conclusion of the special event.

(9) *Political Signs*: Political signs shall not exceed thirty-two (32) square feet in area per side.

(10) *Real Estate Signs*: Real estate signs shall be subject to the following standards:
- (A) Commercial: Signs advertising the sale or lease of a commercial property or the sale of a multifamily property with at least fifteen (15) units shall be limited to a single sign of a maximum of thirty-two (32) square feet in area per side.
- (B) Residential: Signs advertising the sale or lease of single-family properties or multifamily properties with less than fifteen (15) units shall be limited to a single sign of a maximum of five (5) square feet per side.
- (C) Open House Signage:
  - (i) Off-site signage directing the public to an open house is permitted on Friday, Saturday and Sunday of the event weekend.
  - (ii) Individual open house signs shall not exceed five (5) square feet in area per side.
  - (iii) Signage must be placed with the owner's permission.
  - (iv) Signs shall only be placed at corner locations.
  - (v) All open house signage shall be removed the same day that the event ends.

(11) *Street Addresses*: Every building shall have its numerical street address posted as follows:
- (A) Single-family Residential Structures:
  - (i) Street address displays shall consist of Arabic numerals (*e.g.* 1, 2, 3...) no less than three (3) inches in height.
  - (ii) Street address displays shall be placed on the front of the structure and on the mailbox post where mailboxes are located along the street.
- (B) Multifamily Structures:
  - (i) Street address displays shall consist of Arabic numerals (*e.g.* 1, 2, 3...) no less than five (5) inches in height and no more than ten (10) inches in height.
  - (ii) Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- (C) Nonresidential Structures:
  - (i) Street address displays shall consist of Arabic numerals (*e.g.* 1, 2, 3…) no less than eight (8) inches in height.
  - (ii) Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- (D) Legibility: All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(h) Prohibited Sign Types: The following signs are prohibited in all zoning districts unless specifically authorized by another section of this ordinance:

(1) *Animated Signs*: Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.

(2) *Bench Signs*: A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

(3) *Imitation of Official Signs*: Signs that purport to be, are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning" or similar words.

(4) *Off-premise Signs*: Signs advertising goods, products, services, events or activities not located, sold or offered on the premises on which the sign is located, except as provided in *Division 20.05.078(g)(8) Not-for-profit Signs* and *Subdivision 20.05.078(g)(10)(C) Open House Signage*.

(5) *Vehicle Signs*: Signs placed on inoperable or unlicensed vehicles parked on public or private property for the apparent purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include those displayed on vehicles which are customarily used for transporting persons or properties, and on vehicles parked at a driver's place of residence during nonbusiness hours or for incidental purposes.

(6) *Intermittent Lights*: Signs that have intermittent blinking, flashing, or fluttering lights, including any device which has a changing light intensity, brightness of color, or gives such illusion. Strobe lights shall be considered intermittent lights for the purposes of *Division 20.05.078(h)(6)*.

(7) *Pole Signs*: Signs that are mounted on a freestanding pole or other support that is not part of or attached to a building or structure.

(8) *Temporary Signs*: Any temporary sign not specifically permitted in *Section 20.05.079: SI-02 [Sign Standards; Temporary Signs]*, including, but not limited to, pennants, streamers, balloons, inflatable signs, spinners, and banners, except when specifically permitted in *Section 20.05.079: SI-02 [Sign Standards; Temporary Signs]*.

(9) *Projecting Signs*: Any sign that projects outward from the façade of a building in excess of twelve (12) inches, except as provided in *Section 20.05.083: SI-06 [Sign Standards; Commercial Limited]* and *Section 20.05.084: SI-07 [Sign Standards; Commercial Downtown]*.

(i) Prohibited Sign Locations: Signs shall not be installed at any of the following locations:

(1) *Public Easement*: In any public utility easement, unless authorized by the City.

(2) *Public Right-of-way*: In any public right-of-way, except as provided in *Division 20.05.078(g)(1): Public Signs* above.

(3) *Roofs*: On the roof of a structure, or extending above the eave, roof line or parapet of a building.

(4) *Vision Clearance Triangle*: Within a vision clearance triangle as specified in *Chapter 20.05; §VC: Vision Clearance Standards.*

(5) *Miscellaneous*: On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.

(j) Design Standards:

(1) *Freestanding Signs*: All freestanding signs shall be designed as follows:

(A) Setback: All freestanding signs shall be set back a minimum of two (2) feet from the front property line.

(B) Mounting: All freestanding signs shall be permanently affixed to the ground.

(C) Base: Sign bases shall conform to the following standards:

(i) Sign bases shall have an aggregate width of at least forty percent (40%) of the total horizontal width of the sign; or have supports that are less than twenty five percent (25%) of the vertical height of the sign.

(ii) The base and exposed foundation of all freestanding signs shall be covered with a finished material such as brick, stone, metal, or wood.

(D) Cap: A decorative cap may extend up to eighteen (18) inches above the height limit specified in *Chapter 20.05: Development Standards*. The decorative cap shall have no identifying text, logos, or identifying traits.

(E) Landscaping: For any new freestanding sign, a landscaped area located around the entire base of a freestanding sign is required. The landscaped area shall contain materials consisting of shrubs, spread no greater than three (3) feet on center, and densely planted perennial ground cover. The

landscaped area shall be greater than or equal to the freestanding sign face area.

(F) Illumination: Sign lighting shall abide by the light trespass regulations in *Chapter 20.05; §LG: Lighting Standards.*

(G) Changeable Copy: Unless specified otherwise in this Unified Development Ordinance, freestanding signs may incorporate areas for changeable copy, provided that the changeable copy area does not exceed forty percent (40%) of the total sign area.

(2) *Electronic Reader Boards*: Electronic reader boards may be incorporated with freestanding or wall signage. Information may be displayed in increments of no less than twenty (20) seconds. Electronic reader boards shall not comprise more than forty percent (40%) of the total area of any sign face.

(k) Waiver of Right to Damages:

(1) The Plan Commission, the Board of Zoning Appeals, and the planning staff are each authorized to request waivers of the right to and receipt of damages pursuant to IC 22-13-2-1.5, IC 36-7-2-5.5, and IC 32-24, in connection with any application for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.

(2) Waivers may be requested from the following:

(A) The applicant;

(B) The property owner;

(C) The sign owner; and

(D) Any other person with an interest in the site or the sign.

(3) The owner and/or the applicant shall be responsible for obtaining waivers from all persons listed in *Division 20.05.078(k)(2)*.

(4) An owner or applicant who fails to provide and/or to obtain waivers in accordance with *Section 20.05.078* may be denied a permit or approval seeking to alter or remove a lawfully erected sign unless the owner or applicant agrees to hold harmless and indemnify the City from any and all claims for damages pursuant to the statutes referenced in *Division 20.05.078(k)(1)*.

20.05.080 SI-02 [Sign Standards; Temporary Signs]

This Sign Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Nonresidential Uses and Multifamily Complexes: Conforming nonresidential uses and multifamily complexes with at least fifteen (15) dwelling units are permitted to display temporary signage as follows:

(1) *Area*: Temporary signs shall not exceed sixteen (16) square feet in area per side.

(2) *Height*: Freestanding temporary signs shall not exceed six (6) feet in height above the ground.

(3) *Type*: Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(4) *Lighting*: External illumination of temporary signs shall be prohibited.

(5) *Number*:

(A) Individual nonresidential uses shall be permitted a maximum of three (3) temporary signs.

(B) Multifamily complexes with at least fifteen (15) units shall be permitted a maximum of three (3) temporary signs.

(C) Individual tenants within nonresidential centers shall be permitted a maximum of one (1) temporary sign.

(6) *Display Periods*: Temporary signs shall be permitted for the following durations:

(A) Display of temporary signs shall be permitted for three (3) periods of up to thirty (30) days per period, per calendar year.

(B) All temporary signs shall receive a Sign Permit from the Planning Department prior to being displayed.

(C) The three (3) temporary sign display periods provided in *Subdivision 20.05.079(k)(5)(A)* above may be combined, provided that a separate permit is obtained for each display period.

(7) Grand Opening Events:

(A) New businesses, including multifamily complexes of fifteen (15) units or greater, shall be permitted a single grand opening event sign display during which the number, type and size of temporary signs shall not be limited.

(B) Grand opening event sign displays shall not exceed thirty (30) consecutive days, and shall count as one (1) of the permitted display periods as described in *Subdivision 20.05.079(a)(5)(A)* above.

(b) Nonresidential Uses in Residential Districts: Temporary signs are not permitted for home occupations and legal nonconforming uses in residential districts.

(c) Temporary Retail Uses: Temporary signage for approved temporary retail uses, such as seasonal sales, shall be subject to the requirements of Subsection 20.05.108(i).

20.05.081 SI-03 [Sign Standards; Residential]

This Sign Standards section applies to the following zoning districts:

RE RS RC RM RH MH

(a) Single-family Subdivision: Each subdivision shall be permitted one (1) freestanding sign per development entrance, subject to the following standards:
- (1) *Freestanding Sign Area*: The maximum sign area shall not exceed thirty-two (32) square feet per side.
- (2) *Freestanding Sign Height*: The maximum height shall not exceed six (6) feet in height.
- (3) *Changeable Copy*: Changeable copy shall be prohibited as part of a freestanding sign
- (4) *Number*: The permitted subdivision sign may be replaced with two (2) signs of a maximum sixteen (16) square feet in area per sign if a sign is placed on each side of the entrance.
- (5) *Wall Signage*: No wall signage is permitted.

(b) Multifamily:
- (1) Multifamily complexes containing at least fifteen (15) dwelling units shall be permitted one (1) freestanding sign per development entrance, subject to the following standards:
  - (A) Freestanding Sign Area: The maximum sign area shall not exceed thirty-two (32) square feet per side.
  - (B) Freestanding Sign Height: The maximum sign height shall not exceed six (6) feet.
  - (C) Wall Signage: No wall signage shall be permitted.
- (2) Multifamily complexes containing less than fifteen (15) dwelling units shall be permitted one (1) wall sign, subject to the following standards:
  - (A) Wall Sign Area: The maximum sign area shall not exceed twenty-four (24) square feet.

(c) Conforming Nonresidential Uses: For any nonresidential use approved as a permitted use, Conditional Use, or Use Variance, the provisions of *Section 20.05.083: SI-06 [Sign Standards; Commercial Limited]* shall apply. These provisions may be modified by action of the Board of Zoning Appeals as part of a Conditional Use or Use Variance approval. Sandwich board signs shall be prohibited for all nonresidential uses within a residential district.

(d) Legal Nonconforming, Nonresidential Uses:
- (1) *Wall Sign Area*: Wall signage shall not exceed ten (10) square feet in area.
- (2) *Freestanding Sign Area*: Freestanding signs shall not exceed twelve (12) square feet per side.
- (3) *Number*: A maximum of one (1) freestanding sign shall be permitted. Lots with less than thirty (30) feet of street frontage shall not be permitted any freestanding signs.
- (4) *Height*: Freestanding signs shall not exceed four (4) feet in height.

(e) Illumination: Signs within residential districts shall not be internally illuminated.

20.05.082 SI-04 [Sign Standards; Permanent Display Cabinets]

This Sign Standards section applies to the following zoning districts:

CL CG CA CD BP IN MD

(a) Permanent Display Cabinets: Permanent display cabinets shall be subject to the following standards:
- (1) *Zoning Districts*: Permanent display cabinets shall not be permitted in any residential district.
- (2) *Contents*: Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.
- (3) *Signage Allotment*: Permanent display cabinets shall count toward the wall signage allotment of the use.
- (4) *Sign Area*: Individual display cabinets shall not exceed sixteen (16) square feet in area per display, measured at the outer edge of the cabinet frame.
- (5) *Height*: A permanent display cabinet shall not exceed eight (8) feet in height from ground level.
- (6) *Frame*: The permanent display cabinet shall be framed with wood, metal, or other durable material, and

enclosed with a transparent cover.

20.05.083 SI-05 [Sign Standards; Nonresidential]

This Sign Standards section applies to the following zoning districts:

CG CA IG BP IN MD QY

(a) Wall Signs: The following standards shall apply to wall signs for individual uses or tenants within a multi-tenant center:

(1) *Allotment*:

(A) Individual Nonresidential Uses: The cumulative square footage of all wall sign shall not exceed one and one-half (1.5) square feet per lineal foot of primary façade facing a public or private street.

(B) Multi-tenant Nonresidential Center: The cumulative square footage of all wall signs for any individual tenant shall not exceed one and one-half (1.5) square feet per lineal foot of the tenant's façade width.

(C) Limits: No property shall be limited to less than thirty (30) square feet of wall signage and no use shall be permitted to exceed three hundred (300) square feet of wall signage.

(2) *Maximum Projection*: Except an awning sign, no part of a wall sign shall project more than twelve (12) inches from the wall or face of the building to which it is attached.

(3) *Location*: Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.

(4) *Permanent Display Cabinets*: Permanent display cabinets shall be permitted subject to the standards of *Section 20.05.081: SI-04 [Sign Standards; Permanent Display Cabinets]*.

(5) *Multi-tenant Nonresidential Center Signs*: Multi-tenant nonresidential centers shall be permitted a single wall sign advertising the center as a whole. Such wall signs shall not exceed twenty (20) square feet in area, and shall not include any signage for individual tenants of the center.

(b) Freestanding Signs: The following standards shall apply to all freestanding signs:

(1) *Number*:

(A) Lots with thirty (30) feet or less of public street frontage are not permitted any freestanding signs.

(B) Lots with greater than thirty (30) feet and less than five hundred (500) feet of frontage on a public street are permitted one (1) freestanding sign.

(C) Lots with five hundred (500) feet or more of public street frontage shall be permitted two (2) freestanding signs.

(D) Where a lot has more than one (1) public street frontage, each street frontage shall be regulated independently.

(E) In no case shall any lot have more than four (4) freestanding signs.

(2) *Area*:

(A) Individual Nonresidential Uses:

(i) Freestanding signs on lots with greater than thirty (30) feet and less than fifty (50) feet of public street frontage shall not exceed twenty (20) square feet in area per side.

(ii) Freestanding signs on lots with at least fifty (50) feet and less than seventy-five (75) feet of public street frontage shall not exceed thirty (30) square feet in area per side.

(iii) Freestanding signs on lots with at least seventy-five (75) feet of public street frontage shall not exceed forty-five (45) square feet in area per side.

(iv) Where a lot has more than one (1) public street frontage, each street frontage shall be regulated independently.

(B) Multi-tenant Nonresidential Centers:

(i) Freestanding signs for nonresidential centers with less than 20,000 square feet of gross floor area are permitted a maximum sign area based on individual nonresidential use allotments listed in *Subdivision 20.05.082(b)(2)(A): Individual Nonresidential Uses* above.

(ii) Freestanding signs for nonresidential centers with at least 20,000 and less than 35,000 square feet of gross floor area shall not exceed sixty (60) square feet in area per side.

(iii) Freestanding signs for nonresidential centers with at least 35,000 and less than 50,000 square feet of gross floor area shall not exceed seventy-five (75) square feet in area per side.
(iv) Freestanding signs for nonresidential centers with at least 50,000 square feet of gross floor area shall not exceed one hundred twenty-five (125) square feet in area per side.
(v) Individual tenant panels shall not exceed thirty-six (36) square feet in area.
(vi) Outlots that are not counted toward multi-tenant nonresidential center square footages shall be permitted freestanding signage based on individual nonresidential uses in *Subdivision 20.05.082(b)(2)(A): Individual Nonresidential Uses* above.
(vii) Replacement or switch-out of individual tenant panels on a multi-tenant sign shall not require compliance of the entire freestanding sign.

(3) *Height*:
(A) For individual nonresidential uses and multi-tenant nonresidential centers of less than 20,000 square feet of gross floor area, the maximum freestanding sign height shall be six (6) feet.
(B) For multi-tenant nonresidential centers with at least 20,000 square feet and less than 50,000 square feet of gross floor area, the maximum freestanding sign height shall be eight (8) feet.
(C) For nonresidential centers with at least 50,000 square feet of gross floor area, the maximum sign height shall be fifteen (15) feet.

(4) *Separation*: Where a lot is permitted multiple freestanding signs, no two (2) freestanding signs shall be within one hundred (100) feet of each other, as measured along the public right-of-way.
(5) *Changeable Copy*: A maximum of eighty percent (80%) of any freestanding sign may be dedicated to changeable copy.

(c) Drive-up Menu Signs: The following standards apply to drive-up menu signs:
(1) *Sign Area*: Drive-up menu signs shall not exceed thirty-six (36) square feet in area and shall be single-sided.
(2) *Height:* No part of a drive-up menu sign shall be more than six (6) feet above ground level.
(3) *Number*: Two (2) drive-up menu signs shall be permitted per drive-through lane.

(d) Multifamily: Complexes containing at least fifteen (15) dwelling units:
(1) *Freestanding Sign Area*: The maximum sign area shall not exceed thirty-two (32) square feet per side.
(2) *Freestanding Sign Height*: The maximum height shall not exceed six (6) feet.
(3) *Number*: One (1) sign is permitted per street frontage.
(4) *Wall Signage*: No wall signage is permitted.

20.05.084 SI-06 [Sign Standards; Commercial Limited]

This Commercial Sign Standards section applies to the following zoning districts:

CL

(a) Wall Signs: The following standards apply to wall signs for individual uses or tenants within a multi-tenant center:
(1) *Allotment*:
(A) Individual Nonresidential Uses: The cumulative square footage of all wall signs shall not exceed one (1) square foot per lineal foot of primary structure that faces a public or private street.
(B) Multi-tenant Nonresidential Centers: The cumulative square footage of all wall signs for any individual tenant shall not exceed one (1) square feet per lineal foot of the tenant's façade width.
(C) Limits: No property shall be limited to less than twenty (20) square feet of wall signage and no use or tenant shall be permitted to exceed one hundred (100) square feet of wall signage.

(2) *Location*: No wall signage shall be located on a side or rear building façade.
(3) *Maximum Projection*: No part of a wall sign, other than an awning sign, shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.

(b) Freestanding Signs: The following standards apply to permanent freestanding signs:
(1) *Number*: Lots with thirty (30) feet or less of public street frontage shall not be permitted any freestanding signs. Lots with more than thirty (30) feet of public street frontage on a single street are permitted a maximum of one (1) freestanding sign.
(2) *Area:* No freestanding sign shall exceed fifteen (15) square feet in area per side.

(3) *Height*: No freestanding sign shall exceed four (4) feet in height.
(4) *Lighting*: Internally-illuminated signs are prohibited.

20.05.085 SI-07 [Sign Standards; Commercial Downtown]

This Commercial Sign Standards section applies to the following zoning districts:

CD

(a) Wall Signs: The following standards apply to wall signs for individual uses and tenants within a multi-tenant center:
(1) *Allotment*:
(A) Individual Nonresidential Uses: The cumulative square footage of all wall signs shall not exceed one and one-half (1.5) square feet per lineal foot of primary structure that faces a public or private street.
(B) Multi-tenant Nonresidential Centers:
(i) First Story: The cumulative area of all wall signs for an individual tenant shall not exceed one and one-have (1.5) square feet per lineal foot of the tenant's façade width for locations on the first floor.
(ii) Upper Story Retail Uses: Retail uses located above the first story shall be permitted a wall sign allotment equal to fifty percent (50%) of the total allotment permitted for first story uses as provided in *Clause 20.05.084(a)(1)(B)(i): First Story* above.
(iii) Upper Story Office Uses: Tenants without first story street frontage shall be permitted to display a maximum of four (4) square feet of signage at the exterior entrance with the property owner's permission.
(iv) Center Signs: Multi-tenant nonresidential centers shall be permitted a single wall sign advertising the center as a whole. Such wall signs shall not exceed twenty (20) square feet in area, and shall not include any signage for individual tenants of the center.
(C) Limits: No property shall be limited to less than twenty (20) square feet of wall signage and no use or tenant shall exceed one hundred (100) square feet of wall signage.
(2) *Location*: Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on the tenants lease space, except as regulated in *Clause (a)(1)(B)(ii): Upper Story Retail Uses* above.
(3) *Maximum Projection*: No part of a wall sign, other than a projecting sign or awning sign, shall project more than twelve (12) inches from the wall or face of the building to which it is attached.
(4) *Projecting Signs*: The following standards apply to projecting signs:
(A) Maximum Projection: No part of a projecting sign shall protrude more than thirty-six (36) inches from the wall or face of the building to which it is attached. Support structures between the building and the sign only shall be counted toward this allowance.
(B) Location: Projecting signs shall be located adjacent to the tenant's lease space. Projecting signs shall not extend into a public right-of-way unless approved by the Board of Public Works.
(C) Separation: A minimum separation of one hundred (100) feet shall be provided between all projecting signs on the same building façade.
(D) Number: A maximum of one (1) projecting sign is permitted per tenant per street frontage.
(E) Area: Projecting signs shall be limited to a maximum of twenty (20) square feet in area.
(F) Allotment: Projecting sign areas shall count toward overall wall sign allotment.
(G) Prohibited Location: No projecting signs shall be located on buildings located within the Courthouse Square Overlay district.
(H) Wind Loadings: The applicant for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate wind loading.
(I) Any property that utilizes a freestanding sign shall be prohibited from utilizing a projecting sign.

(b) Freestanding Signs: The following standards apply to permanent freestanding signs.
(1) *B-Line Trail*: The erection of freestanding signs shall be prohibited on any property frontage immediately adjacent to the B-Line Trail right-of-way.
(2) *Setback*: No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right of way by a minimum of fifteen (15) feet.

(3) *Number*: Lots with thirty (30) feet or less of public street frontage are not permitted any freestanding signs. Properties with more than thirty (30) feet of public street frontage on a single street are permitted a maximum of one (1) freestanding sign.
(4) *Sign Area*: Freestanding signs shall not exceed fifteen (15) square feet in area per side.
(5) *Height*: Freestanding signs shall not exceed four (4) feet in height.
(6) *Lighting*: Internally-illuminated signs are prohibited.
(7) *Changeable Copy*: Changeable copy shall be prohibited as part of a freestanding sign.

20.05.086 SI-08 [Sign Standards; Sandwich Board Signs]

This Sandwich Board Sign Standards section applies to the following zoning districts:

CL CD

(a) Uses: Sandwich board signs shall be permitted only for nonresidential uses.

(b) Number: A maximum of one (1) sandwich board sign per individual business shall be permitted.

(c) Sign Permit: The Planning Department shall not issue a Sign Permit for a sandwich board sign until the Board of Public Works has granted permission for the sign to encroach on a public right-of-way.

(d) Design:
(1) *Area*: Sign face area shall not exceed five (5) square feet per sign face.
(2) *Width*: Sign face width shall not exceed two feet, nine inches (2' 9") measured at the widest point of the sign face.
(3) *Height*: Sign height shall not exceed four and one-half (4.5) feet measured from the ground to the top of the sign.
(4) *Ballast*: A ballast, weighing a minimum of ten (10) pounds and colored solid black, shall be installed at the base of a sandwich board sign to ensure stability in windy conditions.
(5) *Portability*: Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

(e) Placement: Sandwich boards shall meet the following placement criteria:
(1) *Sidewalk Width*: Signs shall be placed only on sidewalks with a minimum width of seven (7) feet.
(2) *Removal*: Signs shall be removed from the public right-of-way at the end of each business day.
(3) *Location*: Signs shall be located according to the following standards:
(A) No sandwich board sign shall be placed within ten (10) linear feet of another sandwich board sign, measured from the base of each sign.
(B) Signs shall be located in the following portions of the sidewalk, to be determined by planning staff based on accessibility and safety standards including location and proximity of door ways, width of tree plot, maximum distance between pedestrian obstacles, location of cross walks, and other physical features of the location that affect accessibility and safety:
(i) On the sidewalk a maximum of two (2) feet from the advertised business's building; or
(ii) In the tree plot outside the sidewalk.
(C) Signs shall be placed a minimum of forty-eight (48) inches from all obstructions within the sidewalk right-of-way including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.
(D) Signs shall be placed a minimum of ten (10) feet from a building corner or pedestrian crosswalk.
(4) *ADA Compliance*: Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
(5) *B-Line Trail*: Sandwich Board signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

(f) Enforcement: More than two (2) violations of the Sandwich Board Sign Standards in one (1) calendar year shall result in the termination of the Sign Permit for the sandwich board and require removal of the sandwich board. A new sandwich board sign shall not be permitted for the business for a minimum of twelve (12) months from the date of the Sign Permit revocation.

Special Conditions Standards (SC)

Purpose: The purpose of the Special Conditions Standards section is to further regulate permitted uses and Conditional Uses listed for the zoning districts in *Chapter 20.02: Zoning Districts* or overlay districts in *Chapter 20.03; Overlay Districts*. The uses with an asterisk (*) shall meet the following requirements.

20.05.087 SC-01 [Special Conditions; Artist Studio]

This Special Conditions Standards section applies to the following zoning districts:

RC

(a) Artist Studio:
- (1) The artist studio shall be accessory to a residential use.
- (2) No retail activity shall be permitted in association with the artist studio.
- (3) No display of art pieces for public viewing, such as within a gallery, shall be permitted.
- (4) Use of the artist studio shall be limited to the production of art by the resident of the home in which the studio is located.

20.05.088 SC-02 [Special Conditions; Auto Body Shop/Vehicle Repair]

This Special Conditions Standards section applies to the following zoning districts:

CA

(a) Auto Body Shop/Vehicle Repair:
- (1) All major overhaul, body and fender work, upholstering and welding shall be conducted within a completely enclosed building.
- (2) All spray painting shall be conducted within an approved spray booth.
- (3) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (4) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

20.05.089 SC-03 [Special Conditions; Brewpub]

This Special Conditions Standards section applies to the following zoning districts:

CL CG CA CD

(a) Brewpub:
- (1) *Production Limits*:
  - (A) In the CG, CA, and CD zoning districts, brewpubs shall not manufacture more than 20,000 barrels of beverage (all beverages combined) annually.
  - (B) In the CL zoning district, brewpubs shall not manufacture more than 5,000 barrels of beverage (all beverages combined) annually.
- (2) *Tavern/Restaurant Space*:
  - (A) In the CL, CG, and CA zoning districts, brewpubs shall maintain at least fifteen percent (15%) of the gross floor area of the facility or five hundred (500) square feet of floor space, whichever is greater, for public use as a tavern and/or restaurant.
  - (B) In the CD zoning district, brewpubs shall maintain at least fifty percent (50%) of the gross floor area of the facility for public use as a tavern and/or restaurant.
- (3) *Record Keeping*: Brewpubs shall maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) and shall be able to demonstrate, upon request of the City, that they have not exceeded the annual beverage production limit in any twelve (12) month period.
- (4) *Shipping*: Brewpubs may ship beverages for consumption at other sites, but only if it is demonstrated that the location and flow of shipping traffic has adequate access to streets classified as Collectors or Arterials by the Master Thoroughfare Plan.

20.05.090 SC-04 [Special Conditions; Car Wash]

This Special Conditions Standards section applies to the following zoning districts:

CG CA

(a) Car Wash: Where a car wash facility is located adjacent to a residential district, the following restrictions shall apply:
   (1) The hours of operation for coin-activated car wash facilities shall be limited to between 7:00 a.m. and 10:00 p.m.
   (2) Automated audio warnings (e.g. beepers), instructions and other audio recordings associated with the car wash facility are not permitted.

20.05.091 SC-05 [Special Conditions; Community Center]

This Special Conditions Standards section applies to the following zoning districts:

RC RM RH

(a) Community Center: Community centers shall be permitted when utilizing the renovation of an existing structure. If a community center requires new construction or a major addition to an existing structure (greater than 33% of the existing gross floor area), then the use shall be subject to a Conditional Use approval.

20.05.092 SC-06 [Special Conditions; Community Garden]

This Special Conditions Standards section applies to the following zoning districts:

RE RS RC RM RH

(a) Community Gardens shall be subject to the following requirements:
   (1) Retail sales shall be prohibited on the community garden site, except for the sale of produce grown in the community garden. Such sales shall be in compliance with Subsection 20.05.109(b), *Farm Produce.*
   (2) Structures utilized for the storage of gardening materials shall be permitted subject to the accessory structure requirements of this ordinance. The combined area of all structures shall not exceed fifteen percent (15%) of the community garden site lot area.
   (3) Hours of operation shall be restricted to between 5:00 a.m. and 11:00 p.m. daily. Community Gardens shall adhere to the noise standards in Title 14 of the Bloomington Municipal Code.
   (4) On-site storage containers, compost bins, and other material storage areas shall be located in the rear building setback area, and shall be at least five (5) feet from rear and side property lines. Trash shall be removed from the community garden site at least once a week.
   (5) Cultivated areas shall not encroach onto adjacent properties.
   (6) The community garden site shall be maintained free of high grass in compliance with Title 6 of the Bloomington Municipal Code.
   (7) Any community garden site with a lot area greater than fifteen thousand (15,000) square feet shall provide one (1) on-site parking space per two thousand (2,000) square feet of lot area above fifteen thousand (15,000) square feet.
   (8) One permanent sign shall be permitted. Such sign shall be limited to four (4) square feet in area per side and four (4) feet in height.

20.05.093 SC-07 [Special Conditions; Convenience Store (with gas or alternative fuels)]

This Special Conditions Standards section applies to the following zoning districts:

CG CD IG BP

(a) Convenience Store (with gas or alternative fuels):
   (1) In the CD and BP zoning districts, the use shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of fuels such as biodiesel, electricity, majority ethanol blend, hydrogen, natural gas or conventional gasoline.
   (2) In the BP zoning district, major overhaul, body and fender work, upholstering, welding and spray painting shall be prohibited as a component of a convenience store (with gas or alternative fuels).
   (3) In the CG and CD zoning districts, all major overhaul, body and fender work, upholstering and welding shall be conducted within a completely enclosed building.
   (4) In the CG and CD zoning districts, all spray painting shall be conducted within an approved spray booth.

(5) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
(6) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
(7) In the BP zoning district, all structures including fuel canopies shall be compatible with the surrounding Business Park development with respect to architectural style, color, and materials. Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets.
(8) In the BP zoning district, at least fifty percent (50%) of the total number of dispenser units must provide alternative fuels including but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

20.05.094 SC-08 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks]

This Special Conditions Standards section applies to the following zoning districts:

RE RS RC

(a) Crops and Pasturage — RE Zoning District:
(1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.
(2) Animal units per animal shall be determined as follows:
(A) All larger animals, including cattle, horses, swine, ponies, etc., shall equal 1.0 animal unit;
(B) Goats, sheep, miniature horses, etc., shall equal 0.5 animal unit;
(C) All smaller animals including fowl shall equal 0.2 animal unit; and
(D) All animals less than four (4) months of age shall be calculated at one-half (½) the unit value of their respective category above.
(3) All other agricultural businesses involving livestock are prohibited, including but not limited to concentration points, confined feeding, feedlots, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, and transfer stations.
(4) Livestock shall not be kept on any parcel of less than five (5) acres in area and three hundred (300) feet in width, except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.
(5) Structures containing livestock or livestock waste shall meet the following minimum setbacks:
(A) Front Setback: Seventy-five (75) feet;
(B) Side Setback: Fifty (50) feet;
(C) Rear Setback: Seventy-five (75) feet.

(b) Accessory Chicken Flocks — RE, RS, and RC Zoning District:
(1) One chicken flock may be kept as a use accessory to a permitted residential use, provided that such use is permitted by Title 7 of the Bloomington Municipal Code, as it may hereafter be amended, and further provided that such use complies with all regulations of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended. Such regulations of Title 7 of the Bloomington Municipal Code are expressly incorporated herein by reference. In areas that are subject to this Unified Development Ordinance but not within the corporate boundaries of the City of Bloomington, the Planning Department shall administer and enforce such regulations.

20.05.095 SC-09 [Special Conditions; Drive-through]

This Special Conditions Standards section applies to the following zoning districts:

CG

(a) Drive-through:
(1) All drive-through windows shall be accessory to the primary use on the site.
(2) All uses, except for banks/credit unions shall be limited to one (1) drive-through bay. Banks/Credit unions shall be allowed up to three (3) drive-through bays.

20.05.096 SC-10 [Special Conditions; Dwelling, Multifamily]

This Special Conditions Standards section applies to the following zoning districts:

CD

(a) Dwelling, Multifamily: Any building containing one (1) or more dwelling units located on the second story or above shall be required to have a fire sprinkler system located throughout the building structure. Such fire building system must comply with the standards of NFPA 13R-1999, as adopted and amended by 675 Indiana Administrative Code Section 13-1-25, or such later edition of NFPA as may hereafter be adopted by the State, unless state codes require compliance with a different standard, in which case such standard shall apply.

20.05.097 SC-11 [Special Conditions; Dwelling, Single-Family Attached]

This Special Conditions Standards section applies to the following zoning district:

RS

(a) Dwelling, Single-family Attached:
- (1) Single-family attached structures shall be limited to two (2) individual units per structure and each unit shall be located on a separate lot.
- (2) Side setback requirements shall be waived by planning staff to allow lot lines to be placed along common building walls. The side setbacks shall be waived only for the property line where the common building wall will be located.
- (3) Single-family attached dwellings shall only be permitted when both individual lots meet the required minimum lot width and lot area for the zoning district.

20.05.098 SC-12 [Special Conditions; Dwelling, Single-family Detached]

This Special Conditions Standards section applies to the following zoning districts:

RM RH CL CG CA CD BP

(a) Dwelling, Single-family Detached: Single-family detached dwelling units shall be permitted only on lots of record lawfully established before the effective date of this Unified Development Ordinance.

20.05.099 SC-13 [Special Conditions; Dwelling, Upper Floor Units]

This Special Conditions Standards section applies to the following zoning districts:

CD

(a) Dwelling, Upper Floor Units: Any building containing one (1) or more dwelling units located on the second story or above shall be required to have a fire sprinkler system located throughout the building structure. Such fire building system must comply with the standards of NFPA 13R-1999, as adopted and amended by 675 Indiana Administrative Code Section 13-1-25, or such later edition of NFPA as may hereafter be adopted by the State, unless state codes require compliance with a different standard, in which case such standard shall apply.

20.05.100 SC-14 [Special Conditions; Fitness Center/Gym and Fitness/Training Studio]

This Special Conditions Standards section applies to the following zoning district:

MD

(a) Accessory Uses: All Fitness Center/Gym and Fitness/Training Studio uses shall be accessory to the primary use on a site. A Fitness Center/Gym and Fitness/Training Studio use shall not be permitted as a primary use on a site.

20.05.101 SC-15 [Special Conditions; Gas Station]

This Special Conditions Standards section applies to the following zoning districts:

CG IG

(a) Gas Station:
- (1) Gas stations shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products.
- (2) In the CG zoning district, major overhaul, body and fender work, upholstering, welding and spray painting shall be prohibited as a component of a gas station.
- (3) All major overhaul, body and fender work, upholstering, welding shall be conducted within a completely enclosed building.
- (4) All spray painting shall be conducted within an approved spray booth.

(5) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
(6) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

20.05.102 SC-16 [Special Conditions; Group Care Home]

This Special Conditions Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD BP IN MD

(a) Group Care Home for Developmentally Disabled: Such homes shall be as described in IC 12-28-4-8 and licensed by the State under a program authorized by IC 12-11-1.1.

(b) Group Care Home for Mentally Ill:
(1) As described in IC 12-28-4-7 and licensed by the State pursuant to IC 12-22-2-3(2) through (6), provided that no such home shall be located within 3,000 feet of any other residential care home.
(2) The distance between group homes shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

(c) Group/Residential Care Home:
(1) Provided all State licensing provisions are complied with, and provided that no such home shall be located within 3,000 feet of any other residential care home.
(2) The distance between group homes shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

20.05.103 SC-17 [Special Conditions; Impound Vehicle Storage]

This Special Conditions Standards section applies to the following zoning districts:

IG

(a) Impound Vehicle Storage: Impound vehicle storage lots shall be screened with an eight (8) foot tall solid fence or wall and shall be landscaped so as to mitigate the appearance and impact of the proposed storage use.

20.05.104 SC-18 [Special Conditions; Limited Service Restaurant and Low Intensity Retail]

This Special Conditions Standards section applies to the following zoning districts:

BP

(a) Scale: Individual uses shall not exceed a total of 2,500 square feet of gross floor area.

(b) Architectural Design Standards: Structures shall be compatible with the surrounding Business Park development with respect to architectural style, roof pitch, color and materials.

(c) Parking: Parking spaces shall be provided at a twenty-five percent (25%) reduction from the requirements of *Chapter 20.05; §PK: Parking Standards*.

20.05.105 SC-19 [Special Conditions; Outdoor Storage]

This Special Conditions Standards section applies to the following zoning districts:

IG

(a) Outdoor Storage: Outdoor storage yards shall be screened with an eight (8) foot tall solid fence or wall and shall be landscaped so as to mitigate the appearance and impact of the proposed storage use.

20.05.106 SC-20 [Special Conditions; Recreation Center]

This Special Conditions Standards section applies to the following zoning districts:

RC RM

(a) Recreation Center: Recreation centers shall be permitted when utilizing the renovation of an existing structure. If a recreation center requires new construction or a major addition to an existing structure (greater than 33% of the existing gross floor area), then the use shall be subject to a Conditional Use approval.

20.05.107 SC-21 [Special Conditions; Rooming House]

This Special Conditions Standards section applies to the following zoning districts:

RM RH

(a) Rooming House:
  (1) Rooming houses shall be owner-occupied.
  (2) No rooming house shall exceed five (5) bedrooms, not including the living space occupied by the rooming house owner.

20.05.108 SC-22 [Special Conditions; Testing Lab]

This Special Conditions Standards section applies to the following zoning districts:

MD

(a) Testing Lab: Testing labs shall exclusively conduct laboratory testing directly associated with the medical and health care industry.

20.05.109 SC-23 [Special Conditions; Utility Substation and Transmission Facility]

This Special Conditions Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Utility Substation and Transmission Facility:
  (1) This section shall not apply to boost or lifting stations.
  (2) Such facilities shall be screened with an eight (8) foot tall fence or wall.
  (3) The fenced or walled area shall be surrounded by a vegetative buffer consisting of evergreen trees. Such trees shall be a minimum of eight (8) feet tall when planted.

20.05.110 TU-01 [Temporary Uses and Structures; General]

This Temporary Use/Structure Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

(a) Permit Required: All temporary uses shall require a Temporary Use Permit unless specified otherwise in this Unified Development Ordinance.

(b) Exemptions:
- (1) Garage sales, religious tent meetings, nonprofit events and political rallies, provided they meet the following standards:
  - (A) The event is allowed for a maximum of seven (7) consecutive days;
  - (B) No property shall hold more than three (3) such events in a single calendar year; and
  - (C) The hours of operation of such events shall be limited to between the hours of 7:00 a.m. and 11:00 p.m.
- (2) Temporary structures used for collection of donation items by a non-profit organization, provided they are displayed for a maximum of 90 days.

(c) Termination and Removal: Temporary uses shall be terminated and removed at the end of the event period.

(d) Required Parking: Temporary uses shall not displace required parking for any existing use or block any existing drives.

(e) Off-street Parking: Adequate off-street parking is required for each temporary use in accordance with the parking standards of *Chapter 20.05; §PK: Parking Standards*.

(f) Public Rights-of-way: Temporary uses shall be arranged so that vehicles do not block a public right-of-way.

(g) Contractor's Offices, Equipment Storage and Portable Lavatories: Contractor's offices, equipment storage and portable lavatories are permitted on or adjacent to construction sites subject to following conditions:
- (1) The use is for the length of the construction activity. All temporary facilities shall be removed upon completion of construction.
- (2) The structures shall not contain sleeping or cooking facilities.
- (3) Portable lavatories shall be located as to minimize impacts to adjacent residential uses.

(h) Real Estate Sales and Model Homes: Real estate sales and model homes are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development until all home sites within the development are sold.

(i) Signs: Temporary uses shall be permitted to display signs subject to the following standards:
- (1) Temporary uses shall also be subject to additional applicable sign standards in *Chapter 20.05; §SI: Sign Standards*.
- (2) *Maximum Number*:
  - (A) One (1) freestanding temporary sign;
  - (B) One (1) banner type sign.
- (3) *Maximum Sign Area*:
  - (A) Freestanding Temporary Sign: Twenty-four (24) square feet per side.
  - (B) Banner Type Sign: Thirty (30) square feet. Banners shall be placed on the structure, and shall not be freestanding.
- (4) *Sign Permit*: A separate Sign Permit is not required for temporary uses.

20.05.111 TU-02 [Temporary Uses and Structures; Commercial and Industrial]

This Temporary Use and Structure Standards section applies to the following zoning districts:

CG CA CD IG BP

(a) Seasonal Sales: Temporary uses selling seasonal items such as Christmas trees, Halloween pumpkins and 4th of July fireworks shall be permitted subject to the following standards:
   (1) Fireworks sales shall be permitted only at locations within the Commercial Arterial (CA) zoning district.
   (2) A Temporary Use Permit shall be required and shall be valid for a maximum of thirty (30) consecutive days. The temporary use shall be removed from the property within five (5) days after the holiday, regardless of the remaining valid length of the Temporary Use Permit.
   (3) The temporary use shall be located on a lot that fronts on a collector or arterial street.
   (4) The temporary use shall be located at least fifty (50) feet from any residential district.

(b) Farm Produce: The seasonal sale of farm produce shall require a Temporary Use Permit, and such permit shall be valid for a maximum of sixty (60) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.

(c) Sales Associated with a Permanent Retail Use: Temporary retail activity conducted on property associated with a permanent retail use shall be permitted subject to the following standards:
   (1) The temporary retail activity shall be of the same nature as the permanent retail activity conducted on the property.
   (2) A Temporary Use Permit shall be required and good for a maximum of forty-five (45) consecutive days.
   (3) A Temporary Use Permit shall only be issued to the operator of the associated permanent retail use.
   (4) No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.

(d) Other: Other temporary retail or wholesale activities, carnivals, and traveling circuses shall require a Temporary Use Permit, and such permit shall be valid for a maximum of fifteen (15) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.

20.05.112 VC-01 [Vision Clearance; General]

This Vision Clearance Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

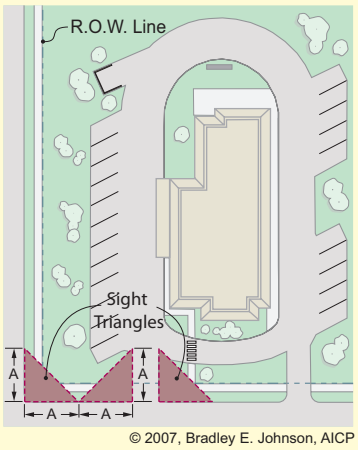
(a) Vision Clearance Triangle: A vision clearance triangle shall be maintained at every street intersection.

(1) For the purposes of *Chapter 20.05; §VC: Vision Clearance Standards*, intersections shall include alley and driveway intersections with streets;

(2) Vision clearance triangles for alley and driveway intersections may be reduced upon a determination by the City Engineering Department that such a reduction would not interfere with the safety of the intersection.

(b) Vision Clearance Triangle Leg Lengths: The vision clearance triangle leg lengths shall be as specified in the most current edition of the Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials. Deviation from these standards shall require written approval from the City Engineering Department.

(c) Vertical Clear Area: No primary or accessory structures, landscaping, fences, walls or signs are allowed to be placed in or to project into the vision clearance triangle between the heights of two and one-half (2.5) feet and nine (9) feet above the crown of the adjacent street.



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Chapter

20.06

Subdivision Regulations

City of Bloomington
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

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20.06.005 Subdivision Type

All subdivisions shall be designed according to one of the subdivision types specified in this chapter. A single subdivision shall not incorporate more than one of the subdivision types unless specifically authorized by the Plan Commission.

Suburban Subdivision (SU)

20.06.010 Suburban Subdivision (SU); Intent

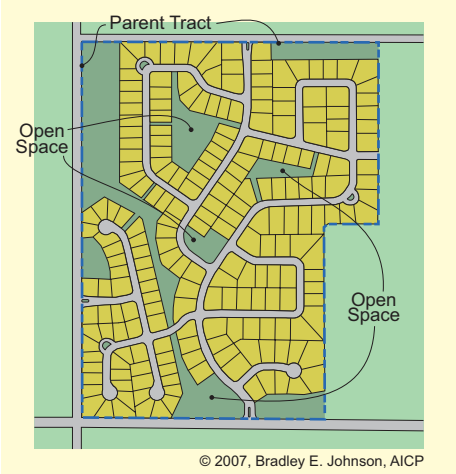
The Suburban Subdivision is intended to be used as follows:

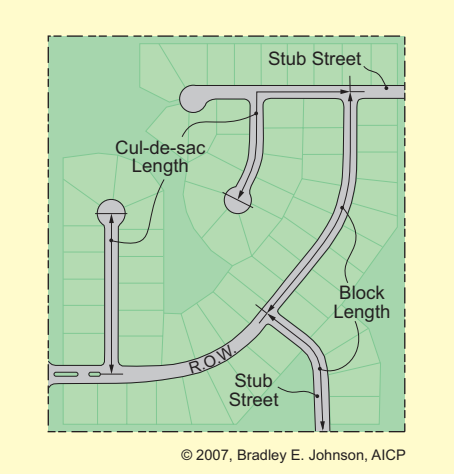
- Allow for both subdivisions containing a small number of lots and no new public streets as well as subdivisions consisting of a larger number of lots and new public street extensions;
- Permit residential developments that are consistent with adjoining subdivisions which have been more recently developed after the build-out of core neighborhoods;
- Ensure that new subdivisions contain adequate street, bicycle, and pedestrian connectivity to adjacent neighborhoods as well as nonresidential activity centers; and
- Facilitate development on parcels not characterized by significant environmental constraints as well as development on parcels not located next to existing subdivisions characterized by more grid-like street patterns.

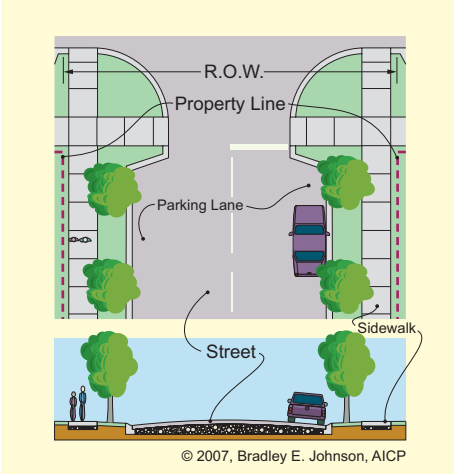
The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

Suburban Subdivision (SU)

20.06.020 Suburban Subdivision (SU); Standards and Effect on Development Standards







Prerequisite Base Zoning District:
- RE, RS, RC, RH, RM or MH

Maximum Parent Tract:
- 3 Acres

Minimum Open Space:
- For subdivisions of at least 25 lots and no more than 49 lots, a minimum of 10% of the gross acreage must be identified as common open space on the plat
- For subdivisions of at least 50 lots and no more than 74 lots, a minimum of 15% of the gross acreage must be identified as common open space on the plat
- For subdivisions of at least 75 lots, a minimum of 20% of the gross acreage must be identified as common open space on the plat

Maximum Block Length:
- 1,000 feet

Cul-de-sac Length:
- Cul-de-sacs are not permitted

Alternative Transportation Facilities:
- Facilities required on both sides of internal streets and along adjoining streets
- Facility type shall be governed by the Bicycle and Pedestrian Transportation and Greenways System Plan

ROW Dedication:
- Per Master Thoroughfare Plan

Street Width:
- Per Master Thoroughfare Plan

On-street Parking:
- Not required
- Where provided, must meet standards of *Chapter 20.07; §OG On-street Parking Standards*

Alley Standards:
- Alleys are not required

Minimum Tree Plot Width:
- Per Master Thoroughfare Plan

Minimum Sidewalk/Sidepath Width:
- Per Master Thoroughfare Plan

Additional Subdivision Standards that Apply

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Effect on Development Standards

- All standard zoning district development standards apply

20.06.030 Conservation Subdivision (CS); Intent

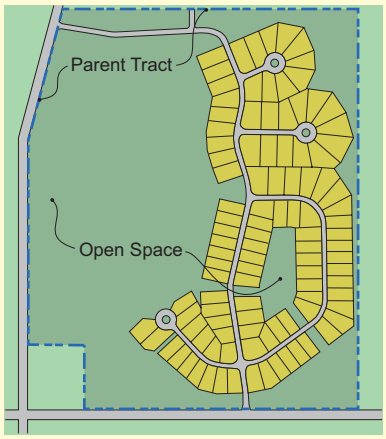
The Conservation Subdivision is intended to be used as follows:

- Facilitate clustered development of land while ensuring maximum protection of environmentally sensitive features and set asides of significant common open space;
- Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;
- Allow very limited development for those parcels containing environmental constraints such as mature tree stands, karst geology, steep slopes, and water resources;
- Fulfill the Growth Policies Plan's policy recommendations concerning *Nurture Environmental Integrity*; and
- Provide subdivision design controls that ensure the space-efficient installation of utilities, street and sidewalk network, as well as the placement of individual building lots.

The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

Conservation Subdivision (CS)

20.06.040 Conservation Subdivision (CS); Standards and Effect on Development Standards



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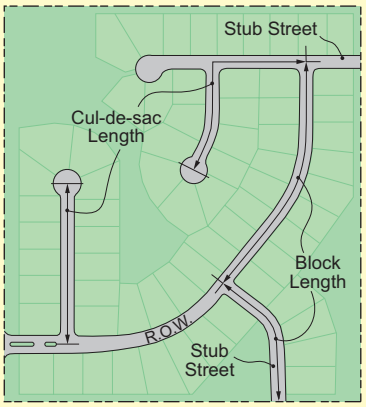

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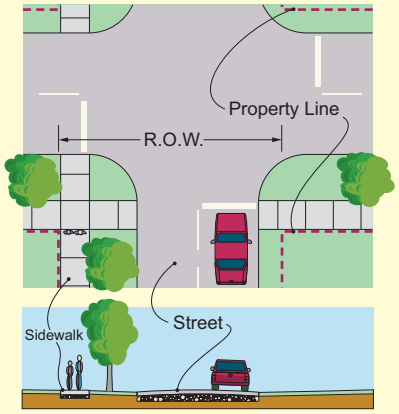

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Prerequisite Base Zoning District:
- RE or RS

Minimum Parent Tract:
- 5 Acres (217,800 square feet)

Minimum Open Space:
- 50%

Maximum Block Length:
- 1,760 feet (1/3 mile)

Cul-de-sac Length:
- Cul-de-sacs are not permitted

Alternative Transportation Facilities:
- Facilities required on both sides of internal streets and along adjoining streets
- Facility type shall be governed by the Bicycle and PedestrianTransportation and Greenways System Plan

ROW Dedication:
- Per Master Thoroughfare Plan
- ROW width may be reduced up to 10 feet to mitigate environmental impacts

Street Width:
- Per Master Thoroughfare Plan
- Street widths narrower than indicated on the Master Thoroughfare Plan may be allowed in order to mitigate environmental impacts

Alleys:
- Not permitted

On-street Parking:
- Not permitted in the RE zoning district
- Not required in the RS zoning district

Minimum Tree Plot Width:
- 5 feet
- Tree plot may be reduced to a 2-foot grass separation to allow for preservation of existing quality vegetation

Minimum Sidewalk/Sidepath Width:
- Per Master Thoroughfare Plan

Additional Subdivision Standards that Apply

Alley Standards (AL)
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Effect on Development Standards

RE Zoning District:
- Lot area may be reduced to 20,000 square feet
- Lot width may be reduced to 100 feet
- Within 200 feet of the property line of the parent tract, the size of subdivided lots shall not be less than 50% of the minimum lot size required by the zoning district

RS Zoning District:
- Lot area may be reduced to 4,200 square feet
- Lot width may be reduced to 50 feet
- Side setback may be reduced to 8 feet, regardless of the number of stories
- Within 100 feet of the property line of the parent tract, the size of subdivided lots shall not be less than 75% of the minimum lot size required by the zoning district

20.06.050 Traditional Subdivision (TD); Intent

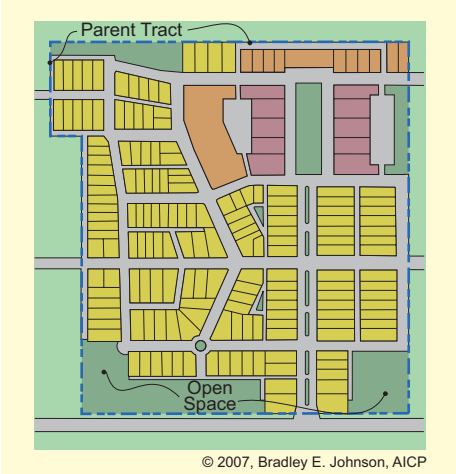
The Traditional Subdivision is intended to be used as follows:

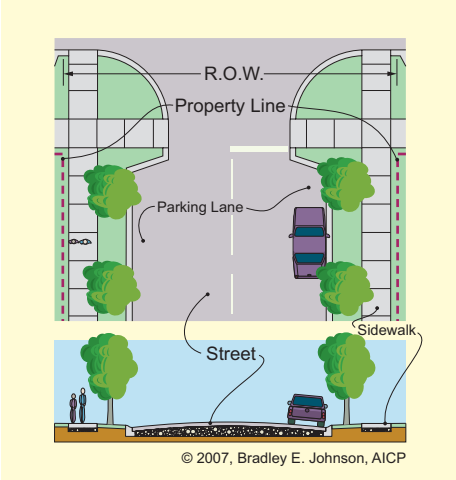
- Ensure the creation of a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as nonresidential activity centers;
- Create a pedestrian-scale streetscape design featuring narrow street profiles, on-street parking, building forward orientation, short block lengths, and decorative street lighting;
- Facilitate compatible development of parcels located next to existing subdivisions characterized by more grid-like street patterns;
- Facilitate development on properties not characterized by environmental constraints;
- Provide a range of development options (including mixed uses, affordable housing, accessory dwelling units) where warranted by adjacent development patterns; and
- Facilitate fulfillment of the Growth Policies Plan's policies entitled Compact Urban Form, Mitigate Traffic, and Conserve Community Character.

The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

Traditional Subdivision (TD)

20.06.060 Traditional Subdivision (TD); Standards and Effect on Development Standards





Prerequisite Base Zoning District:
- RS, RC, RM, CL or CG

Minimum Parent Tract:
- 3 acres

Minimum Open Space:
- 5%

Cul-de-sac Length:
- Cul-de-sacs are not permitted

Alternative Transportation Facilities:
- Facilities required on both sides of internal streets and along adjoining streets
- Facility type shall be governed by the Bicycle and Pedestrian Transportation and Greenways System Plan

ROW Dedication:
- Per Master Thoroughfare Plan
- ROW may be reduced to match adjacent streets

Street Width:
- Per Master Thoroughfare Plan
- Street widths may be reduced upon approval of the City Engineer and Fire Chief

On-street Parking:
- Required on at least one side of all streets

Alley Standards:
- Minimum of 67% of lots shall be served by alleys

Minimum Tree Plot Width:
- Residential areas: 7 feet
- Nonresidential areas: 0 feet, tree grates required
- Standard may be varied to match condition of adjacent property

Minimum Sidewalk Width:
- Residential Areas: 5 feet
- Commercial Areas: 8 feet

Maximum Block Length:
- 800 feet

Additional Subdivision Standards that Apply

Alley Standards (AL)
- AL-01 ..... Page 7-4

Easement Standards (EA)
- EA-01 ..... Page 7-7

Environmental Standards (EV)
- EV-01 ..... Page 7-10

Facilities Plan Standards (FC)
- FC-01 ..... Page 7-11

Lot Establishment Standards (LT)
- LT-01 ..... Page 7-12

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On-street Parking Standards (OG)
- OG-01 ..... Page 7-14

Open Space Standards (OP)
- OP-01 ..... Page 7-15

Pedestrian Network Standards (PN)
- PN-01 ..... Page 7-16

Storm Water Standards (SM)
- SM-01 ..... Page 7-17

Street and Right-of-way Standards (SR)
- SR-01 ..... Page 7-18

Street Lighting Standards (SL)
- SL-01 ..... Page 7-20

Street Name Standards (SN)
- SN-01 ..... Page 7-21

Street Sign Standards (SS)
- SS-01 ..... Page 7-22

Sustainable Development Incentives (SD)
- SD-01 ..... Page 7-23

Utility Standards (UT)
- UT-01 ..... Page 7-27

Effect on Development Standards

RS and RC Zoning Districts:
- Lot area may be reduced to 5,000 square feet
- Lot width may be reduced to 50 feet
- Side setback may be reduced to 6 feet, regardless of the number of stories
- Lots may use a front build-to line of 15 feet
- Impervious surface coverage may be increased to 50%

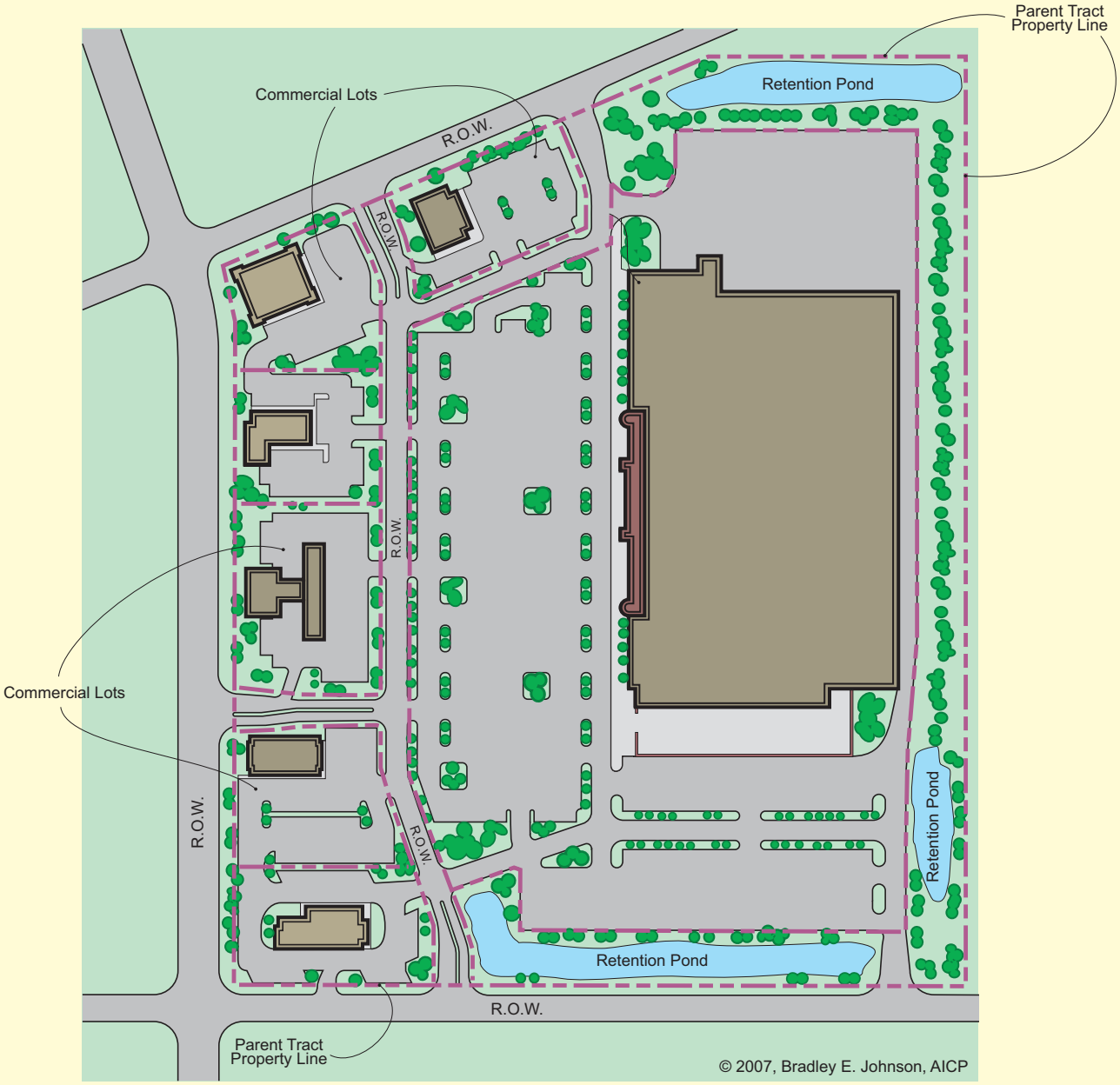
RM, CL and CG Zoning Districts:
- Lot area may be reduced to 4,200 square feet
- Lot width may be reduced to 50 feet
- Side setback may be reduced to 4 feet, regardless of the number of stories
- Lots may use a front build-to line of 15 feet
- Impervious surface coverage may be increased to 65%
- Residential density may be increased to 20 units per acre

Commercial/Industrial Subdivision (CI)

20.06.070 Commercial/Industrial Subdivision (CI); Intent

The Commercial/Industrial Subdivision is intended to be used as follows:

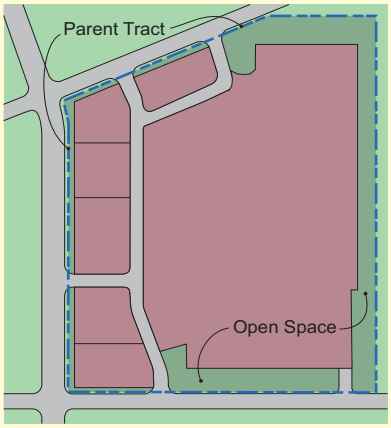
- Allow for both minor subdivisions containing a small number of lots and no new public streets, as well as major subdivisions consisting of a larger number of lots and new public street extensions;
- Permit all nonresidential developments that are compatible with their surroundings;
- Ensure that new subdivisions contain adequate street, bicycle, and pedestrian connectivity to adjacent neighborhoods, as well as nonresidential activity centers; and
- Facilitate development on parcels not characterized by significant environmental constraints.



The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

Commercial/Industrial Subdivision (CI)

20.06.080 Commercial/Industrial Subdivision (CI); Standards and Effect on Development Standards



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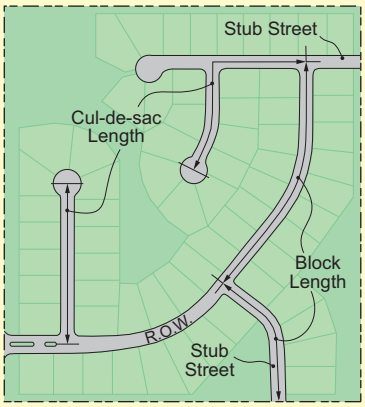

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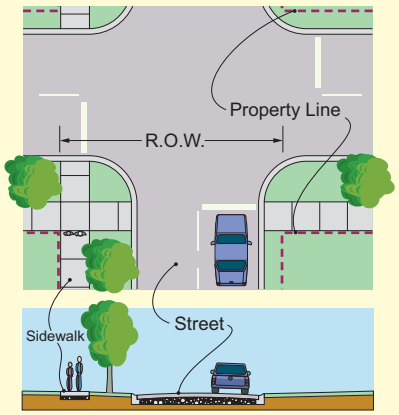

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Prerequisite Base Zoning District:
- CL, CG, CD, CA, IG, BP, IN, MD or QY

Minimum Parent Tract:
- N/A

Minimum Open Space:
- N/A

Minimum Cul-de-sac Length:
- 200 feet

Maximum Cul-de-sac Length:
- 600 feet

Maximum Lots per Cul-de-sac:
- N/A

Alternative Transportation Facilities:
- Facilities required on both sides of internal streets and along adjoining streets
- Facility type shall be governed by the Bicycle and Pedestrian Transportation and Greenways System Plan

ROW Dedication:
- Per Master Thoroughfare Plan

Street Width:
- Per Master Thoroughfare Plan

On-street Parking:
- Not required

Alley Standards:
- Alleys are not required

Minimum Tree Plot Width:
- Per Master Thoroughfare Plan

Minimum Sidewalk Width:
- Per Master Thoroughfare Plan

Maximum Block Length:
- 1,320 feet (¼ mile)

Additional Subdivision Standards that Apply

Alley Standards (AL)
- AL-01 ..... Page 7-4

Arterial Frontage Standards (AF)
- AF-02 ..... Page 7-6

Easement Standards (EA)
- EA-01 ..... Page 7-7

Environmental Standards (EV)
- EV-01 ..... Page 7-10

Lot Establishment Standards (LT)
- LT-01 ..... Page 7-12

Monument and Marker Standards (MM)
- MM-01 ..... Page 7-13

On-street Parking Standards (OG)
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Pedestrian Network Standards (PN)
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Storm Water Standards (SM)
- SM-01 ..... Page 7-17

Street and Right-of-way Standards (SR)
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Street Lighting Standards (SL)
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Street Name Standards (SN)
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Sustainable Development Incentives (SD)
- SD-01 ..... Page 7-23

Utility Standards (UT)
- UT-01 ..... Page 7-27

Effect on Development Standards

- All base zoning district development standards apply

Chapter

20.07

Design Standards

City of Bloomington
Unified Development
Ordinance

February 12, 2007 © 2007 Bradley E. Johnson, AICP

GroundRules
website www.groundrulesinc.com

Design Standards

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20.07.020 Purpose of Design Standards
20.07.030 Icon Key
20.07.040 AL-01 [Alley Standards]
20.07.050 AF-01 [Arterial Frontage Standards; Residential]
20.07.060 AF-02 [Arterial Frontage Standards; Nonresidential]
20.07.070 EA-01 [Easement Standards]
20.07.080 EV-01 [Environmental Standards; General]
20.07.090 FC-01 [Facilities Plan Standards]
20.07.100 LT-01 [Lot Establishment Standards]
20.07.110 MM-01 [Monument and Marker Standards; General]
20.07.120 OG-01 [On-street Parking Standards]
20.07.130 OP-01 [Open Space Standards; Residential, Commercial and Industrial]
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20.07.190 SS-01 [Street Sign Standards; Residential, Commercial and Industrial]
20.07.200 SD-01 [Sustainable Development Incentives; General]
20.07.210 UT-01 [Utility Standards]

20.07.010 Using this Section

The following pages contain the design standards for site and infrastructure improvements associated with subdivisions. These requirements shall also apply to Planned Unit Developments associated with subdivision approval. Each section represents the regulations for a specific category.

20.07.020 Purpose of Design Standards

(a) It is the purpose of *Chapter 20.07; Design Standards* to establish and define the design standards that shall be required by the City for any subdivision of land.

(b) In planning for the development of areas within the jurisdiction of the Plan Commission, the owner and petitioner shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the Growth Policies Plan. The proposed development shall also be consistent with the property's zoning classification, and shall result in a project that is harmonious with the environmental character of the property as well as the overall community of the City of Bloomington.

Icon Key

20.07.030 Icon Key

SU - Suburban Subdivision (SU)

CS - Conservation Subdivision (CS)

TD - Traditional Subdivision (TD)

CI - Commercial/Industrial Subdivision (CI)

20.07.040 AL-01 [Alley Standards]

This Alley Standards section applies to the following types of development:

SU CS TD CI

(a) General: Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of traditional neighborhood subdivisions. In other types of subdivisions, alleys may be utilized where they are compatible with surrounding residential development patterns.

(b) Right-of-way: Alleys shall be public with a minimum of twenty (20) feet of right-of-way.

(c) Pavement Width: Alleys shall have a minimum of fourteen (14) feet of pavement width.

(d) Curb: Alleys are not required to have a curb.

(e) Alley Intersections: Alley intersections with public streets shall not exceed twenty degrees (20°) from perpendicular to said streets.

(f) Minimum Corner Radius: The minimum corner radius at any alley intersection with a public street shall be ten (10) feet.

(g) Alley Construction: All alleys are to be constructed per standards of the City Engineering Department.

20.07.050 AF-01 [Arterial Frontage Standards; Residential]

This Arterial Frontage Standards section applies to the following types of development:

SU

(a) General: All residential subdivisions shall be designed so that no residential lot directly borders an Arterial level street unless those lots utilize alley access, an access street, or provide a buffer to screen the visual impacts of homes along Arterial level streets.

(b) Alley-access: Individual single-family residential lots (attached and detached) may directly front Arterial level streets if rear alleys are utilized for all lots fronting the Arterial street.

(1) Front setbacks for these lots must be increased to a minimum of forty (40) feet from the proposed right-of-way indicated on the Master Thoroughfare Plan.

(2) Alleys must be constructed to standards of *Chapter 20.07; §AL: Alley Standards*.

(c) Access Street: Individual single-family residential lots (attached and detached) may front Arterial level streets if an access street is utilized.

(1) *Separation*: This access street must be separated from the proposed right-of-way indicated on the Master Thoroughfare Plan by a grass strip of at least twenty (20) feet in width.

(2) *Traffic Lanes*: An access street shall be designed to accommodate two-way traffic.

(3) *Location*: An access street shall be designed to generally run parallel to the Arterial level street.

(4) *Right-of-way or Easement*: Access streets shall be placed within additional right-of-way or an access easement.

(5) *Pavement Width*: Access streets shall be paved to a minimum width of twenty (20) feet for two-way traffic, or twenty-eight (28) feet if parking is permitted on one side.

(6) *Sidewalks*: In addition to the required pedestrian facility along the Arterial level street, access streets must install a sidewalk five (5) feet in width on the interior side of the street.

(7) *Access Points*:

(A) Access streets must provide two (2) points of ingress/egress to the Arterial street if they give access to ten (10) or more residential lots or if they exceed five hundred (500) feet in length.

(B) No more than two (2) ingress/egress points are permitted for an access street.

(d) Buffer: Through lots may be utilized with the rear of the lots facing the Arterial level street if a buffer is established between the residential lots and the Arterial level street and such buffer is maintained as common area.

(1) The buffer must be a minimum of thirty (30) feet in width measured from the proposed right-of-way indicated on the Master Thoroughfare Plan.

(2) The buffer must include one of the following features:

(A) A solid wall or combination of walls a minimum of three (3) feet in height, combined with landscaping sufficient to achieve a non-lineal, dense buffer of evergreen and deciduous trees, that together equal to at least seventy-five percent (75%) of the subdivision's lineal frontage along an Arterial street.

(B) A landscaped berm a minimum of three (3) feet in height and ten (10) feet in width installed in a non-lineal manner. Landscaping within the buffer area shall be equal to one (1) canopy tree, two (2) ornamental trees, two (2) evergreen trees and ten (10) large shrubs for every fifty (50) feet of Arterial frontage.

(3) No feature may interfere with sight requirements for safe ingress and egress.

20.07.060 AF-02 [Arterial Frontage Standards; Nonresidential]

This Arterial Frontage Standards section applies to the following types of development:

CI

(a) General: Shared access along Arterial level streets for nonresidential subdivisions shall be utilized to the maximum extent possible.

(b) Ingress/Egress:

(1) *Maximum Ingress/Egress*: Developments with fifteen (15) acres or less shall have a maximum of one (1) ingress/egress point onto an Arterial level street if a secondary access street is present and two (2) ingress/egress points onto an Arterial level street if no secondary access street is present. Developments with more then fifteen (15) acres shall have a maximum of three (3) ingress/egress points onto a public street.

(2) *Separation*: Ingress/Egress points onto Arterial streets must be separated by a minimum of:

(A) Two hundred (200) feet from any intersection, and

(B) Two hundred (200) feet from another ingress/egress point.

(c) Traffic Lanes: Shared access streets shall be designed to accommodate two-way traffic.

(d) Right-of-way or Easement: Shared access streets shall be placed within additional right-of-way or permanent access easement.

(e) Pavement Width: Access streets shall be a minimum of twenty (20) feet in width.

(f) Sidewalks: Access streets shall have sidewalks on the interior side of the street and be integrated into the overall pedestrian network.

20.07.070 EA-01 [Easement Standards]

This Easement Standards section applies to the following types of development:

SU CS TD CI

(a) General: All proposed plats submitted for approval under the provisions of *Chapter 20.06: Subdivision Regulations* shall allocate sufficient easement areas for features including, but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary. All easements and corresponding utility location plans shall be approved prior to the approval of the plat. For features required to be in an easement but not required to be within common area, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this Unified Development Ordinance or in the development approval. A grant of authority to the City to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility. A Facilities Plan shall also be provided in accordance with *Section 20.07.090: FC-01 [Facilities Plan Standards]*.

(b) Recording of Easements: All necessary easements shall be clearly identified on Final Plats and shall be recorded per processes as defined within *Chapter 20.09: Processes, Permits and Fees* of the Unified Development Ordinance and shall include a definition consistent with *Subsection 20.07.070(e): Easement Types*.

(c) Existing Easements: All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.

(d) Environmental Features: All areas that are determined not to be developable per *Chapter 20.05; §EN: Environmental Standards* shall be placed within preservation/conservation easements on the plat.

(e) Easement Types: Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply to these easements:

(1) *Sanitary Sewer Easement*:

(A) Shall allow the City Utilities Department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City Utilities Department in conjunction with the Preliminary Plat. Upon written permission from the City Utilities Department, encroachments may be permitted after the recording of the Final Plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within Sanitary Sewer Easements.

(D) Grading activity shall be prohibited within Sanitary Sewer Easements without written permission from the City Utilities Department.

(2) *Waterline Easement*:

(A) Shall allow the City Utilities Department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City Utilities Department in conjunction with the Preliminary Plat. Upon written permission from the City Utilities Department, encroachments may be permitted after the recording of the Final Plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within Waterline Easements.

(D) Grading activity shall be prohibited within Waterline Easements without written permission from the City Utilities Department.

(3) *Drainage Easement*:
- (A) Shall be required for any surface swales or other minor improvements that are intended for maintenance by the lots on which they are located.
- (B) Shall prohibit any alteration within the easement that would hinder or redirect flow.
- (C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.
- (D) Shall be enforceable by the City Utilities Department and by owners of properties that are adversely affected by conditions within the easement.
- (E) Shall allow the City Utilities Department to enter upon the easement for the purpose of maintenance, to charge the costs of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

(4) *Utility Easement*:
- (A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.
- (B) Prohibits the placement of any unauthorized obstruction within the easement area.

(5) *Pedestrian Easement*:
- (A) Grants the general public the right to access the pedestrian easement for purposes of walking, running, bicycling, skating, or utilizing certain classes of non-motorized vehicles.
- (B) Grants the City the right to construct, alter, repair, maintain, or remove improvements within the easement area.
- (C) Prohibits the placement of any obstruction within the pedestrian easement.

(6) *Transit Facility Easement*:
- (A) Grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation.
- (B) Grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.
- (C) Prohibits anyone other than the public transportation authority from placing any structures within the transit facility easement.

(7) *Karst Conservancy Easement*:
- (A) Prohibits any land-disturbing activities, including the placement of a fence, within the easement area. Mowing is allowed within the easement area.
- (B) Allows the removal of dead or diseased trees that pose a safety risk or impede draining as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the Planning Department.
- (C) Grants the City the right to enter the property to inspect the easement and alter or repair the karst feature.
- (D) All Karst Conservancy Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.
- (E) Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.
- (F) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

(8) *Tree Preservation Easement*:
- (A) Prohibits the removal of any tree over six (6) inches dbh within the easement area.
- (B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the Planning Department.
- (C) All Tree Preservation Easements shall be identified with signs located along the boundary of the

easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.

(D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

(9) *Tree Conservation Easement*:

(A) Prohibits the removal of any tree and the placement of a fence within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the Planning Department.

(C) All Tree Conservation Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.

(D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

(10) *Conservancy Easement*:

(A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the Planning Department.

(C) All Conservancy Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.

(D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

(11) *Other*: Other easements may be required by the Plan Commission to preserve features or functions unique to a given property and shall be defined on the recorded plat.

20.07.080 EV-01 [Environmental Standards; General]

This Environmental Standards section applies to the following types of development:

SU CS TD CI

(a) General: All proposed plats submitted for approval under the provisions of *Chapter 20.06: Subdivision Regulations* shall preserve environmental features per the requirements of *Chapter 20.05; §EN: Environmental Standards*. Facilities Plans shall also be provided in accordance with *Section 20.07.090: FC-01 [Facilities Plan Standards]*.

(b) Easements: The following environmental features shall be placed within easements on the Final Plat:
- (1) *Excessive Slopes*: All areas of Excessive Slope as defined in *Section 20.05.039: EN-02 [Environmental Standards; Steep Slopes]*.
- (2) *Karst Features*: All karst features and their required buffer zones as defined in *Section 20.05.042: EN-05 [Environmental Standards; Karst Geology]*.
- (3) *Riparian Buffers*: All required riparian buffer areas as defined in *Section 20.05.041: EN-04 [Environmental Standards; Riparian Buffer]*.
- (4) *Floodplains*: All areas within regulatory floodways and floodway fringes as defined in *Section 20.05.048: FP-01 [Floodplain Standards; General]*.
- (5) *Wetlands*: All delineated wetlands and required wetland buffer areas as defined in *Section 20.05.043: En-06 [Environmental Standards; Wetlands]*.
- (6) *Trees and Forested Areas*: All trees required to be preserved by *Section 20.05.044: EN-07 [Environmental Standards; Tree and Forest Preservation]*.

(c) Common Areas: In addition to easements required by *Subsection 20.07.080(b): Easements*, the following environmental features shall be placed within Common Areas on the plat:
- (1) *Karst Features*: All karst features and their required buffer zones that have a total area of one-half (0.5) acre or greater.
- (2) *Riparian Buffers*: All riparian buffers defined as Streamside or Intermediate Zones in *Section 20.05.041: EN-04 [Environmental Standards; Riparian Buffer]*.
- (3) *Floodways*: All areas within regulatory floodways as defined in *Section 20.05.048: FP-01 [Floodplain Standards; General]*.
- (4) *Wetlands*: All delineated wetlands and required wetland buffer areas as defined in *Section 20.05.043: En-06 [Environmental Standards; Wetlands]*.
- (5) *Forested Areas*: All contiguous areas of tree cover totaling one (1) acre or greater that are required to be preserved by *Section 20.05.044: EN-07 [Environmental Standards; Tree and Forest Preservation]*.

(d) Access: All Common Areas required by *Section 20.07.080* shall be provided with an access easement that connects the common area with a public right-of-way. The access easement shall be a minimum of fifteen (15) feet in width.

20.07.090 FC-01 [Facilities Plan Standards]

This Facilities Plan Standards section applies to the following types of development:

SU CS TD CI

(a) General: All developments shall be governed by Facilities Plans for all property held in common area, privately-owned open space, or easements. Facilities Plans shall designate all facilities, features, ownership, and future maintenance responsibilities for those areas.

(b) Applicability: All subdivisions that are required to provide environmental preservation/conservation easements, drainage easements, common areas or commonly-owned engineered and built drainage facilities (including, but not limited to detention/retention ponds) shall be required to submit a Facilities Plan.

(c) Facilities Plan Requirements:

(1) *Index Map*: A map shall be provided that clearly indicates ownership and maintenance responsibilities of all common areas, privately-owned open space, easements, and development amenities.

(2) *Definition of Easements*: All easements shall be defined if different than the standard definitions of this Chapter.

(3) *Amenity Package*: Subdivisions of greater than seventy-five (75) residential lots or more than twenty (20) acres shall provide proposed development amenities for approval by the Plan Commission. The amenity package must include an accessible, centrally located common area of at least five percent (5%) of the total acreage. Active recreation facilities such as playgrounds, recreational courts, and gathering space shall be installed and maintained within this common area. All land set aside to meet the common area requirements of *Division 20.07.090(c)(3)* shall also count toward fulfillment of any other applicable open space requirements of this Unified Development Ordinance.

(4) *Responsible Parties*: The Covenants, Commitments and Restrictions for any subdivision that are required to include commonly-owned engineered or built drainage facilities, including but not limited to detention/retention ponds, shall be made binding upon all owners of lots in the subdivision and shall:

(i) Establish an owners' association responsible for arranging and bearing the costs of maintenance and repair of such facilities.

(ii) Provide that individual owners shall have responsibility and liability for such maintenance and repair in the event the Association becomes insolvent, ceases to exist, or for any reason fails or refuses to perform such obligations.

(iii) Allow the City or other appropriate governmental authority to perform or have performed any necessary work or maintenance upon such facilities, in the event the owners and/or the Association fail to act, and allow the City or other authority to recover its costs by assessing same equally to the lot owners and by placing a lien upon any lot where payment is not made in a timely manner.

(d) Approval: The Plan Commission shall review and approve all required Facilities Plans to determine the adequacy of amenity packages (where applicable), maintenance plans, and identification of responsible parties.

(e) Modification to Facilities Plan: The Planning Director may approve minor modifications to an approved Facilities Plan.

(f) Recording: The Facilities Plan shall be recorded in conjunction with the approved Final Plat.

20.07.100 LT-01 [Lot Establishment Standards]

This Lot Establishment Standards section applies to the following types of development:

SU CS TD CI

(a) General: The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts.

(b) Lot Standards: Every lot shall meet the following standards:

(1) *Side Lot Lines*: Residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street and right-of-way.

(2) *Corner Lots*: Residential corner lots shall be fifty percent (50%) larger than the minimum lot area indicated for the zoning district. Nonresidential corner lots shall be twenty-five (25%) larger than the minimum lot area indicated for the zoning district.

(3) *Through Lots*: Except as permitted by *Chapter 20.07; §AF: Arterial Frontage Standards*, lots shall not be permitted to be through lots.

(4) *Intersection Radii*:

(A) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet in radius, or by chords of such arcs.

(B) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than twenty-five (25) feet, or by chords of such arcs.

(C) At intersections of alleys, the property line corners shall be rounded by arcs with radii of not less than ten (10) feet, or by the chord of such arcs.

(5) *Cohesive Design*: Commercial developments (*e.g.* multi-tenant centers, commercial areas, and office parks) shall be designed as a single project no matter how many lots are generated. All areas of the parent tract shall be shown as they are intended to be laid out and used.

(6) *Depth to Width Ratio*: All lots shall be designed with a depth-to-width ratio not to exceed four (4) to one (1).

(7) *Lot Width Measurement*: The minimum lot width of all lots shall be measured at the required front building setback line.

(8) *Frontage*: All new residential lots shall have frontage on a public street.

(c) Common Area Developments: The Plan Commission may waive lot and setback standards in order to create a common area development plat. This approval is subject to the following standards:

(1) A petitioner must request a common area development designation with the Preliminary Plat;

(2) All individual units must be placed on an individual lot;

(3) All units must have individual utility service;

(4) Lot lines may not extend more than ten (10) feet from any structure; and

(5) All areas outside of individual lots must be placed within common area.

(d) Zero Lot Line Developments: The Plan Commission may waive lot and setback standards in order to create a zero lot line development plat. This approval is subject to the following standards:

(1) A petitioner must request a zero lot line development designation with the Preliminary Plat;

(2) All individual units must be placed on an individual lot; and

(3) All units must have individual utility service.

20.07.110 MM-01 [Monument and Marker Standards; General]

This Monument and Marker Standards section applies to the following types of development:

SU CS TD CI

(a) Installation of Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18.

(b) Centerline Monuments: Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.

(c) Reporting: Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit from the surveyor certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

20.07.120 OG-01 [On-street Parking Standards]

This On-street Parking Standards section applies to the following types of development:

SU CS TD CI

(a) General: All developments with on-street parking shall meet the standards within this section.

(b) On-street Parking Requirements:

(1) *Striping*: All on-street parking installed in commercial or industrial areas shall be striped to indicate each parking space. Stripes shall be perpendicular to the curb, be at least eight (8) feet long, and be spaced at least twenty-two (22) feet apart. An on-street parking space located at the end of a row of spaces may be shortened to twenty (20) feet in length. T-markings may also be permitted to mark spaces. No parking spaces shall be placed within thirty (30) feet of an intersection, or greater if indicated by the City Engineering Department.

(2) *No Parking Signs*: Any side of a street where parking is not permitted shall have signs noting such restrictions placed at least every one hundred fifty (150) feet.

(c) Bump-outs:

(1) Bump-outs may be required at street intersections where on-street parking is utilized.

(2) Bump-outs shall use a six (6) inch standing curb.

(3) Bump-outs shall be designed to extend a minimum of eight (8) feet from the curb line and may not reduce the travel lane widths below the standards of the Master Thoroughfare Plan.

(4) Bump-outs shall be installed at angles greater than 90 degrees away from the street curb to facilitate street maintenance. Bump-out designs shall be subject to review by the City Engineer.

20.07.130 OP-01 [Open Space Standards; Residential, Commercial and Industrial]

This Open Space Standards section applies to the following types of development:

SU CS TD CI

(a) General: All residential developments shall have a percentage of the land set aside for open space.

(b) Minimum Open Space: The minimum open space required for each development shall be as indicated on the two-page layouts for each type of subdivision in *Chapter 20.06: Subdivision Regulations*; or

(c) Site Features that Qualify as Open Space: The following features count toward the minimum open space requirements as described.

(1) *Conservation Areas*: Any required preservation/conservation area shall count toward open space requirements.

(2) *Man-made Water Features*: Any man-made water feature (including retention facilities) shall count toward minimum open space if it supports aquatic life and provides native habitat as follows:

(A) Surface Area: A surface area at normal pool elevation of at least 32,670 square feet (¾ acre); and

(B) Perimeter Access:

(i) Width: A buffer area around the full circumference of the water feature of at least fifty (50) feet from the top of bank shall be available as open space.

(ii) Plantings: This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than twenty percent (20%) lawn grass) species including prairie grasses and/or tree planting.

(3) *Dry Detention Facilities*: Man-made storm water detention facilities (dry) shall count toward the minimum open space if they meet the following standards:

(A) Area: The facility shall have at least 10,890 square feet of flat bottom (¼ acre).

(B) Depth: The man-made depth of the detention facility shall not exceed four (4) feet from top of bank.

(C) Slope: Man-made slopes within the detention facility shall not exceed a 4:1 ratio.

(D) Perimeter Access:

(i) Width: A buffer area around the full circumference of the facility of at least twenty-five (25) feet from the top of bank shall be available as open space.

(ii) Plantings: This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.

(4) *Regulated Floodplain*: The regulated floodplain of any stream, regulated drain, or river shall count toward the open space requirements.

(5) Other common areas set aside to meet open space requirements.

20.07.140 PN-01 [Pedestrian Network Standards]

This Pedestrian Network Standards section applies to the following types of development:

SU CS TD CI

(a) General: All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network must include pedestrian facilities along street frontages, multiuse trails where indicated on the Bicycle and Pedestrian Transportation and Greenways System Plan, and pedestrian connector paths between developments and public destinations (e.g. schools, parks, hospitals), nearby trails, other developments, and vacant land.

(b) Type of Pedestrian Facility: Required pedestrian facilities shall be as indicated in the Bicycle and Pedestrian Transportation and Greenways System Plan, unless it is determined by the Planning Director that such facility should be altered to match adjacent facilities.

(c) Width: The minimum width of required pedestrian facilities shall be as indicated in the Bicycle and Pedestrian Transportation and Greenways System Plan unless specifically noted on the two-page layouts for each subdivision type.

(d) Location: Except as provided below, all streets shall require pedestrian facilities on both sides of the street:

(1) Cul-de-sacs less than three hundred (300) feet in length and providing access to less than ten (10) residential units shall only be required to install pedestrian facilities on one (1) side of the street. All other required trails and connector paths shall still be required.

(e) Placement: To the extent possible, all required sidewalks shall be located one (1) foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement.

(f) Minimum Tree Plot Width: All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated in the Master Thoroughfare Plan. Except as specified elsewhere in this Unified Development Ordinance, tree plots may not be less than five (5) feet and must be planted with grass.

(g) Administrative Waiver: When the petitioner can demonstrate the acceptability of waiving or altering certain design standards relating to pedestrian facilities, it may be the ruling of the Planning Director, after consultation with the City Engineering Department, that such standards be altered.

(h) Sidewalk or Path Construction: All concrete sidewalk and asphalt path improvements are to be constructed as per City Engineering Department requirements.

20.07.150 SM-01 [Storm Water Standards; General]

This Storm Water Standards section applies to the following types of development:

SU CS TD CI

(a) General: All proposed subdivisions submitted for approval, under the provisions of the Unified Development Ordinance, shall provide for the collection and management of all surface water drainage.

(b) Drainage Plan: All subdivision requests shall include the submittal of a Drainage Plan to the City Utilities Department. The Drainage Plan shall include, but not be limited to, the following items:
   (1) Complete Grading Plan showing all proposed detention and retention facilities, swales, and drainage structures.
   (2) All proposed piping including size and location of proposed storm water lines, as well as plan and profile drawings for all proposed improvements.
   (3) Complete and accurate storm water calculations justifying methodology of the Drainage Plan in compliance with City Utilities Department standards.

(c) Storm Water Mitigation Requirements: Drainage facilities shall be provided to control runoff from all upstream drainage areas and from all areas within the proposed subdivision to a location adequate to receive such runoff. Furthermore, drainage facilities shall:
   (1) Be designed and constructed in accordance with City Utilities Department standards.
   (2) Be durable, easily maintained, retard sedimentation, and retard erosion. Facilities shall not endanger the public health and safety, or cause significant damage to property.
   (3) Be sufficient to accept runoff from the site after development and the present water runoff from all areas upstream to achieve discharge rates meeting City Utilities Department Standards.
   (4) Provide storm water runoff quality mitigation in compliance with City Utilities Department Standards.

(d) Common Area: Engineered and built drainage improvements, including but not limited to detention and retention facilities, for subdivisions shall be contained within common areas. Such improvements shall be constructed and maintained according to City Utilities Department standards, and a Facilities Plan shall be required pursuant to *Section 20.07.090: FC-01 [Facilities Plan Standards]*.

20.07.160 SR-01 [Street and Right-of-way Standards]

This Street and Right-of-way Standards section applies to the following types of development:

SU CS TD CI

(a) General: All developments submitted for subdivision approval shall allocate adequate areas for new streets in conformity with the Unified Development Ordinance and Master Thoroughfare Plan.

(b) Private Streets: Unless waived by the Plan Commission and the Board of Public Works, private streets are not permitted. All proposed streets shall have right-of-way dedicated as indicated on the Master Thoroughfare Plan.

(c) Street Design Principles:

(1) *General Street Layout*: Streets shall be laid out on the parent tract:
- (A) In an orderly and logical manner;
- (B) To provide connectivity to adjacent parcels;
- (C) To provide pedestrian and vehicular safety; and
- (D) To provide reasonably direct access to the primary circulation system.

(2) *Topographical Consideration*: Streets shall be adjusted to the contour of the land so as to minimize cutting and filling activity on natural terrain.

(3) *Design Speed*: The maximum design speed for streets shall be in accordance with AASHTO and City Engineering Department requirements.

(4) *Connectivity*: All developments shall provide stub streets to connect to adjacent properties.
- (A) Where the development abuts undeveloped land, the final number and location of stub streets shall be determined by the Plan Commission.
- (B) Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.

(5) *Stub Streets*: Stub streets shall be constructed at the same time the other streets are built within the development.
- (A) Temporary turnaround areas which can be surfaced with asphalt, concrete, permeable pavers or crushed stone may be required to provide safe turnaround for emergency vehicles. Such areas shall be located within dedicated street rights-of-way and shall be removed when stub streets are further extended.
- (B) A permanent sign shall be installed at the terminus of the stub street stating clearly that the street will connect to future development.

(6) *Gated Entrances*: Gated entrances are not permitted.

(7) *Boulevard Entrances*: All developments (residential and nonresidential) of more than twenty (20) acres shall have a boulevard entrance extending at least fifty (50) feet from the perimeter street's right-of-way. The width of the median shall be a minimum of ten (10) feet.

(8) *Intersections*: All intersections of two streets shall be within fifteen degrees (15°) of perpendicular as measured at the street centerlines. Intersections of more than two (2) streets at one (1) point shall not be permitted. Neighborhood street intersections with center line offsets of less than one hundred twenty-five (125) feet shall not be permitted.

(9) *Right-of-way Width*: The minimum right-of-way width shall be as indicated on the Master Thoroughfare Plan unless specified otherwise in this Unified Development Ordinance.

(10) *Street Width*: The minimum street pavement width shall be as indicated on the Master Thoroughfare Plan. Street width shall be determined by measuring from back of curb to back of curb unless specified otherwise in this Unified Development Ordinance.

(11) *Curb Type*:
- (A) Residential subdivisions (attached and detached units) may utilize rolled or straight curbs.
- (B) Nonresidential subdivisions are required to utilize straight curbs.

(12) *Cul-de-sac Length*: The maximum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision.

(13) *Cul-de-sac Terminus*: The terminus of each cul-de-sac shall be a round bulb, large enough to accommodate the largest fire truck in service within the City.

(14) *Permanent Dead-end Streets*: Dead-end streets are prohibited. Dead-end streets do not include cul-de-sacs or stub streets.

(15) *Eyebrows*: Eyebrow street designs shall be permitted for residential subdivisions only and constructed for one-way traffic with an island in the middle which contains a sidewalk for pedestrians to efficiently and safely travel on the pedestrian network. No parking is allowed within eyebrow areas.

(16) *Block Length*: The maximum block length shall be as indicated on the two-page layout in *Chapter 20.07: Subdivision Regulations* for each type of subdivision.

(17) *Pavement Thickness*: The minimum street pavement thickness shall be determined by the Board of Public Works based on the street's classification in the Master Thoroughfare Plan.

(d) Dedication of Right-of-way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in the Master Thoroughfare Plan, the petitioner shall dedicate additional width along either one (1) or both sides of such streets in order to bring them up to standards.

(e) Construction and Installation Standards for Streets: All street improvements are to be designed, constructed and installed per the City Engineering Department standards.

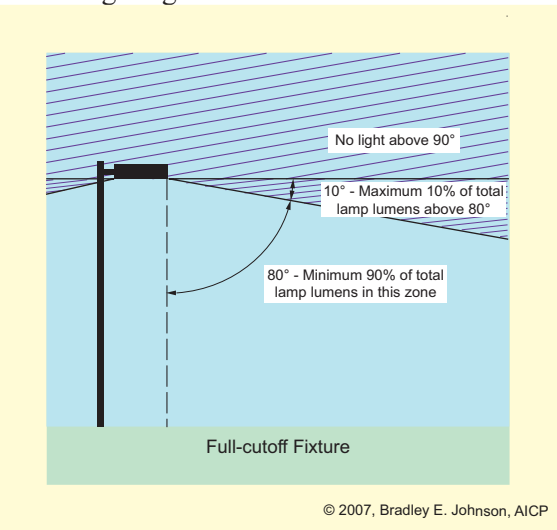
20.07.170 SL-01 [Street Lighting Standards; General]

This Street Lighting Standards section applies to the following types of development:

SU CS TD CI

(a) Street Lighting Plan: All subdivisions shall be required to have a Street Lighting Plan submitted to the City Board of Public Works as a component of the Final Plat proposal. The Street Lighting Plan shall be certified by the local public electric company.

(b) Street Lighting Plan Approval: All certified Street Lighting Plans must be accepted by the City Board of Public Works prior to Final Plat signing. Street Lighting Plans shall include, but not be limited to, spacing of the fixtures, fixture type, fixture color, easements, light shielding, and the manufacturer. Full cutoff fixtures shall be used. The developer shall be responsible for installing all street lights in accordance with the approved Street Lighting Plan.



(c) Alternative Street Lighting Plans: Requests, including but not limited to the provision of specialized fixtures or use of privately owned lights, may be considered by the City Board of Public Works as an alternative to conventional Street Lighting Plans.

(d) Street Lighting Plans within the Commercial Downtown (CD) Zoning District: All certified Street Lighting Plans proposed for the Commercial Downtown (CD) zoning district must be consistent with the design recommendations of the City of Bloomington Downtown Vision and Infill Strategy Plan as well as the design requirements contained in *Chapter 20.03: Overlay Districts*. Lighting fixture styles shall generally conform to the prevailing pattern of street lighting found on adjacent properties and street block faces.

20.07.180 SN-01 [Street Name Standards; General]

This Street Name Standards section applies to the following types of development:

SU CS TD CI

(a) Proposed Street Name: The petitioner shall propose a unique name for each street within the development at the time of Preliminary Plat application.

(b) Street Name Standards: Within the jurisdiction of this ordinance, the following standards shall apply:

(1) Streets which are continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on a validly recorded plat, shall bear the names of such existing streets.

(2) The root street name (*e.g.* "Maple") shall not duplicate or be phonetically similar to any existing street name. The only exception to this rule is if a new street is the continuation of an existing street, in which case, the new street shall have the exact same name as the existing street.

(3) Deviations in suffix names (*e.g.* "Street", "Court", or "Avenue") shall not constitute a unique name. Therefore, if "Maple Street" exists, the name "Maple Court" shall not be permissible.

(4) Street address numbers for all lots shall be assigned by the City Engineering Department and shall be identified on the Final Plat.

(5) Approved street names shall be identified on the Final Plat.

(c) Authority to Rename a Proposed Street: The Plan Commission, the Board of Public Works, the Planning Director, the City Engineering Department or E-911 Coordinator shall have the authority to require a new name to be chosen for any street. If a new name is not proposed by the petitioner, the Board of Public Works shall have the right to rename the street prior to Final Plat approval.

20.07.190 SS-01 [Street Sign Standards; Residential, Commercial and Industrial]

This Street Sign Standards section applies to the following types of development:

SU CS TD CI

(a) General: Each street within a residential, commercial, or industrial development shall have the minimum number of signs necessary to:
   (1) Provide a safe environment for drivers and pedestrians; and
   (2) Provide an information system for visitors to efficiently find a certain street, address, or development amenity.

(b) City's Responsibilities: The City shall be responsible for disseminating specifications for the installation of all public safety related street signs, including, but not limited to: speed limit signs, stop signs, yield signs and street name signs. The City's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these signs required for any development.

(c) Petitioner's Responsibilities:
   (1) *Public Safety Related Street Signs*: The petitioner shall be required to install public safety related street signs prior to any street being opened to public. These signs shall be installed in the location and to the height determined by the City Engineering Department.
   (2) *Street Name Signs*: The petitioner shall install a minimum of one (1) street name sign at each street intersection within the subdivision and on all perimeter intersections. At least one (1) sign shall be set on the most conspicuous corner of the intersections, at a point approximately six (6) inches from the sidewalk intersection (on the street side).
   (3) *Temporary Street Name Signs*: The petitioner shall install temporary street name signs for any streets open to the public during construction. Such signs shall meet the location requirements specified for street name signs in *Division 20.07.190(a)(2): Street Name Signs* above. Temporary street name signs shall be removed when permanent street name signs are installed.

20.07.200 SD-01 [Sustainable Development Incentives; General]

Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction. Implementation of these practices will help to make Bloomington a more sustainable community.

This Sustainable Development Incentives section applies to the following types of development:

SU CS TD CI

(a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a subdivision in order to achieve development standards bonuses as provided in *Subsection 20.07.200(b): Level One Incentives, Subsection 20.07.200(c): Level Two Incentives* and *Subsection 20.07.200(d): Level Three Incentives*. Any subdivision that incorporates these practices shall indicate such inclusion at the Preliminary Plat stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

(1) *Goal 1*: Subdivisions and developments that demonstrate exceptional efficiency in the use of energy and resources and minimize their impact on the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

(A) A commitment to the installation of a vegetated roof covering at least 50% of the total roof area. Incorporation of this practice shall conform to the provisions of SS Credit 7.2: Heat Island Effect: Roof as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(B) A commitment to demonstrate a percentage improvement in the proposed building performance rating compared to the baseline building performance rating per the most current version of the LEED for New Construction Rating System as approved by Plan Commission. Incorporation of this practice shall conform to the provisions of EA Credit 1: Optimize Energy Performance as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(C) A commitment to incorporate non-polluting and/or renewable on-site energy sources including, but not limited to, solar, wind, geothermal, biomass and bio-gas energy sources. Incorporation of this practice shall conform to the provisions of EA Credit 2: On-Site Renewable Energy as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(D) A commitment to recycling and/or salvaging of at least 50% of non-hazardous construction and demolition debris. Incorporation of this practice shall conform to the provisions of MR Credit 2.1: Construction Waste Management as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(E) A commitment to the utilization of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value. Incorporation of this practice shall conform to the provisions of MR Credit 5.1: Regional Materials as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission.

(2) *Goal 2*: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:
   (A) A commitment to use permeable pavement materials for at least fifty percent (50%) of all private driveways, pathways, and parking areas.
   (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
   (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
   (D) Placement of all slopes of 12% or greater within Conservancy Easements to ensure that they are not developed, nor disturbed during the development of remaining portions of the site, as well as the retention of at least 90% of existing tree canopy cover in compliance with *Division 20.05.044(a)(2)* of this Ordinance.

(3) *Goal 3*: A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:
   (A) A commitment to incorporate a mix of residential and nonresidential land uses either within the subdivision or within individual buildings.
   (B) Provision of 100% of the required bicycle parking spaces as either long-term Class I Bicycle Parking Facilities or covered, Class II Bicycle Parking Facilities, or a combination of those two bicycle parking facility types.
   (C) Provision of automobile parking at least twenty-five percent (25%) below permitted maximums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums.
   (D) A commitment to provide subsidized Bloomington Transit passes or the provision of a private van or shuttle.

(4) *Goal 4*: A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:
   (A) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a Bloomington Transit stop, provided that the transit facility is accessible using pedestrian facilities.
   (B) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the Growth Policies Plan, provided these commercial areas are accessible using pedestrian facilities.
   (C) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a public school or park, provided these public facilities are accessible using pedestrian facilities. An allocation of acreage for a centrally located common area in compliance with *Section 20.07.090: FC-01 [Facilities Plan Standards]* shall count towards fulfillment of this Sustainable Development Practice.
   (D) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a public multiuse trail facility, provided the proposed subdivision can be connected to the public trail facility.

(b) Level One Incentives:

(1) A subdivision may utilize the Level One Incentives detailed in *Division 20.07.200(b)(2)* if the reviewing authority determines that the subdivision meets all four (4) goals listed in *Subsection 20.07.200(a): Sustainable Development Practices* through the incorporation of the following:

(A) At least two (2) Sustainable Development Practices from Goal 1 as specified in *Division 20.07.200(a)(1) above*; and

(B) At least one (1) Sustainable Development Practice from each of Goals 2, 3 and 4 as specified in *Division 20.07.200(a)(2), Division 20.07.200(a)(3)* and *Division 20.07.200(a)(4)* above.

(2) Subdivisions described in *Division 20.07.200(b)(1)* above may utilize the following changes to development standards:

(A) Minimum Lot Area: Shall be decreased ten percent (10%) for the TD and CS subdivision types and shall be decreased twenty percent (20%) for the SU and CI subdivision types.

(B) Minimum Lot Width: Shall be decreased ten percent (10%) for the TD and CS subdivision types and shall be decreased twenty percent (20%) for the SU and CI subdivision types.

(C) Side Building Setbacks: For residential districts, side building setbacks shall be reduced to six (6) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by twenty-five percent (25%).

(C) Rear Building Setbacks: For residential districts, rear building setbacks shall be decreased to twenty (20) feet. For nonresidential districts, rear building setback requirements shall be reduced by twenty-five percent (25%).

(c) Level Two Incentives:

(1) A subdivision may utilize the Level Two Incentives detailed in *Division 20.07.200(c)(2)* if the reviewing authority determines that the subdivision meets all four (4) goals listed in *Subsection 20.07.200(a): Sustainable Development Practices* through the incorporation of the following:

(A) At least three (3) Sustainable Development Practices from Goal 1 as specified in *Division 20.07.200(a)(1)* above; and

(B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in *Division 20.07.200(a)(2), Division 20.07.200(a)(3)* and *Division 20.07.200(a)(4)* above.

(2) Subdivisions described in *Division 20.07.200(c)(1)* above may utilize the following changes to development standards:

(A) Minimum Lot Area: Shall be decreased fifteen percent (15%) for the TD and CS subdivision types and shall be decreased twenty-five percent (25%) for the SU and CI subdivision types.

(B) Lot Width: Shall be decreased fifteen percent (15%) for the TD and CS subdivision types and shall be decreased twenty-five percent (25%) for the SU and CI subdivision types.

(C) Side Building Setbacks: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by thirty-five percent (35%).

(D) Rear Building Setbacks: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by thirty-five percent (35%).

(d) Level Three Incentives:

(1) A subdivision may utilize the Level Three Incentives detailed in *Division (2)* if the reviewing authority determines that the subdivision meets all four (4) goals listed in *Subsection 20.07.200(a): Sustainable Development Practices* through the incorporation of the following:

(A) At least four (4) Sustainable Development Practices from Goal 1 as specified in *Division 20.07.200(a)(1)* above; and

(B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in *Division 20.07.200(a)(2), Division 20.07.200(a)(3)* and *Division 20.07.200(a)(4)* above.

(C) An allocation of at least fifteen percent (15%) of the total number of housing units located in the subdivision as affordable housing. Such housing units must be entered into an affordable housing program administered by the local, State or Federal governments.

(2) Subdivisions described in *Division 20.07.200(d)(1)* above may utilize the following changes to development standards:

(A) Minimum Lot Area: Shall be decreased twenty percent (20%) for the TD and CS subdivision types and shall be decreased thirty-three percent (33%) for the SU and CI subdivision types.

(B) Lot Width: Shall be decreased twenty percent (20%) for the TD and CS subdivision types and shall be decreased thirty-three percent (33%) for the SU and CI subdivision types.

(C) Side Building Setbacks: For residential districts, side building setbacks shall be reduced to four (4) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).

(D) Rear Building Setbacks: For residential districts, rear building setbacks shall be decreased to twelve (12) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).

(e) Waiver of Fees: All subdivisions utilizing the provisions of this Section to achieve the incentives outlined in *Subsection 20.07.200(b), Subsection 20.07.200(c)* and *Subsection 20.07.200(d)* shall also be eligible for the following waivers or reductions of fees:

(1) Filing fees for the Plan Commission and/or Board of Zoning Appeals may be waived by the Planning Director.

(2) Fees associated with Right-of-way Excavation Permits may be waived by the Director of the Public Works Department.

(3) Sewer hook-on fees may be waived or reduced by the Utilities Service Board.

(f) Application Material and Verification of Compliance: In addition to the standard application requirements specified in *Section 20.09.180: Subdivision Control; Final Plat*, the petitioner shall provide the following information:

(1) A completed Green Building Worksheet shall be submitted and approved at the time of Subdivision approval. The Green Building Worksheet shall be accompanied by supporting material specifying how the development will incorporate the specific sustainable development practices selected from *Subsection (a): Sustainable Development Practices.*

(2) At the time of Final Plat recording, the petitioner shall record a covenants, conditions, and restrictions instrument verifying that the subdivision will comply or has already complied with the sustainable development practices petitioned for as part of the Preliminary Plat application.

20.07.210 UT-01 [Utility Standards]

This Utility Standards section applies to the following types of development:

SU CS TD CI

(a) Sanitary Sewer Standards:

(1) *General*: All subdivisions proposed to the Plan Commission for approval under the provisions of the Unified Development Ordinance shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be tied into the community-wide system as per City Utilities Department standards and constructed within street rights-of-way or within dedicated sewer easements.

(2) *Sanitary Sewer Location*: Septic systems shall not be permitted unless adequate sewer system service is not available and such unavailability is verified by the City Utilities Department.

(b) Water Service Standards:

(1) *General*: All proposed plats submitted to the Plan Commission for approval, under the provisions of this chapter, shall provide for the installation of a complete potable water and fire protection distribution system.

(2) *Private/Semipublic Systems*: Private or semipublic water supplies and distribution systems shall not be allowed.

(3) *Extension of Public Water Supplies*: The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The construction plans shall be approved by the City Utilities Department and shall be on file with the City Utilities Department prior to the issuance of Final Plat approval.

(c) Coordination of Sewer/Waterline Installation: It shall be the petitioner's responsibility to coordinate the installation of the sewer and water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed. If such damage occurs, the work shall be stopped and damages repaired before allowing the work to continue.

(d) Fire Hydrants: Fire hydrants shall be installed along all public streets, and shall have a maximum distance between hydrants of six hundred (600) feet.

(e) Construction Standards for Utilities: All public utility improvements are to be designed and installed as per City Utilities Department standards.

Chapter

20.08

Nonconforming Lots, Sites, Structures and Uses

City of Bloomington
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Nonconforming Lots, Sites, Structures and Uses

Chapter 20.08

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20.08.010 Intent

Upon adoption of this Unified Development Ordinance and Official Zoning Map, some previously lawful lots, sites, structures, and land uses may no longer conform to the regulations herein. For this reason, *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses* specifies the rules, policies, and regulations that apply to these lots, sites, structures, and land uses referred to as lawfully nonconforming.

20.08.020 General

Any lot, site, structure, or land use which does not conform with one or more provisions of this Unified Development Ordinance, but which lawfully existed upon the effective date of the provisions of *Title 20: Unified Development Ordinance* with which the lot, structure or use does not conform, shall be a lawful nonconforming lot, site, use, or structure within the meaning of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*. A lawful nonconforming lot, site, use, or structure may continue except as provided in *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses* and in *Section 20.01.120: Uses Rendered Nonconforming* and *Section 20.01.130: Buildings, Structures and Lots Rendered Nonconforming*.

20.08.030 Residential Occupancy

A nonconforming use involving occupancy of a dwelling unit in a single-family residential district by four (4) or five (5) adults who are not all related to each other will be a lawful nonconforming use that may continue only as provided in *Section 20.08.030*. Where such a use is classified as a lawful nonconforming use under *Section 20.08.030; Residential Occupancy*, the use shall not be subject to termination through cessation or abandonment except as follows: the right to continue such a lawful nonconforming use may be terminated by the owner's execution and proper recording in the chain of title, in a form acceptable to the planning staff, of an express, voluntary, permanent and irrevocable waiver and relinquishment of such right.

(a) A nonconforming use involving occupancy of a dwelling unit in a single-family residential district by four (4) or five (5) adults who are not all related to each other, which was duly registered on or before October 1, 1985, in accordance with Ordinance 85-15, shall be deemed a lawful nonconforming use which may be continued under this Unified Development Ordinance, without further registration.

(b) A nonconforming use involving occupancy of a dwelling unit in a single-family residential district by four (4) or five (5) adults who are not all related to each other, which was duly registered on or before November 1, 1995, in accordance with Ordinance 95-21, shall be deemed a lawful nonconforming use which may be continued under this Unified Development Ordinance, without further registration.

(c) Where a lawfully existing dwelling unit was lawfully occupied by four (4) or five (5) adults who were not all related to each other on the effective date of this Unified Development Ordinance, but becomes nonconforming under *Title 20: Unified Development Ordinance* because of being so occupied, the property owner may register such property as a lawful nonconforming use, and if properly and timely registered, such use will be a lawful nonconforming use which may be continued under this Unified Development Ordinance without further registration. Forms for such registration shall be available in the Planning Department and must be completed by the property owner or agent and filed in the Planning Department within one hundred eighty (180) days of the effective date of this Unified Development Ordinance.

(1) For existing structures, the use to be vested pursuant to this provision shall be the use lawfully in effect as of the effective date of this Unified Development Ordinance or the predominant lawful use for the preceding five (5) years, whichever is greater.

(2) A nonconforming use involving a dwelling unit intended to be constructed for occupancy by four (4) or five (5) adults who are not all related to each other exists from the time a complete application, conforming to all applicable regulations in effect at the time of application, has been filed for a Building Permit with the Monroe County Building Department, provided the property owner's intention to accommodate said four (4) or five (5) adults is stated in writing, and the property is registered pursuant to this *Subsection 20.08.030(c)*, within one hundred eighty (180) days of the effective date of this Unified Development Ordinance; provided further that the property was lawfully eligible for occupancy by four (4) or five (5) adults not all related to each other prior to the effective date of this Unified Development Ordinance; and provided further that the Building Permit application was filed prior to the effective date of this Unified Development Ordinance, unless otherwise provided by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application* of this Unified Development Ordinance. However, in the event that said application or permit expires or is suspended or revoked as provided in *Subsection 17.08.030(7)* of the Bloomington Municipal Code or other applicable regulation of the City or Monroe County, any new permit application may be subject to the regulations in this Unified Development Ordinance, subject to *Section 20.01.210; Effect of Change in the Law after Filing of Complete Application* of this Unified Development Ordinance.

(d) The provisions of *Section 20.08.040: Certificate of Nonconforming Use* shall apply to all lawful nonconforming uses governed by *Subsection 20.08.030(a), Subsection 20.08.030(b)* or *Subsection 20.08.030(c)*.

20.08.040 Certificate of Nonconforming Use

In order to protect the lawful nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use other than a use described in *Section 20.08.030: Residential Occupancy* may request a Certificate of Nonconforming Use from the planning staff on a form available in the Planning Department. The applicant shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.

20.08.050 Changes in Use Restricted

(a) A lawful nonconforming use, including a lawful nonconforming use involving occupancy by four (4) or five (5) adults, shall not be intensified, expanded, enlarged, extended or relocated to another portion of the lot or another part of the structure, nor may any structure containing or associated with such use be expanded, enlarged, extended, relocated, or altered so as to create additional bedrooms or other habitable space.

(b) A lawful nonconforming use may be changed to any conforming use, subject to compliance with all development standards and other requirements of this Unified Development Ordinance, but shall not be changed to another nonconforming use.

(c) No building or structure shall be constructed in connection with an existing lawful nonconforming use.

20.08.060 Nonconforming Lots, Sites, and Structures

A lawfully nonconforming lot, site, or structure may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as set forth in the following provisions. Provided, however, *Section 20.08.060; Nonconforming Lots, Sites and Structures* shall not require compliance with minimum lot area and minimum lot width standards. Such cases shall be governed by *Section 20.08.150: Nonconforming Lots of Record*. Provided, further, no increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

(a) Nonconforming Sites; Full Compliance: A lawful nonconforming site shall be brought into compliance with all applicable sections of this Unified Development Ordinance with any application for new building construction or in connection with demolition of existing and construction of new buildings.

(b) Nonconforming Sites and Structures; Limited Compliance, Nonresidential Uses: A lawful nonconforming site or structure, where any use is nonresidential, shall be brought into compliance with current development standards to the extent required by *Subsection 20.08.060(a): Nonconforming Sites: Full Compliance* whenever the following occurs upon the site: any change in use, expansion, enlargement, or relocation of any use; reestablishment of a prior conforming use that has been discontinued for a period of twelve (12) months or longer; or addition to any building of more than ten percent (10%) of the gross floor area.

(1) *Structure Setback/Height*: Existing structures shall not be subject to current setback or height standards and shall remain lawful nonconforming unless completely demolished and replaced, in which case *Subsection 20.08.060(a): Nonconforming Sites: Full Compliance* shall apply.

(2) *Parking Setback/Impervious Surface Coverage*: If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.

(3) *Parking*: Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of *Chapter 20.05; §PK: Parking Standards*. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than ten percent (10%) of the gross floor area may not increase the degree of nonconformity regarding the required number of parking spaces.

(4) *Paving*: Any substandard parking surfaces shall be brought into compliance with *Chapter 20.05; §PK: Parking Standards*.

(5) *Striping*: All parking areas must be striped in accordance with *Chapter 20.05; §PK: Parking Standards*.

(6) *Handicap Parking*: All required handicap parking spaces must be installed in accordance with *Chapter 20.05; §PK: Parking Standards*. If no additional room for parking is available, the number of parking spaces provided may be decreased enough to provide adequate handicap accessible aisles.

(7) *Bike Parking*: All required bicycle parking must be installed per *Chapter 20.05; §AT: Alternative Transportation Standards*.

(8) *Landscaping*: If full compliance with *Chapter 20.05; §LA: Landscaping Standards* cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

(9) *Pedestrian Facilities*: Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per *Chapter 20.05; §AT: Alternative Transportation Standards*. If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition.

(10) *Handicap Ramps*: Any existing sidewalks that do not have adequate handicap ramps shall install required ramps per *Chapter 20.05; §AT: Alternative Transportation Standards*.

(11) *Signage*: All signage must be brought into compliance with *Chapter 20.05; §SI: Sign Standards* to the extent practicable, although freestanding signs may utilize existing setbacks where the sign is not located within a restricted vision clearance area.

(12) *Dumpster Enclosures*: All outdoor waste collection facilities must be brought into compliance with *Chapter 20.05; §OT: Outdoor Storage Standards.*

(13) *Lighting*: All lighting shall be brought into compliance with *Chapter 20.05; §LG: Lighting Standards*.
(14) *Entrances and Drives*: All entrances and drives shall be brought into compliance with *Chapter 20.05; §ED; Entrance and Drive Standards*, with the exception of driveway location requirements.

(c) Nonconforming Sites and Structures; Minor Additions, Nonresidential Uses: A lawful nonconforming site or structure shall be brought into compliance with current development standards to the extent required by *Subsection 20.08.060(c): Nonconforming Sites and Structures; Minor Additions, Nonresidential Uses* when an addition to any primary building of less than ten percent (10%) of the gross floor area or construction of an accessory structure of less than 840 square feet occurs.
(1) *Impervious Surface Coverage*: Such additions or accessory structures may not increase the degree of nonconformity regarding the required maximum impervious surface coverage.
(2) *Parking*: Such additions or accessory structures may not increase the degree of nonconformity regarding the required number of parking spaces.

(d) Nonconforming Sites and Structures; Limited Compliance, Multifamily Uses: A lawful nonconforming site or structure, where the principal use is multifamily residential, shall be brought into compliance with current development standards to the extent required by *Subsection 20.08.060(d): Nonconforming Sites and Structures; Limited Compliance, Multifamily Uses* whenever the following occurs upon the site: any addition to an existing building, any change of use, or any expansion, enlargement, or relocation of any use, which shall include but not be limited to addition of bedrooms or units:
(1) *Structure Setback/Height*: Existing structures shall not be subject to current setback standards and shall remain lawful nonconforming unless completely demolished and replaced, in which case *Subsection 20.08.060(a): Nonconforming Sites: Full Compliance* shall apply.
(2) *Parking Setback/Impervious Surface Coverage*: If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.
(3) *Parking*: The degree of nonconformity regarding the required number of parking spaces shall not be increased.
(4) *Paving*: Any substandard parking surfaces shall be brought into compliance with *Chapter 20.05; §PK: Parking Standards*.
(5) *Striping*: All parking areas must be striped in accordance with *Chapter 20.05; §PK: Parking Standards*.
(6) *Bike Parking*: All required bicycle parking must be installed per *Chapter 20.05; §AT: Alternative Transportation Standards*.
(7) *Landscaping*: If full compliance with *Chapter 20.05; §LA: Landscaping Standards* cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.
(8) *Pedestrian Facilities*: Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per *Chapter 20.05; §AT: Alternative Transportation Standards*. If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition.
(9) *Handicap Ramps*: Any existing sidewalks that do not have adequate handicap ramps shall install required ramps per *Chapter 20.05; §AT: Alternative Transportation Standards*.
(10) *Signage*: All signage must be brought into compliance with *Chapter 20.05; §SI: Sign Standards* to the extent practicable, although freestanding signs may utilize existing setbacks where the sign is not located within a restricted vision clearance area.
(11) *Dumpster Enclosures*: All outdoor waste collection facilities must be brought into compliance with *Chapter 20.05; §OT: Outdoor Storage Standards*.
(12) *Lighting*: All lighting shall be brought into compliance with *Chapter 20.05; §LG: Lighting Standards*.
(13) *Accessory Structures*: Construction of an accessory structure of less than 580 square feet shall be permitted within compliance with this section, provided that the accessory structure does not increase the degree of nonconformity regarding required maximum impervious surface coverage or required number of parking

spaces.

(14) *Entrances and Drives*: All entrances and drives shall be brought into compliance with *Chapter 20.05; §ED; Entrance and Drive Standards*, with the exception of driveway location requirements.

(e) Nonconforming Sites and Structures: Limited Compliance, Single-family Uses: A lawful nonconforming site or structure for a single-family use shall not be brought into compliance with current development standards at such time as an addition or modification occurs, except that the addition or modification may not increase the degree of nonconformity regarding maximum impervious surface coverage and parking requirements. Enlargement or modification of an existing driveway shall be subject to *Subsection 20.05.036(g)*. Changes to nonconforming uses and structures containing nonconforming uses involving occupancy of unrelated adults are subject to *Section 20.08.030: Residential Occupancy* and *Section 20.08.040: Certificate of Nonconforming Use.*

(f) Nonconforming Signs: Practicability of Compliance with Development Standards: In determining the practicability of bringing lawful nonconforming signs into compliance with development standards pursuant to *Subsection 20.08.060(b): Nonconforming Sites and Structures; Limited Compliance, Nonresidential Uses* and *Subsection 20.08.060(d): Nonconforming Sites and Structures; Limited Compliance, Multifamily Uses*, the planning staff may consider the availability of public funds for any required compensation to any person, and/or whether or not waivers have been provided pursuant to *Subsection 20.05.078(k): Waiver of Right to Damages*.

20.08.070 Lawful Nonconforming Signs

(a) Notwithstanding any other provision of *Chapter 20.08; Nonconforming Lots, Sites, Structures and Uses* or this Unified Development Ordinance, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area, except as expressly provided in *Section 20.08.070; Lawful Nonconforming Signs*.

(b) Ordinary maintenance is permitted, and shall include replacement of supports with different materials or design from the previous supports, but shall not include any increase in the dimensions or numbers of supports.

(c) A lawful nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of right-of-way acquisition and/or construction, widening or other improvement to any public sidewalk, path, trail, street, road, alley, or other public way or facility, by the City. For purposes of *Section 20.08.070; Lawful Nonconforming Signs*, a sign cannot be left in its existing location where it would be within the new public right-of-way; or would physically obstruct the public improvements; or, where its location would pose a safety hazard, which shall include but not be limited to being within a redefined vision clearance triangle.

(d) In situations described in *Subsection 20.08.070(c)*, the sign may be relocated upon the same zoning lot as its original location, if the Board or Commission with authority to acquire right-of-way in the particular case declines to seek purchase of full sign rights for permanent removal of the sign.

(e) A sign that is relocated hereunder shall be brought into compliance with all development standards in its new location to the extent practicable, as determined by the planning staff, which may consider the factors listed in *Subsection 20.08.060(f): Nonconforming Signs: Practicability of Compliance with Development Standards*, among others, in determining practicability.

20.08.080 Changes to Nonconforming Structures in Regulated Floodplains

Any structure or use located in a regulated floodplain shall be governed by the general regulations of *Chapter 20.08; Nonconforming Lots, Sites, Structures and Uses* to the extent that nonconformance is related to requirements other than those governing regulated floodplains. To the extent that nonconformance is related to the regulations of the regulated floodplains, modifications to a lawful nonconforming structure are allowed only on a one-time basis and only where:

(a) A permit is issued by the Department of Natural Resources for such modifications; and

(b) Such modifications may not increase the value of the structure, excluding the value of land, by more than forty percent (40%) of its pre-improvement market value unless such structure is brought into compliance.

20.08.090 Reestablishment Prohibited

A lawful nonconforming use which has been abandoned, including a use involving occupancy by four (4) or five (5)

adults which has been voluntarily waived and relinquished pursuant to *Section 20.08.030: Residential Occupancy*, shall not be resumed or replaced by another nonconforming use.

20.08.100 Abandonment of a Nonconforming Use

(a) Residential Occupancy: Where the lawful nonconforming use is habitation of a dwelling by four (4) or five (5) adults, and where such nonconforming use was registered under the provisions of *Section 20.08.030: Residential Occupancy* of this Unified Development Ordinance, such use shall be permanent and not subject to cessation by abandonment except by voluntary waiver and relinquishment in accordance with *Section 20.08.030: Residential Occupancy.*

(b) Other Nonconforming Uses: A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of six (6) months, or when the furnishings have been removed and not replaced for a continuous period of six (6) months.

20.08.110 Restoration and Repairs

A lawful nonconforming structure, or a structure containing a lawful nonconforming use, may be restored when the conditions enumerated below have been met regardless of other regulations in this Unified Development Ordinance. Replacement, restoration, and repairs must conform to building code and other applicable regulations set forth by the Bloomington Municipal Code.

20.08.120 Structure Damaged or Destroyed

A lawful nonconforming structure or a structure which contains or is associated with a lawful nonconforming use, which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the owner or agent makes application for a Building Permit within six (6) months of the date of destruction or removal. The replacement structure must be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architecture and constructed of similar materials, unless any deviation would bring the structure or use into or closer to compliance with the regulations of this Unified Development Ordinance, to the extent possible and to the extent permitted by building code or other applicable regulation.

20.08.130 Repair

Nothing in *Section 20.08.130; Repair* shall be interpreted to prevent normal maintenance and repair of lawful nonconforming structures or structures which contain or are associated with lawful nonconforming uses. Normal maintenance and repair does not include the razing of walls to the foundation and rebuilding, nor does it include altering a structure which contains a lawful nonconforming use in any way which results in additional bedrooms or other habitable space. Minor changes to a lawfully nonconforming sign shall be permitted only where necessary in order to keep the sign in good and safe repair and operating condition; such changes may include replacement of supports with different materials or design, but shall not include any enlargement to the dimensions of such supports or any increase in the number of such supports.

20.08.140 Replacement in a Floodplain

A lawful nonconforming structure or any structure which contains a lawful nonconforming use which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the elevation of the lowest floor, including the basement floor, must be at least two (2) feet above the regulatory flood elevation; all necessary permits must be obtained from the Department of Natural Resources and all other applicable requirements of State law are met; and that application for a Building Permit must be made within six (6) months of the date of destruction or removal.

20.08.150 Nonconforming Lots of Record

All lots legally established and recorded prior to the effective date of the Unified Development Ordinance or its subsequent amendments that do not meet the lot area and lot width standards of this Unified Development Ordinance shall be deemed a substandard lot, otherwise known as a lawful nonconforming lot of record. A lawful nonconforming lot of record may be used and developed or redeveloped without compliance with the lot area and lot width standards of this Unified Development Ordinance as long as all use restrictions and other development standards of this Unified Development Ordinance are met.

Chapter

20.09

Processes, Permits and Fees

City of Bloomington
Unified Development
Ordinance

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General Requirements

20.09.010 Purpose

This chapter identifies the types of permits, approvals, and processes which are required as part of this Unified Development Ordinance.

20.09.020 Enforcement

Failure to comply with any provision of *Chapter 20.09: Processes, Permits and Fees*, including but not limited to failure to comply with the terms and conditions of any permit or other approval obtained hereunder, shall be a violation of the Unified Development Ordinance and shall be subject to the penalties and remedies in *Chapter 20.10: Enforcement and Penalties*.

20.09.030 Applications; General

(a) Application Requirements:

(1) Applications for any petition, permit, or process under this Unified Development Ordinance may be made by the owner or lessee of property within the City or its zoning jurisdiction. In addition, the owner of at least fifty percent (50%) of the land involved may initiate a zoning map amendment for that land. The Plan Commission and/or Common Council may also initiate action as prescribed by Indiana Code and other applicable laws.

(2) Applications for any petition, permit, or process under this Unified Development Ordinance shall include the information listed below. Submittals may be composed of one or more sheets and drawings and shall include:

(A) A completed Application Form. Forms are available in the Planning Department;

(B) Name and address of the applicant;

(C) Name and address of the property owner;

(D) Signed, written consent of owner if other than applicant;

(E) Required application fee;

(F) Accurate street address of the subject property. If property does not have a street address, a request must be made by the petitioner to the City Engineering Department for an address prior to application;

(G) Accurately scaled map showing location of property and the existing uses of land within two hundred (200) feet of the subject property. This map may be provided by the planning staff as a geographic information system (GIS) map showing the required information without additional charge over the application fee;

(H) Narrative description of the proposal;

(I) Specific material required under the applicable permit or process in *Chapter 20.09: Processes, Permits and Fees*;

(J) Specific material to address the requirements of *Chapter 20.05: Development Standards* and *Chapter 20.07: Design Standards*; and

(K) Such other additional information as may be required by the planning staff or approval body to evaluate the application.

(b) Completeness of Application: The planning staff shall determine whether an application is complete prior to accepting the application. If the application is incomplete, the planning staff shall inform the applicant as to what additional information must be supplied. No application shall be considered complete until all pre-application requirements of *Section 20.09.070: Pre-application Requirements* have been satisfied and all required fees have been paid.

(c) Joint Submission of Applications: Whenever an application requires review under the provisions of more than one permit, approval, or process, the planning staff may schedule the review procedures and hearings so that review for each different permit, approval, or process can be scheduled on the same agenda, to the extent possible.

(d) Planning Department Application Review: All applications for permits, approvals, or processes required by this chapter shall be reviewed by the planning staff, which shall either be charged with the issuance or denial of a Certificate of Zoning Compliance or other staff-level approval, or to prepare a report for the applicable public hearing body.

(e) Authorization of Site Inspection: By submitting an application, the applicant is authorizing the City Engineering Department and/or planning staff to inspect the site being considered for development at any reasonable time to obtain the information required for review of compliance with this Unified Development Ordinance.

(f) Filing Deadline: The petitioner shall refer to the schedule of meeting dates attached to the application form to determine any applicable filing deadlines for approvals or processes by the Plan Commission, Board of Zoning Appeals, Plat Committee, or Hearing Officer.

(g) Complete Submittal: For petitions and subdivision requests, once the planning staff has determined that the petitioner has made a complete submittal, the planning staff shall:
(1) Assign the item a case number;
(2) Place the item on an agenda of the appropriate body;
(3) Inform the petitioner of the time, date, and place of the review body meeting.

20.09.040 Effect of Permit or Approval; Applicant to be Bound by Submissions

(a) Recipient to be Bound: A recipient of any permit or other approval under *Chapter 20.09: Processes, Permits and Fees* or under any other provision of this Unified Development Ordinance shall be bound by the representations and information submitted in the original application and in any revision, amendment, or supplement to the original application that is provided to the reviewing authority prior to issuance of the permit or other approval (hereinafter "submission") except with respect to any detail that is clearly neither regulated by a provision of this Unified Development Ordinance or other applicable law or regulation, nor expressly required as a commitment or condition of approval by the reviewing authority. A permit or approval shall be deemed to incorporate and be conditioned upon such submission, and a new or modified permit or other approval shall be required for any significant deviation from any detail contained in such submission that is made a part of the permit or other approval by operation of *Section 20.09.040 Effect of Permit or Approval*; Applicant to be Bound by Submissions or otherwise.

(b) Special Rule in Demolition Delay Situations: In the case of a permit or other approval authorizing any work that includes partial demolition governed by the demolition delay waiting period of *Section 20.09.230: Demolition and Demolition Delay*, the submission to which the recipient shall be bound shall include all information required by *Division 20.09.120(d)(6)* of this Unified Development Ordinance, and shall be as defined in *Subsection 20.09.040(a): Recipient to be Bound* above, except as it may be modified as follows: where the application for such permit or approval has been placed on the agenda for and discussed at one or more public meetings of the HPC, then for purposes of this provision the information and representations placed before the HPC at the last of those meetings prior to permit issuance, together with any modifications recommended by the HPC and agreed to by the applicant, shall become a part of the submission upon the basis of which a permit or other approval may be issued, and to which the recipient of the permit or approval shall be bound, unless the permit or approval is thereafter properly modified or a new permit or approval issued. Notwithstanding any other provision of this Unified Development Ordinance, issuance of a permit or other approval that is subject to this provision shall not authorize any work that significantly deviates in any detail from the elevations and the design, type and location of materials depicted in such submission.

20.09.050 Notice Requirements

Whenever a public hearing is required by this Unified Development Ordinance or by State law, notice of the hearing shall be given in the following manner:

(a) Publication:
(1) The planning staff shall be responsible, at petitioner's expense, for publishing notice pursuant to the Plan Commission or Board of Zoning Appeals Rules of Procedure.
(2) Notice shall be published in a daily newspaper of general circulation within the planning jurisdiction at least ten (10) days prior to the public hearing, in accordance with IC 5-3-1: Publication Procedures.

(b) Notice to Interested Parties: Whenever required by this Unified Development Ordinance or by State law, notice shall be sent to interested parties in accordance with *Chapter 20.09: Processes, Permits and Fees* or with the Rules of Procedure adopted by the Board of Zoning Appeals or Plan Commission. The Rules of Procedure shall specify who are interested parties in each case, how notice is to be given to them, and who is to give that notice.

(c) Mailed: The petitioner shall be responsible for mailing notice pursuant to the Plan Commission or Board of Zoning Appeals Rules of Procedure.

(d) Posted: The petitioner shall be responsible for posting notice on site pursuant to the Plan Commission or Board of Zoning Appeals Rules of Procedure.

(e) Proof: The petitioner shall be responsible for returning proof of mailed notice to the Planning Department. The petitioner shall refer to the application form to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline shall result in the petition's being continued to the Plan Commission or Board of Zoning Appeals agenda for the following month.

20.09.060 Public Hearing Procedures

Whenever a public hearing is required by this Unified Development Ordinance or by State law, the following public hearing procedures shall apply:

(a) Setting the Hearing: When the planning staff determines that an application is complete and that a public hearing is required, the planning staff shall place the item on the next agenda with space available pursuant to the Rules of Procedure of the Plan Commission or the Board of Zoning Appeals.

(b) Examination of Application and Other Documents: Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the offices of the Planning Department.

(c) Attendance: The petitioner is required to be present at the public hearing to address and discuss comments and concerns posed by the review body. Failure to appear shall result in the petition's being dealt with as outlined in the review body's Rules of Procedure.

(d) Conduct of Public Hearing:

(1) *Rights of All Persons*: Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing may be required to identify himself, state an address, and if appearing on behalf of an organization, state the name of the organization.

(2) *Due Order of Proceedings*: Hearings shall be conducted pursuant to rules adopted by the hearing authority in accordance with Indiana Code.

(3) *Continuance of Public Hearing or Meeting*: The body or officer conducting the public hearing or meeting may continue the public hearing or meeting to a fixed date, time and place without additional publication or individual notice.

(4) *Withdrawal of Application*: An applicant shall have the right to withdraw an application at any time prior to action on the application by the decision-making body or officer.

(5) *Record of Public Hearing or Meeting*: The transcript of testimony, minutes, applications, petitioner's statements, exhibits, staff reports, and the decision of the decision-making body shall constitute the record. The record shall be maintained for public inspection in the Planning Department.

(e) Actions by Decision-making Bodies and Officers: All decisions shall include a brief summary of the matter being acted upon, and a clear statement of approval, approval with conditions, or disapproval. Conditions of approval shall be clearly stated and enumerated.

(1) *Action by Board of Zoning Appeals*: Action by the Board of Zoning Appeals shall be final.

(2) *Action by Plan Commission*: In the instance where the Plan Commission has final authority, action by the Plan Commission shall be final. When the Plan Commission action is advisory to the Common Council, the Planning Director shall certify the Plan Commission recommendation to the Common Council pursuant to IC 36-7-4: Local Planning and Zoning. When the Plan Commission action is advisory to any other body or agency, the planning staff shall forward such recommendation to that body or agency.

(3) *Action by Common Council*: The Common Council shall act on any petition forwarded by the Plan Commission within the time period specified and in the manner set forth in IC 36-7-4: Local Planning and Zoning. Additionally, the Mayor may exercise his or her authority to veto an action of the Common Council pursuant to *Section 2.04.350: Veto Procedure* of the Bloomington Municipal Code. The Common Council may override a mayoral veto pursuant to *Subsection 2.04.350(d)* of the Bloomington Municipal Code.

20.09.070 Pre-application Requirements

Whenever a public hearing is required by this Unified Development Ordinance or by State law, the following pre-application requirements shall apply:

(a) Pre-application Meeting: Prior to submitting a petition application, the petitioner shall meet with the planning staff to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The planning staff shall aid and advise the petitioner in preparing the application and supporting documents as necessary. This meeting must take place prior to the deadline as listed on the Schedule of Meeting Dates.

(b) Development Review Committee (DRC):

(1) *Determination*: All development petitions requiring Plan Commission action shall be forwarded to the Development Review Committee (DRC) for consideration. In addition, the planning staff may forward certain petitions requiring Board of Zoning Appeals or Plat Committee review to the DRC. The planning staff shall inform the petitioner of the time, date, and place of the Development Review Committee meeting.

(2) *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Review Committee. Incomplete submittal information may result in the application being postponed from the Development Review Committee agenda to allow the petitioner time to complete the submittal.

(3) *Revisions*: Following Development Review Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Review Committee.

(c) Neighborhood Meeting: The petitioner shall conduct a neighborhood meeting prior to filing a petition to rezone a site to a Planned Unit Development, subject to the Neighborhood Meeting requirements specified in *Division 20.04.080(b)(3): Neighborhood Meeting*. Other types of petitions requiring a public hearing may also be required by the planning staff to conduct a neighborhood meeting. Notice of the neighborhood meeting shall be made to any neighborhood association on record with the City within a five hundred (500) foot radius of the boundaries of the proposed Planned Unit Development. Such notice shall be made to the neighborhood associations and the Planning Department at least seven (7) days in advance of the meeting. Planning Department staff may require additional neighborhood meetings if significant changes are made to the petition proposal after the initial neighborhood meeting occurs.

20.09.080 Schedule of Fees

(a) The planning staff shall maintain an official fee schedule for petitions, subdivisions, and permits outlined in this Unified Development Ordinance. Such fees shall be approved by the Plan Commission and, where applicable, the Common Council. The official fee schedule shall be available to the public in the Planning Department.

(b) Fees shall be paid at the Planning Department at the time of application. When the Planning Department has received a complete submittal, the planning staff shall calculate the total of the application fee and any other applicable fees. All payments shall be made to the City of Bloomington.

(c) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any petition, subdivision request, or permit.

20.09.090 Commitments; Zoning Map Amendments and PUD District Ordinances

(a) Authority: The Plan Commission may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel where the making of such commitment will further the goals of the Unified Development Ordinance or the Growth Policies Plan. In the case of a PUD district ordinance, the Common Council may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel pursuant to IC 36-7-4-1512. In the case of PUD Final Plan approval delegated to the planning staff by this Unified Development Ordinance, the planning staff may also allow or require the owner to make a written commitment under this section, and shall have all powers and duties of the Plan Commission under this section except the power to approve modification or termination of a Commitment. Commitments may be allowed or required as part of a proposal to amend the zoning map under IC 36-7-4-608 and *Chapter 20.09: Processes, Permits and Fees*; and, in connection with a proposal to adopt a PUD District Ordinance, or in connection with Final Plan approval, under the IC 36-7-4-1500 Series and *Chapter 20.04: Planned Unit Development Districts*.

(b) Approval Procedure: The procedure by which the Plan Commission or planning staff allows or requires a written commitment shall be the same as the procedure set forth in the Plan Commission Rules of Procedure and this Unified Development Ordinance for the underlying development proposal. The procedure by which the Common Council allows or requires a written commitment shall be the same as the procedure set forth in this code for consideration of the underlying ordinance. No additional notice or hearing shall be required.

(c) Form of Commitments: When allowed or required by an action of the Plan Commission or planning staff, a written commitment shall be recorded by the Petitioner, in a form approved by the Legal Department, which contains the following information:

(1) The address and legal description of the parcel of real property to which the commitment is attached;
(2) The name and address of the property owner executing the commitment;
(3) The case number and a brief description of the proposal in connection with which the commitment is being made;
(4) A detailed statement of the owner's commitment regarding use and/or development of the property. The commitment may include the obligation to perform or refrain from performing any action, and the obligation may be of a continuing nature;
(5) A cross reference to the deed for the parcel of real property to which the commitment is attached;
(6) A statement that the commitment shall be recorded in the County Recorder's office and shall run with the land and be binding on the signatories and upon any subsequent owner or other person acquiring an interest in the real estate;
(7) A statement that the commitment shall be enforceable by the City, or by any adjacent property owner or other interested party as defined by the Plan Commission Rules of Procedure;
(8) A statement that failure to honor the commitment shall constitute a violation of the Unified Development Ordinance and shall be subject to the penalties for the same in addition to any other enforcement remedies;
(9) A statement that the commitment may be modified or terminated only by action of the Plan Commission;
(10) A statement about how the recording of the commitment shall he verified by the planning staff.

(d) Recording: A commitment instrument made hereunder shall be recorded in the County Recorder's office upon approval of the proposal and prior to issuance of any Certificates of Zoning Compliance for the area involved in the proposal. The petitioner shall deliver one (1) copy of the recorded commitment instrument to the Planning Department within ten (10) business days of recording.

(e) Effect of Commitments: A commitment made under this Unified Development Ordinance takes effect upon approval of the proposal (*i.e.* adoption of an ordinance changing the zoning map or designating a Planned Unit Development zoning district, or approval of a Final Plan) in connection with which the commitment is made. An unrecorded commitment is binding upon the owner of the parcel, but is only binding upon a subsequent owner or other person acquiring an interest in the parcel if that person has actual notice of the commitment. A recorded commitment is binding upon any subsequent owner and any person acquiring an interest in the parcel.

(f) Right to Enforce Commitments:

(1) *City*: The City may enforce any commitment allowed or required by the Plan Commission or the planning staff as if the commitment were a standard of the Unified Development Ordinance.

(2) *Specially Affected Persons or Class of Specially Affected Persons*: A written commitment shall be enforceable by any property owner adjacent to the parcel of real estate that was the subject of the underlying petition in connection with which the commitment was made, or other interested party as defined by the applicable Rules of Procedure.

(g) Modification or Termination:

(1) *Procedure*: When a commitment has been allowed or required by the Common Council, Plan Commission or planning staff in conjunction with a petition under the Unified Development Ordinance, either the petitioner, a subsequent owner of the parcel, or a person who acquires an interest in the parcel may apply to the Plan Commission for modification or termination of the commitment. The Plan Commission may approve modification or termination after notice and public hearing pursuant to the Plan Commission Rules of Procedure in any case where the modification or termination will further the goals of the Unified Development Ordinance or the Growth Policies Plan.

(2) *Recording*: The petitioner shall record the modification or termination instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded modification or termination instrument to the Planning Department within ten (10) business days of recording. A modification or termination instrument made hereunder shall be recorded in the County Recorder's office upon approval of the proposal and prior to issuance of a Certificate of Zoning Compliance for the area involved in the proposal.

(h) Automatic Termination of Commitments: A commitment made in connection with a zoning map amendment, adoption of a PUD District Ordinance, or PUD Final Plan approval terminates automatically if after adoption of the petition the zoning district applicable to the area involved in the proposal is changed (which shall include designation as a Planned Unit Development).

20.09.100 Commitments; Site Plan

(a) Authority: The Plan Commission or planning staff, whichever is the approving authority, may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a Site Plan pursuant to *Section 20.09.120: Site Plan Review*.

(b) Governing Provisions: The procedure, form, recording, effect, enforcement, and modification or termination of Commitments under this Section shall be the same as set forth in *Section 20.09.090: Commitments; Zoning Map Amendments and PUD District Ordinances*, unless otherwise provided in the Plan Commission Rules of Procedure, except that *Subsection 20.09.090(h): Automatic Termination of Commitments* concerning automatic termination shall not apply. The Plan Commission in its Rules of Procedure may not delegate the authority to modify or terminate a commitment to another entity.

20.09.110 Commitments; Variance and Conditional Use

(a) Authority: The Board of Zoning Appeals, in connection with any variance or Conditional Use proposal, may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel where the making of such commitment will further the goals of the Unified Development Ordinance or the Growth Policies Plan. In any case where the Hearing Officer is authorized by the Plan Commission Rules of Procedure to hear and approve a variance or Conditional Use proposal, the Hearing Officer may also allow or require the owner to make a written commitment under this section, and shall have all powers and duties of the Board of Zoning Appeals under *Section 20.09.110: Commitments; Variance and Conditional Use* except the power to approve modification or termination of a Commitment.

(b) Governing Provisions: The procedure, form, recording, effect, enforcement, and modification or termination of commitments under this Section shall be the same as set forth in *Section 20.09.090: Commitments; Zoning Map Amendments and PUD District Ordinances*, and the Board of Zoning Appeals and Hearing Officer shall have all the powers given to the Plan Commission under *Section 20.09.090: Commitments; Zoning Map Amendments and PUD District Ordinances*, provided that:

(1) The Board of Zoning Appeals may by rule provide for different procedures, but may not delegate the authority to modify or terminate a commitment to another entity; and

(2) *Subsection 20.09.090(h): Automatic Termination of Commitments* concerning automatic termination shall not apply to Commitments governed by *Section 20.09.110: Commitments; Variance and Conditional Use.*

(c) Special Rule for Hearing Officer: If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the Hearing Officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

20.09.120 Site Plan Review

(a) Intent: The intent of Site Plan Review shall be:
  (1) To promote well-planned and well-designed use of property;
  (2) To promote a high character of community development;
  (3) To review Site Plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience and welfare;
  (4) To promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate storm water management;
  (5) To review Site Plans to determine compliance with the standards of the Unified Development Ordinance;
  (6) To protect environmental quality;
  (7) To ensure that the statutory requirements established in the Indiana Code for Development Plan review and approval are met.

(b) Applicability: Submission and approval of a Site Plan shall be required in all zoning districts established in *Chapter 20.01: Ordinance Foundation* of this Unified Development Ordinance. Every application for a permit and/or Certificate of Zoning Compliance for grading, establishment of a use or change in use, new construction, any building addition, or tree removal shall also be an application for Site Plan approval, except as provided otherwise herein.

(c) Exceptions: The content and scope of review of a required Site Plan shall be limited as follows:
  (1) *Single-family Residence*: The Site Plan for a single-family residence on a lot of record, including the establishment therein of a home occupation, day care home, bed and breakfast, or any Conditional Use shall be limited to an accurately-scaled drawing showing existing and proposed lot lines, easements, improvements, setbacks, and any other information needed to demonstrate compliance with the provisions of this Unified Development Ordinance. In the case of a Site Plan involving partial demolition governed by the demolition waiting period provisions of *Section 20.09.230: Demolition and Demolition Delay*, the application shall also include the information required by *Division 20.09.120(d)(6)*, below.
  (2) *Additions, Expansions or Changes in Use*: The Site Plan for an addition, expansion, or change in use involving an existing building may be limited in scope to those requirements that are affected by the proposed development. The entire property may not need to be rendered on the Site Plan, except where necessary to demonstrate compliance with requirements.

(d) Applications: Applications for Site Plans shall be accompanied by the following information:
  (1) A scaled drawing using not less than a 1" = 50' scale, or as considered appropriate by the planning staff, which shows major circulation; specific location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall also include:
    (A) Boundary lines and acreage of each land use component;
    (B) Existing easements, including location, width and purpose;
    (C) Existing land-use on abutting properties;
    (D) Other conditions on adjoining land: topography (two-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat;
    (E) Existing streets on and adjacent to the tract, including street name, right-of-way width, sidewalks, curbs, gutters, and culverts;
    (F) Any public improvements planned for future construction on or adjacent to the tract;
    (G) Existing utilities on the tract;
    (H) Any land on the tract within the one-hundred-year floodplain;
    (I) Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees ten (10) inches or more in diameter, and other significant features;
    (J) Map Data: Name of development, north point, scale and date of preparation.
    (K) Model type and manufacturer of any bicycle racks to be installed.

(2) Precise location of all proposed buildings to be constructed, and a designation of the specific use or range of uses for each building.
(3) Design and precise location of all proposed streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.
(4) Location of all proposed utility lines and easements.
(5) A detailed Landscape Plan, including plant size, common and scientific name of species, installation specifications, identification of vegetation to be preserved and the site measures to accomplish preservation, and conservation easements where required.
(6) Illustrations of required architectural design elements such as building elevations, renderings, photographs and any other information deemed necessary by the planning staff to determine compliance with this Unified Development Ordinance. Such illustrations shall clearly depict the massing, scale and architectural details of the proposed development.
(A) *Commercial Downtown*: In the case of a Site Plan involving new development in the Commercial Downtown (CD) zoning district, the petitioner shall submit a three-dimensional scale model that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development.
(i) The model may be a physical model or computer generated. If a physical model is provided, it must be accompanied by a digital video archival file showing the physical model in 360 degrees.
(ii) Regardless of model format, the level of detail provided shall be sufficient to depict the proposed surface materials including color, detail, and massing of adjacent and significant neighborhood structures as advised by Planning staff, for all proposed structures.
(B) *Demolition Delay*: In the case of a Site Plan involving partial demolition governed by the demolition waiting period provisions of *Section 20.09.230: Demolition and Demolition Delay*, the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.
(7) Traffic Studies as deemed necessary by the planning staff or the Engineering Department to determine the extent of public improvements required to accommodate traffic generated by the proposed development.
(8) Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed site plan, including any supplementary materials required to explain such features.
(9) *Miscellaneous*: The planning staff shall inform the applicant of any additional documents or data requirements after the pre-application conference. Such additional documents or data shall include but not be limited to those required by *Chapter 20.05; §EN: Environmental Standards*, where applicable.

(e) Site Plan Review Process:
(1) *Review of Applications*: Upon receipt of a full and complete application for Site Plan review, including supportive documents and the appropriate fees, the planning staff shall review the application and supportive documents for technical conformity with the standards of the Unified Development Ordinance. Final review of the proposed Site Plan will be assigned to planning staff or the Plan Commission based on the following criteria:
(A) Plan Commission: The Plan Commission shall review the following Site Plans:
(i) Any site located within five hundred (500) feet of the centerline of State Road 37;
(ii) Any downtown projects that require Plan Commission review as directed by *Chapter 20.03: Overlay Districts*;
(iii) Any multifamily development of one hundred (100) dwelling units or more;
(iv) Any nonresidential development of 25,000 square feet gross floor area or more;

(v) Any Site Plan incorporating the construction of a new street as shown on the Thoroughfare Plan; and

(vi) Subject to the discretion of the Planning Director, any Site Plans containing more intense land uses adjacent to existing, less intense land uses.

(B) Planning Department: The planning staff shall review any Site Plans that do not meet the criteria provided in *Subdivision 20.09.120(e)(1)(A): Plan Commission* above.

(2) Upon receiving a request for information or documentation, a recommendation for modifications from the planning staff or a denial by the planning staff, an applicant may request Site Plan review by the Plan Commission no later than fourteen (14) days after receipt by the applicant of the request from the planning staff for more information, documentation, changes, or notice of planning staff denial. Failure by an applicant to file such request in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for Site Plan approval.

(3) Any person, other than the applicant, aggrieved by a Site Plan decision by the planning staff may appeal the staff decision to the Plan Commission. Such appeal shall be filed in the Planning Department within fourteen (14) days of the planning staff's decision. The appeal shall specify the grounds for the appeal and must be filed in the form established by the Plan Commission Rules of Procedure. All appeals shall be accompanied by fees required by the Plan Commission Rules of Procedure.

(4) The Plan Commission decision shall be based on the evidence presented to the Plan Commission by the applicant, the planning staff, and other interested parties. The burden of proof shall be borne by the applicant.

(5) The Plan Commission shall act as promptly as practicable on any Site Plan review.

(6) The Plan Commission shall hold a public hearing in accordance with *Section 20.09.060: Public Hearing Procedures* and review the Site Plan according to the criteria established in *Division Subdivision 20.09.120(e)(9)* below.

(7) The Plan Commission may approve or disapprove a Site Plan or may approve with conditions which are reasonably necessary to satisfy the applicable development standards. The Plan Commission may also permit or require recordable commitments governing the use or development of property in accordance with the Plan Commission Rules of Procedure.

(8) Approval of a Site Plan shall be effective for a maximum period of one (1) year unless, upon application by the developer, the approving authority grants an extension.

(9) The planning staff or Plan Commission, whichever is reviewing the Site Plan, shall make written findings concerning each decision to approve or disapprove a Site Plan.

(A) Findings of Fact: A Site Plan shall be approved by the planning staff or Plan Commission only upon making written findings that the Site Plan:

(i) Is consistent with the Growth Policies Plan;

(ii) Satisfies the requirements of *Chapter 20.02: Zoning Districts*;

(iii) Satisfies the requirements of *Chapter 20.05: Development Standards*;

(iv) Satisfies the requirements of *Chapter 20.07: Design Standards*; and

(v) Satisfies any other applicable provisions of the Unified Development Ordinance.

(B) Signature: The Planning Director shall be responsible for signing the written findings.

(C) Disapproval Notification: The planning staff shall furnish the petitioner with a copy of the decision.

20.09.130 Development Standards Variance

(a) Intent: The purpose of *Section 20.09.130; Development Standards Variance* is:
  (1) To outline the process by which petitions for variances from the development standards of the Unified Development Ordinance are considered;
  (2) To provide a mechanism to approve those petitions that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in practical difficulties, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done.

(b) Applicability:
  (1) The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures and standards set out in *Chapter 20.09: Processes, Permits and Fees*, may grant variances from the development standards applicable to the zoning district in which the subject property is located.
  (2) *Effect of Approval of Variances from the Development Standards*: The grant of variances from the development standards authorizes the development and establishes the terms of use. Variances from development standards are also subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits must be obtained before any grading, construction, or use commences.

(c) Exceptions:
  (1) *Subdivision Control*: It is not within the jurisdiction of the Board of Zoning Appeals or Hearing Officer to grant Development Standards Variances of *Chapter 20.06: Subdivision Types* or *Chapter 20.07: Design Standards*.

(d) Application: Refer to application requirements found at *Section 20.09.030: Applications; General*.

(e) Findings of Fact: Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:
  (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
  (2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner; and
  (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

(f) Signature: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals or the Hearing Officer.

(g) Notification: The planning staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or Hearing Officer.

(h) Duration:
  (1) Unless otherwise specified at the time of approval, any Development Standards Variance granted by the Board of Zoning Appeals or Hearing Officer shall expire:
    (A) In cases where new construction or modifications to an existing structure are required, two (2) years after the date that the Development Standards Variance was granted, unless a Building Permit has been obtained and construction of the structure or structures has commenced; or
    (B) In cases where new construction or modifications to an existing structure are not required, two (2) years after the date that the Development Standards Variance was granted, unless a Certificate of Occupancy has been obtained and the use commenced; or
    (C) At the date of termination as established by the Board of Zoning Appeals or Hearing Officer as a condition or commitment if different from *Subdivision 20.09.130(h)(1)(A)* or *Subdivision 20.09.130(h)(1)(B)* above.
  (2) If an appeal by writ of certiorari is taken from an order granting a Development Standards Variance, the time during which such appeal is pending shall not be counted in determining whether the Development Standards Variance has expired under *Subdivision 20.09.130(h)(1)(A), Subdivision 20.09.130(h)(1)(B), or Subdivision 20.09.130(h)(1)(C)* above.

20.09.140 Use Variance

(a) Intent: The purpose of *Section 20.09.140; Use Variance* is:
  (1) To outline the process by which petitions for variances of use are considered;
  (2) To provide a mechanism to approve those that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in unnecessary hardship, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done.

(b) Applicability:
  (1) The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures and standards set out in *Chapter 20.09: Processes, Permits and Fees*, may grant Use Variance approval authorizing the establishment of a land use which deviates from the permitted uses applicable to the zoning district in which the subject property is located.
  (2) *Effect of Approval of a Use Variance*: The granting of a Use Variance authorizes the use and establishes the terms of use. Use Variances are also subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits must be obtained before any grading, construction, or use commences.

(c) Application: Refer to application requirements found at *Section 20.09.030: Applications; General*.

(d) Plan Commission Review: The Plan Commission shall review and make recommendations to the Board of Zoning Appeals on any Use Variance petition that involves multifamily or nonresidential uses.

(e) Findings of Fact: Pursuant to IC 36-7-4-918.4, the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:
  (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
  (2) The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner; and
  (3) The need for the Use Variance arises from some condition peculiar to the subject property itself; and
  (4) The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property; and
  (5) The approval of the Use Variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.

(f) Signature: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals or the Hearing Officer.

(g) Notification: The planning staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or Hearing Officer.

(h) Duration:
  (1) Unless otherwise specified at the time of approval, any Use Variance granted by the Board of Zoning Appeals or Hearing Officer shall expire:
    (A) In cases where new construction or modifications to an existing structure are required, two (2) years after the date that the Use Variance was granted, unless a Building Permit has been obtained and construction of the structure or structures has commenced; or
    (B) In cases where new construction or modifications to an existing structure are not required, two (2) years after the date that the Use Variance was granted, unless a Certificate of Occupancy has been obtained and the use commenced; or
    (C) At the date of termination as established by the Board of Zoning Appeals or Hearing Officer as a condition or commitment if different from *Subdivision 20.09.140(h)(1)(A) or Subdivision 20.09.140(h)(1)(B)* above.
  (2) If an appeal by writ of certiorari is taken from an order granting a Use Variance, the time during which such appeal is pending shall not be counted in determining whether the Use Variance has expired under *Subdivision 20.09.140(h)(1)(A), Subdivision 20.09.140(h)(1)(B), or Subdivision 20.09.140(h)(1)(C)* above.

20.09.150 Conditional Use

(a) Intent: The purpose of *Section 20.09.150; Conditional Use* is to allow a use for which certain conditions must be met before it can be established at a given location. The use shall be permitted by the Board of Zoning Appeals or Hearing Officer if it is determined that the enumerated conditions are met.

(b) Prerequisites:

(1) No use classified as conditional may be conducted without first obtaining a Conditional Use approval under *Chapter 20.09: Processes, Permits and Fees*. No Conditional Use shall be conducted except in compliance with all applicable provisions of this Unified Development Ordinance and with any conditions upon such Conditional Use approval.

(c) Applicability:

(1) The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures and standards set out in *Chapter 20.09: Processes, Permits and Fees*, may grant Conditional Use approval authorizing the development of uses listed as Conditional Uses in the regulations applicable to the zoning district in which the subject property is located.

(2) *Effect of Approval of a Conditional Use*: The granting of a Conditional Use authorizes the use and establishes the terms of use. Conditional Uses are also subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits must be obtained before any grading, construction, or use commences.

(d) Application: Refer to application requirements found at *Section 20.09.030: Applications; General*.

(e) Plan Commission:

(1) *Delegation of Authority*: The Plan Commission may, by rule, establish procedures to be followed by a Hearing Officer. The Hearing Officer may hear such Conditional Uses as may be authorized by the Plan Commission Rules of Procedure.

(f) Changes or Amendments:

(1) *Amendments to Conditional Use Approvals*:

(A) Any modification or intensification of a Conditional Use that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals or Hearing Officer at the time the Conditional Use was granted shall require a new Conditional Use approval. The property owner/operator or his authorized representative shall apply for such Conditional Use approval prior to any modification of the use or property.

(B) The planning staff shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original Conditional Use as approved. The operator of the Conditional Use shall provide the planning staff with all the necessary information to render this determination.

(2) The Hearing Officer may hear requests for amendments to a Conditional Use, if authorized by the Plan Commission.

(g) Duration:

(1) Unless otherwise specified at the time of approval, any Conditional Use granted by the Board of Zoning Appeals or Hearing Officer shall expire:

(A) In cases where new construction or modifications to an existing structure are required, two (2) years after the date that the Conditional Use was granted, unless a Building Permit has been obtained and construction of the structure or structures has commenced; or

(B) In cases where new construction or modifications to an existing structure are not required, two (2) years after the date that the Conditional Use was granted, unless a Certificate of Occupancy has been obtained and the use commenced; or

(C) At the date of termination as established by the Board of Zoning Appeals or Hearing Officer as a condition or commitment if different from *Subdivision 20.09.150(g)(1)(A)* or *Subdivision 20.09.150(g)(1)(B)* above.

(2) If an appeal by writ of certiorari is taken from an order granting a Conditional Use, the time during which such appeal is pending shall not be counted in determining whether the Conditional Use has expired under *Subdivision 20.09.150(g)(1)(A), Subdivision 20.09.150(g)(1)(B)*, or *Subdivision 20.09.150(g)(1)(C)* above.

20.09.160 Amendment to Zoning Map

(a) Intent: The purpose of *Section 20.09.160; Amendment to Zoning Map* is to outline the procedure employed by the City when considering a petition for the rezoning of real property within the jurisdictional area of the Plan Commission. Further, the intent of the Zoning Map Amendment section is to ensure that the statutory requirements established in the Indiana Code for the zoning of real property are met.

(b) Applicability: The Zoning Map Amendment section is applicable to proposals to change the zoning district classification of a parcel of real property to a different zoning district classification other than a Planned Unit Development zoning district.

(c) Application:

(1) *Supportive Information*: The application shall include, but not be limited to, the following documents:

(A) Pre-submittal Meeting Documentation: The application shall include all documentation specified by the planning staff during the pre-submittal meeting.

(B) Application Form: The application shall include all documentation specified on the application form unless certain documentation is deemed superfluous by the planning staff due to the specific circumstances of the particular petition.

(C) Additional Information: Such other additional information as may be required by the planning staff or other members of the Development Review Committee to evaluate the application.

(d) Plan Commission:

(1) *Review*: When reviewing a Zoning Map Amendment petition, the Plan Commission shall consider the following:

(A) The recommendations of the Growth Policies Plan;

(B) Current conditions and character of structures and uses in each zoning district;

(C) The most desirable use for which the land in each zoning district is adapted;

(D) The conservation of sensitive environmental features;

(E) The conservation of property values throughout the jurisdiction; and

(F) Responsible development and growth.

(2) *Decision*: The Plan Commission shall:

(A) Forward the petition to the Common Council with:

(i) A favorable recommendation;

(ii) A favorable recommendation with conditions and/or commitments;

(iii) A negative recommendation;

(iv) No recommendation; or

(B) Continue the petition to a definite future meeting date.

(3) *Certification*: If the petition has not been continued, the Plan Commission shall certify and forward the petition to the Common Council.

(e) Common Council: The Common Council shall act on the petition within ninety (90) days of certification by the Plan Commission in accordance with IC 36-7-4-608.

(f) Effect of Approval of the Amendment: When an amendment of the Official Zoning Map is approved, such amendment shall be incorporated into the Official Zoning Map in the geographic information system maintained by the City.

20.09.170 Subdivision Control; General

(a) Citation: Chapter 20.09; §Subdivision Control, together with *Chapter 20.06: Subdivision Regulations* and *Chapter 20.07: Design Standards* may be cited as the Subdivision Control Ordinance.

(b) Intent: The purpose of the Subdivision Control Ordinance is to guide the development of the Plan Commission's jurisdictional area in such a manner as to provide for the improvement of the health, safety, convenience, and general welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities. Further, that the needs of public utilities and facilities be recognized in the future growth; that residential areas provide healthy surroundings for family life and that the growth of the community is commensurate with the efficient and economical use of public funds.

(c) Authorization to Subdivide: The subdivision of land may occur in any zoning district.

(d) Adoption, Amendment and Jurisdiction: The Subdivision Control Ordinance shall be adopted, amended, or repealed in the same manner as other sections of the Unified Development Ordinance. After the Subdivision Control Ordinance has been adopted and a certified copy of the ordinance has been filed with the County Recorder's office, the Plan Commission shall have exclusive control over the approval of all plats and replats involving land covered by the Subdivision Control Ordinance.

(e) Jurisdiction over Unincorporated Land: The Plan Commission shall have exclusive control over the approval of plats and replats involving unincorporated land within its jurisdiction.

(f) Condominiums: The Subdivision Control Ordinance does not apply to the platting of condominium units regulated by IC 32-25: Condominiums.

(g) Applicability: These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the Plan Commission. No land within said jurisdiction shall be subdivided until:
   (1) A plat conforming to these regulations has been approved and certified by the Plan Commission;
   (2) The approved Final Plat has been filed with the County Recorder's office.

(h) Subdivision Type: All subdivisions shall be designed according to one of the subdivision types specified in *Chapter 20.06: Subdivision Regulations*. A single subdivision shall not incorporate more than one (1) of the subdivision types unless specifically authorized by the Plan Commission.

(i) Exceptions: The regulations of *Chapter 20.09; §Subdivision Control* shall not apply to the following:
   (1) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
   (2) A division of land into two (2) or more tracts for an agricultural use of ten (10) or more acres, not involving any new street or access easement.
   (3) An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
   (4) The unwilling sale of land as a result of legal condemnation as defined and allowed in State law.
   (5) Widening of existing streets to conform to the Growth Policies Plan.
   (6) The acquisition of street rights-of-way by a public agency in conformance with the Growth Policies Plan.
   (7) The exchange of land between owners of adjacent property provided that such exchange does not serve to reduce lot area or other dimensions below required minimums.

20.09.180 Subdivision Control; Preliminary Plat

(a) Intent: The purpose of the Preliminary Plat section is to outline the procedure employed by the City when considering a petition for the platting of a subdivision. Further, the intent of the Preliminary Plat section is to ensure that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(b) Prerequisites:

(1) *Pre-submittal Meeting*: Prior to submitting a Preliminary Plat application, the petitioner shall meet with the planning staff to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The planning staff shall aid and advise the petitioner in preparing the application and supportive documents as necessary.

(2) *Development Review Committee*: Once the planning staff has determined that it has received a submittal that is sufficiently complete for Development Review Committee review, the planning staff shall place the item on an agenda of the Development Review Committee and inform the petitioner of the time, date, and place of the meeting.

(c) Applicability: A Preliminary Plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.

(d) Application: The Preliminary Plat shall contain the following information:

(1) *Description*:

(A) Proposed name of the subdivision;
(B) Street address;
(C) Name and address of petitioner;
(D) Name, address and seal of the registered professional engineer or land surveyor preparing the Preliminary Plat;
(E) Scale of plat, north point and date.

(2) *Existing Conditions*:

(A) Boundary line of proposed subdivision indicated by solid heavy line;
(B) Location, width, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines, within or adjacent to the tract;
(C) In case of a Replat, all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion;
(D) Existing sewers, water mains, culverts or other underground facilities within the tract, indicating pipe sizes, grades and exact location, as obtained from public records;
(E) Boundary lines of adjacent unsubdivided and subdivided land, showing owners' names;
(F) Existing zoning district of the proposed subdivision and adjacent tracts, in zoned areas;
(G) Contours, based on the City datum, at not more than five (5) feet nor less than two (2) feet vertical intervals as required by the Plan Commission;
(H) Flood hazard areas, the elevation of the regulatory flood and the area subject to inundation thereby.

(3) *Proposed Conditions*:

(A) Layout of streets, their names and widths and also widths of alleys, crosswalks and easements. The names of the streets shall conform as far as practicable to the names of corresponding streets existing in the vicinity of the subdivision. The name of a new street, not an extension or a correspondent of an existing street, shall not duplicate that of an existing street in the City;
(B) Layout, dimensions and numbers of lots;
(C) Parcels of land to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
(D) Building setback lines, showing dimensions.
(E) Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed preliminary plat, including any supplementary materials required to explain such features.

(e) Planning Department:

(1) *Review of Application*: Upon receipt of a complete application, supportive documents, and the appropriate fees, the planning staff shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. The planning staff shall then decide to:

(A) Assign the Preliminary Plat to the Plat Committee for review; or

(B) Assign the Preliminary Plat to the Plan Commission for review.

Within thirty (30) days after receipt of a complete application, the planning staff shall announce a date for hearing before the Plan Commission or Plat Committee, and provide for notice in accordance with this ordinance and Plan Commission Rules.

(f) Plan Commission:

(1) *Decision*: The Plan Commission shall:

(A) Approve the petition;

(B) Approve the petition with conditions;

(C) Deny the petition; or

(D) Continue the petition to a definite future meeting date.

(2) *Effect of Approval*: The approval of a Preliminary Plat by the Plan Commission is strictly tentative, involving merely the general acceptability of the layout as submitted;

(3) *Appeal of a Decision of the Plat Committee*: The Plan Commission shall review an appeal of a Preliminary Plat approval granted by the Plat Committee at a public hearing using the same procedure as though it were a Preliminary Plat application filed with the Plan Commission.

(A) Decision: The Plan Commission shall:

(i) Affirm the decision of the Plat Committee;

(ii) Affirm the decision of the Plat Committee with additional conditions;

(iii) Reverse the decision of the Plat Committee; or

(iv) Continue the petition to a definite future meeting date.

(4) *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the conditions required by the Plan Commission. The petitioner shall refer to the application form to determine the format and number of copies of the revised plans to deliver to the Planning Department.

(g) Plat Committee:

(1) *Decision*: The Plat Committee shall:

(A) Approve the petition;

(B) Approve the petition with conditions;

(C) Deny the petition;

(D) Continue the petition to a definite future meeting date; or

(E) Forward the petition to the Plan Commission.

(2) *Notice of Appeal*: An interested party may appeal the Plat Committee approval to the Plan Commission by filing a Notice of Appeal with the Plan Commission. Such appeal must be filed with the Plan Commission not more than ten (10) days after the action of the Plat Committee.

(h) Review Considerations: At their regularly scheduled meeting, the Plat Committee or Plan Commission shall review:
- (1) The written statement and supportive material submitted by the petitioner;
- (2) The Preliminary Plat;
- (3) The testimony of the petitioner;
- (4) The Growth Policies Plan;
- (5) Any applicable standards in *Chapter 20.02: Zoning Districts*;
- (6) Any applicable development standards in *Chapter 20.05: Development Standards*;
- (7) Any applicable subdivision standards in *Chapter 20.06: Subdivision Regulations*;
- (8) Any applicable design standards in *Chapter 20.07: Design Standards*.
- (9) Any other applicable provisions of the Unified Development Ordinance;
- (10) The Planning Department report; and
- (11) Such other additional information as may be required by the Plan Commission or Plat Committee to evaluate the petition.

(i) Duration:
- (1) A Final Plat application shall be filed not later than twelve (12) months after the date of approval of the Preliminary Plat, otherwise the Preliminary Plat approval shall be considered void, to the extent permitted by *Section 20.01.210: Effect of Change in the Law* after Filing of Complete Application.
- (2) One (1) extension of up to six (6) months may be authorized by the Planning Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning Director, and the Planning Director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Preliminary Plat record.

(j) All decisions of the Plan Commission or Plat Committee approving, denying or placing conditions upon a Preliminary Plat must be in writing and signed by the President of the Plan Commission, the Chair of the Plat Committee or the Planning Director.

20.09.190 Subdivision Control; Final Plat

(a) Intent: The purpose of the Final Plat section is to outline the procedure employed by the City when considering a petition for the final platting of a subdivision. Further, the intent of the Final Plat section is to ensure that the statutory requirements established in the Indiana Code are met.

(b) Prerequisites:

(1) *Preliminary Plat*: The Plan Commission or Plat Committee shall have approved the Preliminary Plat; and the Preliminary Plat must not be expired.

(c) Applicability: No Final Plat of a subdivision of land located within the jurisdiction and territorial limits of the Plan Commission shall be recorded in the County Recorder's office until the plat has been approved by the Plan Commission in accordance with the following requirements, standards, and specifications, and such approval has been entered in writing on the plat by the President of the Plan Commission, Chair of the Plat Committee, or the Planning Director.

(d) Application: The following information is required for all Final Plats:

(1) Name of subdivision;
(2) Location by section, township and range, or by other legal description;
(3) The name and certification of the registered professional engineer or land surveyor;
(4) Scale shown graphically, date and north point;
(5) Boundary of plat, based on an accurate traverse with angular and lineal dimensions;
(6) Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalks;
(7) True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;
(8) City, Township, County or section line accurately tied to the lines of the subdivision by distances and courses;
(9) Radii, internal angles, central angles, points of curvature and tangency, lengths of tangents and lengths of all arcs;
(10) All easements for rights-of-way provided for public services or utilities;
(11) All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions;
(12) Line of all streets with accurate dimensions in feet and hundredths, showing angles to street, alley and lot lines;
(13) The street addresses for all lots on the plat;
(14) Accurate location of all monuments, which shall be concrete four inches by four inches (4" × 4") at top, six inches by six inches (6" × 6") at bottom and thirty-six (36) inches long, with metal marker cast in center;
(15) Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and of any area to be served by deed covenant for common uses of all property owners;
(16) Building setback lines accurately shown with dimensions;
(17) A description of the property platted which shall be the same as that recorded in preceding transfer of the property or that portion of the transfer covered by plat;
(18) Restrictive covenants of all types which run with the land;
(19) Certificates for approval by the Plan Commission and the Board of Public Works;
(20) If containing lands identified as flood hazard areas, the elevation of the regulatory flood.

(e) Planning Department:

(1) *Review of Application*: The Plan Commission may review Final Plats or may by rule delegate to planning staff or the Plat Committee the authority to review Final Plats. Upon receipt of a complete application, supportive documents, and the appropriate fees, the planning staff shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. The planning staff shall then, in accordance with the Plan Commission Rules:

(A) Review and render a final decision upon the Final Plat; or

(B) Forward the Final Plat to the Plat Committee for review; or

(C) Forward the Final Plat to the Plan Commission for review.

(2) *Decision*:

(A) Revision: The planning staff shall, based upon the facts presented for review, notify the petitioner in writing what revisions, changes, or further changes in the application are needed for approval.

(B) Approval: Following the petitioner's submittal of plans that incorporate the necessary revisions, the planning staff shall approve the Final Plat.

(C) Sign and Seal: Upon approval of the Final Plat, the Planning Director shall sign and seal the plat at the appropriate locations.

(D) Notification: The planning staff shall then notify the petitioner of the Planning Director's actions.

(E) Recording: The petitioner shall then file the Final Plat for recording in the County Recorder's office, as required by law.

(F) Within thirty (30) days of recording the Final Plat, the petitioner shall provide the City Engineering Department with a copy of the recorded mylar.

(3) *Surety Requirement*: In conjunction with the approval of a Final Plat, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 20.09; §Surety Standards*.

(4) *Public Hearing*: A public hearing is not required.

(f) Plan Commission/Plat Committee:

(1) *Decision*:

(A) Revision: The planning staff shall notify the petitioner in writing what revisions, changes, or further changes in the application are needed for approval.

(B) Approval: Following the petitioner's submittal of revised copies of the plans, the Plan Commission/Plat Committee shall approve the Final Plat.

(C) Sign and Seal: Upon approval of the Final Plat, the President of the Plan Commission or Chair of the Plat Committee shall sign and seal the plat at the appropriate locations.

(D) Notification: The planning staff shall then notify the petitioner of the Plan Commission/Plat Committee's actions.

(E) Recording: The petitioner shall then file the Final Plat for recording in the County Recorder's office, as required by law.

(F) Within thirty (30) days of recording the plat, the petitioner shall provide the City Engineering Department with a copy of the recorded mylar.

(2) *Surety Requirement*: In conjunction with the approval of a Final Plat, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 20.09; §Surety Standards*.

(g) Review Considerations: In reviewing Final Plats, the planning staff, Plan Commission, or Plat Committee shall review:
(1) The written statement and supportive material submitted by the petitioner;
(2) The Preliminary Plat;
(3) The Final Plat;
(4) Any commitments or conditions of approval attendant to prior approvals;
(5) The testimony of the petitioner;
(6) The testimony of the public during the Preliminary Plat public hearing, when applicable;
(7) Any applicable development standards in *Chapter 20.05: Development Standards*;
(8) Any applicable subdivision standards in *Chapter 20.06: Subdivision Regulations*;
(9) Any applicable design standards in Chapter 20.07: Design Standards;
(10) Any other applicable provisions of the Unified Development Ordinance;
(11) Any requirements of the members of the Development Review Committee;
(12) The Planning Department report; and
(13) Such other additional information as may be required by the Plan Commission to evaluate the petition.

(h) Duration: If the Final Plat, or a phase thereof, has not been recorded within a maximum period of six (6) months from the date of approval by the Plan Commission or Plat Committee, the Final Plat shall be null and void and the Final Plat must again be submitted for approval, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*. For a Final Plat where an initial phase was recorded within six (6) months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within eighteen (18) months of the previous phase. If a successive phase fails to meet the eighteen (18) month requirement, the approval of the phases that have not been recorded shall be null and void and the Final Plat must again be submitted for approval, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*.

20.09.200 Subdivision Control; Plat Vacation

(a) Intent: The purpose of the Plat Vacation section is to outline the procedure employed by the City when considering a petition for the vacation of a subdivision. Further, the intent of the Plat Vacation section is to ensure that the statutory requirements established in the Indiana Code for the vacation of a subdivision are met.

(b) Prerequisites:
- (1) *Time Limitation*: After the termination of a Plat Vacation proceeding under *Chapter 20.09; Processes, Permits and Fees*, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years.

(c) Applicability:
- (1) *Final Plat*: The owner of land in a Final Plat may file with the Plan Commission a petition to vacate all or part of the Final Plat pertaining to the land owned by the petitioner.
- (2) *Rights-of-way*: This Plat Vacation procedure shall not be used to vacate rights-of-way, regardless of whether they are platted. Rights-of-way shall be vacated pursuant to IC 36-7-3-12.
- (3) *Covenants or Commitments*: The Plat Vacation petition may include a request to vacate any recorded covenants or commitments filed as part of the Final Plat. The covenants or commitments are then also subject to vacation.
- (4) *Easements*: This Plat Vacation procedure shall not be used to vacate platted easements. Platted easements shall be vacated pursuant to *Section 20.09.310: Easements; Vacation*.

(d) Exceptions:
- (1) *Public Utilities*: *Chapter 20.09; Processes, Permits and Fees* notwithstanding, Plat Vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the Plat Vacation proceedings.
- (2) *Easement Vacation*: Per IC 36-7-3-16, platted easements are vacated by the Common Council (see *Section 20.09.310: Easements; Vacation*).

(e) Application:
- (1) *Supportive Information*: The application shall include, but not be limited to, the following documents:
  - (A) Pre-submittal Meeting Documentation: The application shall include all documentation specified by the planning staff during the pre-submittal meeting.
  - (B) Application Form: The application shall include all documentation specified on the application form unless certain documentation is deemed superfluous by the planning staff due to the specific circumstances of the particular project.
  - (C) Additional Information: Such other additional information as may be required by the planning staff or other members of the Development Review Committee to evaluate the application.

(f) Plan Commission:
- (1) *Grounds for Remonstrances and Objections*: All persons may comment at the public hearing in accordance with the procedural rules of the Commission. A remonstrance or objection may be filed or raised by any person aggrieved by the proposed Plat Vacation, but only on one (1) or more of the following grounds:
  - (A) The Plat Vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
  - (B) The Plat Vacation would make access to the lands of the aggrieved person by means of a public way difficult or inconvenient;
  - (C) The Plat Vacation would hinder the public's access to a church, school, or other public building or place; and/or
  - (D) The Plat Vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

(2) *Decision*: The Plan Commission shall:
  (A) Approve the petition;
  (B) Approve the petition with conditions and/or commitments;
  (C) Disapprove the petition; or
  (D) Continue the petition to a definite future meeting date.

(3) *Findings of Fact*: The Plan Commission shall approve the petition for Plat Vacation of all or part of a Final Plat only upon making written findings that:
  (A) Conditions in the platted area have changed so as to defeat the original purpose of the Final Plat;
  (B) It is in the public interest to vacate all or part of the Final Plat; and
  (C) The value of that part of the land in the Final Plat not owned by the petitioner will not be diminished by vacation.

(4) *Approval*:
  (A) Signed: The findings of fact shall be signed by the President of the Plan Commission.
  (B) Recording: The Plan Commission shall furnish a copy of its decision to the County Recorder's office for recording.

(5) *Disapproval*:
  (A) Signed: The findings of fact shall be signed by the President of the Plan Commission.
  (B) Notification: The Plan Commission shall furnish the petitioner with a copy of its decision.

(6) *Plat Vacation Instrument*:
  (A) Signed: The plat vacation instrument shall be signed by the President of the Plan Commission and the owner of the vacated property.
  (B) Recording: The petitioner shall record the plat vacation instrument in the County Recorder's office within sixty (60) days of the approval of the Plat Vacation. The petitioner shall deliver a copy of the recorded plat vacation instrument to the City Engineering Department.

(7) *Surety Requirement*: In conjunction with the approval of a Plat Vacation, and unless determined to be unnecessary by the Plan Commission, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 20.09; §Surety Standards*.

20.09.210 Subdivision Control; Waivers and Modifications

(a) Intent: When the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with the subdivision regulations and/or that the purposes of the subdivision regulations may be served to a greater extent by an alternative proposal, the Plan Commission may approve Subdivision Waivers to the subdivision regulations of *Chapter 20.06: Subdivision Regulations* and *Chapter 20.07: Design Standards* so that substantial justice may be done and the public interest secured, provided that such Subdivision Waivers shall not have the effect of nullifying the intent and purpose of the subdivision regulations.

(b) Applicability:
- (1) *Preliminary Plat*: The petitioner may only file a Subdivision Waiver petition in conjunction with a Preliminary Plat petition or with a Preliminary Plat Amendment petition.
- (2) *Public Facilities*: Where the Subdivision Waiver has an impact on design and construction of public facilities, all appropriate public agencies will be given ample time to comment in writing to the Plan Commission.
- (3) *Exclusive Control*: It is not within the jurisdiction of the Board of Zoning Appeals to grant Development Standards Variances of *Chapter 20.06: Subdivision Regulations* and *Chapter 20.07: Design Standards*.

(c) Exceptions:
- (1) *Development Standards*: It is not within the jurisdiction of the Plan Commission to grant Subdivision Waivers to the provisions of *Chapter 20.05: Development Standards*.

(d) Plan Commission:
- (1) *Review of Petition*: At their regularly scheduled meeting, the Plan Commission shall review:
  - (A) The written statement and supportive material submitted by the petitioner;
  - (B) The Preliminary Plat;
  - (C) The Subdivision Waiver;
  - (D) The testimony of the petitioner;
  - (E) The written and oral testimony of the public;
  - (F) The Growth Policies Plan;
  - (G) Any applicable subdivision standards in *Chapter 20.06: Subdivision Regulations*;
  - (H) Any applicable design standards in *Chapter 20.07: Design Standards*;
  - (I) Any other applicable provisions of the Unified Development Ordinance;
  - (J) Any requirements of the members of the Development Review Committee;
  - (K) The Planning Department report; and
  - (L) Such other additional information as may be required by the Plan Commission to evaluate the petition.
- (2) *Findings of Fact*:
  - (A) The Plan Commission may grant a Subdivision Waiver if, after a public hearing, it makes written findings of fact based upon the evidence presented to it in each specific case, that:
    - (i) The granting of the Subdivision Waiver shall not be detrimental to the public safety, health, or general welfare, or injurious to other property; and
    - (ii) The conditions upon which the request for a Subdivision Waiver is based are unique to the property for which the Subdivision Waiver is sought and are not applicable generally to other property; and
    - (iii) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out (Financial hardship shall not constitute grounds for a waiver); and
    - (iv) The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Growth Policies Plan, or Thoroughfare Plan.

(B) Exception: Due to the specialized nature of the following, the Plan Commission may permit modifications to the standards and procedures of this title as may be warranted; and such modifications need not comply with *Clause 20.09.210(d)(2)(A)(ii)* and *Clause 20.09.210(d)(2)(A)(iii)*.
(i) Subdivisions not involving any new streets;
(ii) Commercial or industrial subdivisions;
(iii) Cemetery plats; and
(iv) Condominium plats.

(C) Approval: The findings of fact shall be signed by the President of the Plan Commission.
(D) Disapproval:
(i) Signed: The findings of fact shall be signed by the President of the Plan Commission.
(ii) Notification: The planning staff shall furnish the petitioner with a copy of the Plan Commission's decision.

(3) *Decision*: The Plan Commission shall:
(A) Approve the petition;
(B) Approve the petition with conditions and/or commitments;
(C) Deny the petition; or
(D) Continue the petition to a definite future meeting date.

(e) Duration:
(1) A Final Plat application shall be filed not later than twelve (12) months after the date of approval of the Preliminary Plat, otherwise the Subdivision Waiver approval shall be considered void.
(2) One (1) extension of up to six (6) months may be authorized by the Planning Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning Director, and the Planning Director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Subdivision Waiver record.

20.09.220 Certificate of Zoning Compliance

(a) Intent: The intent of the Certificate of Zoning Compliance section is to outline the procedure by which proposed establishment of and alterations to uses, sites and structures are reviewed by the planning staff. This procedure is set forth in order to ensure that all such actions conform to the standards established by the Unified Development Ordinance.

(b) Certificate of Zoning Compliance Required: The City requires that a Certificate of Zoning Compliance (herein after "CZC") shall be obtained for any of the following actions. A single CZC may be issued for a combination of such actions, if they occur together. Any application for a CZC, permit or other approval for an action described in Division (5) of this Subsection shall be subject to the procedures outlined in *Section 20.09.230: Demolition and Demolition Delay*:

(1) Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, or mobile home;

(2) Establishment of a use or change in use to another use (see *Chapter 20.11: Definitions; "Change in Use"*);

(3) Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;

(4) Grading, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.

(5) Any action, whether or not listed in Divisions (1) through (4) of this Subsection, that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as 'Outstanding', 'Notable', or 'Contributing' on the Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report adopted on October 17, 2002, by the Bloomington Historic Preservation Commission (hereinafter "HPC") as the same may be hereafter amended or replaced (hereinafter "Historic Survey"). Such action shall be subject to the procedures outlined in *Section 20.09.230: Demolition and Demolition Delay*. An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this ordinance unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the planning staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of HPC or its staff.

(6) Tree removal. If such activity involves the removal of dead, dying, or hazardous trees, or exotic, invasive vegetation, as verified by the Planning Department, no CZC is required. Tree removal requests which decrease the baseline canopy cover of a site require a CZC and must follow the procedures outlined in *Section 20.09.120: Site Plan Review* and comply with the requirements of *Section 20.05.044: Environmental Standards; Tree and Forest Preservation.*

20.09.230 Demolition and Demolition Delay

(a) Demolition Landscaping

(1) *Applicability*: A demolition permit application for a lot subject to the standards of *Section 20.05.057: Landscaping Standards; Vacant Lot Landscaping* shall meet the requirements of this section.

(2) *Vacant Lot Landscaping Plan*: Any demolition permit application subject to this section shall be accompanied by a Vacant Lot Landscaping Plan meeting the standards of *Section 20.05.057: Landscaping Standards; Vacant Lot Landscaping.*

(3) *Exemption*: A demolition permit application shall be exempt from the requirements of this section if a site plan approval for the reuse of the subject lot has been obtained and has not expired.

(b) Demolition Delay Required: No Certificate of Zoning Compliance (hereinafter "CZC") authorizing release of a permit allowing the demolition or partial demolition of a building or structure that is listed as Outstanding, Notable or Contributing on the Historic Survey, or any accessory building or structure of the same era of construction as the principal building or structure that is so listed, shall be issued earlier than ninety (90) or one hundred twenty (120) calendar days after notice has been given as provided in *Division 20.09.230(a)(1)* below The ninety-day period shall apply in all cases unless the Director of HAND or his/her designee finds that an additional thirty (30) day delay period is needed in order for the HPC to responsibly consider and determine whether to recommend designation of the property. The HAND Director shall make such finding only where there are multiple Demolition Permits and/or historic designation proposals pending or expected to come before the HPC during the ninety (90) day period; or, where the demolition request presents unusually complex public policy issues due to the location or survey classification of the structure. Location within an area that contains multiple surveyed properties and/or location within an area designated on the National Register of Historic Places and/or survey classification of the structure or building proposed for demolition as notable or outstanding shall be sufficient, but not necessary, to justify a determination that the one hundred twenty-day period will apply. The HAND Director will give notice of his determination to apply the one hundred twenty (120) day period to a demolition request in accordance with *Division 20.09.230(a)(1)* below.

(1) Planning staff shall give notice, by hand delivery, interdepartmental mail, electronic mail, or U.S. Mail, to the HAND Director, or his designee, and to the Chairman of the HPC, or his designee, within three (3) business days after receipt of a complete application for a Demolition Permit, for any petition involving a demolition covered by this Section. A complete application shall include all materials as required by *Subsection 20.09.120(d)*. Such notice shall include the name, address and telephone number of the owner of the structure. Not later than thirty (30) days after such notice is given by planning staff, the HAND Director shall give notice by hand delivery, interdepartmental mail, or U.S. Mail, to the planning staff, the Chairman of the HPC or his designee, and to the owner, if the one hundred twenty (120) day waiting period is to be imposed; provided further, notice to planning staff and HPC Chairman or designee, but not notice to owner, may be given by electronic mail. All such notices shall be deemed effective on the date of mailing, deposit in interdepartmental mail, sending, in the case of electronic mail, or hand-delivery, of the notice; and

(2) The owner, within three (3) business days after submitting a complete application to the Planning Department, shall place upon the property where the building or structure is located, in plain public view, a notice to the public of the proposed demolition of the building or structure. Such notice shall be in such form as approved by the planning staff and shall include the titles and telephone numbers of the persons to whom notice was given under *Division 20.09.230(a)(1)* above. Such notice shall remain in place until termination of the waiting period and the owner shall have the affirmative duty to replace such notice as needed in order to comply with this requirement. Noncompliance with this provision shall result in the delay period being extended by an amount of time equal to the amount of time, as reasonably determined or estimated by the planning staff, during which the notice was not properly in place.

(c) Exceptions: Exceptions to this section shall be as follows:

(1) *Early Termination of Waiting Period*: If within the ninety- or one hundred twenty-day period the HPC votes affirmatively not to recommend local historic designation to the Common Council, or votes on a motion to recommend local designation and the motion fails, and in either case, the vote is not reversed by proper action taken at the same meeting on the same calendar day; or if within such ninety- or one hundred twenty-day period the Common Council disapproves a recommended local historic designation of the subject property; then the remainder of the waiting period shall be considered waived and the Certificate of Zoning Compliance shall be issued forthwith if all other requirements are met.

(2) *Locally Designated Buildings or Structures are Subject to Title 8 Provisions Regarding Demolition:* This section shall not apply to any building or structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to *Title 8: Historic Preservation and Protection* of the BMC. Such buildings and structures shall be governed by the provisions of Title 8.

(3) *Emergency Waiver of Waiting Period*: The waiting period may be waived upon a written determination by the City Engineering Department that there is an emergency condition dangerous to life, health or property that requires demolition prior to the expiration of the waiting period.

(4) *Building or Structure Not Subject to Demolition Waiting Period More than Once in any One-year Period*: No building or structure that has been subjected to the waiting period under this section shall be subject to a second waiting period until the passage of one (1) year from the date of expiration of the first waiting period or, where interim protection is placed upon the property pursuant to *Section 8.08.015: Interim Protection* of the BMC during the demolition waiting period but Common Council final action to reject local designation occurs after the waiting period, for a one-year period after such final Common Council action. During this one-year period, no action of the HPC or the Common Council may prevent issuance or effect revocation of a Certificate of Zoning Compliance or Demolition Permit that is otherwise properly issued or application for which meets all requirements of the Bloomington Municipal Code. Provided, however, where the first waiting period was occasioned by application for partial rather than complete demolition, this provision shall not apply except to the extent that the work covered by the CZC or Demolition Permit, or application therefore, is substantially identical to the work shown in the submission that occasioned the first waiting period. For purposes of *Section 20.09.230*, "work" includes the proposed partial demolition and any proposed construction, reconstruction, or alteration associated therewith; "substantially identical" means without significant deviation in any detail of any elevation or in the type, design, or location of materials that will be subject to public view; and, "submission" shall mean the submission that is authorized to receive approval pursuant to *Section 20.09.030: Applications; General* of this Unified Development Ordinance.

(5) Withdrawal of Application: If an application for demolition or partial demolition that is subject to the demolition delay procedures of this Unified Development Ordinance is withdrawn by the applicant, the demolition delay period shall be terminated and no Certificate of Zoning Compliance for the withdrawn application shall be issued.

(d) Issuance of Certificate of Zoning Compliance authorizing Demolition:

(1) If within the ninety- or one hundred twenty-day waiting period the property is placed under interim protection or is locally designated as a Historic or Conservation District pursuant to Chapter 8.08: Historic Districts and Standards of the BMC, then no Certificate of Zoning Compliance authorizing demolition may be issued except: upon termination of interim protection without Historic or Conservation District designation being placed upon the property; or, where Historic or Conservation District designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08.

(2) *Division 20.09.230(c)(2)* shall apply where neither interim protection nor Historic or Conservation District designation is placed upon the property within the waiting period, or where interim protection expires prior to the end of the waiting period without Historic or Conservation District designation being placed upon the property. After expiration of the waiting period provided for herein, which shall include early termination of the waiting period pursuant to *Division 20.09.230(b)(1): Early Termination of Waiting Period*, a Certificate of Zoning Compliance authorizing demolition shall be issued if owner has submitted a complete application and all other requirements of the Bloomington Municipal Code are met. Provided, however, in any case involving partial demolition, no Certificate of Zoning Compliance shall be issued for any partial demolition or any construction, reconstruction, or alteration associated therewith, except in compliance with the provisions of *Subsection 20.09.030(b): Completeness of Application* of this Unified Zoning Ordinance (governing the submission that may be authorized by a Certificate of Zoning Compliance in such cases.) Moreover, the recipient of a permit or other approval subject to this paragraph shall be bound to the details of the elevations, and the design, type, and location of materials depicted in the submission, as provided for and defined in *Section 20.09.030: Applications; General*, and may not deviate significantly from such depiction without applying for a new Certificate of Zoning Compliance, application for which shall commence a new waiting period.

(3) No action of the HPC may prevent issuance or effect revocation of such Certificate of Zoning Compliance, or a Demolition Permit issued in reliance upon such Certificate of Zoning Compliance, for a period of one (1) year from the end of the waiting period, except in partial demolition situations described herein and in *Division 20.09.230(b)(4): Building or Structure Not Subject to Demolition Waiting Period More than Once in any One-year Period*.

(4) For any building or structure that is exempt from the waiting period of this Section pursuant to *Division 20.09.230(b)(1): Early Termination of Waiting Period*, *Division 20.09.230(b)(3): Emergency Waiver of Waiting Period, or Division 20.09.230(b)(4): Building or Structure Not Subject to Demolition Waiting Period More than Once in any One-year Period* a Certificate of Zoning Compliance authorizing release of a Demolition Permit shall be issued within a reasonable time following receipt by the Planning Department of a complete application, provided all other requirements of the BMC are met. For buildings or structures covered by *Division 20.09.230(b)(1): Early Termination of Waiting Period or Division 20.09.230(b)(4): Building or Structure Not Subject to Demolition Waiting Period More than Once in any One-year Period*, during the one-year period provided by those subsections, and subject to the limitations contained in such Clauses, a Certificate of Zoning Compliance shall be issued where all other requirements are met, and if properly issued may not be revoked by any action of the HPC or Common Council involving interim protection or local designation.

20.09.240 Grading Permit

(a) Intent: It is the intent of this section to mitigate the environmental impact of site development and to protect the quality of the waters of the City of Bloomington, Monroe County, and surrounding areas, and to provide a mechanism to insure compliance with *Chapter 20.05: Development Standards* of this UDO, and particularly the Environmental Standards of that Chapter, by providing a thorough permitting and inspection process for all grading activities.

(b) Prerequisites:
- (1) *Construction Plan*: As required by *Title 10, Wastewater* of the Bloomington Municipal Code, a Construction Plan including the Stormwater Pollution Prevention Plan for the site must be approved by the appropriate State and federal authorities prior to the issuance of a Grading Permit.
- (2) *Planned Unit Development Approval*: An approved Final Plan must be in place prior to the issuance of a Grading Permit.

(c) Applicability: No land-disturbing activity shall occur on platted or unplatted lands in any zoning district, unless a Grading Permit for such activity has been issued.

(d) Exceptions:
- (1) Land-disturbing activity covering an area less than 1,000 square feet;
- (2) Land-disturbing activity on an individual single-family lot.

(e) Application:
- (1) *Filing Deadline*: An application for a Grading Permit may be submitted at any time.
- (2) *Application Form*: The petitioner shall submit the completed application to the City Engineering Department.
- (3) *Supportive Information*: The application shall include, but not be limited to, the following documents:
  - (A) Construction Plan;
  - (B) Engineered estimate of erosion control features/financial guarantee for erosion control measures;
  - (C) Topography of the site - proposed and existing two-foot (2') contours;
  - (D) Identification of environmental features, including but not limited to karst, water, trees, and steep slopes.

(f) Planning Department:
- (1) *Review*: The planning staff shall review a Grading Permit upon the City Engineering Department's receipt of a complete application and all supportive documents.

(g) City Engineering Department:
- (1) *Decision*: The City Engineering Department shall approve or deny the application within twenty (20) working days of the receipt of a complete application and all supportive documents.
- (2) *Pre-construction Conference*: For all sites of one (1) acre or more, a pre-construction conference is required before any land-disturbing activity can commence. This conference will be between the City Engineering Department and the petitioner. If land-disturbing activity commences without the benefit of a pre-construction conference, it shall be considered a violation of the Unified Development Ordinance. This conference shall include but not be limited to the proposed:
  - (A) Construction schedule;
  - (B) Memorandum of erosion control responsibility;
  - (C) Permit conditions of approval;
  - (D) Compliance with *Section 20.05.040: EN-03 [Environmental Standards; Siltation and Erosion Prevention]*
  - (E) Identification of types of soil stock piles (working versus storage) and seeding requirements for such piles that achieve the objectives of this chapter.
- (3) *Inspection*: Prior to the initiation of site grading, the City Engineering Department shall inspect the erosion and sedimentation controls installed by the petitioner to ensure that they meet or exceed the measures in the approved Construction Plan.

(4) *Correction of Deficiencies*: The City Engineering Department shall apprise the petitioner in writing of any deficiencies in the installation of the erosion and sedimentation control measures. The petitioner shall schedule a follow-up inspection once the deficiencies have been corrected.

(5) *Commencement of Grading*: Grading shall not commence until the City Engineering Department has approved the installation of the erosion and sedimentation control measures for the site. Initiation of grading prior to receiving approval from the City Engineering Department shall constitute a violation of the Unified Development Ordinance, and shall be addressed as provided in *Chapter 20.10: Enforcement and Penalties.*

(6) *Record*: The City Engineering Department shall maintain records of all applications, plans, and permits filed for a Grading Permit.

(h) Additional Requirements: Compliance with the requirements set out in this provision shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5 and 327 IAC 15-13, regarding storm water runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10: Wastewater of the Bloomington Municipal Code regarding storm water runoff; and all applicable rules, regulations, standards and specifications of the City Utilities Department regarding storm water management practices.

(i) Duration:

(1) Grading Permits shall be valid for a period of one hundred eighty (180) days, or run concurrently with the Building Permit or other construction authorizations, whichever is longer.

(2) *Extension*: At the written request of the petitioner, the City Engineering Department may extend the period one (1) or more times for up to a maximum of an additional one hundred eighty (180) days. The City Engineering Department may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this chapter.

(j) Changes or Amendments:

(1) The petitioner may submit revisions or amendments to an approved Grading Permit for consideration by the City Engineering Department and the State, and federal authorities having jurisdiction. A revision or amendment to an approved Grading Permit shall only be authorized upon review and approval by all the State and federal authorities having jurisdiction.

(2) Changes to the Grading Permit must be approved in writing by the City Engineering Department.

20.09.250 Certificate of Occupancy

(a) Intent: The purpose of this section is to outline the procedure employed by the City in order to ensure compliance with all applicable ordinances and regulations when considering a request for a Certificate of Occupancy.

(b) Prerequisites: For a Certificate of Occupancy to be issued each of the following must be successfully completed:
   (1) Issuance of a Certificate of Zoning Compliance;
   (2) Passage of a final inspection by the planning staff;
   (3) Passage of a final inspection by the County Building Department;
   (4) Passage of a final inspection by the City Fire Department;
   (5) Passage of a final inspection by the Department of Housing and Neighborhood Development (HAND) for all rental properties.

(c) Applicability: The City hereby requires that a Certificate of Occupancy be obtained prior to a building or structure being occupied or used in each of the following situations:
   (1) Occupancy or use of any new building or structure;
   (2) Re-use or re-occupancy of any existing building or structure that requires either a permit from the County Building Department or a Certificate of Zoning Compliance from the Planning Department;
   (3) Addition to any existing building or structure. Parts of the existing building or structure not included in the addition may continue to be occupied or used.

(d) Enforcement: If a Certificate of Occupancy is required, it is unlawful and a violation of the Unified Development Ordinance for anyone to occupy or use a building or structure, or to cause, suffer or permit another to occupy or use a building or structure, until the planning staff recommends issuance of a Certificate of Occupancy to the County Building Department. Any violation of this provision shall be subject to a Stop Work Order, mitigation, and/or fines and penalties as specified in *Chapter 20.10: Enforcement and Penalties*.

(e) Planning Department: A Final Certificate of Occupancy shall be issued only after all requirements of the Certificate of Zoning Compliance have been completed. Due to weather or other circumstances, a Temporary Certificate of Occupancy may be issued without the required site improvements provided the owner has documented in writing their promise to complete the unfinished work, and the letter is to the satisfaction of the Planning Director.

20.09.260 Sign Permit

(a) Intent: The purpose of the Sign Permit section is to provide a mechanism for enforcement of the sign regulations of this Unified Development Ordinance in order to: establish for all signs located on any premises a reasonable and impartial means to permit adequate communication; control confusing sign displays that present a hazard to pedestrians and motorists along streets; insure light, air, and open space; protect the natural beauty and environment of the City; safeguard and enhance property values; protect public and private investment in buildings and open spaces; and protect the public health, safety, and general welfare.

(b) Prerequisites: The use requesting the Sign Permit shall be legally established on the property for which the signage is being requested.

(c) Applicability: Except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a Sign Permit from the Planning Department.

(d) Exceptions: Signs that are exempt from the Sign Permit requirement are specified in Chapter 20.05; §SI: Sign Standards.

(e) Application: The application shall include all documentation specified on the application form including:
- (1) Name, address, and telephone number of applicant;
- (2) Location (address) of the building, structure, or property on which the sign is to be erected;
- (3) A scaled drawing of the sign, showing the face composing the sign, the position of lighting or other extraneous devices, and any other components of the sign;
- (4) A location plan showing the position of the proposed sign on any building or land and its position in relation to nearby buildings and to any private or public street right-of-way;
- (5) Written consent of the owner of the building, structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof;
- (6) A copy of any required electrical permit issued for the sign;
- (7) The location and dimensions of all other signage located on the building, structure, or property;
- (8) Such other additional information as may be required by the planning staff to evaluate the application.

(f) Planning Department:
- (1) The planning staff shall review the application upon receipt of a complete application and supportive documents.
- (2) *Decision*: If the proposed sign is in compliance with all the requirements of this Unified Development Ordinance, including the signage limitations upon the site as a whole, a Sign Permit shall be issued.
  - (A) Duration: The sign authorized by a Sign Permit must be completed and erected within six (6) months of the date of issuance; otherwise, the Sign Permit shall lapse and become null and void, unless good cause for an extension of time for completion is approved by the Planning Director.
  - (B) Extension: One (1) extension of up to six (6) months may be authorized by the Planning Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning Director, and the Planning Director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Sign Permit record.
  - (C) Changes or Amendments: When a Sign Permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the Sign Permit without prior approval of the Planning Director. When granted, a written record of such amendment shall be entered upon the original Sign Permit application and maintained in the files of the Planning Department.

20.09.270 Temporary Use Permit

(a) Intent: The purpose of temporary use provisions is to provide a mechanism for enforcement of the temporary use regulations of this Unified Development Ordinance, in order to allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact surrounding properties and land uses, and which can be terminated and removed at will.

(b) Prerequisites: A specific temporary use permit may be granted only one (1) time per year on any individual zoning lot and is nonrenewable. Fireworks, Halloween pumpkin, and Christmas tree sales are considered separate uses.

(c) Applicability: Except as otherwise provided, no person shall have a temporary use as defined herein without first obtaining a Temporary Use Permit from the Planning Department. Temporary Use Permits may be granted pursuant to the standards of *Chapter 20.05; §TU: Temporary Use and Structure Standards*. Uses not specifically included in *Chapter 20.05; §TU: Temporary Use and Structure Standards* shall not be permitted.

(d) Exceptions: Yard or garage sales, religious tent meetings; nonprofit events; and political rallies do not require a Temporary Use Permit subject to the standards set forth in *Chapter 20.05; §TU: Temporary Use and Structure Standards.*

(e) Application: The application shall include all documentation specified on the application form unless certain documentation is deemed superfluous by the planning staff due to the specific circumstances of the particular project, including:
   (1) Name, address, and telephone number of applicant
   (2) Location (address) of the building, structure, or land on which the temporary use is to be located;
   (3) A scaled drawing of the property, which shall demonstrate that the proposed temporary use does not displace required parking for any existing use, that it does not block existing drives, and that the site is arranged so that no business shall be conducted with vehicles stopped in a public right-of-way.
   (4) Written consent of the owner of the building, structure, or land on which the temporary use is to be located in the event the applicant is not the owner thereof.
   (5) Such other additional information as may be required by the planning staff to evaluate the application.

(f) Planning Department Decision: The planning staff shall examine such plans, specifications, and other data submitted with the application, and, if necessary, the building or premises upon which it is proposed to establish the temporary use. If the proposed temporary use is in compliance with all the requirements of this Unified Development Ordinance, a Temporary Use Permit shall be issued.

(g) Duration: The duration of a Temporary Use Permit shall be as specified in *Chapter 20.05; §TU: Temporary Use and Structure Standards*.

20.09.280 Easements; General

(a) Intent: The purpose of *Section 20.09.280; Easements; General* is to outline the procedure for obtaining and recording easements and to insure that the statutory requirements of the Indiana Code for establishing easements are met.

(b) Applicability: This section governs easements that are:
  (1) Required and/or granted pursuant to a provision of the Unified Development Ordinance;
  (2) Offered as a commitment by the petitioner; or
  (3) Permitted or required as a condition of approval by the Plan Commission, Plat Committee, Board of Zoning Appeals, Hearing Officer, or planning staff.

(c) Form: Easement instruments shall be prepared in a recordable form acceptable to the City Legal Department.

(d) Recording: Approved easement instruments shall be recorded in the County Recorder's office. The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.

(e) Covenants, Conditions, and Restrictions: Inclusion of language defining easements in an instrument creating covenants, conditions, and restrictions shall not be sufficient; rather, easement instruments shall be independently recorded documents that may be modified, terminated, or vacated only as provided in this Unified Development Ordinance.

20.09.290 Easements; Modification

(a) Intent: The purpose of *Section 20.09.290; Easements; Modification* is to outline the procedure employed by the City when considering a petition for the modification of platted or unplatted easements. Further, the intent of the Easement Modification section is to ensure that the statutory requirements established in the Indiana Code for the modification of easements are met.

(b) Applicability: This section governs easements that are:
  (1) Required and/or granted pursuant to a provision of the Unified Development Ordinance; and
  (2) Offered as a commitment by the petitioner; or
  (3) Permitted or required as a condition of approval by the Plan Commission, Board of Zoning Appeals, Hearing Officer or planning staff.

(c) Request for Modification: Either the grantor or the grantee of an easement may apply to the approving body for modification of the easement.

(d) Time Limitation: If an Easement Modification petition has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.

(e) Recording: If approved, the modified easement shall be recorded by the petitioner in the County Recorder's office. The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.

20.09.300 Easements; Termination

(a) Intent: The purpose of *Section 20.09.300; Easements; Termination* is to outline the procedure employed by the City when considering a petition for the termination of an unplatted easement. Further, the intent of the Easement Termination section is to ensure that the statutory requirements established in the Indiana Code for the termination of easements are met.

(b) Applicability:

(1) *Termination of Unplatted Easements*: When an easement has been established pursuant to a provision of the Unified Development Ordinance, permitted or required as a commitment or permitted or required as a condition of approval either the grantor or grantee may apply to the approving body for termination of the easement.

(2) *Time Limitation*: If an Easement Termination petition has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.

(c) Exceptions: This section does not govern easements that are shown on a recorded plat.

(d) Recording: If approved, the easement termination instrument shall be recorded by the petitioner in the County Recorder's office. The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.

(e) Removal of Improvements: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.

20.09.310 Easements; Vacation

(a) Intent: The purpose of *Section 20.09.310; Easements; Vacation* is to outline the procedure employed by the City when considering a petition for the vacation of a platted easement. Further, the intent of the Easement Vacation section is to ensure that the statutory requirements established in the Indiana Code for the vacation of easements are met.

(b) Prerequisite: If the easement to be vacated was established as a result of a permitted or required commitment or condition of approval by the Plan Commission or Board of Zoning Appeals, the body that required the commitment or condition of approval shall approve both the Easement Vacation petition and the termination of the commitment or condition.

(c) Exceptions: This section does not govern easements that are not:
(1) Required pursuant to a provision of the Unified Development Ordinance;
(2) Offered as a commitment by the petitioner;
(3) Required as a condition of approval by the Plan Commission or Board of Zoning Appeals; and
(4) Shown on a recorded plat.

(d) Common Council: Persons who own or hold an interest in a lot or lots adjacent to a platted easement may petition the Common Council for vacation of the easement in the manner outlined in IC 36-7-3-12.

(e) Recording: If approved, the easement vacation ordinance shall be recorded by the petitioner in the County Recorder's office. The original recorded easement shall be delivered to the grantee and a copy shall be delivered to the Planning Department.

(f) Removal of Improvements: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the vacation of the easement.

20.09.320 Surety Standards; Performance Surety

(a) Intent: Prior to or at the time of approval, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the City, that all public facility improvements and installations required under the provisions of this Unified Development Ordinance and City Engineering Department requirements shall be completed.

(b) Applicability:

(1) A performance agreement between the petitioner and the City, supported by a performance bond or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the City of Bloomington planning jurisdiction area shall be bonded in accordance with Monroe County bonding policy.

(2) The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.

(3) The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the City. The time period and amount of the performance guarantee shall be determined by the Board of Public Works.

(c) City Engineering Department:

(1) *Review*: The City Engineering Department shall review the estimate upon receipt of a complete application and supportive documents. The City Engineering Department shall verify that the performance bond or letter of credit shall:

(A) Be in a sum of not less than one hundred twenty-five percent (125%) of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with the Unified Development Ordinance and City Engineering Department requirements;

(B) Provide surety satisfactory to the City or to the County;

(C) Run to and be in favor of the City or the County;

(D) Specify the time for the completion of the improvements and installations (both on- and off-site);

(E) Be in effect and shall not terminate until a period of two (2) years after the date of substantial completion of the public improvements. The Performance Surety will remain in effect during this two (2) year period in the amount of five percent (5%) of the original Performance Surety, or $10,000.00, whichever is greater, or as determined by the City Engineer; and

(F) Be in a form approved by the City Legal Department.

(2) *Report*: The City Engineering Department shall recommend approval or rejection of the Performance Surety to the Board of Public Works.

(3) *Record*: The City Engineering Department shall maintain records of all applications, plans, and permits filed for a Performance Surety.

(d) Duration:

(1) *Time Limit*: The completion of public facility improvements and installations shall be within two (2) years of the approval of the project.

(2) *Extension of Completion Time*: Should the petitioner not complete the public facility improvements and installations as herein required within a two-year period, the City Engineering Department may approve the petitioner's written request for an extension of time for up to two (2) additional years, granted at six-month intervals and conditioned in every case upon extension or renewal of the surety accordingly, for completion of the required public facility improvements and installations.

(3) *Nonperformance*: Should the petitioner not complete the public facility improvements and installations as herein required within the two-year period or within any time extension approved by the City Engineering Department, the City may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

(4) *Expiration*: The performance bond or letter of credit shall be in effect and shall not terminate until thirty (30) calendar days after the Certificate of Final Acceptance is approved by the City Engineering Department, and the Maintenance Surety has been accepted.

(e) Changes or Amendments:

(1) *Performance Surety Reductions*: Periodic partial releases of Performance Sureties held by the City may be approved by the City Engineering Department.

(2) The following standards shall apply to any request for a bond reduction:

(A) No more than three (3) reductions shall be permitted within any twenty-four-month period.

(B) No performance surety shall be reduced beyond seventy-five percent (75%) of the original bond amount.

(C) Periodic partial releases shall not occur before completion of at least thirty percent (30%) of the improvements covered by the Performance Surety.

20.09.330 Surety Standards; Certificate of Final Acceptance

(a) Intent: The purpose of the Certificate of Final Acceptance section is to outline the procedure employed by the City in order to ensure compliance with all applicable ordinances and regulations when considering a petition for a Certificate of Final Acceptance.

(b) Applicability: When the required public facility improvements and installations for any project for which a Performance Surety has been submitted have been completed, the petitioner shall apply for a Certificate of Final Acceptance from the City Engineering Department.

(c) City Engineering Department:

(1) *Application*: Upon completion of the public improvements covered by the Performance Surety, the petitioner shall apply to the City Engineering Department for a Final Inspection of the work.

(2) *Inspection*: The City Engineering Department shall inspect the improvements for compliance with this Unified Development Ordinance and City Engineering Department requirements.

(3) *Recommendation*: The City Engineering Department shall recommend that the Performance Surety be released, extended, or declared in default. The Public Works Director shall act on the release, extension, or default of the Performance Surety.

(4) *Record*: The City Engineering Department shall maintain records of all applications, plans, and permits filed for a Certificate of Final Acceptance.

(5) *Conditions for Final Acceptance of Public Improvements*:

(A) Within the City of Bloomington: The Board of Public Works shall accept public improvements that meet the following conditions:

(i) The completed public improvements shall comply with the design standards of *Chapter 20.07: Design Standards*; have been constructed in accordance with City Engineering Department requirements; and have been installed in accordance with the approved plans;

(ii) All final inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the City Engineering Department;

(B) Extraterritorial Jurisdiction: Any public improvements installed pursuant to a Monroe County surety within the City's extraterritorial planning jurisdictional shall be inspected and accepted by Monroe County and the City Engineering Department in accordance with their respective surety policies.

20.09.340 Administrative Interpretations

(a) Intent: The interpretation authority established by *Chapter 20.09: Processes, Permits and Fees* is intended to recognize that the provisions of this Unified Development Ordinance cannot, as a practical matter, address every specific situation to which they may have to be applied. In particular, certain categories of uses are listed as either conditional or permitted, but certain specific proposed uses may not clearly fall within the common ordinary meaning of any of the listed uses. Many such situations can be readily addressed by an interpretation of the specific provisions of this Unified Development Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an interpretation shall not have the effect of adding to or changing the essential content of this Unified Development Ordinance but is intended only to allow authoritative application of that content to specific cases.

(b) Prerequisites:

(1) *Parties Entitled to Seek Interpretations*: Applications for Administrative Interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

(c) Applicability: The Planning Director, subject to the procedures, standards, and limitations of this Chapter, may render written interpretations of the provisions of this Unified Development Ordinance and of any rule or regulation issued pursuant to it.

(d) Applications:

(1) Refer to application requirements found at *Section 20.09.030: Applications; General*.

(e) Planning Department:

(1) *Action on Application*: The Planning Director shall inform the petitioner in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.

(2) *Review Considerations*: The following standards shall govern the Planning Director, the Plan Commission, and the Board of Zoning Appeals on appeals from the Planning Director, in issuing a Land Use Determination:

(A) Any listed use defined in *Chapter 20.11: Definitions*, shall be interpreted as therein defined;

(B) No Land Use Determination shall authorize any use in any zoning district unless evidence is presented demonstrating that it will comply with the general zoning regulations established for that particular zoning district;

(C) No Land Use Determination shall authorize any use in a particular zoning district unless such use is substantially similar to other uses specifically listed as permitted or conditional in such zoning district and is more similar to such uses than to other uses listed as permitted or conditional in another zoning district;

(D) If the proposed use is most similar to a use allowed only as a Conditional Use in the zoning district, then any Land Use Determination authorizing such use shall be subject to Conditional Use approval pursuant to *Section 20.09.150: Conditional Use*; and

(E) No Land Use Determination shall allow the establishment of any use that would be inconsistent with the statement of purpose of the zoning district in question, unless such use meets the standard of either *Subdivision 20.09.340(e)(2)(C)* or *Subdivision 20.09.340(e)(2)(D)*.

(f) Decision:

(1) *Approval*: If the Planning Director determines that the use is significantly like a permitted use in the subject zoning district, the Planning Director may approve the land use.

(A) Written Notice to Petitioner: The planning staff shall give the petitioner written notice of said approval.

(2) *Denial*: If the Planning Director determines that the use is not significantly like a permitted use in the subject zoning district, he shall deny the land use.

(A) Written Notice to Petitioner: If the Planning Director denies the land use, the planning staff shall give the petitioner written notice of said denial and apprise the petitioner of their right to an Administrative Appeal per *Division 20.09.340(i)(1): Appeals from Planning Director Interpretations*.

(g) Effect of Land Use Determination: No Land Use Determination authorizing a particular use in a particular zoning district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the ordinances of the City including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, subdivision approval, and Site Plan approval.

(h) Limitations on Land Use Determination: A Land Use Determination finding a particular use to be permitted, or allowed as a Conditional Use in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate Land Use Determination has not been issued.

(i) Board of Zoning Appeals:

(1) *Appeals from Planning Director Interpretations*: The Board of Zoning Appeals shall, pursuant to *Section 20.09.350: Administrative Appeal* of this Unified Development Ordinance, hear and decide appeals from any Administrative Interpretation by the Planning Director acting pursuant to his authority and duties under *Section 20.09.340; Administrative Interpretation*.

20.09.350 Administrative Appeals

(a) Intent: The purpose of this section is to outline the procedure employed by the City in order to afford citizens an avenue of appeal when there is some doubt that an administrative official, hearing officer, staff member, administrative board or other body, except the Plan Commission, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing of any part of this Unified Development Ordinance.

(b) Applicability:
- (1) An Administrative Appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, hearing officer, staff member, administrative board or other body, except the Plan Commission, charged with the administration or enforcement of any part of this Unified Development Ordinance.
- (2) *Stop Work Order*:
  - (A) Authority: When an appeal from the decision of an administrative official or body has been filed, the Planning Director may issue a Stop Work Order on the premises affected.
- (3) This Administrative Appeals section shall not apply to fines levied under the authority of *Chapter 20.10: Enforcement and Penalties*. Such fines may be appealed under the procedures specified in *Chapter 20.10: Enforcement and Penalties.*

(c) Application:
- (1) *Filing Deadline*: An Administrative Appeal must be filed with the Planning Department within fourteen (14) days of the order, requirement, decision, or determination that is being appealed.

(d) Review: At their next regularly scheduled public meeting, the Board of Zoning Appeals shall review:
- (1) The written statement and supportive material submitted by the appellant;
- (2) The record of action supplied by the administrative official or body from which the appeal is taken;
- (3) The written and oral testimony of the public;
- (4) The testimony of the appellant; and
- (5) The testimony of the administrative official or body from which the appeal is taken.

20.09.360 Amendments to Ordinance Text

(a) Intent: The purpose of this section is to outline the procedure employed by the City when considering a petition for an amendment to the text of the Unified Development Ordinance. Further, the intent of the Ordinance Text Amendment section is to ensure that the statutory requirements established in the Indiana Code for amending the ordinance text are met.

(b) Prerequisites: Only the members of the Common Council or the Plan Commission shall have standing to initiate a proposal to amend the text of the Unified Development Ordinance.

(c) Preparation: The planning staff shall prepare the proposal upon the direction of either the Plan Commission or the Common Council. The planning staff shall prepare the proposal so that it is consistent with IC 36-7-4-601.

(d) Complete Submittal: The planning staff shall:
- (1) Assign the item a case number;
- (2) Place the item on an agenda of the Plan Commission.

(e) Review: In reviewing the proposal, the Plan Commission and Common Council shall pay reasonable regard to:
- (1) The Growth Policies Plan;
- (2) Current conditions and the character of current structures and uses in each zoning district;
- (3) The most desirable use of land in each zoning district;
- (4) The conservation of sensitive environmental features;
- (5) The conservation of property values throughout the jurisdiction; and
- (6) Responsible development and growth.

(f) Public Notice:
- (1) *Published*: The planning staff shall be responsible for publishing notice pursuant to the Plan Commission Rules of Procedure.
- (2) *Proof*: The planning staff shall be responsible for filing proof of published notice in the petition file.

(g) Public Hearing: Within sixty (60) days of initiating a proposal to amend the text of the Unified Development Ordinance or of receiving a proposal from the Common Council, the Plan Commission shall hold a public hearing in accordance with the Plan Commission Rules of Procedure.

(h) Decision: The Plan Commission shall:
- (1) Certify and forward the proposal to the Common Council with:
  - (A) A favorable recommendation;
  - (B) A negative recommendation;
  - (C) No recommendation; or
- (2) Continue the proposal to a definite future meeting date.

(i) Rejection or Amendment by the Common Council: If the Common Council returns the proposal, the Plan Commission shall consider the rejection or amendment, and shall vote on the proposal within forty-five (45) days in accordance with IC 36-7-4-607.

(j) Publication: If the proposal is adopted by the Common Council pursuant to IC 36-7-4-607, the Plan Commission shall arrange for the inclusion of the amended text in the Unified Development Ordinance printed by the City.

(k) Common Council Action: The Common Council shall vote on the proposal within ninety (90) days of certification by the Plan Commission in accordance with IC 36-7-4-607, which governs whether the proposal is adopted or defeated.

Chapter

20.10

Enforcement and Penalties

City of Bloomington
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Enforcement and Penalties

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20.10.010 Authority

All departments, officials and public employees of the City that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of *Title 20: Unified Development Ordinance* of the Bloomington Municipal Code (BMC) and shall issue no permit for any use, building, activity or purpose which would be in conflict with the provisions of *Title 20: Unified Development Ordinance*. Any permit issued in conflict with the provisions of *Title 20: Unified Development Ordinance* shall be null and void. The Planning Director and his designee are designated enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of *Title 20: Unified Development Ordinance*.

20.10.020 Penalties and Remedies for Violations

(a) For the purposes of *Chapter 20.10: Enforcement and Penalties*, a violation shall be defined as violation of or failure to comply with:
  (1) Any provision or requirement of *Title 20: Unified Development Ordinance*; or
  (2) Any condition, requirement or commitment established with the approval of a variance, Conditional Use, Site Plan, Planned Unit Development, subdivision, Certificate of Zoning Compliance, or other development approval under *Title 20: Unified Development Ordinance*; or
  (3) The required elements of the submission on the basis of which any permit or approval has been rendered hereunder.

(b) Any violation as defined herein is hereby declared a common and public nuisance, and any person who is a responsible party as defined in *Subsection 20.10.050(a)* with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

(c) Any violation, as defined in *Subsection 20.10.020(a)* above, shall be subject to the penalties and remedies provided in *Chapter 20.10: Enforcement and Penalties*, and the City shall have recourse to any remedy available in law or equity.

(d) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in *Chapter 20.10: Enforcement and Penalties*. A violation continues to exist until corrected. Correction includes, but is not limited to:
  (1) Cessation of an unlawful practice;
  (2) Removal of a building, structure, or other improvement;
  (3) Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;
  (4) Any other remedy specified in this Unified Development Ordinance; and/or
  (5) Other remedy acceptable to the City.

(e) The City Legal Department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to *Subsection 20.10.050(e) of Chapter 20.10: Enforcement and Penalties*; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with T*itle 20: Unified Development Ordinance* or any condition, requirement, or commitment established in connection with *Title 20: Unified Development Ordinance* or any development approval hereunder.

(f) In addition to all other penalties and remedies provided for herein, if a building or structure is demolished (which shall include partial demolition) in violation of *Section 20.09.230: Demolition and Demolition Delay* then, for a period of two (2) years following such demolition, no new certificate of zoning compliance authorizing any use or any release of a building or demolition permit shall be issued for any activity upon the lot of record upon which the building or structure was located, or any adjoining lot of record under common ownership or control, except for an approved restoration or replacement of the demolished building or structure, or as otherwise agreed to by the City or ordered by the Court in enforcement proceedings. The Planning Director shall be authorized to execute and record in the County Recorder's office a sworn statement containing these restrictions upon the properties affected thereby.

(g) In addition to all other penalties and remedies provided for herein, where the violation is removal of one (1) or more trees contrary to *Section 20.05.044: EN-07 [Environmental Standards; Tree and Forest Preservation]*, the responsible party shall be required to meet the following requirements:

(1) Replace the removed trees with healthy trees of similar species.

(A) The aggregate caliper of replacement trees shall equal the aggregate caliper of removed trees. Determination of total caliper to be replaced shall be made by the Planning Director.

(B) The size of replacement trees shall be the largest reasonably available which can either be planted or transplanted from another location.

(C) Replacement trees shall be planted in the same location where the existing trees were removed. If all of the replacement trees cannot be planted in the area where existing trees were removed without endangering their health, an alternative planting location shall be identified, subject to the approval of the Planning Director.

(2) Restore the area around the replacement trees, and the original disturbed area if applicable, by backfilling all holes and creating acceptable grade and covering.

(h) In addition to all other penalties and remedies provided for herein, where the violation is disturbance of other environmental constraints as outlined *Chapter 20.05; §EN: Environmental Standards*, the responsible party shall be required to meet the following requirements, and no violation shall be deemed corrected for purposes of fining until all required steps are completed:

(1) Submit a Remediation Plan to the Planning Department indicating how the disturbed area shall be restored to its pre-disturbed condition. The Planning Director may require the utilization of native seed mixes and native plantings to restore areas to their pre-disturbed condition.

(2) Remediation Plans shall be submitted by the responsible party within seven (7) days of receiving notice from the Planning Department.

(3) An approved Remediation Plan must be fully carried out as soon as reasonably possible. A violation shall be deemed corrected as of the date of submission of a Remediation Plan if such plan is subsequently approved and if such plan is fully carried out as soon as reasonably possible. However, any unreasonable delay in implementation of the plan may result in each day of the period of delay being deemed an additional violation subject to the maximum fine provided for in this Unified Development Ordinance.

(i) In addition to all other penalties and remedies provided for herein, the City may refuse to issue any Certificate of Zoning Compliance, Certificate of Occupancy, or other permit or approval for any use, development, occupancy or other activity upon or concerning any lot or parcel created in violation of *Chapter 20.06: Subdivision Regulations* of this Unified Development Ordinance. The City may further take legal action to restrain and enjoin further violations, including but not limited to sales or offers of sales of lots or parcels, in violation of *Chapter 20.06: Subdivision Regulations*.

(j) The remedies provided for in this Unified Development Ordinance shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

20.10.030 Administration

The Planning Director or his designee shall maintain a record and tabulation of all complaints and investigations, and the resolutions of those complaints, whether made by citizens or by staff; communicate on a regular basis with citizen complainants about the progress being made in investigating and resolving their complaints; and report to the Plan Commission on an as-needed basis as to the number and type of complaints and the outcome of each.

20.10.040 Penalty

(a) Any violation that is subject to *Chapter 20.10: Enforcement and Penalties* shall be subject to a civil penalty of not more than two thousand five hundred dollars ($2,500.00) for each such violation, and not more than seven thousand five hundred dollars ($7,500.00) for the second and any subsequent violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(b) The following violations of *Title 20: Unified Development Ordinance* shall be subject to the fines listed in the table below for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision of this Unified Development Ordinance within three (3) years of the first such violation, regardless of whether the second or subsequent violation is on the same property as the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in *Subsection 20.10.040(a)* above. (For example, a violation that is subject to a one hundred dollar ($100) fine per the table will be subject to a two hundred dollar ($200) fine for the second offense, a four hundred dollar ($400) fine for the third offense, and so forth.) A responsible party will be deemed to have violated the same provision for purposes of this Subsection where the violations fall under the same Section of this Unified Development ordinance or under the same subject matter heading where such heading contains multiple Sections (for example, "Parking Standards (PK)", containing *Sections 20.05.069 through 20.05.074.*)

Unified Development Ordinance Violation	Fine
Temporary Signage Without Permit	$100
Parking On Unimproved Surface	$50
Temporary Use Without Permit	$500
Permanent Signage Without Permit	$250
Change In Use Without Certificate of Zoning Compliance (CZC)	$100
Illegal Land Use	$2,500
Operation Of Home Occupation Without CZC	$200
Failure To Obtain CZC	$500
Failure To Comply With CZC	$250
Failure To Comply With Development Standards	$100
Violation Of Environmental Standards	$2,500
Any Other Violation	Up to $2,500.00

20.10.050 Enforcement Procedures; Notices of Violation

(a) If the Planning Director or his designee finds that any violation subject to *Chapter 20.10: Enforcement and Penalties* is occurring, or has occurred, a Notice of Zoning Violation (NOV) may be issued to the responsible party. Such Notices of Zoning Violation may be further accompanied by additional warnings following the same procedures of this Chapter. For purposes of issuing a Notice of Zoning Violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:
  (1) The property owner;
  (2) Persons with any possessory interest in the property; and
  (3) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue.

(b) The Notice of Zoning Violation (NOV) shall be in writing and shall be served on all of the responsible parties in one (1) or more of the following manners: delivery in person or by first class mail. The Notice of Zoning Violation shall state:
  (1) The location of the violation;
  (2) The nature of the violation;
  (3) The date the violation began;
  (4) The daily fine assessed for the violation;
  (5) Additional remedies the City may seek for violation;
  (6) That the fine is paid to the City of Bloomington;
  (7) That the Notice of Violation may be appealed to the Board of Zoning Appeals;
  (8) That the fine may be contested in the Monroe County Circuit Courts.

(c) Each item of noncompliance enumerated on the Notice of Violation shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall accrue from the date the zoning violation commenced.

(d) If the responsible party refuses inspection of the property, the Planning Director or his designee may obtain an inspection warrant from any court of record in the county in which the property is located.

(e) In addition to issuing a Notice of Violation (NOV), the Planning Director or his designee may utilize and/or seek through legal proceedings one or more of the following remedies:
  (1) Revoke or withhold other approvals, certificates and/or permits relevant to the development or use of the site on which the violation has occurred; and/or
  (2) Issue a Stop Work Order; and/or
  (3) Request the County Building Department to issue a Stop Work Order and instruct the building official to suspend and withhold all Building Code inspections relevant to the development or use of the site on which the violation has occurred; and/or
  (4) Draw on a performance or maintenance surety, as necessary, with permission of the Manager of Engineering Services, to effect any remedial actions required to abate the violations; and/or
  (5) Revoke the permits, certificates and/or approvals that have been violated, and/or
  (6) Any and all penalties and remedies listed in *Section 20.10.020: Penalties and Remedies for Violations*.

20.10.060 Appeals

(a) Appeals of Notices of Violation shall be made to the Board of Zoning Appeals as set forth in *Section 20.09.350: Administrative Appeals*.

(b) Fines levied for zoning violations may be challenged in the Monroe County Circuit Court.

Chapter

20.11

Definitions

City of Bloomington
Unified Development
Ordinance

February 12, 2007 © 2007 Bradley E. Johnson, AICP

GroundRules
website www.groundrulesinc.com

Definitions Overview

20.11.010 General
20.11.020 Defined Words

20.11.010 General

The definitions contained in *Chapter 20.11: Definitions* shall be observed and applied in the interpretation of all Chapters in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

20.11.020 Defined Words

The following terms shall have the following meanings:

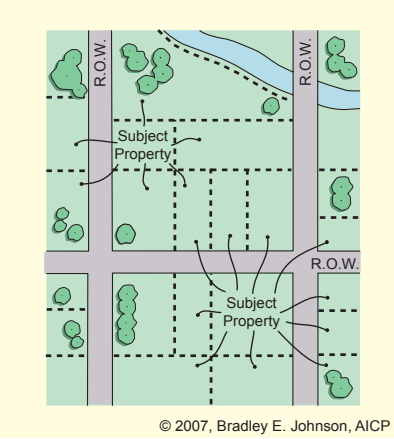
AASHTO: American Association of State Highway and Transportation Officials.

Accessory Dwelling Unit (ADU): See "*Dwelling, Accessory Unit*."

Accidental Cause: A reference to an event happening by "*Accidental Cause*" means an event happens without any human agency, or if happening wholly or partly through human agency, the event under the circumstances is unusual, unexpected, and unintended by the owner or other person asserting rights in the partly or completely destroyed or removed structure with respect to rebuilding or replacing said structure.

ADA: The Americans with Disabilities Act.

Adjacent Property: Any property that physically touches a given property. For the purposes of this Unified Development Ordinance, properties across a public right-of-way are also considered adjacent.



Affordable Housing: Residential developments with a recorded restriction that requires the housing for a certain minimum number of years to be rented or owned by qualified very low and low-income households.

Agriculture: See "*Crops and Livestock Pasturage*."

Amusements, Indoor: Commercial entertainment, recreation or games of skill, taking place inside an enclosed building open to the general public for a fee.

Amusements, Outdoor: Commercial entertainment, recreation or games of skill, open to the general public for a fee, where any portion of the activity takes place outside of a building. Such activities include, but are not limited to, miniature golf, bungee jumping, and amusement parks. "*Amusements, Outdoor*" does not include any activities offered by the public sector in a park or playground.

Antique Sales: A place offering antiques for sale. An antique, for purposes of this title, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old or with collectible value.

Apartment: See "*Dwelling, Multifamily*."

Apparel and Shoe Sales: A store selling or accepting for sale clothing and shoes.

Appliance Sales: See "*Home Electronics or Appliance Sales*."

Applicant: The owner, owners, or legal representative of real estate who make application to the Bloomington Plan Commission and/or Board of Zoning Appeals for action by said Plan Commission or Board of Zoning Appeals affecting the real estate owned thereby.

Arbor: See "*Trellis*."

Arcade Room: See "*Billiard or Arcade Room*."

Architectural Features: Ornamentation or decorative features attached to or protruding from an exterior wall.

Art Gallery: An establishment engaged in the purchase, sale, loan, display or appraisal of art books, paintings, sculpture, or other works of original art.

Art, Public: A visual work of art that is permanently displayed in way that it is visible from a public place, street or way. The work of art may include but need not be limited to sculptures, murals, monuments, frescoes, fountains, stained glass, or ceramics.

Artist Studio: A work space for one (1) or more artists or artisans.

Arts/Crafts/Hobby Store: Any business establishment that supplies materials necessary for artistic endeavors, craft projects, or the like, which may or may not include incidental classes related to the arts and crafts.

Assignable Area: The sum of all areas on all floors of a building used or available for use by a specific use, tenant, or occupant, and excluding areas such as stairwells, corridors, mechanicals, restrooms, and building maintenance/ service areas. Assignable area includes, but is not limited to, offices, classrooms, labs, assembly areas, health care, special and general use areas, and any other areas that are used to accomplish the purpose of the uses in the building. Assignable area is computed by physically measuring or scaling measurements from the inside faces of surfaces that form the boundaries of the designated areas.

Assisted Living Facility: A facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming and bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but do not require hospitalization. An "*Assisted Living Facility*" does not contain equipment for surgical care or for treatment of disease or injury. The term "*Assisted Living Facility*" does not include "*Nursing/Convalescent Home*."

Auto Body Shop: A facility that repairs, paints, straightens or undercoats the body or frame of automobiles. Maintenance, service, and engine repair may be performed as an ancillary function of the body work.

Auto Parts Sales: Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation.

Awning: A roof-like cover that projects from the wall of a building.

Definitions: B

Balcony: An architectural appurtenance located above the first floor that is either entirely unenclosed or covered only by a roof or railing.

Bank or Credit Union: A federal or State-regulated facility that provides financial and banking services to customers or clients. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. The term "*Bank or Credit Union*" does not include "*Check Cashing*", except where separately permitted.

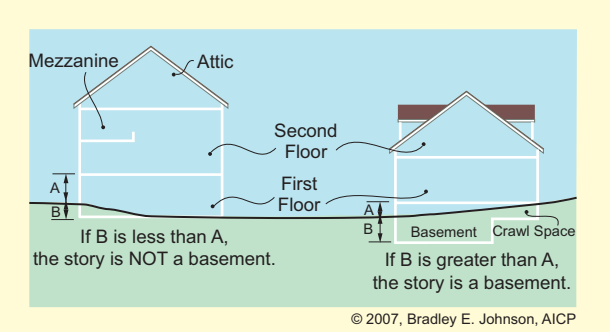
Banquet Hall: A facility available for lease by private parties to accommodate private functions including, but not limited to, banquets, meetings, weddings, anniversaries and other similar celebrations. A "*Banquet Hall*" may also include on-site kitchen/catering facilities.

Bar/Dance Club: A facility open to the public and characterized by live or televised entertainment, dancing or the serving of alcoholic beverages. Food or packaged alcoholic beverages may be sold but are generally accessory to the primary use.

Barber/Beauty Shop: A facility where barbering or cosmetology services is offered or practiced on a regular basis for compensation. This may include hair care, nail care, or skin care.

Base Flood Elevation: That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every one hundred (100) years, or which is subject to a one percent (1%) or greater chance of flooding in any given year.

Basement: That portion of a building that is partly or wholly below grade, as measured four (4) feet from the exterior of the foundation wall, regardless of whether the interior space is finished or unfinished. A basement shall be counted as a story for determining building setbacks if the front exterior wall of the basement facing a street is not completely below grade and each side of the foundation wall facing the side yard is less than fifty percent (50%) covered by grade.



Bay Window: A large window or series of windows projecting from the outer wall of a building and forming a recess within.

Beauty Shop: See "*Barber/Beauty Shop*."

Bed and Breakfast: In any residential zoning district, an operator-occupied single-family detached dwelling where transient lodging and meals are provided for compensation, but not a "*Hotel/Motel*" or "*Rooming House*." In other zoning districts, a "*Bed and Breakfast*" need not be occupied by the operator.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

Beverage Bottling: A center that specializes in the act or process of putting beverage contents into bottles and prepares these products for retail sales.

Bicycle Parking Facility, Class I: Long-term parking facilities that provide a high level of security for long durations (day, overnight, or longer). Class I facilities can include individual lockers, racks in an enclosed, lockable room, or racks or lockers in an indoor area always visible to employees.

Bicycle Parking Facility, Class II: Short-term parking facilities that provide medium level security for relatively short durations (usually two (2) hours or less). These facilities often include stands or racks and allow a user to secure a bicycle frame and one or both wheels to the facility with a lock.

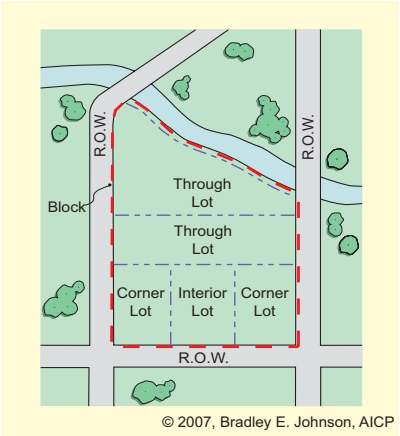
Bicycle Sales/Repair: An establishment that sells and provides repair services for bicycles, bicycle components, and related accessories.

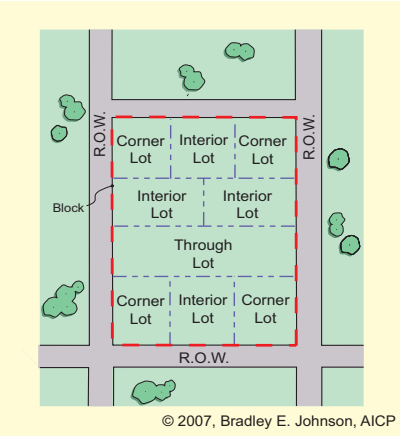
Bike Lane: A portion of the street that has been designated and designed for the exclusive use of bicycles with distinct signage and pavement markings.

Billiard/Arcade Room: A facility where pool or billiard tables, pinball machines, video games or similar entertainment devices are played for amusement only. This definition shall not be construed so as to include gambling devices or any other devices prohibited by law.

Biohedge: See "*Shrub*."

Block: Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.





Block Face: That portion of a block adjacent and parallel to the abutting public street and normally extending from one (1) intersecting street to another.

BMC: Bloomington Municipal Code

Board: See "*Board of Zoning Appeals*."

Board of Zoning Appeals (BZA): The City of Bloomington Advisory Board of Zoning Appeals or any division or designee thereof.

Boarding House: See "*Rooming House*."

Boat Sales: A facility where marine vehicles are sold, rented, or serviced.

Book Store: A retail establishment that, as its primary business, engages in the sale of books, magazines, newspapers, or any other printed information or media.

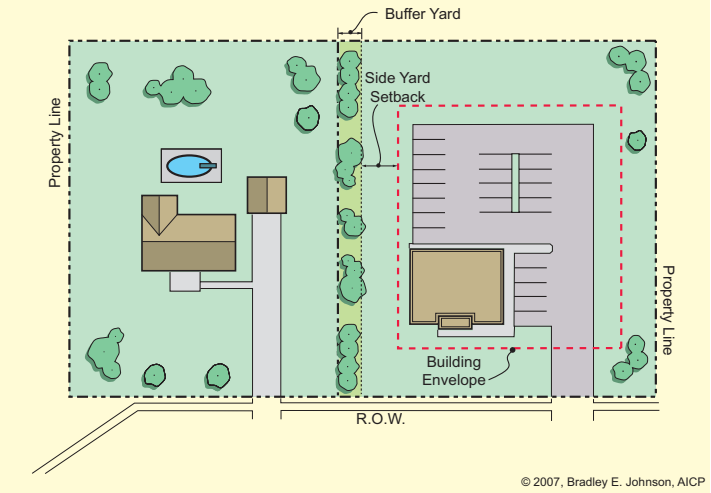
Bottled Gas Storage/Distribution: A facility that engages in the holding and transportation of bottled gas products.

Bowling Alley: An indoor facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

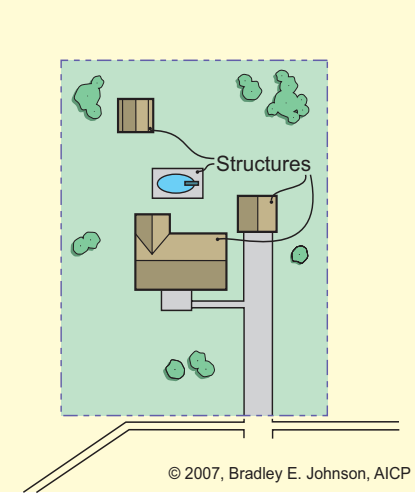
Brewpub: A commercial use which brews ales, beers, meads, and/or similar beverages on site and serves those beverages on site. Off-site sales are also permitted.

Definitions: B

Buffer Yard: An area adjacent to side and rear property lines, measured perpendicularly from adjacent property lines, intended to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffer yards also help to maintain existing vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) rear or side setbacks.



Building: Any structure having a roof supported by columns, walls or air pressure.



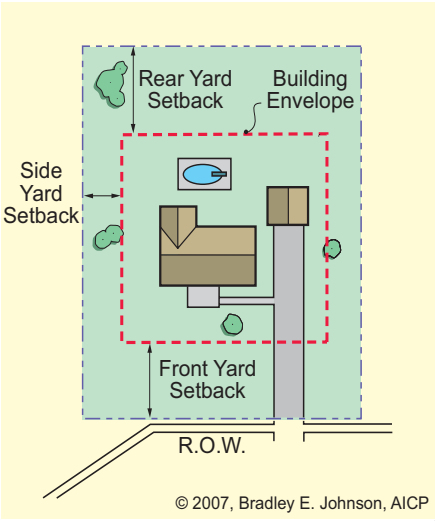
Building Base: The street level portion of a building façade. The building base is typically one (1) or two (2) stories tall in height and contains such features as display windows, kick plates, pedestrian entrances and a sign band.

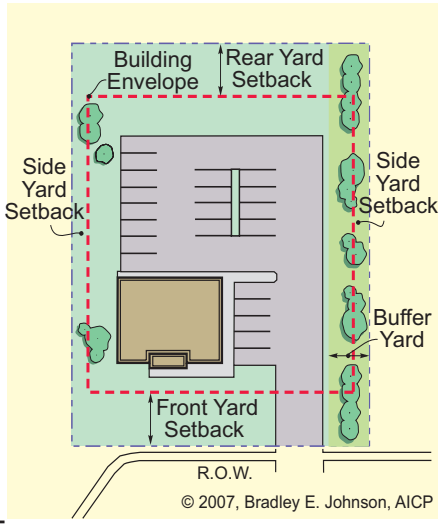
Building Cap: The uppermost portion of a building façade. The building cap is typically located above the uppermost windows and contains a cornice that is integrated with the roof form and downspouts/gutters for storm water diversion.

Building Code: The Indiana Building Code, which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building Coverage: The lot area covered by the primary building and any roofed-over accessory buildings or structures, measured from the exterior faces of exterior walls, but excluding decks, terraces and other accessory structures which are open to the sky.

Building Envelope: The setback lines that establish an area on a lot in which building can occur.



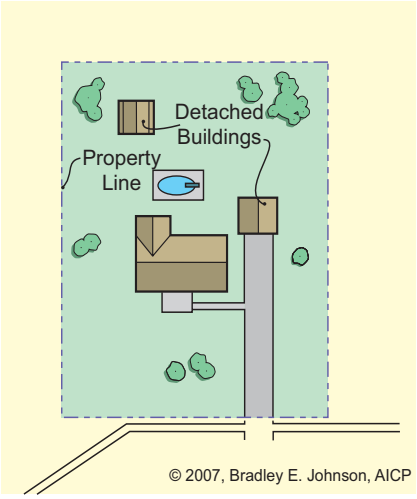


Building Middle: The area of the façade of a building between the base and the cap. This area includes evenly spaced and similarly sized windows, as well as balconies and other architectural features.

Building or Structure, Accessory: A subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and which is customarily incidental to the primary building or structure or to the primary use of the land.

Building or Structure, Attached: A building or structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Building or Structure, Detached: A building or structure that has no structural connection with the primary building or structure or any other building or structure.



Building or Structure, Enclosed: A building or structure that is fully enclosed on all sides by solid walls and a roof which are integral parts of the building and are distinguished from the side or top surfaces of the contents of the building or structure.

Building or Structure, Lawful Nonconforming: Any building or structure that does not comply with one or more provisions of this Unified Development Ordinance, but which lawfully existed upon the effective date of the provisions of this Unified Development Ordinance with which the building or structure does not comply.

Building or Structure, Primary: A building or structure in which is conducted the primary use of the lot on which it is located.

Building or Structure, Temporary: Any building or structure which is easily moved, without any foundation or footing, or intended to be used for a limited period of time. Temporary buildings or structures include, but are not limited to, tents, trailers, and other temporary structures that are not, and are not legally required to be, erected under the State, City, and County permit processes for permanent buildings.

Building Permit: An official document or certification that is issued by the Monroe County Building Department, after issuance of a Certificate of Zoning Compliance, and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

Building Supply Store: A business establishment that provides materials for sale that are commonly used for building construction purposes.

Building Trade Shop: A facility that includes the offices and indoor storage areas of people involved in the building trades, including but not limited to electricians, general contractors, heating and cooling contractors, landscapers, painters, roofers and plumbers.

Build-to Line: An alignment establishing a certain distance from the front property line where a building must be constructed.

Business School: See "*School, Trade or Business*."

Business/Professional Office: A facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to insurance agencies, architects, lawyers, engineers, real estate offices, advertising agencies, travel agencies, abstract and title agencies or insurance companies, and stockbrokers. A "*Business/Professional Office*" can provide office functions which serve other off-site land uses. The term "*Business/Professional Office*" does not include medical offices or "*Medical Clinics*," except where separately permitted.

BZA: See "*Board of Zoning Appeals*."

Caliper: A trunk diameter measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and measured at twelve (12) inches above the ground for larger sizes.

Canopy: A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and serving to provide shelter from the weather or trees.

Car Wash: A facility for washing, cleaning, drying and waxing of passenger vehicles, recreational vehicles, or other light duty equipment. A car wash may be self service or full service.

Carnival: A temporary outdoor land use involving a group or aggregation of rides, entertainment, games, or concessions or any combination thereof. An admission fee may or may not be charged.

Carport: A roofed accessory structure not more than fifty percent (50%) enclosed by walls for the purpose of providing shelter for one (1) or more motor vehicles.

Cellular Phone/Pager Services: A business establishment that specializes in the sale or service of mobile phones and pagers or related devices.

Cement Production: See "*Gravel/Sand/Cement Production*."

Cementitious Siding: An exterior building finish that has the shape and appearance of horizontal lap wood siding and is made of a combination of cement, sand, cellulose (wood) fiber, and sometimes clay.

Cemetery or Mausoleum: Property used for interment of deceased persons. Cemeteries may include associated mausoleums, columbaria and chapels. The term "*Cemetery or Mausoleum*" does not include "*Mortuary*" or "*Crematory*," except where separately permitted, and does not include a pet cemetery.

Center Line: The midpoint in the width of a public right-of-way. This shall be determined by recorded subdivision plats, or by the historic centerline for all unplatted rights-of-way. In the event that acquisition of additional right-of-way has taken place on one side of a right-of-way, the original centerline prior to such acquisition shall be considered the centerline for the purposes of this Unified Development Ordinance.

Central Sewer System: A community sanitary sewer system including collection and treatment facilities owned and maintained by the City of Bloomington.

Central Water System: A community water supply system including existing and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/industrial development.

Certificate of Appropriateness: A permit issued by the Historic Preservation Commission granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of a structure within a local historic or conservation district.

Certificate of Occupancy: A certificate issued by the Monroe County Building Department stating that the occupancy and use of a building or structure complies with the provisions of all applicable Monroe County and City of Bloomington codes and ordinances.

Certificate of Zoning Compliance (CZC): Refers to improvement location permits as authorized by the IC 36-7-4-800 Series. A certificate issued under the Unified Development Ordinance prior to permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any lot, building, structure or sign within its jurisdiction, or permitting a person to change the condition of the land or the use.

Channelized Runoff: Water runoff that would have naturally flowed over and through the soil, deflected to and moved through an artificial open channel or waterway that eventually makes its way to surface water resources.

Check Cashing: A business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check cashing also includes a facility that provides loans to individuals in exchange for personal checks as collateral. The term "*Check Cashing*" does not include a State or federally regulated "*Bank or Credit Union*."

Chicken Flock, Accessory: A use accessory to a permitted residential use that meets the definition of "*Chicken Flock*" in *Section 7.01.010* of the Bloomington Municipal Code, as it may hereafter be amended, which is expressly incorporated herein by reference, and that is permitted under this Unified Development Ordinance only where permitted by and in compliance with all requirements of *Title 7* of the Bloomington Municipal Code, as it may hereafter be amended.

Church: See "*Place of Worship*."

Circus: A temporary outdoor land use involving an aggregation of rides, entertainment, games, concessions or animal acts, or any combination thereof. An admission fee may or may not be charged.

City: The City of Bloomington, Indiana.

City of Bloomington Survey of Historic Sites and Structures: A survey adopted by the City of Bloomington's Historic Preservation Commission and updated on a periodic basis which rates sites and structures within the community according to their historic significance.

Coin Laundry: A facility where patrons wash, dry, or iron clothing or other fabrics in machines operated by the patron.

College: See "*School, College/University*."

Collocation: A space on an existing or proposed communication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commission: See "*Plan Commission*."

Commitment: A written document, in recordable form approved by the City Legal Department, which may include maps, site plans or other exhibits, and which contains the information necessary to effect the provisions of this ordinance or the approval to which the commitment is connected. Commitments are established by the IC 36-7-4-1500 Series for establishment of Planned Unit Developments; IC 36-7-4-1405 and IC 36-7-4-613 for Site Plans; IC 36-7-4-921 for variances; and IC 36-7-4-608 for amendments to the zoning maps. Commitments shall be recorded in the office of the Monroe County Recorder.

Common Area: Any portion of a development that is neither part of a lot or tract nor dedicated to the public and is designed and intended for the common usage, benefit or enjoyment of the residents of the development. These areas include open spaces and may include such other uses as parking lots and complementary buildings or structures. Maintenance of such areas is not the responsibility of the City and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

Common Area Development: A type of development where the lot area includes only the footprint of a building or the footprint and a limited area outside the footprint. The remainder of the area included in the parent parcel is owned in common by a homeowner's association.

Common Council: The Common Council of the City of Bloomington, Indiana.

Communication Facility: Antennas and antenna tower structures including, but not limited to, any towers, equipment enclosures, or other structures intended for use in connection with the wireless transmission or receipt of radio, television, or any other electromagnetic spectrum based transmissions or receptions. The following shall not be considered as communications facilities for the purpose of this definition: satellite reception dishes less than three (3) feet in diameter; wireless communication facilities that are completely located within a primary structure and that operate with the sole purpose of providing communications within said structure; and hand-held wireless communications devices.

Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

Community Center: A building, together with accessory structures and uses, used for recreational, social, educational, or cultural activities by and for the benefit of community groups and individuals, which is accessible to the general public, and which is not operated for profit.

Community Garden: An area of land managed and maintained by a group of individuals to grow and harvest food

crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Comprehensive Plan: See "*Growth Policies Plan*."

Computer Sales: A business establishment specializing in the sale of electronic devices for the storage and processing of information, which may also include the sale of related supplies.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals, Plan Commission, or Common Council required as a prerequisite for approval of a petition.

Conditional Use: A use specifically designated as such in this Unified Development Ordinance which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular zoning district and which may be conducted only pursuant to a Conditional Use approval granted by the Board of Zoning Appeals.

Condominium: Real estate lawfully subject to IC 32-25, et seq. (Condominium Law), which creates the recording of condominium instruments, in which undivided interests in common areas and facilities are vested with condominium unit owners.

Connectivity: The directness of links and the density of connections in the street network. An area with high connectivity has many links, numerous intersections, and minimal dead-ends or cul-de-sacs.

Connector Path: A hard surface linkage or shortcut between two (2) destinations that is not accessible by automobiles.

Conservation Areas: The cumulative of all areas required to be maintained for environmental preservation.

Contractor's Office: A temporary structure used as an office for contractors and builders during construction.

Convalescent Home: See "Nursing or Convalescent Home."

Convenience Store: A retail store that sells a limited line of groceries, food or drink for immediate consumption, as well as household items intended for daily convenience. A convenience store may also sell gasoline or alternative fuel products in certain zoning districts. The term "*Convenience Store*" does not include "*Vehicle Repair*" shops or "*Auto Body Shop*".

Copy Center: A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

Country Club: A chartered, nonprofit membership club catering primarily to its membership and invited guests, providing one (1) or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, clubhouse and locker rooms. A county club may also include incidental retail sales such as a pro shop and may include dining and catering facilities.

County: Monroe County, Indiana.

Courthouse Square: A geographic area encompassing all buildings facing the Monroe County Courthouse. This shall also include buildings located at the southwest corner of College and Kirkwood, the southeast corner of Walnut and Kirkwood, the northeast corner of Walnut and 6th Street, and the northwest corner of College and 6th Street.

Covenant: Private and legal restrictions of various kinds on the use and development of a lot. In the case of public health, safety and welfare, covenants may be required by the Plan Commission, that are recorded with the plat and deed. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees, but instead are enforceable in civil court by interested or affected parties.

Credit Union: See "*Bank/Credit Union*."

Crematory: A facility containing apparatus intended for use in the act of cremation of deceased persons.

Crops and Pasturage: Agricultural uses including raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, as defined by this Unified development Ordinance, or livestock products, for the production of income. This shall also include any other horticultural, floricultural or viticultural use, and animal husbandry. Crops include field crops, flowers and seeds, fruits, grains, melons, ornamental crops and vegetables. Livestock products include milk, butter, cheese, eggs, meat, fur, and honey. The term "Crops

and Pasturage" does not include feed lots, forest management and timber harvesting activities, noncommercial residential gardens, or the commercial feeding of garbage or offal to swine or other animals.

Cul-de-sac: A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround at the other end. A stub street is not a cul-de-sac.

Dance Club: See "*Bar/Dance Club*."

Day Care Center, Adult: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a period of less than twenty-four (24) hours per day.

Day Care Center, Child: Any building or place, other than a "child day care home," where children receive care from a provider while unattended by a parent, legal guardian or custodian, for a period of less than twenty-four (24) hours per day. The term "*Day Care Center*" includes but is not limited to the following: nursery schools, child care centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Indiana State Board of Education which shall be included within the definition of "*School, Primary/Secondary*" herein. The term "*Day Care Center*" shall include facilities defined as "*child care centers*" under IC 12-7-2-28.4 and facilities defined as "child care homes" under IC 12-7-2-28.6, IC 12-7-2-33.7, and IC 12-7-2-33.8 in which child care homes are not the primary residence of the provider. Where required by State law, day care centers shall be and remain licensed by the State, pursuant to IC 12-17.2, et seq., and shall operate in accordance with their license and all applicable State laws. A "*Day Care Center*" exempt from State licensing requirements shall provide proof of exemption.

Day Care Home, Adult: A residential dwelling unit used as the primary residence of the day care provider where adults receive care from the provider while unattended by a guardian or custodian for a period of less than twenty four (24) hours per day.

Day Care Home, Child: A residential dwelling unit used as the primary residence of the day care provider where children receive care from the provider while unattended by a parent, legal guardian or custodian for a period of less than twenty four (24) hours per day. A facility shall not be classified as a day care home unless it provides care for no more than sixteen (16) full or part-time children at any one (1) time. The maximum of sixteen (16) children does not include children of at least seven (7) years of age for whom the provider is a parent, stepparent, guardian, custodian or other relative. The term "*Child Day Care Home*" includes those facilities where fewer than six (6) full and part-time children (excluding any children for whom the provider is a parent, stepparent, guardian, custodian or other relative) receive care from the provider while unattended by a parent, legal guardian or custodian. Where required by State law, child day care homes shall be and remain licensed by the State and shall be operated in accordance with their license and all applicable State laws. A "*Child Day Care Home*" exempt from State licensing requirements shall provide proof of exemption.

Deck: An accessory structure which is typically constructed of wood, elevated from ground level and open to the sky. Decks may be freestanding or attached to a primary structure or building.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Demolition: The complete removal or destruction of any structure excluding its foundation.

Density: A unit of measurement describing the number of dwelling units per measured acre. The Unified Development Ordinance may regulate density by establishing the permitted number of units per acre or the amount of land, measured in square feet or acres, required per individual unit on the resulting lots.

Department Store: A facility which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and are exhibited and sold directly to the customer.

Detention Facility: An area that is designed to capture specific quantities of storm water and to gradually release the storm water at a sufficiently slow rate to avert flooding.

Development Plan: See "*Site Plan*."

Development Plan, PUD: The name for PUD Final Plans under the Bloomington Zoning Ordinance effective 1973-1995. See "*Final Plan, PUD*."

Development Standards: Height, bulk, density, environmental performance standards, and other standards for development as set forth in this Unified Development Ordinance, including landscaping, parking, and other required improvements, excluding those provisions which specifically regulate the use of property.

Diameter at Breast Height (DBH): The diameter of an existing tree trunk or the cumulative diameter of multiple trunks measured four and one-half (4.5) feet or fifty-four (54) inches above natural grade.

Director: See "*Planning Director*."

Display Window: A window of a store facing onto the street that is used to display merchandise or signage. Display windows typically include a kick plate and are not typically double-hung windows.

Distribution Facility: A facility where goods are received and/or stored for delivery to the ultimate consumer at another location.

District, Commercial: Refers to the CL, CG, CA, and CD zoning districts and commercial portions of Planned Unit Developments.

District, Multifamily: Refers to the RM and RH zoning districts and multifamily portions of Planned Unit Developments.

District, Nonresidential: Refers to all zoning districts, including Planned Unit Developments, other than those defined as a "Residential District."

District, Residential: Refers to the RE, RS, RC, RM, RH, and MH zoning districts and residential portions of Planned Unit Developments.

District, Single-family: Refers to the RE, RS, and RC zoning districts and single-family portions of Planned Unit Developments.

DNR: The Indiana Department of Natural Resources.

Drip-line: An imaginary line on the soil around a tree that mirrors the circumference of the furthest extension of the branches above.

Drive: A vehicular access to a development site, including private streets or roads and excluding an aisle serving as direct access to a row of parking spaces.

Drive Apron: The driving surface area, typically located within the public right-of-way, between the edge of a paved street and the driveway accessing a private property.

Drive-through: A facility designed to dispense products or services to patrons who remain in their vehicles. A drive-though may be in conjunction with another permitted use or may, where permitted, be the only use of a property.

Drive-through Bay: The portion of a drive-through use or structure, including any awnings, structures, or service windows, where individual vehicles are parked to receive service.

Driveway: A surfaced area intended solely for the purpose of accessing a garage or parking area, other than an aisle serving as direct access to a row of parking spaces.

Driving Range: See "*Golf Driving Range, Outdoor.*"

Drugstore: An establishment engaged in the preparation and sale of prescription drugs and the sale of nonprescription drugs, medicines, medical supplies and various food and dry goods.

Dry-cleaning Service: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer, or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

Dwelling, Accessory Unit: A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall only be established in accordance with the standards set forth in the Unified Development Ordinance and only in those zoning districts where the use is listed as a special review use.

Dwelling, Manufactured Home: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law

of 1974 (42 USC 5401 et seq.) and which was constructed after January 1, 1981, and which exceeds nine hundred fifty (950) square feet of occupied space.

Dwelling, Mobile Home: Any factory-fabricated portable structure, residential or nonresidential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and which is not a "*Dwelling, Manufactured Home*" as defined by this Unified Development Ordinance. The term "*Dwelling, Mobile Home*" includes double-wide mobile homes of two (2) such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit which is defined as a "*Dwelling, Manufactured Home*."

Dwelling, Multifamily: Any building, group of buildings or portion thereof containing two (2) or more individual dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway and in which the number of families in residence does not exceed the number of dwelling units provided. Multifamily dwelling units shall not include "*Dwelling, Single-family Attached*" as separately defined in this chapter.

Dwelling, Single-family Attached: A dwelling type consisting of two (2) dwelling units attached side by side under one (1) roof, that are located on separate lots, and that share a common wall, with each unit designed for and occupied by a single family, as defined in this chapter.

Dwelling, Single-family Detached: A single building per lot containing a single residential dwelling unit, including a "*Dwelling, Manufactured Home*," designed for and occupied by one (1) family which is completely separate from any other building. The term "*Single-family Detached Dwelling*" does not include a "*Dwelling, Mobile Home*."

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of a manufactured home and/or mobile home.

Dwelling Unit: One (1) or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one (1) family (see definition of "*Family*"). The dwelling unit shall be characterized by but not limited to:

(1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
(2) A single kitchen adequate for the preparation of meals;
(3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises.

A dwelling unit occupied by more than one (1) "*Family*" (see definition) shall be constructed and regulated as a "*Rooming House*" (see definition).

Dwelling Unit Equivalent (DUE): In the RM, RH, CL, CG, CA, BP, and MD Districts only, establishes a density value for dwelling units based upon the size of the unit and/or the number of bedrooms in the unit. This value shall be applied to the units per acre measurement in order to calculate density and determine compliance with density maximums. Where allowed, the following proportions shall be used in calculating the dwelling units per acre:

5-bedroom unit = 2 units
4-bedroom unit = 1.5 units
3-bedroom unit = 1.0 unit;
2-bedroom unit with less than 950 square feet = 0.66 of a unit;
1-bedroom unit with less than 700 square feet = 0.50 of a unit;
Efficiency or studio unit with less than 550 square feet = 0.33 of a unit.

Dwelling, Upper Floor Units: One (1) or more residential dwelling units located on the floors above a nonresidential use on the street or ground level. For the purpose of this definition, nonresidential use shall not include uses accessory to the residential use, including, but not limited to, storage, management offices, leasing offices, common area, or parking.

Easement: A non-possessory interest in land granted by a property owner to the City, the general public, a corporation, or other persons for specific purposes including but not limited to the construction of utilities, drainage ways, and streets, or for the protection of natural features.

Easement, Conservancy: An easement that restricts any land-disturbing activities within a defined area. The purpose of a conservancy easement includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for forest, recreational or open space use, and protecting natural resources.

Easement, Drainage: An easement that permits the unobstructed flow of upstream storm water runoff. A drainage easement may include detention or retention ponds, swales, wetlands or underground pipes, and which allows the City Utilities Department exclusive access for installation, maintenance, repair or removal of drainage facilities.

Easement, Karst Conservancy: An easement that restricts any land-disturbing activities within a defined area around a surface karst feature and permits the City of Bloomington the right to enter the property to inspect the easement and alter or repair the karst feature.

Easement, Pedestrian: An easement that permits the general public the right to access the easement for purposes of walking, running, bicycling, skating, or utilizing certain classes of non-motorized vehicles, and grants the City the right to construct, alter, repair, maintain, or remove improvements within the easement area.

Easement, Sanitary Sewer: An easement that allows the City Utilities Department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

Easement, Temporary Turnaround: An easement that permits the general public the right to access the easement for purposes of turning a motor vehicle around at the end of a stub street. This easement right is terminated when the road is extended to the adjoining property.

Easement, Transit Facility: An easement that grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation, or grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.

Easement, Tree Preservation: An easement that prohibits the removal of any tree over six (6) inches in diameter at breast height within the easement area, and allows the removal of dead and diseased trees that pose a safety risk or impede drainage, only after first obtaining written approval from the Planning Department.

Easement, Utility: An easement that allows both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

Easement, Waterline: An easement that allows the City Utilities Department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

Edge Vegetation: Those plants that naturally grow in a transition area between two (2) distinct, but adjoining, plant communities such as those that grow between a forest and an open space, along the edge of the forest.

EIFS: Exterior Insulation Finish System.

Electromagnetic Field (EMF): A field with two (2) components, one (1) electrical and the other magnetic, rising from the conduction of electricity through a medium of transmission.

Enlargement: Expansion of any use or structure into or onto any portion of a structure or lot not previously occupied by said use or structure, or increase in any physical dimension of a structure. Also, expansion of a use into any structure floor area not previously occupied by said use. Enlargement includes expansion of a principal use into floor area previously used as an accessory use, such as expansion of residential living area into a basement, attic or garage not previously used as living area.

EPA: United States Environmental Protection Agency.

Equipment Rental, Outdoor: An establishment engaged in the temporary leasing of tools, materials, or construction equipment. "*Equipment Rental, Outdoor*" permits outdoor display of items for rent and incidental maintenance and servicing of items, but does not include "*Heavy Equipment Rental*."

Equipment, Party or Event Rental (Indoor): An establishment engaged in the temporary leasing of tools, materials, lawn and garden equipment, party supplies and similar goods and equipment. "*Equipment, Party or Event Rental (Indoor)*" permits incidental maintenance and servicing of items, but outdoor storage or display of items for rent is prohibited.

Erosion: The general process by which soils are removed by flowing surface or subsurface water, or by wind, ice or gravity.

Event Rental: See "*Equipment, Party, or Event Rental*."

Expansion: See "*Enlargement*."

Exterior Finish Material, Primary: An exterior finish material that covers more than twenty percent (20%) of a building façade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building façade.

Exterior Finish Material, Secondary: An exterior finishing material that covers twenty percent (20%) or less of a building façade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building façade.

Eyebrow: A semicircular extension of a curb on one (1) side of a street designed to provide more street frontage for a small number of lots.

FAA: The United States Federal Aviation Administration.

Façade: That portion of any exterior elevation on a building extending from grade to the top of the roof or parapet covering the entire width of the structure. The façade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a façade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building may have more than one façade, and a façade may cross building lines, provided there is unitary ownership or control of both buildings.)

Façade Open Area: Areas within a building façade that provide voids or relief, such as windows or balconies.

Façade, Primary: Those portions of a façade which are adjacent to or front on a private or public street, park or plaza.

Family: Means a family consisting of an individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, and any other dependent children of the household. In the RE, RS, and RC zoning districts, and in single-family residential portions of Planned Unit Developments, "*Family*" also includes a group of no more than three (3) adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit. In all other districts, "*Family*" also includes a group of no more than five (5) adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.

FCC: United States Federal Communications Commission.

FEMA: United States Federal Emergency Management Agency.

FHA: Fair Housing Act.

Final Plan, PUD: The detailed construction drawings for all or part of a Planned Unit Development.

Findings of Fact: The written findings of an approving body as required by IC 36-7-4-707 for subdivisions of land, IC 36-7-4-915 for actions of the Board of Zoning Appeals, and IC 36-7-4-1406 for Site Plans.

Fire Station: See "*Police, Fire, or Rescue Station*."

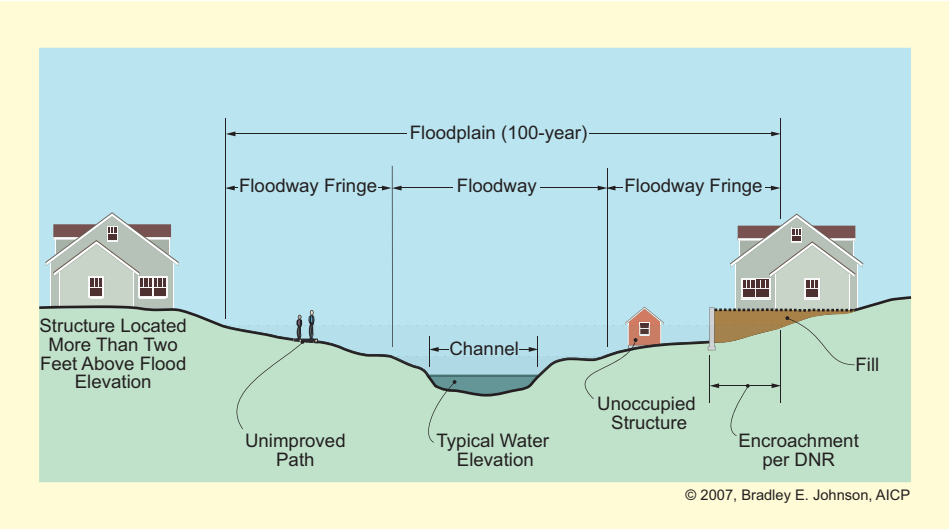
Fitness Center/Gym: A facility where members or nonmembers use equipment or space for the purpose of physical exercise, improved circulation or flexibility, and/or weight control. Facilities and activities can include running, jogging, aerobics, weight lifting, court sports, whirlpools, saunas, massage rooms, and swimming, as well as locker rooms, showers, and lockers.

Fitness/Training Studio: A facility where members or nonmembers use equipment or space for the purpose of physical exercise, including, but not limited to, yoga, karate, and dance.

Flood Insurance Rate Map (FIRM): Means the official map of the community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): Means the official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

Floodplain: The channel proper and the areas adjoining wetlands, lakes or watercourses which have been or hereafter may be covered by the regulatory flood. The floodplain includes the floodway and the floodway fringe features. The floodplain is also known as the Special Flood Hazard Area (SFHA).



Floodway: That portion of the floodplain area required to store, convey, and discharge the peak flood flow of the regulatory flood. The floodway shall include the floodway as shown on the Flood Insurance Rate Map (FIRM) prepared under the National Flood Insurance Program by FEMA.

Floodway Fringe: Those portions of the floodplain outside the floodway.

Florist: A retail establishment whose principal activity is the selling of plants which are not grown on the site. Business activity is conducted entirely within an enclosed building and the incidental sales of non-plant material such as cards and gifts are also permitted.

Food Production or Processing: A facility that produces or processes food for human consumption and certain related products. Examples includes commercial bakeries; dairy products processing; fats and oil product processing; fruit and vegetable canning, preserving, and related processing; grain mill products and by-products; meat, poultry, and seafood canning, curing, and by-product processing; and miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Footprint: The area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

Forestry: The growing or harvesting of forest tree species trees used for commercial or related purposes.

Foundation: The supporting substructure of a building or other structure, including but not limited to basements, slabs, sills, posts, or frost walls.

Fraternal Organization: See "*Lodge*."

Fraternity/Sorority House: A building or portion thereof used for sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of unmarried students in attendance at a college or university. Shall also include any building or portion thereof in which individual rooms or apartments are leased to individuals, but occupancy is limited to members of a specific fraternity or sorority, regardless of the ownership of the building or the means by which occupancy is so limited.

Front Building Wall: The building elevation which fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available.

Frontage, Building: Those building elevations that face upon either a road or parking area between the building and the road.

Frontage, Lot: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

Funeral Home: See "*Mortuary*."

Furniture Store: A business establishment that specializes in the sale of furnishings, predominantly, but not limited to, interior or exterior home or office use.

Garage: A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Garage, Detached: A detached accessory building in which the sole use is the storage of vehicles and other incidental personal possessions of the premises.

Garage Sale: The sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. A garage sale shall be limited to a period of no more than three (3) consecutive days. The term "*Garage Sale*" includes "*sidewalk sale*," "*yard sale*," "*basement sale*," and "*estate sale*."

Garden Shop: An establishment where retail and wholesale plants and produce are sold to the consumer. This use imports most of the items sold from another location, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Gas Station: A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories.

Geographic Information System (GIS): A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis, and modeling.

Gift Shop/Boutique: A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course: An area of terrain on which the game of golf is played during daylight hours. A "*Golf Course*" includes greens, fairways, and natural areas. A "*Golf Course*" may also include a driving range, snack bar or pro shop, when integrated with the golf course operations and hours. The term "*Golf Course*" does not include miniature golf courses.

Golf Driving Range, Outdoor: A facility equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro shop, but excludes miniature golf courses, "*Golf Course*," and "*Country Club*."

Government Office: A facility owned, operated, or occupied by any level of government to provide general governmental office services open to the public. The term "*Government Office*" shall not include accessory offices associated with another use defined separately by this Unified Development Ordinance.

Government Operations (Non-Office): A facility owned, operated, or occupied by any level of government to provide a governmental service, other than offices open to the public. The term "*Government Operations (Non-Office)*" shall not include any government operation separately defined by this Unified Development Ordinance.

Grade, Finished: The final grade of a plan that conforms to the approved plan.

Grade, Street: The top of the curb, or the top of the edge of the pavement where no curb exists.

Grade, Unfinished: The stage at which the grade approximately conforms to the approved plan.

Gravel/Cement/Sand Production: A facility for the sorting, grading, storage, manufacture or mixing of aggregate construction materials such as concrete, cement, gravel, crushed stone, sand or similar products, or products made of these materials.

Green Building Worksheet: A worksheet or form developed by the Planning Department that specifies information to be submitted prior to consideration of any Subdivision or Site Plan application that is utilizing the incentives provided for Green or Sustainable Development Practices as specified in the Unified Development Ordinance.

Greenhouse: See "*Plant Nursery or Greenhouse*."

Grocery/Supermarket: A retail establishment where most of the floor area is devoted to the sale of food products, both perishable and dry goods, for home preparation and consumption, as other convenience and household goods.

Gross Floor Area: All of the area contained in a building or buildings without exception, including utilities, stairwells, chimneys and other appurtenant features.

Ground Floor: The level of a building which is situated at or most nearly at street grade.

Group Care Home for Developmentally Disabled: A facility as described by IC 12-28-4-8 that houses not more than eight (8) persons who are developmentally disabled. A "*Group Care Home for Developmentally Disabled*" is not subject to covenants, deeds, or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property, but prohibit the use of that property as a group home, as a matter of State public policy reasons. A "*Group Care Home for Developmentally Disabled*" is not subject to the definition of "*Family*." A "*Group Care Home for Developmentally Disabled*" must abide by IC 12-11-1.1 and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Group Care Home for Mentally Ill: A facility as described by IC 12-28-4-7 that houses not more than fifteen (15) persons who are mentally ill. "*Group Care Homes for Mentally Ill*" are not subject to covenants, deeds, or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property, but prohibit the use of that property as a group home, as a matter of State public policy reasons. A "*Group Care Home for Mentally Ill*" is not subject to the definition of "*Family*." A "*Group Care Home for Mentally Ill*" must abide by IC 12-22-2-3(2) through (6) and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Group Home/Residential Care Home: A dwelling unit shared by unrelated individuals who require assistance and/or supervision and who reside together with supervisory staff in a family-type environment as a single housekeeping unit and which are licensed by the State. A "*Group Home/Residential Care Home*" is not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property, but prohibit the use of that property as a group home, as a matter of State public policy reasons. A "*Group Home/Residential Care Home*" is not subject to the definition of "*Family*."

Growth Policies Plan (GPP): The comprehensive plan for the City of Bloomington and its planning jurisdiction including the Master Thoroughfare Plan, Bicycle and Pedestrian Transportation and Greenways System Plan, and any subsequently adopted subarea plans and amendments thereto, prepared by the Plan Commission and legally adopted. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan is developed and adopted by the Plan Commission pursuant to the IC 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Gym: See "*Fitness Center/Gym*."

Habitable Space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HAND: The City of Bloomington Department of Housing and Neighborhood Development.

Hardware Store: A facility primarily engaged in the retail sale or rental of a diverse range of hardware and related materials generally used in the maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies, tools, plumbing, heating and electrical supplies, paint and glass, housewares and household appliances, nursery products and garden supplies.

Health Club: See "*Fitness Center/Gym*."

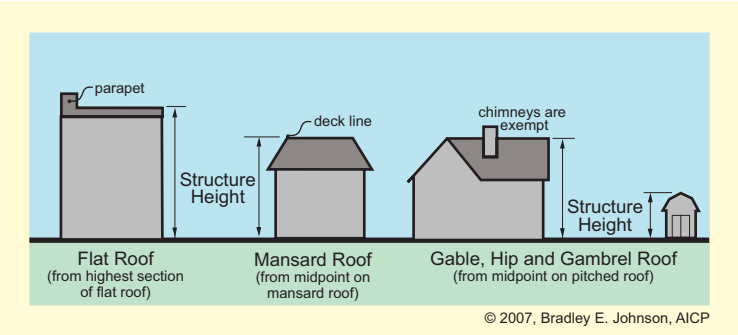
Health Spa: An establishment which employs professional, licensed therapists whose services includes massage and body or facial treatments. Treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services.

Hearing Officer: A member of the planning staff, appointed by the Plan Commission, who hears and makes final decisions on certain variances and certain Conditional Uses, as specified in the Plan Commission Rules of Procedure. The Hearing Officer is established pursuant to IC 36-7-4-923.

Heavy Equipment Sales/Rental: The sale or rental of a movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, semi-tractor trailers, farm equipment, bulldozers, cranes, backhoes, rollers, loaders, or lifts.

Hedge: Several plants planted in a sequence or pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus forming more or less a dense planting area.

Height, Building: The vertical dimension from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part. Chimneys, vents, mechanical equipment or utility service structures shall not be included in the measurement of vertical dimensions.



Highly Erodible Soils: Areas of incline, whether natural or man-made, lacking sufficient vegetation to prevent instability, erosion, or downstream siltation due to soils that are subject to severe erosion when disturbed.

Historic Adaptive Reuse: The adaptive use, protection, and restoration of a historic resource for a land use not specifically permitted within the zoning district.

Hobby Store: See "*Arts/Crafts/Hobby Store*."

Home Electronics/Appliance Sales: Any business establishment that engages in the sale of electronic or appliance equipment primarily for use in the home, such as televisions, stereos, refrigerators, freezers, washers, dryers, stoves, microwaves, and the like.

Home Occupation: An accessory use of a single-family or multifamily dwelling unit which complies with the requirements of the Unified Development Ordinance.

Homeless Shelter: A facility providing without charge temporary housing to indigent, homeless, or transient persons. A homeless shelter may also provide ancillary services such as meals, clothing, counseling, religious instruction or vocational training.

Homeowner's Association: An incorporated nonprofit organization operating under recorded land agreements through which:

(1) Each lot owner is automatically a member; and
(2) Each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Hospital: An acute healthcare establishment providing accommodations, facilities and services on a continuous twenty four (24) hour basis with overnight (meaning between 12:00 midnight and 5:00 a.m.) beds and services for persons suffering from illness, injury or conditions requiring medical services. The term "*Hospital*" does not include "*Nursing or Convalescent Home*," "*Medical Clinic*," or "*Outpatient Care Facility*," except where separately permitted.

Hotel/Motel: An establishment in which lodging is provided and offered to the public for compensation, for periods of time not exceeding thirty (30) days and which is commonly known as a hotel or motel in the community in which it is located. A "*Hotel/Motel*" customarily provides services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. A "*Hotel/Motel*" may provide ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities. The term "*Hotel/Motel*" does not include "*Rooming House*," "*Bed and Breakfast*," or "*Homeless Shelter*," except where separately permitted.

HPC: The City of Bloomington Historic Preservation Commission.

IAC: Indiana Administrative Code.

IBC: Indiana Building Code.

IC: Indiana Code.

IDEM: Indiana Department of Environmental Management.

IESNA: Illuminating Engineering Society of North America.

Impervious Surface: Any surface artificially covered or hardened so as to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, gravel, or swimming pools.

Impervious Surface Coverage: The percentage of the area of a lot or parcel that is covered by an impervious surface.

Impound Vehicle Storage: A lot or part thereof used only for the temporary storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. The term "Impound Vehicle Storage" does not include "Salvage/Scrap Yard," except where separately permitted.

Improvement Location Permit: See "*Certificate of Zoning Compliance*."

INDOT: Indiana Department of Transportation.

Invasive Species: A nonnative or alien plant whose introduction does, or is likely to, cause economic or environmental harm, or harm to human health. A plant is regarded as invasive if it has been introduced by human action to a location, area, or region where it did not previously occur naturally, becomes capable of establishing a breeding population in the new location without further intervention by humans, and spreads widely throughout the new location.

ITE: Institute of Transportation Engineers.

IUPPS: Indiana Underground Plant Protection Service.

Jail: A facility established by a law enforcement agency for the detention of adult or juvenile persons while being processed for arrest or detention.

Jewelry Shop: Any business establishment specializing in the sale of decorative items for adornment. This may or may not include the repair of such items.

Jurisdiction: See "Planning Jurisdiction."

Juvenile Detention Facility: A public facility that holds children or minors (typically under eighteen (18) years of age) awaiting trial or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Karst: A type of geology with distinctive characteristics of relief and drainage arising from the solution of soluble bedrock by natural waters, and in which the drainage is underground in solutionally enlarged fissures and conduits. Karst features may include but not be limited to sinkholes, springs, solution valleys, underground rivers, caverns, disappearing streams, towers, grikes, and conical hills.

Karst, Compound: Any two (2) or more karst features where the last closed contour of the features are located within one hundred (100) feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour of each individual karst feature with a tangential line.

Karst, Subsurface: Karst features expressed under the ground surface.

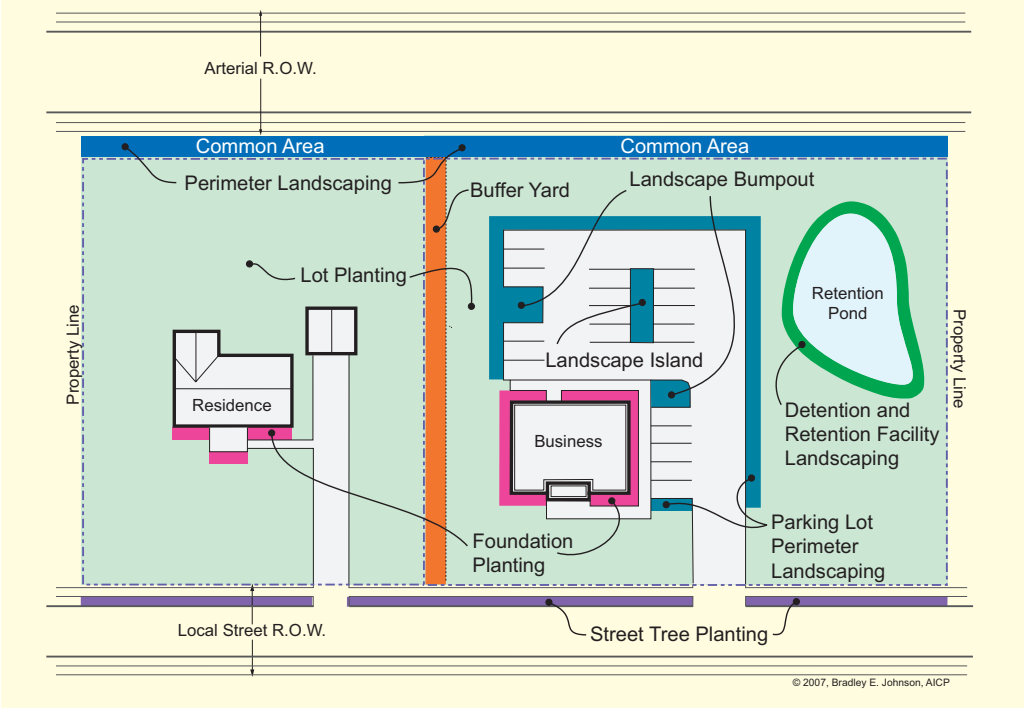
Karst, Surface: Karst features expressed on the ground surface.

Kennel: An establishment wherein any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats or other domestic animals.

Land Disturbing Activity: Any man-made change of the land surface including removing vegetative cover, removal of trees, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and landscaping modifications.

Landscape Material: Materials used to modify or ornament a portion of land. Materials include, but are not limited to, living vegetation, structures such as fences and arbors, and decorative items such as rocks.

Landscaping: The modification of the landscape for an aesthetic or functional purpose, and/or the finishing and adornment of unpaved yard areas. Landscaping includes, but is not limited to, planting vegetation such as trees, shrubs, and flowers, installation of minor structures, such as fences or arbors, and other appurtenances.



Laundromat: See "*Coin Laundry*."

LEED Green Building Rating System: The most recent version of the Leadership in Energy and Environmental Design (LEED) Commercial Green Building Rating System, or other related LEED Rating System, approved by the U.S. Green Building Council.

Length, Block: The distance as measured along the street centerline between intersecting streets.

Length, Cul-de-sac: The distance as measured along the street centerline between the intersecting street and the center point of the cul-de-sac bulb.

Library: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use and loaned to patrons of the facility. A library shall also include accessory meeting rooms. Library shall not include "*Music/Media Sales*" except where separately permitted.

License Branch: A facility for the office and operation of the Indiana Bureau of Motor Vehicles.

Lighting: Any fixed source of light emanating from a man-made device, including but not limited to incandescent mercury vapor, metal halide, or sodium lamps, spotlights, street lights, or construction and security lights.

Lighting Fixture, Full-Cutoff: Lighting that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Liquor/Tobacco Sales: A store that predominantly sells tobacco products or alcoholic beverages for off-premises consumption. This use shall not include "*Grocery/Supermarket*" or "*Convenience Store*" in which tobacco products or alcoholic beverages make up a minority of the sales of the store.

Livestock: All cattle, bison, or animals of the bovine species; all horses, mules, burros, or animals of the equine species; all goats or animals of the caprine species; all swine or animals of the porcine species; llamas and all animals of the Lama genus; ostrich, chickens, and other domesticated poultry; deer, elk, moose, or animals of the Cervidae family; and all sheep or animals of the ovine species. Any animal defined as a "*Domestic Livestock*" by *Chapter 07.01: Definitions* of the Bloomington Municipal Code.

Lodge: A nonprofit membership organization that holds regular meetings, whose members pay annual dues, that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "*Lodge*" may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of members and their guests. There are no sleeping facilities. The term "*Lodge*" shall not include "*Fraternity or Sorority House*."

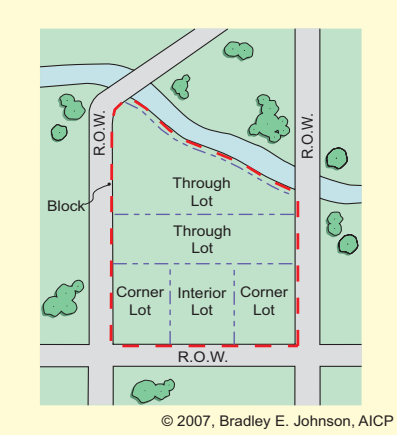
Lodge Hall: A building, or portion thereof, used by a nonprofit association of persons who are bona fide members paying dues, the use of such premises being restricted to members and their guests. The affairs and management of such "*Lodge Halls*" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals and beverages on such premises.

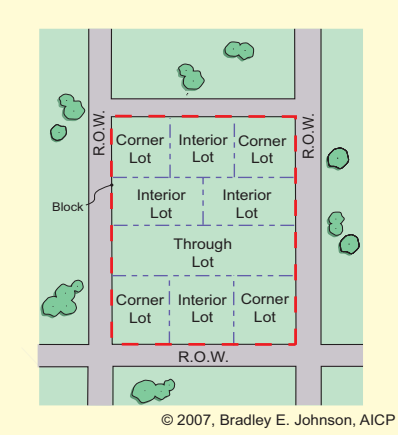
Lodging House: See "*Rooming House*."

LOMA: A Letter of Map Amendment issued by the Federal Emergency Management Agency (FEMA).

LOMR: A Letter of Map Revision issued by the Federal Emergency Management Agency.

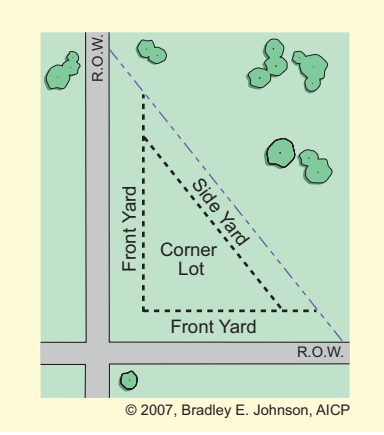
Lot: A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this title, a lot may or may not coincide with a lot of record and shall be duly recorded.

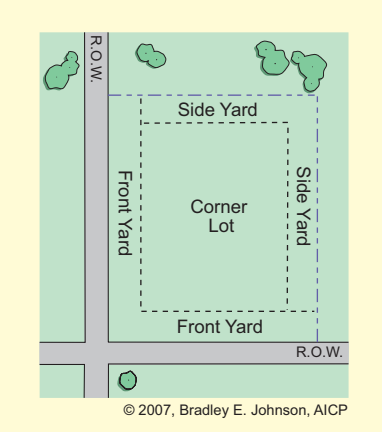


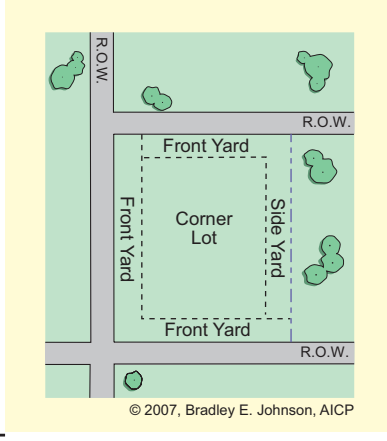


Lot Area: The computed area contained within the boundary of all perimeter lot lines.

Lot, Corner: A lot having at least two (2) adjacent sides that abut for their full length along streets. Both such lot lines shall be considered front lot lines for the purposes of determining setbacks.

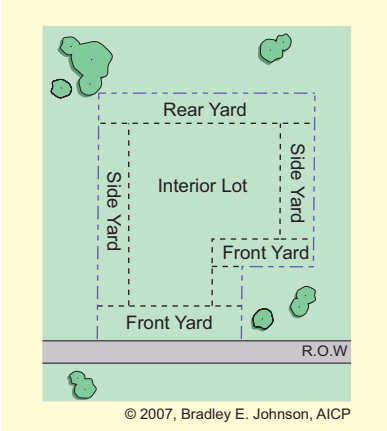


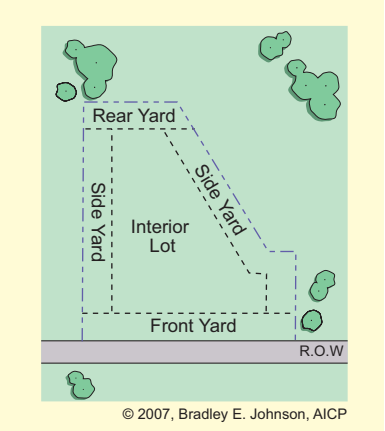


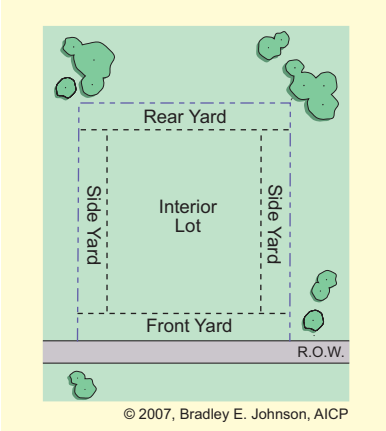


Lot Depth: The horizontal distance between the front and rear lot lines.

Lot, Interior: Any lot, the side property line of which abuts the rear property line of one (1) or more lots, and which is not separated by an alley or any other public way.







Lot, Lawful Nonconforming: Any lot of record that does not conform with one or more provisions of this Unified Development Ordinance, but which lawfully existed upon the effective date of the provisions of this Unified Development Ordinance with which the lot does not conform.

Lot Line, Corner: The point at which two (2) lot lines meet.

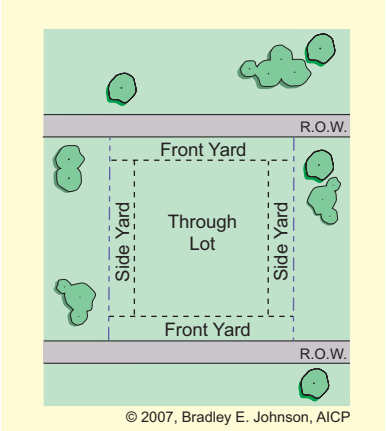
Lot Line, Front: That portion of a lot which abuts and runs parallel to a street. For corner lots, both sides that abut a street are front lot lines.

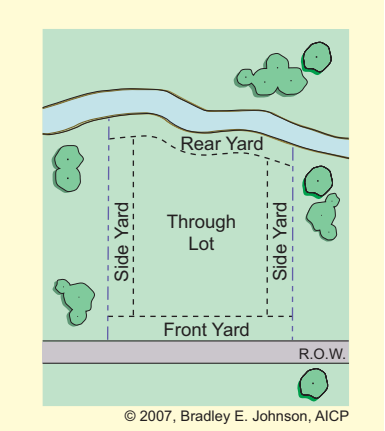
Lot Line, Rear: The line dividing one (1) lot from another and on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line ten (10) feet inside the lot boundary, parallel to and at the maximum distance from the front lot line.

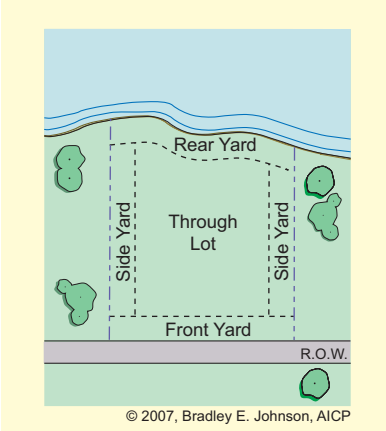
Lot Line, Side: Any lot line that is not a front lot line or a rear lot line.

Lot of Record: A lot which was created by subdivision, the plat of which has been approved as required by applicable City and State law and recorded in the Office of the Monroe County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the Monroe County Recorder. "*Legally established*" means not in violation of any City or State subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one (1) metes and bounds description shall be one (1) lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

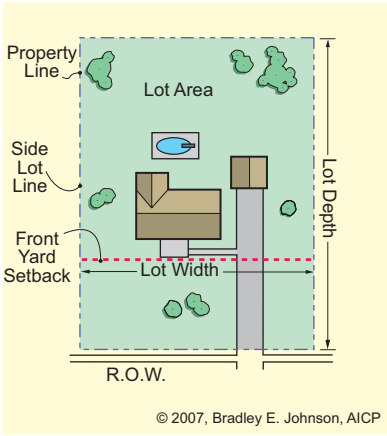
Lot, Through: A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

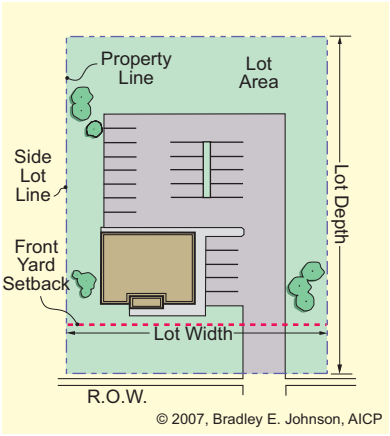






Lot Width: The horizontal distance between side lines measured along a line that is parallel to the front lot line. For lots with existing buildings, the lot width shall be measured at the front building wall of the primary building. For newly created lots, the lot width shall be measured at the minimum required setback distance from the front lot line.





Lot, Zoning: A single tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Luces: Plural of "*Lux*."

Lumen: A unit which measures the quantity of light that shines on an area of one (1) square foot, every point of which is one (1) foot away from a light source equal to one (1) foot candle.

Lux: A unit of illumination equal to the direct illumination on a surface that is one (1) meter from a uniform point source of one (1) candle intensity, or equal to one (1) lumen per square meter.

Manufactured Home Sales: The selling of manufactured homes that are not intended to be used on the same lot on which they are sold.

Manufactured or Mobile Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of "*Mobile Home Dwellings*" and/or "*Manufactured Home Dwellings*." A "*Manufactured Home Park*" does not involve the sale of mobile home dwellings or manufactured home dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "*Light Manufacturing*," and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable or explosive materials and processes. "*Heavy Manufacturing*" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

Manufacturing, Light: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within an enclosed building, except as may be authorized in this Unified Development Ordinance. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. The term "Light Manufacturing" shall not include any use that is otherwise listed specifically in any zoning district as a permitted or Conditional Use.

Master Plan: See "*Growth Policies Plan*."

Master Thoroughfare Plan: The official thoroughfare plan for Bloomington, Indiana entitled "*Master Thoroughfare Plan*" adopted as a part of the Growth Policies Plan, and on file in the office of City Clerk, City Engineer, or Planning Department, which are by this reference made a part of this code, showing location, alignment, functional classification, width of roadway, and minimum developed cross sections of existing and proposed thoroughfares.

Mausoleum: See "*Cemetery/Mausoleum*."

Mayor: Refers to the Mayor of the City of Bloomington, Indiana.

Media Sales: See "*Music/Media Sales*."

Medical Care Clinic, Immediate: A walk-in medical facility providing care for minor illnesses and injuries for people requiring immediate but not emergency-level care, where no appointments are necessary and stay is less than twenty-four (24) hours.

Medical Clinic: A facility for examining and treating patients with medical problems on an outpatient basis, providing medical services, usually by appointment only, that generally require a stay of less than twenty-four (24) hours.

Miniature Golf: A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Mini-warehouse Facility: A structure or group of structures containing individual storage units of two hundred (200) square feet or less with access to each unit only for the storage and warehousing of personal property. Mini-warehouses do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Mobile Home Park: See "*Manufactured or Mobile Home Park*."

Monopole: A single, self-supporting vertical pole used to support telecommunications equipment, with no guy wire anchors or lattice, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

Mortuary: Establishments where the deceased are physically prepared for final interment.

Motel: See "*Hotel/Motel*."

Motor Vehicle: Any self-propelled vehicle that requires State license plate registration to be used on public roads and highways, including any non-motorized attachments, such as, but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.

Multi-tenant Center: A group of separate buildings with multiple tenants, operating under a common name or management; a single building containing multiple uses where there are specific exterior entrance ways for individual uses; or a group of uses on separate but adjoining properties that request treatment as a multiuse complex.

Multi-tenant Nonresidential Center, Large-scale: A group of two or more retail establishments, managed as a unit, sharing a common site, parking area and entrances, and having a gross floor area of 100,000 square feet or greater.

Multi-use Trail: A hard-surface, off-road pathway used by bicyclists, pedestrians, and other non-motorized traffic typically located within or along a greenway.

Mural: A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by the Unified Development Ordinance. Murals that function as a sign are regulated in the Unified Development Ordinance as a wall sign.

Museum: A building having public significance by reason of its architecture or former use; or occupancy of a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge.

Music/Media Sales: The selling of any items printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. "*Media*" includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures. "*Musical*" includes but shall not necessarily be limited to instruments, instrumental equipment and parts for instruments.

Musical Instrument Sales: An establishment that specializes in the sale of musical instruments, as well as equipment and parts for musical instruments.

MUTCD: Manual on Uniform Traffic Control Devices.

Native Species: Naturally occurring, indigenous plants within the Bloomington Planning Jurisdiction. Native species are adapted to the soil and climate in which they live, and have evolved defenses to many diseases and pests.

Nature Preserve: Areas with environmental resources intended to remain in a predominately natural or undeveloped state to provide resource protection or passive recreation.

NFIP: The National Flood Insurance Program.

Night Club: See "*Bar or Dance Club*."

Nonconforming Building or Structure, Lawful: See "*Building or Structure, Lawful Nonconforming*."

Nonconforming Sign, Lawful: See "*Sign, Lawful Nonconforming*."

Nonconforming Use, Lawful: See "*Use or Structure, Lawful Nonconforming*."

Nonprofit Event: A type of activity conducted exclusively for the purpose of providing the community or its members with a service or facility, with no part of its net income to the benefit of any shareholder or individual.

Nursing/Convalescent Home: An establishment for the long term, residential care of the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of injury. The term includes "*Rest Home*."

Office, Business/Professional: See "*Business/Professional Office*."

Office Supply Sales: A retail establishment that specializes in the sale of goods and supplies intended for use in office environments.

Official Zoning Map: A map of the City of Bloomington, Indiana, that legally delineates the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Planning Director.

Oil Change Facility: Operations that provided lubrication and/or checking, changing, or additions of those fluids and filters necessary for the maintenance of a vehicle.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and floodplains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Orchard: A group of fruit or nut trees grown for either home or commercial use.

OSHA: Occupational Safety and Health Administration; a division of the United States Department of Labor.

Outdoor Storage: The storage of any material outside of an enclosed building for a period greater than twenty-four (24) hours. Such storage includes items for sale, lease, processing and repair.

Outline Plan: The name for PUD District Ordinance text and PUD Preliminary Plans under the Bloomington Zoning Ordinance effective 1973-1995. See "*Preliminary Plan, PUD*" or "*PUD District Ordinance*."

Outlot: A lot of record in a subdivision, nonresidential center or Planned Unit Development which is adjacent to a (public or private) street, roadway or frontage road, and is intended for an additional and separate building or buildings within the development.

Outpatient Care Facility: A facility licensed as an ambulatory outpatient surgery center by the State of Indiana, as defined by Indiana Code 16-18-2-14, that does not provide for patient stays of longer than 24 hours.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations, or their legal representative.

Pager Services: See "*Cellular Phone/Pager Services*."

Parapet: That portion of a wall which extends above the roof line.

Parcel: See "*Lot*."

Park: A parcel of land available to the public for passive and/or active recreation and is maintained and governed by the Bloomington Parks Board.

Parking Garage/Structure: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade, with those levels being either open or enclosed.

Parking Space: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1.5) ton capacity.

Parking, Landbank: The reserving of land for development of parking spaces at a future date.

Parking, Required: The minimum number of off-street parking spaces specified for a particular use or uses by this Unified Development Ordinance.

Parking, Stacked: The parking of cars in a parallel line, one (1) in back of the other.

Parks and Recreation Open Space: Land owned by the City of Bloomington Parks and Recreation Department or the Bloomington Parks and Recreation Foundation.

Partial Demolition: The complete or substantial removal or destruction of any discrete exterior portion of a building or structure, which shall include but not be limited to:

(1) Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature; or
(2) Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring an existing roof with a new roof of different pitch, or; adding any gable, dormer or other similar feature to an existing roof; or
(3) Any work resulting in the obscuring from view of forty percent (40%) or more of the exterior of a façade, but only where a building permit is required under applicable laws; or, removal or destruction of the exterior surface of forty percent (40%) or more of the area of an exterior façade. For purposes of this provision, at least forty percent (40%) of the area of one (1) geographical elevation of the exterior of a façade must be involved before the action shall be construed to constitute partial demolition.
(4) Construction or attachment of any addition to a building or structure.
(5) Replacement of any window where the window opening is enlarged in such a manner as to require a building permit (i.e. widening of a lintel).

By way of example and clarification, partial demolition shall specifically but not exclusively be interpreted to exclude the following:

(1) Complete or partial removal or destruction of, or cutting into, any roof, if there is no change in pitch or addition of a gable, dormer or other similar feature; or
(2) Any action with respect to an accessory building or structure except as otherwise provided in this Unified Development Ordinance; or
(3) Replacement of any window, except for enlargement of the window opening as described in *Division (5), above*.

Pasturage: See "*Crops and Livestock Pasturage*."

Patio: A level-surfaced area, which may or may not be directly adjacent to a principal building, which has an average elevation of not more than thirty (30) inches above finished grade, and without walls or a roof, usually constructed of concrete, brick, or other masonry material.

Pavement: A durable surface permanently and completely covered with asphalt, concrete, brick, paving blocks, or other surface approved by the City. Crushed gravel, stone, rock, dirt, sand, and grass are not permitted as a paved surface. Permeable parking pavers do not fall under this definition and must meet separate criteria. See "*Permeable Parking Pavers*."

Pawn Shop: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

Pedestrian Entrance, Primary: The principal ingress and egress to and from a building for pedestrian traffic.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permeable Parking Pavers: A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Gravel or crushed stone is not considered a "*Permeable Parking Paver*."

Pet Grooming: Any place or establishment where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Pet Store: Any business establishment or premises or part thereof maintained for the purpose of a pet animal dealership, but shall not include the Humane Society, animal shelters, animal research facilities, zoos, veterinarians duly licensed under the law, breeders, and commercial breeding kennels.

Petitioner: The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf, and who thereby has the property owner's authority to make representations and decisions before City officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

Petitioner's Representative: A person legally empowered in writing by the petitioner to act on the petitioner's behalf, and who thereby has the petitioner's authority to make representations and decisions before City officials regarding the use and/or development of the subject real property.

Pharmacy: See "*Drugstore*."

Photographic Studio: A facility engaged in the retail sale, lease, and service of photography equipment and supplies, portrait services, and limited on-site processing or development.

Place of Worship: Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural and social activities.

Plan Commission: The City of Bloomington Advisory Plan Commission or any division thereof. The City of Bloomington Plan Commission is an Advisory Plan Commission serving the City of Bloomington Planning Jurisdiction as defined under IC 36-7-1-2, as amended.

Planned Unit Development (PUD): 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.

Planning Director: The officer appointed by and/or delegated the responsibility for the administration of this Ordinance's regulations by the Plan Commission, as well as administration of the Planning Department for the City of Bloomington, Indiana. The term includes the Planning Director's authorized representatives.

Planning Jurisdiction: The City of Bloomington, Indiana and the contiguous unincorporated area over which the City exercises planning and zoning authority.

Planning Staff: The Planning Director and all employees of the Planning Department of the City under the supervision of the Planning Director, and subject to the authority of the Planning Director.

Plant Nursery or Greenhouse: An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

Plat: A map or chart indicating the subdivision or re-subdivision of land, either recorded or in a form suitable to be recorded.

Plat, Final: The Final Plat, pursuant to IC 36-7-4-700 Series for secondary plats, is the plat document in recordable form. A Final Plat shall substantially conform to the preceding Preliminary Plat, or section thereof.

Plat, Preliminary: The Preliminary Plat, pursuant to the IC 36-7-4-700 Series for primary plats, is the plat and plans upon which the approval of a proposed subdivision is based.

Plat, Primary: See "*Plat, Preliminary*."

Plat, Secondary: See "*Plat, Final.*"

Plat Committee: A committee authorized in the Plan Commission rules which has authority to approve or deny Preliminary Plats, Final Plats, and requests for vacation of plats or parts of plats.

Police/Fire/Rescue Station: Protection centers operated by a government agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles; excluding, however, correctional institutions.

Pool Hall: See "*Billiard/Arcade Room*."

Porch: An uncovered, unenclosed, accessory structure projecting from the main wall of a primary building.

Post Office: A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Preliminary Plan, PUD: A drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the Planned Unit Development are to be met.

Premises: See "*Property*."

Preschool: See "*School, Preschool*."

Preservation Area: Sites with environmental resources intended to be preserved in their natural state.

Primary School: See "*School, Primary/Secondary*."

Print Shop: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and offset printing.

Prison: Publicly or privately operated facilities housing both persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Professional Office: See "*Business/Professional Office*."

Property: A lot, parcel, tract, or plot of land and the improvements thereon.

Proposal: Any new contruction, including accessory structures of at least 840 square feet, or any building addition larger than ten percent (10%) of the gross floor area of a structure.

Public Improvements: The erection, construction, alteration, operation, or maintenance of facilities serving the public interest which may include but is not limited to storm drainage facilities, streets, highways, parkways, sidewalks, pedestrian-ways, transportation corridors, trees, lawns, landscaping, parking areas, lot improvements, or utilities.

Public Place: Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public Way: Any street, alley, channel, tunnel, bridge, easement, right-of-way, or other way which is dedicated or granted for public use.

PUD District Ordinance: An ordinance adopted by the Common Council, the purpose of which is to designate a parcel of real property as a Planned Unit Development zoning district; to specify uses or a range of uses permitted in the Planned Unit Development zoning district; to specify development requirements in the Planned Unit Development zoning district; to specify the plan documentation and supporting documentation that may be required; to specify any limitation applicable to the Planned Unit Development zoning district; and to meet the requirements of IC 36-7-4-1500 et seq.

Quarry: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, fill, or topsoil for sale.

Quarry Adaptive Reuse: Redevelopment of a quarry whose operation is no longer feasible into another less intensive use upon completion of environmental mitigation.

Radio/TV Station: All uses related to the production of radio broadcasts, motion pictures, and television film and tape, including motion picture and television stages; exterior sets; laboratories; construction, repair, and storage facilities; all vehicles used to transport this equipment and other related commercial vehicles; and accessory fabrication activities. This use does not include telecommunication facilities or towers.

Recreation Center: An enclosed structure main purpose of which is to provide indoor recreational facilities including, but not limited to, skating rinks, swimming pools, water slides, tennis courts, or gymnasiums. The term "Recreation Center" does not include movie theatres, billiards/pool halls, or bowling alleys.

Recreational Equipment: Play apparatuses such as basketball courts, batting cages, swing sets, slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses, basketball goals attached to primary or accessory structures, motorized vehicles, trailers, or storage sheds.

Regulatory Flood Elevation: The water-surface elevation of the base flood or the one hundred (100) year flood as defined by the Federal Emergency Management Agency.

Rehabilitation Clinic: A facility used for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use addiction.

Rescue Station: See "*Police/Fire/Rescue Station*."

Research Center: A structure or complex of structures designed or used primarily for research and development of scientific products, industrial products, high technology electronic products, medical or educational research and testing, or similar fields of endeavor.

Residential Care Home: See "*Group Home/Residential Care Home*."

Residential District: See "*District, Residential*."

Rest Home: See "*Nursing/Convalescent Home*."

Restaurant: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. The term "*Restaurant*" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises.

Restaurant, Limited Service: An establishment engaged in the preparation of food and beverages containing no more than 2,500 gross square feet and which is typically part of a larger development. These uses may include, but not be limited to, cafes, coffee shops, delis, and small restaurants.

Retail, High Intensity: An establishment of 15,000 gross square feet or greater that engages in retail sales of a commodity or commodities. Such establishments are typically established independent of a larger development, but may also occur as a tenant in a larger development.

Retail, Low Intensity: An establishment engaged in retail sales of a commodity or commodities containing no more than 2,500 gross square feet and which is typically part of a larger development. These uses may include, but not be limited to boutiques, galleries, jewelry stores, and clothing shops.

Retail, Outdoor: The placement of goods, equipment, or materials for sale, rental, or lease outside of a building or structure including but not limited to vehicles, burial monuments, garden supplies, gas, tires, and landscaping

materials.

Retention Facilities: Facilities dedicated to the permanent on-site maintenance of storm water.

Right-of-way: A strip of land reserved for, occupied, or intended to be occupied by transportation facilities, public utilities, or other special public uses which may include sidewalks, bicycle or pedestrian pathways, streets, alleys, or other public thoroughfares, or buffers adjacent to same. Right-of- way may be held in the form of easement or fee.

Riparian Buffer: Wooded or vegetated areas along creeks, streams, rivers, or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than ten (10) feet in width from the top of banks.

Road: See "*Street*."

Rooming House: A building, other than a dwelling unit or dormitory, where lodging, with or without meals, is provided for compensation; or a building designed as a single-family dwelling that is occupied by more than one (1) family (as defined herein), but not a bed and breakfast, fraternity or sorority house, residential care facility, hotel or motel.

Rules of Procedure: The rules which govern how a decision making body conducts meetings and reaches its conclusions.

Salvage/Scrap Yard: A facility, usually outdoors, where waste or scrap materials are bought, sold, exchanged, collected, salvaged, stored, baled, packed, disassembled, or handled, including, but not limited to, motor vehicles or parts thereof, used lumber, household garbage, inoperable machinery or appliances, scrap iron and other metals, paper, plastics, glass, rags or tires. Where such materials are a by-product of a permitted use, such activity shall be considered "*Outdoor Storage*," as defined and permitted separately in this Unified Development Ordinance.

Sand Production: See "*Gravel, Sand, or Cement Production*."

School, College/University: An institution other than a trade school that provides full-time or part-time education beyond high school.

School, Preschool: A school for children primarily between the ages of three (3) and five (5), providing preparation for elementary school.

School, Primary/Secondary: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade/Business: An educational facility with a curriculum focused upon certain skills required in business, trades, or the arts.

Searchlight: A powerful light equipped with a reflector to produce a bright beam intended to draw attention.

Secondary School: See "*School, Primary/Secondary*."

Semi Tractor-Trailer Sales/Rental: The sale or rental of any motor vehicle designed and used primarily for drawing other vehicles, equipment, or implements of husbandry.

Setback: The minimum required distance between a structure or parking area and the lot lines of the lot on which they are located.

Setback, Block Face Average: The existing front setback of at least fifty percent (50%) of the primary structures along the same block face as the subject property. If the subject property is a corner lot, the average of the front setback of structures parallel to the subject property, along with the front setback of structures perpendicular the subject property may be used to determine this setback.

Setback, Building or Structure: The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Setback, Front: The minimum distance between a street right-of-way and structures or parking areas.

Setback, Parking: The minimum distance which any area used for parking or to provide access to parking spaces must be separated from a street right-of-way or lot line.

Sexually Oriented Business: Any establishment, whether conducted permanently or intermittently, that primarily engages in the business of offering a service or product, for sale, display, exhibition, or viewing, which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This includes but is not limited to adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, adult video arcades, bathhouses, and lingerie modeling studios.

Shoe Sales: See "*Apparel/Shoe Sales*."

Shrub: A woody plant that is usually greater than three (3) feet but less than twenty (20) feet in height that generally exhibits spreading stems and a bushy appearance.

Sidepath: A hard-surface pathway physically separated from the street by a tree plot, located within the public right-of-way, and designed for bicyclists, pedestrians, and other non-motorized traffic.

Sidewalk: A hard-surface pathway within the street right-of-way that is designated for the exclusive use of pedestrian traffic.

Sign: Any display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.

Sign, Awning: A sign attached to or incorporated into an awning.

Sign, Banner: A sign with characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

Sign, Changeable Copy: A sign which displays words, lines, logos, or symbols which can be easily changed to provide different information without altering the face or surface of such sign.

Sign, Directional: Any on-premise sign that displays information regarding parking areas or assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

Sign, Drive-up Menu: A permanently mounted sign displaying the bill of fare for a drive-through restaurant. These types of signs are not counted as freestanding signs.

Sign, Electronic Reader Board: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Sign, Externally Illuminated: A sign that is illuminated by an external source of light intentionally directed upon the sign face.

Sign, Freestanding: A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports; and not attached to or dependent for support from any building.

Sign Height: The vertical distance measured from either the ground at the base of the sign or from the crown of an adjacent street to the highest point of the sign or sign structure, whichever is greater.

Sign, Internally Illuminated: A sign whose light source is either located in the interior of the sign so that the light goes through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Sign, Lawful Nonconforming: Any sign lawfully existing at the time of the enactment of any provision of this Unified Development Ordinance, or any amendment thereto, with which the sign does not comply.

Sign, Multi-tenant: An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

Sign, Not-for-profit: A temporary sign promoting an event organized by or benefiting a not-for-profit entity.

Sign, Off-premise: A sign advertising a use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign.

Sign, Outdoor Advertising: See "*Sign, Off-premise*."

Sign, Permanent Display Cabinet: A cabinet constructed of durable materials and intended to display signage within, for the duration of time that the use or occupant is located on the premises.

Sign, Permanent: A sign attached to a building or structure and which is made of materials intended for long-term use.

Sign, Political: A temporary sign advertising or stating a political position that is not considered obscene.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels.

Sign, Projecting: A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of- way, partially in the right-of-way, or fully on private property.

Sign, Sandwich Board: A movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sign, Temporary: Any on-premise sign, banner, pennant, or advertising display including portable signs that are intended to be displayed for a limited time period.

Sign, Tenant Panel: Individual panels on a multi-tenant sign advertising one (1) specific business within the center.

Sign, Wall: A sign attached to and/or integral with the exterior wall or window surface of a building, the face of which is parallel to the surface and does not project more than twelve (12) inches from the surface.

Sign, Window: Any sign or advertising device affixed to the interior or exterior of a window or placed immediately behind a window pane so as to be seen from persons outside the building.

Site, Lawful Nonconforming: A site used and/or developed such that the site does not conform with one or more development standards contained in this Unified Development Ordinance, but where such nonconformity and such use and/or development lawfully existed upon the effective date of the provisions of this Unified Development Ordinance with which the site does not conform.

Site Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings and other structures, circulation, grading, trees, and landscaping, sufficient for the review required in this Unified Development Ordinance. A "*Site Plan*" shall serve as the development plan regulated by the IC 36-7-4-1400 Series.

Skating Rink: An establishment that provides facilities for participant skating, ice or roller.

Social Services: Services operated by nonprofit organizations which provide advice or assistance on matters including career guidance, chemical or alcohol abuse, and health concerns, but not including inpatient, overnight, or custodial care facilities which provide living quarters for recipients of the service or staff. Counseling or training service shall not include medical examinations, dispensing of drugs or medication, or other treatments normally conducted in a hospital or clinic.

Special Exception: A process under the Bloomington Zoning Ordinance effective 1973-1995 whereas a use that is so designated may be approved by the Board of Zoning Appeals if it meets special conditions.

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

Specified Anatomical Areas: Specified anatomical areas means and includes any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Specified sexual activities means and includes any of the following:

(1) Human genitals in a state of sexual stimulation or arousal;
(2) Acts of or simulation of human masturbation, sexual intercourse or sodomy;
(3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
(4) Flagellation or torture in the context of a sexual relationship;
(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
(6) Erotic touching, fondling or other such contact with an animal by a human being; or
(7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in *Division (1)* through *Division (6)* above.

Sporting Goods Sales: A retail establishment whose primary products are sporting goods.

State: The State of Indiana.

Stone Processing: Manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses.

Storage Tanks: Any one (1) of a combination of tanks located either above or below ground, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances designed for wholesale distribution or mass consumption.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Stream, Intermittent: A surface watercourse which flows typically only after significant precipitation events or during a particular season; and which evidences a discernible stream bed. The term "*Intermittent Stream*" does not include man-made drainage ways or natural swales lacking a discernible stream bed.

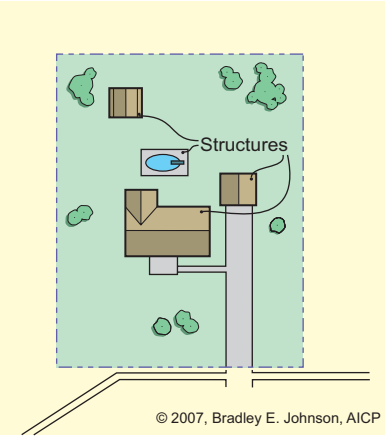
Street: A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that has been constructed to public street standards.

Street, Stub: A street intended to be extended in conjunction with the subdivision and development of adjacent unplatted land.

Street Lighting Plan: A site plan showing the location and type of street lights to be installed including type of fixture and bulb type.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams, or girders; or any change in the footprint or increase in the size of living space. Structural alterations also include substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs, and other similar items.



Structure, Accessory: See "*Building or Structure, Accessory*."

Structure, Attached: See "*Building or Structure, Attached*."

Structure, Detached: See "*Building or Structure, Detached*."

Structure, Enclosed: See "*Building or Structure, Enclosed*."

Structure, Lawful Nonconforming: See "*Building or Structure, Lawful Nonconforming*."

Structure, Nonconforming: See "*Building or Structure, Nonconforming*"

Structure, Primary: See "*Building or Structure, Primary*."

Structure, Temporary: See "*Building or Structure, Temporary*."

Subdivision Control Ordinance: See "*Unified Development Ordinance*."

Subdivision: The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two (2) or more smaller lots into one (1) lot so that, either now or in the future, the subdivider can transfer ownership, construct buildings or establish a use, or create new building sites for leasehold, and as further defined in the Unified Development Ordinance.

Supermarket: See "*Grocery/Supermarket*."

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level and shall be considered an accessory structure/use.

Tailor/Seamstress Shop: A business specializing in the tailoring or alteration of clothing.

Tanning Salon: Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, and health clubs.

Tattoo/Piercing Parlor: An establishment whose principal business activity is the practice of one (1) or more of the following:

(1) The placement of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin;

(2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern: See "*Bar/Dance Club*."

Television Station: See "*Radio/TV Station*."

Testing Lab: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Theater, Drive-in: An outdoor theater where movies are shown on a large screen and viewed from automobiles.

Theater, Indoor: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan: See "*Master Thoroughfare Plan*."

Tobacco Sales: See "*Liquor/Tobacco Sales*."

Tool and Die Shop: An industrial business whose specialty is fabricating or assembling parts made from templates.

Tower Setback: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Tract: See "*Lot*."

Tract, Parent: A unit, or contiguous units, of land under single ownership which is being proposed for subdivision.

Trade School: See "*School, Business/Trade*."

Trailer: See "*Dwelling, Mobile Home*."

Training Studio: See "*Fitness/Training Studio*."

Transportation Terminal: Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Tree, Canopy: A deciduous tree that normally achieves an overall height at maturity of at least forty (40) feet, and whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Tree, Heritage: A tree that is unique and important to the community because of its species, age, size, location, or historic significance.

Tree, Interior: A tree used for the interior of a site rather that in the "*Tree Plot*" and that is not restricted by its characteristics. These trees include canopy, ornamental and evergreen trees.

Tree, Ornamental: A small to medium sized tree cultivated for its aesthetic characteristics rather than for its use.

Tree, Street: Trees suitable for planting along public streets and highways, and in locations where low-maintenance, hardy specimens with high canopies and little detritus are required.

Tree Farm: Any parcel of land used to raise or harvest trees for wood products such as lumber, posts and poles, fuel wood, and Christmas trees where forest products are sold on site or transported to market.

Tree Plot: The area within the right-of-way typically located between the street and the sidewalk/pedestrian path that is used for the planting of street trees.

Tree Protection Fencing: Temporary fencing used to protect existing trees from damage or loss during project construction. The tree protection fencing shall surround the tree drip line and delineate the area where land disturbing activity may not occur.

TV Station: See "*Radio/TV Station*."

Trellis: A structure of light bars of wood or metal crossing each other at intervals, having latticed open space in between, typically used as a framework for climbing vegetation.

Unified Development Ordinance (UDO): Refers to this entire document as approved and with any subsequent amendments. The Unified Development Ordinance includes both the Zoning Ordinance, authorized by the IC 36-7-4-600 Series and the Subdivision Control Ordinance, authorized by the IC 36-7-4-700 Series.

University: See "*School, College/University*."

Urban Agriculture: The growing of food crops through plant cultivation. Urban agriculture includes but is not limited to the following accessory activities : gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens and other activities. Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Bloomington Municipal Code.

USC: The United States Code.

Use: The purposes for which land, a building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Abandonment of: The relinquishment of property or a cessation of the use of property for a continuous period of six (6) months by the owner.

Use, Accessory: An activity that is conducted or located on the same zoning lot as the primary building or use served, except as may be specifically provided elsewhere in this Unified Development Ordinance; is clearly and customarily incidental to, subordinate in purpose to, and serving the primary use; and is either in the same ownership as the primary use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the primary use.

Use, Change in: Includes, for any portion of a building, structure, or lot:

(1) Any change from a residential use to a nonresidential use;
(2) Any change from one (1) residential land use to another, any increase in number of dwelling units, and any increase in number of bedrooms for any unit;
(3) Any change from one (1) use to another use having a higher requirement for off-street parking as specified in this Ordinance;
(4) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
(5) Any use which requires a Conditional Use approval;
(6) Any change from one (1) class of use to another class of use or any change from a use listed in the Class of Use Table to any use not listed or any change from a use not listed in the Class of Use table to any other use not listed in the table.
(7) Any establishment of a new use after a previous use has been abandoned, as defined by this Unified Development Ordinance.

Class of Use Table

1	2	3	4
antique sales	auto parts sales	business/professional office	assisted living facility
apparel and shoe sales	bookstore	government office	community center
artist studio	building supply store	license branch	country club
arts/craft/hobby store	convenience store (without gas pumps)	medical care clinic, immediate	day-care center, adult/child
barber/beauty shop	department store	medical clinic	fraternity house/sorority house
bicycle sales/repair	drive-through	outpatient care facility	government operations (non-office)
cellular phone/pager services	drugstore	post office	library
coin laundry	furniture store	radio/TV station	lodge
computer sales	grocery/supermarket	research center	mortuary
copy center	hardware store	social services	museum
dry-cleaning service	home electronics/appliance sales	testing lab	nursing/convalescent home
equipment/party/event rental (indoor)	hotel/motel	veterinary clinic	orchard/tree farm
florist	liquor and tobacco sales		park
garden shop	office supply sales		place of worship
gift shop/boutique	pet store		plant nursery/greenhouse
music/media sales	restaurant - 5,000 sq. ft. GFA or greater		police, fire or rescue station
musical instrument sales	sporting goods sales		post office
pawn shop	video rental		recreation center
pet grooming			rehabilitation clinic
photographic studio			school, business/trade
restaurant - under 5,000 sq. ft. GFA:			school, college/university
restaurant, limited service			school, preschool
retail, low intensity			school, primary/secondary
shoe repair			
tailor/seamstress shop			
tanning salon			
tattoo/piercing parlor			
5	**6**	**7**	
amusements, indoor	auto body shop	boat sales	
bank/credit union	car wash, full service	bottled gas storage/distribution	
banquet hall	car wash, self service	building trade shop	
bar/dance club	oil change facility	communication facility	
billiard/arcade room	vehicle accessory installation	distribution facility	
bowling alley	vehicle repair	equipment rental (outdoor)	
fitness center/gym	vehicle sales/rental	heavy equipment sales/rental	
fitness/training studio		impound vehicle storage	
golf course		manufactured home sales	
golf driving range, outdoor		manufacturing, light	
health spa		mini-warehouse facility	
miniature golf		outdoor storage	
skating rink		print shop	
theater, indoor		salvage/scrap yard	
		tool and die shop	
		transportation terminal	
		utility substation and transmission facility	
		warehouse	
		welding	

Use, Conditional: See "*Conditional Use*."

Use, Establishment of: The initiation of a new use on a property or the initiation of a use on a property where the previous use has been discontinued; or, reestablishment of a prior conforming use that has been discontinued for a period of twelve (12) months or more.

Use, Individual Nonresidential: A use and building that is located either on an outlot or not part of a larger commercial building that contains more than one (1) business.

Use, Lawful Nonconforming: Any use of land or structure, which does not conform with one or more provisions of this Unified Development Ordinance, but which lawfully existed upon the effective date of the provisions of this Unified Development Ordinance with which the use does not conform.

Use, Permitted: A use which may be lawfully established in a particular zoning district provided it conforms to all applicable requirements, regulations and standards.

Use, Temporary: Any use which is established only for a fixed period of time, which must be discontinued upon the expiration of the time limit provided in this Unified Development Ordinance, and which does not involve the construction or alteration of any permanent structure as distinguished from the same uses when permitted in full compliance with all applicable zoning, site plan, construction, and permit requirements. Temporary uses shall include uses conducted from tents, trailers, and other temporary structures not erected under the State and City permit processes for permanent buildings. The term "*Temporary Use*" shall not include events sponsored by the public on park, right-of-way, or other public lands.

Utility Substation and Transmission Facility: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public; provided that in residential districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

Variance, Development Standards: A specific approval to deviate from the development standards (such as height, bulk, area) that the Unified Development Ordinance otherwise prescribes, granted pursuant to IC 36-7-4-918.5.

Variance, Use: The approval of a land use other than that prescribed by the Unified Development Ordinance, granted pursuant to IC 36-7-4-918.4.

Vehicle: See "*Motor Vehicle*."

Vehicle Accessory Installation: A facility which provides automobile-related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of after market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. However, engine degreasing or similar automobile cleaning services shall not be included under this definition.

Vehicle Repair: General repair, rebuilding, or reconditioning of engines, motor vehicles, trailers, including body work, frame work, welding, and major painting service.

Vehicle Sales/Rental: An establishment that specializes in the sale or rental of transportation vehicles, such as cars, trucks and the like.

Vehicle, Legally Inoperable: A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable; or a vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Video Rental: An establishment primarily engaged in the retail rental or lease of video tape, films, CD-ROMs, laser discs, electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.

Vision Clearance Triangle: An area of unobstructed vision at street intersections between two and one-half (2.5) and nine (9) feet above the gutter line and within a triangular area at the street corner, which area is bounded by the street property lines of the corner lot. The vision clearance triangle leg length shall be as specified in the most current edition of the Policy on Geometric Design of Highways and Streets published by the American Association of State Highway Transportation Officials (AASHTO).

Void-to-Solid Ratio: The ratio of façade open area relative to solid building wall.

Waiver, Design Standards: An exception to a design standard that may be approved by either the Planning Director or Plan Commission, as regulated by this Unified Development Ordinance.

Warehouse: A use which is engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but not involved in manufacturing or production.

Welding: The process of joining two (2) members by the addition of heat and filler metal.

Wetland: Those areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances, do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purpose of this definition, a wetland must have one or more of the following attributes:

(1) At least periodically, the land supports hydrophytes;
(2) The substrate is predominately undrained hydric soil;
(3) The substrate is non-soil and is saturated with water or covered by shallow water at least some time during the year.

Wetland, Jurisdictional: Any wetland under the jurisdiction of the State or federal government.

Window, Display: See "*Display Window*."

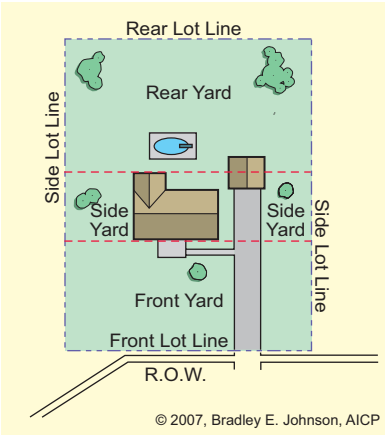
Window Frame: The fixed frame of a window, consisting of two (2) jambs, a head, and a sill.

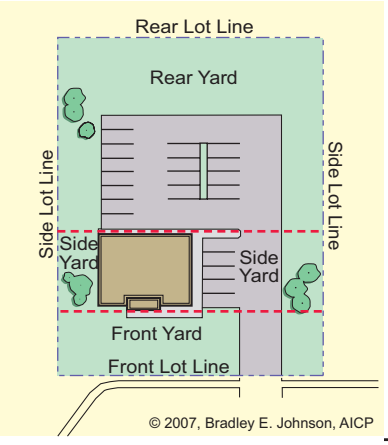
Window Lintel: The window lintel is a horizontal structure member, such as a beam made of steel, stone or wood, over the window which carries the weight of the wall above.

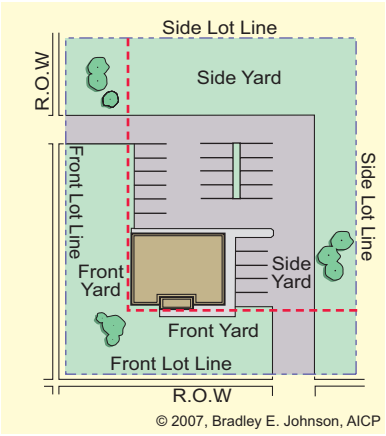
Window Sill: The horizontal bottom member of a window frame. The sill can be made of brick, stone, wood, etc.

Wooded Area: A contiguous, vegetated area featuring a dense, closed canopy of trees whose branches interlock to provide nearly continuous shade.

Yard: A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this Unified Development Ordinance.

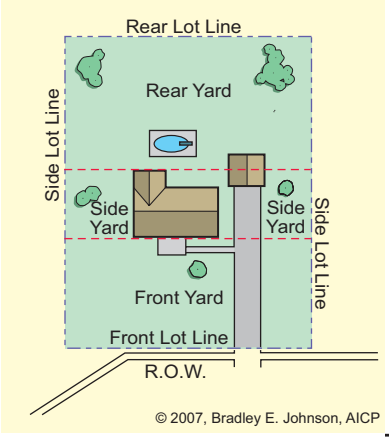


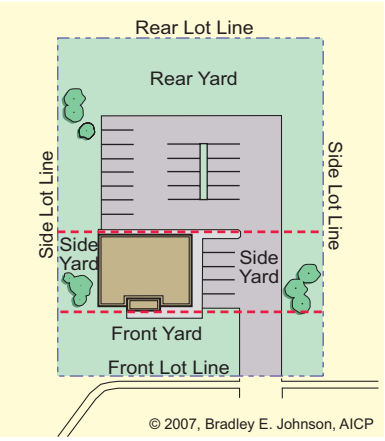




Yard, Front: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Yard, Rear: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line.





Yard, Side: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

Zero Lot Line Development: A type of development that places a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line and complies with all fire code requirements for construction on a lot line.

Zoning District, Base: A zoning district as shown on the official zoning map that is used as a starting point for the regulations of a Planned Unit Development District Ordinance.

Zoning Ordinance: See "*Unified Development Ordinance*."