

CITY OF BLOOMINGTON



PLAN COMMISSION

**FEBRUARY 8, 2016 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL**

**CITY OF BLOOMINGTON
PLAN COMMISSION
February 8, 2016 @ 5:30 p.m.**

❖ City Hall Council Chambers - Room #115

ROLL CALL

MINUTES TO BE APPROVED: November

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

1. Welcome new Plan Commission members
2. Election of Officers-
 - Current President- Jack Baker
 - Current Vice President- Chris Smith
3. Appointment of a Plan Commission Representative to the Board of Zoning Appeals-
 - Former Representative- Pat Williams
4. Appointment of Plat Committee Representatives-
 - Current Representatives:
 - Rick Alexander- Planning and Transportation
 - Andrew Cibor- Plan Commission
 - Mike Carter- City Utilities
 - Alternate Representatives:
 - Lynne Darland- Planning and Transportation
 - Chris Smith- Plan Commission
 - Phil Peden- City Utilities
5. Approval of 2016 meeting schedule

ITEMS FOR THE CONSENT AGENDA:

- PUD-4-16 Evergreen Partners II, LLC**
2602 E Creeks Edge Dr.
Final plan approval to allow the construction of a 115 room assisted living facility.
Case Manager: Eric Greulich
- SP-5-16 Omega Properties**
335 S College Ave
Site plan approval for an addition and change in use to multi-family for an existing structure.
Case Manager: Beth Rosenbarger
- ZO-9-16 City of Bloomington**
Amendments to sections of the Unified Development Ordinance pertaining to the regulation and administration of what is commonly referred to as Demolition Delay, the process for demolishing or partially removing a structure denoted as "Contributing", "Notable", or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures.
Case Manager: James Roach
- DP-6-16 Allen Dunn and Susan Peters Dunn**
3727 E Cameron Ave
Preliminary and final plat approval of a two-lot subdivision for a new single family lot.
Case Manager: Eric Greulich

****Next Meeting March 7, 2016**

Last Updated: 2/4/2016

PETITIONS:

- SP-1-16** **Three Guys Funding, LLC**
1909 W 3rd St
Site plan approval for three commercial buildings totaling approximately 18,500 sq. ft.
Case Manager: Jackie Scanlan
- SP-2-16** **Sunny Day Properties**
208 S Dunn St
Site plan approval to construct a two-story mixed-use building.
Case Manager: Eric Greulich
- SP-3-16** **Sib Sheikh**
416 E 4th St
Site plan approval for an addition to an existing mixed use building.
Case Manager: Jackie Scanlan
- ZO-8-16** **City of Bloomington**
Amendments to sections of the Unified Development Ordinance pertaining to the regulation and display of signs in the City zoning limits.
Case Manager: James Roach

MEMO:

To: City of Bloomington Plan Commission
From: Patty Mulvihill, City Attorney
Date: January 14, 2016
Re: Proposal to Amend and Update Demolition Delay Provisions in Title 20

The Demolition Delay provisions only apply to structures that are *not* locally designated as historic, but are listed on the Indiana State Historic Architectural and Archeological Research Database (“SHAARD”) as “Contributing”, “Notable”, or “Outstanding”. These are structures that are at least fifty years old and have been deemed by the State to have some type of historical basis for being worthy of protection.

If a property owner submits an application for partial or complete demolition of a structure that is listed on the SHAARD the City is prohibited from issuing a Certificate of Zoning Compliance (“CZC”) for at least 90-120 days in order to allow the City’s Historic Preservation Commission (“Commission”) time to review the proposed partial or complete demolition and to decide if the Commission wants to recommend the structure for local historic designation. A CZC is required to be issued before the Monroe County Building Department can release a permit for partial or complete demolition.

When an application for a partial or complete demolition is submitted, the Commission reviews the application in its entirety during one of its regularly scheduled meetings. Virtually all of the properties are deemed unworthy of local designation. When the Commission decides *not* to recommend local designation of a structure, the 90-120 day waiting period is terminated, and, provided all other applicable code provisions are met, the Planning & Transportation Department can issue the CZC.

In the Fall of 2015, the State updated the SHAARD. Over six thousand new properties were added to the SHAARD as a result of this update. Most of the newly added properties are residential structures identified as being “Contributing”.

This new influx of properties has proven problematic for staff and the Commission. Most of the properties do not warrant full review by the Commission and putting these properties before the Commission has required an immense amount of work by City personnel and resulted in the Commission spending an extreme amount of time in reviewing projects. Property owners are equally unhappy as most of the work they wish to perform on their properties is minor, and having to attend a Commission meeting delays their permit being issued, thereby delaying their ability to complete their proposed project.

The proposed amendments allow for the City staff person assigned to the Commission to release a partial demolition of a “Contributing” structure on the SHAARD if the structure is located in a residential zoning district. If the staff person believes full Commission review and release is warranted she can forward the request for partial demolition to the full Commission.

Additionally, staff suggests changes to the definition section of Title 20 to account for the proposed updates to the Demolition Delay section. The defined term “Partial demolition” is proposed for amendment in three ways: (1) clarify that work that obscures 40 % of a façade qualifies as a partial demolition and remove the additional requirement that said work needs a building permit; (2) add in the replacement of a door as qualifying event for demolition delay; and (3) eliminate the examples of what is not subject to demolition delay because they are redundant.

The proposed amendment suggests creating a new defined term, “Substantial removal”. This term is already utilized in the defined term “Partial demolition” but its meaning is unclear and had been problematic for interpretation purposes at times. To that end, staff proposed defining “Substantial removal” in a substantially similar way to the manner in which it is defined by Title 8 (Historic Preservation Title) of the Bloomington Municipal Code.

Amendment #: UDO-001**Synopsis:**

In order to remedy the problems caused by the addition of 6,000 new properties in the State Historic Architectural and Archeological Research Database (“SHAARD”), this amendment is being proposed. The proposal allows for the City staff person assigned to the Commission to release a partial demolition of a “Contributing” structure on the SHAARD if the structure is located in a residential zoning district. If the staff person believes full Commission review and release is warranted she can forward the request for partial demolition to the full Commission.

As this Section is being amended, staff has also proposed some other minor changes. These other minor changes include: (1) reformatting the Section on Demolition Delay so that it is easier to read and more in line with the formatting of all sections and chapters within Title 20; (2) fixing typos or grammatical errors; (3) simplifying the notification process, especially internal City notifications, of receipt of a relevant application; and (4) specifying what is needed to be considered a complete application for partial or full demolition in these cases.

Proposed Amendment:

Page 9-31

20.09.230

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 “~~e~~Outstanding”, “~~n~~Notable” or “~~e~~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 or one hundred twenty-calendar days after notice has been given as provided herein ~~in subsection (b)(1) below~~.

- (1) The ninety-day period shall apply in all cases unless the director of HAND, or his/her designee, finds that an additional thirty-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:

- (A) ~~†~~ There are multiple demolition permits and/or historic designation proposals pending or expected to come before the HPC during the ninety-day period; or,
- (B) ~~w~~ Where the demolition request presents unusually complex public policy issues due to the location or survey classification of the structure.
- (C) 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 or partial demolition as “~~n~~Notable” or “~~e~~Outstanding” shall be sufficient, but not necessary, to justify a determination that the one hundred twenty-day period will apply.
- (D) The HAND director, or his/her designee, will give notice of his/her determination to apply the one hundred twenty-day period to a demolition or partial demolition request in accordance with subsection (b)(1) below the procedures outlined herein.
- (12) Staff shall give notice, ~~by hand delivery, interdepartmental mail, electronic mail, or U.S. Mail,~~ to the HAND director, or his/her designee, ~~and to the chairman of the HPC, or his designee,~~ within three business days after receipt of a complete application for a demolition permit and to the property owner, or his/her representative, for any petition involving a demolition or partial demolition covered by this section.
- (A) The property owner, or his/her representative, upon being notified that his/her property is subject to the provisions of this section, shall be advised that his/her application for a permit may need to be amended to include materials required by both ~~A complete application shall include all materials as required by~~ Section 20.09.120(d), which outlines what is required for Site Plan applications, and the Rules and Regulations of the HPC, in order for the application to be considered complete and to be reviewed by all relevant City staff. ~~Such notice shall include the name, address and telephone number of the owner of the structure.~~
- (B) Not later than thirty days after such notice is given by staff, the HAND director shall give notice ~~by hand delivery, interdepartmental mail, or U.S. Mail,~~ to the staff, the chairman of the HPC ~~or his designee,~~ and to the owner, if the one-hundred-twenty-day waiting period is to be imposed; ~~provided further, notice to 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~~
- (23) The owner, within three business days after submitting a complete application to ~~of being~~ given the notice described herein by the planning and transportation 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 or partial demolition of the ~~building or~~ structure.
- (A) Such notice shall be in such form as approved by the staff ~~and shall include the titles and telephone numbers of the persons to whom notice was given under Section 20.09.230(a)(1) above.~~

- (B) 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.~~
 - (C) 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 staff, during which the notice was not properly in place.
 - (D) This section shall not apply to an application for partial demolition of a property classified as “Contributing” in a single family district if staff for the HPC reviews and releases the application. If staff for the HPC determines that full HPC review of an application for a partial demolition of a property classified as “Contributing” in a single family district is necessary then the owner shall post the notice described herein on the property.
- (4) The HPC may conduct a hearing, in its sole discretion, during the waiting period, to determine if the HPC wishes to recommend any structure described below herein be locally designated by the common council:
- (A) “Contributing” structure located in any of multifamily or non-residential zoning district.
 - (B) “Contributing” structure located in any single family district if the staff for the HPC determines that a review of the application necessitates full HPC review.
 - (C) “Notable” structure located in any zoning district of the City.
 - (D) “Outstanding” structure located in any zoning district of the City.
- (5) Staff for the HPC may review and release an application for partial demolition of a “Contributing” structure located in a single family district.
- (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 the HPC 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;~~ staff for the HPC decides not to recommend local historic designation to the HPC and common council; or 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 HAND 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 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.~~
- (A) 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.
- (B) ~~Provided, however, where the first waiting period was occasioned by application for partial rather than complete demolition, t~~This provision shall not apply except to the extent that the work covered by the CZC or demolition or partial demolition permit, or application therefore, is substantially identical to the work shown in the submission that occasioned the first waiting period.
- (C) For purposes of this section, "work" includes the proposed demolition, partial demolition and any proposed construction, reconstruction, or alteration associated therewith.
- (D) For purposes of this section, "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,~~
- (E) For purposes of this section, "submission" shall mean the submission that is authorized to receive approval pursuant to Section 20.09.030, Applications—General of this chapter.
- (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 ~~or partial demolition~~ may be issued except:
- (A) ~~u~~Upon termination of interim protection without historic or conservation district designation being placed upon the property; or,
- (B) ~~w~~Where historic or conservation district designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08

- (2) ~~Subsection (d)(2) of this section 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 subsection (e)(1) of this section, 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 Section 20.09.030(c), Completeness of application of this chapter (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 subsection 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 year from the end of the waiting period, ~~except in partial demolition situations described herein and in subsection (e)(4), of this section.~~
- (4) For any ~~building or~~ structure that is exempt from the waiting period of this section ~~pursuant to subsections (e)(1), (e)(3), or (e)(4) of this section,~~ a certificate of zoning compliance authorizing release of a demolition or partial demolition permit shall be issued within a reasonable time following receipt by the planning and transportation department of a complete application, provided all other requirements of the BMC are met. ~~For buildings or structures covered by subsection (e)(1) or (e)(4) of this section, 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.~~

Amendment #: UDO-002**Synopsis:**

With the update to the Demolition Delay provisions in UDO-001, it becomes necessary to also amend the definitions associated with said provisions. This Amendment seeks to amend the defined term “Partial demolition” and to add a new definition for the defined term “Substantial removal”.

Highlights of the proposed changes to the current defined term “Partial demolition” include: (1) clarifying that work that obscures 40 % of a façade qualifies as a partial demolition and removes the additional requirement that said work needs a building permit; (2) adds in the replacement of a door as qualifying for demolition delay; and (3) eliminates the examples of what is not subject to demolition delay because it is redundant.

The new term “Substantial removal” is needed as said term is used in the definition of “Partial demolition”. The proposed language is almost identical to the language for the same term currently being utilized in Title 8 of the Bloomington Municipal Code, which is the Title that regulates Historic Preservation.

Proposed Amendment:

Page 11-2

20.11.020

20.11.020 Defined words.

"Partial demolition" means 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 or more of the exterior of any façade ~~on the structure, but only where a building permit is required under applicable laws;~~ or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior façade ~~on the structure. For purposes of this provision, at least forty percent of the area of one geographical elevation of the exterior of a facade must be involved before the action shall be construed to constitute partial demolition;~~ or
- (4) Construction or attachment of any addition to a ~~building or~~ structure; ~~or~~
- (5) Replacement of any window ~~or door~~ where the window ~~or door~~ opening is ~~enlarged or obscured from view enlarged in such a manner as to require a building permit (i.e., widening of a lintel);~~ or

~~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 title; or~~
- ~~(3) Replacement of any window, except for enlargement of the window opening as described in division (5), above.~~
- (6) Creation of any new window or door opening.

"Substantial removal" as used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places, or its status as a contributing structure in a national, state or local register of historical places, which shall include, but not be limited to, the removal of a defining architectural feature or element which defines or contributes to the historic character of the structure.

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 2602 E. Creeks Edge Drive**

**CASE #: PUD-04-16
DATE: February 8, 2016**

**PETITIONER: Evergreen Partners II, LLC
10 Plaza Drive, Suite #201, Scarborough, ME**

**CONSULTANT: Bledsoe Riggert Guerrettaz.
1351 W. Tapp Road, Bloomington**

REQUEST: The petitioner is requesting final plan approval to allow the construction of a 115-unit assisted living facility.

BACKGROUND:

Area: 5.78 acres
Current Zoning: PUD
GPP Designation: Community Activity Center
Existing Land Use: Vacant
Proposed Land Use: Assisted Living Facility
Surrounding Uses: North – Medical Office
 West – Child Day Care/Offices
 East – Vacant
 South – Vacant

STAFF REPORT: This property is located at 2602 E. Creeks Edge Dr. and is on Parcel F of the Canada Farm PUD. The site is currently vacant and consists mostly of open meadow with some scattered mature trees in the center. A portion of the property is encumbered by 100-year floodplain of the East Fork of Jackson Creek, which is located along the southeast property line. The Jackson Creek Trail is also located on this property and runs along the southeast property line. There is a substantial grade change across the property with the grade going downhill toward the creek to the east.

Last year the Plan Commission approved a PUD amendment under PUD-16-15 to allow an assisted living facility on this lot. The petitioner is now requesting final plan approval to allow for an assisted living facility with 115 units to be constructed on Lot #4 and #5. The facility will be known as “Evergreen Village”.

There will be a 69-space surface parking lot constructed to provide parking. The building will be finished with a brick masonry veneer base and fiber cement panels. A mix of colors and window trim has been provided to enhance design details around the exterior. There are two, one-story extensions along either side of the building with exterior porches to provide additional building design and reduce the massing of the building, as well as to provide outdoor seating areas. A circle drive has been shown along the internal driveway to provide access to a covered entryway and the drop-off area on the front. The Plan Commission and City Council approved an amendment to the development standards to allow the building to be three-stories along the front with a walk-out basement. There is an asphalt sidepath that was stubbed to the property

from the offices and daycare to the west that connects to Sare Road and was required to be extended through the site to connect to the Jackson Creek Trail. This has been shown on the site plan. In addition, there will also be an additional connection to the Jackson Creek trail from Creek's Edge Drive. This second connection extends through the site along a fire department access drive from Creek's Edge and then connects to the trail. The petitioner committed with the original petition to utilize on-site recycling for the facility.

SITE PLAN ISSUES:

Architecture/Design: The building will be finished with a brick veneer along the base and front columns with fiber cement panels and fiber cement shakes along the remaining exterior. The roof will be a pitched roof with shingles. As mentioned previously, the Plan Commission approved an amendment to the approved development standards to allow for a three-story building with a walk-out basement. The proposed design of the building is identical to the design submitted and approved with the preliminary plan. There will be a walk-out patio along the rear that accesses an interior café and faces the creek to the east. Two additional exterior patios are proposed along the front of the building to provide additional external sitting areas.

Access: There is a circle drive shown along the private internal drive to provide access to the front and to facilitate drop-offs. There will be a covered awning that extends from the entrance of the building to the driveway. There is another drivecut shown along the internal private driveway for the parking area located in the rear of the property. A sidewalk and street trees were required along the west side of the internal driveway with the previous petitions for the multi-tenant building and the daycare facility, and would be required along the east side of the internal drive as well with this petition. A secondary emergency access drive has been shown along the east side of Lot #5 to provide an additional access point for emergency services.

Landscaping: The petitioner has submitted a landscape plan that meets code requirements. The petitioner has committed to using native species for plantings along the floodplain and riparian buffer and that is reflected on the proposed plan. The petitioner will be preserving a large stand of trees along Lot #5 and will also be planting new trees in that area to fill in the void in the treelines.

Environmental: The site is a mixture of mature trees and open pasture. There is an intermittent stream/drainage channel that drains east through the property and connects to Jackson Creek. Portions of this drainage channel have been modified with previous approvals to redirect drainage through the site. The portion of the site that is encumbered by the 100-year floodplain was placed in a conservation easement with previous plats. There is a group of mature trees located within the center of the site that the petitioner has minimized disturbance within to protect existing trees. In addition, new large, canopy trees will be planted adjacent to the area to increase tree canopy coverage. There were not any specific areas of conservation or preservation that were required with the PUD. Areas of preservation within the overall Canada Farm PUD were outlined and approved with the initial outline plan and rezoning. Only the portion of this site within the floodplain was outlined for preservation, which was set aside with a previous plat approval.

Parking: The UDO allows a maximum of 1 space per employee on the largest shift plus 1 space per 3 residential units. There would be a maximum of 31 employees on the largest shift and 115 units which combines for a maximum of 69 parking spaces allowed. There is a parking lot with 69 parking spaces proposed with this petition. As mentioned previously, with a previous approval there were 18 parking spaces created along the internal driveway to supplement on-site parking for the multi-tenant office and 9 of those spaces are on this property. Those 9 spaces will be preserved with this petition and are included in the 69 on-site parking spaces. The parking spaces along the internal drive will continue to be shared with the adjacent office use, though this is not required from a zoning perspective. A bike rack for at least 4 bike parking spaces has been shown adjacent to the main entrance and meets UDO requirements.

Pedestrian Facilities: The Jackson Creek Trail is located along the south and east sides of this property and extends from Canada Drive to the south to the north side of the Creek's Edge development to the north of this site. A recently approved project in the County, located at the southeast corner of Sare and Rogers, will allow the trail to be extended north to Rogers Rd. A small portion of the Jackson Creek trail will need to be extended along the southeast portion of this site to extend it all the way to the property line and has been shown. A bike path connection from the multi-use path on Sare Road to the Jackson Creek Trail was stubbed to this property and has been shown extending through the site and connecting to the Jackson Creek Trail. An additional connection from Creek's Edge Drive to the Jackson Creek Trail along the common property lines of Lot's #4 and 5 was also expected. To that end a connection has been shown from a Fire Department access drive on Creek's Edge that connects through the site to the Jackson Creek trail. There is a 5' wide concrete sidewalk and tree plot currently along the property frontage on Creek's Edge Drive. A portion of this sidewalk will be removed and a fire hydrant relocated to allow the sidewalk to be straightened. Street trees were not installed along Creek's Edge Dr. and have been shown on the landscape plan.

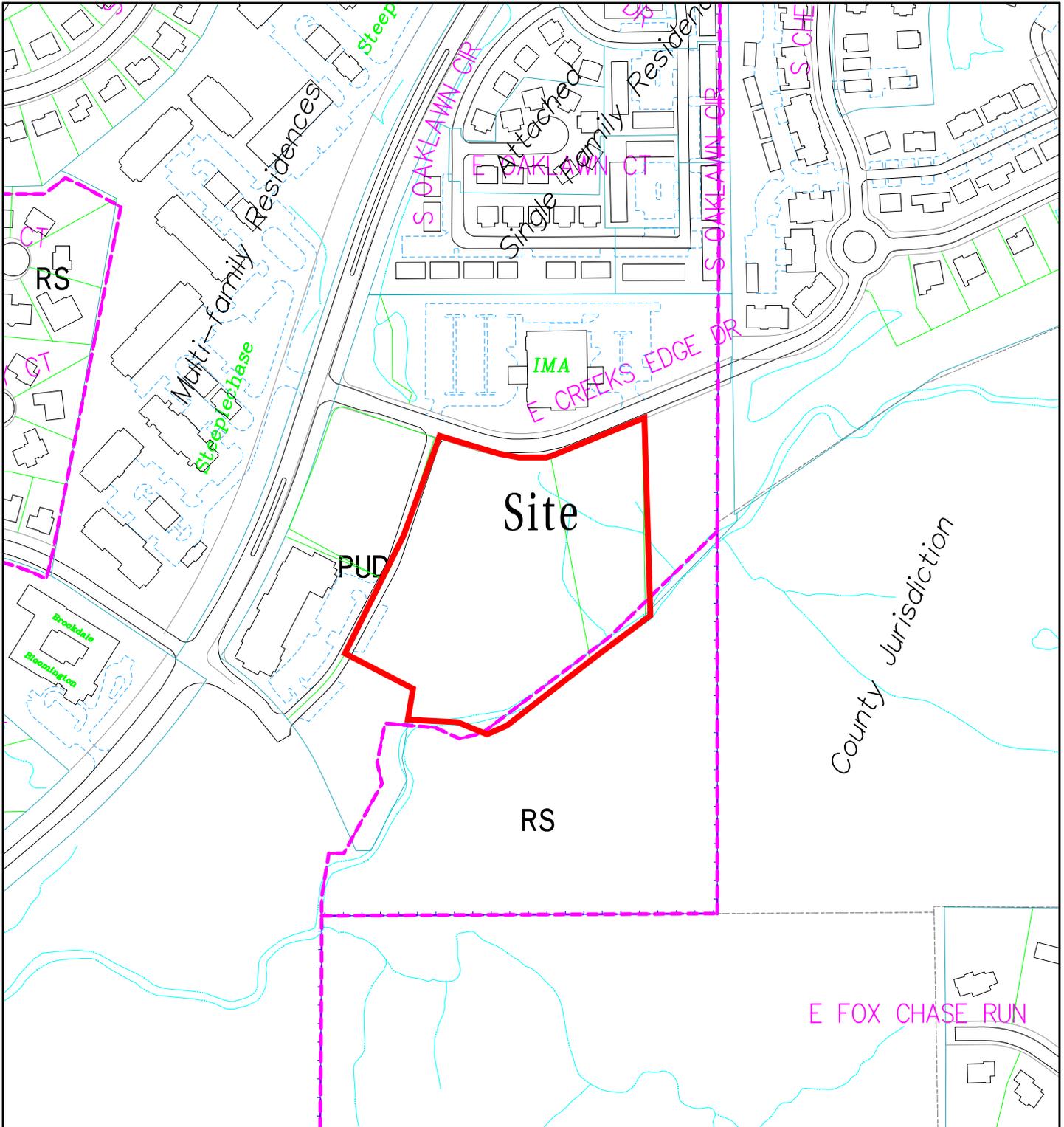
Utilities: Water service is available along Creek's Edge Drive and sanitary service is available along the rear of the property adjacent to the Jackson Creek Trail. At this point no issues have been identified with providing utility service to the building. Final acceptance and approval from CBU is required prior to issuance of any permits. Stormwater detention was provided by a large detention pond that was intended to serve all of the lots in this development. The petitioner will be making several improvements to this pond to re-establish the required size and stormwater detention requirements. The pond will be re-seeded with a rain garden mix to provide stormwater quality improvements.

Lighting: A lighting plan has not been submitted yet and will be reviewed prior to issuance of any permits. No deviations from the lighting code are expected.

CONCLUSION: The proposed site plan is consistent with the approved preliminary plan for this parcel as well as meets the standards of the Canada Farm PUD. Several alternative transportation and pedestrian facilities will be completed with this petition that will improved connectivity to the Jackson Creek Trail. The location of this land use was also approved as an ideal location by the Plan Commission and City Council.

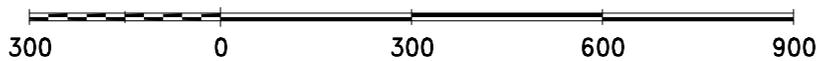
RECOMMENDATION: Staff recommends approval of this petition with the following conditions of approval:

1. The petitioner will provide on-site recycling for the residents per their commitment outlined in the petitioner statement.
2. Native species must be used in the areas adjacent to the floodplain and riparian buffer.
3. A final plat amendment is required for any relocation of easement locations. A pedestrian easement must be granted for any portions of sidewalk not located in the right-of-way.
4. A lighting plan must be submitted with the grading permit.

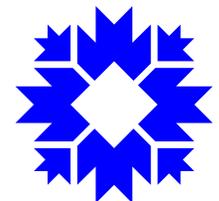


PUD-04-16 Evergreen Partners
 2602 E Creeks Edge Drive
 Plan Commission
 Site Location, Zoning, Land Use, Parcels

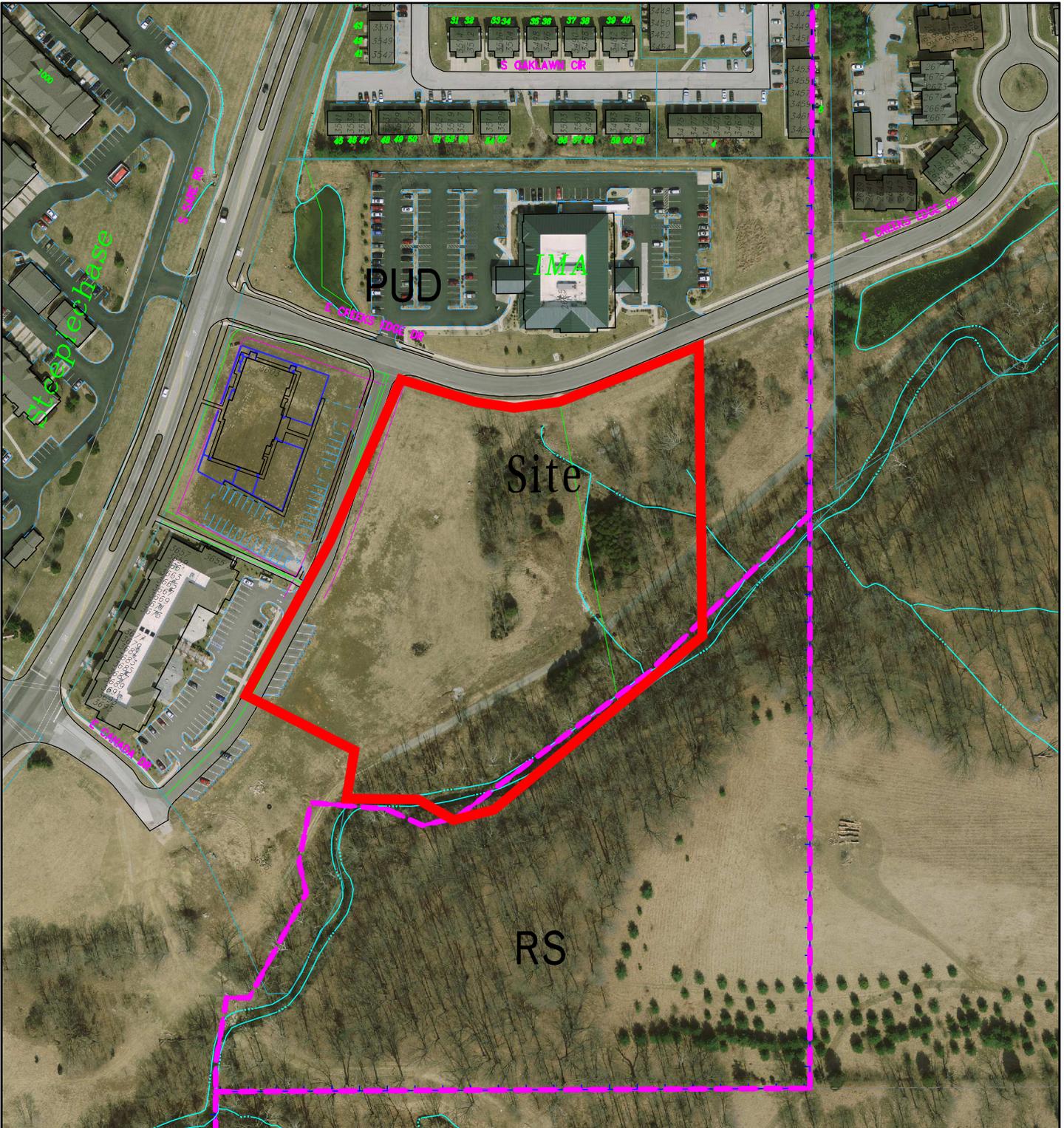
By: greulice
 4 Feb 16



City of Bloomington
 Planning & Transportation

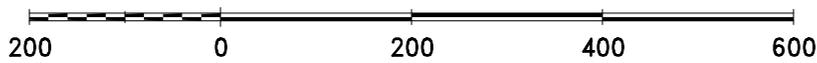


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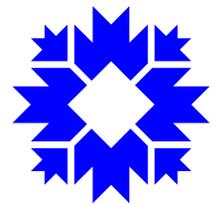


PUD-04-16 Evergreen Partners
 2602 E Creeks Edge Dr
 Plan Commission
 2014 Aerial Photograph

By: greulice
 4 Feb 16



City of Bloomington
 Planning & Transportation



Scale: 1" = 200'

For reference only; map information NOT warranted.



January 5, 2016

Mr. Eric Greulich
City of Bloomington, Planning Department
401 N. Morton St., Suite 130
Bloomington, IN 47402-0100

RE: Assisted Living Facility - Canada Farms Site Plan Approval Petitioner's Statement

Dear Eric:

We are requesting the Planning Commission's review and approval of our Site Plan for the senior assisted living community we are proposing to develop at 2605 E. Creeks Edge Drive in Bloomington. The facility will house 115 apartment units and will include a mix of studio and one bedroom units. The physical site will include 58 new parking spaces (in addition to the 11 existing spaces located on site), extension of the city bike path, connectivity between the site and the neighborhood sidewalks/ Jackson Creek walking trail, meet the necessary drainage requirements and will add landscaping per the requirements of the Canada Farms PUD.

Enclosed are the following Site Plan and supplemental materials for review:

Prepared by Bledsoe Riggert Cooper and James Engineers:

- | | |
|----------------------------------|-------------------------|
| - Existing Site Condition Plan | - Storm Profiles |
| - Selective Site Demolition Plan | - Site Utility Plan |
| - Site Improvement Plan | - Site Landscaping Plan |
| - Site Grading and Drainage Plan | - Site Detail Sheets |

Prepared by The Architectural Team:

- Building Floor Plans & Elevations

We look forward to working with you and the Planning Commission to make this project a success. If you have any comments or need to discuss any aspects of these plans, please let me know and we can schedule a time to speak.

Sincerely,

Nick Bouquet

Consultant:

Revision:

Architect of Record:

Drawn: RK
 Checked: JH/ PR
 Scale: 3/32" = 1'-0"
 Key Plan:

Project Name:
**CANADA FARMS
 ASSISTED LIVING**

**E CANADA DRIVE
 BLOOMINGTON, INDIANA**
 Sheet Name:

SECOND FLOOR PLAN

Project Number:

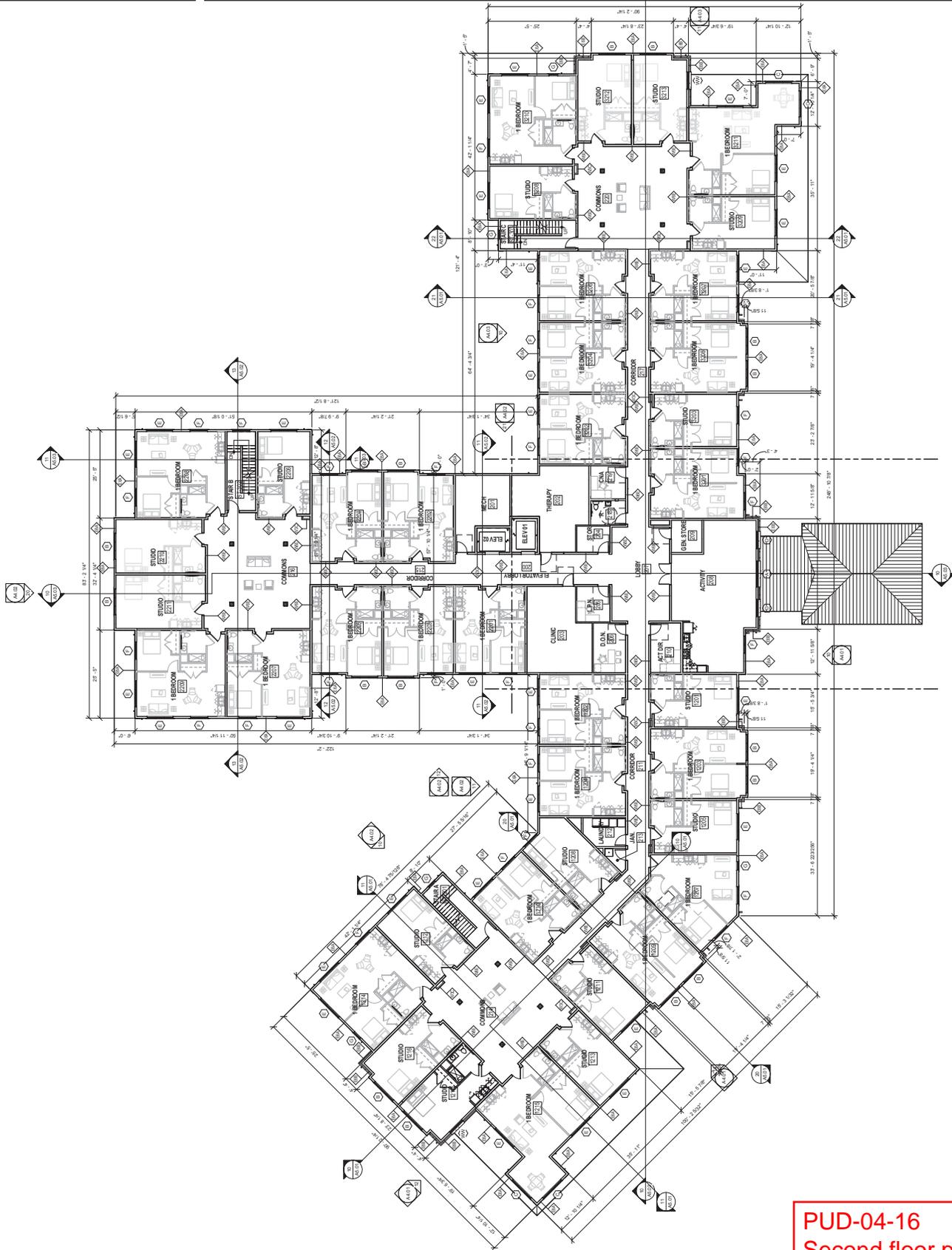
14205

Issue Date:

12/14/15

Sheet Number:

A1.02



**PUD-04-16
 Second floor plan**

Consultant:

Revision:

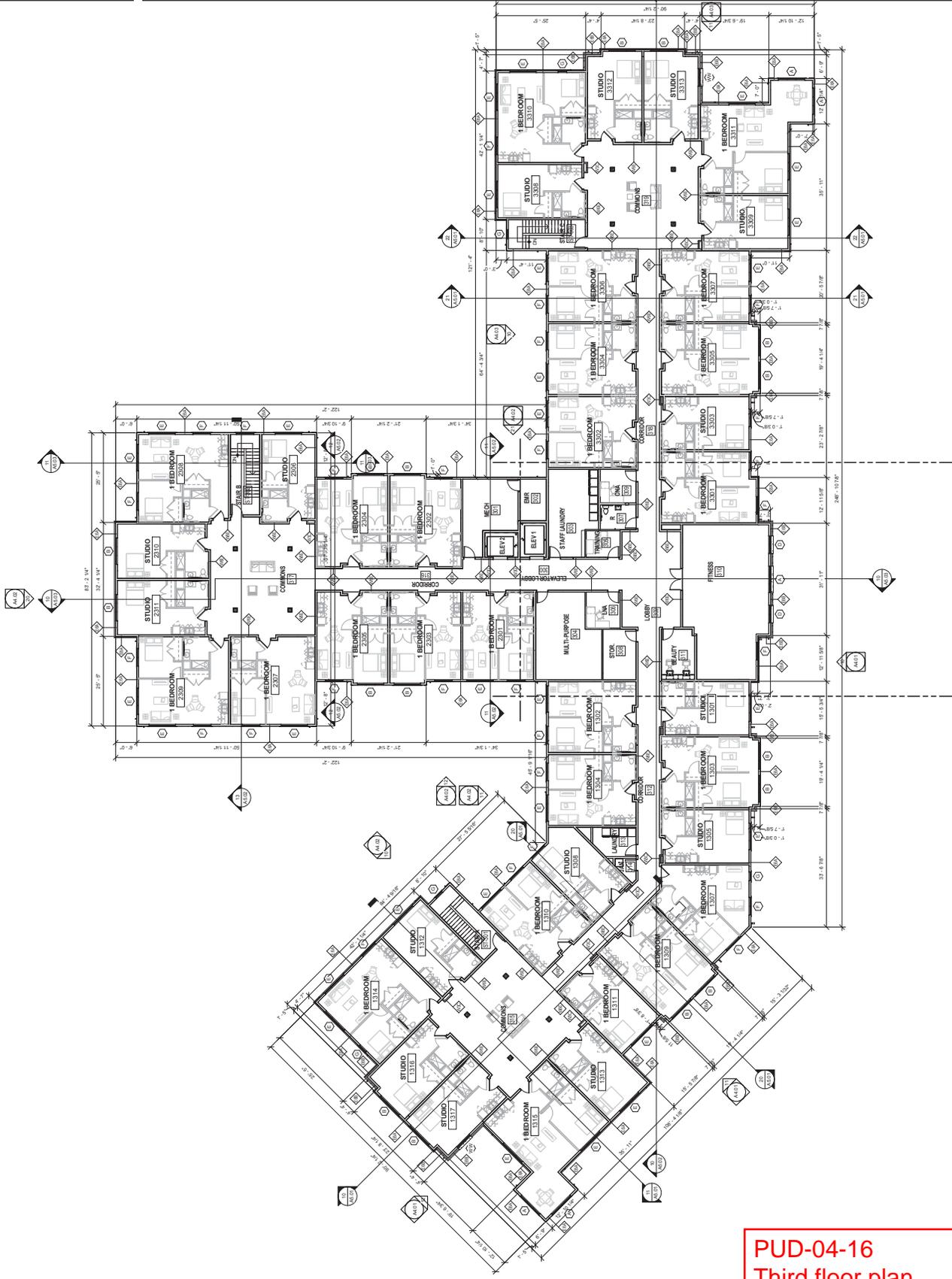
Architect of Record:

Drawn: RK
Checked: JH / PR
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Key Plan:

Subject Name:
**CANADA FARMS
ASSISTED LIVING**

**E CANADA DRIVE
BLOOMINGTON, INDIANA**
Sheet Name:
THIRD FLOOR PLAN

Project Number:
14205
Issue Date:
12/14/15
Sheet Number:
A1.03



PUD-04-16
Third floor plan

Consultant:

Revision:

Architect of Record:

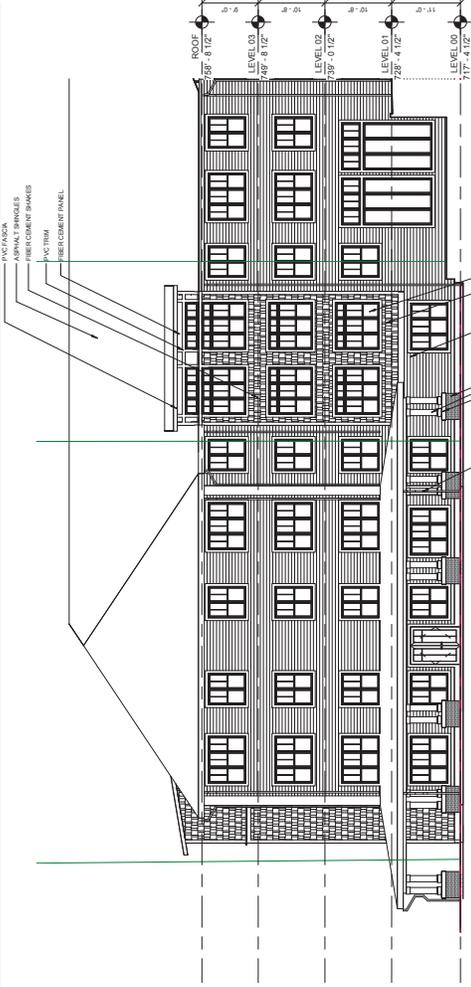
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Key Plan:

Project Name:
**CANADA FARMS
ASSISTED LIVING**

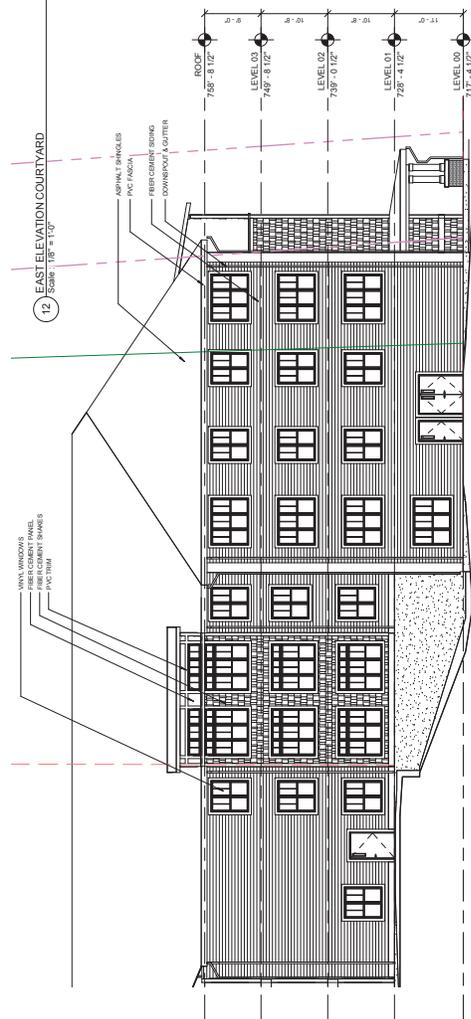
**E CANADA DRIVE
BLOOMINGTON, INDIANA**
Sheet Name:
EXTERIOR ELEVATIONS

Project Number:
14205
Issue Date:
12/15/15
Sheet Number:
A4.02

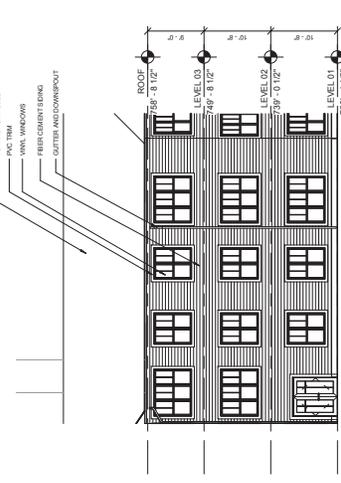
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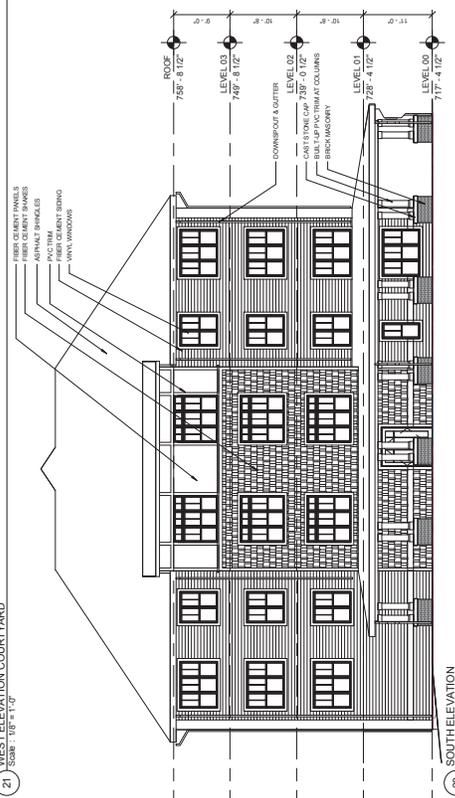
12 EAST ELEVATION COURTYARD
Scale: 1/8" = 1'-0"



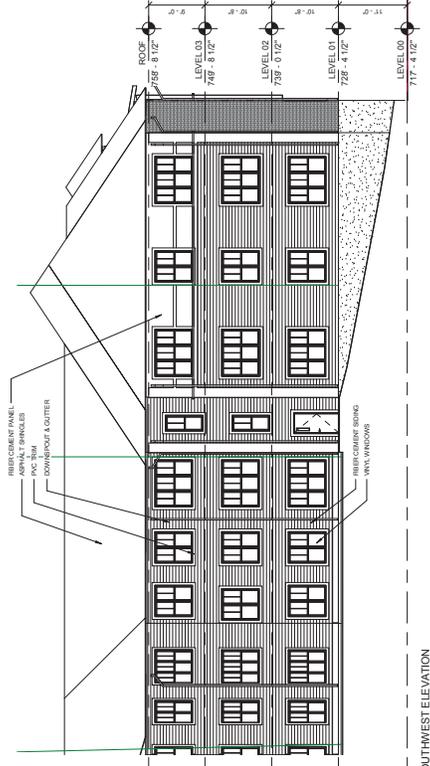
21 WEST ELEVATION COURTYARD
Scale: 1/8" = 1'-0"



11 SOUTH ELEVATION RIGHT
Scale: 1/8" = 1'-0"



20 SOUTH ELEVATION
Scale: 1/8" = 1'-0"



10 SOUTHWEST ELEVATION
Scale: 1/8" = 1'-0"

**PUD-04-16
Elevations**

Consultant:

Revision:

Architect of Record:

Drawn: AF/RK
Checked: JH/PR
Scale: 1/8" = 1'-0"
Key Plan:

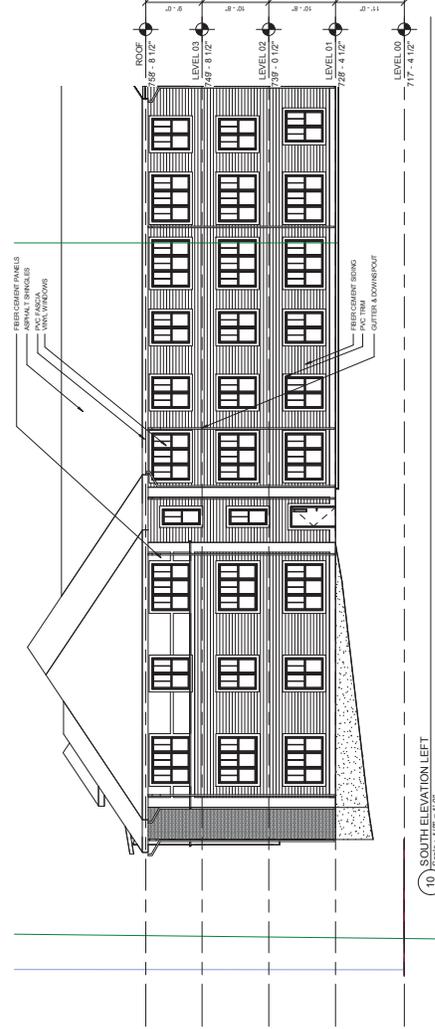
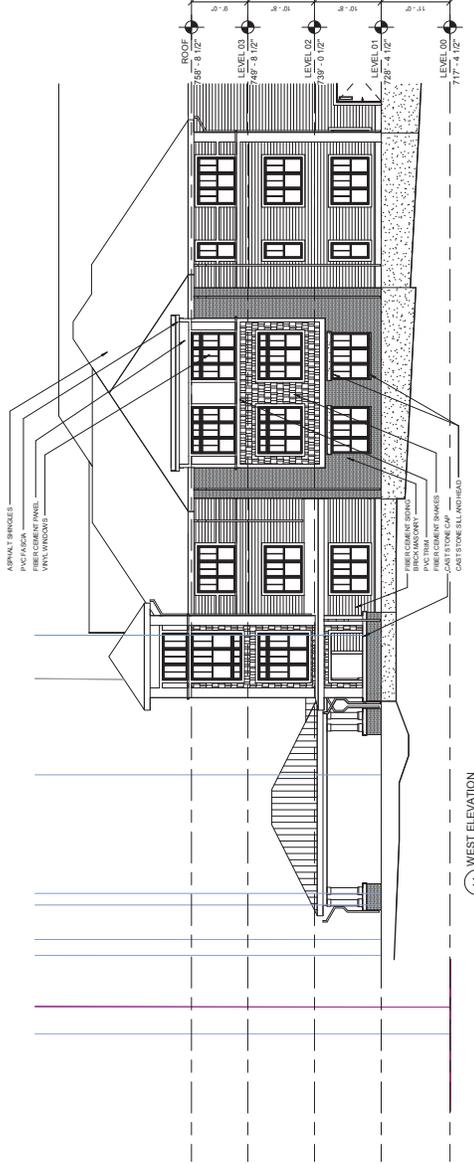
Project Name:
**CANADA FARMS
ASSISTED LIVING**

**E CANADA DRIVE
BLOOMINGTON, INDIANA**
Sheet Name:
EXTERIOR ELEVATIONS

Project Number:
14205

Issue Date:
12/15/15

Sheet Number:
A4.03



**PUD-04-16
Elevations**

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 335 S. College Avenue**

**CASE #: SP-5-16/V-1-16
DATE: February 8, 2016**

**PETITIONER: Omega Properties, Rob Friedman
115 E. 6th Street, Suite 1A, Bloomington**

**CONSULTANT: Studio 3 Design, Tim Cover
8604 Allisonville Road, #330, Indianapolis**

REQUEST: The petitioner is requesting site plan approval for a change of use of an existing building to a multifamily dwelling.

Area:	0.28 Acres								
Zoning:	CD / Downtown Core Overlay								
GPP Designation:	Downtown								
Existing Land Use:	Vacant building (previously Democratic Headquarters)								
Proposed Land Use:	Multifamily Residential								
Surrounding Uses:	<table> <tr> <td>North</td> <td>- Surface Parking Lot</td> </tr> <tr> <td>South</td> <td>- Multifamily Dwelling</td> </tr> <tr> <td>East</td> <td>- Surface Parking and Hotel</td> </tr> <tr> <td>West</td> <td>- Mixed Use: Commercial and Multifamily</td> </tr> </table>	North	- Surface Parking Lot	South	- Multifamily Dwelling	East	- Surface Parking and Hotel	West	- Mixed Use: Commercial and Multifamily
North	- Surface Parking Lot								
South	- Multifamily Dwelling								
East	- Surface Parking and Hotel								
West	- Mixed Use: Commercial and Multifamily								

REPORT: The subject property is zoned Commercial Downtown (CD) and within the Downtown Core Overlay (DCO). There is an existing, residential style building on this property that has been utilized for various uses in the past, including most recently Democratic Party Headquarters. Currently, the building is vacant, and the petitioner proposes constructing a small addition and converting the existing building into 4 apartments.

There is an underground culvert and corresponding utility easement along the north and east portions of this property. The easement prevents any structures from being constructed in these areas. The existing parking lot is located over a large portion of the easement, and the parking area will be redesigned to include landscaping. There are two existing driveways. The driveway and drive cut on the south side of the property will be removed. The property is listed as Contributing in the 2015 Survey of Historic Properties.

Plan Commission Site Plan Review: Two aspects of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.090. These aspects are as follows:

- The proposal is adjacent to a multifamily residential use.
- The petitioner is requesting waivers to the standards in BMC 20.03.120.

SITE PLAN DETAILS:

Residential Density: The proposal is to create four apartments: two 2-bedroom apartments, one 1-bedroom apartment, and one studio apartment. This is a total of 6 bedrooms and 2.45 dwelling unit equivalents, which is well below the 16.7 dwelling unit equivalents permitted under the DCO for this property.

Height: The existing building is two stories tall and is not required to meet the minimum height requirements. The addition is a one-story addition on the south side of the building.

Access: Parking is accessed from an existing drivecut and driveway that connects to S. College Ave. on the north side of the property. There is an existing drivecut on the south side of the property that will be removed and replaced with grass and a new stormwater grate.

Parking: The existing parking lot contains space for approximately 15 parking spaces. The maximum parking permitted for this site is 6 spaces. The existing underground culvert and easement corresponds with the parking area. The petitioner has requested a variance from the maximum parking standards in order to leave 12 parking spaces and to utilize them as shared parking for adjacent buildings. This petition will be heard by the Hearing Officer on February 24, 2016.

Bicycle Parking: This multifamily building requires 4 bicycle parking spaces and the plan includes four spaces that meet the standard.

Parking Setbacks: The parking area is in the rear of the property, on the east side of the lot. It can be accessed from S. College Ave. or the rear alley. Six of the parking spaces are within the rear parking setback at 3.5 feet from the rear property line as opposed to the required 5 feet.

Minimum Surface Parking Setback, Rear Yard Waiver – 20.03.120(c)(1)(C):

The Downtown Plan focuses on reducing the visual impact of cars that are parked off-street although most of this focus is on parking structures. In this case, the parking is behind the primary structure as required by the code. The rear yard setback is typically applied in order to create a buffer between neighboring properties. However, in this case, the rear yard abuts an alley, and the setback is reduced by 1.5 feet. Staff finds this an appropriate waiver to reduce the rear yard buffer in the presence of an alley. Staff recommends approval of this waiver.

Ground Floor Non-residential Space: The entire building is proposed to be used as multifamily residential, including the first floor. The petitioner will be reusing the existing building. The existing building is a large, single-family style building, which is setback from the sidewalk approximately 17 feet and 43 feet from the edge of the street. A waiver is required to allow less than 50% of the ground floor to be commercial space.

Ground Floor Non-residential Space Waiver-20.03.120(e)(2): The Downtown Plan does not include specific recommendations toward the percentage of ground floor non-residential space. The Downtown Plan does call for mixed use districts. If we look on a district scale, there is a mix of uses along the College Ave. and Walnut St. corridors. The Plan also notes that within the Downtown Core there is, “a diversity of both land uses and structures as well as varying building massing and setbacks: the streetscape is not homogeneous, but remains interesting and lively due to the amount of pedestrian traffic generated by this mix of uses and the proximity to the Courthouse Square.” Additionally, the plan notes older residential buildings can be used for adaptive reuse, in this case from a single family use to office to multifamily. Staff finds this is an appropriate reuse of the existing residential building, and by adding more downtown dwellings in a mixed use district, this will serve to add pedestrian activity and interest along this portion of S. College Ave. Staff recommends approval of this waiver.

Streetscape: With this petition, a drive cut will be removed along S. College Ave. Two large street trees will be added along the street as well.

Landscaping: Part of the paved parking area on the northeast corner is being removed to accommodate landscaping requirements. Due to the underground culvert, there are limitations as to what landscaping can be added; however, the landscaping will meet UDO requirements for this property.

Void-to-solid Percentage: The DCO sets a minimum first floor void-to-solid at 60%, “consisting of display windows, entries and doors.” This requirement only applies to the addition, not the existing building. The addition does not include any windows, mostly due to its proximity to the building to the south. A waiver is required to not meet the 60% void-to-solid of the total wall/façade area of the first floor façade, facing a street, for the addition.

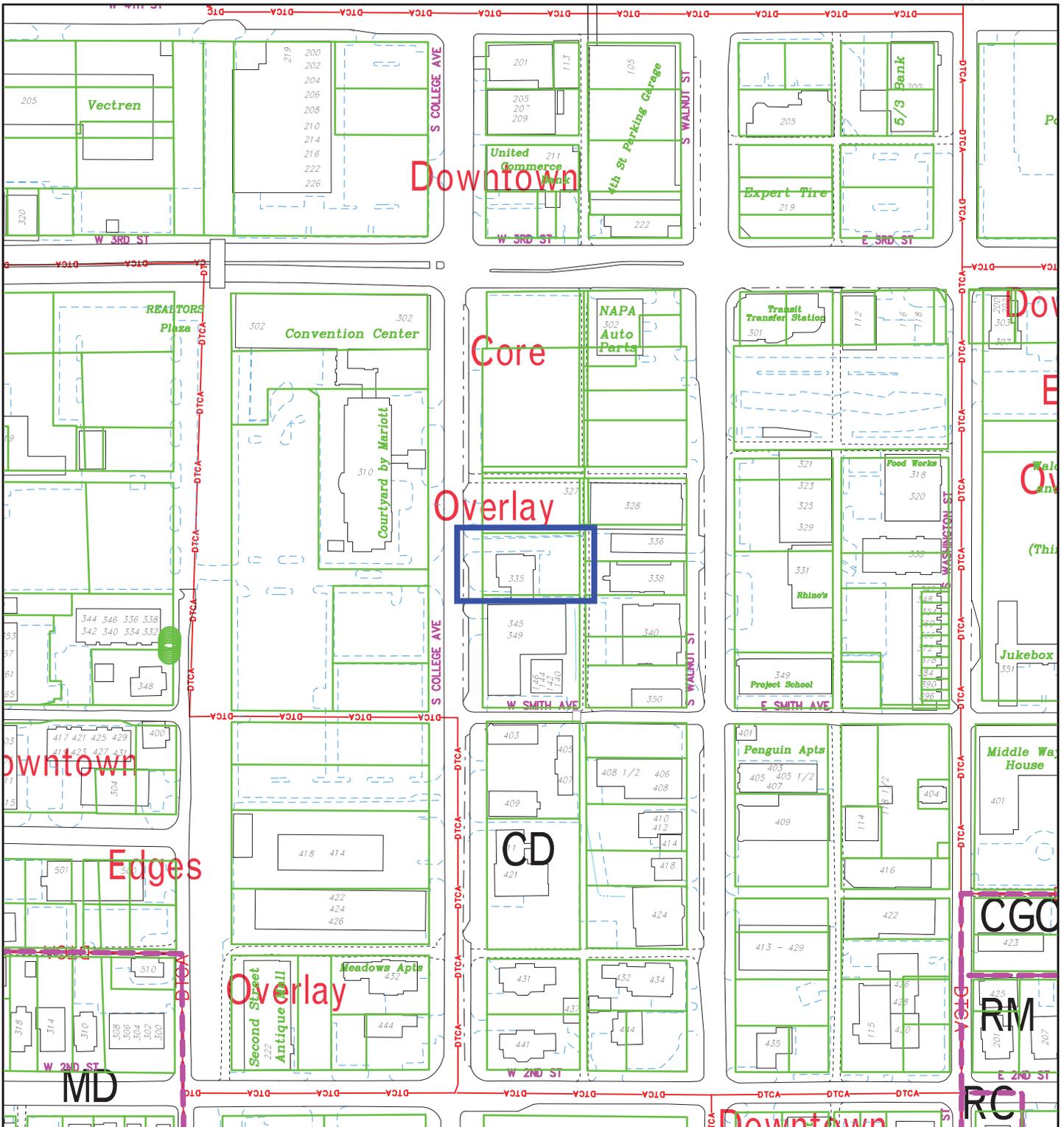
Void-to-solid Percentage Waiver--20.03.130(b)(2)(A): This waiver is only for the addition to the building, which is approximately 12 feet wide and a portion of this façade is not visible due to the bay window that faces south, which covers approximately 5 feet. The visible portion of the addition accounts for approximately 12% of the façade. The proposed addition does not fall into the design categories within the Downtown Plan, which mostly focuses on first floor windows on commercial buildings, upper story windows, and pedestrian activity. In this situation, staff finds that the addition is small in comparison with the main façade of the building. Furthermore, the addition is setback 16 feet further from the sidewalk than the front façade, and its lack of front facing windows will not detract from the pedestrian experience. Staff recommends approval of this waiver.

Historic Preservation Commission: The HPC reviewed the property for demolition delay at their regularly scheduled meeting on January 14, 2016. The property was released from demolition delay.

CONCLUSION: The property contains one existing residential style building. Reusing the existing building for multifamily residential purposes fits with the design of the building. The waivers are mostly associated with creating design interest and an active pedestrian realm, but the property is able to achieve an active pedestrian space through other design elements. The property is also part of a mixed use district and has some site constraints due to the underground culvert and easement.

RECOMMENDATION: Based on the written findings above, staff recommends approval of SP-5-16 and associated waivers, with the following conditions.

1. A right-of-way excavation permit is required for any work in the right-of-way.
2. The petitioner must present a detail for the proposed street light, to be approved by staff and must receive approval for an encroachment agreement.
3. The building must be consistent with the submitted elevations.
4. Site plan approval is contingent on receiving approval of a maximum parking variance.
5. Prior to permitting, the petitioner shall work with staff to include building address, name, and lighting to the primary entrance along College Avenue.
6. No lighting plan is approved at this time. A lighting plan must be submitted and approved prior to installation of any lights.
7. The street tree species will be Accolade Elms. Any changes to street trees will be approved by staff.



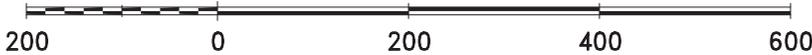
SP-5-16 / V-1-16

335 S. College Ave.

Location, Zoning, Land Use Map

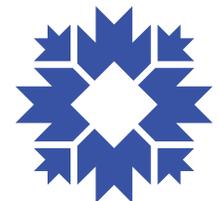
By: rosenbab

4 Feb 16

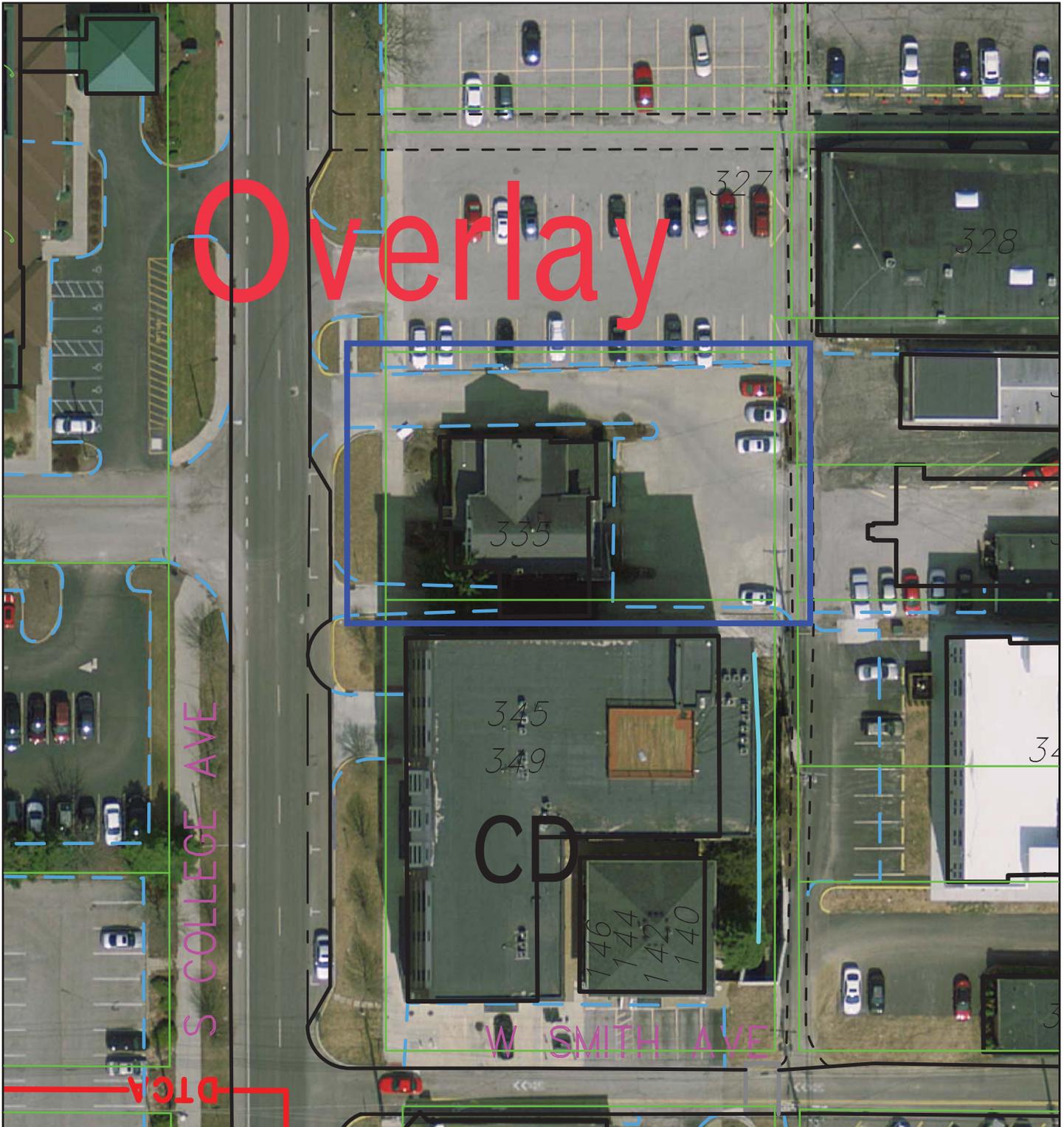


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

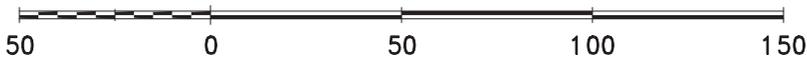


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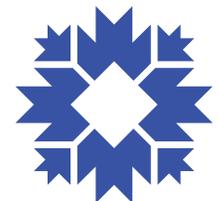
SP-5-16 / V-1-16
 335 S. College Ave.
 2014 Aerial Photography

By: rosenbab
 4 Feb 16



For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



Scale: 1" = 50'





SP-5-16
V-1-16
Petitioner's
Statement

December 30, 2015
Revised 1-21-2016

City of Bloomington Planning Department
P.O. Box 100
Bloomington, IN 47402

Attn: Mr. James Roach

RE: 335 S. College Apartments

PETITIONERS STATEMENT

Dear Mr. Roach

Studio 3 Design is pleased to submit the attached project at 335 S. College Ave. for Plan Commission review. The following document outlines the project scope and addresses comments received to date regarding the project. Please take time to review and contact us with any additional questions.

<u>Apartment Types</u>	<u>Count</u>	<u>Beds</u>
Studio Apartment	1 Unit	1 Bed
1 Bed room apartment	1 Unit	1 Bed
2 bedroom apartment	<u>2 Unit</u>	<u>4 Beds</u>
	4 Units	6 Beds

Property density:

Site: 88' x 138' = **.28 acres**
60 apartments/ acre = **16.7 DUE's allowed**

Studio	.20 DUE x 1 =	.20 DUE's
1 bed	.25 DUE x 1 =	.25 DUE's
<u>2 bed</u>	<u>.66 DUE x 2 =</u>	<u>1.32 DUE's</u>

1.77 DUE's provided (16.7 DUE's allowed)

HPC meeting – 1/14/2016

Historic Preservation Commission voted in favor of saving the structure, the building addition and the proposed renovations to the building exterior.

City of Bloomington Planning Department (*Revised*)
 December 30, 2015
 Revised 1-21-2016
 Page 2

SP-5-16
 V-1-16
 Petitioner's
 Statement

Project Location

The project is located on College Ave. just south of 4th street in the Downtown Core Overlay. The surrounding land use includes apartment buildings to the South and East, College Ave to the West and a vacant lot to the North. The lot currently has a two story home set back from the street. The home is currently vacant. There is an underground culvert that runs under the rear parking lot and then turns west and runs the length of the property on the North side. The culvert does not make expansion of the project to the rear (East) or to the north side feasible.

Project Concept

The project scope involves the renovation of a currently vacant two story home into (4) apartment units. The plan includes a small 400 sf addition on the (south) side of the home. Two apartments will be created on level 1 and two apartments will be created on level 2. The exterior of the home will be cleaned up and refreshed with new siding, new roofing, the removal of the unused (South) driveway and improved landscaping around the perimeter and parking lot. The site currently has parking for 14 cars which exist over the top of the culvert. Parking will be reduced to 12 spaces with pavement in the northeast corner of the site removed to provide additional landscaping in a zone not limited by the existence of the culvert. The interior of the home will be renovated with systems brought up to code and a sprinkler system added to improve the safety and future longevity of the structure.

Non-Residential space - Retail

Retail space is required in the Downtown Core Overlay district for 50% of the ground floor footprint or 1,342 sf of retail space. Due to the small scale of the home, the fact that the structure sits back from the road, the viability of retail and the historic use of the structure as a residential structure, we will be **requesting a waiver to not provide retail at this location.**

Parking Counts

Required parking	0 spaces
Max parking allowed (1 space per bed)	6 spaces
Total on-site provided	12 spaces

We will be requesting a variance to allow for more parking than is permitted and to the standards for setbacks and landscaping around parking lots.

Window detailing

Windows are existing and will remain. Any new windows will be single units with a similar styling and proportion as the existing units.

Streetscape

A simple rhythm of (2) trees and a single pole mounted acorn style street lamp are set in the existing green space adjacent to the existing sidewalk to enhance the curb appeal and charm of the development. Additional landscaping around the building and rear parking lot has been provided as well as additional grass area in place of old driveway on the (south) side of the house. Two bike racks have also been added at the front of the house. Walkways to the front and rear of the house will be repaired/ replaced as part of the project scope.

Site Accessibility

Pedestrians can enter the site at grade off of College Ave. and from the rear parking lot. The homes front entrance is located facing College Avenue. The homes rear entrance is located off of the parking lot on the East side of the house. An internal central hallway connects the two entrances. The front entrance will remain with steps only as it has been historically. The rear entrance will have an accessible ramp and new steps added to provide an accessible route from parking lot to the first floor of the building.

Building Façade modules

The home is an existing structure. The single addition on the (South) face will set back from the front elevation approximately 12' and 16' from the front facade. The home as it exist, contains several setbacks and variations in height as part of the two story structure across the 44' front façade, the first level steps back 4' at the front door and approximately 10' at the second floor creating the modules.

Building Height

The over lay zone allows for up to 50' in building height. The existing homes max roof peak elevation is 31' placing it well within the limits of the area.

Building Materials

The home is currently clad in aluminum siding. The intent of the project is to reface the home with a 6" exposed profile fiber cement siding. Fiber cement products are classified as a secondary material. As such, **we will be requesting a waiver** from the standards to allow the home to be cleaned up and refaced with new fiber cement siding. The roof is currently asphalt shingles and rolled roofing on low rise sections of the roof. We are proposing to replace the main roof with dimensional asphalt shingles and provide TPO membrane roofing on the low rise zones as asphalt shingles are not intended to be installed on pitches less than a 4/12 to assure proper drainage. We are also proposing an alternate to change out the existing single pane aluminum windows with energy efficient vinyl insulated windows to match existing single hung window appearance.

Void to Solid Percentages

The UDO asks for a building in this overlay district to have a 60% void to solid ratio on the ground floor and 20% void to solid ratio on the upper floors.

The home is existing with minimal changes to the window openings being suggested. **We will be requesting a waiver** from the standards to allow the current character of the home to remain as is.

Current Level 1 Void to solid along College ave is: **18%** based on floor to floor calculation

Current Level 2 Void to Solid along College Ave. is: **17%** based on floor to roof peak calculation

Bike Parking

An effort has been made to make the facility "bike friendly" through the incorporation of bike parking focused around the College Ave entry point. 2 Visitor bike spaces are provided.

Environmental Considerations

The developer is interested in providing a building that is sensitive to the concerns of today's built environment. As such, we are reviewing the incorporation of the following into the project:

- "Green friendly" building materials – This includes both materials with recycled content as well as building materials that have been harvested and manufactured within a 500 mile radius. Examples of these materials include cementitious siding/panels, CMU blocks, and cast concrete.
- Energy efficient "Energy Star" appliances.
- Energy efficient windows with low-E glazing for any new windows.
- White reflective roofing membrane for energy conservation and reduced heat island effect at all low rise / flat roof zones.
- Energy efficient lighting fixtures
- Building shell and demising wall insulation.

Build to Line

The existing home sits approx. 15' back from the property line. Due to the historic nature of the structure we can't add to the front of the home.

Building Entrances

The building has (1) resident entrance off of College Avenue, and (1) pedestrian entrance from the parking lot. Additionally, there is a vehicular route into the site accessed from College Ave and from the rear alley. Each building entrance is covered by the roof structure and is accented with a light at the door. Building signage is limited to the street address located above the door at the front entrance.

Encroachments:

The project will require the following encroachments with the city:

- (2) Street trees along College Ave.
- (1) Street Light along College ave.

Stormwater Detention

Addition of storm water detention is not required as part of this project.

Trash Removal

Due to the small scale of the project, 4 units, 6 beds - Trash removal will be handled through the use of totes / rolling trash cans that can be set out on trash day along the alley to the east side of the parking lot.

Water Service & Meter Pit

The existing water line connects off of College Ave. We will be adding a water connection for a sprinkler system to the house. New CBU requirements dictate the creation of a riser room in lieu of a meter pit. The room will be part of the new construction on the South side of the building.

Sewer Service

The existing sanitary line connects off of College Ave. It is not anticipated that a new lateral will be needed.

Private Utilities

Duke Energy and a cable/phone/internet provider to be determined will provide for the service needs of the development. We anticipate the existing pole-mounted transformer in the alley to the east will work for the project.

Anticipated variance request:

1. We will be requesting a variance for the existing parking lot to remain with modifications to help support the request. The concrete lot and drive sit over the top of the existing culvert. The top of the culvert is just below the parking lot making the planting of trees / shrubs not viable. The lot has existed with 14 spots and has served as additional parking for the neighboring properties owned by Omega Properties. The lot currently runs all the way to the alley on the east with no setback and no curb or bumpers. There is no landscaping on the north, east or west sides of the lot.
2. What we are doing to make it better:
The parking lot is being re-stripped and reduced to 12 spaces. The east line of the lot is being pulled in 3.47' from the alley (5' is the code setback) with parking bumpers added to define spaces.

At the NE corner of the parking lot, where the culvert turns, the concrete pavement is being removed to create a landscape island and a dedicated entry/exit point to the alley.

Additional landscaping is being provided along the south and west lines of the current parking lot – see site landscaping plan.

The drive / pavement running along the south side of the house is being removed and grass area added at the front of the home where pavement once existed.

3. Parking standards also present a max amount of allowable parking – in this case, 6 would be the max based on 6 beds. The structure has existed up to now with 14 spaces that not only serve this building but also act as additional parking for Omega properties currently underserved developments. We are decreasing the current count from 14 to 12 but would request a variance to maintain 12 as the allowed parking count at this location. Please consider the fact that the culvert makes development of the rear of the property non-viable, the parking lot exist today and is being improved as part of the project and that the continued use of the excess spaces by Omega properties to serve neighboring sites helps to relieve parking congestion in other areas.

Anticipated Waivers

We will be asking for 3 waivers for the development:

1. Non-residential space: A waiver is being requested to not provide non-residential space on the project- UDO requires 50% of ground floor. The existing house is currently 2,274 sf with a proposed 409 sf addition.
 Total required retail would be 1,342 sf.
 The home was built as a residential structure and historically has served as such with a more recent attempt to use it for non-residential. This attempt yielded well under market rates and the tenant has since left. The creation of non-residential space on the first floor makes the renovation of the vacant historic structure non-viable. The structure sits back approximate 15 feet from the street and is shadowed on the south by a 4 story structure and will be hidden from the north once the now vacant site is developed to the build-to line. The end result will be no visibility for the home making non-residential even less viable.
 The creation of the 4 residential units makes renovation and salvation of the current historic structure viable.
2. Use of fiber cement board as a primary material: A waiver is being requested to allow the building to have greater than 20% secondary building materials used. The home is currently clad in aluminum siding that is pulling away in multiple locations. The home was historically clad in lap siding that was at some point removed and replaced with aluminum. There is no foundation ledge around the building that would support the addition of brick veneer. We are requesting to replace the current aluminum siding with a 6" exposed profile of fiber cement siding along with new trim boards around windows and at building corners and transitions. The renovation will enhance the current appearance and protect the structure from further damage from water infiltration.

City of Bloomington Planning Department (*Revised*)
December 30, 2015
Revised 1-21-2016
Page 7

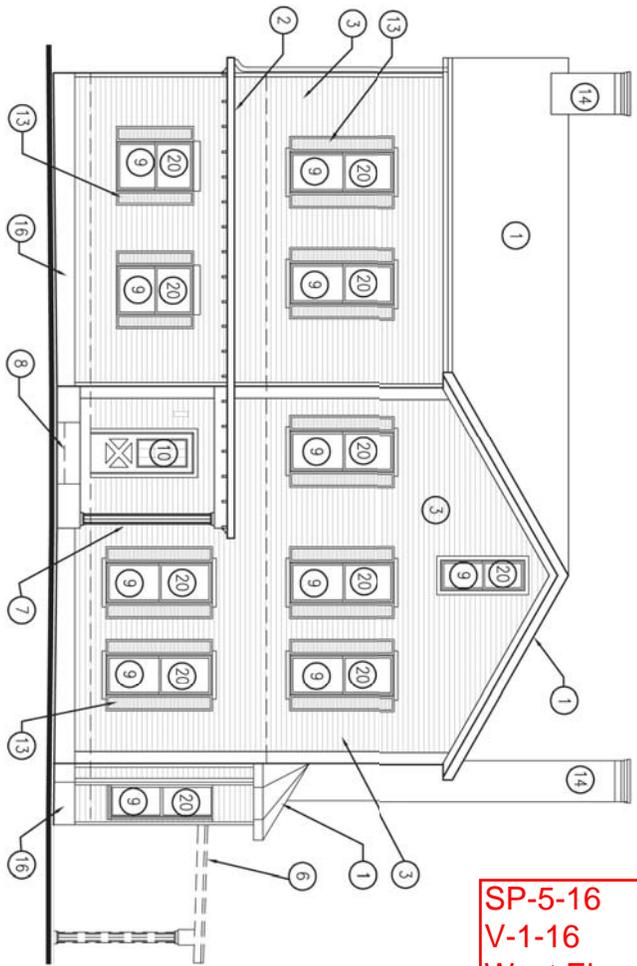
SP-5-16
V-1-16
Petitioner's
Statement

3. Void to Solid: A waiver is being requested to allow the existing being to not meet void to solid ratio.
The home is existing and modifications to the existing windows to meet 60% void to solid on level 1 and 20% void to solid on level 2 would require significant modification to the historic nature / character. We are requesting that a waiver be granted to allow the homes windows to remain as they are.

Respectfully submitted,

STUDIO 3 DESIGN, INC

Timothy W. Cover

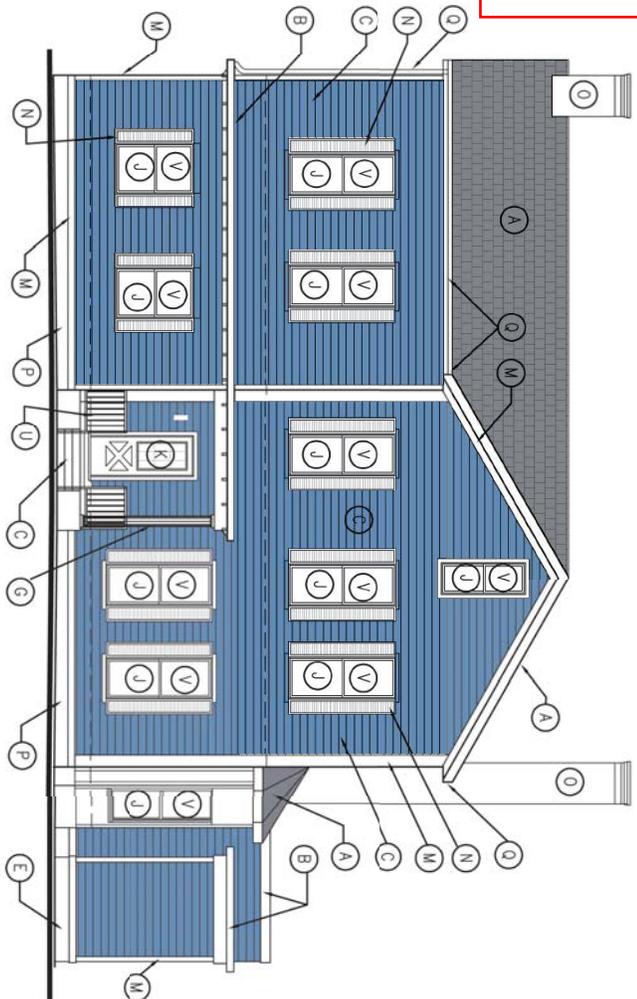


SP-5-16
V-1-16
West Elevation

EXISTING WEST ELEVATION

1/8" = 1'-0"

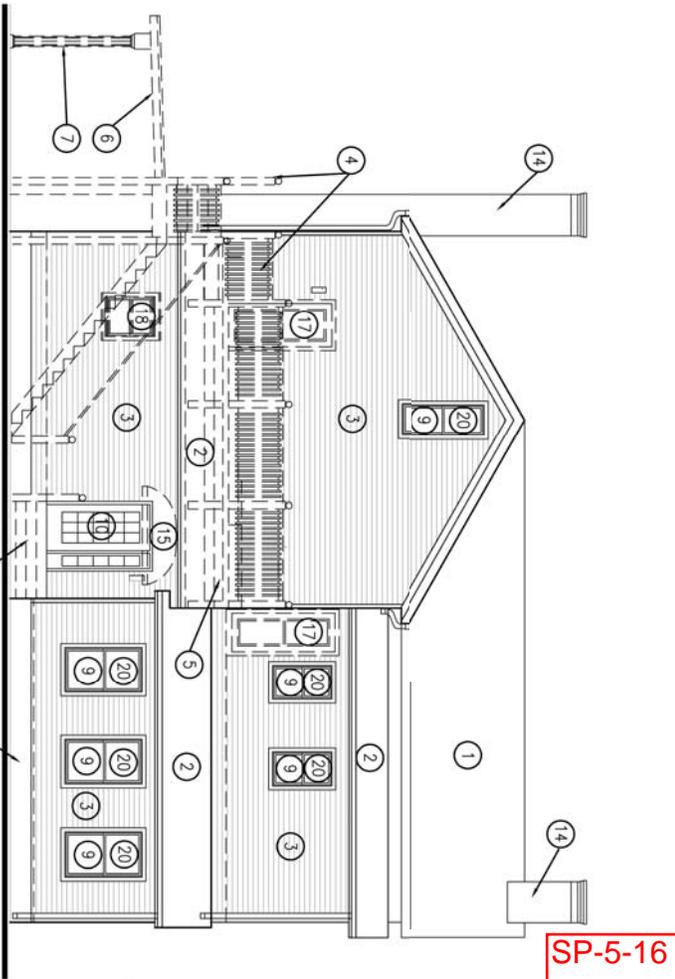
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 - 17 EXISTING DOOR AND FRAME TO BE REMOVED
 - 18 EXISTING WINDOW TO BE REMOVED
 - 19 EXISTING HVAC UNIT TO BE REMOVED AND RELOCATED



NEW WEST ELEVATION

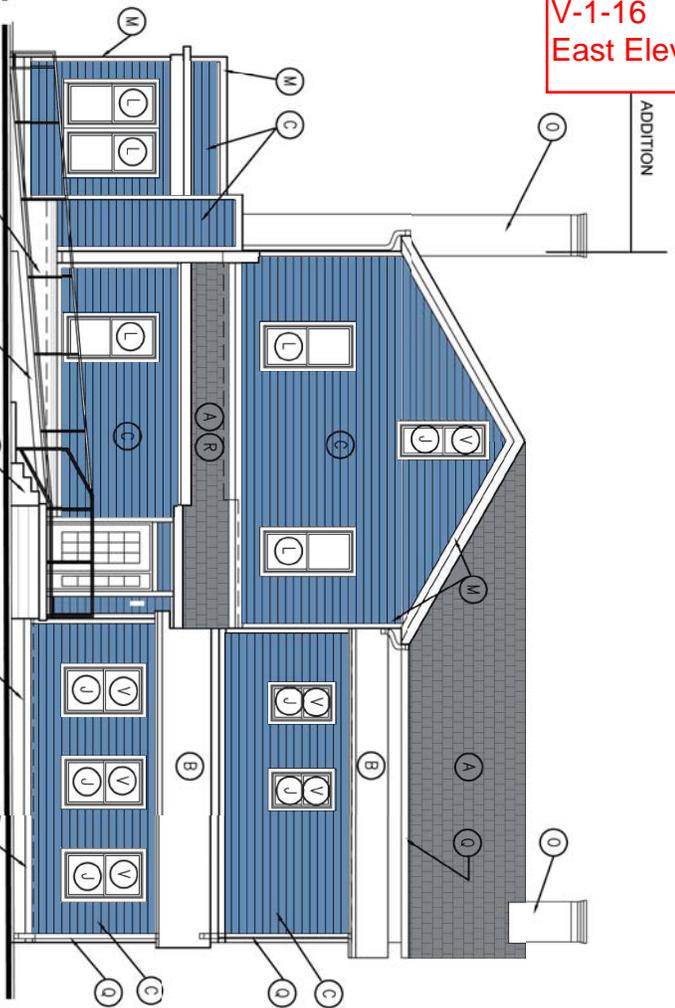
1/8" = 1'-0"

- NEW ELEVATION - KEYNOTES**
- A NEW DIMENSIONAL ASPHALT SHINGLE ROOFING (SLATE GRAY)
 - B NEW TPO MEMBRANE ROOFING - COLOR WHITE, MECHANICALLY ANCHORED
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 - U NEW WOOD RAILING SYSTEM, PAINTED WHITE.
 - V ALTERNATE PRICE TO REPLACE ALL EXISTING WINDOWS WITH NEW SINGLE HUNG VINYL WINDOW.



EXISTING EAST ELEVATION

1/8" = 1'-0"



NEW EAST ELEVATION

1/8" = 1'-0"

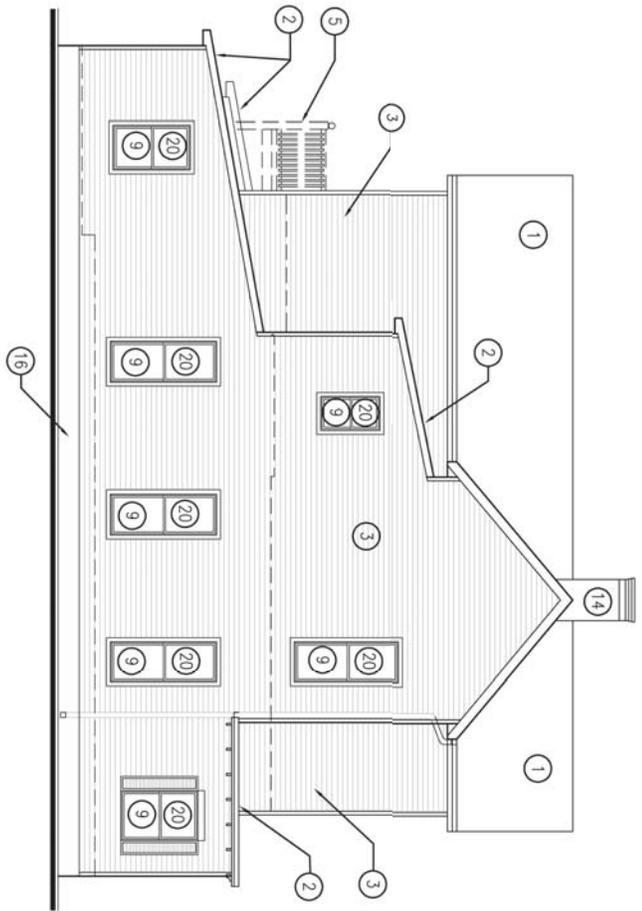
SP-5-16
V-1-16
East Elevation

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NEW ELEVATION - KEYNOTES

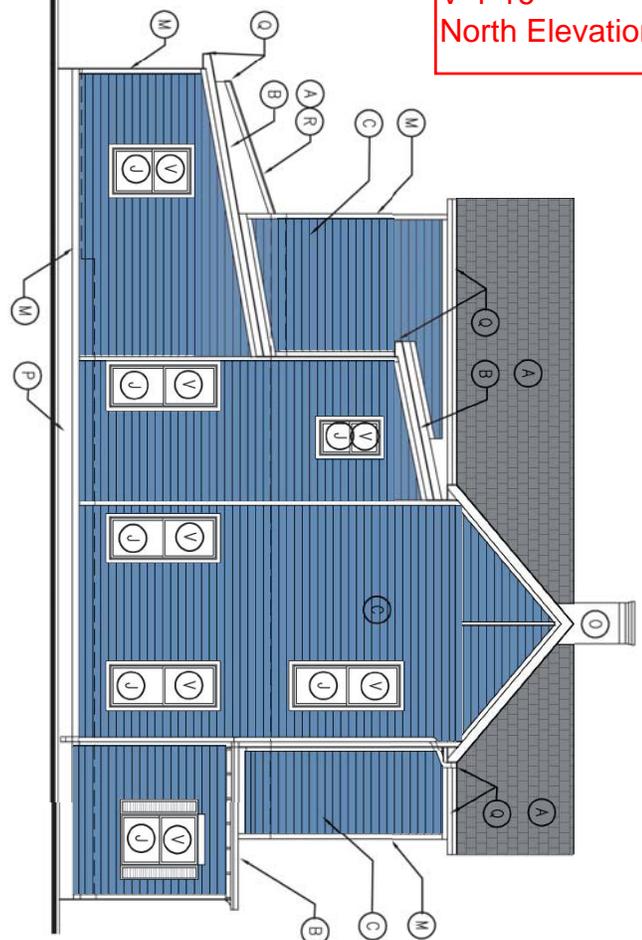
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SP-5-16
V-1-16
North Elevation

EXISTING NORTH ELEVATION

1/8" = 1'-0"



NEW NORTH ELEVATION

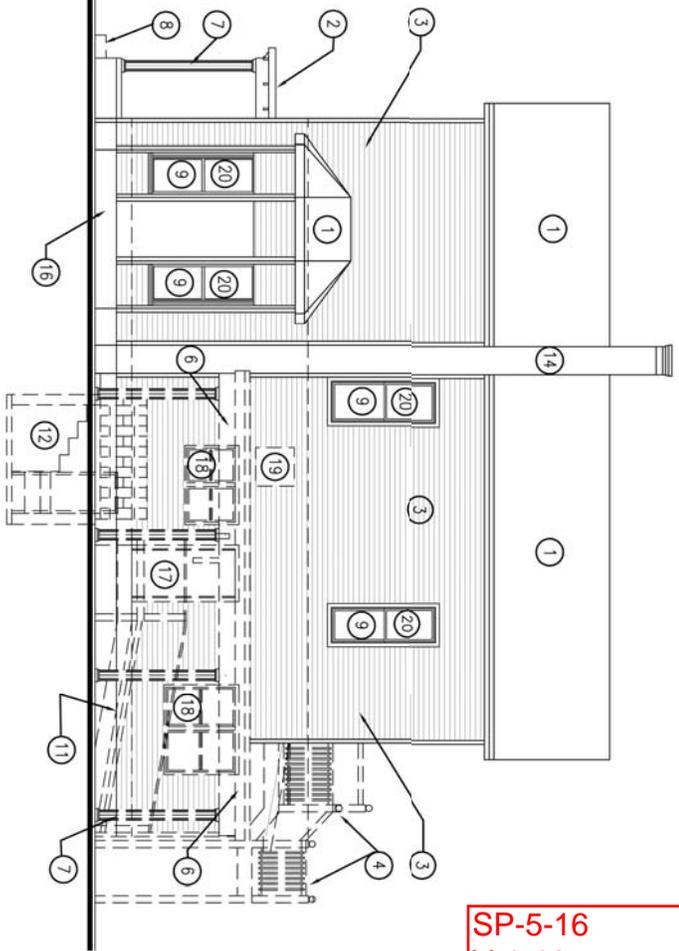
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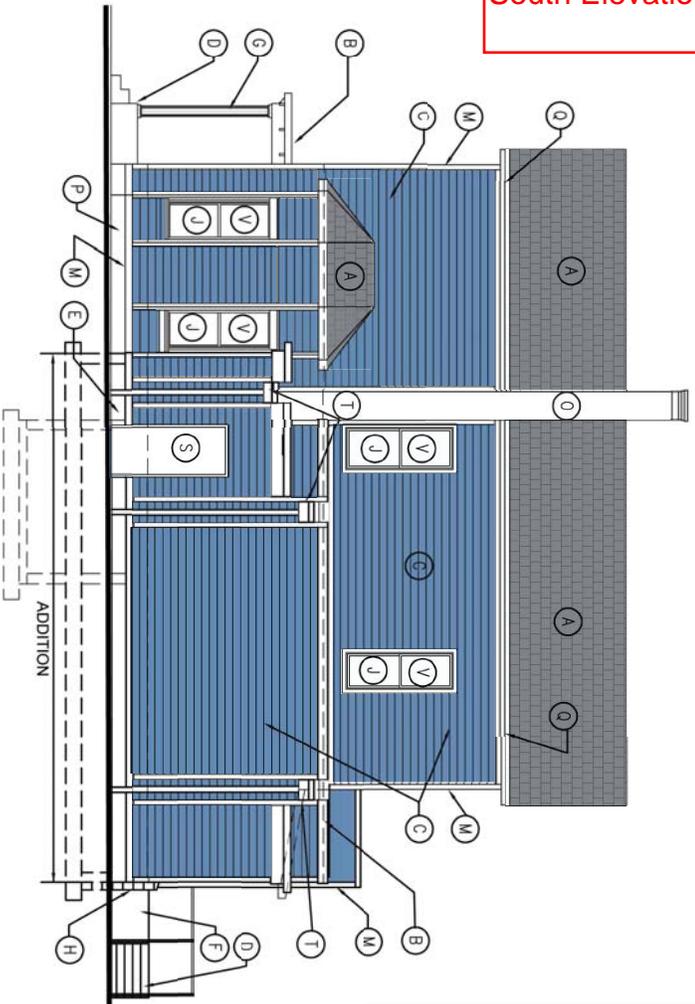


SP-5-16
V-1-16
South Elevation

EXISTING SOUTH ELEVATION

1/8" = 1'-0"

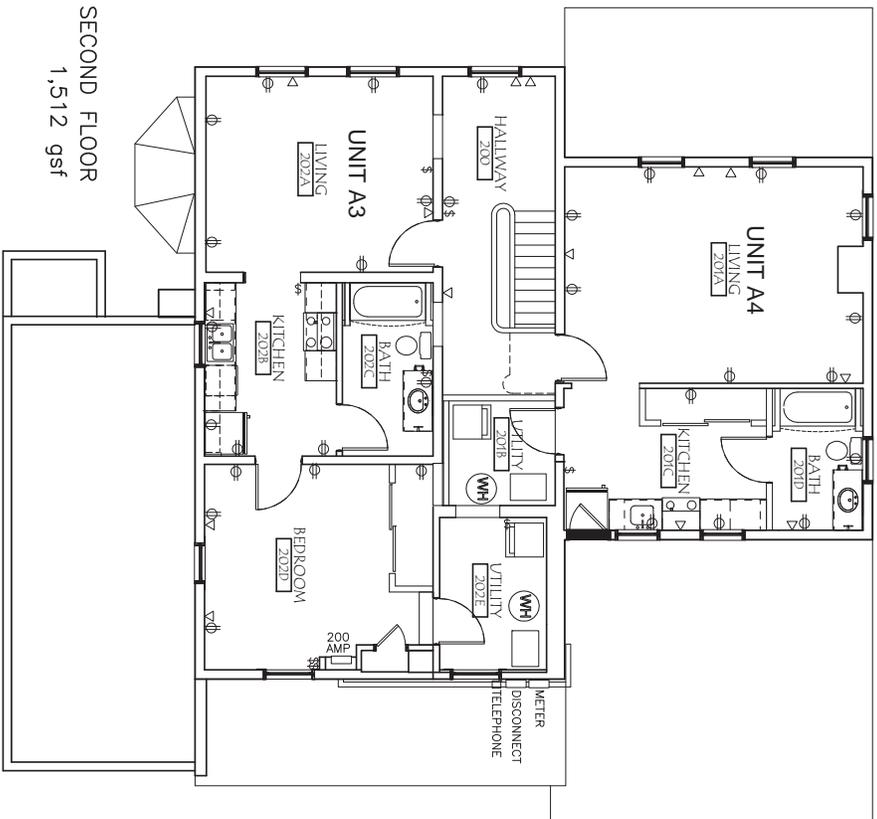
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NEW SOUTH ELEVATION

1/8" = 1'-0"

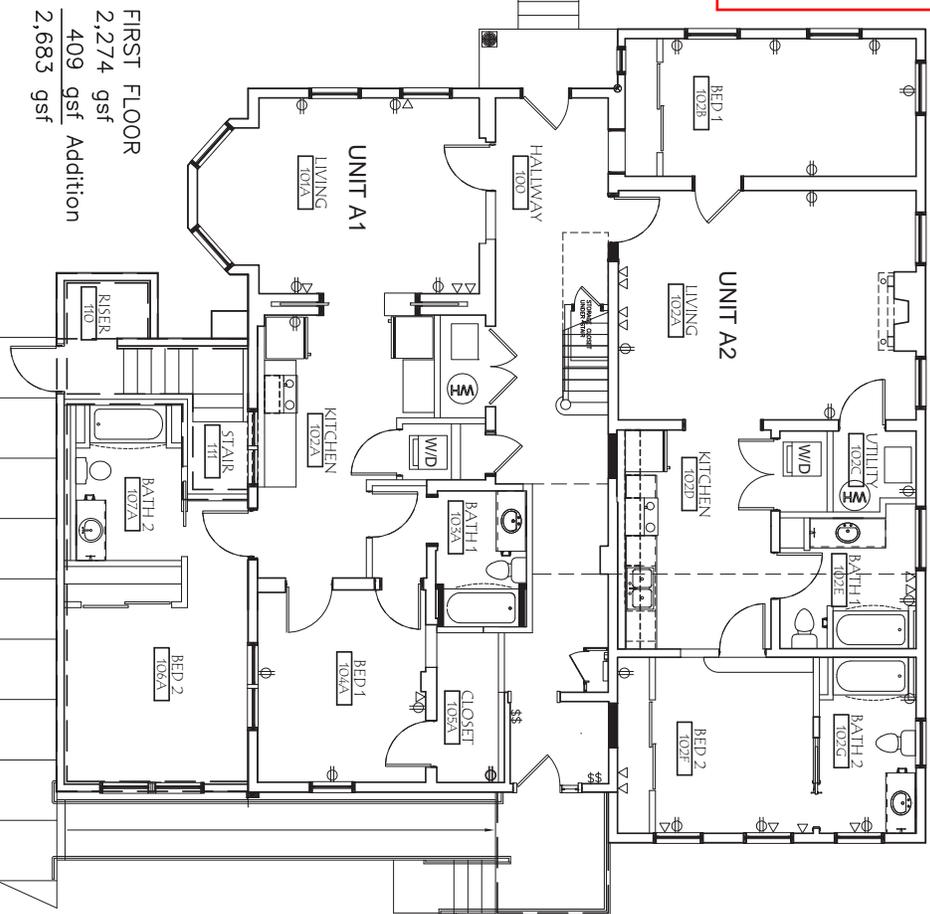
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SECOND FLOOR
1,512 gsf

LEVEL 2 FLOOR PLAN - NEW
1/8" = 1'-0"

SP-5-16
V-1-16
Floor Plan



FIRST FLOOR
2,274 gsf
409 gsf Addition
2,683 gsf

LEVEL 1 FLOOR PLAN - NEW
1/8" = 1'-0"

335 S. COLLEGE AVE

STUDIO 3 DESIGN

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 3727 E. Cameron Ave.**

**CASE #: DP-06-16
DATE: February 8, 2016**

PETITIONER: Allen and Susan Dunn
3727 E. Cameron Ave., Bloomington

CONSULTANT: Phillip O. Tapp
5040 W. Lizzy Lane, Bloomington

REQUEST: The petitioner is requesting preliminary and final plat approval of a 2-lot subdivision of 1.91 acres.

BACKGROUND:

Area: 1.91 acres
Current Zoning: Residential Single Family (RS)
GPP Designation: Urban Residential
Existing Land Use: Single Family Residential
Proposed Land Use: Single Family Residential
Surrounding Uses: North – Single family residence
West – Single family residence
East – Single family residence
South – Single family residence

SUMMARY: This 1.91 acre property is located at 3727 E. Cameron Avenue and is zoned Single Family Residential (RS). The property is in the Hoosier Acres Neighborhood Association. Surrounding land uses are all single family residences. The property has been developed with one single family residence and driveway. This lot is not part of the original Hoosier Acres subdivision and is described with a metes and bounds description.

The petitioner is proposing to subdivide the property to create a lot to be sold for a single family residence. Lot #2 will be approximately 0.72 acres and the existing residence will be located on the 1.19 acre Lot #1. Both proposed lots meet the minimum lot size and minimum lot width requirements. A 5' wide concrete sidewalk and a tree plot at least 5' wide with street trees are required along Cameron Avenue. No additional right-of-way dedication is required for Cameron Avenue since the current amount of right-of-way exceeds UDO requirements.

FINAL PLAT REVIEW:

Right-of-Way Dedication: There is currently 60' of right-of-way for Cameron Avenue which was dedicated with the original plat for Hoosier Acres. No additional right-of-way dedication is required since this is a local street and only requires 50' of dedicated right-of-way. Street trees not more than 40' on center are required within the tree plot and based on the 500' of frontage there would be 13 street trees required. These must be installed or bonded for prior to signature of the final plat.

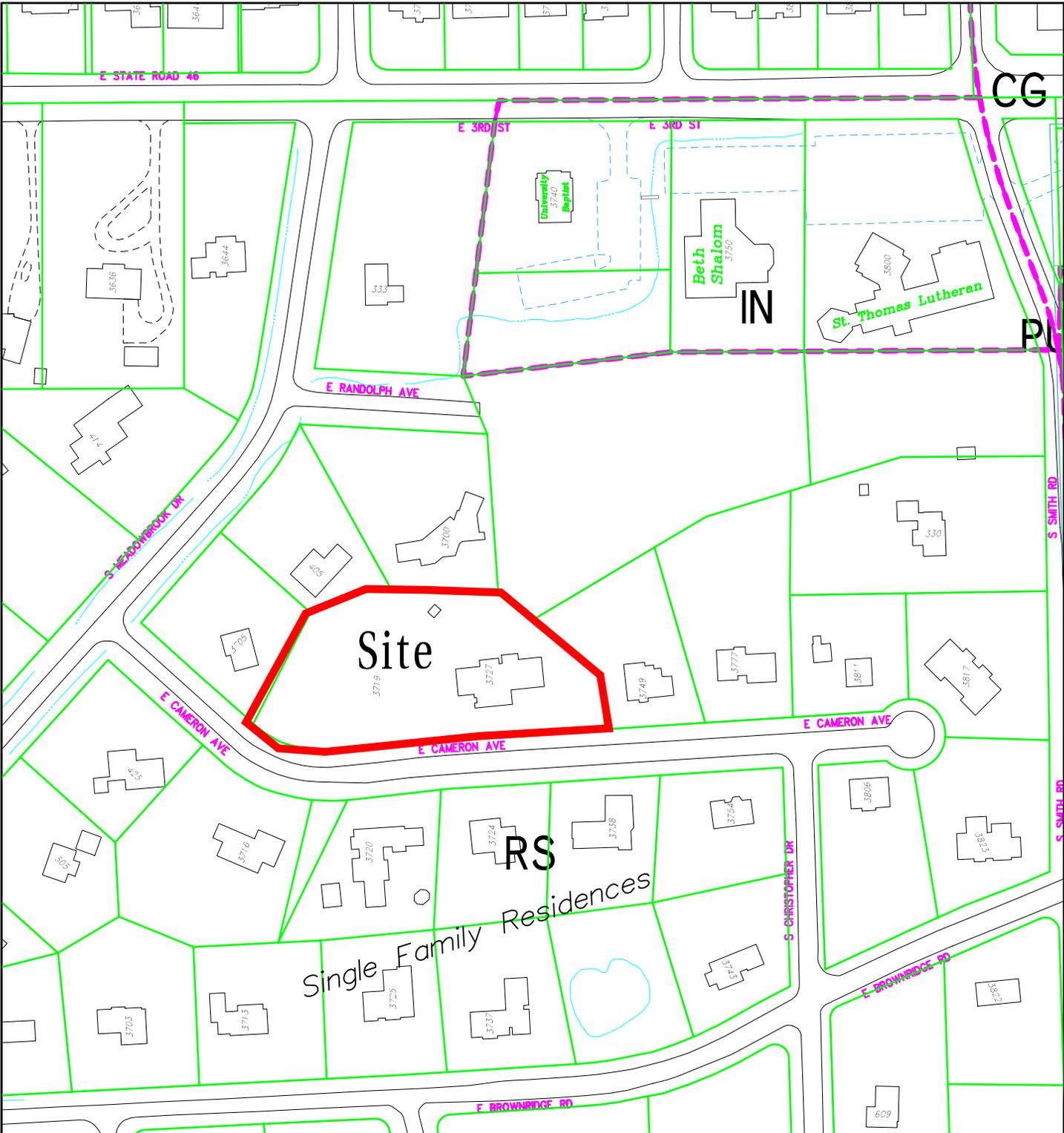
Pedestrian Facilities/Alternative Transportation: With this subdivision request the petitioner is required to install a 5' wide concrete sidewalk that is separated from the street with at least a 5' wide tree plot. The sidewalk and street trees must be installed or bonded for with the final plat signature. Street tree species are to be coordinated with the City Urban Forester.

Utilities: All utility service for this property will be provided by existing water and sanitary sewer lines along Cameron Avenue. No on-site detention is required with this subdivision.

Environmental: There are no environmental features on this site that would require preservation.

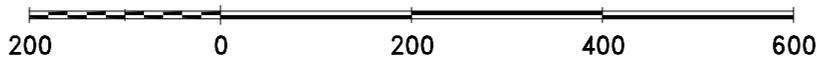
RECOMMENDATION: Staff recommends approval of this subdivision request with the following conditions:

1. A 5' wide concrete sidewalk separated from the street with at least a 5' wide tree plot and street trees not more than 40' from center are required within the right-of-way.
2. The new lot will have an address of 3719 E. Cameron Avenue and this must be shown on the final plat prior to signature.
3. A bond or compliance with condition #1 is required prior to plat signature.



DP-06-16 Allen and Susan Dunn
 3727 E Cameron Ave
 Plan Commission
 Site Location, Zoning, Land Use, Parcels

By: greulice
 4 Feb 16

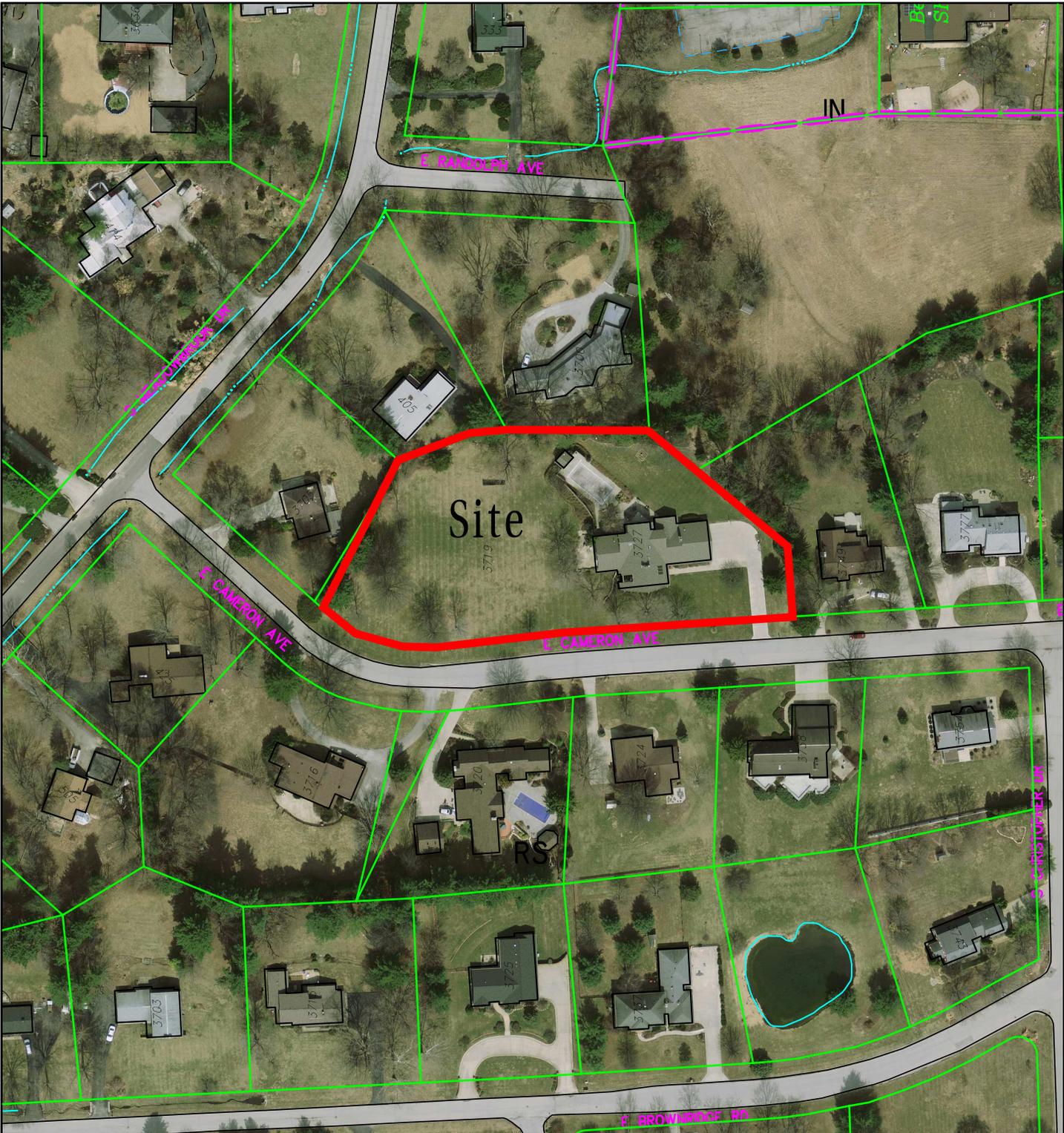


City of Bloomington
 Planning & Transportation

N

Scale: 1" = 200'

For reference only; map information NOT warranted.



DP-06-16 Allen and Susan Dunn

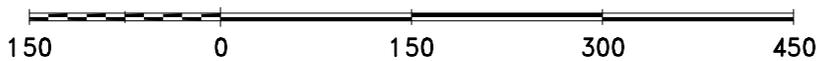
3727 E Cameron Ave

Plan Commission

2014 Aerial Photograph

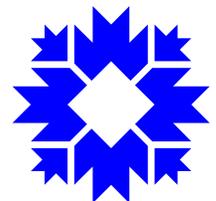
By: greulice

4 Feb 16



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



N

Scale: 1" = 150'

Philip O. Tapp & Company, Inc.

January 7, 2016

Eric Gruelich
Bloomington Planning
501 N. Morton St.
Bloomington, IN 47404

RE: Preliminary Plat Approval Allen Dunn Subdivision

Dear Eric

We are respectfully requesting Preliminary Plat approval for a two lot subdivision for Allen & Susan Dunn. They own 1.91 acres and would like to split it into two lots. Lot 1 will contain their existing house and 1.19 acres. Lot 2 is vacant and will contain 0.72 acres. The lots will be served by City of Bloomington sewer and water.

Both lots have frontage on Cameron Avenue which is a public street.

There are no new public improvements or dedications associated with this plat.

Please place this request on your February 8, 2016 Plat Committee agenda for approval.

Please let me know if you require any other information.

Attached are the following:

- 1 full sized copy and one reduction of the final plat.
- Existing deed
- \$400 submittal fee

Thank you for your help in processing this request. Please call me at 327-8522 if you have any questions or need further clarification.

Sincerely,



Philip O. Tapp
Professional Land Surveyor

cc: Allen Dunn
File # 6637

S:\PROJECTS\DATA\00006637ADMIN\final PLAT.DOC

5040 Lizzy Lane
Bloomington, IN 47403
Phone: 812-327-8522 Fax: 812-825-5703

DP-06-16
Petitioner Statement

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 1909 W. 3rd Street**

**CASE #: SP-1-16
DATE: February 8, 2016**

PETITIONER: Three Guys Funding, LLC
1428 E. 3rd Street, Bloomington

CONSULTANTS: Bynum Fanyo & Associates, Inc.
528 North Walnut Street, Bloomington

Weber Group, Inc.
5233 Progress Way, Sellersburg

REQUEST: The petitioners are requesting site plan approval of three commercial buildings totaling approximately 18,500 square feet on a 2.93 acre site.

BACKGROUND:

Area:	2.93 acres
Current Zoning:	CA
GPP Designation:	Community Activity Center
Existing Land Use:	Vacant/Wooded
Proposed Land Use:	Commercial
Surrounding Uses:	North – Vacant/Commercial West – Residential (partially outside city limits) East – Commercial South – Vacant/Residential (Sunset Hill, outside city limits)

STAFF REPORT: The property is located at 1909 W. 3rd Street and is zoned Commercial Arterial (CA). Surrounding land uses include vacant land and business/professional offices to the north across 3rd Street, single family residences to the west and south, and commercial to the east. The property is vacant except for the presence of a billboard at the northeast corner. There are some trees on the site, but no wooded areas that would require preservation. The property largely drains to the east, falling roughly 20 feet from the northwest to the east, and ultimately draining to a sinkhole located to the southeast of the property.

The petitioners propose to develop this property with three commercial structures and associated parking and access driveways. The petition site is part of a larger property holding and proposal that contains two additional properties outside of the city limits. The proposed site plan includes two one-story buildings fronting on 3rd Street, with approximate sizes of 2000 square feet and 2400 square feet. Each building is designed with its own drive-through capable parking lot, though no drive-through windows are currently proposed on either building. A large traffic circle containing a fountain water feature is planned central to the site. A larger third building is proposed roughly 270 feet south of 3rd Street, with a plaza separating it from the traffic circle. Per the petitioners' statement, this structure will contain 4,500 square feet for a new Mother Bear's location

and two additional lease spaces of 5,000 square feet each. The petitioners propose to use the existing driveway location on 3rd Street for access, as well as a second access onto Cory Lane through an adjacent parcel that is outside of the city limits. The entire proposal will contain a total of 213 parking spaces, with the majority to be located on a second parcel outside of city limits, directly to the south of the petition site. There are 42 parking spaces proposed to be located on the petition site. A roughly 380 foot long retaining wall is proposed to begin in the northeast corner of the property and run south near the eastern property line. At its tallest, the wall is 16 feet tall.

SITE PLAN ISSUES:

Parking: The UDO does not require any parking for a commercial development of this type. Instead it specifies a maximum parking space regulation. However, the two parcels outside of the city limits are not held to the Unified Development Ordinance parking standard, and therefore, contain no maximum parking space total. Each of the smaller northern buildings will have its own small parking lot. Per the UDO maximum parking standard, the maximum number of parking spaces allowed for a multi-tenant nonresidential center is 1 space per 250 square feet of ground floor area. The proposed development has 18,900 square feet of ground floor area, allowing for a maximum of 75 parking spaces. The petitioners propose a total of 213 parking spaces, with 42 being located on the city petition site, and the remaining 171 spaces on the two parcels outside of city limits.

Landscaping/Bufferyard: The petitioners have submitted a landscape plan that satisfies nearly all UDO landscaping requirements, which typically include interior site landscaping, parking lot landscaping, street trees and bufferyard landscaping.

The unresolved issues include additional trees required in the bufferyard adjacent to the neighboring Residential Single-Family (RS) zoning; additional perimeter parking lot landscaping; protection of existing street trees; and relocation of 4 trees that do not meet the utility separation requirement. There are a few smaller technical corrections, as well.

In addition to building and parking setbacks, the UDO requires a minimum 15-foot bufferyard adjacent to the RS zoned home to the southwest. The UDO requires that this bufferyard must be planted with one deciduous canopy tree and two evergreen trees every 25 feet. The petitioner is showing only interior planting trees in this location, and no bufferyard trees. These deficiencies will be corrected before the second hearing. Permeable pavers have been used in some locations that might otherwise be designed as landscaping.

Billboard: There is a billboard located at the northeast corner of the petition site, which is already non-conforming. The billboard is owned by a third party. The grading plan for the site shows that the location of the billboard will be heavily graded with the outcome of an approximately 10 foot elevation change. No information has been provided as to the future of the billboard. The presence of the billboard hinders potential free-standing signs for the site. The current schematic shows multiple ground-mounted signs that are not permitted. Prior to the second hearing, petitioner must commit to the future of the billboard.

Architecture/Design: All three buildings appear to meet the architectural standards of the UDO. The site meets the letter of the UDO by including the two small buildings along the 3rd Street frontage, even though the larger mass of the site is more than 250 feet from 3rd Street.

Access: This property will be accessed through one existing driveway cut on 3rd Street and one new commercial driveway cut on Cory Lane, which will connect to the site through a parcel outside of the city limits. Each driveway cut meets the width maximum requirements determined by its road classification in the Thoroughfare Plan. The main driveways that traverse the site range in size from 24 feet wide to over 45 feet wide in places. Much of the designed width is caused by delivery truck needs.

Environmental Preservation: The site currently contains some areas with a scattering of trees and very little understory. The site does not contain any defined wooded areas that require preservation. The petitioner proposes to preserve 5 trees along 3rd Street, however, three of the trees appear to be in areas proposed for grading. A tree wall has been included to protect an existing tree on the property in the northwest portion of the petition site.

There is a large karst feature in the southeast corner of the parking lot parcel to the south of the petition site. The petitioners have planned a buffer around the feature to meet the applicable Monroe County Zoning Ordinance requirements.

Impervious Surface Coverage: The site plan meets the maximum impervious surface coverage requirement of 60%, through a combination of open space and permeable pavers. Proposed impervious surface coverage is 59.4%. Permeable pavers are used extensively on the site. 9.76% of the petition site is covered with permeable pavers. 25.1% of the pervious surface on the site is covered in permeable pavers. The petitioner will submit to the City of Bloomington Utilities a maintenance plan for care of the permeable pavers.

Landscaped areas appear in small pockets on most of the site. The large traffic circle and associated driveways in conjunction with the open plaza creates a wide expanse of non-landscaped space at the center of the development, with the main building of the development behind this area. The amount of planned hardscape, drive aisle widths, and location of the main building in the rear of the property warrant more discussion.

Pedestrian Facilities/Alternative Transportation: Sidewalk exists along 3rd Street on the northern frontage of the project. Although not directly on the petition site, the petitioners are also proposing sidewalk to be added along the Cory Lane frontage of the larger proposal. Both Cory Lane and 3rd Street are connected to the remainder of the site with 5-foot wide sidewalks. There will also be direct pedestrian access to each of the northern buildings from 3rd Street. The majority of the site also contains 5-foot sidewalks to allow for interior circulation of pedestrians. However, the northeast development area does not have a direct connection to the larger development to the south, and the large parking lot outside of city limits does not appear to have any pedestrian connection to the larger development.

Bicycle parking is proposed at each of the three buildings and meets UDO requirements. No additional Bloomington Transit facilities are required with the development.

Utilities: Water and sewer service is shown on the site plan connecting to existing mains north of the property. Utility plans have been submitted and are under review by City Utilities. Stormwater detention for the petition site and one of the parcels outside of the city limits will be handled through a bioretention area on the Cory Lane parcel, an underground detention system, and pervious pavers, all draining to the detention feature in the northeast portion of the petition site. Some stormwater will also be diverted to a smaller detention facility in the southeast portion of the site. Final acceptance and approval from City Utilities is needed before the issuance of a grading permit.

CONCLUSION: This petition involves development of 2.93 acres of a larger 5.71 acre proposal, with frontage on 3rd Street and Cory Lane. Staff has various concerns, including the amount of pavement used for drive aisles on the entirety of the site; uncertainty of the future of the billboard; the main building being proposed for the rear of the property with ancillary buildings to the front; and the replacement of landscaped areas with permeable pavers when landscaping requirements have not been met. Staff would like feedback from the Plan Commission on the items listed above and whether or not the site plan meets the intent of the Commercial Arterial district, as stated in the UDO.

RECOMMENDATION: Staff recommends continuance of SP-1-16 to the March 7, 2016 meeting.

MEMORANDUM

Date: February 1, 2016

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP-1-16, Mother Bear's Pizza Commercial Site, Three Guys Funding
1909 West 3rd Street

The purpose of this memo is to convey our environmental concerns and recommendations with the hope that action will be taken to improve the environmental integrity of this proposed Plan. The request is for a Site Plan approval for three commercial buildings within the CA zoning district.

Because of the ecological services that this 5.71-acre site (2.93 acres in city jurisdiction) could provide with a bit more forethought, the EC believes that the Plan represents an opportunity to enhance that special sense of environmental character that Bloomington is known for, by demonstrating through example that we are, indeed, a Tree City USA, a National Wildlife Federation Wildlife Habitat Community, a winner of America in Bloom's national competition, and that we are committed to reducing the carbon footprint of our community while meeting the needs of our people.

Because of the large lot size, amount of impermeable coverage, and geologic sensitivity, the EC believes that this proposal should proceed to a second hearing. It is at that time, after additional issues have been fleshed out, that the EC will provide a more detailed memorandum of any recommendations that remain.

ISSUES OF SOUND ENVIRONMENTAL DESIGN

1.) GREEN BUILDING & SITE DESIGN

The Petitioner has not committed to any "green building" features. The EC recommends that green building practices be employed at this site, thus we offer some specific recommendations that include the following three actions.

a. Use locally-sourced, real limestone or sandstone instead of cast concrete or concrete blocks on the facade of the building. Concrete building materials carry a very large environmental footprint, and are not produced here in our backyard like limestone is. Using locally-produced

and sourced materials ensures a smaller environmental footprint and enhances the community sense of the facility.

- b. Use roofing material that is not simply white, but also contains reflective material. A white roof should have a minimum initial Solar Reflective Index of 0.65, and an aged index of 0.55. It should be overlaid with a reflective coating or covered with a white, granulated cap sheet.
- c. Install solar photovoltaic cells to reduce the use of greenhouse-gas emitting pollutants.

Green building and environmental stewardship are of utmost importance to the people of Bloomington and sustainable features are consistent with the spirit of the Unified Development Ordinance (UDO). Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by former Mayor Kruzan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, *Redefining Prosperity: Energy Descent and Community Resilience Report*.

2.) RECYCLING

The EC recommends that space be allocated for recyclable-materials collection, which will reduce the facilities' carbon footprint and promote healthy indoor and outdoor environments. Recycling has become an important norm that has many benefits in energy and resource conservation. Recycling is thus an important contributor to Bloomington's environmental quality and sustainability and is expected in a 21st-century structure.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

December 23, 2015

Jackie Scanlan
City of Bloomington Planning Department
401 N. Morton Street
Bloomington, Indiana 47404

RE: Mother Bear's Pizza New Commercial Site
Final Plan Approval Petitioner's Statement

Jackie Scanlan or To Whom It May Concern:

Our client, Three Guys Funding, LLC., respectfully request final plan approval for the referenced project and to be placed on the next Plan Commission agenda for the plan to be approved by the Plan Commission members.

Project Narrative:

The proposed development at 1909 West 3rd Street and 307 S. Cory Lane consists of the removal of one existing single family residential house at 307 S. Cory Lane along with developing 4 new structures for purposes of commercial development. The commercial applications include a new Mother Bears Pizza restaurant that will be the center of the large central proposed structure containing approx.. 4,500 sq. ft.. In addition, 4 other commercial spaces will be built; 2 on the wings of the large central structure (5,000 sq. ft. each) and 2 structures at the north end of the lot (2,000 sq. ft. each). This proposed development will also contain 199 parking spaces for the large central structure's 3 commercial applications including Mother Bears. The 2 northern buildings will propose 10 parking spaces each. There is a 380' long wall proposed along the eastern edge of the property to contain all drainage within our property and keep the proposed site at reasonable grading patterns. The total project site is 5.50 acres (2.93 area in City of Bloomington's planning jurisdiction). The entire site is within the City's 'CA' zoning boundary.

This proposed development is proposing no planning requirement variances and plan to adhere to all City and County ordinance standards.

After you have had a chance to review our petition please feel free to contact us at anytime questions regarding our submission.

Sincerely,
Bynum Fanyo & Associates, Inc.

Daniel Butler, P.E., Project Engineer
COPY: BFA FILE #401402

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

revisions:

ARCHITECTURE	BBB
CIVIL ENGINEERING	BYNUM FANVO & ASSOCIATES, INC.
PLANNING	
Bloomington, Indiana	
(612) 309-2990 (fax)	
(612) 332-8030	
528 North Walnut Street	

certified by:

PROJECT NO. 19	1909 W. 3RD STREET
NEW COMMERCIAL SITE	BLOOMINGTON, INDIANA 47404
MOTHER BEARS PIZZA	

designed by: JLB
 drawn by: JLB
 sheet no: C301
 Project no.: 40143

ZONING INFORMATION

JURISDICTION: MONROE COUNTY FOR PROPERTY TO WEST AND SOUTH - FORMER CITY OF BLOOMINGTON AREA & CITY OF BLOOMINGTON FOR PROPERTY TO NORTH

ZONING: COMMERCIAL ARTERIAL (CA)

PROPOSED USE: COMMERCIAL USE, RESTAURANTS/FOOD SERVICE, OFFICES

MAXIMUM HEIGHT: 87'

MAXIMUM INTERFLOOR COVERAGE: 50%

USABLE OPEN SPACE PER UNBUILT UNIT: 1,000 SF

FLOOR AREA RATIO: 1.5

SIDE YARD BUILDING SETBACK: 10' UNLESS ADJACENT TO RESIDENTIAL AND 4' FOR EACH ADDITIONAL BUILDING STORY

REAR YARD BUILDING SETBACK: 10', 25' IF ADJACENT TO RESIDENTIAL

SIDE YARD BUILDING SETBACK: IF ADJACENT TO NONRESIDENTIAL THEN HIGHEST INTEGRAL NUMBER OF 5', MINOR OVERSIGHTS ARE PERMITTED. MAXIMUM OF 25', 10' IF ADJACENT TO RESIDENTIAL

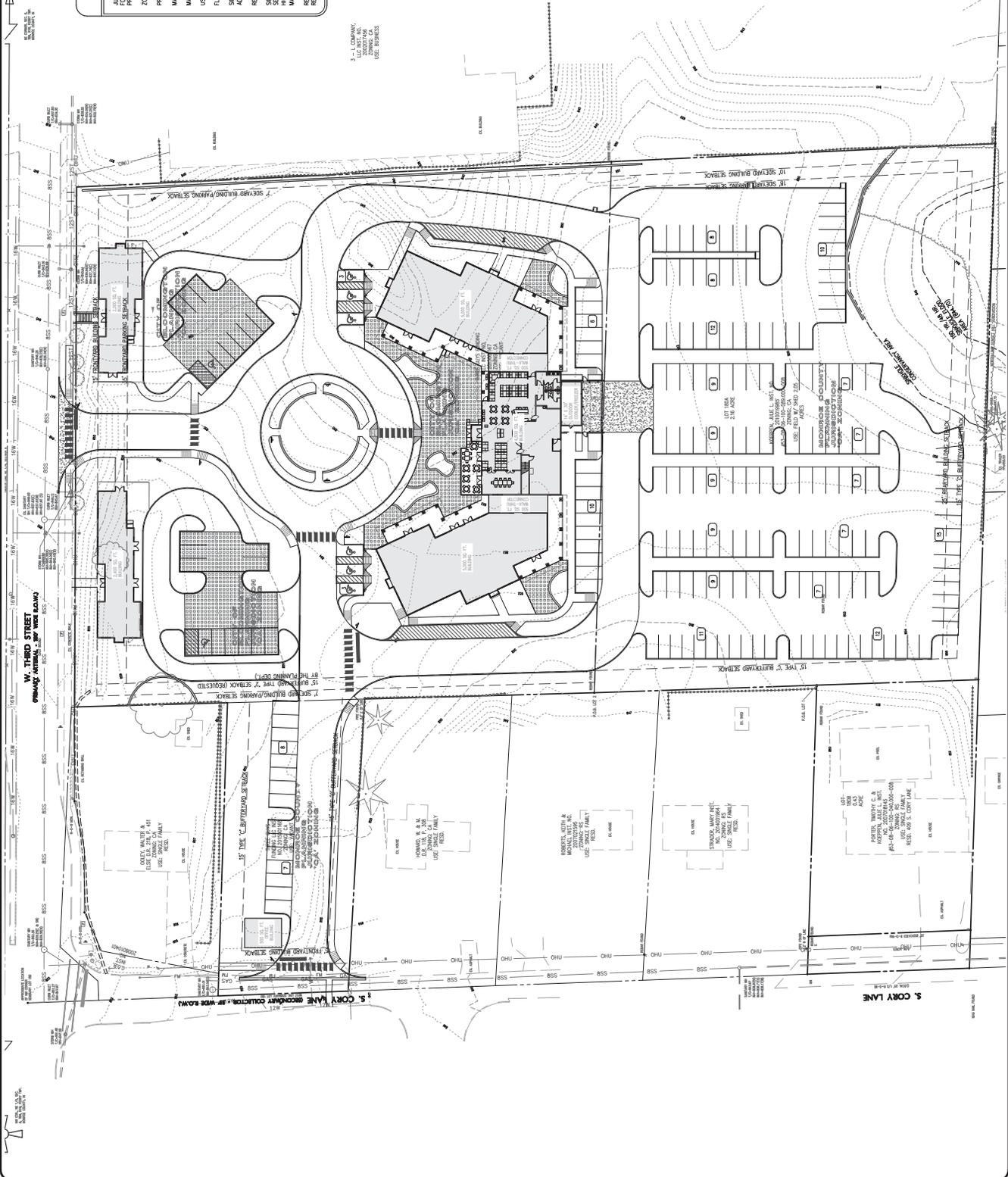
REAR YARD PARKING SETBACK: 6', 10' LANDSCAPED NEXT TO RESIDENTIAL

3 - 1' CANTONMENT
 1 - 10' CANTONMENT
 1 - 10' CANTONMENT
 USE: BUSINESS

SITE PARKING COUNT

ADA PARKING SPACES - 6 SPACES
 PARKING SPACES - 187 SPACES
 TOTAL - 193 SPACES

SCALE: 1"=30'



revisions:



SCALE: 1"=20'

ARCHITECTURE
CIVIL ENGINEERING
PLANNING
BLOOMINGTON, Indiana
(617) 359-2390 (fax)

BYNUM FAYO & ASSOCIATES, INC.

528 North Walnut Street
Bloomington, Indiana
(617) 352-8630



certified by:

PRIOR OF FID
MOTHER BEARS PIZZA
NEW COMMERCIAL SITE
1909 W. 3RD STREET
BLOOMINGTON, INDIANA 47404

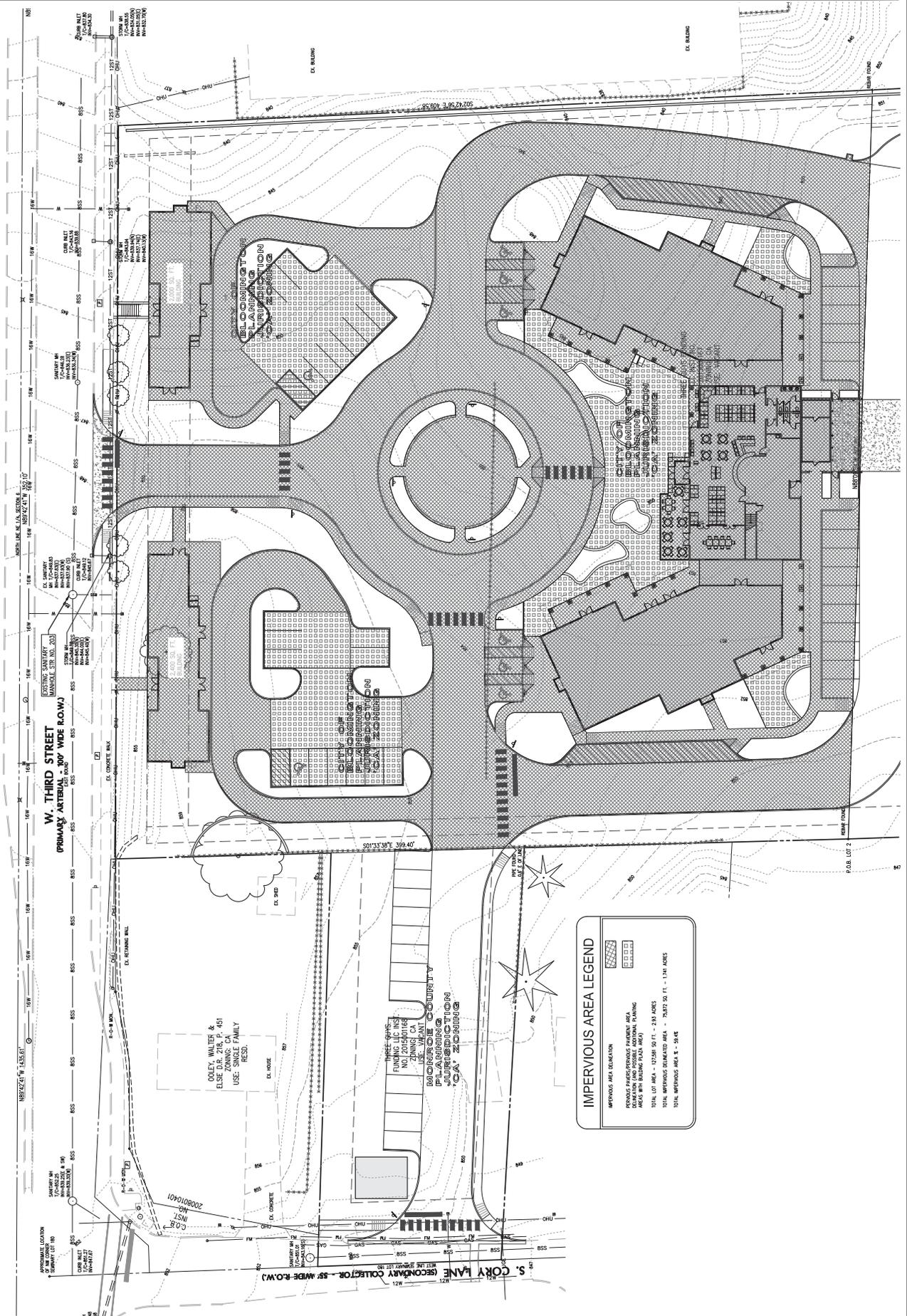
Title: CITY IMPERVIOUS
SURFACE
CALCULATIONS

designed by: DJB
drawn by: DJB
sheet no: C1
Project no.: 011443

W. THIRD STREET
WEST ROAD

W. THIRD STREET
(PRIMARY ARTERIAL - 55' WIDE ROW)

S. CORY LANE
(SECONDARY COLLECTOR - 55' WIDE ROW)



IMPERVIOUS AREA LEGEND

IMPERVIOUS AREA CALCULATION

- IMPERVIOUS SURFACE FINISHES AREA
- PERVIOUS SURFACE FINISHES AREA
- PERVIOUS SURFACE FINISHES AREA WITH POSSIBLE ADDITIONAL PAVING AREAS WITH BUILDING PLANNING AREA

TOTAL LOT AREA = 122,981 SQ. FT. = 2.81 ACRES
 TOTAL IMPERVIOUS DEEMED AREA = 79,875 SQ. FT. = 1.84 ACRES
 TOTAL IMPERVIOUS AREA % = 64.6%

P.O.B. LOT 2

847



ISSUE	DATE	DESCRIPTION
	2015-12-09	Release for Schematic Design Review
	2016-01-20	Release for Revised Schematic Design
	2016-02-21	Release for Revised Schematic Design
	2016-02-26	Release for Revised Schematic Design and preliminary construction review commentary

of Weber
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 • CONSTRUCTION
 • SPECIALTY FABRICATIONS

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 TELLERSBURG, INDIANA 47272
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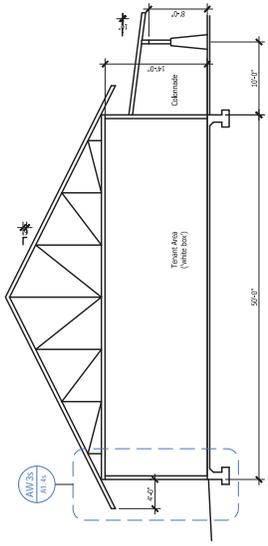
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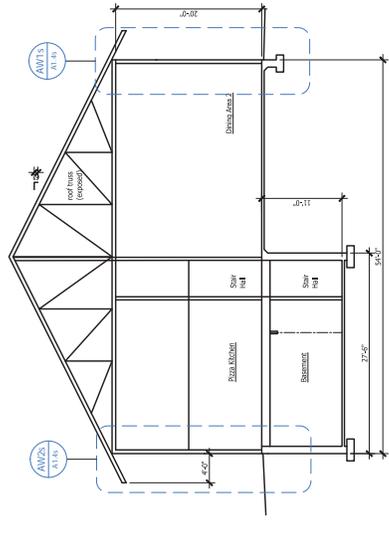
**Schematic Architectural
 Character Illustrations**

DATE:	2015-12-09
DRAWN BY:	af
CHECKED BY:	
PROJECT NO.:	BBR-015

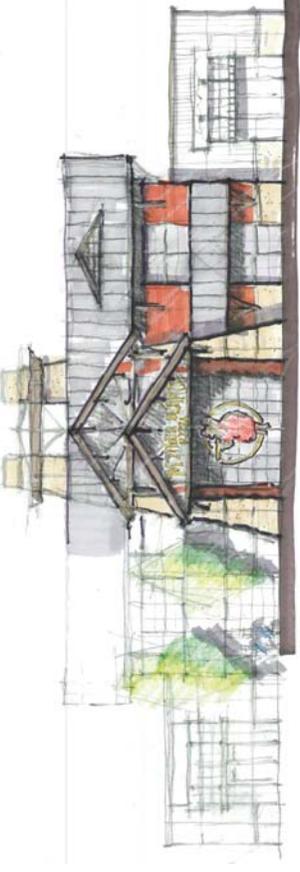
SHEET **AI** 72



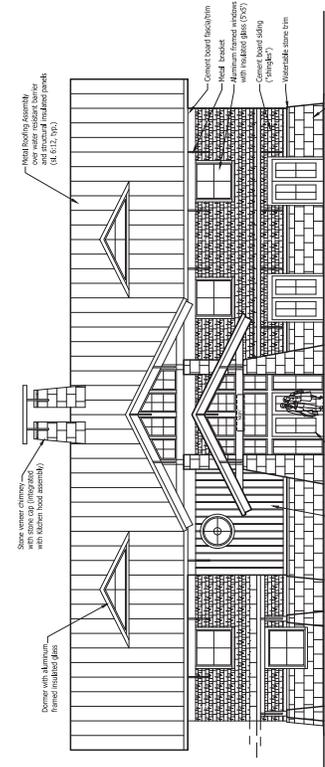
A.T.1 Schematic Building Section
 SCALE: 1/8" = 1'-0"
 EB&WB&S Wings



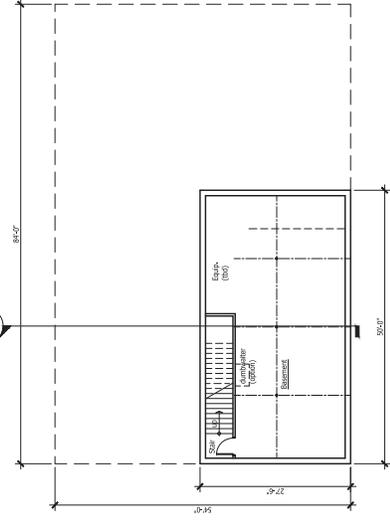
A.S.1 Schematic Building Section
 SCALE: 1/8" = 1'-0"
 Mother Bear's Pizza



A.E.S. (Conceptual Sketch Elevation)
 SCALE: 1/8" = 1'-0"
 Reference Concept Study 2



A.E.1 Schematic Building Elevation
 SCALE: 1/8" = 1'-0"
 Mother Bear's Pizza



A.L.S. Schematic Building Development Plan
 SCALE: 1/4" = 1'-0"
 Basement Level-Mother Bear's Pizza



ISSUE	DATE	DESCRIPTION
	2015-11-28	Release for Schematic Design Review
	2015-09-28	Release for Revised Schematic Design
	2015-02-26	Release for Revised Schematic Design
		Revised Schematic Design in Accordance with owner's comments

WEBER GROUP, INC
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Schematic Architectural Plans, Elevations & Building Sections
 DATE: 2015-12-08
 DRAWN BY: [initials]
 CHECKED BY: [initials]
 PROJECT NO.: BR-01-15
 SHEET: A1.1S



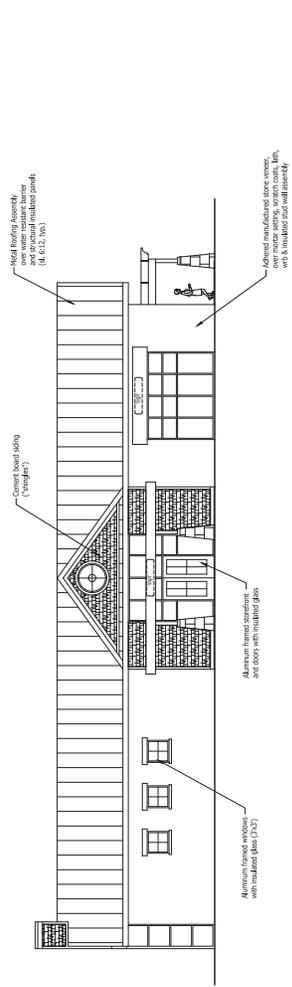
Reviewer Note: The design and/or schematic signs indicated are intended to guide general sign placement. Final sign locations to be determined based on design per occupant and compliance with City of Bloomington sign ordinance.

ISSUE	DATE	DESCRIPTION
	2014-01-15	Released for Design Review
	2014-01-20	Released for Interim Schematic Design
	2014-01-21	Released for Interim Schematic Design
	2014-01-26	Released for Interim Schematic Design

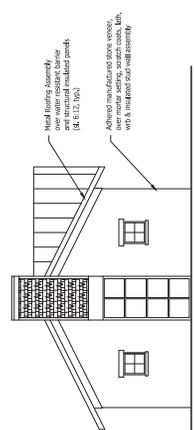
WEBER GROUP, INC
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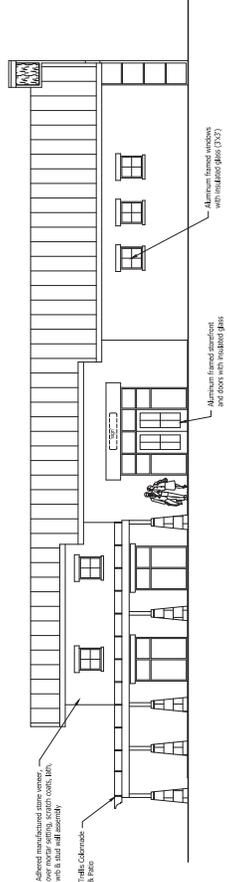
Schematic Architectural Elevations-Outlot #1	
DATE:	2015-12-08
DRAWN BY:	JF
CHECKED BY:	
PROJECT NO.:	BR-01-15
SHEET	A1.6S



AE6S Schematic Building Elevation
 SCALE: 1/8" = 1'-0" Outer #1 East Building (North Elevation)



AE7S Schematic Building Elevation
 SCALE: 1/8" = 1'-0" Outer #1 East Building (East Elevation)



AE9S Schematic Building Elevation
 SCALE: 1/8" = 1'-0" Outer #1 East Building (South Elevation)

BLOOMINGTON PLAN COMMISSION
STAFF REPORT
LOCATION: 208 S. Dunn Street

CASE#: SP-02-16
DATE: February 8, 2016

PETITIONER: Sunny Day Properties
208 S. Walnut St., Bloomington

CONSULTANT: Tabor Bruce Architecture & Design
1101 S. Walnut St, Bloomington

REQUEST: The petitioner is requesting site plan approval to construct a two-story mixed use building.

STAFF REPORT: This 0.086 acre property is located south of the corner of S. Dunn St. and E. 4th Street. The property is within the University Village Overlay (UVO) of the Commercial Downtown (CD) zoning district and is also subject to the Restaurant Row development standards. Surrounding land uses include restaurants to the west and north, a mixed-use building (Colstone Square) to the south, and an office building and single family residence to the east. This property has been developed with a one-story building. The building is not listed on the historic survey and a demolition permit has been issued to remove the building. This petition was filed before the interim protection was instituted for the Restaurant Row Historic District.

The petitioner is proposing to construct a two-story, mixed use building with 2,000 sq. ft. of ground floor commercial space with two, 2-bedroom apartment on the second floor with a Dwelling Unit Equivalency of 1.32 dwelling units (19 units/acre). The entire ground floor will be commercial space. New street lights and street trees are required and will be installed with this petition. A new bike rack will also be installed in the right-of-way along this frontage.

The new building is designed to be an Arts and Crafts residential style structure with pitched roofs and will be finished with cement board siding on all sides. Awnings have been shown over the entrance and along the front windows facing Dunn Street. An accessible entrance to the building faces 4th Street. Although not required, the building has been designed to complement the architecture of surrounding buildings along 4th Street and Dunn Street.

Due to the residential style of design rather than a more typical commercial storefront, the petitioner is requesting a waiver from the 50% void-to-solid requirements. The petitioner is also seeking a waiver from maximum height limits to allow a portion of the building to be 2' taller than the maximum 35' height limit of the district. This additional building height results from the slight change of grade that occurs across the property.

Plan Commission Site Plan Review: Two aspects of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.160. Those aspects are as follows:

- The project is adjacent to a residential use to the east and south.
- The petitioner is requesting two waivers.

The petitioner is requesting two waivers from the standards in BMC 20.03.190 and 20.03.200. The following waivers are being requested:

- Building Height
- Void-to-solid ratio

SITE PLAN REVIEW

Density: The building will have two, 2-bedroom apartments on the second floor. Each unit is less than 950 sq. ft., so each unit counts as 0.66 Dwelling Unit Equivalents. The two units therefore equal 1.32 D.U.E. and the overall density is 19 units per acre on the site, which is less than the 33 units per acre density allowed in the UVO District.

Maximum Impervious Surface Coverage: The proposed impervious surface coverage for this project is approximately 2,800 sq. ft. and covers approximately 75% of the property. The maximum impervious surface coverage in the UVO District along Restaurant Row is 85%, so this project does not exceed the maximum impervious surface coverage.

Height: The new building will be 35' tall at the shortest point and 37' tall at the tallest point. The change in building height results from how the height is measured relative to the ground. There is a slight change in grade that occurs across the property as you go north. The north end of the property sits approximately 2' lower than the south side. There are no adjacent historic structures that would be impacted by this building height. There is a two-story building to the south that is taller than this structure.

Height Setback Waiver-20.03.190(b)(2)(B): The UDO has a maximum height limit of 35' in this district along Restaurant Row. The design of the building intends to compliment the other residential style buildings along Restaurant Row with pitched roofs. The slight grade change along the property results in the north side of the site being lower than the south side of the site. The Downtown Vision and Infill Strategy Plan (DVISP) encourages building design that is compatible with surrounding architecture which this petition has accomplished with a residential style building, rather than a commercial design. Staff recommends approval of this waiver request.

Parking: The UVO district does not have any minimum on-site parking requirements for nonresidential uses and parking is not required for residential uses with less than 10 bedrooms. There are no on-site parking spaces proposed with this petition. There is currently on-street parking along the east side of Dunn St. adjacent to this property.

Streetscape: With this petition there would be one new street light installed and two new street trees planted in the tree plot along this frontage. There are overhead electric lines along this frontage that prohibit tall, canopy trees from being planted and the petitioner is proposing Washington Hawthorn trees. All species will be approved by the City Urban Forester prior to installation. An encroachment agreement for the street light and bike rack

must be signed for the encroachments in the right-of-way. The entire sidewalk along this frontage will be replaced once construction is complete.

Bicycle Parking: The building is required to have a minimum of 4 Class II bicycle parking spaces within 50' of the entrance. Bike parking is required and has been shown along the front of the building within the right-of-way.

Architecture: Although not required, the building has been designed to complement the architecture of surrounding buildings along 4th Street and Dunn Street. The building is designed to be an Arts and Crafts style residential structure. The building will have 8/12 pitched roofs and will be finished with cement board siding on all sides. The structure is two-stories in height and the height of the building is similar to other adjacent structures to the south and east. Awnings have been shown over the entrance and along the front windows facing Dunn Street. The window frames have been shown with sills and lintels. There is an accessible ramp and covered entrance with a patio along the front with the pedestrian entrance facing Dunn St. The building has 3 different modules along the front that are incrementally recessed from the front wall to meet building facade modulation requirements. The building is not adjacent to any surveyed historic structures requiring a building height step down.

Void-to-Solid Waiver-20.03.060(b)(2)(A): The UDO requires a 50% void-to-solid ratio along the ground floors facing a street. The petitioner is requesting a waiver to allow a 37% void-to-solid ratio. Due to the Arts and Crafts residential style of design rather than a more typical commercial storefront, the petitioner is not able to install enough windows along the front to meet UDO requirements and is requesting a waiver. In addition, Staff had difficulty identifying any structures along Restaurant Row that currently meet the ground floor 50% void-to-solid ratio, which demonstrates it is difficult to design a building that would meet the UDO requirements and still be compatible with other structures. Staff recommends approval of this waiver request.

Landscaping: The landscaping code requires open space to be planted and the petitioner has submitted a landscape plan that meets the UDO landscaping requirements. With this petition there is a 5' setback around the building perimeter that will be planted with a mix of Lilac and Boxwood shrubs, and Dogwood trees. In addition, the petitioner will be installing new street trees along Dunn St.

Utilities: Water and sanitary sewer service are available along Dunn Street and will be utilized for future connections. Stormwater and utility plans have been submitted to the City Utilities Department and are under review. Final approval from CBU is required prior to issuance of a grading permit. A grease interceptor has been shown along the front to meet CBU requirements.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 2 recommendation concerning this development.

1. The Petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure, and grounds that exhibit our City's commitment to environmental sustainability.

Staff Response: Although not required, staff encourages the petitioner to incorporate as many green building practices as possible.

2. The Petitioner should commit to salvaging, recycling, and reusing all possible construction and demolition materials not needed on site.

Staff response: Although not required, staff encourages the petitioner to incorporate as many green building practices as possible.

RECOMMENDATION: Based on the written findings above, staff recommends approval of SP-02-16 and associated waivers with the following conditions:

1. Two street trees are required along Dunn Street. The petitioner will work with the City's Urban Forester on exact location and species.
2. One street light is required along Dunn Street.
3. At least one tall canopy tree shall be planted within the interior.
4. Right-of-way encroachments must be signed and approved for any encroachments in the right-of-way prior to issuance of an occupancy permit.

MEMORANDUM

Date: February 1, 2016

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP-2-16, Sunny Day Properties, Inc.
208 South Dunn Street

The purpose of this memo is to convey the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to improve the environmental integrity of this proposed Plan. The request is for a Site Plan approval for a two-story building within the Commercial Downtown district and the University Village Overlay.

ISSUES OF SOUND ENVIRONMENTAL DESIGN

1.) GREEN BUILDING

The EC recommends that the developer design the building with as many best practices for energy savings and resource conservation as possible. Some examples of best practices that go beyond the Building Code include enhanced insulation; high efficiency heating and cooling; Energy Star doors, windows, lighting, and appliances; high efficiency toilets; programmable thermostats; sustainable floor coverings; and recycled products such as carpet and counter tops. Some specific recommendations to mitigate the effects of climate change and dwindling resources include the following.

Reduce Heat Island Effect The roof material should have a minimum initial Solar Reflective Index (SRI) of 0.65, and an aged index of 0.55. (*SRI* is a value that incorporates both solar reflectance and emittance in a single value to represent a material's temperature in the sun. SRI quantifies how hot a surface would get relative to standard black and standard white surfaces. It is calculated using equations based on previously measured values of solar reflectance and emittance as laid out in the American Society for Testing and Materials Standard E 1980. It is expressed as a fraction (0.0 to 1.0) or percentage (0% to 100%)). If a roof membrane is used, it should be overlaid with a reflective coating or covered with a white, granulated cap sheet.

Water conservation As recommended in the *City of Bloomington Utilities Water Conservation Plan*, every effort should be used to conserve water. All fixtures should be the low-flow type. The faucets for hand washing sinks should be the self-closing type, and the toilet design and plumbing should be the high efficiency type.

Energy efficiency All insulation and windows should be highly insulated to save energy in both summer and winter, and to reduce greenhouse gas emissions in our region.

Green building and environmental stewardship are of utmost importance to the people of Bloomington and sustainable features are consistent with the spirit of the Unified Development Ordinance (UDO). Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>).

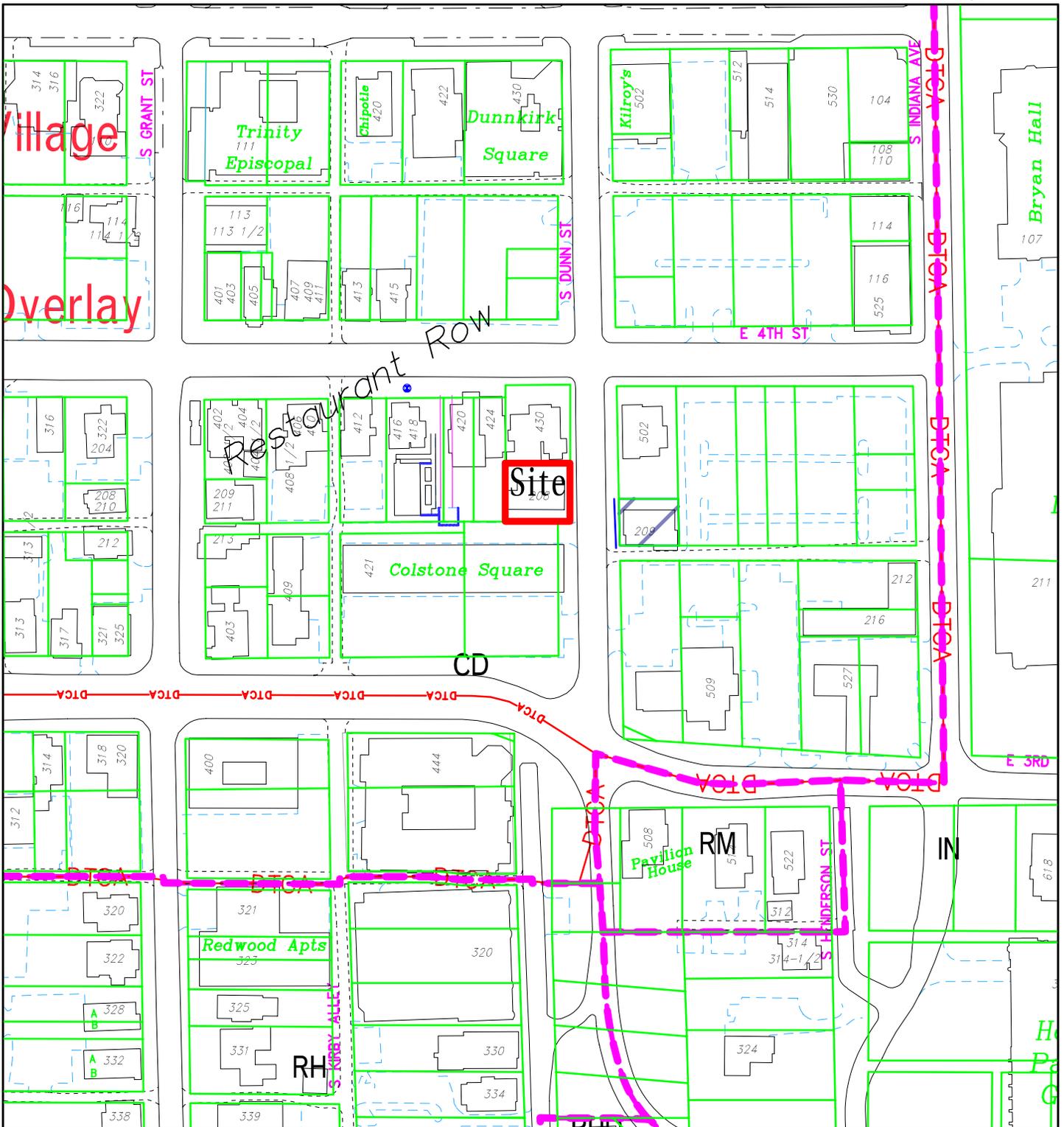
Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by former Mayor Kruzan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, *Redefining Prosperity: Energy Descent and Community Resilience Report*.

2.) CONSTRUCTION and DEMOLITION MATERIALS

The EC recommends that construction and demolition debris from the existing structure and construction of the new buildings be collected for reuse or recycling. This material could be sold to local salvage businesses, given to a resale store for future re-use, or recycled. Very little material should have to be disposed in a landfill.

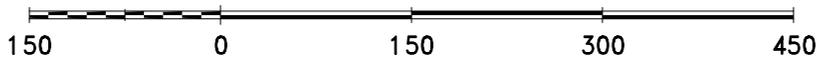
EC RECOMENDATIONS

- 1.) The Petitioner should apply green building and site design practices to create a high performance, low-carbon footprint structure.
- 2.) The Petitioner should commit to salvaging, recycling, and reusing all possible construction and demolition materials not needed on site.



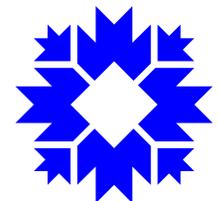
SP-02-16 Sunny Day Properties
 208 S Dunn Street
 Plan Commission
 Site Location, Zoning, Parcels, Land Use

By: greulice
 4 Feb 16

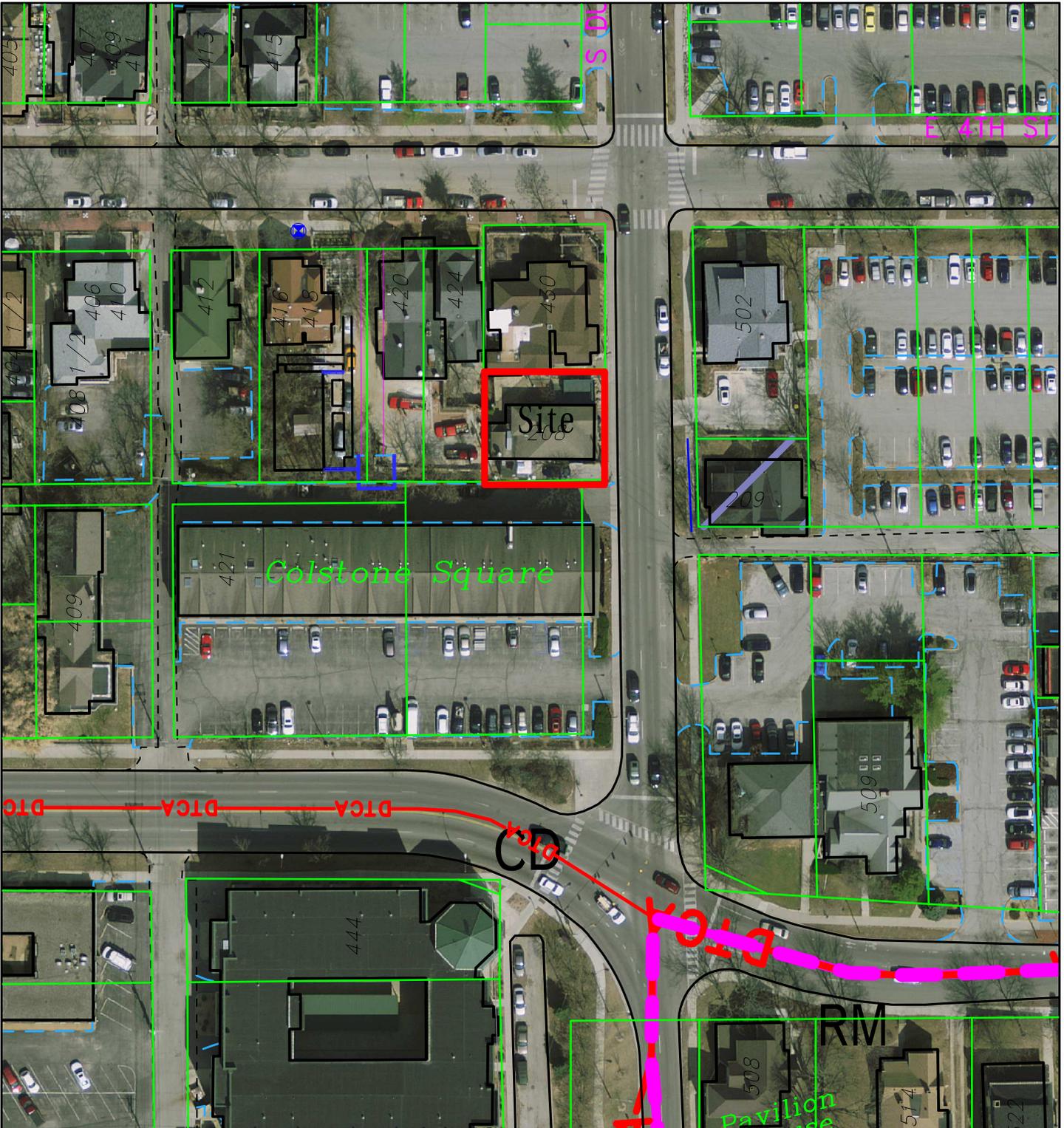


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation

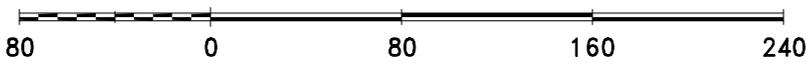


Scale: 1" = 150'



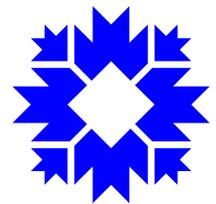
SP-02-16 Sunny Day Properties
 208 S Dunn Street
 Plan Commission
 2014 Aerial Photograph

By: greulice
 4 Feb 16



For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



Scale: 1" = 80'





BLOOMINGTON PLAN COMISSION

Petitioner's Statement

Concerning the petition of Sunny Day Property Inc for the purpose of consideration of his Petition for the property located at 208 South Dunn Street, Bloomington, Indiana.

Location

The project site is currently a single story existing building located on a .87 acre site within the restaurant row historic district and the University Village overlay zone. The Petitioner currently holds a demolition permit for the existing structure.

Design

We are proposing a new 2 story mixed use structure with 2 retail spaces on the lower level and two apartments on the upper level. The lot currently has a 1,460 sq ft single story non sprinklered building that currently contains a retail use. The Petitioner has his business in the current structure. Over the years he has owned the building has had many retail and restaurant tenants come and go as the existing space is simply too small and cut up with non usable exterior decks and little natural light. The new structure will provide an accessible retail space on the main floor that can be used as a single space or two separate spaces with their own entrances and two, 2 bedroom apartments with their own entrance upstairs. Their will also be a usable 2,096 sf basement for the retail tenants storage uses, bringing the total usable space for commercial use to 4,267 sf. The current zoning code allows 2.87 dwelling units, the proposal as designed will be 1.32 Due's. The requirements for the university village overlay seek structures that are compatible in size and style to the existing houses in the area. This petition brings a two story Arts & Crafts style structure with exposed rafter tails, porch entry, that meets the density, materials, and design guidelines. The height of the proposed structure only exceeds the 35 foot limit by 3 feet. While it meets the roof pitch requirement, that requirement and the drop in grade across the site causes it to exceed the total allowable height.

SP-02-16
Petitioner Statement

This location is walking distance to great shopping and retail centers downtown as well as the university. The Unified Development Ordinance has listed as an objective in the University Village Overlay description:

“Promote infill and redevelopment of sites using moderate residential densities for the University Village area and high residential densities along the Kirkwood Corridor”

We believe this proposal is ideally positioned to meet this objective.

This infill development allows for residential uses within our city’s core where development is best served by not only existing infrastructure but by public transportation.

The building will be designed to reflect the residential history of the converted structures along 4th street. The exterior will be clad with cement board siding and include details such as distinctive bays with brackets and different sized siding panels. The roof will be a shingled hip/gabled design as another nod to the eclectic nature of the surrounding re-purposed old homes. The building will have double hung windows with a grid in the upper sash.

Green Building Initiatives

The units will have a shared on site recycling area as well as high efficiency HVAC units, secure bicycle storage, and other materials that qualify as green building materials as feasibly possible.

Access & Parking

The primary pedestrian entry to the units will be an individual doors along the east facade front porch. This petition is not required to have any on-site parking and none will be provided.

We believe this project will be an attractive improvement to the neighborhood and perfectly scaled to the existing building and historic nearby fabric. We believe this petition will finally allow for a viable long term tenants and use of the property at xx Dunn Street instead of a revolving door of failed tenants because of the small space and hastily remodeled structure.

Thank you for the opportunity to submit the proposed development for review. We look forward to working together on this Development. We kindly ask for your approval of our request.

Sincerely,



Doug Bruce

Architect

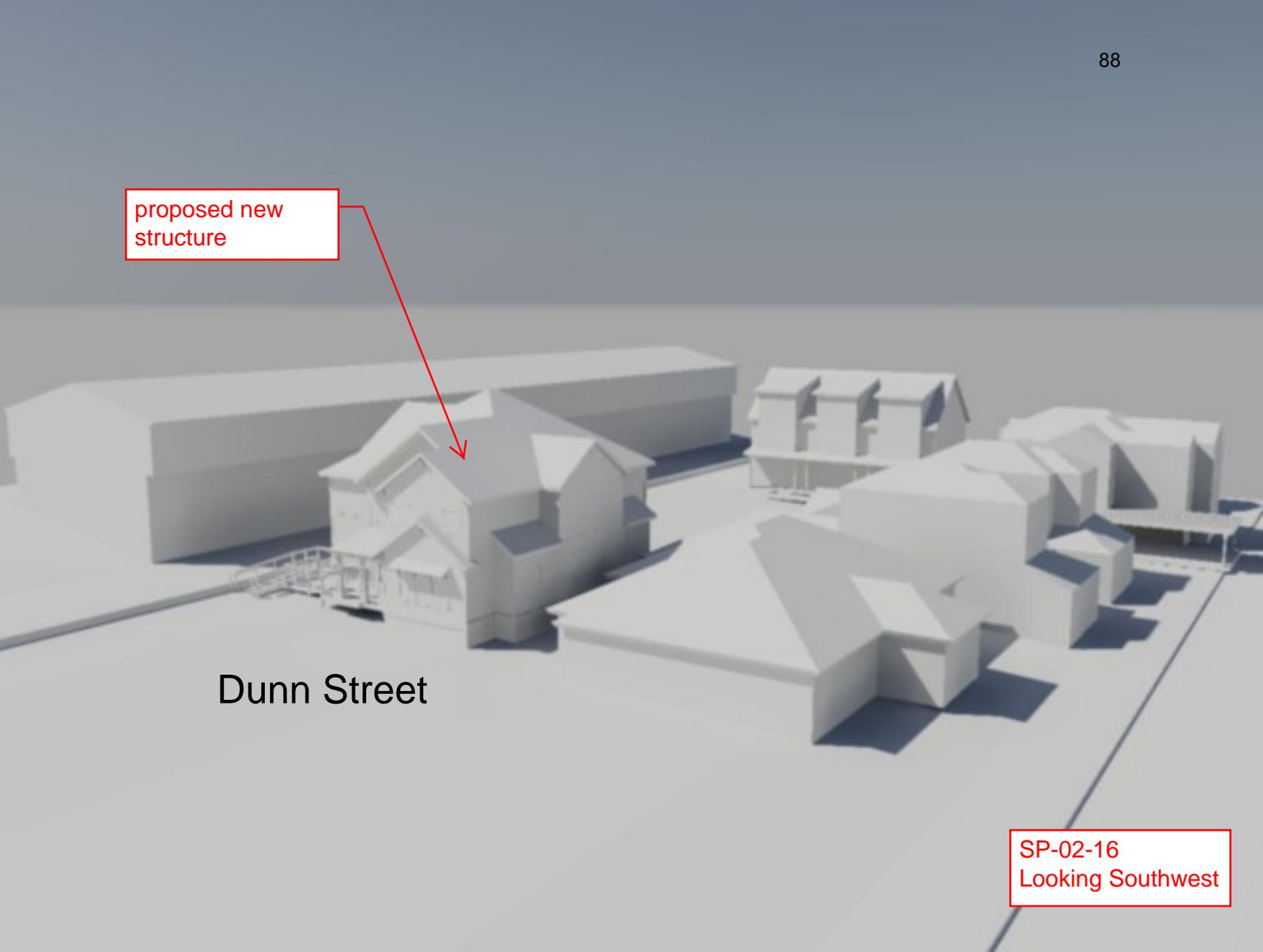
Tabor/Bruce Architecture & Design

SP-02-16
Petitioner Statement

proposed new
structure

Dunn Street

SP-02-16
Looking Southwest

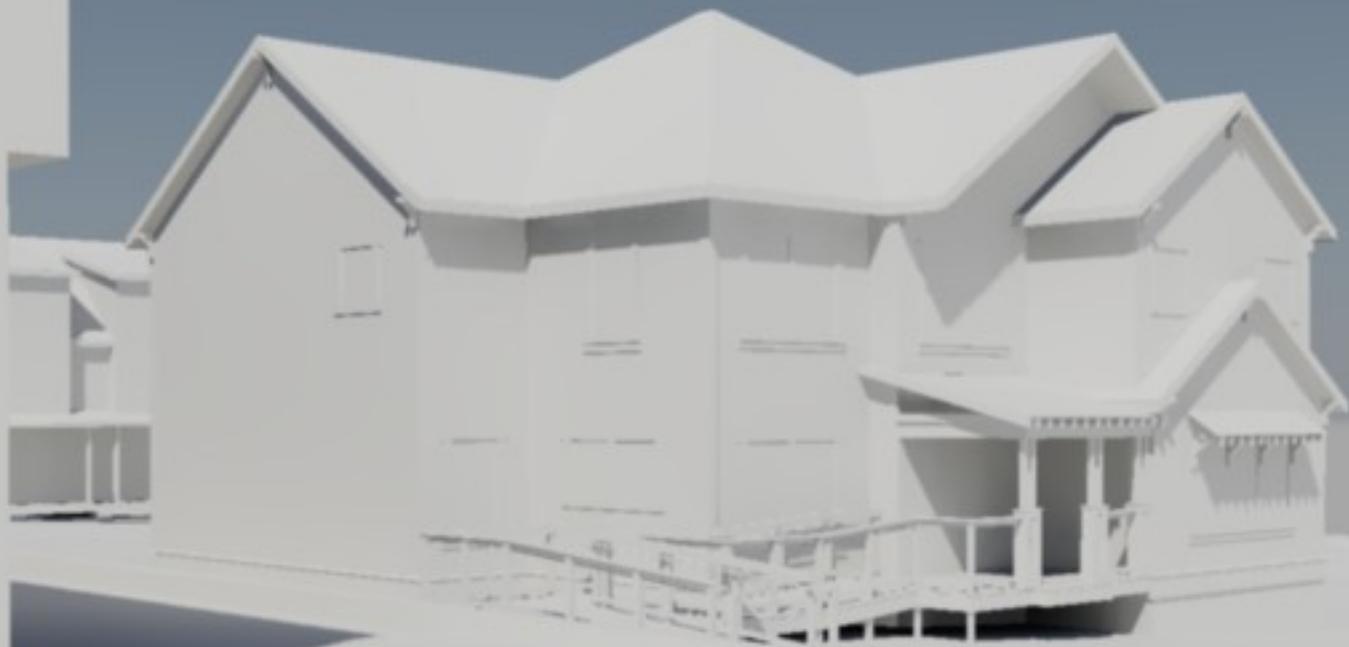


Proposed structure



Dunn Street

SP-02-16
Looking South



Dunn Street

SP-02-16
Looking Northwest

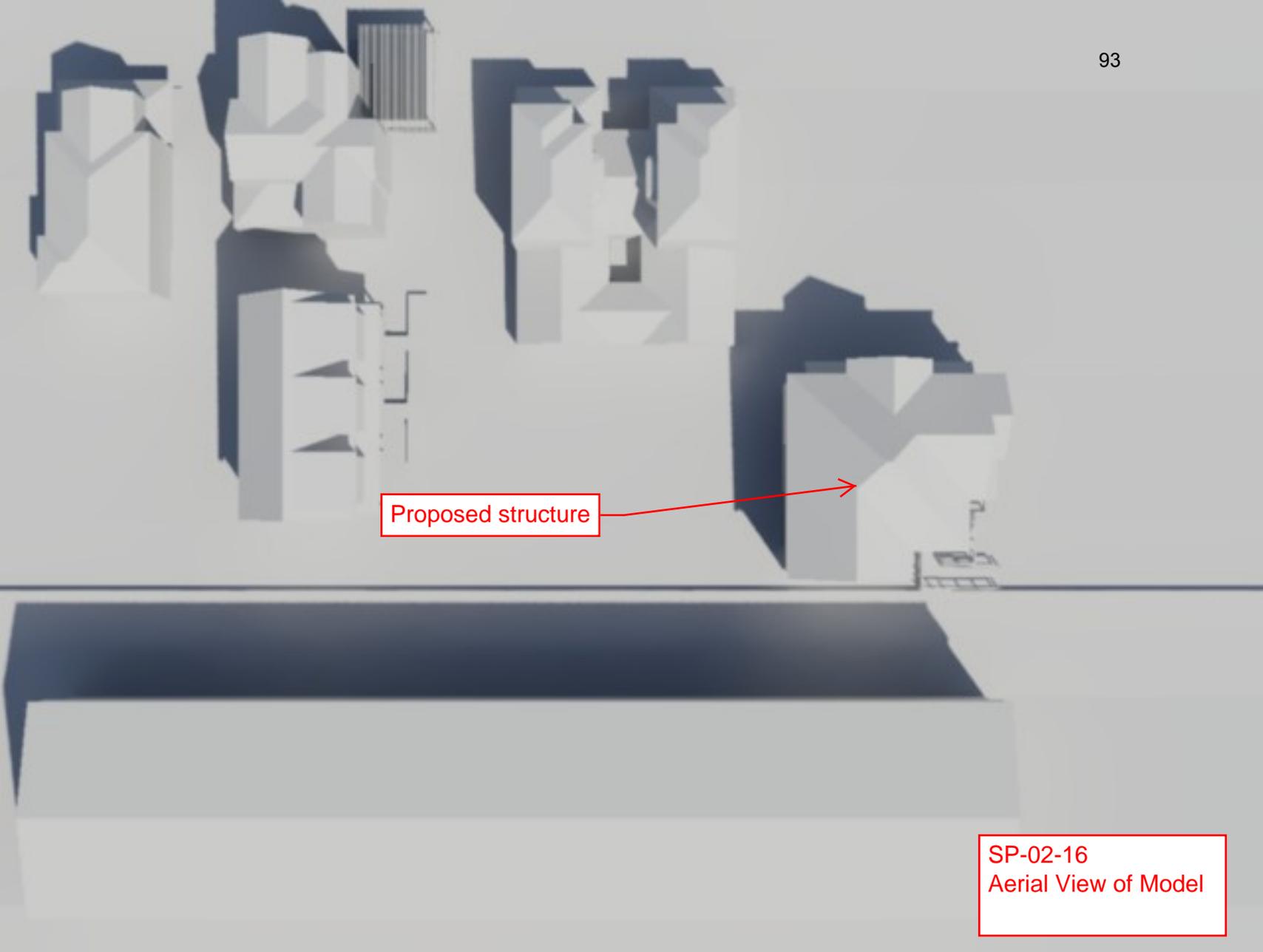


Dunn Street

SP-02-16
Looking West

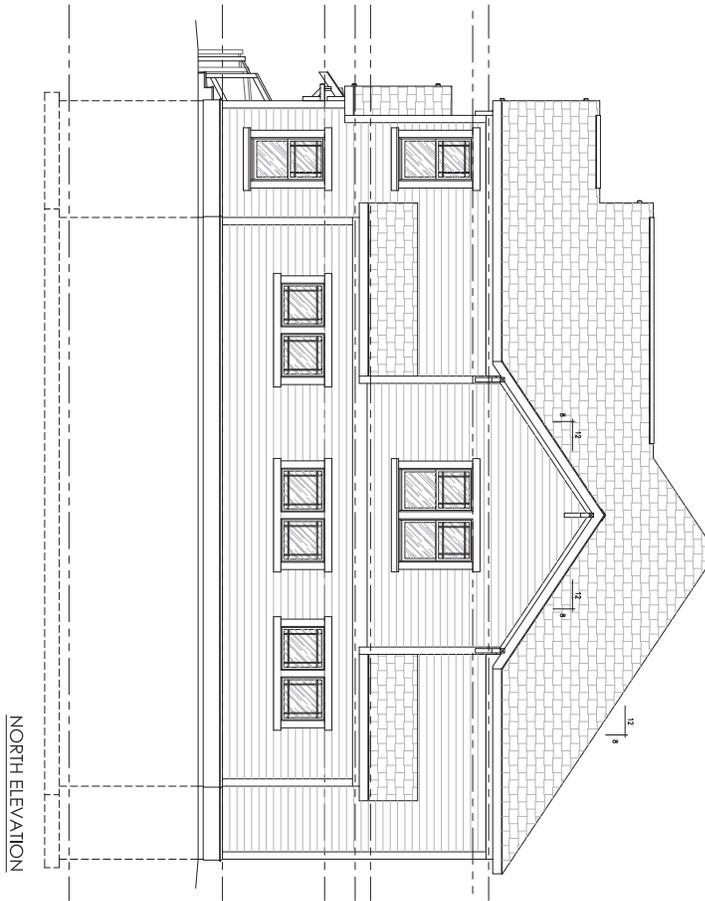


SP-02-16
Looking East at the rear

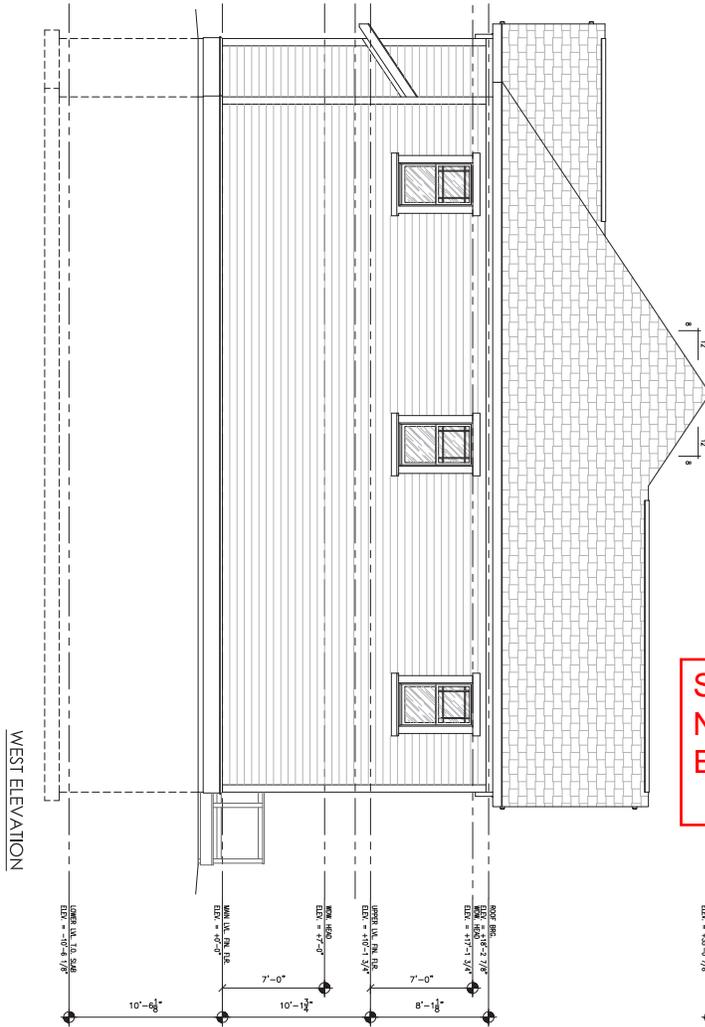


Proposed structure

SP-02-16
Aerial View of Model



NORTH ELEVATION



WEST ELEVATION

SP-02-16
North and West
Elevation

PROJECT INFORMATION	
PROJECT NAME:	SUNNY DAY PROPERTIES
CLIENT:	SUNNY DAY PROPERTIES, INC.
DESIGNER:	208 SOUTH DOWNS STREET
CONTRACTOR:	2015 IMPROVEMENT ARCHITECTURE & DESIGN
DATE:	01.14.16
SCALE:	AS SHOWN



TOTAL HEIGHT OF FINISH GRADE
ELEV. = 100'-0" / 7'6"

ROOF RISE
ELEV. = 8'-0" / 3'0"

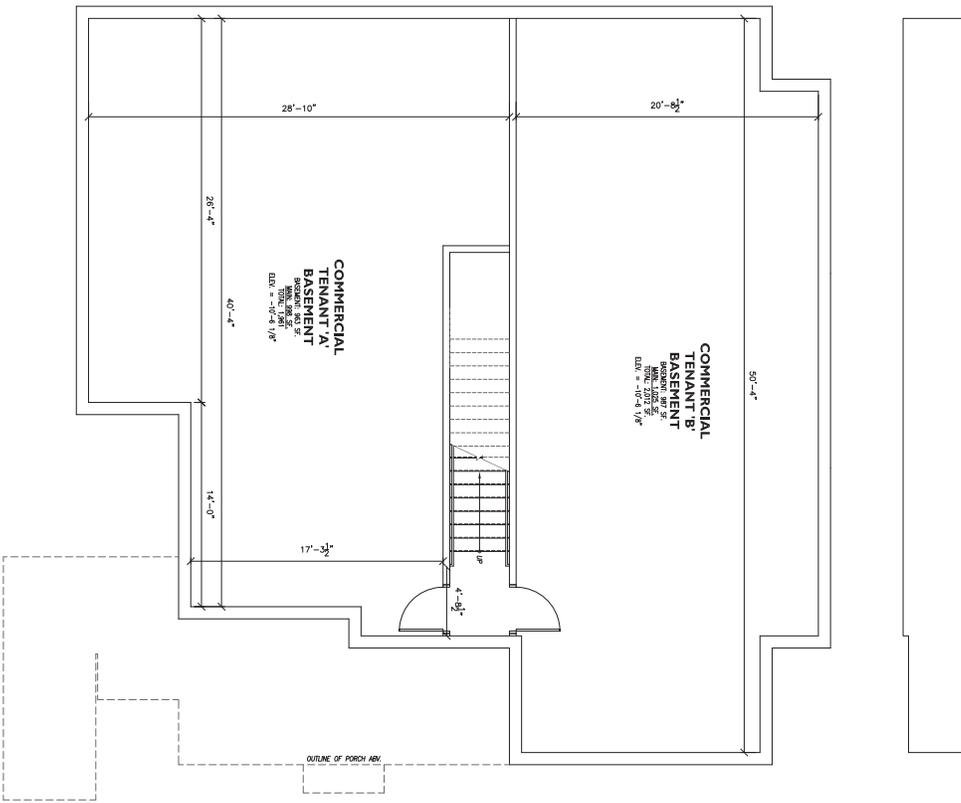
ROOF RUN
ELEV. = 8'-0" / 3'0"

UPPER WALL RISE
ELEV. = 10'-0" / 3'0"

UPPER WALL RUN
ELEV. = 7'-0" / 0"

LOWER WALL RISE
ELEV. = 7'-0" / 0"

LOWER WALL RUN
ELEV. = 10'-0" / 0"

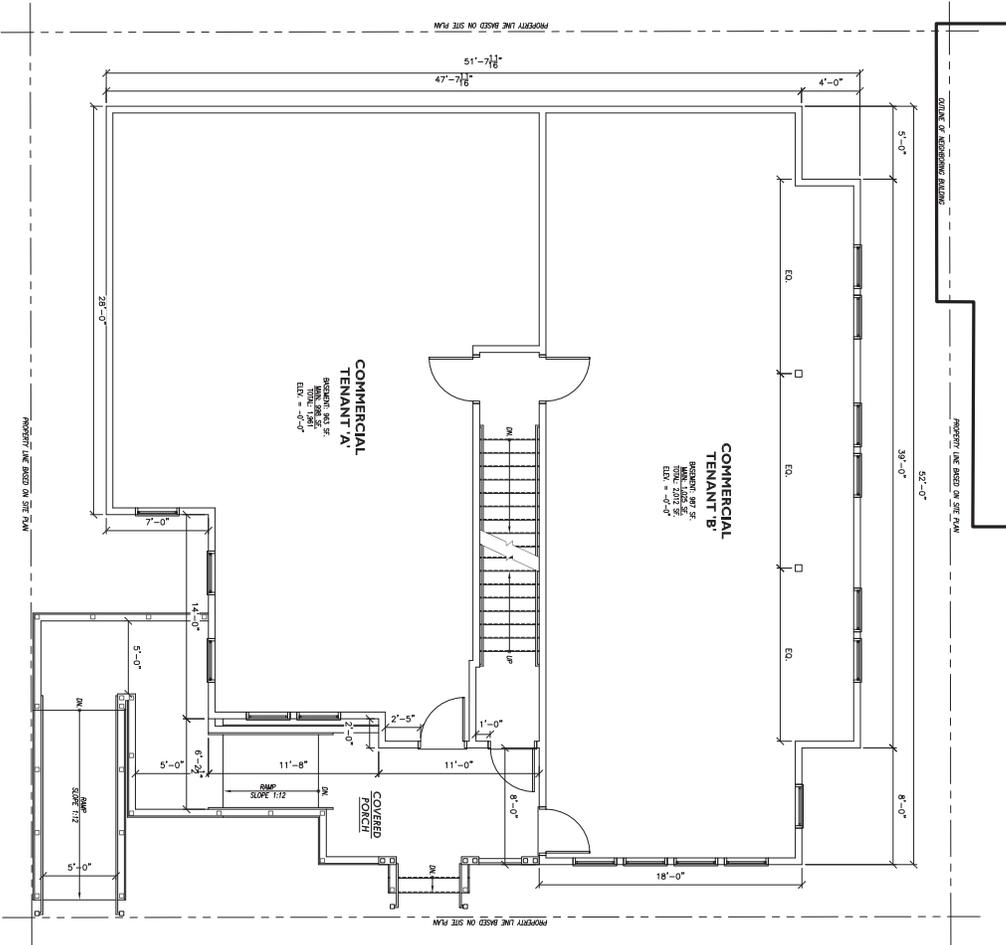


SP-02-16
Lower level floor
plan

SCHEMATIC LOWER LEVEL FLOOR PLAN

PROJECT NAME	PROJECT LOCATION	DATE
SUNNY DAY PROPERTIES INC.	208 SOUTH GAINN STREET	01.14.16
CONCEPT PLANNING	CONCEPT PLANNING	DATE: 01.14.16
	208 S. MAIN ST. BRUCE ARCHITECTURE & DESIGN	DATE: 01.14.16

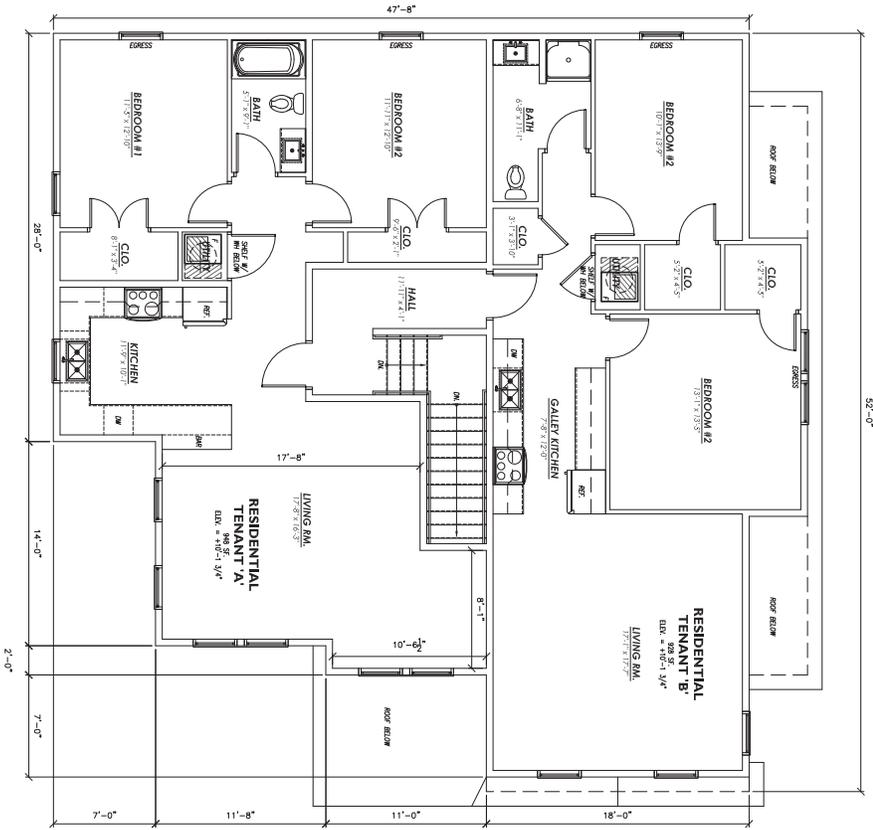




SP-02-16
Main level floor
plan

SCHEMATIC MAIN LEVEL FLOOR PLAN	
PROJECT NAME:	PROJECT COASTLINE
CLIENT:	SUNNY DAY PROPERTIES INC.
PROJECT ADDRESS:	208 SOUTH GINN STREET
DATE:	01.14.16
SCALE:	1/4" = 1'-0"
DESIGNER:	LABOR & BRUCE ARCHITECTS AND DESIGN
CONCEPT PLANNING:	LABOR & BRUCE ARCHITECTS AND DESIGN





SP-02-16
Upper level floor
plan

SCHEMATIC UPPER LEVEL FLOOR PLAN

PROJECT NAME:	PROJECT LOCATION:	DATE:
SUNNY DAY PROPERTIES INC.	208 SOUTH GAINN STREET	01.14.16
CONCEPT PLANNING	2815 S. HARBOR BRUCE ARCHITECTURE & DESIGN	1/14/16



**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**
Location: 416 E. 4th Street

CASE #: SP-3-16
DATE: February 8, 2016

PETITIONER: Sib Sheikh, Restaurant Row I LLC
2769 Fox Court East Martinsville

CONSULTANT: Matt Ellenwood, Matte Black Architecture
2021 E. Wexley Road, Bloomington

REQUEST: The petitioner is requesting site plan approval for an addition to an existing mixed-use building.

Area:	0.185 Acres
Zoning:	CD/University Village Overlay
GPP Designation:	Downtown
Existing Land Use:	Restaurant / Dwelling, Multifamily
Proposed Land Use:	Restaurant / Dwelling, multifamily
Surrounding Uses:	
	North – Commercial / Dwelling, Multifamily
	East – Commercial / Dwelling, Multifamily
	South – Commercial / Dwelling, Multifamily
	West – Commercial / Dwelling, Multifamily

STAFF REPORT: The property is located on the south side of 4th Street between Grant and Dunn Streets. This 0.185 acre property is zoned Commercial Downtown (CD) and is within the University Village Overlay (UVO). The adjacent property to the west is a contributing surveyed historic structure.

The building is currently used as a restaurant (India Garden) with an apartment above. The petitioner proposes a one-story addition to the front of the building, largely over an existing patio; and a three-story addition to the rear of the building, in place of an existing one-and-a-half-stories, along with a basement expansion and remodel. The resulting structure would contain space for a small restaurant in the basement, roughly 2,500 square feet of restaurant space on the first floor, and three 3-bedroom dwelling units on the second and third floors. The petitioner proposes the front façade of the addition to match the existing alignment of the adjacent properties. The primary façade addition was designed to reflect the residential character of many of the existing structures on 4th Street. There is an existing two-story building on the southern portion of the property that contains three 3-bedroom apartments. No changes are proposed to that building with this petition.

Plan Commission Site Plan Review: Two aspects of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.160. These aspects are as follows:

- The proposal is adjacent to a residential use.
- The petitioner is requesting waivers to two standards in BMC 20.03.200.

SITE PLAN ISSUES:

Residential Density: The existing building on the rear portion of the property contains three 3-bedroom units, which will remain. This proposal would remove an existing 1-bedroom unit in the building at the front of the property and add three new 3-bedroom units to that building. Each building would contain 3 DUEs, for a total of 6 DUEs. The maximum residential density allowed in the UVO is 33 units/acre. The petition property is .185 acres in size. The maximum allowable density on the property is 6.1 DUEs. The proposal meets residential density requirements.

Parking: No parking is required or proposed with this petition.

Impervious Surface: Proposed is 82% impervious surface, which complies with the maximum of 85% in the UVO.

Access: Access to the dumpster area at the rear of the property is provided by a shared driveway on the eastern property line.

Bicycle Parking: The total number of parking spaces required for this development is eight spaces. Four are required for the residential units and four are required for the commercial use. The site plan shows four spots near the multi-family structure on the rear of the property and four spaces in the right-of-way.

Architecture: The proposed architecture includes siding on all four facades, with a large one-story bay of windows on the primary façade. The one-story addition will have a pitched roof overhang with a porch above. The existing shake shingles motif on the upper floor will be carried onto all four facades.

Roof Pitch: The UVO requires all sloped roofs to have a minimum 8/12 pitch. The pitch of the roof on the rear of the structure does not meet this pitch. The proposed pitch allows for a full third story on the rear of the building.

Roof Pitch Waiver-20.03.200(b)(1)(B): The Downtown Vision and Infill Strategy Plan states that 'new development in this area should reflect site and architectural features exhibited by existing development, such as: Sloping roofs, which reflect traditional residential roof design.'

All of the roof pitches in the proposal meet this requirement, with the exception of the pitch on the rear of the building. The roof pitch is not visible from the vast majority of view from the right-of-way. Because of the mass of the building and the proximity to the building to the east, the view from the right-of-way would be minimally altered if the pitch was corrected to meet the UDO requirements. Staff is supportive of this waiver.

Materials: The proposed façade materials are fiber cement siding, asphalt roof shingles, and vinyl windows. All proposed materials are permitted.

Step Down: BMC 20.03.200(c)(2) requires that buildings located to the side of a surveyed historic structure not be more than one story taller, or 14 feet taller, than the surveyed structure. The two-story building to the west is listed as contributing in the survey. No portion of the proposed additions is more than 14 feet taller than the adjacent building.

Void-to-Solid Percentage: The UVO sets a minimum upper floor void-to-solid at 20%, consisting of transparent glass or façade openings, for facades facing a street. The site plan does not meet this requirement. The proposed design will retain two existing upper story windows on the façade facing 4th Street and add one door and one window. The new window does not meet height-to-width ratio requirements in the UDO, and condition # 2 has been added to address that issue.

Void-to-Solid Waiver-20.03.200(b)(2)(B): The Downtown Vision and Infill Strategy Plan states that the ‘University Village area retains many references to an earlier residential design context and new development in this area should reflect site and architectural features exhibited by existing development...’ The addition was designed to reflect the surrounding residential conversions on 4th Street and to provide cohesion with the residential elements remaining on the petition site structure. Staff believes that the design fits the surrounding context. Staff is supportive of this waiver.

Landscaping: The proposed site plan meets UDO requirements.

Streetscape: Two existing street trees meet the UDO requirement for this proposal. A small porch is planned at the restaurant entrance, as well as large first floor windows, to increase the level of pedestrian interest at the site. One street light is required and is shown on the site plan. Four bike parking spaces, consisting of two bike racks, will be installed in the right-of-way. Petitioner must seek a staff level right-of-way encroachment agreement approval for the street light and bike racks.

Alignment: The existing building is set back roughly seven feet from the street right-of-way. The one-story addition will bring the building to the street right-of-way line. The historic building to the west has a one-story porch that extends to the street right-of-way line. The UVO requires the new addition to match the setback of the adjacent historic residential building to the west. The design meets this requirement. The porch on the west side of the northern façade is proposed to match the residential character and porch massing of the adjacent historic property, and provide pedestrian interest. The eastern portion of the one-story addition will also match the alignment and massing of the adjacent structure to the east.

Utilities: The petitioner has submitted a utility plan to the City Utilities Department and this plan is under review. Utility service is adequate in the area. A new grease interceptor is proposed to be located on the property.

Historic Preservation Commission: While the petition site is not locally designated or listed as contributing on the survey, the HPC heard about the project as public comment at its January 28th meeting. No issues were raised.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 1 recommendation concerning this development.

- 1.) The petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure, and yard that exhibit our City's commitment to environmental sustainability.

Staff response: Although not required, staff encourages the petitioner to incorporate as many green building practices as possible. The petitioner's representative indicated that they are considering solar panels on the roof, not to be visible from 4th Street.

CONCLUSION: The Planning Department staff finds that the proposed building meets use, density, landscaping, and streetscape requirements. Staff believes that the intentions have been met for the three architectural standards not explicitly met. The site plan has been designed to increase the use and usefulness of the building, while remaining sensitive to the relationship to adjacent properties and the unique character of 4th Street.

RECOMMENDATION: Staff recommends approval of SP-3-16 with the following conditions:

1. Petitioner must receive staff level right-of-way encroachment approval for the required street light and bike racks, and must install them before final occupancy will be issued.
2. The new easternmost window on the north façade must meet the upper story window height requirement of one and one-half (1.5) times the window frame width.

MEMORANDUM

Date: February 1, 2016

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP-3-16, Sib Sheikh/India Garden
416 East 4th Street

The purpose of this memo is to convey the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to improve the environmental integrity of this proposed Plan. The request is for a Site Plan approval for an addition to an existing mixed-use building within the Commercial Downtown district and University Village Overlay.

ISSUES OF SOUND ENVIRONMENTAL DESIGN

1.) GREEN BUILDING

The Petitioner has not committed to any “green building” features in the addition. The EC recommends that green building practices be employed at this site, thus we offer some specific recommendations that include the following three actions.

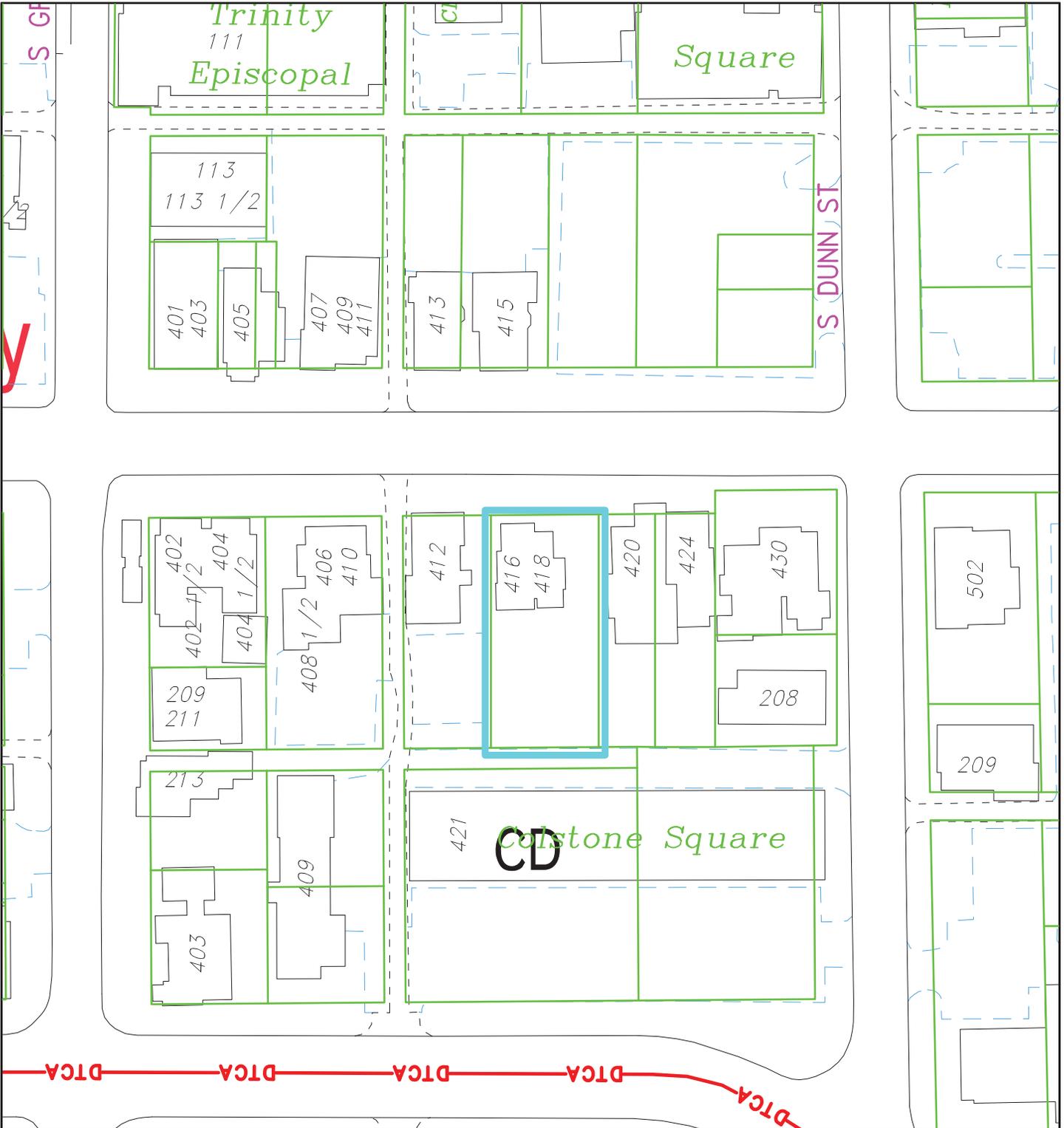
- a. Use locally-sourced materials. Locally-produced and sourced materials ensures a smaller environmental footprint and enhances the community sense of the building.
- b. Reduce the Heat Island Effect by using roof material that has a minimum initial Solar Reflective Index (SRI) of 0.65, and an aged index of 0.55. (*SRI* is a value that incorporates both solar reflectance and emittance in a single value to represent a material's temperature in the sun. SRI quantifies how hot a surface would get relative to standard black and standard white surfaces. It is calculated using equations based on previously measured values of solar reflectance and emittance as laid out in the American Society for Testing and Materials Standard E 1980. It is expressed as a fraction (0.0 to 1.0) or percentage (0% to 100%)). If a roof membrane is used, it should be overlaid with a reflective coating or covered with a white, granulated cap sheet.
- c. Install solar photovoltaic cells to reduce the use of greenhouse-gas emitting pollutants.

Green building and environmental stewardship are of utmost importance to the people of

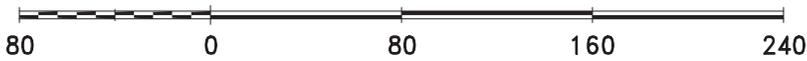
Bloomington and sustainable features are consistent with the spirit of the Unified Development Ordinance (UDO). Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by former Mayor Kruzan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, *Redefining Prosperity: Energy Descent and Community Resilience Report*.

EC RECOMENDATIONS

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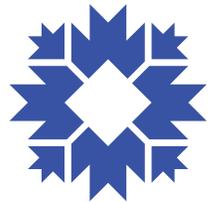
By: scanlanj
4 Feb 16



For reference only; map information NOT warranted.



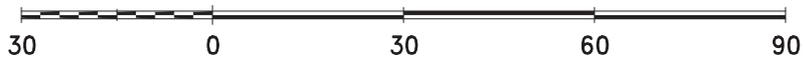
City of Bloomington
Planning & Transportation



Scale: 1" = 80'



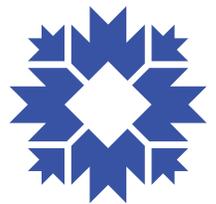
By: scanlanj
4 Feb 16



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 30'



James Roach <roachja@bloomington.in.gov>

Fwd: Petitioners statement

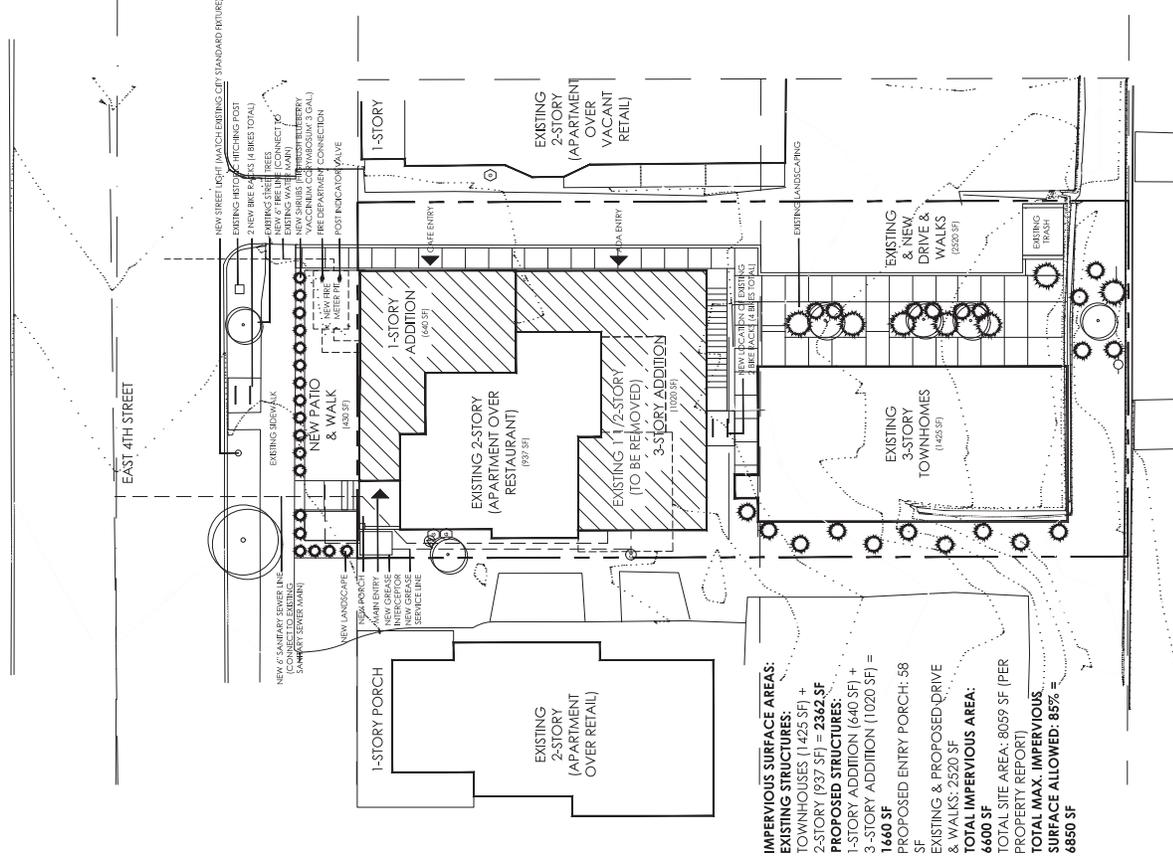
matt ellenwood <mattellenwood@gmail.com>
To: James Roach <roachja@bloomington.in.gov>

Tue, Jan 5, 2016 at 1:34 PM

----- Forwarded message -----

From: "sibsheikh ." <sib.sheikh@gmail.com>
Date: Jan 5, 2016 11:55 AM
Subject: Petitioners statement
To: "matt ellenwood" <mattellenwood@gmail.com>
Cc:

Restaurant Row is a beautiful Bloomington landmark. It's classic aesthetic appeal with the historic single family homes converted to an eclectic array of ethnic restaurants makes it a source of pride for Bloomington and a unique place to enjoy for visitors to our town. However, due to certain economic forces restaurant row had gotten into a negative spiral of deferred maintenance of the buildings, and high business turnover. The high turnover further fed the negative feedback loop of reduced rents and hence reduced ability for landlords to invest in the maintenance and improvement of properties. We feel that a professional small business restaurateur, with decades of experience and success in the ethnic food sector, can lead the turn around at restaurant row by stemming the tide of turnover and building a sustainable and successful restaurant that offers consistently great food quality, builds a local icon for the long term and can increase the foot traffic on restaurant row. However, for such a restaurant to succeed, they need the maximum square footage they can get to build a thriving business and a community hub. Our goal with this project is to provide that additional square footage, while still staying true to the architectural style of restaurant row, and abide by the principles of true restoration and addition of a historic structure. Our design goals for the addition are to preserve the existing historic structure, restore its historic elements, clean it up by stemming the tide of deferred maintenance and complement it by an addition that still makes the original historic structure stand out and stand proud. A juxtaposition of the classic historic structure with a nuanced and minimalistic new addition. We feel that such restoration will preserve and restore the original historic look, while still create an adaptive re-use of the original single family home for a economically viable and potentially sustainable restaurant.

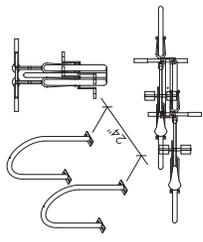


IMPERVIOUS SURFACE AREAS:
EXISTING STRUCTURES:
 TOWNHOUSES (1,425 SF) +
 2-STORY (937 SF) = **2,362 SF**
PROPOSED STRUCTURES:
 1-STORY ADDITION (640 SF) +
 3-STORY ADDITION (1,020 SF) =
1,660 SF
 PROPOSED ENTRY PORCH: 58 SF
 EXISTING & PROPOSED DRIVE
 & WALKS: 2,520 SF
TOTAL IMPERVIOUS AREA:
6,600 SF
 TOTAL SITE AREA: 8,059 SF (PER
 PROPERTY REPORT)
**TOTAL MAX. IMPERVIOUS
 SURFACE ALLOWED: 85% =
 4,850 SF**

01 SITE PLAN
 A1.0 SCALE: 1" = 10'-0"



04 EXISTING STREET ELEVATION - PROPERTY
 A1.0 SCALE: N.T.S.



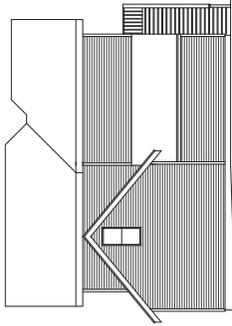
05 BIKE RACK DETAIL
 A1.0 SCALE: N.T.S.



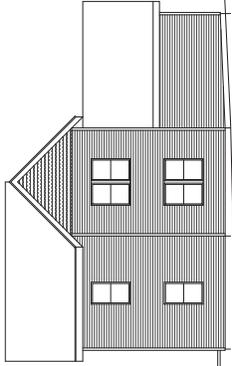
03 EXISTING STREET ELEVATION - EAST OF PROPERTY
 A1.0 SCALE: N.T.S.



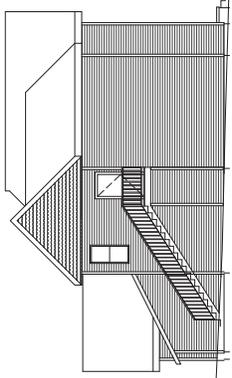
02 EXISTING STREET ELEVATION - WEST OF PROPERTY
 A1.0 SCALE: N.T.S.



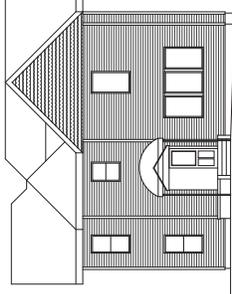
12 EXISTING SOUTH ELEVATION
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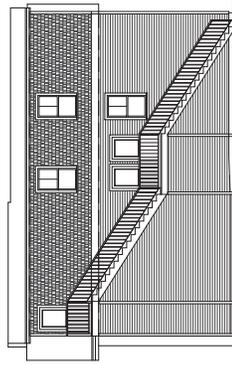
11 EXISTING WEST ELEVATION
A1.0 / SCALE: 1/8" = 1'-0"



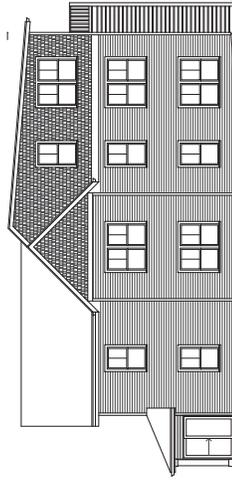
10 EXISTING EAST ELEVATION
A1.0 / SCALE: 1/8" = 1'-0"



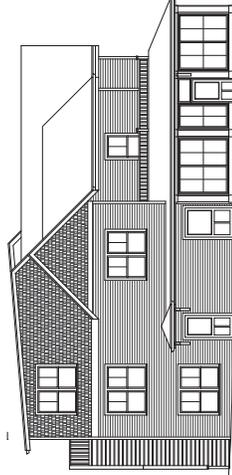
09 EXISTING NORTH ELEVATION
A1.0 / SCALE: 1/8" = 1'-0"



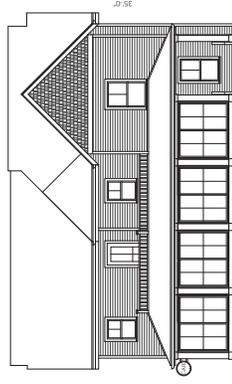
08 PROPOSED SOUTH ELEVATION
A1.0 / SCALE: 1/8" = 1'-0"



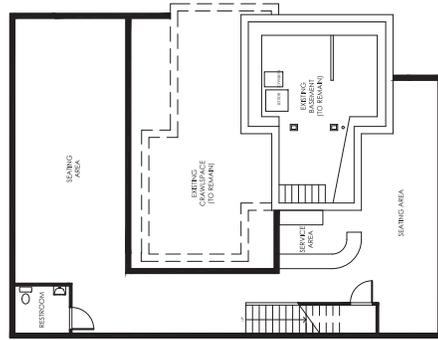
07 PROPOSED WEST ELEVATION
A1.0 / SCALE: 1/8" = 1'-0"



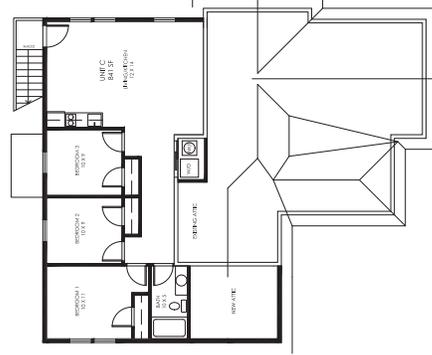
06 PROPOSED EAST ELEVATION
A1.0 / SCALE: 1/8" = 1'-0"



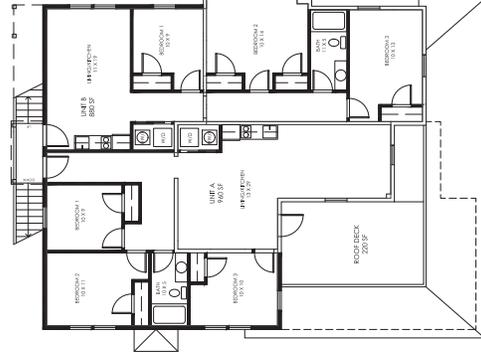
05 PROPOSED NORTH ELEVATION
A1.0 / SCALE: 1/8" = 1'-0"



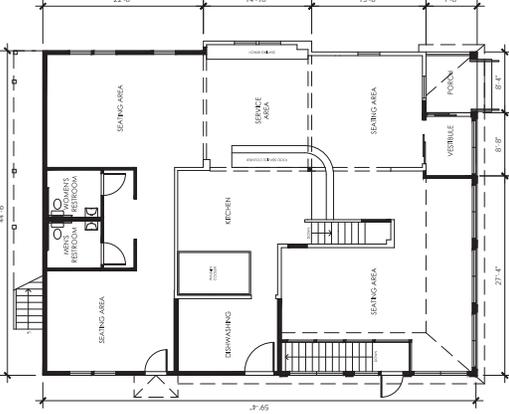
04 BASEMENT PLAN
A1.0 / SCALE: 1/8" = 1'-0"



03 THIRD FLOOR PLAN
A1.0 / SCALE: 1/8" = 1'-0"



02 SECOND FLOOR PLAN
A1.0 / SCALE: 1/8" = 1'-0"



01 FIRST FLOOR PLAN
A1.0 / SCALE: 1/8" = 1'-0"

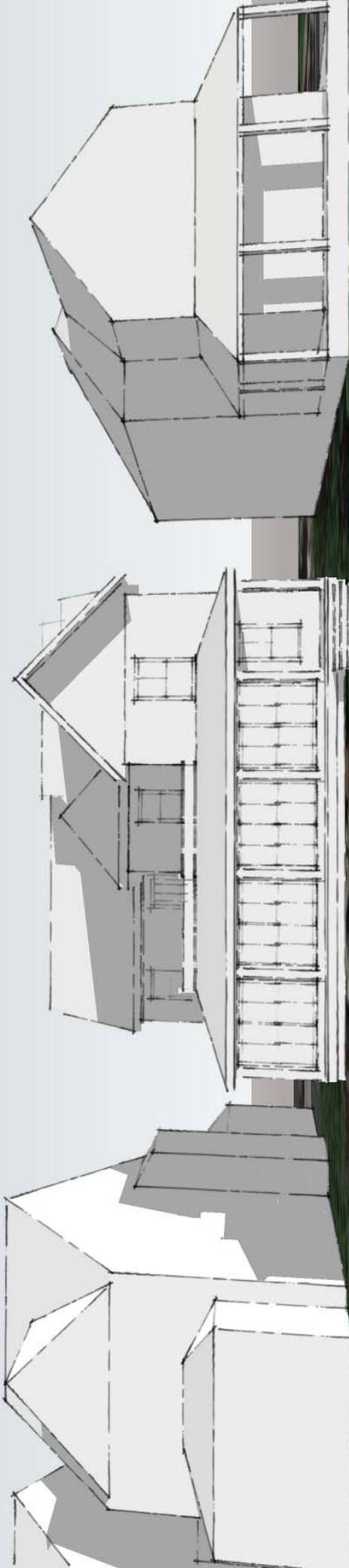




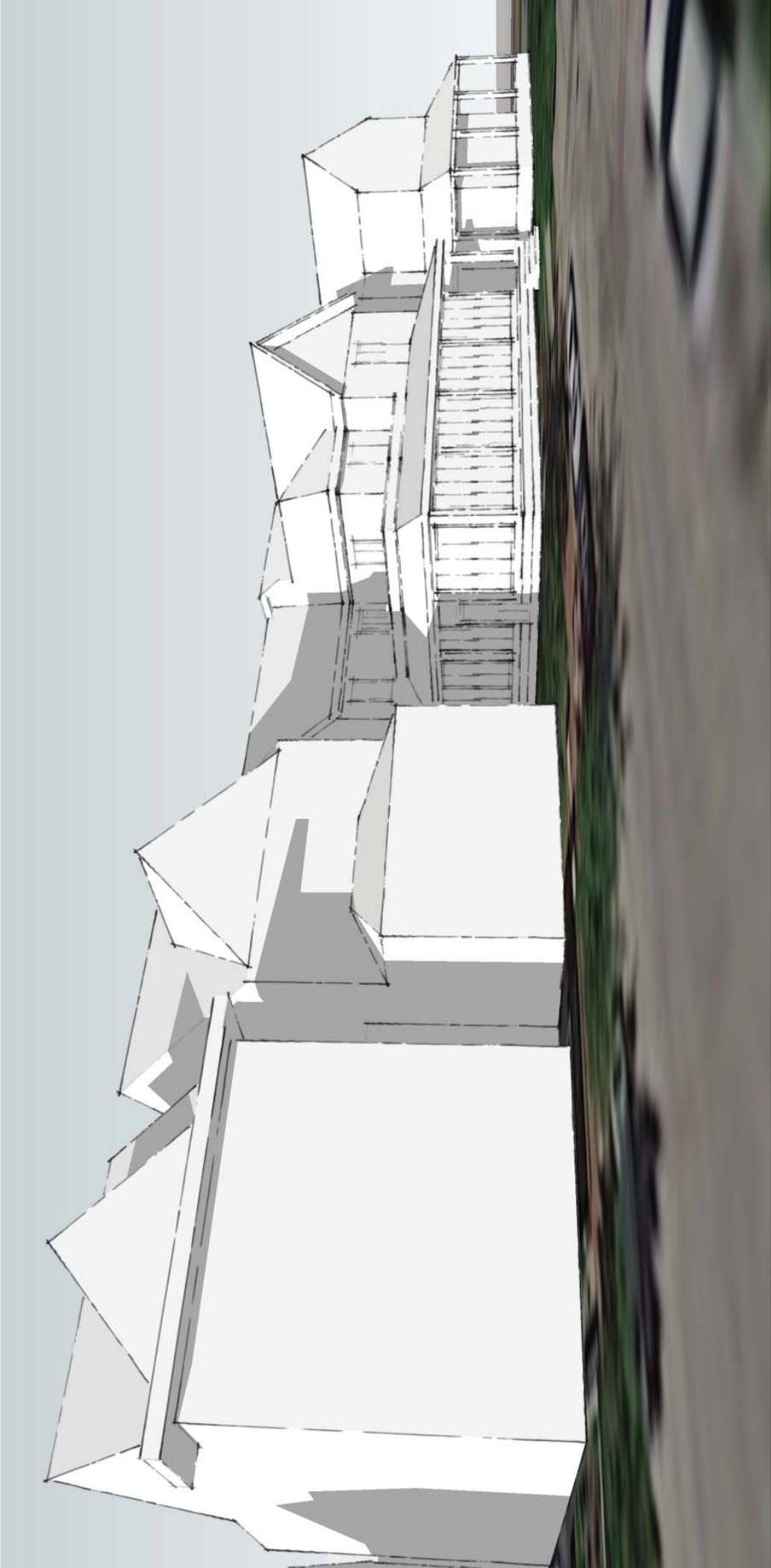


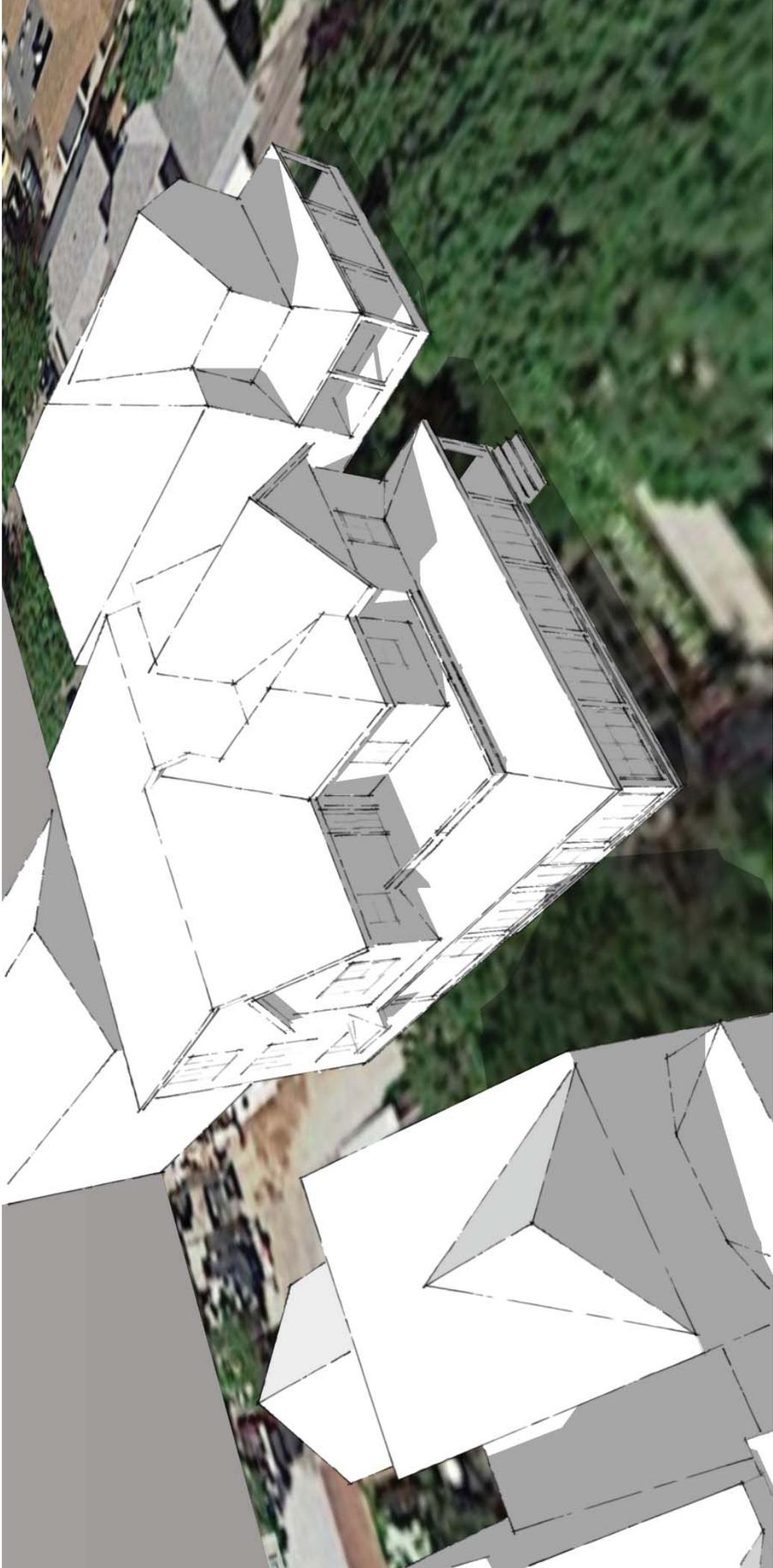


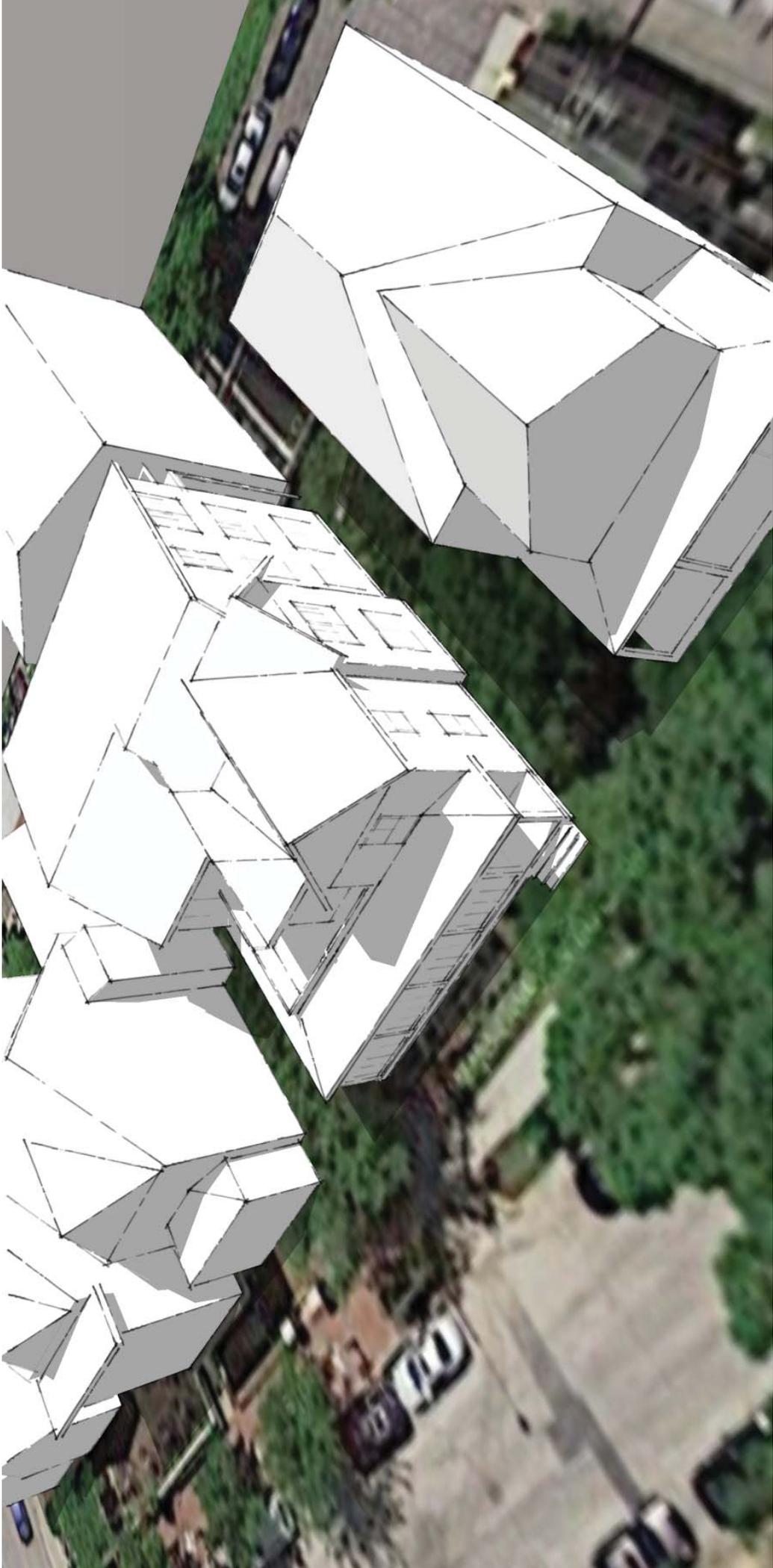












MEMO:

To: City of Bloomington Plan Commission
From: Patty Mulvihill, City Attorney
Date: January 20, 2016
Re: Amendments to Title 20, Unified Development Ordinance, Sign Regulations

In the summer of 2015 the Supreme Court issued a decision in the case of Reed v. Town of Gilbert. In essence this Supreme Court decisions says the following:

- When a municipality carves out exceptions to sign regulations the Court will consider the sign ordinance to be regulating the content of protected speech on its face, which subjects any such regulation to a strict scrutiny standard of review.
- A strict scrutiny standard is essentially this: “requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest”.
- Aesthetics and traffic safety are not compelling government interests when a regulation differentiates between sign types.
- Acceptable content-neutral sign regulations the Supreme Court would uphold include: size, building materials, lighting, moving parts, and portability (but please remember other Supreme Court cases have made it clear that while we can assign different size limitations to different types of signs, political signs have to be allowed to be as large as your largest permissible sign). On public property, the government may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner.
- Signs which are traditional traffic signs (wrong way, speed limit, yield, etc...) would still be content-based sign restrictions but the Court seems to indicate such signs would survive strict scrutiny. In other words, it seems more likely than not that a city could prohibit signs in the public right-of-way, but carve out an exception for these traffic safety types of signs and be okay.

A significant portion of the City’s sign regulations, located in Title 20, known as the Unified Development Ordinance, are unconstitutional in light of the recent Supreme Court holding described herein. The City’s sign regulations differentiate between sign types and then permits some sign types in the public right-of-way, while preventing others.

Since the Supreme Court issued its decision City staff from both the Legal Department and Planning & Transportation Department worked diligently on putting forward a comprehensive proposal to fix the unconstitutional provisions of the City’s current sign regulations. The attached amendments, in staff’s opinion, bring the City’s ordinance into compliance with the Supreme Court’s recent ruling.

While making the necessary updates to ensure compliance with federal law, City staff also made some other substantive changes in order to resolve inconsistencies with the code, make technical corrections, and/or take into account changes that have occurred in Bloomington since the last comprehensive update to the City's sign regulations.

Amendment #: UDO-003

Synopsis:

The allowance for a home occupation to display one 2 square foot sign is being deleted. Other amendments provided with this comprehensive update will instead allow for a home occupation, like all properties in Bloomington, to display one 1 ½ square foot sign and one additional 5 square foot temporary sign without needing a permit.

Proposed Amendment:

Page 9-31

20.09.230

20.05.051 HO-01 (Home occupation – General).

This home occupation standards section applies to the following zoning districts:

RE RS RC RM RH **RM** CL CG CA CD IG BP IN MD **ON**

- (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 Sections 20.05.010, AT-01 (Alternative transportation—General) and 20.05.011 AT-02 (Alternative transportation—Bicycle parking standards—General) of this title.
 - (2) Nonresidential Districts. A home occupation in a nonresidential district that meets all of the standards of this section 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 title. A home occupation that does not meet the standards of this section 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 employee who does not reside in the dwelling unit.
 - (3) Maximum Floor Area. A maximum of fifteen percent 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 square feet, nor shall the area of a home occupation exceed five hundred square feet. If there is more than one home occupation being conducted within a dwelling unit, then all home occupations within the dwelling unit shall cumulatively use no more than fifteen percent or five hundred 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 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 this subsection 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 sign, attached to the wall of the building, of a maximum size of two 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.~~
- (109) 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.
- (110) Hours of Operation. Customer visitation in association with the home occupation shall be limited to between eight a.m. and eight p.m. The hours of operation of the home occupation shall not interfere with the use and enjoyment of adjacent residential properties.
- (121) Commercially Licensed Vehicles. No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any home occupation.
- (132) Deliveries. Deliveries to the property shall not be permitted, except those by typical Residential delivery services.

Amendment #: UDO-004

Synopsis:

This Amendment removes street address requirements from the Sign regulation sections of the Unified Development Ordinance and relocates said requirements to the Municipal Services section. This helps ensure that addresses are not considered “signs” and places the address requirements in an acceptable section of the Unified Development Ordinance.

Proposed Amendment:

Page 9-31

20.09.230

20.05.064 MS-01 (Municipal services – General).

This municipal services standards section applies to the following zoning districts:

RE RS RC RM RH **RM** CL CG CA CD IG BP IN MD **ON**

(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 ten thousand 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 and transportation director if the city's director of information and technology services determines that the new conduit is not necessary.

(d) Street Addresses. Every building shall have its numerical street address posted as follows:

(1) Single-Family Residential Structures:

- (A) Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than three inches in height.
- (B) Street address displays shall be placed on the front of the structure and on the mailbox post where mailboxes are located along the street.

(2) Multifamily Structures:

- (A) Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than five inches in height and no more than ten inches in height.
 - (B) Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- (3) Nonresidential Structures and Mixed Use Structures:
- (A) Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight inches in height.
 - (B) Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- (4) 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.

Amendment #: UDO-005**Synopsis:**

This Amendment contains the bulk of the changes necessary to ensure compliance with the U.S. Supreme Court’s decision in Reed v. Town of Gilbert. In addition to ensuring the City’s sign regulations are constitutionally appropriate, other changes have been made to “clean-up” or rectify issues identified by City staff in the current regulations. Highlights of the changes include the following:

- Adding in a new clause under the “purpose standard” that makes it clear that nothing in the sign regulations is meant to impact the rights the free speech rights guaranteed by both the Indiana and U.S. Constitutions;
- Deleting the requirement that abandoned sign structures be removed because such a requirement necessitates the City paying the sign owner compensation for this removal under the Indiana Code;
- Deleting the following sign types: flags, directional signs, construction signs, not-for-profit signs, political signs, sandwich board signs, and real estate signs;
- Changing the window sign calculations from “window pane” to “window frame”;
- Clarifying that the prohibition of animated signs applies to all signs, not just to signs that are used for business or advertisement purposes;
- Deleting the limitation that vehicle signs only be prohibited on unlicensed or inoperable vehicles;
- Clarifying that electronic reader board signs are only permitted in permitted signs;
- Expanding the prohibition of sign placement in utility easements to ALL easements;
- Expanding the prohibition of sign placement in vision clearance triangles from only those triangles identified by the Unified Development Ordinance to any triangle identified by any Chapter or Section of the Bloomington Municipal Code; and
- Clarifying that the sign setback standards for freestanding signs is either 2 feet from the property line or 2 feet from the pavement associated with a public or private street.

Proposed Amendment:

Page 9-31

20.09.230

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.
- H. Nothing in these standards shall in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution or Article 1, Section 9 of the Indiana Constitution.

This sign standards section applies to the following zoning districts:



- (a) Permit Required. A sign permit shall be required for all signs located, erected, constructed, reconstructed, moved, or altered unless specifically exempted by this chapter.
- (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 this chapter, a double-faced sign may be erected. Only the face area of one of the two sides shall be considered the face area of the entire sign. In such cases, the two 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 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 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.~~
- (gf) Miscellaneous Signs. The following signs are exempt from permit requirements, unless specifically required by another section of this title:
- (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 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 of the glass area of any individual window pane frame.
- (6) ~~Directional Signs.~~ Directional signs shall be subject to the following standards:
- (A) ~~Area.~~ Signs shall not exceed four square feet in area per side.
 - (B) ~~Height.~~ Signs shall not exceed forty-two 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 square feet in area per side.
 - (B) ~~Individual Single-family Lots.~~ Signs shall not exceed five square feet in area per side.
 - (C) ~~Number.~~ Individual contractors, developers, or financiers may have a maximum of one construction sign.
 - (D) ~~Duration.~~ Construction 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 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 days prior to the special event and shall be removed within two days after the conclusion of the special event.
- (9) ~~Political Signs.~~ Political signs shall not exceed thirty-two 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 units shall be limited to a single sign of a maximum of thirty two 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 units shall be limited to a single sign of a maximum of five 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 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 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 inches in height and no more than ten 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 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.~~
- ~~(hg) Prohibited Sign Types. The following signs are prohibited in all zoning districts unless specifically authorized by another section of this title:~~
- ~~(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 Public Signs. Signs that purport to be, are in imitation of, or resemble an public sign as described by the Manual on Uniform Traffic Control Devices. Examples include, but are not limited to, Stop signs, Yield Signs, Pedestrian Crossing Signs, etc. ~~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 Section 20.05.079(g)(8) Not for profit Signs and Section 20.05.079(g)(10)(C) Open House Signage~~ for signs as provided in Section 20.05.079(g)(2) and Section 20.05.080(f).
 - (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 subsection (h)(6) of this section.
 - (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 20.05.080, 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 20.05.080: SI-02 (Sign standards—Temporary signs).
 - (9) Projecting Signs. Any sign that projects outward from the facade of a building in excess of twelve inches, except as provided in Section 20.05.084, SI-06 (Sign standards—Commercial limited) and Section 20.05.085, SI-07 (Sign standards—Commercial downtown).
 - (10) Electronic Reader Board Signs. Any electronic reader board sign not specifically permitted in Section 20.05.079(i)(3).
- (ih) Prohibited Sign Locations. Signs shall not be installed at any of the following locations:
- (1) Public Easement. In any public ~~utility~~ easement, unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
 - (2) Public Right-of-way. In any public right-of-way, ~~except as provided in subsection (g)(1), Public Signs above~~ unless the sign is a public sign authorized by Section 20.05.079(g)(1) and is further authorized by the city.

- (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 this ~~chapter~~ **municipal code**.
 - (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 feet from the front property line or two (2) feet from the pavement associated with either a public or private street, whichever is greater.
 - (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 of the total horizontal width of the sign; or have supports that are less than twenty five percent 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 inches above the height limit specified in this chapter. 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 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 this chapter.
 - (2) 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 of the total sign area.
 - (23) Electronic Reader Boards. Electronic reader boards may be incorporated into ~~freestanding or wall~~ **permanent** signage. Information may be displayed in increments of no less than twenty seconds. Electronic reader boards shall not comprise more than forty percent 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 staff are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code 22-13-2-1.5, Indiana Code 36-7-2-5.5, and Indiana Code 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 subsection (k)(2) of this section.
- (4) An owner or applicant who fails to provide and/or to obtain waivers in accordance with this section 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 subsection (k)(1) of this section.

Amendment #: UDO-006**Synopsis:**

This Amendment deals with changes to sign regulations specifically related Residential areas of the City. Highlights of the changes include:

- Adding condominiums, said term having the same as identified by the Indiana Code, to the single-family subdivision requirements;
- Allowing for no more than 24 square feet of wall signage for each multifamily development (currently there is no allowance of any kind);
- Permitting a 5 square foot temporary sign for each property in a residential zoning district, with said sign not necessitating a permit; and
- Prohibiting window signs for residential uses.

Proposed Amendment:

Page 9-31

20.09.230

20.05.0810 SI-032 (Sign standards—Residential).

This sign standards section applies to the following zoning districts:



- (a) Single-Family and Condominium Subdivision. Each subdivision shall be permitted one freestanding sign per development entrance, subject to the following standards:
- (1) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two square feet per side.
 - (2) Freestanding Sign Height. The maximum height shall not exceed six 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 signs of a maximum sixteen 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 developments containing at least fifteen dwelling units shall be permitted one freestanding sign per development entrance, subject to the following below-listed standards, and wall signage which shall not exceed twenty-four (24) square feet per development:
 - (A) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two square feet per side.
 - (B) Freestanding Sign Height. The maximum sign height shall not exceed six feet.
 - ~~(C) Wall Signage. No wall signage shall be permitted.~~
 - (2) Multifamily complexes developments containing more than two and fewer less than fifteen dwelling units shall be permitted one wall sign, subject to the following standards:

- (A) ~~Wall Sign Area. The maximum sign area shall not to exceed twenty-four square feet per development.~~
- (c) Conforming Nonresidential Uses. For any nonresidential use approved as a permitted use, conditional use, or use variance, the provisions of Section 20.05.084, 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 square feet in area.
 - (2) Freestanding Sign Area. Freestanding signs shall not exceed twelve square feet per side.
 - (3) Number. A maximum of one freestanding sign shall be permitted. Lots with less than thirty feet of street frontage shall not be permitted any freestanding signs.
 - (4) Height. Freestanding signs shall not exceed four feet in height.
- (e) Illumination. Signs within residential districts shall not be internally illuminated.
- (f) Temporary Signs. Each property shall be permitted one temporary sign; the maximum sign area shall not exceed five square feet per side. No permit is required for a temporary sign displayed under this Subsection.
- (g) Window Signs. Window signs are not permitted for residential uses.

Amendment #: UDO-007

Synopsis:

This Amendment deletes the section on Display Cabinets in its entirety. The requirements and regulations dealing with Display Cabinets have instead been put into the individual sign regulations for each relevant zoning district so as to better follow the overall form and flow of the entire Unified Development Ordinance. The Display Cabinet regulations have been placed into the regulations related to the following specific zoning districts: CG, CA, IG, BP, IN, MD, QY, CL, and CD.

Proposed Amendment:

Page 9-31

20.09.230

20.05.0821 SI-043 (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.~~
 - (21) ~~Contents. Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.~~
 - (32) ~~Signage Allotment. Permanent display cabinets shall count toward the wall signage allotment of the use.~~
 - (43) ~~Sign Area. Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.~~
 - (54) ~~Height. A permanent display cabinet shall not exceed eight feet in height from ground level.~~
 - (65) ~~Frame. The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.~~

Amendment #: UDO-008**Synopsis:**

This Amendment makes changes to the sign standards governing the non-residential zoning areas of the City. Highlights of the changes include the following:

- Clarifying that lots with 500 square feet or more of public street frontage are only permitted 2 freestanding signs, the current language of the ordinance can be interpreted to allow for 3 freestanding signs, which was not the intent or how the ordinance is interpreted in practice;
- Deleting references to the term “non-residential” and simply using the term “multi-tenant center”;
- Noting that square footage allowances for sign calculations shall not include any residential areas;
- Deleting references to “drive-through menu signs” and instead noting that if a structure has a drive-through, the structure shall be permitted 1 additional sign at the entrance to each area connected to a drive-through lane;
- Permitting each property in the following zoning districts one 5 square foot temporary sign without needing a permit: CG, CA, IG, BP, IN, MD, and QY; and
- Permitting additional temporary signs with a permit under certain conditions.

Proposed Amendment:

Page 9-31

20.09.230

20.05.0832 SI-054 (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 signs shall not exceed one and one-half square feet per lineal foot of primary facade 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 square feet per lineal foot of the tenant's facade width.
 - (C) Limits. No property use shall be limited to less than thirty square feet of wall signage and no use shall be permitted to exceed three hundred square feet of wall signage.
 - (2) Maximum Projection. Except an awning sign, no part of a wall sign shall project more than twelve 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 20.05.0821, SI-043 (Sign standards—Permanent display cabinets).~~
- (54) 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 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 feet or less of public street frontage are not permitted any freestanding signs.
 - (B) Lots with greater than thirty feet and less than five hundred feet of frontage on a public street are permitted one freestanding sign.
 - (C) Lots with five hundred feet or more of public street frontage shall be permitted two ~~additional~~ freestanding signs.
 - (D) Where a lot has more than one public street frontage, each street frontage shall be regulated independently.
 - (E) In no case shall any lot have more than four freestanding signs.
 - (2) Area.
 - (A) Individual Nonresidential Uses.
 - (i) Freestanding signs on lots with greater than thirty feet and less than fifty feet of public street frontage shall not exceed twenty square feet in area per side.
 - (ii) Freestanding signs on lots with at least fifty feet and less than seventy-five feet of public street frontage shall not exceed thirty square feet in area per side.
 - (iii) Freestanding signs on lots with at least seventy-five feet of public street frontage shall not exceed forty-five square feet in area per side.
 - (iv) Where a lot has more than one public street frontage, each street frontage shall be regulated independently.
 - (B) Multi-tenant ~~Nonresidential~~ Centers.
 - (i) Freestanding signs for ~~nonresidential~~ centers with less than twenty thousand square feet of gross floor area are permitted a maximum sign area based on individual nonresidential use allotments listed in ~~the above~~ subsection (b)(2)(A), Individual Nonresidential Uses ~~above~~.
 - (ii) Freestanding signs for ~~nonresidential~~ centers with at least twenty thousand and less than thirty-five thousand square feet of gross floor area shall not exceed sixty square feet in area per side.
 - (iii) Freestanding signs for ~~nonresidential~~ centers with at least thirty-five thousand and less than fifty thousand square feet of gross floor area shall not exceed seventy-five square feet in area per side.

- (iv) Freestanding signs for ~~nonresidential~~ centers with at least fifty thousand square feet of gross floor area shall not exceed one hundred twenty-five square feet in area per side.
 - (v) Individual tenant panels shall not exceed thirty-six 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 the above subsection (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.
 - (viii) In no instance shall the gross floor area calculations described in this subsection (b)(2)(B) include any square footage associated with a residential use.
- (3) Height.
- (A) For individual nonresidential uses and multi-tenant ~~nonresidential~~ centers of less than twenty thousand square feet of gross floor area, the maximum freestanding sign height shall be six feet.
 - (B) For multi-tenant ~~nonresidential~~ centers with at least twenty thousand square feet and less than fifty thousand square feet of gross floor area, the maximum freestanding sign height shall be eight feet.
 - (C) For ~~nonresidential~~ multi-tenant centers with at least fifty thousand square feet of gross floor area, the maximum sign height shall be fifteen feet.
 - (D) In no instance shall the gross floor area calculations described in this subsection (b)(3) include any square footage associated with a residential use.
- (4) Separation. Where a lot is permitted multiple freestanding signs, no two freestanding signs shall be within one hundred feet of each other, as measured along the public right-of-way.
- (5) Changeable Copy. A maximum of eighty percent of any freestanding sign may be dedicated to changeable copy.
- (c) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:
- (1) Contents. Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.
 - (2) Signage Allotment. Permanent display cabinets shall count toward the wall signage allotment of the use.
 - (3) Sign Area. Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.
 - (4) Height. A permanent display cabinet shall not exceed eight feet in height from ground level.

- (5) Frame. The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.
- (ed) ~~Drive-up Menu Signs~~ Structures with a Drive-through. ~~The following standards apply to drive-up menu signs~~ Structures with a drive-through shall be permitted one additional sign at the entrance to or each area connected to a drive-through lane, subject to the following standards:
- (1) Sign Area. ~~Drive-up menu signs~~ Signs shall not exceed thirty-six square feet in area and shall be single-sided.
 - (2) Height. ~~No part of a drive-up menu signs shall be more than~~ not exceed six feet above ground level.
 - (3) ~~Number. Two drive-up menu signs shall be permitted per drive-through lane.~~
- (de) Multifamily. ~~Complexes~~ Developments containing at least fifteen dwelling units shall be permitted one freestanding sign per development entrance, subject to the below-listed standards, and wall signage which shall not exceed twenty-four (24) square feet per development:
- (1) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two square feet per side.
 - (2) Freestanding Sign Height. The maximum height shall not exceed six feet.
 - (3) Number. One sign is permitted per street frontage.
 - (4) ~~Wall Signage. No wall signage is permitted.~~
- (f) Temporary Signs. Each property shall be permitted one temporary sign; the maximum sign area shall not exceed five square feet per side. No permit is required for a temporary sign displayed under this Subsection. In addition to the one non-permit required temporary sign, each property is also allowed to display temporary signage as follows:
- (1) Area. Temporary signs shall not exceed sixteen square feet in area per side.
 - (2) Height. Freestanding temporary signs shall not exceed six feet in height.
 - (3) Type. Temporary sign types shall be limited to printed banners or freestanding, portable signs.
 - (4) Lighting. External illumination of temporary signs is prohibited.
 - (5) Number.
 - (A) Individual nonresidential uses shall be permitted a maximum of three temporary signs.
 - (B) Multifamily ~~complexes~~ structures with at least fifteen dwelling units shall be permitted a maximum of three temporary signs.
 - (C) Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.
 - (6) Display Periods. Temporary signs shall be permitted for the following durations:
 - (A) Display of temporary signs shall be permitted for three periods of up to thirty days per period, per calendar year.

- (B) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.
- (C) The three temporary sign display periods provided in subsection (k)(5)(A) above may be combined.

Amendment #: UDO-009**Synopsis:**

This Amendment makes changes to the sign standards governing the commercial limited zoning districts. Highlights include the following:

- Permitting wall signs on the rear and sides of buildings if the rear or side of the building faces a nonresidential structure;
- Permitting each property in these zoning districts one 5 square foot temporary sign without needing a permit; and
- Permitting additional temporary signs with a permit under certain conditions.

Proposed Amendment:

Page 9-31
20.09.230

20.05.0843 SI-065 (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 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 use~~ shall not exceed one square ~~feet~~ **foot** per lineal foot of the ~~tenant's use's~~ facade width.
 - (C) Limits. No property shall be limited to less than twenty square feet of wall signage and no use or tenant shall be permitted to exceed one hundred square feet of wall signage.
 - (2) Location. No wall signage shall be located on a side or rear building façade **facing a residential use**.
 - (3) Maximum Projection. No part of a wall sign, other than an awning sign, shall protrude more than twelve 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 feet or less of public street frontage shall not be permitted any freestanding signs. Lots with more than thirty feet of public street frontage on a single street are permitted a maximum of one freestanding sign.
 - (2) Area. No freestanding sign shall exceed fifteen square feet in area per side.
 - (3) Height. No freestanding sign shall exceed four feet in height.

- (4) Lighting. Internally-illuminated signs are prohibited.
- (c) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:
- (1) Contents. Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.
 - (2) Signage Allotment. Permanent display cabinets shall count toward the wall signage allotment of the use.
 - (3) Sign Area. Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.
 - (4) Height. A permanent display cabinet shall not exceed eight feet in height from ground level.
 - (5) Frame. The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.
- (d) Temporary Signs. Each property shall be permitted one temporary sign; the maximum sign area shall not exceed five square feet per side. No permit is required for a temporary sign displayed under this Subsection. In addition to the one non-permit required temporary sign, each property is also allowed to display temporary signage as follows
- (1) Area. Temporary signs shall not exceed sixteen square feet in area per side.
 - (2) Height. Freestanding temporary signs shall not exceed six feet in height.
 - (3) Type. Temporary sign types shall be limited to printed banners or freestanding, portable signs.
 - (4) Lighting. External illumination of temporary signs is prohibited.
 - (5) Number.
 - (A) Individual nonresidential uses shall be permitted a maximum of three temporary signs.
 - (B) Multifamily complexes developments with at least fifteen units shall be permitted a maximum of three temporary signs.
 - (C) Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.
 - (6) Display Periods. Temporary signs shall be permitted for the following durations:
 - (A) Display of temporary signs shall be permitted for three periods of up to thirty days per period, per calendar year.
 - (B) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.
 - (C) The three temporary sign display periods provided in subsection (k)(5)(A) above may be combined, provided that a separate permit is obtained for each display period.
- (e) Electronic reader boards are not permitted in this zoning district.

Amendment #: UDO-0010

Synopsis:

This Amendment makes changes to the sign standards governing the commercial downtown zoning district. Highlights include the following:

- Permitting developments containing more than 2 units to be permitted wall signage which shall not exceed 24 square feet;
- Permitting each property in this zoning district one 5 square foot temporary sign without needing a permit; and
- Permitting additional temporary signs with a permit under certain conditions.

Proposed Amendment:

Page 9-31
20.09.230

20.05.0854 SI-076 (Sign standards—Commercial downtown).

This commercial sign standards section applies to the following zoning districts:



- (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 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-half square feet per lineal foot of the tenant's facade 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 of the total allotment permitted for first story uses as provided in the above subsection (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 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 square feet in area, and shall not include any signage for individual tenants of the center.

- (C) Multifamily. Developments containing more than two units shall be permitted wall signage which shall not cumulatively exceed twenty-four square feet.
- (D) Limits. No property shall be limited to less than twenty square feet of wall signage and no use or tenant shall exceed one hundred 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 the above subsection (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 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 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 feet shall be provided between all projecting signs on the same building facade.
- (D) Number. A maximum of one projecting sign is permitted per tenant per street frontage.
- (E) Area. Projecting signs shall be limited to a maximum of twenty 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 feet.
- (3) Number. Lots with thirty feet or less of public street frontage are not permitted any freestanding signs. Properties with more than thirty feet of public street frontage on a single street are permitted a maximum of one freestanding sign.

- (4) Sign Area. Freestanding signs shall not exceed fifteen square feet in area per side.
 - (5) Height. Freestanding signs shall not exceed four feet in height.
 - (6) Lighting. Internally-illuminated signs are prohibited.
 - (7) Changeable Copy. Changeable copy shall be prohibited as part of a freestanding sign.
- (c) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:
- (1) Contents. Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.
 - (2) Signage Allotment. Permanent display cabinets shall count toward the wall signage allotment of the use.
 - (3) Sign Area. Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.
 - (4) Height. A permanent display cabinet shall not exceed eight feet in height from ground level.
 - (5) Frame. The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.
- (d) Temporary Signs. Each property shall be permitted one temporary sign; the maximum sign area shall not exceed five square feet per side. No permit is required for a temporary sign displayed under this Subsection. In addition to the one non-permit required temporary sign, each property is also allowed to display temporary signage as follows:
- (1) Area. Temporary signs shall not exceed sixteen square feet in area per side.
 - (2) Height. Freestanding temporary signs shall not exceed six feet in height.
 - (3) Type. Temporary sign types shall be limited to printed banners or freestanding, portable signs.
 - (4) Lighting. External illumination of temporary signs is prohibited.
 - (5) Number.
 - (A) Individual nonresidential uses shall be permitted a maximum of three temporary signs.
 - (B) Multifamily complexes structures with at least fifteen units shall be permitted a maximum of three temporary signs.
 - (C) Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.
 - (6) Display Periods. Temporary signs shall be permitted for the following durations:
 - (A) Display of temporary signs shall be permitted for three periods of up to thirty days per period, per calendar year.
 - (B) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.

(C) The three temporary sign display periods provided in subsection (k)(5)(A) above may be combined.

Amendment #: UDO-0011

Synopsis:

This Amendment deletes the allowance for sandwich board signs. Staff has been unable to determine a truly effect away to allow for sandwich board signs in the public right-of-way without allowing other signage in the same rights-of-way.

Proposed Amendment:

Page 9-31

20.09.230

20.05.086 SI-08 (Sign standards—Sandwich board signs).

This sandwich board sign standards section applies to the following zoning districts:



- ~~(a) Uses. Sandwich board signs shall be permitted only for nonresidential uses.~~
- ~~(b) Number. A maximum of one 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 square feet per sign face.~~
 - ~~(2) Width. Sign face width shall not exceed two feet, nine inches measured at the widest point of the sign face.~~
 - ~~(3) Height. Sign height shall not exceed four and one half feet measured from the ground to the top of the sign.~~
 - ~~(4) Ballast. A ballast, weighing a minimum of ten 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 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 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 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 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 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 violations of the sandwich board sign standards in one 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 months from the date of the sign permit revocation.~~

Amendment #: UDO-0012

Synopsis:

This Amendment deletes the allowance for a permanent sign in a community garden as these gardens will now be permitted the same 1 ½ square foot sign as all other properties and the same 5 square foot temporary sign as all other properties.

Proposed Amendment:

Page 9-31

20.09.230

20.05.097 Special conditions—Community garden.

This special conditions standards section applies to the following zoning districts:



- (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 Section 20.05.111(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 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 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 square feet shall provide one on-site parking space per two thousand square feet of lot area above fifteen thousand square feet.
 - ~~(8) One permanent sign shall be permitted. Such sign shall be limited to four square feet in area per side and four feet in height.~~

Amendment #: UDO-0013

Synopsis:

This Amendment deletes references to temporary signs in the temporary use section of the Unified Development Ordinance and instead directs people to the temporary sign regulations identified throughout the sign standards of the Unified Development Ordinance.

Proposed Amendment:

Page 9-31

20.09.230

20.05.110 TU-01 (Temporary uses and structures—General).

This temporary use/structure standards section applies to the following zoning districts:



- (a) Permit Required. All temporary uses shall require a Temporary Use Permit unless specified otherwise in this title.
- (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 consecutive days;
 - (B) No property shall hold more than three 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 ninety 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 this chapter.
- (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 this chapter.~~
 - (2) ~~Maximum Number.~~
 - (A) ~~One freestanding temporary sign;~~
 - (B) ~~One banner type sign.~~
 - (3) ~~Maximum Sign Area.~~
 - (A) ~~Freestanding temporary sign: twenty four square feet per side.~~
 - (B) ~~Banner type sign: thirty 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.~~

Amendment #: UDO-0014

Synopsis:

This Amendment specifically prohibits the installation of signs in any easement established or required by the Unified Development Ordinance, unless the sign is erected on order of a public official. Easements included in this amendment are: sanitary sewer easements; waterline easements; drainage easements; utility easements; pedestrian easements; transit facility easements; karst easements; tree preservation easements; tree conservation easements; and conservancy easements.

Proposed Amendment:

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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 title 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 (e), Easement Types, of this section.
- (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.
 - (E) Signs shall not be located within sanitary sewer easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) and is further authorized by the city.
- (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.
 - (E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (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.
 - (F) Signs shall not be located within drainage easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.

- (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.
 - (C) Signs shall not be located within utility easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (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 nonmotorized 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.
 - (D) Signs shall not be located within pedestrian easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (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.
 - (D) Signs shall not be located within transit facility easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (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 drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the planning and transportation 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 public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public 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 and transportation department is required prior to any proposed restoration.
 - (G) Signs shall not be located within karst conservancy easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (8) Tree Preservation Easement.
- (A) Prohibits the removal of any tree over six 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 and transportation department.
 - (C) All tree preservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public 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 and transportation department is required prior to any proposed restoration.
 - (E) Signs shall not be located within tree preservation easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (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 and transportation department.
 - (C) All tree conservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public 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 and transportation department is required prior to any proposed restoration.
 - (E) Signs shall not be located within tree conservation easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (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 exotic invasive species, only after first obtaining written approval from the planning and transportation department.
 - (C) All conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public 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 and transportation department is required prior to any proposed restoration.
 - (E) Signs shall not be located within conservancy easements unless the sign is a public sign authorized by Section 20.05.079(g)(1) or is further authorized by the city.
- (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.

Amendment #: UDO-0015

Synopsis:

This Amendment clarifies that it is a “public sign”, which is defined in a later amendment that is required to be installed at the terminus of a stub street.

Proposed Amendment:

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20.09.230

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 planning and transportation 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 public sign shall be installed at the terminus of the stub street stating clearly that the street will connect to future development.

Amendment #: UDO-0016

Synopsis:

This Amendment clarifies that a “street sign” is considered a “public sign”, with a “public sign” being defined by a later amendment.

Proposed Amendment:

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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 public 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 for streets, 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 public 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 public signs shall be installed in the location and to the height determined by the city planning and transportation department.
 - (2) Street Name Signs. The petitioner shall install a minimum of one street name public sign at each street intersection within the subdivision and on all perimeter intersections. At least one public sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from the sidewalk intersection (on the street side).
 - (3) Temporary Street Name Signs. The petitioner shall install temporary street name public signs for any streets open to the public during construction. Such public signs shall meet the location requirements specified for street name public signs in the above subsection (a)(2), Street Name Signs above. Temporary street name public signs shall be removed when permanent street name public signs are installed.

Amendment #: UDO-0017**Synopsis:**

This Amendment adds new definitions to the list of defined words, deletes some of the already defined words and then also amends some of the already defined words.

- New defined words include:
 - Condominium, which means “the same as the word is defined by Indiana Code Article 32-25”;
 - Mixed use structure, which means “a structure that contains more than one use or more than one tenant”; and
 - Public sign, which means “a sign erected by or on the order of a public officer in the performance of a public duty, such as signs to promote safety, no trespassing, or traffic signs; signs to indicate traffic stops; memorial plaques; or signs of historic interest.
- Defined words proposed for deletion include:
 - Awing sign;
 - Directional sign;
 - Drive-up menu sign;
 - Externally illuminated sign;
 - Internally illuminated sign;
 - Not-for-profit sign;
 - Outdoor advertising;
 - Political sign; and
 - Sandwich board.
- Modified defined words include the following:
 - Temporary sign, modified to include the following language: “it is a sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured to the ground”; and
 - Window sign, modified so that the frame is the defined boundary and not individual window panes.

Proposed Amendment:

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20.11.020 Defined Words.

“Condominium” means the same as the word is defined by Indiana Code Article 32-25, entitled “Condominiums”.

“Mixed tenant center” means a structure that contains more than one use or more than one tenant.

~~"Nonprofit event" means 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.~~

~~Sign, Awning. "Awning sign" means a sign attached to or incorporated into an awning.~~

~~Sign, Banner. "Banner sign" means 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. "Changeable copy sign" means 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. "Directional sign" means 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. "Drive up menu sign" means 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. "Electronic reader board sign" means 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" means a sign that is illuminated by an external source of light intentionally directed upon the sign face.~~

~~"Sign, internally illuminated" means 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, Not for profit. "Not for profit sign" means a temporary sign promoting an event organized by or benefiting a not for profit entity.~~

~~Sign, Outdoor Advertising. See "Sign, Off-premise."~~

~~Sign, Permanent Display Cabinet. "Permanent display cabinet sign" means 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, Political. "Political sign" means a temporary sign advertising or stating a political position that is not considered obscene.~~

Sign, Public. "Public sign" means an sign erected by or on the order of a public officer in the performance of a public duty, such as signs to promote safety, no trespassing, or traffic signs; signs to indicate transit stops; memorial plaques; or signs of historic interest.

~~Sign, Sandwich Board. "Sandwich board sign" means 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. "Temporary sign" means any on-premise sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured to the ground, including but not limited to; banners, pennants, or advertising displays including portable signs that are intended to be displayed for a limited time period.

Sign, Window. "Window sign" means any sign or advertising device affixed to the interior or exterior of a window or placed immediately behind a window pane frame so as to be seen from persons outside the building.