



**City of Bloomington
Office of the Common Council**

September 22, 2009

Bill Stuebe, President
City of Bloomington Plan Commission
401 North Morton Street, Room 160
P.O. Box 100
Bloomington, IN 47402

Dear Mr. Stuebe,

This letter is being written pursuant to I.C. 36-7-4-607(e) and (f) which, in the event the Common Council changes or rejects a proposal by the Plan Commission to amend the City's zoning ordinance (i.e. Unified Development Ordinance or UDO), requires the Council to return it to the Plan Commission with a statement of reasons for that action. On June 25, 2009, the Common Council received certification of the Plan Commission proposals to amend the UDO, which have been brought forward under Ordinance 09-12.

After a series of meetings in July, August and September of 2009, that comprised one long Special Session, the Common Council approved Ordinance 09-12 on September 16, 2009 with several amendments. Along with the ordinance, I have attached:

- A log of all the amendments brought forward by the Plan Commission and the corresponding action taken by the Common Council. *Please note that the synopses are intended to both summarize the amendment and provide a statement of reasons for any changes made by the Council. Please also note that the darkened rows indicate items where the action of the Plan Commission and Common Council diverge.*
- Ord 09-12 - Attachment A: which includes amendments to the text of Title 20 as well as to the maps incorporated into Title 20, which were forwarded by the Plan Commission to the Common Council with a positive recommendation and which were adopted by the Common Council, and
- Ord 09-12 - Attachment B: which includes amendments to the text of Title 20, which were forwarded by the Plan Commission to the Council either with a positive recommendation and subsequently revised or amended by the Common Council or forwarded with a negative or no recommendation and subsequently approved or amended by the Common Council. Please note that this Attachment also includes three amendments that were denied as a result of being incorporated into another amendment.

As always, the Council extends its deep appreciation for the many hours of work the Plan Commissioners undertook in proposing these changes over the last few years and is looking forward to your response to the Council's actions.

Sincerely,

Daniel Sherman
Administrator/Attorney

ORDINANCE 09-12

TO AMEND
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, "UNIFIED DEVELOPMENT ORDINANCE"
(Amendments to the Text and Maps as a Result of a Periodic Review of the Title)

WHEREAS, the Common Council, by its Resolution 02-19, approved a substantial update to the Comprehensive Plan for the City of Bloomington, which took effect on December 19, 2002; and

WHEREAS, the Common Council, by its Ordinance 06-24, repealed and replaced Title 20 of the Bloomington Municipal Code, now entitled the "Unified Development Ordinance," and the incorporated zoning maps; and

WHEREAS, the Plan Commission has undertaken a periodic review of Title 20 and, after having provided notice and held public hearings as required by law, has forwarded amendments to the text and maps for the Common Council to consider; and

WHEREAS, in preparing and considering these amendments, the Plan Commission and Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION 1. The Common Council hereby adopts amendments to the text and incorporated maps of Title 20 entitled, "Unified Development Ordinance." These amendments are attached hereto and incorporated by reference into this ordinance and consist of the following documents:

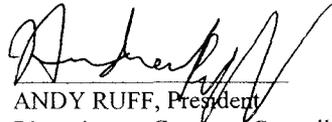
- (a) Amendments to the text of Title 20 as well as to the maps incorporated into Title 20 which were forwarded by the Plan Commission to the Common Council with a positive recommendation and which were adopted by the Common Council (hereinafter Attachment A); and
- (b) Amendments to the text of Title 20, which were forwarded by the Plan Commission to the Council either with a positive recommendation and subsequently revised or amended by the Common Council or with a negative or no recommendation and subsequently approved or amended by the Common Council (hereinafter "Attachment B").

SECTION 2. Incorporation by Reference. Two copies of the zoning maps and other material that are incorporated into Title 20 by reference are on file in the office of the City Clerk for public inspection.

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

SECTION 4. This ordinance shall be in full force and effect following its passage by the Common Council, approval by the Mayor, action by the Plan Commission, and promulgation by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of SEPTEMBER, 2009.


ANDY RUFF, President
Bloomington Common Council

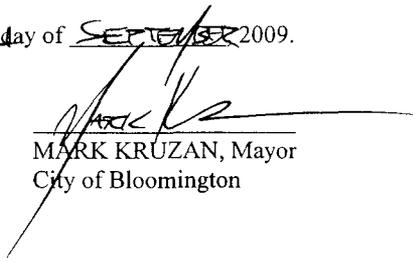
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of SEPTEMBER, 2009.


REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 18th day of SEPTEMBER, 2009.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends both the text of, and maps incorporated into, Title 20 (Unified Development Ordinance) as a result of a periodic review of that title by the Plan Commission and Common Council.

Note: The Common Council considered this ordinance and related amendments over a series of evenings in July, August and September of 2009 that comprised one, long Special Session. At the conclusion of this Special Session, the Common Council adopted Ord 09-12 as it was amended by the Council. Under I.C. 36-7-4-607(e) and (f), the Common Council must return this ordinance with a written statement of reasons for the amendments to the Plan Commission who will have forty-five (45) days to adopt, reject or fail to act upon the Council's amendments. A copy of the Plan Commission's report will be attached to this ordinance. Then, under I.C. 36-7-4-610, the changes will go into effect once the printed text of the amendments have been made available to the public in the Office of City Clerk.

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 09-12 is a true and complete copy of Plan Commission Case Number ZO-12-09 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 15, 2009.

Date: June 25, 2009 (as referenced in the Planning Department memo and supporting documents given to Council)



Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 25th day of JUNE, 2009.



Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____

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

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

Log of Amendments to Ord 09-12 (Unified Development Ordinance) Forwarded to the Council by the Plan Commission with a Positive, Negative or No Recommendation (Along with Two Amendments Not Forwarded to, Nor Acted Upon by, the Common Council)

Shading Code Where the Plan Commission and Common Council Acted in Concert – Amendments: **(Clear)**
 Forwarded with a Favorable Recommendation by Plan Commission and Adopted by Common Council (Along with Two Amendments Not Forwarded by the Plan Commission Nor Acted Upon by the Common Council)

Where Plan Commission and Common Council Action Diverged - Amendments:
 Forwarded with Favorable Recommendation by the Plan Commission and Denied by the Common Council;
 Forwarded with a Favorable, Negative or No Recommendation by the Plan Commission and Amended by the Common Council; and
 Forwarded with a Negative or No Recommendation by the Plan Commission and Adopted by the Common Council

Council Amendment and Sponsor	Related Plan Commission Amendment	Chapter Affected	Plan Commission Adoption (If not Unanimous)	Synopsis	Council Action	Council Vote	Date of Council Action
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On April 13, 2009, the Plan Commission Considered UDO 001 – UDO-064 and Adopted All but UDO-064 (Rhorer Road Map Amendment)

UDO-001	20.02			Rooming house – adds asterisk. This amendment would add the missing asterisk on the permitted use of <i>rooming house</i> for the Residential Multifamily (RM) and Residential High-Density Multifamily (RH) zoning districts. The asterisk indicates that this use has additional requirements under the Chapter 5 Special Conditions Standards of the UDO. The asterisk was mistakenly left off the adopted UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-002	20.02			Establishes parking setback from proposed rather than existing right of way or easement in IG/QY districts. This amendment would modify the minimum front parking setback standard in the Industrial General (IG) and Quarry (QY) zoning districts to be from the <i>proposed</i> right-of-way or ingress/egress easement. The UDO currently requires the front parking setback to be from the <i>existing</i> right-of-way or ingress/egress easement. This change makes the IG and QY district standards consistent with other zoning districts in the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-003	20.03			Pitched roof exception – extends to Third Street. This amendment would add Third Street to the list of streets exempted from the sloped or pitched gable and/or hip roof requirement of the Downtown Edges Overlay. The UDO currently allows flat roofs with parapets within the Downtown Edges Overlay to be utilized along only Rogers Street, College Avenue, Walnut Street, and Washington Street. Third Street is being added to allow construction of buildings that are more urban in design along this corridor.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-004	20.11			Defines “proposal” as it relates to projects within the CD zoning district. This amendment would define the term “proposal.” The term “proposal” is utilized in Chapter 3 of the UDO to determine which projects are reviewed by the Plan Commission. Currently, the UDO does not define this term and it could be interpreted to mean any proposed change to a structure or property. This results in a lack of clarity between which projects are reviewed at the Planning staff level and which require Plan Commission review.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

UDO-005	20.04	Adds one PUD final plan change that may be approved by Planning Director. This amendment allows the Planning Director to approve minor changes to approved PUD Final Plans where the change in a building's gross square footage is less than 10% of the approved size of the building. Currently, the UDO addresses minor changes to the location of buildings as well as changes to building height. However, the UDO does not address modifications to building square footage. The 10% change threshold in this amendment matches the same threshold used in the previous Zoning Ordinance.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-006	20.05	Adds missing restrictions on accessory structures in multifamily zoning districts. This amendment would provide a limit on the number, size, and architectural design of accessory structures in multifamily zoning districts. Currently, the UDO limits these elements in both single family and nonresidential zoning districts. However, regulations for multifamily districts were mistakenly omitted from the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-007 (Amended at PC)	20.05	Provides for some variation in sidewalk/tree plot designs. This amendment would allow the option of a reduced tree plot width for developments required to install such improvements. Currently, the only options spelled out in the UDO are either a five (5) foot wide sidewalk or a six (6) foot wide monolithic curb and sidewalk. In situations where a standard 5-foot wide tree plot cannot be provided, the Planning staff recommends that there be the option to provide a reduced separation between sidewalk and curb edge rather than no separation at all.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-008	20.05	Requires connector paths to link developments to multi-use trails. This amendment would clarify that connector paths are required between developments and multiuse trails, both existing and as noted in the <i>Bicycle and Pedestrian Transportation and Greenways System Plan</i> . Currently, the UDO requires connector paths where developments are adjacent to public parks, schools, and commercial areas. However, the UDO omits multiuse trails. This amendment corrects that oversight as well as specifies that the placement and final design specifications for connector paths are subject to Parks Department approval.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-009	20.05	Makes reduction of bike parking discretionary rather than automatic in CD zoning district. This amendment would give the Planning Director discretion to approve reduced bicycle parking requirements in the Commercial Downtown (CD) zoning district and clarifies that a minimum of four (4) on-site bicycle parking spaces are required. Currently, the UDO automatically allows a complete exemption from bicycle parking requirements in the downtown if there are existing facilities within 100 feet of the building's main entrance. Staff recommends that a minimum amount of bicycle parking still be provided and that the final parking allocation be determined by the Planning Director.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-010	20.05	Clarifies calculation of amount of bicycle parking. This amendment would clarify how the number of required long-term Class I bicycle parking facilities is calculated. Currently, the UDO requires multifamily residential developments with greater than 32 bedrooms to allocate at least ½ of required bicycle parking using Class II facilities (covered but open bike racks). For developments containing more than 64 bedrooms, the UDO states that ¼ of the total number of required bicycle parking must be contained within Class I facilities (e.g. bike lockers). The UDO is unclear on whether the proportion of Class I facilities are relative to <i>covered</i> Class II facilities or the total number of Class II facilities.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-011 (Amended at PC)	20.05	Clarifies height and accessory status of communication facilities in CD district. This amendment clarifies the height requirements and accessory status of communication facilities in the Commercial Downtown (CD) zoning district.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

UDO-12	20.05	Prohibits driveway design where driveway is parallel to street. This amendment clarifies the UDO so as to eliminate the possibility of constructing a driveway running parallel to a street within the front parking setback area. While the UDO restricts the construction of parking lots within required setback areas, the ordinance does not address the construction of driveways. This allows the possibility of aligning driveways parallel to the street within areas intended for either building construction or greenspace. This amendment also corrects a minor inconsistency in text style.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-13	20.05	Requires entrance & drive design to be paved (like parking areas). This amendment clarifies that entrances and drives outside single family zoning districts must utilize a paved surface (concrete, asphalt, permeable pavers). The UDO currently requires that “all areas used for parking” have such paved surfaces. The entrance and drive section of the ordinance does not directly address the issue of surface material. This amendment would add wording that dictates what materials can be used for these areas.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-014 (Amended at PC)	20.05	Requires conservation easements for wetland buffer areas. This amendment would add language to require conservancy easements for wetland buffer areas. This corrects an omission in the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-015	20.05	Corrects UDO reference. This amendment corrects an erroneous code reference pertaining to the Facilities Plan Standards outlined in Chapter 7 of the UDO. Rather than reference this section, the current UDO mistakenly references the Environmental Standards section.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-016	20.05	Clarifies fence height maximum & calculation of decorative features. This amendment provides an exception from height requirements for decorative features on fences and removes the height exception for fences surrounding pools. Currently, the UDO places no height limitation on swimming pool fences, nor does it specify whether or not decorative elements on fences are bound by the eight foot maximum height limitation of the ordinance.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-017	20.05	Corrects typographic error. This amendment corrects a scrivener’s error in the Floodplain section of the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-018 (Amended at PC)	20.11	Corrects statutory reference. This amendment updates outdated Indiana State Code references regarding both “child day care centers” and “child day care homes.”	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-019 (Amended at PC)	20.05	Makes landscaping of buffer yards separate from general landscaping requirements. This amendment prevents landscaping that is required to meet Buffer Yard standards to be counted toward general site landscaping requirements. Counting each requirement separately will maximize the amount of landscaping installed and clarify ambiguous language in the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-020 (Amended at PC)	20.05	Planting requirements – increases canopy tree requirements and makes interior requirements consistent. This amendment provides consistent language concerning Interior Planting requirements as well as increases canopy tree planting requirements for multifamily and mobile home park zoning districts.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-021	20.05	Clarifies landscaping requirement. This amendment corrects language in the landscaping section of the UDO so that the same terminology is used throughout the text. Specifically, the terms “maximum setback” and “minimum setback” are replaced with “location” throughout.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

UDO-022 (Amended at PC)	20.05	Clarifies parking lot island and bumpout location and function. This amendment clarifies text to match the rest of the UDO concerning the location of landscape bumpouts and islands. Additionally, the amendment clarifies that bumpouts and islands must be placed in positions to control vehicle circulation through parking lots.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-023	20.05	Clarifies outdoor storage and merchandizing requirements. This amendment prohibits shipping and cargo containers from being used for long term storage. Also, the amendment clarifies that outdoor merchandising in Commercial General (CG) and Commercial Arterial (CA) zoning districts must be located on an improved surface. Finally, the amendment corrects an inconsistency in the UDO by clarifying that outdoor storage is a permitted use within Institutional (IN) zoning districts subject to screening requirements. <i>Note: This amendment was revised prior to introduction to correct some contextual provisions that will neither be added nor deleted by adoption of this amendment. This deleted language included three zoning districts that should not have appeared under 20.05.065 OT-02: [IG], [IN] and [QY].</i>	Adopt as Revised by Plan Staff	8 – 0 (Absent: Volan)	7/8/09
UDO-024	20.05	Adds omitted requirement for maximum parking lot slope. This amendment would create a maximum slope for parking lots. This standard, which is designed to ensure proper drainage, was accidentally omitted from the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-025	20.05	Clarifies calculation of car dealer parking. This amendment clarifies that spaces set aside for vehicles on display for purchase or rental shall not be counted toward parking requirements <i>Note: On July 29th, the Common Council adopted CCL-013 which incorporated UDO-083, UDO-025, UDO-027, and UDO-044 into one amendment</i>	Deny	8 – 0 (Absent: Volan)	7/29/09
UDO-026 (Amended at PC)	20.05	Corrects omission regarding parallel parking dimensions. This amendment corrects an omission in the UDO and creates dimensional requirements for parallel parking spaces.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-027 (Amended at PC)	20.05	Allows stacked parking for MF garages. This amendment clarifies the stacked parking regulation in the UDO and allows this type of arrangement for multifamily developments that utilize garages. <i>Note: On July 29th, the Common Council adopted CCL-013 which incorporated UDO-083, UDO-025, UDO-027, and UDO-044 into one amendment</i>	Deny	8 – 0 (Absent: Volan)	7/29/09
UDO-028	20.05	Allows back-out parking on non-arterial streets in Core Neighborhoods. This amendment would clarify that dwellings in the Residential Core (RC) district are permitted to have parking arrangements that allow vehicles to back out onto a street. This corrects an error in the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-029	20.05	Clarifies setback for recreational equipment. This amendment would permit recreational equipment to be placed no closer than thirty-five feet to the front property line. The UDO currently states that recreation equipment may encroach up to thirty-five feet <i>into</i> the front setback. This language has created confusion in the application of the recreational equipment setback standards with regard to enforcement cases. This amendment would clarify the standard and provide a more appropriate setback for such equipment.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-030	20.02 20.05	Establishes same setback for detached and attached carports. This amendment would provide detached carports with the same setback standard as detached garages, which must be set back 10 feet behind the primary structure's front façade. Currently, the UDO states that carports shall be located no closer than 35 feet from the front property line. Furthermore, the amendment would clearly differentiate detached carports from attached carports.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

	UDO-031	20.05		Corrects statutory reference. This amendment corrects a typographic error in a citation of the Indiana Code. The citation currently listed in this section of the UDO references the criminal statutes, when it should reference the eminent domain statutes.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
	UDO-032	20.05		Adds cross-references for exceptions to off-premises signs. This amendment clarifies the off-premise sign regulations by cross-referencing them with sections of the sign code that permit off-premise signage in very limited circumstances. Specifically, the UDO provides exceptions for certain off-premise signage related to real estate open houses and events presented by non-profit organizations. This amendment would leave in place the prohibition on all other types of off-premise signage.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
	UDO-033	20.05		Clarifies requirements for changeable copy on freestanding signs. This amendment clarifies the requirements for changeable copy as a component of freestanding signs. It makes clear that any freestanding sign may utilize up to 40% of its sign area for changeable copy, except where specified differently elsewhere in the UDO. The CD district currently prohibits changeable copy signs, while the CA, CG, IG, MD, BP and QY districts permit up to 80% of a freestanding sign as changeable copy. This amendment would also specifically prohibit changeable copy as part of a freestanding sign for a single-family subdivision.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
CCL-006	UDO-034	20.05		Prohibits external illumination of temporary signs. This amendment would prohibit externally illuminated temporary signs. Internally illuminated temporary signs would still be permitted. The installation of external lighting equipment makes it more likely that a temporary sign would become permanent, whereas a temporary sign with an internal illumination mechanism is much easier to remove at the required time. In addition, it is very difficult to enforce light-shielding requirements when the lighting equipment is only temporary and likely to be gone by the time enforcement action can be initiated. Plan Staff submitted CCL-006 to include definitions of “externally illuminated” and “internally illuminated” signs in order to address concerns raised by the Council.	Move to 8/5/09	8 – 0 (Absent: Volan)	7/8/09
					Move to 7/29/09	8 – 0 Absent: Mayer	7/15/09
					Adopt CCL-006	8 – 0 Absent: Piedmont-Smith	7/29/09
	UDO-035	20.05		Corrects section heading for multifamily signage. This amendment deletes an incorrect heading regarding signage regulations for multifamily complexes. The heading, as currently written, is redundant to the specific headings for Divisions (1) and (2) below it. Removing this redundant heading would clarify the multifamily signage regulations.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
	UDO-036	20.05		Creates wall signage allowance for multi-tenant non-residential centers. This amendment would allow a separate wall sign allotment for signs identifying multi-tenant nonresidential centers. Currently, the UDO allows wall signage for the individual tenants of such a center, but no wall signage that would identify the name of the center as a whole. In certain situations, a freestanding sign that would identify the center is not feasible, but no alternative (such as a wall sign) is currently available in the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

	UDO-037	20.05		Clarifies minimum lot frontage requirements for freestanding signs. This amendment would clarify when more than one freestanding sign is permitted for non-residential uses in the CG, CA, IG, BP, IN, MD, and QY districts. As currently written, the provision allowing the opportunity for more than one freestanding sign on a street frontage is difficult to interpret. The amendment would more clearly establish the minimum requirements for allowing multiple freestanding signs, making it easier for staff to administer the sign ordinance and for the public to understand it.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
CCL-007	UDO-038	20.05		Corrects word usage in reference to drive-through bays. This amendment fixes a wording error. Many restaurant drive-through lanes now use two windows: the first for collecting customer payments, the second for giving customers their order. As currently written in the UDO, the regulation in question would prohibit such arrangements by limiting the drive-through to a single window. The amendment would make the regulation true to the original intent, which is to limit uses regulated by this section to a single drive-through bay. CCL-007 - Allows banks to have up to three drive-through bays in CG district This change was sponsored by Councilmember Satterfield and amends UDO-038 to allow banks to have up to three (3) drive-through bays when located in the Commercial General (CG) zoning district. Currently, banks, like other drive-through uses, are limited to a single bay for vehicle transactions. Since patrons of banks typically conduct a large number of transactions using personal vehicles, this allowance for additional drive-through bays is more reflective of how this particular land use functions. <i>The effect of CCL-007 is to amend UDO-038 and not create a new, Council-initiated amendment to the UDO.</i>	Adopt UDO-038 After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
					Adopt CCL-007	6 – 2 (Piedmont-smith and Volan) (Absent: Sturbaum)	8/5/09
					Amend CCL-007	See CCL-014a	9/16/09
	UDO-039	20.05		Clarifies exemption regarding temporary containers used for charitable purposes. This amendment would clarify the requirements for temporary containers for charitable donations. Specifically, it would exempt such containers from permit requirements provided that they are removed within 90 days of their placement on the site.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
	UDO-040	20.06		Corrects setback error for conservation subdivisions. This amendment clarifies the effect on side setback requirements for lots within Conservation Subdivisions (CS) that occur on property zoned Residential Single-family (RS). Under the RS standards, the required side setback is 8 feet, plus 4 additional feet for every story above the first story. As written in the Conservation Subdivision section, the 8 foot minimum setback would be eliminated in a Conservation Subdivision. The original intent for this section was to reduce the setback to 8 feet, and eliminate the 4 additional feet that are required for additional stories of a house. This amendment would make the ordinance match the original intent.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
	UDO-041 (Amended at PC)	20.07		Clarifies permitted activities within conservation/preservation easements. This amendment revises the standards for Karst Conservancy, Tree Preservation, Tree Conservation, and Conservancy Easements. Specifically, it more clearly defines the activities that are allowed and/or prohibited within each type of easement. It is important that these standards are explicitly stated so that developers and property owners understand their rights and responsibilities with regard to any easements on their property.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

UDO-042	20.07	Requires public street frontage for new residential lots. This amendment would change the Lot Establishment Standards of the UDO to require that newly created residential lots have frontage on a public street. Without this requirement, single family lots without such frontage could be created, leading to difficulty and confusion in establishing access to the property as well as street addressing.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-043	20.07	Clarifies requirement for installation of no parking signs. At the request of the City Engineering Department, this amendment clarifies signage requirements for on-street parking. Specifically, it makes the requirement for “No Parking” signage clearer without changing the actual standard. <i>Note: The amendment was revised on the night it was introduced to correct a typographical error by striking out the first sentence.</i>	Adopt as Revised by Plan Staff	8 – 0 (Absent: Volan)	7/8/09
UDO-044 (Amended at PC.)	20.08	Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties. This amendment would clarify when parking setback and impervious surface coverage compliance can be required for building additions and changes of use within existing structures. This amendment would also require compliance with entrance and drive standards for additions and changes in use for nonresidential and multi-family uses and changes to single family driveways. <i>Note: On July 29th, the Common Council adopted CCL-013 which incorporated UDO-083, UDO-025, UDO-027, and UDO-044 into one amendment</i>	Deny	8 – 0 (Absent: Piedmont-Smith)	7/29/09
UDO-045 (Amended at PC.)	20.08	Exempts construction of small accessory structures from events that end status as a non-conforming use in non-residential and multifamily properties. This amendment would allow the construction of small accessory structures associated with nonresidential and multifamily uses without the entire site having to come into full compliance with UDO standards. Currently, there is no provision that allows accessory structures to be built in these situations without triggering full site compliance with the UDO. For example, an existing multifamily complex could not construct a small structure to store their maintenance equipment without bringing the entire development into compliance. This seems excessive relative to the scale of construction actually occurring in such situations.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-046	20.09	Requires developer to list bike rack model type. This amendment would require a petitioner to list the model type and manufacturer of any bicycle racks required to be installed in a proposed development. This will provide a clear reference point for staff to ensure that all proposed bicycle racks will fulfill the bicycle parking requirements.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-047	20.09	Requires petitioner to list scientific name of landscape species. This amendment would require a petitioner to list both the common and scientific name of all proposed landscaping so that proposed plantings can be accurately checked against the list of approved species in the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-048	20.09	Corrects typographical error under subdivision control. This amendment corrects a typographic error by changing the word “plan” to “plat” in the Final Plat procedures section. With the change, this section would be consistent with language in the rest of the subdivision procedures.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-049 (Amended at PC.)	20.09	Defines start and duration of timing of final plat. This amendment would define the starting point of the six month time period in which a Final Plat must be recorded. Currently, the UDO does not clearly state when this six month time period begins. Also, the amendment would define the duration for recording multi-phased plats, which is not currently stated in the UDO. These amendments would provide clarity for staff and developers during the subdivision process.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

UDO-050	20.09	Clarifies effect of withdrawal of demolition delay application. This amendment would provide a clear procedure for terminating a demolition delay period should the applicant choose to withdraw the application. When the application is withdrawn, the delay period ends, and no demolition is authorized. If the application is submitted again later, the ordinance would treat it as a new application, and it would be subject to the applicable delay period in full.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-051	20.09	Requires submission of complete application before Demolition Delay waiting period begins. This amendment would make it clear that a complete application for a demolition or partial demolition permit must be submitted before the 90 or 120 day waiting period commences. Currently, the UDO allows the waiting period to begin at the pre-application meeting, before a complete application is submitted. Removing this allowance will ensure that all appropriate application materials are submitted before the process moves forward. In addition, the amendment references the section of the UDO that outlines what items are necessary for an application to be considered complete.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-052	20.11	Adds basketball courts and batting cages to definition of recreational equipment. This amendment adds to the list of items included as Recreational Equipment by the UDO. Currently, setback requirements for Recreational Equipment cannot be applied to those items that are not included in the definition.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-053	20.11	Clarifies change from one residential use to another and adds abandonment as a change in use. This amendment clarifies the definition of Change in Use and extends the applicability of requirements for such changes in use. Item (2) under the Change in Use definition could currently be read to mean that all three conditions must occur for the situation to be a change in use, when it should be construed to mean that any one of the three conditions would individually constitute a change in use. Further, it adds as a Change in Use the scenario where a site is not used for a six month period (defined as “abandoned”), and then a new use is established. It is important that Change in Use regulations for compliance with development standards can be applied in these situations.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-054	20.11	Adds “florist” to class of use table in definitions. This amendment adds the use “Florist” to the Class of Use Table. This use was mistakenly left off of the Class of Use Table in the current version of the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-055	20.11	Establishes depth of projection from wall to definition of wall sign. This amendment alters the definition of “Sign, Wall” to allow up to a 12 inch projection. This change would make the definition of Wall Sign consistent with the projection allowed under the Sign Standards of Chapter 20.05. Currently, the conflict between the projection allowances could create confusion in the application of the regulations.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-056	20.11	Changes definition of impound vehicle storage to include both inside and outside storage. This amendment deletes the word “outdoor” from the definition of “impound vehicle storage”. This will allow all UDO standards for impound vehicle storage to apply to such facilities that may be enclosed within a structure as opposed to in an open lot.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-057	20.05 20.09	Conforms erosion and stormwater regulations to Title 10 of the BMC. This amendment would bring the UDO into conformance with Title 10 of the Bloomington Municipal Code. In December 2007, Title 10, <i>Wastewater</i> , was amended to bring City erosion control and stormwater regulations in line with environmental regulations promulgated by both the Environmental Protection Agency and Indiana Department of Environmental Management. Since the UDO also contains erosion control and stormwater regulations, it is being amended in several places to be consistent with Title 10.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

UDO-058	20.01 20.05 20.06 20.07 20.11	Corrects references to Bicycle and Pedestrian Plan. This amendment replaces the term “Alternative Transportation and Greenways System Plan” with “Bicycle and Pedestrian Transportation and Greenways System Plan” throughout the UDO. This change is being made to maintain consistency with the recent update of the Plan document, which included a change to its official title.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-059	20.05	Resolves conflict between temporary use and structure provisions for temporary signs. This amendment removes conflicts between the Sign Standards section and the Temporary Use and Structures section concerning signage for temporary uses. The two sections currently provide different requirements for such signage. The amendment would replace the standards listed in the Sign section with a reference to the standards listed in the Temporary Use section.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-060	20.11	Corrects definition of outpatient care facility. This amendment replaces the current UDO definition of “outpatient care facility” with the definition for that term that was amended into the Zoning Ordinance in 2004. This definition should have been carried forward into the new UDO, but was mistakenly left out in favor of the definition that is currently in the document.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-061	20.11	Clarifies definition of basement to establish when it constitutes a “story”. This amendment revises the definitions of “story” and “basement.” In this amendment, no substantive changes to either term are being made. Instead, text is being added to the definition of basement to clarify the circumstances in which a basement must be counted as a story for the purposes of determining building setbacks. Staff recommends that this language be placed in the basement definition in order to allow that definition to match an accompanying illustration in the UDO.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-062	Map	Map Amendment - Rezones remaining part of the Highpoint PUD from PUD to CD/DEO. This amendment changes the zoning map to revise the zoning boundary of the former Highpoint PUD at 11 th and Walnut Streets. Under the previous zoning ordinance, the area in question was zoned PUD. When the new zoning map was adopted, the entire PUD area should have been zoned Commercial Downtown (CD) with a Downtown Edges Overlay (DEO). The adopted map left a small portion of the original PUD, and this amendment will correct that error by changing that remainder to match the zoning of the rest of the Highpoint property.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09
UDO-063	Map	Map Amendment – Rezones Basswood area property from IN to RM. This amendment changes the zoning map designation for a 1.76 acre property located east of Basswood Apartments, south of Twin Lakes Sports Park, and north of property currently zoned Residential Multifamily (RM). This property was zoned multifamily between 1973 and 2007, but was improperly rezoned to Institutional (IN) as part of the UDO zoning map update. The reason this rezoning occurred is because the City’s GIS did not show the 1.76 property as a parcel of record. However, records provided by the owner indicate that this property was a privately owned lot of record and not part of Twin Lakes Sports Park. As a result, staff recommends rezoning this lot back to multifamily, in this case Residential Multifamily (RM). The purpose of the amendment is to allow the aggregation of the 1.76 acre tract with the 2.44 acre tract to the south. This will allow for a small multifamily development to occur in the future.	Adopt After Dividing the Question	8 – 0 (Absent: Volan)	7/8/09

On May 4, 2009, the Plan Commission Considered UDO 065 – UDO 073 and Adopted All But UDO – 072 (Subdivision Open Space) and UDO-073 (Accessory Dwelling Units)

	UDO-065	20.03	7 - 3	Prohibits primary pedestrian entrance in CD district to be off an alley. This amendment prohibits developments in the Commercial Downtown zoning district from having primary pedestrian entrances located off alleyways. The purpose of this amendment is to ensure that primary pedestrian entry points are located on building facades that face public streets.	Adopt After Dividing the Question	7 – 1 (Wisler) (Absent: Volan)	7/8/09
CCL-008	UDO-066	20.05		Clarifies “masonry” materials to be used in residential projects. This amendment would revise the list of materials allowed for residential dwellings constructed in single family and multifamily zoning districts by specifying the types of materials typically characteristic of a masonry product. Currently, the UDO does not clarify this term, and this has created questions as to what specific materials are permitted. <i>Plan Staff prepared CCL-008 which amends UDO-066 by adding other potential residential building materials to accommodate the possibility of newer and more sustainable materials.</i>	Postpone Until 8/5/09 Adopt CCL-008	8 – 0 (Absent: Volan) 8 – 0 (Absent: Sturbaum)	7/8/09 8/5/09
CCL-005	UDO-067	20.05	9 - 1	Allows additions to single family attached and detached structures to have flat roofs. This amendment would allow the use of flat roofs, rather than pitched roofs, for additions to single family residential structures. Currently, all single family residential structures, including additions, are required to use pitched roofs. Flat roofs have been requested for several recent home additions, and are becoming a more common practice. CCL-005 Councilmember Piedmont-Smith proposed an amendment to UDO-067 that limits the use of flat roofs on single-family dwelling units to additions that are no greater than 15% of the gross floor area of the original structure in order to preserve residential context and aesthetics. It was subject to a friendly amendment that raised the percentage to 20% to be less restrictive.	Adopt CCL-005 (Defeated) Adopt UDO-067	3 – (Sandberg, Piedmont-Smith & Sturbaum) - 5 (Absent: Volan) 8 – 0 (Absent: Volan)	7/8/09 7/8/09
	UDO-068 (Amended by PC)	20.05 20.07	7 - 3	Clarifies that LEED-NC guidelines used in the UDO are periodically updated by USGBC. This amendment changes UDO references to Leadership in Energy and Environmental Design (LEED) guidelines in both Chapter 5 (Development Standards) and Chapter 7 (Design Standards). The purpose of the amendment is to clarify that LEED guidelines are updated regularly by the United States Green Building Council.	Adopt	8 – 0 (Absent: Volan)	7/8/09
CCL-009	UDO-069	20.05		Revises list of landscaping to add native species and prohibit certain invasive species. This amendment completely revises the landscaping tables of the UDO to reflect input received from both the Senior Environmental Planner and the Environmental Commission. Specifically, the modifications to the tables are designed to promote the planting of native species and to update the lists of prohibited invasive species. <i>Plan Staff submitted CCL-009 in order to clarify which cultivars of “flowering crabapple” trees were permitted and which were of poor characteristics.</i>	Postponed Until 8/5/09 Moved to 7/29/09 Adopt CCL-009	8 – 0 (Absent: Volan) 8 – 0 (Absent: Mayer) 8 – 0 (Absent: Sturbaum)	7/8/09 7/15/09 8/5/09

UDO-070	20.05	Allows window signs on upper floors but counts such signs towards sign allotment. This amendment would differentiate the way window signs are treated for ground floor windows and windows on stories above the ground floor. The UDO currently exempts all window signs from permit requirements provided that they do not cover more than 25% of any window pane. The amendment would maintain the same 25% area restriction for all window signs, but would require any window signage displayed on upper story windows to count toward the overall wall signage allotment for the use, and to be subject to sign permit requirements. This change is proposed in order to provide window signage opportunities for upper story businesses without causing a proliferation of such signage.	Adopt	8 – 0 (Absent: Volan)	7/8/09
UDO-071	20.05	Allows only attached wall signs and sandwich board signs outside of right-of-way along the B-Line trail This amendment would provide clear standards for signage along the B-Line trail, specifically within the Commercial Downtown (CD) zoning district. The amendment would prohibit freestanding signage along the trail and limit signage to wall signs attached to buildings. It would also permit sandwich board signs along the trail provided that they are placed outside of the trail right-of-way.	Adopt	7 – 1 (Wisler) (Absent: Volan)	7/8/09

On May 19, 2009, the Plan Commission Considered UDO – 074 through UDO – 080 and Adopted All but UDO – 076 (Downtown EIFS) and UDO – 078 (Ground Floor Non-Residential)

CCL-010	UDO-075 (Amended by PC)	20.02	Converts density from units per acre to bedrooms per acre. This amendment would change the calculation of residential density in the UDO from units per acre to bedrooms per acre. Staff recommends this change in the ordinance because the amount of bedrooms per acre is a more accurate representation of density than the number of units per acre. With a units per acre standard, the density of a one bedroom unit is weighted the same as the density of a five bedroom unit. The reality is that the impact of lower bedroom count units is significantly less than for higher bedroom count dwelling units. Making this change to the ordinance will make it more likely that future development projects will feature lower bedroom count dwelling units. <i>CCL-010 was prepared on behalf of Councilmember Volan in order to replace UDO-075, which was adopted by the Plan Commission. It would change the calculation of residential density in the UDO to create a weighting system that would encourage efficiency and 1-bedroom units but discourage 4-bedroom and 5-bedroom units. The weighting system proposed by Councilmember Volan is modeled after an existing weighting system in the UDO called dwelling unit equivalents (DUEs). This proposal revises the DUE system by increasing the weights (incentives) for efficiencies and one-bedroom units while creating first-time weighting (a disincentive) for 4-bedroom and 5-bedroom units. UDO - 075, which converts the UDO's unit-per-acre calculation of density into bedroom densities, also achieves a similar goal. However, Councilmember Volan's proposal increases the weighting system.</i>	Adopt CCL-010	5 – 2 (Mayer and Sandberg) (Absent: Sturbaum and Wisler)	8/5/09
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CCL-011	UDO-077	20.03	<p>Reduces void to solid ratio on first floor facades in all Downtown Overlay districts. This amendment would revise the Void-to-Solid Percentage standards for first floor facades within several Downtown Overlay districts. The UDO currently requires void-to-solid percentages between 70% and 85% for front building facades. However, these percentages have proven to be too difficult to meet for new buildings constructed in the downtown. The amendment would reduce these percentages to be consistent with waivers granted by the Plan Commission.</p> <p><i>On July 15, 2009, the original version of this amendment (UDO-077) was adopted by the Council. The Council passed the amendment with the caveat that the amendment could be brought back before the body with an additional amendment; specifically with a new amendment regarding the void-to-solid percentage standards for facades facing the B-Line Trail. In order to extend the policy rationale of UDO-077 to the B-Line Trail, CCL-011 requires a void-to-solid percentage of 60% of the wall/façade areas of the first floor façades/elevations facing the B-Line Trail within the following overlay districts: Courthouse Square, Downtown Core, Downtown Edges, Downtown Gateway and Showers Technology Park.</i></p>	Adopt UDO-077	7 – 1 (Volan) (Absent: Mayer)	7/15/09
				Consider CLL-011 on 7/15/09	8 – 0 (Absent: Mayer)	7/15/09
				Postpone Until End of the Agenda on August 5 th	7 – 0 – 1 (Satterfield) (Absent: Piedmont-Smith)	7/29/09
				Recess Until 9/16/09	5 – 2 (Rollo and Volan) (Absent: Sturbaum and Wisler)	8/5/09
				Adopt CCL-011	9 - 0	9/16/09
	UDO-079 (Amended at PC)	20.05	<p>Adds architectural design requirement along arterial streets. This amendment would strengthen the architectural design requirements for new multifamily and nonresidential buildings on parcels located along primary arterial streets. Specifically, the amendment addresses such issues as void-to-solid percentage, building materials, and the definition of pedestrian entries.</p>	Adopt	7 – 1 (Wisler) (Absent: Mayer)	7/29/09
	UDO-080 (Amended at PC.)	20.05	<p>Adds requirements for some areas now exempt from riparian buffer zones. This amendment would regulate the width of riparian buffers as well require certain environmental best management practices in instances where typical Streamside, Intermediate, and Fringe zone riparian buffers cannot be used. This amendment is recommended by the Environmental Commission, who expressed concern that there were no standards for situations where the UDO’s typical riparian buffer requirements could not be applied.</p>	Postpone Until 7/29/09	5 – 2 (Rollo and Volan) (Absent: Mayer and Satterfield)	7/15/09
				Adopt	7 - 0 (Absent: Piedmont-Smith and Volan)	7/29/09
<p>On June 15, 2009, the Plan Commission Considered UDO-081 through UDO – 095 and Adopted All But UDO-082 (Landscaping Demolitions), UDO-084 (Downtown Parking Maximums – Withdrawn), UDO-087 (Balloons), and UDO-093 (Grading on SF Lots)</p>						

	UDO-081 (Amended at PC.)	20.05	Reduces buffer yard requirements. This amendment adjusts the table and requirements for Buffer Yards. Specifically, it reduces the additional setback needed to fulfill the buffer yard regulation for each of three types of buffers. Planning staff has observed that the UDO, as currently written, requires excessively large buffers. This amendment also eliminates the incongruous requirement for developments proposed in residential zoning districts to provide buffers against more intense zoning districts.	Adopt	8 – 0 (Absent: Piedmont- Smith)	7/29/09
CCL-013	UDO-083 (Amended at P.C.)	20.03 20.05 20.07 20.08	Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments. This amendment revises the Parking Standards of the UDO to convert the minimum parking requirements of the ordinance into maximum parking requirements. The purpose of this amendment is to reduce the amount of off-street parking provided for all nonresidential, multifamily, and single family developments. Plan Staff offered CCL-013 as an amendment to UDO-083. It incorporates UDO-025 (Clarifies calculation of car dealer parking), UDO-027 (Allows stacked parking for MF garages), and UDO-044 (Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties).	Adopt CCL-013	8 – 0 (Absent: Piedmont- Smith)	7/29/09
	UDO-085	20.05	Adds or changes parking requirements for preschools, outdoor storage, and brewpubs. This amendment would create a parking requirement for the “school, preschool” use to correct an omission in the UDO. It also lowers the parking requirement for “brewpubs” to better reflect that such uses are largely devoted to production space. The amendment also revises the standard for “outdoor storage” uses to make it more consistent with similar uses in the UDO.	Adopt	7 – 0 (Absent: Piedmont- Smith and Sturbaum)	7/29/09
	UDO-086	20.05 20.11	Defines and adds parking requirements for “outdoor retail.” This amendment adds a definition and parking requirement for the land use “retail, outdoor”. The UDO currently lists “retail, outdoor” as a permitted primary use of a site in certain zoning districts, but does not provide a definition or parking requirement as is done for all other listed uses.	Adopt	8 – 0 (Absent: Piedmont- Smith)	7/29/09
	UDO-088	20.05	Relaxes restrictions on size and duration of political signs to conform to case law. This amendment would change the area allotment for political signs as well as remove the restrictions on how long such signs may be displayed. The maximum area of a political sign would change from five square feet to thirty-two square feet. The current requirement for political signs to be removed within seven days of the subject event would be eliminated. This amendment is being proposed in response to recent situations in other Indiana communities with political sign regulations similar to those that exist now in the UDO. The general legal direction from those situations is that political signs should not be more restricted in size or display period than other signs allowed in a given zoning district. The proposed change to an area of thirty two square feet would accomplish this goal. Further, the removal of the display period restriction would allow such signs to be displayed year-round. Many signs expressing political speech are not related to a specific event or election, so would not fit within the existing regulation.	Adopt	7 – 1 (Sturbaum) (Absent: Piedmont- Smith)	7/29/09
	UDO-089	20.05	Changes restrictions on “reader board” signs to conform to case law. This amendment would	Adopt	8 – 0	7/29/09

			eliminate the restriction of electronic reader board signs to the display of time and temperature information only. Recent national court cases have established that such restrictions on message are unconstitutional. Sign regulations may restrict the time increments for which messages may be displayed, but cannot restrict the actual message.		(Absent: Piedmont-Smith)		
	UDO-090	20.05	Restricts seasonal sale of fireworks to CA districts and clarifies length seasonal sales are permitted. This amendment would revise UDO requirements for the seasonal sales of fireworks. It is intended to provide further protection from the threat of fireworks accidents. The amendment would further restrict the locations where such sales are permitted, requiring that such sales be confined to the Commercial Arterial (CA) zoning district. This restriction would apply to seasonal vendors that set up specifically for the sale of fireworks, not to permanent commercial establishments that may sell fireworks as a seasonal product among their normal inventory. This amendment would also clarify language regarding the length of time for which a seasonal sale may be permitted.	Adopt	7 – 1 (Wisler) (Absent: Sturbaum)	8/5/09	
	UDO-091	20.06	6 - 3	Adds maximum suburban parent tract size for Suburban Subdivision type. This amendment would modify the “Minimum Parent Tract” requirement for the Suburban Subdivision type found in Chapter 20.06 of the Unified Development Ordinance. Specifically, it would change the “Minimum Parent Tract” to a “Maximum Parent Tract”, and make that maximum tract smaller than the minimum parent tract requirements for the other subdivision types. This would result in a significant reduction in the number of Suburban Subdivisions created in Bloomington, and would make it far more likely that future residential subdivisions would be either Traditional Subdivisions or Conservation Subdivisions.	Adopt	8 - 0 (Absent: Sturbaum)	8/5/09
	UDO-092 (Amended at PC.)	20.09	8 - 1	Requires more detail for models accompanying downtown development proposals. This amendment would require greater detail to be provided on the models that must accompany downtown development proposals. Since the existing model requirement was enacted, several models have been submitted for use during Plan Commission deliberations. These models have used a variety of materials, scales, and levels of detail to capture the look and feel of the proposed development. In some cases, Plan Commission members felt that the models lacked sufficient detail to provide a good representation of the project. This amendment will ensure that future models provide clear representation of façade surface materials, including color.	Adopt	7 – 1 (Wisler) (Absent: Sturbaum)	8/5/09
CCL-012	UDO-094	20.11	Defines “primary” and “secondary” exterior finish materials. This amendment provides a definition of the terms “primary exterior finish material” and “secondary exterior finish material”. Chapter 20.03 of the UDO currently places restrictions on the use certain exterior finish materials based on whether they are “primary” or “secondary”, but no specific definition of those terms is provided in Chapter 20.11. “Primary exterior finish material” refers to materials that cover more than 20% of the exterior surface area (except for windows, doors, building trim, cornices, and similar architectural features). “Secondary exterior finish materials” refers to materials that cover no more than 20% of said area. CCL-012 would have lowered the boundary between “primary” and “secondary” exterior finish material from 20% to 15% of the exterior surface area (see above) in order to prevent the likelihood of having one floor covered entirely in a secondary finish material.	Postpone Until End of the Agenda on August 5 th	7 – 0 – 1 (Satterfield) (Absent: Piedmont-Smith)	7/29/09	
				Recess Until September 16 th	5 – 2 (Rollo and Volan) (Absent: Sturbaum and Wisler)	8/5/-09	
				Adopt UDO-094	9 - 0	9/16/09	
CCL-015	UDO-095 (Amended)	20.02 20.05	Defines certain urban agricultural activities and imposes special conditions on community gardens in residential zones. This amendment responds to input the Planning Department has	Adopt CCL-015	8 – 0 (Absent:	8/5/09	

at PC.)

20.11

received concerning perceived UDO restrictions on agricultural activities. While the UDO doesn't specifically restrict what are commonly known as urban agricultural activities, there has been concern expressed that these activities could be considered impermissible due to the lack of specificity in the ordinance. In response, various food growing activities have been listed and defined under two use categories. The first use category is identified as urban agriculture. This land use is being proposed as a permitted accessory use in the RE, RS, RC, RM, and RH zoning districts. Additionally, another land use activity, community gardens, has been defined and listed as a permitted primary use in all zoning districts subject to special conditions.

On August 5, 2009, Councilmember Rollo proposed that the word "backyard" be deleted as it appeared before the word "garden" in order to make clear that gardens could be on areas of the lot outside of the backyard. This amendment is known at CCL-015.

Sturbaum)

**Ten UDO Amendments the Plan Commission Forwarded to the Common Council with No or a Negative Recommendation
(and Two Amendments Not Forwarded by the Plan Commission)
*Also Note: A Vote of 6 or More was Necessary for Adoption of a Motion***

UDO-064	Maps	April 13 th Withdraw 6 – 1 <i>* Not Forwarded to Council</i>	Map Amendment – Rezones property at 155 and 157 Rhorer Road from RM to CA. This amendment changes the zoning map designation for the properties located at 155 and 157 East Rhorer Road. Currently, the properties are zoned Residential Multifamily (RM). Staff proposes that this zoning designation be changed to Commercial Arterial (CA). Staff has two reasons for this recommendation: 1) the properties are recommended for Community Activity Center (CAC) designation in the Growth Policies Plan, and 2) the owner of these properties wishes to use them to start a small business. Rather than have the property owner file for Use Variance or a rezoning, staff recommends making this zoning map change.	Not Introduced	N/A	N/A
UDO-072	20.06 20.07	May 4 th Adopt 5 – 5 (No action)	<i>* Listed here merely to have a complete record of amendments considered by the Plan Commission</i> Imposes a minimum open space requirement for Commercial/Industrial Subdivision. This amendment would add a "Minimum Open Space" requirement to the Commercial/Industrial Subdivision type found in Chapter 20.06 of the Unified Development Ordinance. Currently, this is the only subdivision type that does not require a minimum amount of open space to be set aside as part of the subdivision. Requiring such a set aside in a commercial or industrial subdivision would provide an opportunity for dedicated recreational space devoted to employees and/or visitors to these developments. This amendment would also make changes in Chapter 20.07 to ensure consistency with the new open space requirement for CI Subdivisions.	Not Introduced	N/A	N/A
UDO-073	20.02 20.05	May 4 th	Allows Accessory Dwelling Units (ADUs) as a conditional use in four residential zoning districts. This amendment would allow the creation of Accessory Dwelling Units (ADUs) in four residential	Not Introduced	N/A	N/A

			Adopt 2 - 8	zoning districts subject to Board of Zoning Appeals review of specific Conditional Use criteria. The provision for ADUs was originally proposed by Planning staff during the adoption of the UDO in 2007. However, an amendment to delete ADUs from the UDO was approved by the Plan Commission during the public hearing process for the ordinance. The occupancy of any lot that establishes an ADU would be limited to a single family, as defined by the UDO. This means that in a single family zoning district, the total number of unrelated adults on a single lot, despite the fact that a primary unit and an ADU would exist, would be three.			
CCL-001	UDO-074	20.02 20.03 20.05 20.07 20.09	May 19 th Adopt 4 - 3 (No action)	Encourages Plan Commission and Board of Zoning Appeals to consider sustainable development practices; requires development plan to specify them; reduces width of drives/entrances; and, adds permeable surface requirement for parking lots and as a “green” incentive. This amendment would increase the number of sustainable development projects in Bloomington. Because it is not legally permissible to regulate the interior design of buildings through zoning regulations, this amendment focuses on encouraging developers to provide green building design features in association with projects being considered for height and density waivers by the Plan Commission. In addition, this amendment proposes a series of site design regulations outside the building envelope to increase the sustainability of development design for all nonresidential and multifamily projects. <i>Councilmember Piedmont-Smith introduced CCL-001 which amended UDO-074. This amendment makes two changes to UDO-074.</i> The first changes the general entrance and drive standards by increasing the maximum driveway widths from 28 to 34 feet for drives onto arterial or collector streets. The second changes the general parking standards by offering a menu of best management practices regarding the surface material of parking lots rather than only require the use of a percentage of permeable pavement.	Adopt CCL-001 (with minor grammatical change granted with unanimous consent)	6 – 1 (Wisler (Absent: Mayer and Satterfield))	7/15/09
CCL-002	UDO-076	20.03	May 19 th Adopt 4 – 3 (No action)	Restricts use of EIFS and other building materials on facades facing streets in CD district. UDO-076 restricts the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. EIFS would still be allowed for usage on building trim, cornices, and other architectural features. The amendment also restricts the use of vinyl, wood, cementitious siding, precast concrete, and highly reflective building materials. <i>CCL-002 amends UDO-076 and restricts the use of EIFS as a building material in the Commercial Downtown zoning district in order to assure the durability and aesthetic quality of those structures.</i> Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. The amendment also restricts the use of vinyl, cementitious siding, and highly reflective building materials in some districts. Lastly, it makes the application of this rule uniform throughout the Commercial Downtown zoning district by including all four sides of the building. <i>(Note: On July 15th, the title was revised to reflect changes in the amendment.)</i>	Introduce (Failed)	3 – 4 (Rollo, Ruff, Volan and Sturbaum) (Absent: Mayer and Satterfield)	7/15/09
					Adopt CCL-002	5 -2 (Wisler, Satterfield) – 1 (Mayer) (Absent: Piedmont-Smith)	7/29/09
	UDO-078	20.03	May 19 th Deny 6 - 1	Prohibits residential uses on the ground floor along key corridors. This amendment would require the provision of ground-floor nonresidential space along certain key corridors within the Commercial Downtown (CD) zoning district. This amendment would apply within the four downtown overlay districts that do not already require ground floor nonresidential uses, and would ensure that each	Postpone Until End of Agenda on August 5 th	7 – 0 – 1 (Satterfield) (Absent: Piedmont-	7/29/09

				identified street frontage provides nonresidential uses. It would also require that at least 50% of the ground floor area of any building along the identified streets be utilized by nonresidential uses.			Smith)		
						Recess Until September 16 th	5 – 2 (Rollo and Volan) (Absent: Sturbaum and Wisler)	8/5/09	
						Adopt	5 – 4 (Mayer, Piedmont-Smith, Satterfield and Wisler)	9/16/09	
CCL-003(a)	UDO-082	20.05 20.09	June 15 th	<p>Requires landscaping be installed when buildings are demolished unless a development plan is approved. This amendment would add a new requirement for demolition permits. Specifically, any request for a demolition permit would be required to provide a post-demolition landscape plan for the site. Once the demolition has been completed, the site would have to be landscaped as shown on the approved plan. A site could only be released from this requirement if the demolition permit is accompanied by a proposed development plan that is submitted to the Planning Department to initiate the review process.</p> <p>CCL-003(a) amends UDO-082 which was not adopted by the Plan Commission. It would add a new requirement for demolition permits. Specifically, any request for a demolition permit would be required to provide a post-demolition plan for the site that could include turf grass, other ground cover, trees/shrubs, or planters. Once the demolition has been completed, the post-demolition landscape plan would have to be implemented as shown on the approved plan. A site could only be released from this requirement if the demolition permit is accompanied by a proposed development plan that is submitted to the Planning Department to initiate the review process.</p> <p>CCL-003 (b) amends UDO-082, which was not adopted by the Plan Commission. It would add a new requirement for demolition permits. Specifically, any request for a demolition permit would be required to provide a post-demolition plan for the site that could include turf grass, other ground cover, trees/shrubs, or planters. Once the demolition has been completed, the post-demolition landscape plan would have to be implemented as shown on the approved plan. A site could only be released from this requirement if the demolition permit is accompanied by a proposed development plan that is submitted to the Planning Department to initiate the review process. Note CCL-003 (b) differs from CCL-003 (a) in regard to the treatment of lots greater than one-half acre. Specifically, it requires a 10-ft wide planting area along all property lines bordering a public street, whereas CCL-003(a) requires that planting area only along the street in front of where the demolition occurred.</p>		Postpone Until End of Agenda on August 5 th	7 – 0 – 1 (Satterfield) (Absent: Piedmont-Smith)	7/29/09	
Sturbaum			Deny 7 - 2				Recess Until September 16 th	5 – 2 (Rollo and Volan) (Absent: Sturbaum and Wisler)	8/5/09
CCL-003(b)							Adopt CCL-003b <i>Defeated</i>	0 – 8 (Absent: Ruff)	9/16/09
Sturbaum / Piedmont-Smith							Adopt CCL-003a	7 – 1 (Wisler) (Absent: Ruff)	9/16/09
	UDO-084	20.05	June 15 th		Sets maximum parking where no parking is required in CD districts. (<i>Amendment not considered necessary after adoption of UDO-083</i>) This amendment would clarify how		Not Introduced	N/A	N/A

No Action/
Withdrawn/

* *Not
Forwarded
to Council*

maximum parking standards should be calculated in the Commercial Downtown (CD) zoning district. Currently, the UDO does not provide any clarity for how to set the maximum number of parking spaces in overlays where no parking is required.

* *Listed here to provide a complete record of amendments considered by the Plan Commission.*

	UDO-087	20.05	June 15 th Deny 6 - 3	Allows balloons based upon size, scale, duration, and absence of a message. This amendment would allow balloon displays to be considered as a type of miscellaneous sign exempt from permit requirements. The purpose of the amendment is to permit balloon displays that are limited in size, scale, duration, and commercial message. Currently, the UDO does not allow such displays except for businesses that are advertising grand opening events. This amendment also clarifies that while certain types of signs do not require permits, they do have limitations as described in 20.05.078(g).	Not Introduced	N/A	N/A
CCL-004 Piedmont-Smith	UDO-093	20.09	June 15 th Deny 5 - 3 (No action)	Requires grading permit for single family lots which have not been part of a larger grading plan. This amendment, which was requested by the Environmental Commission, would eliminate an exemption in the Unified Development Ordinance that allows land-disturbing activity on single-family lots without the prior receipt of a grading permit. The purpose of the current language in the UDO is to streamline the process for property owners who wish to secure a building permit or simply remove a diseased tree. In this case, a streamlined process makes sense because disturbance limits and tree removal restrictions have often been determined during the issuance of a detailed grading permit covering the lot as part of a larger subdivision. However, the unintended consequence of this exemption is that, on two occasions, owners of single-family lots have been able to remove trees without any regulation from the City. The proposed amendment would still allow the current exemption as long as a previous grading permit has been issued addressing land disturbing activity for the single-family lot. <i>CCL-004 amends UDO-093 which was not adopted by the Plan Commission. Changes to UDO-093 include: 1) identifying 'tree removal' as an activity that can be regulated through the site plan review process, 2) identifying certain tree removal activities that are exempt from review, and 3) identifying other tree removal activities which require Certificates of Zoning Compliance, site plan review, and compliance with the tree preservation standards of the UDO.</i>	Adopt	6 – 1 (Wisler) – 1 (Mayer) (Absent: Sturbaum)	8/5/09
CCL-014	N/A	N/A	N/A	Procedural Amendment Introduced at the Common Council Assembles Amendments into Two Attachments, Amends CCL-007 (UDO-038) and	Adopt	7 – 2 (Volan	9/16/09

Arranges for the Return of the Ordinance to the Plan Commission This amendment would reassemble the amendments adopted by the Council into two attachments. The first would include amendments favored by the Plan Commission and adopted by the Common Council without change. The second would include all other amendments forwarded by the Plan Commission (with either a positive, negative, or no recommendation) and subsequently approved or amended by the Council. This amendment would also amend the posture of CCL-007 so that it amends UDO-038 rather than introduce a Council-initiated amendment to the UDO. The latter would require a review of by the Plan Commission independent of the other amendments attached to Ord 09-12 which is unnecessary because CCL-007 does, in fact, amend UDO-038. Lastly, this amendment authorizes the Council Administrator/Attorney to prepare the necessary documents for consideration of the changes to this ordinance by the Plan Commission under I.C. 36-7-4-607 (e) and (f).

and Wisler)

VOTE ON ORD 09-12 AS AMENDED BY THE COMMON COUNCIL

Final Action by the Common Council

Adopt

8 – 1
(Wisler)

9/16/09

Ordinance 09-12
(Amendments to the Unified Development Ordinance)

Attachment A
**(Where the Plan Commission and Common Council
Acted in Concert)**

- UDO-001 Rooming house – adds asterisk.
- UDO-002 Establishes parking setback from *proposed* rather than *existing* right of way or easement in IG/QY districts.
- UDO-003 Pitched roof exception – extends to Third Street.
- UDO-004 Defines “proposal” as it relates to projects within the CD zoning district
- UDO-005 Adds one PUD final plan change that may be approved by Planning Director.
- UDO-006 Adds missing restrictions on accessory structures in multifamily zoning districts.
- UDO-007 Provides for some variation in sidewalk/tree plot designs.
- UDO-008 Requires connector paths to link developments to multi-use trails.
- UDO-009 Makes reduction of bike parking discretionary rather than automatic in CD zoning district.
- UDO-010 Clarifies calculation of amount of bicycle parking.
- UDO-011 Clarifies height and accessory status of communication facilities in CD district.
- UDO-012 Prohibits driveway design where driveway is parallel to street.
- UDO-013 Requires entrance & drive design to be paved (like parking areas).
- UDO-014 Requires conservation easements for wetland buffer areas.
- UDO-015 Corrects UDO reference.
- UDO-016 Clarifies fence height maximum & calculation of decorative features.
- UDO-017 Corrects typographic error.
- UDO-018 Corrects statutory reference.
- UDO-019 Makes landscaping of buffer yards separate from general landscaping requirements.
- UDO-020 Planting requirements – increases canopy tree requirements and makes interior requirements consistent.
- UDO-021 Clarifies landscaping requirement.
- UDO-022 Clarifies parking lot island and bump-out location and function.
- UDO-024 Adds omitted requirement for maximum parking lot slope.
- UDO-026 Corrects omission regarding parallel parking dimensions.
- UDO-028 Allows back-out parking on non-arterial streets in Core Neighborhoods.
- UDO-029 Clarifies setback for recreational equipment.
- UDO-030 Establishes same setback for detached and attached carports.
- UDO-031 Corrects statutory reference.
- UDO-032 Adds cross-references for exceptions to off-premises signs.
- UDO-033 Clarifies requirements for changeable copy on freestanding signs.
- UDO-035 Corrects section heading for multifamily signage.
- UDO-036 Creates wall signage allowance for multi-tenant non-residential centers.
- UDO-037 Clarifies minimum lot frontage requirements for freestanding signs.
- UDO-039 Clarifies exemption regarding temporary containers used for charitable purposes.
- UDO-040 Corrects setback error for conservation subdivisions.

- UDO-041 Clarifies permitted activities within conservation/preservation easements.
- UDO-042 Requires public street frontage for new residential lots.
- UDO-045 Exempts construction of small accessory structures from events that end status as a non-conforming use in non-residential and multifamily properties.
- UDO-046 Requires developer to list bike rack model type.
- UDO-047 Requires petitioner to list scientific name of landscape species.
- UDO-048 Corrects typographical error under subdivision control.
- UDO-049 Defines start and duration of timing of final plat.
- UDO-050 Clarifies effect of withdrawal of demolition delay application.
- UDO-051 Requires submission of complete application before Demolition Delay waiting period begins.
- UDO-052 Adds basketball courts and batting cages to definition of recreational equipment.
- UDO-053 Clarifies change from one residential use to another and adds abandonment as a change in use.
- UDO-054 Adds “florist” to class of use table in definitions.
- UDO-055 Establishes depth of projection from wall to definition of wall sign.
- UDO-056 Changes definition of impound vehicle storage to include both inside and outside storage.
- UDO-057 Conforms erosion and storm water regulations to Title 10 of the BMC.
- UDO-058 Corrects references to Bicycle and Pedestrian Plan.
- UDO-059 Resolves conflict between temporary use and structure provisions for temporary signs.
- UDO-060 Corrects definition of outpatient care facility.
- UDO-061 Clarifies definition of basement to establish when it constitutes a “story”.
- UDO-062 Map Amendment - Rezones remaining part of the Highpoint PUD from PUD to CD/DEO.
- UDO-063 Map Amendment – Rezones Basswood area property from IN to RM.
- UDO-065 Prohibits primary pedestrian entrance in CD district to be off an alley.
- UDO-067 Allows additions to single family attached and detached structures to have flat roofs.
- ~~ECL-005~~
- UDO-068 Clarifies that LEED-NC guidelines used in the UDO are periodically updated by USGBC.
- UDO-070 Allows window signs on upper floors but counts such signs towards sign allotment.
- UDO-071 Allows only attached wall signs and sandwich board signs outside of right-of-way along the B-Line trail
- UDO-079 Adds architectural design requirement along arterial streets.
- UDO-080 Adds requirements for some areas now exempt from riparian buffer zones.
- UDO-081 Reduces buffer yard requirements.
- UDO-085 Adds or changes parking requirements for preschools, outdoor storage, and brewpubs.
- UDO-086 Defines and adds parking requirements for “outdoor retail.”
- UDO-088 Relaxes restrictions on size and duration of political signs to conform to case law.
- UDO-089 Changes restrictions on “reader board” signs to conform to case law
- UDO-090 Restricts seasonal sale of fireworks to CA districts and clarifies length seasonal sales are permitted.
- UDO-091 Adds maximum suburban parent tract size for Suburban Subdivision type
- UDO-092 Requires more detail for models accompanying downtown development proposals
- UDO-094 Defines “primary” and “secondary” exterior finish materials.
- ~~ECL-012~~

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 001**

Sponsor: N/A Date: N/A

Synopsis

Rooming house – adds asterisk

This amendment would add the missing asterisk on the permitted use of *rooming house* for the Residential Multifamily (RM) and Residential High-Density Multifamily (RH) zoning districts. The asterisk indicates that this use has additional requirements under the Chapter 5 Special Conditions Standards of the UDO. The asterisk was mistakenly left off the adopted UDO.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 2-10
20.02.140

- rooming house*

Page 2-12
20.02.180

- rooming house*

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 002**

Sponsor: N/A Date: N/A

Synopsis

Establishes parking setback from *proposed* rather than *existing* right of way or easement in IG/QY districts

This amendment would modify the minimum front parking setback standard in the Industrial General (IG) and Quarry (QY) zoning districts to be from the *proposed* right-of-way or ingress/egress easement. The UDO currently requires the front parking setback to be from the *existing* right-of-way or ingress/egress easement. This change makes the IG and QY district standards consistent with other zoning districts in the UDO.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 2-25

20.02.440

Minimum Parking Setback:

- Front: 25 feet from the **proposed** right-of-way or ingress/egress easement

Page 2-33

20.02.600

Minimum Parking Setback:

- Front: 30 feet from the **proposed** right-of-way or ingress/egress easement

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 003**

Sponsor: N/A Date: N/A

Synopsis

Pitched roof exception – extends to Third Street

This amendment would add Third Street to the list of streets exempted from the sloped or pitched gable and/or hip roof requirement of the Downtown Edges Overlay. The UDO currently allows flat roofs with parapets within the Downtown Edges Overlay to be utilized along only Rogers Street, College Avenue, Walnut Street, and Washington Street. Third Street is being added to allow construction of buildings that are more urban in design along this corridor.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 3-25

20.03.270(b)(1)

(D) Exemptions: For locations along Rogers Street, College Avenue, Walnut Street, **Third Street**, and Washington Street, buildings may incorporate flat roofs with parapets.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 004**

Sponsor: N/A Date: N/A

Synopsis

Defines “proposal” as it relates to projects within the CD zoning district

This amendment would define the term “proposal.” The term “proposal” is utilized in Chapter 3 of the UDO to determine which projects are reviewed by the Plan Commission. Currently, the UDO does not define this term and it could be interpreted to mean any proposed change to a structure or property. This results in a lack of clarity between which projects are reviewed at the Planning staff level and which require Plan Commission review.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 11-35

20.11.020

Proposal: Any new construction, including accessory structures of at least 840 square feet, or any building addition larger than ten percent (10%) of the gross floor area of a structure.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 005**

Sponsor: N/A Date: N/A

Synopsis

Adds one PUD final plan change that may be approved by Planning Director

This amendment allows the Planning Director to approve minor changes to approved PUD Final Plans where the change in a building’s gross square footage is less than 10% of the approved size of the building. Currently, the UDO addresses minor changes to the location of buildings as well as changes to building height. However, the UDO does not address modifications to building square footage. The 10% change threshold in this amendment matches the same threshold used in the previous Zoning Ordinance.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 4-12
20.04.090

(h) Changes or Amendments:

- (1) *Minor Changes*: The Planning Director may approve minor changes to an approved Final Plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice as authorized by Rule of the Plan Commission. Such decisions shall be subject to appeal pursuant to *Subdivision 20.04.090(e)(1)(D)*. This shall include the following:
 - (A) Minor changes in the location and siting of buildings and structures;
 - (B) Changes in height of less than one (1) story, but not over eight (8) feet in any case;
 - (C) Minor changes to an approved Landscape Plan that do not alter the general concept or screening effectiveness of the landscaping; and
 - (D) Minor changes to the internal street system and off-street parking areas.
 - (E) Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the PUD District Ordinance and Preliminary Plan in that general location.
 - (F) Changes of less than ten percent (10%) of the gross floor area of an approved building.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 006**

Sponsor: N/A Date: N/A

Synopsis

Adds missing restrictions on accessory structures in multifamily zoning districts

This amendment would provide a limit on the number, size, and architectural design of accessory structures in multi-family zoning districts. Currently, the UDO limits these elements in both single family and nonresidential zoning districts. However, regulations for multifamily districts were mistakenly omitted from the UDO.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-7

20.05.007 AS-04 [Accessory Structures; Multifamily and Commercial and Industrial]

This Accessory Structures Standards section applies to the following zoning districts:

[RM] [RH] [CL] [CG] [CA] [BP] [MD]

- (a) Maximum Number: No more than two (2) enclosed accessory structures (*e.g.* detached garage, shed, storage building) are permitted on a parcel.
- (b) Maximum Cumulative Area: The cumulative area of all enclosed accessory structures shall not exceed 1,500 square feet or fifty percent (50%) of the square footage of the primary structure, whichever is less.
- (c) Architectural Design: The exterior finish and façade of each enclosed accessory structure shall match or closely resemble the finish and façade materials used on the primary structure.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 007**

Sponsor: N/A Date: N/A

Synopsis

Provides for some variation in sidewalk/tree plot designs

This amendment would allow the option of a reduced tree plot width for developments required to install such improvements. Currently, the only options spelled out in the UDO are either a five (5) foot wide sidewalk or a six (6) foot wide monolithic curb and sidewalk. In situations where a standard 5-foot wide tree plot cannot be provided, the Planning staff recommends that there be the option to provide a reduced separation between sidewalk and curb edge rather than no separation at all.

Plan Commission Adopt [7:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-9

20.05.010(b)(3)(D)

(ii) In situations where the City Engineering Department has determined that a pedestrian easement is not feasible, the Public Works Director may approve a monolithic curb and sidewalk design, provided that the sidewalk is increased in width to a minimum of six (6) feet. the following design options:

- [a] A five (5) foot wide sidewalk with reduced vegetated plot width.
- [b] A six (6) foot wide monolithic sidewalk and curb.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 008**

Sponsor: N/A Date: N/A

Synopsis

Requires connector paths to link developments to multi-use trails

This amendment would clarify that connector paths are required between developments and multiuse trails, both existing and as noted in the *Bicycle and Pedestrian Transportation and Greenways System Plan*. Currently, the UDO requires connector paths where developments are adjacent to public parks, schools, and commercial areas. However, the UDO omits multiuse trails. This amendment corrects that oversight as well as specifies that the placement and final design specifications for connector paths are subject to Parks Department approval.

Plan Commission Adopt [7:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-10

20.05.010(b)

(7) *Connector Paths*: Where a development is adjacent to a public park, school, ~~or~~ commercial area, or existing or proposed multiuse trail as identified in the *Bicycle and Pedestrian Transportation and Greenways System Plan*, connector paths shall be provided as follows:

- (A) The design of any required connector path that will connect to a public park or multiuse trail shall be subject to the approval of the City Parks and Recreation Department. The Parks and Recreation Department may waive the connector path requirement if it determines that the proposed connection to a public park or multiuse trail is not desirable or is redundant to existing facilities.
- (A) Minimum Width: Eight (8) feet.
- (B) Surface: Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the Planning Director in order to mitigate impacts to environmental constraints.
- (C) Easement: Connector paths shall be contained within pedestrian easements of at least fifteen (15) feet in width.
- (D) Recording of Easements: Refer to *Chapter 20.07; §EA: Easement Standards*.
- (E) Undeveloped Properties: Where vacant or undeveloped properties are adjacent to a property under development, connector paths shall be stubbed to the property line to allow for future connection when adjacent properties are developed.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 009**

Sponsor: N/A Date: N/A

Synopsis

Makes reduction of bike parking discretionary rather than automatic in CD zoning district

This amendment would give the Planning Director discretion to approve reduced bicycle parking requirements in the Commercial Downtown (CD) zoning district and clarifies that a minimum of four (4) on-site bicycle parking spaces are required. Currently, the UDO automatically allows a complete exemption from bicycle parking requirements in the downtown if there are existing facilities within 100 feet of the building’s main entrance. Staff recommends that a minimum amount of bicycle parking still be provided and that the final parking allocation be determined by the Planning Director.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-13

20.05.014(a)

- (1) *Number*: Developments shall provide one (1) Class II bicycle parking space per fifteen (15) required vehicular parking spaces, or a minimum of four (4) bicycle parking spaces, whichever is greater. ~~Provision of such spaces is not required~~ The Planning Director may approve a reduced number of bicycle parking spaces for a development within the CD zoning district where existing bicycle parking facilities located within the public right-of-way are within one hundred (100) feet of the building’s main entrance, provided that a minimum of four (4) bicycle parking spaces are provided on-site.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 010**

Sponsor: N/A Date: N/A

Synopsis

Clarifies calculation of amount of bicycle parking

This amendment would clarify how the number of required long-term Class I bicycle parking facilities is calculated. Currently, the UDO requires multifamily residential developments with greater than 32 bedrooms to allocate at least ½ of required bicycle parking using Class II facilities (covered but open bike racks). For developments containing more than 64 bedrooms, the UDO states that ¼ of the total number of required bicycle parking must be contained within Class I facilities (e.g bike lockers). The UDO is unclear on whether the proportion of Class I facilities are relative to *covered* Class II facilities or the total number of Class II facilities.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-13

20.05.013

(c) Covered Spaces: ~~(1)~~ Developments with more than thirty-two (32) bedrooms total shall provide a minimum of one-half (½) of the total number of required bicycle parking spaces as covered, short-term Class II bicycle parking facilities **and a minimum of one quarter (1/4) as long term Class I facilities.**

~~(2) Developments with more than sixty-four (64) bedrooms total shall provide a minimum of one quarter (¼) of the total number of required bicycle parking spaces as long term Class I bicycle parking facilities.~~

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 011**

Sponsor: N/A Date: N/A

Synopsis

Clarifies height and accessory status of communication facilities in CD district

This amendment clarifies the height requirements and accessory status of communication facilities in the Commercial Downtown (CD) zoning district.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-20

20.05.022 CF-03 [Communication Facility; Commercial Downtown]

This Communication Facility Standards section applies to the following zoning districts:

[CD]

- (a) Communication facilities shall be strictly limited to antennas or other communication equipment accessory to the primary use of the ~~property~~ building. No free-standing communication facilities are allowed.
- (b) ~~Communication facilities shall be subject to the height limit of the zoning district, plus an additional~~ All antennas or other communication equipment shall be no taller than ten (10) feet above the height of the building to which they are affixed.
- (c) All communication facilities shall be mounted on a building of at least two (2) stories in height.
- (d) Communication facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging, materials, and/or architectural treatment, except in an instance where the color is dictated by federal or State authorities such as the Federal Aviation Administration (FAA).

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 012**

Sponsor: N/A Date: N/A

Synopsis

Prohibits driveway design where driveway is parallel to street

This amendment clarifies the UDO so as to eliminate the possibility of constructing a driveway running parallel to a street within the front parking setback area. While the UDO restricts the construction of parking lots within required setback areas, the ordinance does not address the construction of driveways. This allows the possibility of aligning driveways parallel to the street within areas intended for either building construction or greenspace. This amendment also corrects a minor inconsistency in text style.

Plan Commission Adopt [7:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-26

20.05.035

- (a) The classification of all streets shall be as indicated on the Master Thoroughfare Plan as contained in the Growth Policies Plan.
- (b) No ~~nonresidential or multifamily~~ entrance or drive shall be installed:
 - (1) Within one hundred fifty (150) feet of any intersecting street if along an arterial or collector street. If the parcel is not large enough to achieve a one hundred fifty (150) foot separation, then the drive shall be installed at a location farthest from the intersection.
 - (2) Within one hundred (100) feet of any intersecting street if along a neighborhood street. If the parcel is not large enough to achieve a one hundred (100) foot separation, then the drive shall be installed at a location farthest from the intersection.
 - (3) ~~Under no circumstances shall an entrance or drive be allowed w~~ Within fifty (50) feet of any intersection.
 - (4) Within the front parking setback running less than forty five (45) degrees from parallel to the street right-of-way or ingress/egress easement.
 - (5) Within one hundred (100) feet of another entrance if along an arterial or collector street.
 - (6) Within fifty (50) feet of another entrance if along a neighborhood street.
- (c) ~~The distances for the standards outlined in Subsection 20.05.035(b) shall be determined by measuring from the intersection right of way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive.~~
- (c) The distances for the standards outlined in *Subsection 20.05.035(b)* shall be determined as follows:
 - (1) *Intersection and Drive Separation*: By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive.
 - (2) *Separation Between Drives*: By measuring from the back of curb or edge of pavement to the back of curb or edge of pavement (whichever is less) of each entrance or drive.

[Illustration beneath existing Subsection (f) to be moved to beneath Subsection (c)]

(d) ~~No entrance shall be installed:~~

~~(1) Within one hundred (100) feet of another if along an arterial or collector street.~~

~~(2) Within fifty (50) feet of another if along a neighborhood street.~~

~~(e)~~(d) No property shall be permitted to have more than two (2) drives per street frontage.

~~(f)~~ The distances for the standards outlined in *Subsection 20.05.035(d)* shall be determined by measuring from the back of curb or edge of pavement to the back of curb or edge of pavement (whichever is less) of each entrance or drive.

20.05.035(g) through 20.05.035(m)

Subsections (g) through (m) will be re-lettered to read (e) through (k) as a result of the deletion of Subsections (d) and (f) as noted above.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 013**

Sponsor: N/A Date: N/A

Synopsis

Requires entrance & drive design to be paved (like parking areas)

This amendment clarifies that entrances and drives outside single family zoning districts must utilize a paved surface (concrete, asphalt, permeable pavers). The UDO currently requires that “all areas used for parking” have such paved surfaces. The entrance and drive section of the ordinance does not directly address the issue of surface material. This amendment would add wording that dictates what materials can be used for these areas.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-27

20.05.035

This Entrance and Drive Standards section applies to the following zoning districts:

[RM] [RH] [MH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD] [QY]

(n) Surface Material:

- (1) Unless specifically stated otherwise in the Unified Development Ordinance, all entrances and drives shall be asphalt, concrete, or other approved material.
- (2) The Planning Director may approve structurally-engineered, permeable parking pavers for entrances and drives provided these areas are intended for low intensity or intermittent vehicular use and pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.
- (3) Areas utilizing permeable pavers shall not be counted in impervious surface calculations.
- (4) All driveway aprons onto a street shall be constructed of concrete.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 014**

Sponsor: N/A Date: N/A

Synopsis

Requires conservation easements for wetland buffer areas

This amendment would add language to require conservancy easements for wetland buffer areas. This corrects an omission in the UDO.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-34

20.05.043(a)

(5) *Buffer Area:* A wetland buffer area extending twenty-five (25) feet from a delineated wetland shall be placed within a Conservancy Easement consistent with the standards of Section 20.07.070(e)(10) and shall be protected with silt fencing, ~~and/or~~ tree protection fencing, or both, during the entire period of construction.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 015**

Sponsor: N/A Date: N/A

Synopsis

Corrects UDO reference

This amendment corrects an erroneous code reference pertaining to the Facilities Plan Standards outlined in Chapter 7 of the UDO. Rather than reference this section, the current UDO mistakenly references the Environmental Standards section.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-35

20.05.045(a)(6)

(F) Provisions, meeting the standards of Subsection ~~20.07.080(e)~~ **20.07.090(c)**, for responsibility of individual lot owners in the event the owners' association fails or refuses to perform.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 016**

Sponsor: N/A Date: N/A

Synopsis

Clarifies fence height maximum & calculation of decorative features

This amendment provides an exception from height requirements for decorative features on fences and removes the height exception for fences surrounding pools. Currently, the UDO places no height limitation on swimming pool fences, nor does it specify whether or not decorative elements on fences are bound by the eight foot maximum height limitation of the ordinance.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-36
20.05.046(e)

(e) Exceptions:

- (1) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in *Subsection 20.05.046(d): Maximum Height*; however they shall not be less than six (6) feet in height.
- (2) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from *Subsection 20.05.046(d): Maximum Height*.
- (3) Retaining walls are exempt from the height standards, but must be constructed in accordance with manufacturer’s specifications or generally accepted engineering standards.
- (4) Fences and walls used to screen swimming pools are exempt from the height limits in *Subsection 20.05.046(d): Maximum Height*, however they shall not be less than five (5) feet in height or greater than eight (8) feet in height.
- (5) Fences and walls located in the RE, IG, IN and QY zoning districts are exempt from height standards.
- (6) Decorative features of fences such as post tops are exempt from height requirements provided they extend no more than 12 inches from the top of the fence and are spaced at least 8 feet apart.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 017**

Sponsor: N/A Date: N/A

Synopsis

Corrects typographic error

This amendment corrects a scrivener's error in the Floodplain section of the UDO.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-37
20.05.048(a)

Development in the Floodplain: Development shall be prohibited within the floodplain, except as specified in *Section 20.05.048*.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 018**

Sponsor: N/A Date: N/A

Synopsis

Corrects statutory reference

This amendment updates outdated Indiana State Code references regarding both “child day care centers” and “child day care homes.”

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 11-13
20.11.020

Day Care Center, Child: Any building or place, other than a “child day care home,” where children receive care from a provider while unattended by a parent, legal guardian or custodian, for a period of less than twenty-four (24) hours per day. The term “*Day Care Center*” includes but is not limited to the following: nursery schools, child care centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Indiana State Board of Education which shall be included within the definition of “*School, Primary/Secondary*” herein. The term “*Day Care Center*” shall include facilities defined as “child care centers” under IC ~~12-3-2-3~~ 12-7-2-28.4 and facilities defined as “child care homes” under 12-7-2-28.6, IC 12-7-2-33.7, and IC 12-7-2-33.8 in which child care homes are not the primary residence of the provider. Where required by State law, day care centers shall be and remain licensed by the State, pursuant to IC ~~12-3-2-3.1, 12-17.2~~ et seq., and shall operate in accordance with their license and all applicable State laws. A “*Day Care Center*” exempt from State licensing requirements shall provide proof of exemption.s

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 019**

Sponsor: N/A Date: N/A

Synopsis

Makes landscaping of buffer yards separate from general landscaping requirements

This amendment prevents landscaping that is required to meet Buffer Yard standards to be counted toward general site landscaping requirements. Counting each requirement separately will maximize the amount of landscaping installed and clarify ambiguous language in the UDO.

Plan Commission Adopt [7:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-48

20.05.052(f)

(1) *Buffer Yard Requirements:* A Buffer Yard shall be provided along the side and rear property lines of any property where the zoning district of the subject property conflicts with the zoning district of the adjacent property. **New landscaping that is required to meet these Buffer Yard requirements shall not count toward other site or parking landscaping requirements.** The Buffer Yard Requirements Table below shall be used to determine the type of buffer yard to be installed on the subject property. The following requirements shall apply to all buffer yards:

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 020**

Sponsor: N/A Date: N/A

Synopsis

Planting requirements – increases canopy tree requirements and makes interior requirements consistent

This amendment provides consistent language concerning Interior Planting requirements as well as increases canopy tree planting requirements for multifamily and mobile home park zoning districts.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-50
20.05.054(a)

(a) Interior Plantings: The following standards apply:

(1) *Trees*:

(A) Number: Any areas of a site not covered by a structure, parking lot or required buffer yard shall be planted with a minimum of ~~twelve (12)~~ **fourteen (14)** large canopy trees, five (5) evergreen trees, and five (5) **medium or small canopy** trees per acre.

~~(B) Type: A minimum of seventy five percent (75%) of the required trees shall be canopy trees.~~

(2) *Shrubs*:

(A) Number: Lots shall be ~~required to be~~ planted with **a minimum of** thirty-six (36) shrubs per acre.

(B) Type: A minimum of fifty percent (50%) of the required shrubs shall be evergreen.

(C) Substitution: One (1) ornamental tree may be substituted for every four (4) shrubs; however, substitution shall not exceed fifty percent (50%) of the required shrubs.

(D) Foundation Plantings: Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two (2) feet and eight (8) feet respectively from the foundation wall.

Page 5-51
20.05.055

(a) Interior Plantings: The following standards apply:

(1) *Trees*:

(A) Number: ~~Within interior areas visible from a public right of way,~~ Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with a minimum of **one (1) tree shall be planted** per five hundred (500) square feet.

(B) Type: All of the required trees shall be canopy trees.

(C) Substitution: Open areas less than ten (10) feet wide may substitute ornamental trees for required canopy trees.

(2) *Shrubs*:

- (A) Number: ~~Within on-site open areas visible from a public right-of-way,~~ Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with a minimum of eight (8) shrubs ~~shall be planted~~ per five hundred (500) square feet.

Page 5-52

20.05.056

- (a) Interior Plantings: The following standards apply:

(1) *Trees*:

- (A) Number: Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with a minimum of ~~Interior areas shall have a minimum of~~ nine (9) large canopy trees, three (3) evergreen trees, and three (3) medium or small canopy trees per acre.
- ~~(B) Type: A minimum of seventy five percent (75%) of the required trees shall be canopy trees.~~

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 021**

Sponsor: N/A Date: N/A

Synopsis

Clarifies landscaping requirement

This amendment corrects language in the landscaping section of the UDO so that the same terminology is used throughout the text. Specifically, the terms “maximum setback” and “minimum setback” are replaced with “location” throughout.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-50
20.05.053(a)

(2) *Shrubs:*

- (A) Number: Parking lot perimeter areas shall contain three (3) shrubs per one (1) parking spaces.
- (B) Type: A minimum of fifty percent (50%) of the shrubs shall be evergreen.
- (C) ~~Maximum Setback~~ **Location**: Shrubs shall be planted within five (5) feet of the parking lot edge.
- (D) Height: Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four (4) feet.

Page 5-51
20.05.055(b)

(1) *Trees:*

- (A) Number: Within parking lot areas, one (1) tree shall be planted per six (6) parking spaces.
- (B) Type: Required trees shall be canopy or ornamental trees.
- (C) ~~Minimum Setback~~ **Location**: Trees shall be planted within ten (10) feet of the parking lot edge.

(2) *Shrubs:*

- (A) Number: Within parking lot areas, three (3) shrubs shall be planted per one (1) parking space.
- (B) Type: A minimum of fifty percent (50%) of the shrubs shall be evergreen.
- (C) ~~Minimum Setback~~ **Location**: Shrubs shall be planted within five (5) feet of the parking lot edge.
- (D) Height: Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four (4) feet.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 022**

Sponsor: N/A Date: N/A

Synopsis

Clarifies parking lot island and bumpout location and function

This amendment clarifies text to match the rest of the UDO concerning the location of landscape bumpouts and islands. Additionally, the amendment clarifies that bumpouts and islands must be placed in positions to control vehicle circulation through parking lots.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-50
20.05.053

(b) Landscape Bumpouts and Islands:

- (1) *Number:* Parking lot areas with sixteen (16) or more parking spaces shall provide one (1) landscape bumpout or island per every sixteen (16) parking spaces.
- (2) *Minimum Area:* Each landscape bumpout or island shall be at least three hundred and twenty-four (324) square feet in size.
- (3) *Minimum Planting:* Each landscape bumpout or island shall contain at least one (1) large canopy tree.
- (4) *Curbing:* Parking lot bumpouts or islands shall be surrounded by a concrete curb of at least four (4) inches in height.
- (5) *Placement:* Landscape islands shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than sixteen (16) consecutive spaces.

Page 5-51
20.05.055

(c) Parking Lot Landscape Bumpouts and Islands:

- (1) *Number:* Parking lot areas with sixteen (16) or more spaces shall provide one (1) landscape bumpout or island per every sixteen (16) ~~consecutive~~ parking spaces.
- (2) *Minimum Area:* Each landscape bumpout or island shall be at least three hundred and twenty-four (324) square feet in size.
- (3) *Minimum Planting:* Each landscape bumpout or island shall contain at least one (1) large canopy tree.
- (4) *Curbing:* Parking lot bumpouts or islands shall be surrounded by a concrete curb of at least four (4) inches in height.
- (5) *Placement:* Landscape islands shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than sixteen (16) consecutive spaces.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 024**

Sponsor: N/A Date: N/A

Synopsis

Adds omitted requirement for maximum parking lot slope

This amendment would create a maximum slope for parking lots. This standard, which is designed to ensure proper drainage, was accidentally omitted from the UDO.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-71

20.05.069(m)

- (1) Parking areas lots shall be constructed such that all surface water is directed into a storm water drainage system.
- (2) Water draining from a parking lot shall not flow across a sidewalk.
- (3) Storm Water Drainage Plans for off-street parking areas lots shall be reviewed and approved by the City Utilities Department.
- (4) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent (5%) or less.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 026**

Sponsor: N/A Date: N/A

Synopsis

Corrects omission regarding parallel parking dimensions

This amendment corrects an omission in the UDO and creates dimensional requirements for parallel parking spaces.

Plan Commission Adopt [7:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-68
20.050.069

(d) Minimum Dimensions: Perpendicular and angled Pparking spaces shall be designed to provide a parking area that is a minimum of nine (9) feet wide by eighteen (18) feet long. Parallel parking spaces shall be designed to provide a parking area that is a minimum of eight (8) feet wide by twenty-two (22) feet long, except for end spaces, which may be a minimum of twenty (20) feet in length where no obstruction exists. Except in the case of single-family detached or attached residential uses, all parking spaces shall be striped to clearly mark each space.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 028**

Sponsor: N/A Date: N/A

Synopsis

Allows back-out parking on non-arterial streets in Core Neighborhoods

This amendment would clarify that dwellings in the Residential Core (RC) district are permitted to have parking arrangements that allow vehicles to back out onto a street. This corrects an error in the UDO.

Plan Commission Adopt [7:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-71

20.05.071 PK-03 [Parking Standards; Core Residential]

This Parking Standards section applies to the following zoning districts:

[RC]

(a) Location:

- (1) The parking spaces required for single-family residential uses shall be located on the same lot as the residence.
- (2) Parking for single-family residential uses shall be prohibited within the setback between the street and the building except on a single drive not exceeding eighteen (18) feet in width.
- (3) In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. The required parking area shall directly access the alley and be limited to twenty (20) feet in depth and twenty (20) feet in width. Any necessary determination concerning whether an alley allows for safe access shall be made by the City Engineering Department.
- (4) Parking spaces that allow users to back out onto a public or private street shall be permitted, except onto those streets classified as arterial streets by the Master Thoroughfare Plan.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 029**

Sponsor: N/A Date: N/A

Synopsis

Clarifies setback for recreational equipment

This amendment would permit recreational equipment to be placed no closer than thirty-five feet to the front property line. The UDO currently states that recreation equipment may encroach up to thirty-five feet *into* the front setback. This language has created confusion in the application of the recreational equipment setback standards with regard to enforcement cases. This amendment would clarify the standard and provide a more appropriate setback for such equipment.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-79

20.05.076(b)(2)

(H) Recreational Equipment: ~~May encroach up to~~ **Shall be located no closer than** thirty-five (35) feet ~~into the front setback to the front property line~~ and shall be located no closer than five (5) feet to the side and rear property lines.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 030**

Sponsor: N/A Date: N/A

Synopsis

Establishes same setback for detached and attached carports

This amendment would provide detached carports with the same setback standard as detached garages, which must be set back 10 feet behind the primary structure's front façade. Currently, the UDO states that carports shall be located no closer than 35 feet from the front property line. Furthermore, the amendment would clearly differentiate detached carports from attached carports.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 2-7
20.02.080

Minimum Front Building Setback:

- Attached front-loading garage or carport, 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Page 2-9
20.02.120

Build-to Line:

- Attached front-loading garage or carport, 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Page 5-78
20.05.076(b)(2)

~~(A) Carports: Shall be located no closer than thirty five (35) feet from the front property line and five (5) feet from the side and rear property lines.~~

20.05.076(b)(2)

(C) Detached Garages and Carports: Shall be located at least ten (10) feet behind the primary structure's front façade and five (5) feet from side and rear property lines.

20.05.076(b)(2)(B) through 20.05.076(b)(2)(K)

Subdivisions (B) through (K) will be re-lettered to read (A) through (J) as a result of the deletion of the original Subdivision (A) as noted above.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 031**

Sponsor: N/A Date: N/A

Synopsis

Corrects statutory reference

This amendment corrects a typographic error in a citation of the Indiana Code. The citation currently listed in this section of the UDO references the criminal statutes, when it should reference the eminent domain statutes.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-84
20.05.078(k)

(1) The Plan Commission, the Board of Zoning Appeals, and the planning staff are each authorized to request waivers of the right to and receipt of damages pursuant to IC 22-13-2-1.5, IC 36-7-2-5.5, and IC ~~35-24~~ 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.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 032**

Sponsor: N/A Date: N/A

Synopsis

Adds cross-references for exceptions to off-premises signs

This amendment clarifies the off-premise sign regulations by cross-referencing them with sections of the sign code that permit off-premise signage in very limited circumstances. Specifically, the UDO provides exceptions for certain off-premise signage related to real estate open houses and events presented by non-profit organizations. This amendment would leave in place the prohibition on all other types of off-premise signage.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-83

20.05.078(h)

(4) *Off-premise Signs*: Signs advertising goods, products, services, events or activities not located, sold or offered on the premises on which the sign is located, except as provided in *Division 20.05.078(g)(8) Not-for-profit Signs* and *Subdivision 20.05.078(g)(10)(C) Open House Signage*.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 033**

Sponsor: N/A Date: N/A

Synopsis

Clarifies requirements for changeable copy on freestanding signs

This amendment clarifies the requirements for changeable copy as a component of freestanding signs. It makes clear that any freestanding sign may utilize up to 40% of its sign area for changeable copy, except where specified differently elsewhere in the UDO. The CD district currently prohibits changeable copy signs, while the CA, CG, IG, MD, BP and QY districts permit up to 80% of a freestanding sign as changeable copy. This amendment would also specifically prohibit changeable copy as part of a freestanding sign for a single-family subdivision.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-84

20.05.078(j)(1)

(G) Changeable Copy: **Unless specified otherwise in this Unified Development Ordinance, freestanding signs may incorporate areas for changeable copy, provided that the changeable copy area does not exceed forty percent (40%) of the total sign area.**

Page 5-85

20.05.080

This Sign Standards section applies to the following zoning districts:

(a) **Single-family Subdivision:** Each subdivision shall be permitted one (1) freestanding sign per development entrance, subject to the following standards:

(1) **Freestanding Sign Area:** The maximum sign area shall not exceed thirty-two (32) square feet per side.

(2) **Freestanding Sign Height:** The maximum height shall not exceed six (6) feet in height.

(3) **Changeable Copy:** Changeable copy shall be prohibited as part of a freestanding sign.

~~(3)~~(4) **Number:** The permitted subdivision sign may be replaced with two (2) signs of a maximum sixteen (16) square feet in area per sign if a sign is placed on each side of the entrance.

~~(4)~~(5) **Wall Signage:** No wall signage is permitted.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 035**

Sponsor: N/A Date: N/A

Synopsis

Corrects section heading for multifamily signage

This amendment deletes an incorrect heading regarding signage regulations for multifamily complexes. The heading, as currently written, is redundant to the specific headings for Divisions (1) and (2) below it. Removing this redundant heading would clarify the multifamily signage regulations.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 5-85

20.05.080

(b) Multifamily: ~~Complexes containing at least fifteen (15) dwelling units:~~

- (1) Multifamily complexes containing at least fifteen (15) dwelling units shall be permitted one (1) freestanding sign per development entrance, subject to the following standards:
 - (A) Freestanding Sign Area: The maximum sign area shall not exceed thirty-two (32) square feet per side.
 - (B) Freestanding Sign Height: The maximum sign height shall not exceed six (6) feet.
 - (C) Wall Signage: No wall signage shall be permitted.
- (2) Multifamily complexes containing less than fifteen (15) dwelling units shall be permitted one (1) wall sign, subject to the following standards:
 - (A) Wall Sign Area: The maximum sign area shall not exceed twenty-four (24) square feet.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 036**

Sponsor: N/A Date: N/A

Synopsis

Creates wall signage allowance for multi-tenant non-residential centers

This amendment would allow a separate wall sign allotment for signs identifying multi-tenant nonresidential centers. Currently, the UDO allows wall signage for the individual tenants of such a center, but no wall signage that would identify the name of the center as a whole. In certain situations, a freestanding sign that would identify the center is not feasible, but no alternative (such as a wall sign) is currently available in the UDO.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-86
20.05.082(a)

(5) *Multi-tenant Nonresidential Center Signs:* Multi-tenant nonresidential centers shall be permitted a single wall sign advertising the center as a whole. Such wall signs shall not exceed twenty (20) square feet in area, and shall not include any signage for individual tenants of the center.

Page 5-88
20.05.084(a)(1)(B)

(iv) *Center Signs:* Multi-tenant nonresidential centers shall be permitted a single wall sign advertising the center as a whole. Such wall signs shall not exceed twenty (20) square feet in area, and shall not include any signage for individual tenants of the center.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 037**

Sponsor: N/A Date: N/A

Synopsis

Clarifies minimum lot frontage requirements for freestanding signs

This amendment would clarify when more than one freestanding sign is permitted for non-residential uses in the CG, CA, IG, BP, IN, MD, and QY districts. As currently written, the provision allowing the opportunity for more than one freestanding sign on a street frontage is difficult to interpret. The amendment would more clearly establish the minimum requirements for allowing multiple freestanding signs, making it easier for staff to administer the sign ordinance and for the public to understand it.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-86
20.05.082

(b) Freestanding Signs: The following standards shall apply to all freestanding signs:

(1) *Number*:

- (A) Lots with thirty (30) feet or less of public street frontage are not permitted any freestanding signs.
- (B) Lots with greater than thirty (30) feet and less than ~~two hundred fifty (250)~~ **five hundred (500)** feet of frontage on a public street are permitted one (1) freestanding sign.
- (C) Lots with a ~~minimum of two hundred fifty (250)~~ **five hundred (500)** feet ~~or more~~ of public street frontage shall be permitted ~~one (1)~~ **two (2)** additional freestanding signs ~~per two hundred fifty (250) feet of frontage in excess of the minimum frontage.~~
- (D) Where a lot has more than one (1) public street frontage, each street frontage shall be regulated independently.
- (E) In no case shall any lot have more than four (4) freestanding signs.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 039**

Sponsor: N/A Date: N/A

Synopsis

Clarifies exemption regarding temporary containers used for charitable purposes

This amendment would clarify the requirements for temporary containers for charitable donations. Specifically, it would exempt such containers from permit requirements provided that they are removed within 90 days of their placement on the site.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-95
20.05.108

(b) Exemptions:

- (1) Garage sales, religious tent meetings, nonprofit events and political rallies ~~shall not require a Temporary Use Permit,~~ provided they meet the following standards:
 - (1)(A) The event is allowed for a maximum of seven (7) consecutive days;
 - (2)(B) No property shall hold more than three (3) such events in a single calendar year; and
 - (3)(C) The hours of operation of such events shall be limited to between the hours of 7:00 a.m. and 11:00 p.m.
- (2) Temporary structures used for collection of donation items by a non-profit organization, provided they are displayed for a maximum of 90 days.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 040**

Sponsor: N/A Date: N/A

Synopsis

Corrects setback error for conservation subdivisions

This amendment clarifies the effect on side setback requirements for lots within Conservation Subdivisions (CS) that occur on property zoned Residential Single-family (RS). Under the RS standards, the required side setback is 8 feet, plus 4 additional feet for every story above the first story. As written in the Conservation Subdivision section, the 8 foot minimum setback would be eliminated in a Conservation Subdivision. The original intent for this section was to reduce the setback to 8 feet, and eliminate the 4 additional feet that are required for additional stories of a house. This amendment would make the ordinance match the original intent.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 6-7

20.06.040

Effect on Development Standards

RS Zoning District:

- Side setback may be reduced to 8 feet, regardless of the number of stories

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 041**

Sponsor: N/A Date: N/A

Synopsis

Clarifies permitted activities within conservation/preservation easements

This amendment revises the standards for Karst Conservancy, Tree Preservation, Tree Conservation, and Conservancy Easements. Specifically, it more clearly defines the activities that are allowed and/or prohibited within each type of easement. It is important that these standards are explicitly stated so that developers and property owners understand their rights and responsibilities with regard to any easements on their property.

Plan Commission Adopt [7:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 7-8
20.07.070(e)

(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 Department.
- ~~(B)~~(C) Grants the City the right to enter the property to inspect the easement and alter or repair the karst feature.
- ~~(C)~~(D) All Karst Conservancy Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.
- (E) Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.
- (F) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

(8) *Tree Preservation Easement:*

- (A) Prohibits the removal of any tree over six (6) inches dbh within the easement area.
- (B) Allows the removal of dead ~~and~~ or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the Planning Department.
- (C) All Tree Preservation Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.
- (D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with

native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

(9) *Tree Conservation Easement:*

- (A) Prohibits the removal of any tree and the placement of a fence within the easement area.
- (B) Allows the removal of dead and or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the Planning Department.
- (C) All Tree Conservation Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.
- (D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

(10) *Conservancy Easement:*

- (A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area.
- (B) Allows the removal of dead and 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 Department.
- (C) All Conservancy Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.
- (D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning Department is required prior to any proposed restoration.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 042**

Sponsor: N/A Date: N/A

Synopsis

Requires public street frontage for new residential lots

This amendment would change the Lot Establishment Standards of the UDO to require that newly created residential lots have frontage on a public street. Without this requirement, single family lots without such frontage could be created, leading to difficulty and confusion in establishing access to the property as well as street addressing.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 7-12
20.07.100(b)

(8) Frontage: All new residential lots shall have frontage on a public street.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 045**

Sponsor: N/A Date: N/A

Synopsis

Exempts construction of small accessory structures from events that end status as a non-conforming use in non-residential and multifamily properties

This amendment would allow the construction of small accessory structures associated with nonresidential and multifamily uses without the entire site having to come into full compliance with UDO standards. Currently, there is no provision that allows accessory structures to be built in these situations without triggering full site compliance with the UDO. For example, an existing multifamily complex could not construct a small structure to store their maintenance equipment without bringing the entire development into compliance. This seems excessive relative to the scale of construction actually occurring in such situations.

Plan Commission Adopt [7:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 8-5

20.08.060

(c) Nonconforming Sites and Structures; Minor Additions, Nonresidential Uses: A lawful nonconforming site or structure shall be brought into compliance with current development standards to the extent required by *Subsection 20.08.060(c): Nonconforming Sites and Structures; Minor Additions, Nonresidential Uses* when an addition to any primary building of less than ten percent (10%) of the gross floor area or construction of an accessory structure of less than 840 square feet occurs.

- (1) *Impervious Surface Coverage*: Such additions or accessory structures may not increase the degree of nonconformity regarding the required maximum impervious surface coverage.
- (2) *Parking*: Such additions or accessory structures may not increase the degree of nonconformity regarding the required number of parking spaces.

Page 8-5

20.08.060(d)

(13)*Accessory Structures*: Construction of an accessory structure of less than 580 square feet shall be permitted within compliance with this section, provided that the accessory structure does not increase the degree of nonconformity regarding required maximum impervious surface coverage or required number of parking spaces.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 046**

Sponsor: N/A Date: N/A

Synopsis

Requires developer to list bike rack model type

This amendment would require a petitioner to list the model type and manufacturer of any bicycle racks required to be installed in a proposed development. This will provide a clear reference point for staff to ensure that all proposed bicycle racks will fulfill the bicycle parking requirements.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 9-10

20.09.120(d)(1)

(K) Model type and manufacturer of any bicycle racks to be installed.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 047**

Sponsor: N/A Date: N/A

Synopsis

Requires petitioner to list scientific name of landscape species

This amendment would require a petitioner to list both the common and scientific name of all proposed landscaping so that proposed plantings can be accurately checked against the list of approved species in the UDO.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 9-11

20.09.120(d)

(5) A detailed Landscape Plan, including plant size, common and scientific name of species, installation specifications, identification of vegetation to be preserved and the site measures to accomplish preservation, and conservation easements where required.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 048**

Sponsor: N/A Date: N/A

Synopsis

Corrects typographical error under subdivision control

This amendment corrects a typographic error by changing the word “plan” to “plat” in the Final Plat procedures section. With the change, this section would be consistent with language in the rest of the subdivision procedures.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 9-22

20.09.190(e)(1)

(A) Review and render a final decision upon the Final ~~Plan~~ Plat; or

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 049**

Sponsor: N/A Date: N/A

Synopsis

Defines start and duration of timing of final plat

This amendment would define the starting point of the six month time period in which a Final Plat must be recorded. Currently, the UDO does not clearly state when this six month time period begins. Also, the amendment would define the duration for recording multi-phased plats, which is not currently stated in the UDO. These amendments would provide clarity for staff and developers during the subdivision process.

Plan Commission Adopt [7:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 9-23

20.09.190

(h) Duration: If the Final Plat, or a phase thereof, has not been recorded within a maximum period of six (6) months from the date of approval by the Plan Commission or Plat Committee, the Final Plat shall be null and void and the Final Plat must again be submitted for approval, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*. For a Final Plat where an initial phase was recorded within six (6) months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within eighteen (18) months of the previous phase. If a successive phase fails to meet the eighteen (18) month requirement, the approval of the phases that have not been recorded shall be null and void and the Final Plat must again be submitted for approval, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 050**

Sponsor: N/A Date: N/A

Synopsis

Clarifies effect of withdrawal of demolition delay application

This amendment would provide a clear procedure for terminating a demolition delay period should the applicant choose to withdraw the application. When the application is withdrawn, the delay period ends, and no demolition is authorized. If the application is submitted again later, the ordinance would treat it as a new application, and it would be subject to the applicable delay period in full.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 9-30
20.09.230(b)

(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.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 051**

Sponsor: N/A Date: N/A

Synopsis

Requires submission of complete application before Demolition Delay waiting period begins

This amendment would make it clear that a complete application for a demolition or partial demolition permit must be submitted before the 90 or 120 day waiting period commences. Currently, the UDO allows the waiting period to begin at the pre-application meeting, before a complete application is submitted. Removing this allowance will ensure that all appropriate application materials are submitted before the process moves forward. In addition, the amendment references the section of the UDO that outlines what items are necessary for an application to be considered complete.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 9-29
20.09.230(a)

- (1) Planning staff shall give notice, by hand delivery, interdepartmental mail, electronic mail, or U.S. Mail, to the HAND Director, or his designee, and to the Chairman of the HPC, or his designee, within three (3) business days after receipt of a complete application for a Demolition Permit, ~~or within three (3) business days after a pre-application conference~~ for any petition involving a demolition covered by this Section, ~~whichever occurs first~~. **A complete application shall include all materials as required by Subsection 20.09.120(d)**. Such notice shall include the name, address and telephone number of the owner of the structure. Not later than thirty (30) days after such notice is given by planning staff, the HAND Director shall give notice by hand delivery, interdepartmental mail, or U.S. Mail, to the planning staff, the Chairman of the HPC or his designee, and to the owner, if the one hundred twenty (120) day waiting period is to be imposed; provided further, notice to planning staff and HPC Chairman or designee, but not notice to owner, may be given by electronic mail. All such notices shall be deemed effective on the date of mailing, deposit in interdepartmental mail, sending, in the case of electronic mail, or hand-delivery, of the notice; and

- (2) The owner, within three (3) business days after ~~the pre-application conference or the~~ **submitting a complete application for Demolition Permit** to the Planning Department, ~~whichever occurs first~~, shall place upon the property where the building or structure is located, in plain public view, a notice to the public of the proposed demolition of the building or structure. Such notice shall be in such form as approved by the planning staff and shall include the titles and telephone numbers of the persons to whom notice was given under *Division 20.09.230(a)(1)* above. Such notice shall remain in place until termination of the waiting period and the owner shall have the affirmative duty to replace such notice as needed in order to comply with this requirement. Noncompliance with this provision shall result in the delay period being extended by an amount of time equal to the amount of time, as reasonably determined or estimated by the planning staff, during which the notice was not properly in place.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 052**

Sponsor: N/A Date: N/A

Synopsis

Adds basketball courts and batting cages to definition of recreational equipment

This amendment adds to the list of items included as Recreational Equipment by the UDO. Currently, setback requirements for Recreational Equipment cannot be applied to those items that are not included in the definition.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 11-36
Chapter 20.11 Definitions

Recreational Equipment: Play apparatuses such as **basketball courts, batting cages**, swing sets, slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses, **basketball goals attached to primary or accessory structures**, motorized vehicles, trailers, or storage sheds.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 053**

Sponsor: N/A Date: N/A

Synopsis

Clarifies change from one residential use to another and adds abandonment as a change in use

This amendment clarifies the definition of Change in Use and extends the applicability of requirements for such changes in use. Item (2) under the Change in Use definition could currently be read to mean that all three conditions must occur for the situation to be a change in use, when it should be construed to mean that any one of the three conditions would individually constitute a change in use. Further, it adds as a Change in Use the scenario where a site is not used for a six month period (defined as “abandoned”), and then a new use is established. It is important that Change in Use regulations for compliance with development standards can be applied in these situations.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 11-44

Chapter 20.11 Definitions

Use, Change in: Includes, for any portion of a building, structure, or lot:

- (1) Any change from a residential use to a nonresidential use;
- (2) Any change from one (1) residential land use to another, any increase in number of dwelling units, ~~and~~ or any increase in number of bedrooms for any unit;
- (3) Any change from one (1) use to another use having a higher requirement for off-street parking as specified in this Ordinance;
- (4) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
- (5) Any use which requires a Conditional Use approval;
- (6) Any change from one (1) class of use to another class of use or any change from a use listed in the Class of Use Table to any use not listed or any change from a use not listed in the Class of Use table to any other use not listed in the table.
- (7) Any establishment of a new use after a previous use has been abandoned, as defined by this Unified Development Ordinance.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 054**

Sponsor: N/A Date: N/A

Synopsis

Adds “florist” to class of use table in definitions

This amendment adds the use “Florist” to the Class of Use Table. This use was mistakenly left off of the Class of Use Table in the current version of the UDO.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 11-45

Chapter 20.11 Definitions

Add term “**Florist**” to Class of Use Table in Class 1.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 055**

Sponsor: N/A Date: N/A

Synopsis

Establishes depth of projection from wall to definition of wall sign

This amendment alters the definition of “Sign, Wall” to allow up to a 12 inch projection. This change would make the definition of Wall Sign consistent with the projection allowed under the Sign Standards of Chapter 20.05. Currently, the conflict between the projection allowances could create confusion in the application of the regulations.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 11-39
Chapter 20.11 Definitions

Sign, Wall: A sign attached to and/or integral with **the** exterior wall or window surface of a building, the face of which is parallel to the surface and does not project more than ~~nine (9)~~ **twelve (12)** inches from the surface.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 056**

Sponsor: N/A Date: N/A

Synopsis

Changes definition of impound vehicle storage to include both inside and outside storage

This amendment deletes the word “outdoor” from the definition of “impound vehicle storage”. This will allow all UDO standards for impound vehicle storage to apply to such facilities that may be enclosed within a structure as opposed to in an open lot.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 11-24

Chapter 20.11 Definitions

Impound Vehicle Storage: A lot or part thereof used only for the temporary ~~outdoor~~ storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. The term “*Impound Vehicle Storage*” does not include “*Salvage/Scrap Yard*,” except where separately permitted.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 057**

Sponsor: N/A Date: N/A

Synopsis

Conforms erosion and stormwater regulations to Title 10 of the BMC

This amendment would bring the UDO into conformance with Title 10 of the Bloomington Municipal Code. In December 2007, Title 10, *Wastewater*, was amended to bring City erosion control and stormwater regulations in line with environmental regulations promulgated by both the Environmental Protection Agency and Indiana Department of Environmental Management. Since the UDO also contains erosion control and stormwater regulations, it is being amended in several places to be consistent with Title 10.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-25

20.05.034

- (b) Drainage Plan: All site plan requests shall include the submittal of a Drainage Plan to the City Utilities Department. The Drainage Plan shall include, but not be limited to, the following items:
- (1) Complete **Grading Construction** Plan showing all proposed detention and retention facilities, swales, and drainage structures.

Page 5-29

20.05.040(a)(4)

- (G) Inspection: All erosion control measures shall be installed by the developer, and inspected and approved by the City Engineering Department and/or Planning Department before land disturbing activity may take place. **Developers shall follow their self monitoring inspection program throughout construction as outlined in Bloomington Municipal Code Section 10.21.070.**

Page 5-29

20.05.040(a)(4)

- (I) Unfinished Grade: Areas that have undergone land disturbing activities and are not yet at finished grade, and that have no construction activity as indicated ~~on~~ **in** the Construction ~~Schedule and/or Erosion and Sediment Control~~ Plan for ~~thirty (30)~~ **fifteen (15)** days or more, shall be established with temporary vegetation or mulching.

Page 5-29

20.05.040(a)(4)

- (K) Single-family Lots: Single-family lots that remain inactive for ~~thirty (30)~~ **fifteen (15)** days or more shall be established with temporary vegetation.

Page 9-32

20.09.240(b)

- (1) ~~Grading Plan~~ **Construction Plan**: As required by *Title 10, Wastewater* of the Bloomington Municipal Code, a ~~Grading Plan~~ **Construction Plan** including the Stormwater Pollution Prevention Plan for the site must be approved by the appropriate local, State and federal authorities prior to the issuance of a Grading Permit.
- (2) ~~Erosion and Sedimentation Control Plan~~: An ~~Erosion and Sedimentation Control Plan~~ for the site must be approved by the appropriate State and federal authorities prior to the issuance of a Grading Permit.
- (3) ~~Planned Unit Development Approval~~: An approved Final Plan must be in place prior to the issuance of a Grading Permit.

Page 9-32

20.09.240(e)(3)

- (A) ~~Erosion and Sedimentation Control Plan~~ **Construction Plan**;

Page 9-32

20.09.240(g)

- (3) *Inspection*: Prior to the initiation of site grading, the City Engineering Department shall inspect the erosion and sedimentation controls installed by the petitioner to ensure that they meet or exceed the measures in the approved ~~Erosion and Sedimentation Control Plan~~ **Construction Plan**.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 058**

Sponsor: N/A Date: N/A

Synopsis

Corrects references to Bicycle and Pedestrian Plan

This amendment replaces the term “Alternative Transportation and Greenways System Plan” with “Bicycle and Pedestrian Transportation and Greenways System Plan” throughout the UDO. This change is being made to maintain consistency with the recent update of the Plan document, which included a change to its official title.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 1-4
20.01.030

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

Page 1-21
20.01.420

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

Page 5-9
20.05.010(b)

(2) Additional Facility Amenities: The following amenities shall be required in accordance with the design standards identified in the ~~Alternative Bicycle and Pedestrian~~ Transportation and Greenways System Plan:

Page 5-9
20.05.010(b)

(4) Sidepaths: Where sidepaths are identified on the ~~Alternative Bicycle and Pedestrian~~ Transportation and Greenways System Plan, or as construction of new streets warrants the provision of sidepaths, such facilities shall be provided as follows:

Page 5-10

20.05.210(b)

- (5) *Bike Lanes*: Where development projects include the construction of new public streets that are identified as having bike lanes in the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan, such facilities shall be provided as follows:

Page 5-10

20.05.210(b)

- (6) *Multiuse Trails*: Where multiuse trails are identified on the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan, such facilities shall be provided as follows:

Page 6-5

20.06.020

Alternative Transportation Facilities:

- Facility type shall be governed by the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan

Page 6-7

20.06.040

Alternative Transportation Facilities:

- Facility type shall be governed by the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan

Page 6-9

20.06.060

Alternative Transportation Facilities:

- Facility type shall be governed by the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan

Page 6-11

20.06.080

Alternative Transportation Facilities:

- Facility type shall be governed by the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan

Page 7-16

20.07.140

- (a) General: All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network must include pedestrian facilities along street frontages, multiuse trails where indicated on the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan, and pedestrian connector paths between developments and public destinations (e.g. schools, parks, hospitals), nearby trails, other developments, and vacant land.
- (b) Type of Pedestrian Facility: Required pedestrian facilities shall be as indicated in the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan, unless it is determined by the Planning Director that such facility should be altered to match adjacent facilities.
- (c) Width: The minimum width of required pedestrian facilities shall be as indicated in the **Alternative Bicycle and Pedestrian** Transportation and Greenways System Plan unless specifically noted on the two-page layouts for each subdivision type.

Page 11-22

Chapter 20.11 Definitions

Growth Policies Plan (GPP): The comprehensive plan for the City of Bloomington and its planning jurisdiction including the Master Thoroughfare Plan, ~~Alternative~~ Bicycle and Pedestrian Transportation and Greenways System Plan, and any subsequently adopted subarea plans and amendments thereto, prepared by the Plan Commission and legally adopted. The plan includes goals, objectives and strategies for land use, growth management, transportation/ thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan is developed and adopted by the Plan Commission pursuant to the IC 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 059**

Sponsor: N/A Date: N/A

Synopsis

Resolves conflict between temporary use and structure provisions for temporary signs

This amendment removes conflicts between the Sign Standards section and the Temporary Use and Structures section concerning signage for temporary uses. The two sections currently provide different requirements for such signage. The amendment would replace the standards listed in the Sign section with a reference to the standards listed in the Temporary Use section.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 5-85

20.05.079 SI-02 [Sign Standards; Temporary Signs]

(c) Temporary Retail Uses: Temporary signage for Approved temporary retail uses, such as seasonal sales, shall be subject to the requirements of Subsection 20.05.108 (i). ~~allowed one (1), thirty two (32) square foot temporary sign for the duration of the temporary use. If an approved temporary retail use has frontage on multiple public streets, the use shall be permitted one (1) such temporary sign per public street frontage.~~

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 060**

Sponsor: N/A Date: N/A

Synopsis

Corrects definition of outpatient care facility

This amendment replaces the current UDO definition of “outpatient care facility” with the definition for that term that was amended into the Zoning Ordinance in 2004. This definition should have been carried forward into the new UDO, but was mistakenly left out in favor of the definition that is currently in the document.

Plan Commission Adopt [6:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

Page 11-32

Chapter 20.11 Definitions

~~**Outpatient Care Facility:** A facility which offers treatment including services, supplies and medicines provided and used at a hospital under the direction of a physician to a person not admitted as a registered bed patient.~~

Outpatient Care Facility: A facility licensed as an ambulatory outpatient surgery center by the State of Indiana, as defined by Indiana Code 16-18-2-14, that does not provide for patient stays of longer than 24 hours.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 061**

Sponsor: N/A Date: N/A

Synopsis

Clarifies definition of basement to establish when it constitutes a “story”

This amendment revises the definitions of “story” and “basement.” In this amendment, no substantive changes to either term are being made. Instead, text is being added to the definition of basement to clarify the circumstances in which a basement must be counted as a story for the purposes of determining building setbacks. Staff recommends that this language be placed in the basement definition in order to allow that definition to match an accompanying illustration in the UDO.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)
Action Date: July 8, 2009

Page 11-39
Chapter 20.11 Definitions

Basement: That portion of a building that is partly or wholly below grade, as measured four (4) feet from the exterior of the foundation wall, regardless of whether the interior space is finished or unfinished. ~~A basement shall not require an additional setback except as noted in the definition of “Story” in this chapter.~~ A basement shall be counted as a story for determining building setbacks if the front exterior wall of the basement facing a street is not completely below grade and each side of the foundation wall facing the side yard is less than fifty percent (50%) covered by grade.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. ~~A basement shall be counted as a story for determining building setbacks if the front exterior wall of the basement facing a street is not completely below grade and each side of the foundation wall facing the side yard is less than fifty percent (50%) covered by grade.~~

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 062**

Sponsor: N/A Date: N/A

Synopsis

Map Amendment - Rezones remaining part of the Highpoint PUD from PUD to CD/DEO

This amendment changes the zoning map to revise the zoning boundary of the former Highpoint PUD at 11th and Walnut Streets. Under the previous zoning ordinance, the area in question was zoned PUD. When the new zoning map was adopted, the entire PUD area should have been zoned Commercial Downtown (CD) with a Downtown Edges Overlay (DEO). The adopted map left a small portion of the original PUD, and this amendment will correct that error by changing that remainder to match the zoning of the rest of the Highpoint property.

Plan Commission Adopt [7:0]

Action:

Council Action: Adopt After Dividing the Question 8 – 0 (Absent Volan)

Action Date: July 8, 2009

See attached map.



Proposed: Rezone property from PUD to CD to correct error in the 2007 zoning map

By: micudat
18 Mar 09



City of Bloomington
Planning



Scale: 1" = 150'

For reference only; map information NOT warranted.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 063**

Sponsor: N/A Date: N/A

Synopsis

Map Amendment – Rezones Basswood area property from IN to RM

This amendment changes the zoning map designation for a 1.76 acre property located east of Basswood Apartments, south of Twin Lakes Sports Park, and north of property currently zoned Residential Multifamily (RM). This property was zoned multifamily between 1973 and 2007, but was improperly rezoned to Institutional (IN) as part of the UDO zoning map update. The reason this rezoning occurred is because the City’s GIS did not show the 1.76 property as a parcel of record. However, records provided by the owner indicate that this property was a privately owned lot of record and not part of Twin Lakes Sports Park. As a result, staff recommends rezoning this lot back to multifamily, in this case Residential Multifamily (RM). The purpose of the amendment is to allow the aggregation of the 1.76 acre tract with the 2.44 acre tract to the south. This will allow for a small multifamily development to occur in the future.

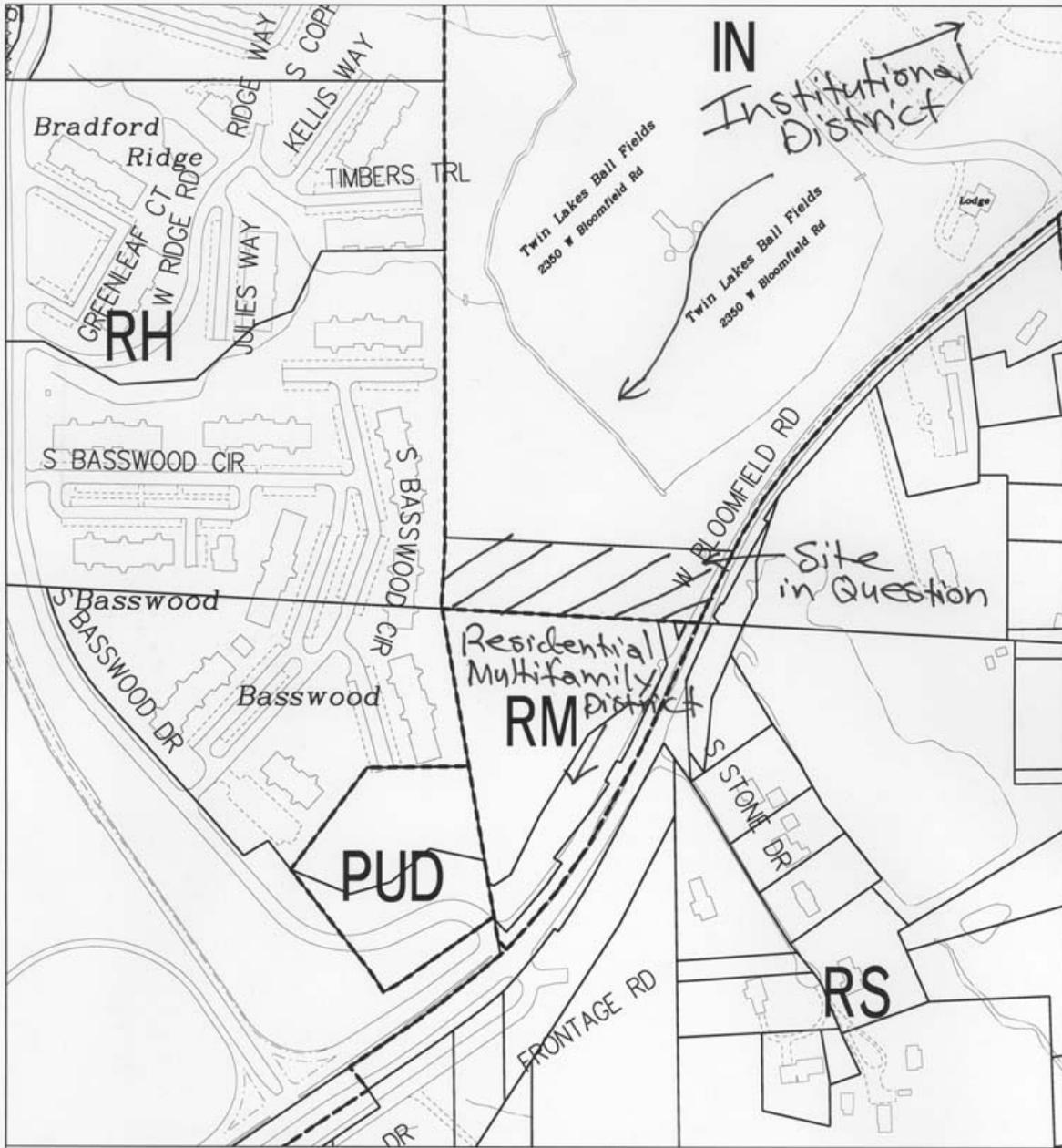
Plan Commission Adopt [7:0]

Action:

Council Action: Adopt After Dividing the Question (Absent Volan)

Action Date: July 8, 2009

See attached map.



Proposed: Rezone property from IN to RM to reflect private ownership and correct an error in the 2007 zoning map

By: micudat
18 Mar 09

City of Bloomington
Planning

Scale: 1" = 300'

For reference only; map information NOT warranted.

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

Page 3-36 Showers Technology Park Overlay

20.03.410(a)(3)

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

- (A) Installation of a vegetated roof covering at least 50% of the total roof area. Incorporation of this practice shall conform to the provisions of SS Credit 7.2: Heat Island Effect: Roof as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission ~~NC Green Building Design Guidelines, Version 2.2, as amended.~~
- (B) Demonstrate a percentage improvement in the proposed building performance rating compared to the baseline building performance rating per the most current version of the LEED for New Construction Rating System as approved by Plan Commission ~~ASHRAE/IESNA Standard 90.1-2004 (without amendments) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard.~~ Incorporation of this practice shall conform to the provisions of EA Credit 1: Optimize Energy Performance as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission ~~NC Green Building Design Guidelines, Version 2.2, as amended.~~
- (C) Incorporate non-polluting and/or renewable on-site energy sources including, but not limited to, solar, wind, geothermal, biomass and bio-gas energy sources. Incorporation of this practice shall conform to the provisions of EA Credit 2: On-Site Renewable Energy as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission ~~NC Green Building Design Guidelines, Version 2.2, as amended.~~
- (D) Recycling and/or salvaging of at least 50% of non-hazardous construction and demolition debris. Incorporation of this practice shall conform to the provisions of MR Credit 2-1: Construction Waste Management as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission ~~NC Green Building Design Guidelines, Version 2.2, as amended.~~
- (E) Utilization of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value. Incorporation of this practice shall conform to the provisions of MR Credit 5-1: Regional Materials as provided in the most current version of the LEED for New Construction Rating System as approved by Plan Commission ~~NC Green Building Design Guidelines, Version 2.2, as amended.~~

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 079**

Sponsor: N/A Date: N/A

Synopsis

Adds architectural design requirement along arterial streets

This amendment would strengthen the architectural design requirements for new multifamily and nonresidential buildings on parcels located along primary arterial streets. Specifically, the amendment addresses such issues as void-to-solid percentage, building materials, and the definition of pedestrian entries.

Plan Commission Adopt [7:0]
Action:

Council Action: Adopt 7 – 1 (Wisler) (Mayer – absent)
Action Date: July 15, 2009

Page 5-14
20.05.015

(c) **Standards:** The following architectural standards shall apply:

- (1) *Materials:* Primary exterior building materials for facades visible from ~~the a~~ primary arterial or freeway/expressway shall consist of one (1) or more of the following:
 - (A) Cementitious siding;
 - (B) EIFS;
 - (C) Masonry;
 - (D) Natural stone;
 - (E) Precast concrete;
 - (F) Split-faced block;
 - (G) Transparent glass;
 - (H) Wood;
 - (I) Other products that replicate the appearance and durability of the above materials, as approved by the planning staff.

- (2) *Exterior Facades:* No building façade visible from a primary arterial or freeway/expressway shall have a blank, uninterrupted length exceeding ~~thirty (30)~~ **forty (40)** feet without including ~~two (2)~~ **three (3)** or more of the following design elements:
 - (A) Awning or canopy;
 - (B) Change in building façade height (minimum of ~~ten (10)~~ **five (5)** feet of difference);
 - (C) A regular pattern of transparent glass ~~windows~~ which shall comprise a minimum of fifty percent (50%) **of the total wall/façade area of the first floor façade/elevation facing a street;**
 - (D) Wall elevation recesses and/or projections, the depth of which shall be at least three percent (3%) of the horizontal width of the building façade.

Note to Codifier: adding a new part (6) as follows:

(6) Primary Pedestrian Entry: One (1) primary pedestrian entrance shall be provided for any façade which

contains at least sixty six (66) feet of frontage along a primary arterial or freeway/expressway. The pedestrian entry shall contain at least three (3) of the following architectural details:

- (A) Pilasters or façade modules;
- (B) Public art display;
- (C) Prominent building address, building name, and lighting;
- (D) Raised corniced entryway parapet; or
- (E) Buttress and arched entry.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 081**

Sponsor: N/A Date: N/A

Synopsis

Reduces buffer yard requirements

This amendment adjusts the table and requirements for Buffer Yards. Specifically, it reduces the additional setback needed to fulfill the buffer yard regulation for each of three types of buffers. Planning staff has observed that the UDO, as currently written, requires excessively large buffers. This amendment also eliminates the incongruous requirement for developments proposed in residential zoning districts to provide buffers against more intense zoning districts.

Plan Commission Adopt [9:0]
Action:

Council Action: Adopt 8 – 0 (Absent: Piedmont-Smith)
Action Date: July 29, 2009

Page 5-49
20.05.052(f)

(2) *Buffer Yard Types*: Required buffer yards shall be installed according to the following standards:

- (A) Buffer Yard Type 1:
 - (i) A minimum setback of ten (10) feet shall be provided in addition to the setback otherwise required by this Ordinance.
 - (ii) One (1) deciduous canopy tree shall be planted in the buffer yard for every thirty (30) feet of boundary between the subject and adjoining properties.
- (B) Buffer Yard Type 2:
 - (i) A minimum setback of ~~twenty (20) feet~~ **fifteen (15) feet** shall be provided in addition to the setback otherwise required by this Ordinance.
 - (ii) One (1) deciduous canopy tree and two (2) evergreen trees shall be planted in the buffer yard for every twenty-five (25) feet of boundary between the subject and adjoining properties.
- (C) Buffer Yard Type 3:
 - (i) A minimum setback of ~~thirty (30) feet~~ **twenty (20) feet** shall be provided in addition to the setback otherwise required by this Ordinance.
 - (ii) A row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with one (1) tree placed every twenty (20) feet along the boundary between the subject and adjoining properties.
 - (iii) One (1) of the following shall also be provided:
 - [A] A six (6) foot tall opaque ~~wooden~~ fence or brick/stone wall;
 - [B] A five (5) foot tall undulating berm planted with shrubs; or
 - [C] A row of evergreen trees, comprised of one (1) tree placed every ten (10) feet along the property boundary.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 085**

Sponsor: N/A Date: N/A

Synopsis

Adds or changes parking requirements for preschools, outdoor storage, and brewpubs

This amendment would create a parking requirement for the “school, preschool” use to correct an omission in the UDO. It also lowers the parking requirement for “brewpubs” to better reflect that such uses are largely devoted to production space. The amendment also revises the standard for “outdoor storage” uses to make it more consistent with similar uses in the UDO.

Plan Commission Adopt [9:0]
Action:

Council Action: Adopt 7 – 0 (Absent: Piedmont-Smith and Sturbaum)
Action Date: July 29, 2009

*Pages 5-73, 5-75, 5-76
20.05.074*

brewpub	1 space per 200 sq. ft. GFA of tavern/restaurant space plus 1 space per employee on the largest shift of brewery
outdoor storage	3 to 5 parking spaces 1 space per 2,000 square feet of storage area
school, preschool	1 space per employee plus 1 space per 6 students maximum capacity

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 086**

Sponsor: N/A Date: N/A

Synopsis

Defines and adds parking requirements for “outdoor retail”

This amendment adds a definition and parking requirement for the land use “retail, outdoor”. The UDO currently lists “retail, outdoor” as a permitted primary use of a site in certain zoning districts, but does not provide a definition or parking requirement as is done for all other listed uses.

Plan Commission Adopt [8:0]

Action:

Council Action: Adopt 8 – 0 (Absent: Piedmont-Smith)

Action Date: July 29, 2009

Page 5-75

20.05.074

retail, outdoor	1 space per 500 sq. ft. of outdoor display area
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Page 11-36

Chapter 20.11 Definitions

Retail, Outdoor: The placement of goods, equipment, or materials for sale, rental, or lease outside of a building or structure including but not limited to vehicles, burial monuments, garden supplies, gas, tires, and landscaping materials.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 088**

Sponsor: N/A Date: N/A

Synopsis

Relaxes restrictions on size and duration of political signs to conform to case law

This amendment would change the area allotment for political signs as well as remove the restrictions on how long such signs may be displayed. The maximum area of a political sign would change from five square feet to thirty-two square feet. The current requirement for political signs to be removed within seven days of the subject event would be eliminated. This amendment is being proposed in response to recent situations in other Indiana communities with political sign regulations similar to those that exist now in the UDO. The general legal direction from those situations is that political signs should not be more restricted in size or display period than other signs allowed in a given zoning district. The proposed change to an area of thirty two square feet would accomplish this goal. Further, the removal of the display period restriction would allow such signs to be displayed year-round. Many signs expressing political speech are not related to a specific event or election, so would not fit within the existing regulation.

Plan Commission Adopt [9:0]
Action:

Council Action: Adopt 7 – 1 (Sturbaum) (Absent: Piedmont-Smith)
Action Date: July 29, 2009

Page 5-82
20.05.078(g)

(9) *Political Signs*: Political signs shall not exceed ~~five (5)~~ **thirty-two (32)** square feet in area per side ~~and shall be removed within seven (7) days of the subject event.~~

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 089**

Sponsor: N/A Date: N/A

Synopsis

Changes restrictions on “reader board” signs to conform to case law

This amendment would eliminate the restriction of electronic reader board signs to the display of time and temperature information only. Recent national court cases have established that such restrictions on message are unconstitutional. Sign regulations may restrict the time increments for which messages may be displayed, but cannot restrict the actual message.

Plan Commission Adopt [9:0]
Action:

Council Action:	Introduce	6 – 2 (Ruff and Mayer) (Absent: Piedmont-Smith)
Action Date:	July 29, 2009	
Council Action:	Adopt	8 – 0 (Absent: Piedmont-Smith)
Action Date:	July 29, 2009	

Page 5-84
20.05.078(j)

- (2) *Electronic Reader Boards*: Electronic reader boards may be incorporated into freestanding or wall signage ~~provided that the message is limited to the display of time and temperature information.~~ ~~Time and temperature information~~ Information may be displayed in increments of no less than twenty (20) seconds. ~~Electronic reader boards shall not comprise more than forty percent (40%) of the total area of any sign face.~~

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 090**

Sponsor: N/A Date: N/A

Synopsis

Restricts seasonal sale of fireworks to CA districts and clarifies length seasonal sales are permitted

This amendment would revise UDO requirements for the seasonal sales of fireworks. It is intended to provide further protection from the threat of fireworks accidents. The amendment would further restrict the locations where such sales are permitted, requiring that such sales be confined to the Commercial Arterial (CA) zoning district. This restriction would apply to seasonal vendors that set up specifically for the sale of fireworks, not to permanent commercial establishments that may sell fireworks as a seasonal product among their normal inventory. This amendment would also clarify language regarding the length of time for which a seasonal sale may be permitted.

Plan Commission Adopt [9:0]
Action:

Council Action: Adopt 7 – 1 (Wisler) (Absent: Sturbaum)
Action Date: August 5, 2009

Page 5-96
20.05.109

- (a) Seasonal Sales: Temporary uses selling seasonal items such as Christmas Trees, Halloween pumpkins and 4th of July fireworks shall be permitted subject to the following standards:
- (1) Fireworks sales shall be permitted only at locations within the Commercial Arterial (CA) zoning district.
 - (1)(2) A Temporary Use Permit shall be required and ~~good~~ shall be valid for a maximum of thirty (30) consecutive days. The temporary use shall be removed from the property within five (5) days after the holiday-, regardless of the remaining valid length of the Temporary Use Permit.
 - (2)(3) The temporary use shall be located on a lot that fronts on a collector or arterial street.
 - (3)(4) The temporary use shall be located at least fifty (50) feet from any residential district.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 091**

Sponsor: N/A Date: N/A

Synopsis

Adds maximum suburban parent tract size for Suburban Subdivision type

This amendment would modify the “Minimum Parent Tract” requirement for the Suburban Subdivision type found in Chapter 20.06 of the Unified Development Ordinance. Specifically, it would change the “Minimum Parent Tract” to a “Maximum Parent Tract”, and make that maximum tract smaller than the minimum parent tract requirements for the other subdivision types. This would result in a significant reduction in the number of Suburban Subdivisions created in Bloomington, and would make it far more likely that future residential subdivisions would be either Traditional Subdivisions or Conservation Subdivisions.

Plan Commission Adopt [6:3]

Action:

Council Action: Adopt 8 – 0 (Absent: Sturbaum)

Action Date: August 5, 2009

Page 6-5

20.06.020 Suburban Subdivision (SU); Standards and Effect on Development Standards

~~Minimum Parent Tract:~~

- ~~N/A~~

Maximum Parent Tract:

- 3 Acres

**Ordinance 09-12
(Amendments to the Unified Development Ordinance)**

**Attachment B
(Where Actions of the Plan Commission and Common Council
Diverged)**

Am #	Title	* Nature of Divergence Between Plan Commission and Common Council
UDO-023	Clarifies outdoor storage and merchandizing requirements.	Council adopted a revised UDO amendment.
UDO-025	Clarifies calculation of car dealer parking.	Council denied this item because it was incorporated into CCL-0113.
UDO-027	Allows stacked parking for MF garages	Council denied this item because it was incorporated into CCL-0113.
UDO-034 CCL-006	Prohibits external illumination of temporary signs.	Council adopted CCL-006 which amended UDO-034
UDO-038 CCL-007	CCL-007 - Allows banks to have up to three drive-through bays in CG district	Council adopted CCL-007 which amended UDO-038
UDO-043	Clarifies requirement for installation of no parking signs.	Council adopted a revised UDO amendment.
UDO-044	Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties.	Council denied this item because it was incorporated into CCL-0113.
UDO-066 CCL-008	Clarifies "masonry" materials to be used in residential projects.	Council adopted CCL-008 which amended UDO-066.
UDO-069 CCL-009	Revises list of landscaping to add native species and prohibit certain invasive species.	Council adopted CCL-009 which amended UDO-069.
UDO-074 CCL-001	Promotes Sustainable Development Practices	Council adopted CCL-001 which amended UDO-074 (<i>which came forward without a recommendation from the Plan Commission</i>).
UDO-075 CCL-010	Changes the calculation of residential density in the UDO to create a weighting system that would encourage efficiency and 1-bedroom units but discourage 4-bedroom and 5-bedroom units.	Council adopted CCL-010 which amended UDO-075.
UDO-076 CCL-002	Restricts use of EIFS and other surface building materials in CD district.	Council adopted CCL-002 which amended UDO-076 (<i>which came forward without a recommendation from the Plan Commission</i>).
UDO-077 CCL-011	Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.	Council adopted CCL-011 which amended UDO-077 (<i>which came forward without a recommendation from the Plan Commission</i>).

UDO-078	Prohibits residential uses on the ground floor along key corridors.	Council adopted UDO-078 (<i>which came forward with a negative recommendation from the Plan Commission</i>).
CCL-003 (a) UDO-082	Requires landscaping be installed when buildings are demolished unless a development plan is approved.	Council adopted CCL-003(a) which amended UDO-077 (<i>which came forward with a negative recommendation from the Plan Commission</i>).
UDO-077 CCL-011	Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.	Council adopted CCL-011 which amended UDO-077.
UDO-083 CCL-013	Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments.	Council adopted CCL-013 which amended UDO-083.
UDO-093 CCL-004	Requires grading permit for single family lots which have not been part of a larger grading plan.	Council adopted CCL-004 which amended UDO-093 (<i>which came forward without a recommendation from the Plan Commission</i>).
UDO-095 CCL-015	Defines certain urban agricultural activities and imposes special conditions on community gardens in residential zones.	Council adopted CCL-015 which amended UDO-095.
CCL-014(a)	Assembles Amendments into Two Attachments, Amends CCL-007 (UDO-038) and Arranges for the Return of the Ordinance to the Plan Commission	Council adopted CCL-014(a) which, in part, amends UDO-038

** Unless otherwise stated in the last column, the UDO amendment came forward with a positive recommendation from the Plan Commission.*

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 023**

Sponsor: N/A Date: N/A

Synopsis

Clarifies outdoor storage and merchandizing requirements

This amendment prohibits shipping and cargo containers from being used for long term storage. Also, the amendment clarifies that outdoor merchandising in Commercial General (CG) and Commercial Arterial (CA) zoning districts must be located on an improved surface. Finally, the amendment corrects an inconsistency in the UDO by clarifying that outdoor storage is a permitted use within Institutional (IN) zoning districts subject to screening requirements.

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt as Revised 8 – 0 (Absent: Volan)

Action Date: July 8, 2009

Note: *This amendment was revised prior to introduction to correct some contextual provisions that will neither be added nor deleted by adoption of this amendment. This deleted language included three zoning districts that should not have appeared under 20.05.065 OT-02: [IG], [IN] and [QY].*

Page 5-66

20.05.065 OT-02 [Outdoor Storage Standards; Miscellaneous]

This Outdoor Storage Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD] [BP] [MD]

(a) Outdoor storage of equipment, materials, waste or scrap materials, pallets and like materials is prohibited.

(b) Shipping containers, cargo containers, portable on-demand storage units and the like, shall only be permitted if they are providing storage for construction projects or are in the process of being loaded or unloaded, the duration of which can be no more than seventy two (72) hours.

Page 5-66

20.05.067 OT-04 [Outdoor Storage Standards; Outdoor Merchandising]

This Outdoor Storage Standards section applies to the following zoning districts:

[CG] [CA]

(a) Outdoor display of merchandise for sale is permissible provided that the following criteria are met:

- (1) All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers. Use of display area shall not block handicapped parking areas, parking lot access aisles, or sidewalk areas.
- (2) Parking spaces shall not be displaced below minimum code requirements.
- (3) No more than five percent (5%) of existing parking spaces shall be utilized for the display or storage of merchandise.

Page 2-28

20.02.500 Institutional (IN); Permitted Uses

- **Outdoor Storage***

Page 5-94

20.05.103 SC-18 [Special Conditions; Outdoor Storage]

This Special Conditions Standards section applies to the following zoning districts:

[IG] **[IN]**

- (a) **Outdoor Storage:** Outdoor storage yards shall be screened with an eight (8) foot tall solid fence or wall and shall be landscaped so as to mitigate the appearance and impact of the proposed storage use.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 025**

Sponsor: N/A Date: N/A

Synopsis

Clarifies calculation of car dealer parking

This amendment clarifies that spaces set aside for vehicles on display for purchase or rental shall not be counted toward parking requirements. *(Note: It was incorporated into CCL-013.)*

Plan Commission Adopt [6:0]

Action:

Council Action: Deny 8 – 0 (Absent: Piedmont-Smith)

Action Date: July 29, 2009

Page 5-67

20.05.069(a)

- (2) *Maximum Number of Parking Spaces:* Unless specifically stated otherwise in the Unified Development Ordinance, additional on-site parking spaces above the minimum required number may be provided based on the following standards:
- (A) For sites where fifteen (15) or fewer parking spaces are required by this Ordinance, a maximum of four (4) additional parking spaces above the minimum requirement may be provided.
 - (B) For sites where sixteen (16) or more parking spaces are required by this Ordinance, additional parking spaces may be provided up to a maximum of fifteen percent (15%) above the minimum requirement.
 - (C) Single-family residences are exempt from the maximum parking requirement.
 - (D) Parking spaces for vehicles that are specifically displayed for purchase or rental shall not be counted toward maximum parking requirements.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 027**

Sponsor: N/A Date: N/A

Synopsis

Allows stacked parking for MF garages

This amendment clarifies the stacked parking regulation in the UDO and allows this type of arrangement for multifamily developments that utilize garages. (*Note: It was incorporated into CCL-013.*)

Plan Commission Adopt [7:0]

Action:

Council Action: Denied 8 – 0 (Absent: Piedmont-Smith)

Action Date: July 29, 2009

Page 5-68

20.05.069

- (f) Stacked Parking: Stacked parking spaces shall not be used to fulfill minimum parking space requirements. Single-family residences and multifamily units with attached, individual garages, as allowed under *Subsection 20.05.069(c): Multi-Family Parking*, are exempt from this provision.

(4) *Lighting*: External illumination of temporary signs shall be prohibited.

(4)(5) *Number*:

(A) Individual nonresidential uses shall be permitted a maximum of three (3) temporary signs.

(B) Multifamily complexes with at least fifteen (15) units shall be permitted a maximum of three (3) temporary signs.

(C) Individual tenants within nonresidential centers shall be permitted a maximum of one (1) temporary sign.

(5)(6) *Display Periods*: Temporary signs shall be permitted for the following durations:

(A) Display of temporary signs shall be permitted for three (3) periods of up to thirty (30) days per period, per calendar year.

(B) All temporary signs shall receive a Sign Permit from the Planning Department prior to being displayed.

(C) The three (3) temporary sign display periods provided in *Subdivision 20.05.079(k)(5)(A)* above may be combined, provided that a separate permit is obtained for each display period.

(6)(7) *Grand Opening Events*:

(A) New businesses, including multifamily complexes of fifteen (15) units or greater, shall be permitted a single grand opening event sign display during which the number, type and size of temporary signs shall not be limited.

(B) Grand opening event sign displays shall not exceed thirty (30) consecutive days, and shall count as one (1) of the permitted display periods as described in *Subdivision 20.05.079(a)(5)(A)* above.

Page 11-39

Chapter 20.11 Definitions

Sign, Externally Illuminated: A sign that is illuminated by an external source of light intentionally directed upon the sign face.

Sign, Internally Illuminated: A sign whose light source is either located in the interior of the sign so that the light goes through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL-007** Plan Commission Amendment ~~UDO-038~~
#:

Sponsor: Satterfield Date: N/A

Synopsis

UDO – 038 - Corrects word usage in reference to drive-through bays

This amendment fixes a wording error. Many restaurant drive-through lanes now use two windows: the first for collecting customer payments, the second for giving customers their order. As currently written in the UDO, the regulation in question would prohibit such arrangements by limiting the drive-through to a single window. The amendment would make the regulation true to the original intent, which is to limit uses regulated by this section to a single drive-through bay.

CCL-007 - Allows banks to have up to three drive-through bays in CG district

This change was sponsored by Councilmember Satterfield and amends UDO-038 to allow banks to have up to three (3) drive-through bays when located in the Commercial General (CG) zoning district. Currently, banks, like other drive-through uses, are limited to a single bay for vehicle transactions. Since patrons of banks typically conduct a large number of transactions using personal vehicles, this allowance for additional drive-through bays is more reflective of how this particular land use functions. *The effect of CCL-007 is to amend UDO-038 and not create a new, Council-initiated amendment to the UDO.*

Plan Commission Adopt [6:0]

Action:

Council Action on Adopt After Dividing 8 – 0
UDO-038 the Question * (Absent: Volan)
Action Date: July 8, 2009

* On July 8, 2009, Councilmember Satterfield announced his intent to request reconsideration and revision of this amendment at a future meeting of the Special Session.

Council Action on Adopt 6 – 2 (Piedmont-Smith and Volan)
CCL-007 (Absent: Sturbaum)
Action Date: August 8, 2009

Council Action on Amend Synopsis See CCL-014a
CCL-007 Pursuant to
 CCL-014a
Action Date: September 16, 2009

Page 5-92
20.05.093(a)

(2) All uses, except for banks/credit unions shall be limited to one (1) drive-through ~~Window~~ bay. Banks/Credit unions shall be allowed up to three (3) drive-through bays.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 043**

Sponsor: N/A Date: N/A

Synopsis

Clarifies requirement for installation of no parking signs

At the request of the City Engineering Department, this amendment clarifies signage requirements for on-street parking. Specifically, it makes the requirement for “No Parking” signage clearer without changing the actual standard. *Note: The amendment was revised on the night it was introduced to correct a typographical error by striking out the first sentence.*

Plan Commission Adopt [6:0]
Action:

Council Action: Adopt as Revised 8 – 0 (Absent: Volan)

Action Date: July 8, 2009

Note: *The amendment was revised on the night it was introduced to correct a typographical error by striking out the first sentence.*

Page 7-14
20.07.120(b)

(2) ~~No Parking Signs: If parking is only allowed on one side, then the other side of the street shall have a sign at least every one hundred fifty (150) feet noting that parking is not permitted.~~ Any side of a street where parking is not permitted shall have signs noting such restrictions placed at least every one hundred fifty (150) feet.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: N/A Plan Commission Amendment #: **UDO – 044**

Sponsor: N/A Date: N/A

Synopsis

Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties

This amendment would clarify when parking setback and impervious surface coverage compliance can be required for building additions and changes of use within existing structures. This amendment would also require compliance with entrance and drive standards for additions and changes in use for nonresidential and multi-family uses and changes to single family driveways. *(Note: It was incorporated into CCL-013.)*

Plan Commission Adopt [7:0]

Action:

Council Action: Deny 8 – 0 (Absent: Piedmont-Smith)

Action Date: July 29, 2009

Page 8-4

20.08.060(b)

(2) *Parking Setback/Impervious Surface Coverage:* If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards ~~can be achieved without a net loss of parking spaces or~~ without the reduction of spaces below the maximum number of parking spaces allowed, then such setbacks or impervious surface coverage standards shall be met with the removal of ~~asphalt paved areas~~ and the addition of vegetation. If all setbacks cannot be achieved, priority shall be given to the front setback.

(14) *Entrances and Drives:* All entrances and drives shall be brought into compliance with *Chapter 20.05; §ED: Entrance and Drive Standards*, with the exception of driveway location requirements.

Page 8-5

20.08.060(d)

(2) *Parking Setback/Impervious Surface Coverage:* If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards ~~can be achieved without a net loss of parking spaces or~~ without the reduction of spaces below the maximum number of parking spaces allowed, then such setbacks or impervious surface coverage standards shall be established with the removal of ~~asphalt paved areas~~ and the addition of vegetation. If all setbacks cannot be achieved, priority shall be given to the front setback.

(12) *Entrances and Drives:* All entrances and drives shall be brought into compliance with *Chapter 20.05; §ED: Entrance and Drive Standards*, with the exception of driveway location requirements.

Page 8-5

20.08.060

(e) A lawful nonconforming site or structure for a single-family use shall not be brought into compliance with current development standards at such time as an addition or modification occurs, except that the addition or modification may not increase the degree of nonconformity regarding maximum impervious surface coverage and parking requirements. Enlargement or modification of an existing driveway shall be subject to Subsection 20.05.036(g). Changes to nonconforming uses and structures containing nonconforming uses involving occupancy of unrelated adults are subject to *Section 20.08.030: Residential Occupancy* and *Section 20.08.040: Certificate of Nonconforming Use*.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: CCL-008 Plan Commission Amendment #: ~~UDO-066~~

Submitted By: Plan Staff Date: July 31, 2009

Synopsis

Clarifies “masonry” materials to be used in residential projects

UDO-066 was adopted by the Plan Commission. It would revise the list of materials allowed for residential dwellings constructed in single family and multifamily zoning districts by specifying the types of materials typically characteristic of a masonry product. Currently, the UDO does not clarify this term, and this has created questions as to what specific materials are permitted.

CCL-008 would amend UDO-066 and adds other potential residential building materials to accommodate the possibility of newer and more sustainable materials.

Plan Commission Adopt [10:0]

Action:

Council Action on Postpone Until August 5, 2009 8 – 0 (Absent: Volan)

UDO-066:

Action Date: July 8, 2009

Council Action on Adopt 8 – 0 (Absent: Sturbaum)

CCL-008:

Action Date: August 5, 2009

Page 5-15

20.05.016

(b) Standards: The following architectural standards shall apply:

(1) *Materials*: Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

(A) Horizontal lap siding (*e.g.* vinyl, cementitious, wood);

(B) V-grooved tongue-and-groove siding;

(C) Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;

(D) Cedar or other wood materials;

(E) Stucco, plaster, or similar systems;

(F) Stone;

(G) ~~Masonry~~ Split face block, ground face block, or brick;

(H) Cast or cultured stone;

(I) Cast in place concrete;

(J) Earthen structural materials;

(K) Other materials that replicate the look and durability of the above materials, as approved by the planning staff.

Common Name	Scientific Name
Black Maple	<i>Acer nigrum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Sugar Hackberry	<i>Celtis laevigata</i>
Hackberry	<i>Celtis occidentalis</i>
American Beech	<i>Fagus grandifolia</i>
European Beech	<i>Fagus sylvatica</i>
Ginkgo	<i>Ginkgo biloba</i>
Thornless Honeylocust	<i>Gleditsia triacanthos inermis</i>
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>
Sweetgum	<i>Liquidambar styraciflura</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Cucumbertree	<i>Magnolia acuminata</i>
Blackgum or Tupelo	<i>Nyssa sylvatica</i>
Sycamore	<i>Platanus occidentalis</i>
London Planetree	<i>Plantanus x acerfolia</i>
Sawtooth Oak	<i>Quercus acutissima</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
English Oak	<i>Quercus robur</i>
Red Oak	<i>Quercus rubra</i>
Shumard Oak	<i>Quercus shumardii</i>
Black Oak	<i>Quercus velutina</i>
Bald Cypress	<i>Taxodium distichum</i>
Basswood or American Linden	<i>Tilia Americana</i>
Littleleaf Linden	<i>Tilia cordata</i>
Silver Linden	<i>Tilia tomentosa</i>
Crimean Linden	<i>Tilia x euchiora</i>
Homestead Elm	<i>Ulmus x</i>
Japanese Zelkova	<i>Zelkova serrata</i>

Medium street trees 25' to 45' at mature height

Common Name	Scientific Name
Hedge Maple	<i>Acer campestre</i>
Nikko Maple	<i>Acer nikoense</i>
Autumn Flame Red Maple	<i>Acer rubrum</i>
Roughbark or Three-Flowered Maple	<i>Acer triflorum</i>
Downy Serviceberry	<i>Amelanchier arborea</i>
Whitespire Birch	<i>Betula platyphylla japonica</i>
European Hornbeam	<i>Carpinus betulus</i>
American Hornbeam or Blue Beech	<i>Carpinus caroliniana</i>
Katsura Tree	<i>Cercidiphyllum japonicum</i>
Yellowwood	<i>Cladrastis lutea</i>
Turkish Filbert	<i>Corylus colurna</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Magnolia	<i>species</i>

Hop Hornbeam or Ironwood	<i>Ostrya virginiana</i>
Purple Robe Locust	<i>Robinia x ambigua</i>

Small street trees under 25' at mature height

Common Name	Scientific Name
Paperbark Maple	<i>Acer griseum</i>
Tartarian Maple	<i>Acer tartaricum</i>
Shadblow Serviceberry	<i>Amelanchier canadensis</i>
Apple Serviceberry hybrids	<i>Amelanchier x grandiflora</i>
Allegheny Serviceberry	<i>Amelanchier laevis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Flowering Dogwood	<i>Cornus florida</i>
Kousa Dogwood	<i>Cornus kousa chinensis</i>
Thornless Cockspur Hawthorn	<i>Crataegus crus-galli</i>
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Green Hawthorn	<i>Crataegus viridis</i>
Flowering Crabapple	<i>Malus sp.</i>
Cultivars: 'Adirondack', 'baccata', 'Jackii', 'Bechtel', 'Centzam', 'David', 'Hargozam', 'Pink Spires', 'Prairie Fire', 'Red Barron', 'Red Jewel', 'Sinai Fire', 'Van Esstine', 'Winter Gold', x zumi 'Calocarpa'	
Japanese Tree Lilac	<i>Syringa reticulata</i>

Interior Trees

Trees suitable for use within the interior of a site. Permitted street tree species listed in previous tables may also be used in addition to the species identified below.
(bold indicates native species)

Large trees 45' and over at mature height

Common Name	Scientific Name
Ohio Buckeye	<i>Aesculus glabra</i>
Yellow Buckeye	<i>Aesculus octandra</i>
Horsechestnut or Buckeye	<i>Aesculus sp.</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Pignut Hickory	<i>Carya glabra</i>
Shellbark Hickory	<i>Carya laciniosa</i>
Shagbark Hickory	<i>Carya ovata</i>
Mockernut Hickory	<i>Carya tomentosa</i>
Northern Catalpa	<i>Catalpa speciosa</i>
American Holly	<i>Ilex opaca</i>
Black Walnut	<i>Juglans nigra</i>
White Pine	<i>Pinus strobes</i>
Virginia Pine	<i>Pinus virginiana</i>
Black Cherry	<i>Prunus serotina</i>
Chestnut Oak	<i>Quercus prinus</i>
Canadian or Eastern Hemlock	<i>Tsuga Canadensis</i>

Medium trees 25' to 45' at mature height

Common Name	Scientific Name
River Birch	<i>Betula nigra</i>
Hardy Rubber Tree	<i>Eucommia ulmoides</i>
Sassafras	<i>Sassafras albidum</i>
Arborvitae	<i>Thuja occidentalis</i>

Small trees under 25' tall at mature height

Common Name	Scientific Name
Red Buckeye	<i>Aesculus pavia</i>
Pawpaw	<i>Asimina triloba</i>
Dwarf Hackberry	<i>Celtis tenuifolia</i>
Pagoda Dogwood	<i>Cornus alternifolia</i>
Smoke Tree	<i>Cotinus coggygria</i>
Silverbell	<i>Halesia carolina</i>
Wild Plum	<i>Prunus Americana</i>
Oriental or Flowering Cherry	<i>Prunus</i>

Shrubs, Bushes, & Hedges

Plants suitable for individual, screen, biohedge uses (up to 12 feet at mature height)
(bold indicates native species)

Common Name	Scientific Name
Red Chokeberry	<i>Aronia arbutifolia</i>
Black Chokeberry	<i>Aronia melanocarpa</i>
Boxwood	<i>Buxus</i> species
Caolinia Allspice or Sweet Shrub	<i>Calycanthus floridus</i>
New Jersey Tea	<i>Ceanothus americanus</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
Flowering Quince	<i>Chaenomeles</i>
False Cypress	<i>Chamaecyparis</i>
Gray Dogwood	<i>Cornus racemosa</i>
American Hazelnut	<i>Corylus Americana</i>
Cotoneaster	<i>Cotoneaster</i>
Silverbell shrub	<i>Halesia tetraptera</i>
Spring Witch Hazel	<i>Hamamelis vernalis</i>
Eastern Witch Hazel	<i>Hamamelis virginiana</i>
Wild Hydrangia	<i>Hydrangia arborescens</i>
Oakleaf Hydrangia	<i>Hydrangia quercifolia</i>
Winterberry Holly	<i>Ilex verticillata</i>
Virginia Sweetpire	<i>Itea virginica</i>
Juniper	<i>Juniper</i> species
Spicebush	<i>Lindera benzoin</i>
Mockorange	<i>Philadelphus</i>
Ninebark	<i>Physocarpus opulifolius</i>
Shrubby Cinquefoil	<i>Potentilla</i>
Purple Leaf Sand Cherry	<i>Prunus cistena</i>
Sand Cherry	<i>Prunus pumila</i>
Rhododendron	<i>Rhododendron</i> species
Lilac	<i>Syringa vulgaris</i>

Fragrant Sumac	<i>Rhus aromatica</i>
Winged Sumac	<i>Rhus copallina</i>
Shinning Sumac	<i>Rhus glabra</i>
Staghorn Sumac	<i>Rhus typhina</i>
Virginia Rose	<i>Rosa virginiana</i>
Pussy Willow	<i>Salix discolor</i>
Bladdernut	<i>Staphylea trifolia</i>
Coralberry or Indian Currant	<i>Symphoricarpos orbiculatus</i>
Canadian Yew	<i>Taxus canadensis</i>
Weeping Hemlock	<i>Tsuga Canadensis 'pendula'</i>
Highbush Blueberry	<i>Vaccinium corymbosum</i>
Mapleleaf Viburnum	<i>Viburnum acerifolium</i>
Arrowwood	<i>Viburnum dentatum</i>
Nannyberry	<i>Viburnum lentago</i>
Black Haw	<i>Viburnum prunifolium</i>
American Highbush Cranberry	<i>Viburnum trilobum</i>
Prickly Ash	<i>Zanthoxylum americanum</i>

Herbaceous Perennial Plants

Plants suitable for infill, aesthetics, and cover
(bold indicates native species)

Flowering Perennials

Common Name	Scientific Name
Columbine	<i>Aquilegia canadensis</i>
Swamp or Marsh Milkweed	<i>Asclepias incarnata</i>
Common Milkweed	<i>Asclepias syriaca</i>
Butterflyweed	<i>Asclepias tuberosa</i>
Smooth Aster	<i>Aster laevis</i>
Short's Aster	<i>Aster shortii</i>
False Blue Indigo	<i>Baptisia australis</i>
Tall Coreopsis	<i>Coreopsis tripteris</i>
Larkspur	<i>Delphinium tricorne</i>
Purple Coneflower	<i>Echinacea purpurea</i>
Spotted-Joe-Pye-Weed	<i>Eupatorium maculatum</i>
Wild Geranium	<i>Geranium maculatum</i>
Autumn Sneezeweed	<i>Helenium autumnale</i>
Stiff or Prairie Sunflower	<i>Helianthus pauciflorus</i>
False Sunflower	<i>Heliopsis helianthoides</i>
Hosta	<i>Hosta species</i>
Violet Lespedeza	<i>Lespedeza violacea</i>
Prairie Blazing Star	<i>Liatris pycnostachya</i>
Dense Blazing Star	<i>Liatrus spicata</i>
Cardinal Flower	<i>Lobelia cardinalis</i>
Great Blue Lobelia	<i>Lobelia siphilitica</i>
Virginia Bluebells	<i>Mertensia virginica</i>
Bergamot or Bee-balm	<i>Monarda fistulosa</i>
Purple Prairie Clover	<i>Petalostemum purpureum</i>
Blue Phlox	<i>Phlox divaricata</i>
Summer Phlox	<i>Phlox paniculata</i>

Obedient Plant	<i>Physostegia virginiana</i>
Yellow Coneflower	<i>Ratibida pinnata</i>
Black-Eyed-Susan	<i>Rudbeckia hirta</i>
Green-Headed Coneflower	<i>Rudbeckia laciniata</i>
Sweet Coneflower	<i>Rudbeckia subtomentosa</i>
Stiff Goldenrod	<i>Solidago rigida</i>
Blue-stemed Goldenrod	<i>Solidago caesia</i>
Grey Goldenrod	<i>Solidago nemoralis</i>
Royal Catchfly	<i>Silene regia</i>
Fire Pink	<i>Silene virginica</i>
Celandine Poppy	<i>Stylophorum diphyllum</i>
Culver's Root	<i>Veronicastrum virginicum</i>
Violet	<i>Viola sororia</i>

Ground Covers

<u>Common Name</u>	<u>Scientific Name</u>
Canada Anemone	<i>Anemone canadensis</i>
Wild Ginger	<i>Asarum canadense</i>
Palm Sedge	<i>Carex muskingumensis</i>
Common Oak Sedge	<i>Carex pensylvanica</i>
Green and Gold	<i>Chrysogonum virginianum</i>
Running Strawberry Bush	<i>Euonymus obovatus</i>
Wild Strawberry	<i>Fragaria virginiana</i>
Dwarf Crested Iris	<i>Iris cristata</i>
Creeping Phlox	<i>Phlox subulata</i>
Partridge Berry	<i>Mitchella repens</i>
Wild Stonecrop	<i>Sedum ternatum</i>
Foam Flower	<i>Tiarella cordifolia</i>

Vines

<u>Common Name</u>	<u>Scientific Name</u>
Woolly Douchman's Pipe	<i>Aristolochia tomentosa</i>
Crossvine	<i>Bignonia capreolata</i>
Trumpet Creeper	<i>Campsis radicans</i>
American Bittersweet	<i>Celastrus scandens</i>
Virgin's Bower (native clematis)	<i>Clematis virginiana</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>

Plants Suitable for Erosion Control

<u>Common Name</u>	<u>Scientific Name</u>
Canada Anemone	<i>Anemone canadensis</i>
Wild Ginger	<i>Asarum canadense</i>
Canada Milkvetch	<i>Astragalus canadensis</i>
Sideoats Grama	<i>Bouteloua curtipendula</i>
Roundheaded bushclover	<i>Lespedeza capitata</i>
Switch Grass	<i>Panicum virgatum</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Coralberry	<i>Symphoricarpos orbiculatus</i>

Goat's Rue	<i>Tephrosia virginiana</i>
Purple Vetch	<i>Vinca americana</i>

Ferns

Common Name	Scientific Name
Maidenhair Fern	<i>Adiantum pedatum</i>
Lady Fern	<i>Athyrium filix-femina</i>
Giant Wood Fern or Goldie's Fern	<i>Dryopteris goldiana</i>
Evergreen Shield Fern	<i>Dryopteris marginalis</i>
Ostrich Fern	<i>Matteuccia struthiopteris</i>
Cinnamon Fern	<i>Osmunda cinnamomea</i>
Christmas Fern	<i>Polystichum acrostichoides</i>

Grasses

Common Name	Scientific Name
Big Bluestem	<i>Andropogon gerardii</i>
Side-Oats Gramma	<i>Bouteloua curtipendula</i>
Bottlebrush Grass	<i>Elymus hystrix</i>
June Grass	<i>Koeleria macrantha</i>
Switch Grass	<i>Panicum virgatum</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Prarie Dropseed	<i>Sporobolus heterolepis</i>

20.05.058 Exhibit LA-B: Invasive Species, Species with Poor Characteristics and Noxious or Detrimental Plants

Species considered unacceptable and that should not be planted because of invasive characteristics, weak wood, and/or abundant litter.

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Unacceptable Plants

Invasive Trees

Common Name	Scientific Name
Amur Maple	<i>Acer ginnala</i>
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
White Mulberry	<i>Morus alba</i>
European or Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy or Smooth Buckthorn	<i>Rhamnus frangula</i>
Buckthorn Tallhedge	<i>Rhamnus frangula columnaris</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>

Trees with Poor Characteristics

Common Name	Scientific Name
Box Elder	<i>Acer negundo</i>
Silver maple	<i>Acer saccharinum</i>
European White Birch	<i>Betula pendula</i>
Ash	<i>Fraxinus species</i>
Ginkgo (female only)	<i>Ginkgo biloba</i>
Flowering Crabapple	<i>Malus</i>
Cultivars: 'Brandywine', 'Candied Apple', 'Donald Wyman', 'Dobloons', 'Indian Magic', 'Indiana Summer', 'Liset', 'Madonna', 'Mary Potter', 'Prairie Maid', 'Profusion', 'Robinson', 'Selkirk', 'Sentinel', 'Snowdrift', 'Sugar Tyme', 'Velvet Pillar', 'White Cascade', 'White Candle'.	
Bradford Pear	<i>Pyrus calleryana</i>
American Elm	<i>Ulmus Americana</i>

Invasive Herbaceous Perennials

Common Name	Scientific Name
Wild Garlic and Wild Onion	<i>Alliums spp.</i> *
Garlic Mustard	<i>Alliaria petiolata</i>
Cornflower or Bachelor's Button	<i>Centaurea cyanus</i>
Russian Knapweed	<i>Centaurea repens</i> *
Canada Thistle	<i>Cirsium arvense</i> *+
Grecian Foxglove	<i>Digitalis lanata</i>
Teasel	<i>Dipsacus fullonum ssp. Sylvestris</i>
Giant Hogweed	<i>Fallopia japonica</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Meadow Fleabane or British Yellowhead	<i>Inula britannica</i>
Sericea Lespedeza	<i>Lespedeza cuneata</i>
Purple Loosestrife	<i>Lythrum salicaria</i> *
Sweet Clover	<i>Melilotus alba, M. officinalis</i>
Star of Bethlehem	<i>Ornithogalum umbellatum</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Perennial Sowthistle	<i>Sonchus arvensis</i> *

Invasive Grasses

Common Name	Scientific Name
Quackgrass	<i>Agropyron repens</i> *
Smooth Brome	<i>Bromus inermis</i>
Tall Fescue	<i>Festuca elatior</i>
Perennial Peppergrass	<i>Lepidium draba</i> *
Japanese Stilt Grass	<i>Microstegium vimineum</i>
Maiden Grass	<i>Miscanthus sinensis</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed Grass	<i>Phragmites australis</i>
Columbus Grass	<i>Sorghum almun Parodi</i> *
Shattercane	<i>Sorghum bicolor</i> *+
Johnson Grass or Sorghum Almun	<i>Sorghum halepense</i> *+

Invasive Vines and Groundcovers

Common Name	Scientific Name
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Oriental Bittersweet	<i>Celastrus orbiculatus</i>
Field Bindweed	<i>Convolvulus arvensis</i> *
Crown Vetch	<i>Coronilla varia</i>
Black Swallow-Wort	<i>Cynanchum nigrum</i> , syn. <i>Vincetoxicum nigrum</i>
Pale Swallow-Wort	<i>Cynanchum rossicum</i>
Potato vine	<i>Dioscorea batatas</i>
Chinese Yam	<i>Dioscorea oppositifolia</i>
Purple Winter Creeper	<i>Euonymus fortunei</i>
Creeping Charlie	<i>Glechoma hederacea</i>
English Ivy	<i>Hedera helix</i>
Japanese Hops	<i>Humulus japonicus</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Creeping Jenny or Moneywort	<i>Lysimachia nummularia</i>
Mile-A-Minute Weed	<i>Polygonum perfoliatum</i>
Kudzu	<i>Pueraria montana lobata</i>
Poison Ivy	<i>Rhus radicans</i>
Bur Cucumber	<i>Sicyos angulatus</i> *+
Periwinkle or Myrtle	<i>Vinca minor</i>

Invasive Shrubs

Common Name	Scientific Name
Black Alder	<i>Alnus glutinosa</i>
Japanese Barberry	<i>Berberis thunbergii</i>
Butterfly Bush	<i>Buddleia davidii</i>
Asiatic Bittersweet	<i>Celastrus scandens</i>
Burning Bush	<i>Euonymus alatus</i>
Bicolor Lespedeza	<i>Lespedeza bicolor</i>
Common Privet	<i>Ligustrum vulgare</i>
Bush or Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow's Honeysuckle	<i>Lonicera morowii</i>
Tatarian Honeysuckle	<i>Lonicera tatarica</i>
Multiflora Rose	<i>Rosa multiflora</i> *
Japanese Spirea	<i>Spiraea japonica</i>
Atlantic Poison Oak	<i>Toxicodendron pubescens</i> , syn. <i>Rhus pubescens</i>
Poison Sumac	<i>Toxicodendron vernix</i> , syn. <i>Rhus vernix</i>
European Highbush Cranberry	<i>Viburnum opulus v. opulus</i>

(a) Deciduous Canopy Trees—Street:

Trees suitable for planting along public streets and highways and in locations where low maintenance, hardy specimens with high canopies are required.

<i>Acer nigrum</i>	Black Maple
<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Acer x freemanii</i>	Freeman Maple
<i>Aesculus hippocastanum</i>	Horse Chestnut
<i>Aesculus glabra</i>	Ohio Buckeye
<i>Aesculus x carnea</i>	Red Horse Chestnut
<i>Alnus glutinosa</i>	Black Alder
<i>Betula nigra</i>	River Birch

<i>Celtis laevigata</i>	Sugar Hackberry
<i>Celtis occidentalis</i>	Common Hackberry
<i>Fagus grandifolia</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>Ginkgo biloba</i>	Ginkgo (male only)
<i>Gleditsia triacanthos</i>	Honeylocust
<i>Gymnocladus dioica</i>	Kentucky Coffee Tree
<i>Liquidambar styraciflora</i>	Sweet Gum
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Black Gum or Tupelo
<i>Platanus occidentalis</i>	Sycamore
<i>Platanus x acerifolia</i>	London Planetree
<i>Quercus acutissima</i>	Sawtooth Oak
<i>Quercus alba</i>	White Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus robur</i>	English Oak
<i>Quercus rubra borealis</i>	Northern Red Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus velutina</i>	Black Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Zelkova serrata</i>	Japanese Zelkova

(b) Interior Trees:

Trees acceptable for use within the interior of a site. This list includes canopy, ornamental and evergreen trees.

Large Trees (40 feet and over):

<i>Acer saccharum</i>	Sugar Maple
<i>Aesculus octandra</i>	Yellow Buckeye
<i>Aesculus species</i>	Buckeye, Horsechestnut
<i>Carya cordiformis</i>	Bitternut Hickory
<i>Carya glabra</i>	Pignut Hickory
<i>Carya laciniosa</i>	Shellbark Hickory
<i>Carya ovata</i>	Shagbark Hickory
<i>Carya tomentosa</i>	Mockernut Hickory
<i>Catalpa speciosa</i>	Northern Catalpa
<i>Celtis occidentalis</i>	Hackberry
<i>Fagus grandifolia</i>	American Beech
<i>Gymnocladus dioica</i>	Kentucky Coffee Tree
<i>Ilex opaca</i>	American Holly
<i>Junlans nigra</i>	Black Walnut
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Pinus species</i>	Pine
<i>Pinus strobes</i>	White Pine
<i>Pinus virginiana</i>	Virginia Pine
<i>Prunus serotina</i>	Black Cherry
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus macrocarpa</i>	Burr Oak
<i>Quercus prinus</i>	Chestnut Oak
<i>Tilia americana</i>	American Linden

Tsuga Canadensis ————— Canadian or Eastern Hemlock

Medium Trees (25 to 40 feet):

Acanthopanax sieboldiana ————— Castor Aralia
Acer campestre ————— Hedge Maple
Acer maximowiczianum ————— Nikko Maple
Acer triflorum ————— Three Flowered Maple
Aesculus glabra ————— Ohio Buckeye
Amelanchier arborea ————— Downy Serviceberry
Betula nigra ————— River Birch
Carpinus betulus ————— European Hornbeam
Carpinus caroliniana ————— American Hornbeam
Celtis occidentalis ————— Hackberry
Cercidiphyllum japonicum ————— Katsura Tree
Cladrastis kentukea (lutea) ————— Yellowwood
Corylus colurna ————— Turkish Filbert
Crataegus erus galli ————— Cockspur Hawthorn
Crataegus phaenopyrum ————— Washington Hawthorn
Crataegus viridis ————— Winter Green King Hawthorn
Diospyros virginiana ————— Persimmon
Eucommia ulmoides ————— Hardy Rubber Tree
Juniperis virginiana ————— Eastern Red Cedar
Maackia amurensis ————— Amur Maackia
Magnolia species ————— Magnolia
Ostrya virginiana ————— Hop Hornbeam
Phellodendron amurense ————— Amur Corktree
Pyrus calleryana ————— Callery Pear
Robinia x ambigua ————— Purple Robe Locust
Sassafras albidum ————— Sassafras Tree
Thuja occidentalis ————— Arborvitae

Small Trees (Under 25 feet):

Acer griseum ————— Paperbark maple
Acer palmatum ————— Japanese Maple
Acer tartaricum ————— Tartarian Maple
Aesculus pavia ————— Red Buckeye
Amelanchier Canadensis ————— Shadblow Serviceberry
Asimina triloba ————— Pawpaw
Carpinus carolinia ————— American Hornbeam or Ironwood
Celtis tenuifolia ————— Dwarf Hackberry
Cercis canadensis ————— Eastern Redbud
Cornus alternifolia ————— Pagoda Dogwood
Cornus florida ————— Flowering Dogwood
Cornus kousa ————— Kousa Dogwood
Cornus mas ————— Cornelian Cherry
Cotinus coggygria ————— Smoke Tree
Crataegus phaenopyrum ————— Washington Hawthorne
Crataegus viridis ————— Green Hawthorn
Halesia Carolina ————— Silverbell
Malus species ————— Crabapples
Prunus Americana ————— Wild Plum

<i>Prunus</i> species	Oriental or Flowering Cherry
<i>Pyrus calleryana</i>	Pear
<i>Syringa reticulata</i>	Japanese Tree Lilac
<i>Viburnum lantana</i>	Wayfaring Tree
<i>Viburnum lentago</i>	Nannyberry Viburnum
<i>Viburnum plicatum tomentosum</i>	Doublefile Viburnum
<i>Viburnum prunifolium</i>	Blackhaw Viburnum

(c) Shrubs, Hedges, Vines and Groundcovers:

Plantings acceptable for use in screening, groundcover, wetland enhancement, and erosion control. This category shall include shrubs, biohedges, sedges, forbs, edge vegetation, vines, perennials, and grasses where required by this Unified Development Ordinance.

Shrubs and Biohedges (4 to 12 feet):

<i>Aronia arbutifolia</i>	Red Chokeberry
<i>Aronia melanocarpa</i>	Black Chokeberry
<i>Aster novae-angliae</i>	New England Aster
<i>Berberis</i> species	Barberry
<i>Buddleia davidii</i>	Butterfly Bush
<i>Buxus</i> species	Boxwood
<i>Calycanthus floridus</i>	Sweet Shrub
<i>Ceanothus americanus</i>	New Jersey Tea
<i>Cephalanthus occidentalis</i>	Buttonbush
<i>Chaenomeles</i> species	Flowering Quince
<i>Chamaecyparis</i> species	False Cypress
<i>Cornus alba</i>	Red-twig Dogwood
<i>Cornus racemosa</i>	Gray Dogwood
<i>Corylus americana</i>	American Hazelnut
<i>Cotoneaster</i> species	Cotoneaster
<i>Euonymus</i> species	Burning Bush (except for <i>Euonymus fortunei</i>)
<i>Forsythia</i> species	Forsythia
<i>Halesia tetraptera</i>	Silverbell shrub
<i>Hamamelis virginiana</i>	Eastern Witch Hazel
<i>Hamamelis vernalis</i>	Spring Witch Hazel
<i>Hibiscus syriacus</i>	Rose of Sharon
<i>Hydrangia arborescens</i>	Wild Hydrangia
<i>Hydrangea Quercifolia</i>	Oakleaf Hydrangia
<i>Ilex verticillata</i>	Winterberry Holly
<i>Itea virginica</i>	Virginia Sweetspire
<i>Juniperus</i> species	Junipers
<i>Ligustrum obtusifolium</i>	Border Privet
<i>Ligustrum</i>	“Golden Vicaryi” Privet
<i>Lindera benzoin</i>	Spicebush
<i>Philadelphus</i> species	Mockorange
<i>Physocarpus opulifolius</i>	Ninebark
<i>Picea abies</i>	Birds Nest Spruce
<i>Picea mugo</i>	Dwarf Mountain Pine
<i>Potentilla</i>	Shrubby Cinquefoil
<i>Prunus cistena</i>	Purple Leaf Sand Cherry
<i>Prunus pumila</i>	Sand Cherry
<i>Rhododendron</i> species	Rhododendron

<i>Syringa vulgaris</i>	Lilac
<i>Rhus aromatica</i>	Fragrant Sumac
<i>Rhus copallina</i>	Winged Sumac
<i>Rhus glabra</i>	Shinning Sumac
<i>Rhus typhina</i>	Staghorn Sumac
<i>Rosa virginiana</i>	Virginia Rose
<i>Salix discolor</i>	Pussy Willow
<i>Spirae</i> species (except Japanese)	Spirea
<i>Staphylea trifolia</i>	Bladdernut
<i>Symphoricarpos orbiculatus</i>	Coralberry or Indian Currant
<i>Taxus cuspidata capitata</i>	Upright Yew
<i>Thuja occidentalis</i>	Arborvitae
<i>Tsuga canadensis 'pendula'</i>	Weeping Hemlock
<i>Vaccinium corymbosum</i>	Highbush Blueberry
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum
<i>Viburnum dentatum</i>	Arrowwood
<i>Viburnum lentago</i>	Nannyberry
<i>Viburnum pruniifolium</i>	Black Haw
<i>Viburnum trilobum</i>	American Highbush Cranberry
<i>Weigela vaniccki</i>	Cardinal Shrub
<i>Zanthoxylum americanum</i>	Prickly Ash

Groundcovers:

<i>Anemone canadensis</i>	Canada Anemone
<i>Asarum canadense</i>	Wild Ginger
<i>Carex muskingumensis</i>	Palm Sedge
<i>Carex pensylvanica</i>	Common Oak Sedge
<i>Chrysogonum virginianum</i>	Green and Gold
<i>Euonymus obovatus</i>	Running Strawberry Bush
<i>Fragaria virginiana</i>	Wild Strawberry
<i>Iris cristata</i>	Dwarf Crested Iris
<i>Mitchella repens</i>	Partridge Berry
<i>Phlox subulata</i>	Creeping Phlox
<i>Tiarella cordifolia</i>	Foam Flower

Vines:

<i>Aristolochia tomentosa</i>	Woolly Douchman's Pipe
<i>Bignonia capreolata</i>	Crossvine
<i>Campsis radicans</i>	Trumpet Creeper
<i>Celastrus scandens</i>	American Bittersweet
<i>Clematis virginiana</i>	Virgin's Bower (native clematis)
<i>Parthenocissus quinquefolia</i>	Virginia Creeper

Flowering Perennials:

<i>Aquilegia canadensis</i>	Columbine
<i>Asclepias incarnate</i>	Swamp or Marsh Milkweed
<i>Asclepias syriaca</i>	Common Milkweed
<i>Asclepias tuberosa</i>	Butterflyweed
<i>Aster laevis</i>	Smooth Aster
<i>Aster nova angliae</i>	New England Aster
<i>Aster shortii</i>	Short's Aster

<i>Baptisia australis</i>	False Blue Indigo
<i>Coreopsis tripteris</i>	Tall Coreopsis
<i>Delphinium tricornis</i>	Larkspur
<i>Echinacea purpurea</i>	Purple Coneflower
<i>Eupatorium maculatum</i>	Spotted Joe Pye Weed
<i>Geranium maculatum</i>	Wild Geranium
<i>Helenium autumnale</i>	Autumn Sneezeweed
<i>Helianthus</i>	Sunflower
<i>Heliopsis belianthoides</i>	False Sunflower
<i>Lespedeza violacea</i>	Violet Lespedeza
<i>Lespedeza viola</i>	Dense Blazing Star
<i>Lobelia cardinalis</i>	Cardinal Flower
<i>Lobelia siphilitica</i>	Great Blue Lobelia
<i>Mertensia virginica</i>	Virginia Bluebells
<i>Monarda fistulosa</i>	Bergamot or Bee balm
<i>Petalostemum purpureum</i>	Purple Prairie Clover
<i>Phlox divaricata</i>	Blue Phlox
<i>Phlox paniculata</i>	Summer Phlox
<i>Physostegia virginiana</i>	Obedient Plant
<i>Ratibida pinnata</i>	Yellow Coneflower
<i>Rudbeckia hirta</i>	Black-Eyed Susan
<i>Rudbeckia laciniata</i>	Green Headed Coneflower
<i>Rudbeckia subtomentosa</i>	Sweet Coneflower
<i>Silene regia</i>	Royal Catchfly
<i>Silene virginica</i>	Fire Pink
<i>Solidago caesia</i>	Blue-stemmed Goldenrod
<i>Solidago nemoralis</i>	Grey Goldenrod
<i>Solidago rigida</i>	Stiff Goldenrod
<i>Stylophorum diphyllum</i>	Celandine Poppy
<i>Veronicastrum virginicum</i>	Culver's Root
<i>Viola</i>	Violets

Plants Suitable for Erosion Control:

<i>Anemone Canadensis</i>	Canada Anemone
<i>Asarum canadense</i>	Wild Ginger
<i>Astragalus Canadensis</i>	Canada Milkvetch
<i>Bouteloua</i>	Sideoats Grama
<i>Lespedeza capitata</i>	Roundheaded bushclover
<i>Panicum virgatum</i>	Switch Grass
<i>Schizachyrium scoparium</i>	Little Bluestem
<i>Symphoricarpos orbiculatus</i>	Coralberry
<i>Tephrosia virginiana</i>	Goat's Rue
<i>Vinca amerecana</i>	Purple Vetch

Ferns:

<i>Adiantum pedatum</i>	Maidenhair Fern
<i>Athyrium filix femina</i>	Lady Fern
<i>Dryopteris goldiana</i>	Giant Wood Fern or Goldie's Fern
<i>Dryopteris marginalis</i>	Evergreen Shield Fern
<i>Matteuccia struthiopteris</i>	Ostrich Fern
<i>Osmunda cinnamomea</i>	Cinnamon Fern

Polystichum acrostichoides ————— Christmas Fern

Plants and Trees Suitable for Wet Areas:

Acer rubrum ————— Red Maple
Aselepias incarnate ————— Swamp Milkweed
Betula nigra ————— River Birch
Cephalanthus occidentalis ————— Buttonbush
Chelone glabra ————— White Turtlehead
Eupatorium purpureum ————— Sweet Joe-Pye Weed
Filipendula rubra ————— Queen of the Prairie
Iris versicolor shrevei ————— Blue Flag Iris
Lobelia cardinalis ————— Cardinal Flower
Lobelia siphilitica ————— Great Blue Lobelia
Mimulus ringens ————— Monkey Flower
Monarda fistulosa ————— Wild Bergamont
Platanus occidentalis ————— Sycamore
Quercus bicolor ————— Swamp White Oak
Quercus lyrata ————— Overcup Oak
Quercus palustris ————— Pin Oak
Salix species ————— Willow
Tamarix ramosissima ————— Bald Cypress

Grasses:

Andropogon gerrardii ————— Big Bluestem
Bouteloua curtipendula ————— Side Oats Gramma
Elymus bystris ————— Bottlebrush Grass
Koeleria pyramidata ————— June Grass
Panicum virgatum ————— Switch Grass
Schizachyrium scoparium ————— Little Bluestem
Sporobolus heterolepis ————— Prairie Dropseed

20.05.058 Exhibit LA-B: Invasive Species, Species with Poor Characteristics and Noxious or Detrimental Plants

Species considered unacceptable and that should not be planted because of invasive characteristics, weak wood, and/or abundant litter are:

Trees; Invasive Species:

Acer ginnala ————— Amur Maple
Acer platanoides “Columnar” ————— Norway Maple
Acer platanoides “Crimson King” ————— Norway Maple
Acer platanoides “Royal Red” ————— Norway Maple
Acer platanoides “Schwedlet’s” ————— Norway Maple
Acer platanoides “Summershade” ————— Norway Maple
Ailanthus altissima ————— Tree of Heaven
Elaeagnus angustifolia ————— Russian Olive
Elaeagnus pungens ————— Thorny Olive
Elaeagnus umbellata ————— Autumn Olive
Spiraea japonica ————— Japanese spirea
Morus alba ————— White Mulberry
Rhamnus cathartica ————— European or Common Buckthorn
Rhamnus frangula ————— Glossy or Smooth Buckthorn

<i>Rhamnus frangula columnaris</i>	Buckthorn Tallhedge
<i>Robinia pseudoacacia</i>	Black locust
<i>Sorbus aucuparia</i>	European Mountain Ash
<i>Ulmus pumila</i>	Siberian Elm

Trees; Poor Characteristic Species:

<i>Acer negundo</i>	Box Elder
<i>Acer saccharinum</i>	Silver maple
<i>Betula pendula</i>	European White Birch
<i>Fraxinus species</i>	Ash
<i>Ginkgo biloba</i>	Ginkgo (female only)
<i>Pyrus calleryana</i> "Bradford"	Bradford Pear
<i>Ulmus americana</i> "Moline"	American Elm

Invasive Flowers:

<i>Alliaria petiolata</i>	Garlic Mustard
<i>Centaurea cyanus</i>	Cornflower or Bachelor's Button
<i>Centaurea repens</i>	Russian Knapweed
<i>Cirsium arvense</i>	Canada Thistle
<i>Digitalis lanata</i>	Grecian Foxglove
<i>Fallopia japonica</i>	Giant Hogweed
<i>Hesperis matronalis</i>	Dame's Rocket
<i>Inula britannica</i>	Meadow Feabane or British Yellowhead
<i>Lespedeza cuneata</i>	Sericea lespedeza
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Melilotus alba, M. officinalis</i>	Sweet Clover
<i>Ornithogalum umbellatum</i>	Star of Bethlehem
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Sonchus arvensis</i>	Perennial Sowthistle

Invasive Grasses:

<i>Agropyron repens</i>	Quackgrass
<i>Bromus inermis</i>	Smooth Brome
<i>Festuca elatior</i>	Tall Fescue
<i>Lepidium draba</i>	Perennial Peppergrass
<i>Microstegium vimineum</i>	Japanese Stilt Grass
<i>Miscanthus sinensis</i>	Maden Grass
<i>Phalaris arundinacea</i>	Reed Canary Grass
<i>Phragmites australis</i>	Common Reed Grass
<i>Sorghum bicolor</i>	Johnson Grass or Sorghum Alum
<i>Sorghum halepense</i>	Shattercane

Invasive Vines and Groundcovers:

<i>Celastrus orbiculatus</i>	Oriental Bittersweet
<i>Coronilla varia</i>	Crown Vetch
<i>Convolvulus arvensis</i>	Field Bindweed
<i>Euonymus fortunei</i>	Purple Winter Creeper
<i>Glechoma hederacea</i>	Creeping Charlie
<i>Hedera helix</i>	English Ivy
<i>Humulus japonicus</i>	Japanese Hops
<i>Lonicera japonica</i>	Japanese Honeysuckle

<i>Lonicera maaackii</i>	Amur Honeysuckle
<i>Lonicera tatarica</i>	Bush or Tatarian Honeysuckle
<i>Lysimachia nummularia</i>	Creeping Jenny
<i>Polygonium perfoliatum</i>	Mile-a-minute Weed
<i>Pueraria lobata</i>	Kudzu
<i>Sicyos angulatus</i>	Bur Cucumber
<i>Vinca minor</i>	Myrtle
<i>Vinca minor</i>	Periwinkle
<i>Vincetoxicum nigrum, syn. Cynanchum nigrum</i>	Black Swallow wort

Invasive Shrubs:

<i>Alnus glutinosa</i>	Black Alder
<i>Celastrus scandens</i>	Asiatic Bittersweet
<i>Ligustrum obtusifolium</i>	Blunt leaved Privet
<i>Lespedeza bicolor</i>	Bicolor Lespedeza
<i>Ligustrum vulgare</i>	Common Privet
<i>Rosa multiflora</i>	Multiflora Rose
<i>Viburnum opulus v. opulus</i>	Highbush Cranberry

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL -001** Plan Commission Amendment #: **~~UDO-074~~**

Sponsor: Piedmont-Smith Date: July 10, 2009

Synopsis

Promotes Sustainable Development Practices

This amendment would increase the number of sustainable development projects in Bloomington. Because it is not legally permissible to regulate the interior design of buildings through zoning regulations, this amendment proposes a series of site design regulations outside the building envelope to increase the sustainability of nonresidential and multifamily projects. *(Revised July 10, 2009)*

CCL-001

Councilmember Piedmont-Smith proposed to reintroduce UDO-074 and amend it with CCL-001. This amendment makes two changes to UDO-074. The first changes the general entrance and drive standards by increasing the maximum driveway widths from 28 to 34 feet for drives onto arterial or collector streets. The second changes the general parking standards by offering a menu of best management practices regarding the surface material of parking lots rather than only require the use of a percentage of permeable pavement.

Plan Commission No Action [4:3]
Action:

Council Action on Introduce 6 – 1 (Rollo) (Adopted)
CCL-001: *Note: Given the rule against
 hearing new legislation after
 10:30 p.m., the motion
 required 6 votes to be
 adopted.*

Action Date: July 15, 2009

Council Action on Amend by adding “or” after Unanimous Consent
CCL-001: semi-colons in 20.05.069
 PK-01
 Adopt 6 – 1 (Wisler) (Absent: Mayer and Satterfield)

Action Date: July 15, 2009

Page 2-10

20.02.130 Residential Multifamily (RM); District Intent

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

- Allow medium density residential development to ensure an adequate mix of housing types throughout the community.
 - Facilitate compact development patterns in locations where there are high levels of public infrastructure capacity.
- Plan Commission/Board of Zoning Appeals Guidance:**
- Discourage the location of student-oriented housing distant from the main Indiana University Bloomington Campus.

- Restrict the location of new multifamily development to areas serviced by public transportation.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-12

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

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

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

Plan Commission/Board of Zoning Appeals Guidance:

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

Page 2-16

20.02.250 Commercial Limited (CL); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

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

Page 2-18

20.02.290 Commercial General (CG); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

- Site plan design should incorporate residential and commercial uses utilizing shared parking in order to ease the transition to residential districts.
- Street cuts should be minimized in order to enhance streetscape and improve access management.

- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-20

20.02.330 Commercial Arterial (CA); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

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

Page 2-22

20.02.370 Commercial Downtown (CD); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

- The downtown is targeted for intensified usage of vacant and under utilized buildings and sites.
- Space on the first floor of downtown buildings should be commercial with residential uses on the second floor and above.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring green building design elements such as vegetated roofs, energy efficiency, and reductions in energy and resource consumption.

Page 2-24

20.02.410 Industrial General (IG); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

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

Page 2-26

20.02.450 Business Park (BP); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

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

Page 2-28

20.02.490 Institutional (IN); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

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

Page 2-30

20.02.530 Medical (MD); District Intent

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

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

Plan Commission/Board of Zoning Appeals Guidance:

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

Page 3-5

20.03.030 Courthouse Square Overlay (CSO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

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

Plan Commission Review:

The Plan Commission shall approve any project that:

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

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

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

Page 3-11

20.03.100 Downtown Core Overlay (DCO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

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

Plan Commission Review:

The Plan Commission shall approve any project that:

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

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

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

Page 3-17

20.03.170 University Village Overlay (UVO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

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

Plan Commission Review:

The Plan Commission shall approve any project that:

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

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

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

Page 3-23

20.03.240 Downtown Edges Overlay (DEO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

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

Plan Commission Review:

The Plan Commission shall approve any project that:

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

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

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

Page 3--29

20.03.310 Downtown Gateway Overlay (DGO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

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

Plan Commission Review:

The Plan Commission shall approve any project that:

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

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.350: Downtown Gateway Overlay (DGO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 3-35

20.03.380 Showers Technology Park Overlay (STPO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.420: Showers Technology Park Overlay (STPO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 5-26

20.05.035 ED-01 [Entrance and Drive Standards; General]

(g) No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (½) of the below requirements):

- (1) ~~Thirty-four (34)~~ **thirty-four (34)** feet if from a nonresidential use onto an arterial or collector street.
- (2) ~~Thirty (30)~~ **Twenty four (24)** feet if from a nonresidential use onto a neighborhood street.

Page 5-40

20.05.049(a) GD-01 [Green Development Incentives; General]

Goal 2: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

- (A) Use of permeable pavement materials for at least ~~twenty five percent (25%)~~ **fifty percent (50%)** of all private driveways, pathways, and parking areas.

20.05.069 PK-01 [Parking Standards; General]

(n) Surface Material:

- (1) Unless specifically stated otherwise in the Unified Development Ordinance, all areas used for parking shall be asphalt, concrete, or other approved material.
- (2) ~~The Planning Director may approve other structurally engineered, permeable parking pavers for hard surface parking surfaces provided the parking area is intended for low intensity or intermittent parking uses and parking pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.~~ For all new parking lots of sixteen (16) spaces or greater, the following best management practices shall be used to improve stormwater infiltration and water quality:
 - (A) permeable pavement materials. If such materials are the only practice employed from this list, then they must cover at least twenty five percent (25%) of the total parking lot area; or
 - (B) treatments such as rain gardens, bioretention basins, or vegetated swales designed to the specifications of City of Bloomington Utilities; or
 - (C) other combinations of best management practices subject to approval by the City of Bloomington Planning and Utilities Departments.
- (3) Areas utilizing permeable parking pavers shall not count towards impervious surface calculations.

20.07.200 SD-01 [Sustainable Development Incentives; General]

Goal 2: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

- (A) A commitment to use permeable pavement materials for at least ~~twenty five percent (25%)~~ **fifty percent (50%)** of all private driveways, pathways, and parking areas.

20.09.120 Site Plan Review

(d) Applications: Applications for Site Plans shall be accompanied by the following information:

(8) Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed site plan, including any supplementary materials required to explain such features.

~~(8)~~(9) *Miscellaneous*: The planning staff shall inform the applicant of any additional documents or data requirements after the pre-application conference. Such additional documents or data shall include but not be limited to those required by *Chapter 20.05; §EN: Environmental Standards*, where applicable.

20.09.180 Subdivision Control; Preliminary Plat

(d) Application: The Preliminary Plat shall contain the following information:

(3) *Proposed Conditions*:

(E) Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed preliminary plat, including any supplementary materials required to explain such features.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL-010** Plan Commission Amendment #: ~~UDO-075~~

Sponsor: Volan Date: July 31, 2009

Synopsis

~~Converts density from units per acre to bedrooms per acre; Creates a weighting system that encourages efficiencies and 1-bedroom units and discourages 4-bedroom and 5-bedroom units.~~ CCL-010 was prepared on behalf of Councilmember Volan in order to replace UDO-075, which was adopted by the Plan Commission. It would change the calculation of residential density in the UDO to create a weighting system that would encourage efficiency and 1-bedroom units but discourage 4-bedroom and 5-bedroom units. The weighting system proposed by Councilmember Volan is modeled after an existing weighting system in the UDO called dwelling unit equivalents (DUEs). This proposal revises the DUE system by increasing the weights (incentives) for efficiencies and one-bedroom units while creating first-time weighting (a disincentive) for 4-bedroom and 5-bedroom units. UDO - 075, which converts the UDO's unit-per-acre calculation of density into bedroom densities, also achieves a similar goal. However, Councilmember Volan's proposal increases the weighting system.

Plan Commission Adopt [7:0]
Action on
UDO-075:

Council Action: Postpone Until 8 – 0 (Absent: Mayer)
 August 5th
Action Date: July 15, 2009

Council Action on Adopt 5 – 2 (Mayer and Sandberg)
CCL-010: (Absent: Sturbaum and Wisler)
Action Date: August 5, 2009

Page 2-11

20.02.160 Residential Multifamily(RM); Development Standards

Maximum Density:

•7 units/acre (6,223 square feet per dwelling unit)

Dwelling Unit Equivalents:

5-bedroom unit: 2 units;

4-bedroom unit = 1.5 units;

3-bedroom unit = 1.0 unit;

2-bedroom unit with less than 950 square feet = 0.66 of a unit;

1-bedroom unit with less than 700 square feet = 0.25 of a unit;

Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.

Page 2-13

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

Maximum Density:

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

Dwelling Unit Equivalents:

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

Page 2-17

20.02.280 Commercial Limited (CL); Development Standards

Maximum Density:

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

Dwelling Unit Equivalents:

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

Page 2-19

20.02.320 Commercial General (CG); Development Standards

Maximum Density:

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

Dwelling Unit Equivalents:

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

Page 2-21

20.02.360 Commercial Arterial (CA); Development Standards

Maximum Density:

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

Dwelling Unit Equivalents:

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

Page 2-27

20.02.480 Business Park (BP); Development Standards

Maximum Density:

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

Dwelling Unit Equivalents:

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

Page 2-31

20.02.560 Medical (MD); Development Standards

Maximum Density:

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

Dwelling Unit Equivalents:

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

Page 3-6

20.03.050 Courthouse Square Overlay (CSO); Development Standards

(a) Density and Intensity Standards:

- (1) *Maximum Residential Density:* 100 bedrooms/acre. 33 units per acre

(A) Dwelling Unit Equivalents:

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

Page 3-12

20.03.120 Downtown Core Overlay (DCO); Development Standards

(a) Density and Intensity Standards:

- (1) *Maximum Residential Density:* 180 bedrooms/acre. 60 units per acre

(A) Dwelling Unit Equivalents:

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

Page 3-18

20.03.190 University Village Overlay (UVO); Development Standards

(a) Density and Intensity Standards:

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

Page 3-24

20.03.260 *Downtown Edges Overlay (DEO); Development Standards*

(a) Density and Intensity Standards:

- (1) *Maximum Residential Density*: ~~60 bedrooms/acre.~~ 20 units per acre
- (A) Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
 - 4-bedroom unit = 1.5 units;
 - 3-bedroom unit = 1.0 unit;
 - 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
 - 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
 - Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.

Page 3-30

20.03.330 *Downtown Gateway Overlay (DGO); Development Standards*

(a) Density and Intensity Standards:

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

Page 3-36

20.03.400 *Showers Technology Park Overlay (STPO); Development Standards*

(a) Density and Intensity Standards:

- (1) *Maximum Residential Density*: ~~45 bedrooms/acre.~~ 15 units per acre
- (A) Dwelling Unit Equivalents:
- 5-bedroom unit: 2 units;
 - 4-bedroom unit = 1.5 units;
 - 3-bedroom unit = 1.0 unit;
 - 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
 - 1-bedroom unit with less than 700 square feet = 0.25 of a unit;
 - Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.

Page 11-15

Chapter 20.11 *Definitions*

Dwelling Unit Equivalent (DUE): Establishes a density value for dwelling units based upon the number of bedrooms in the unit. This value ~~may~~ shall be applied to the units per acre measurement in order to meet the dwelling

unit requirement. Where specifically allowed in this Unified Development Ordinance, the following proportions shall be used in calculating the dwelling unit maximums:

5-bedroom unit = 2 units;

4-bedroom unit = 1.5 units;

(1) 3- ~~or more~~ bedroom unit = 1.0 unit;

(2) 2-bedroom unit with less than 950 square feet = 0.66 of a unit;

(3) 1-bedroom unit with less than 700 square feet = 0.50 of a unit;

(4) Efficiency or studio unit with less than 550 square feet = 0.33 of a unit.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL-002** Plan Commission Amendment #: **UDO-076**

Sponsor: Sturbaum Date: July 10 2009

Synopsis

Restricts use of EIFS and other building materials on facades facing streets in CD district

This amendment restricts the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. EIFS would still be allowed for usage on building trim, cornices, and other architectural features. The amendment also restricts the use of vinyl, wood, cementitious siding, precast concrete, and highly reflective building materials.

CCL-002 modifies UDO-076 which was not adopted by the Plan Commission. It restricts the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. The amendment also restricts the use of vinyl, cementitious siding, and highly reflective building materials in some districts. Lastly, it makes the application of this rule uniform throughout the Commercial Downtown zoning district by including all four sides of the building. This amendment is intended to improve the quality of buildings in the CD district. *(Note: On July 15th, the title was revised to reflect changes in the amendment.)*

Plan Commission No Action [4:3]
Action:

Council Action on Introduce 3 (Piedmont-Smith, Sandberg and Wisler) – 4 (Rollo, Ruff,
CCL-002: (Failed) Sturbaum and Volan) (Absent: Mayer and Satterfield)
Action Date: July 15, 2009

Council Action on Adopt 5 (Rollo, Sandberg, Ruff, Sturbaum and Volan)
CCL-002: – 2 (Wisler, Satterfield)
 – 1 (Mayer) (Absent: Piedmont-Smith)
Action Date: July 29, 2009

Page 3-14 Downtown Core Overlay

20.03.130(b)(4)

- (B) The following building materials shall not be used as secondary exterior finish materials:
(i) EIFS (~~first floor only~~);

Page 3-20 University Village Overlay

20.03.200(b)(5)

- (A) General: The following materials are not permitted as primary exterior finish materials ~~on facades facing a street~~:
(i) Highly reflective materials;
(ii) Vinyl;
(iii) EIFS;
(iv) Metal; and
(v) Smooth or Split-faced cement block.

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

- (i) Highly reflective materials;
- (ii) Vinyl;
- (iii) EIFS.

(C)(B) Kirkwood Corridor: The following materials are not permitted as primary exterior finish materials ~~on facades~~ facing a street:

- (i) Wood;
- (ii) EIFS (~~Exterior Insulation Finish System~~);
- (iii) Smooth-faced or split-faced cement block;
- (iv) Vinyl; and
- (v) Cementitious siding.

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

- (i) EIFS;
- (ii) Vinyl;
- (iii) Cementitious siding (first floor only).

(E)(C) Restaurant Row: The following materials are not permitted as primary exterior finish materials ~~on facades~~ facing a street:

- (i) EIFS (~~Exterior Insulation Finish System~~);
- (ii) Smooth-faced or split-faced cement block;
- (iii) Natural stone or masonry;
- (iv) Precast concrete;
- (v) Vinyl.

(F) Restaurant Row: The following materials are not permitted as secondary exterior finish materials:

- (i) EIFS;
- (ii) Vinyl.

Page 3-25 Downtown Edges Overlay

20.03.270(b)(4)

(A) Materials: The following materials are not permitted as primary exterior finish materials ~~on facades~~ facing a street:

- (A)(i) Smooth-faced or split-faced cement block;
- (B)(ii) Vinyl;
- (C)(iii) Highly reflective materials;
- (D)(iv) EIFS;
- (E)(v) Metal;
- (F)(vi) Precast concrete.

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

- (i) Vinyl;
- (ii) Highly reflective materials;
- (iii) EIFS;

Page 3-31 Downtown Gateway Overlay

20.03.340(b)(4)

(A) Materials: The following materials are not permitted as primary exterior finish materials ~~on facades~~ facing a street:

- (A)(i) Highly reflective materials;

- ~~(B)~~(ii) Vinyl;
- ~~(C)~~(iii) Metal;
- ~~(D)~~(iv) EIFS.

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

- (i) Highly reflective materials;
- (ii) Vinyl;
- (iii) EIFS;

Page 3-37 Showers Technology Park Overlay

20.03.410(b)(4)

(A) Materials: The following materials are not permitted as primary exterior finish materials on facades facing a street:

- ~~(A)~~(i) Wood;
- ~~(B)~~(ii) Vinyl;
- ~~(C)~~(iii) Smooth-faced cement block;
- ~~(D)~~(iv) Cementitious siding;
- (v) EIFS.

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

- (i) Vinyl;
- (ii) EIFS.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: CCL-011 Plan Commission Amendment #: ~~UDO-077~~

Sponsor: Sturbaum Date: July 30, 2009

Synopsis

Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.

On July 15, 2009, the original version of this amendment (UDO-077) was adopted by the Council. The Council passed the amendment with the caveat that the amendment could be brought back before the body with an additional amendment; specifically with a new amendment regarding the void-to-solid percentage standards for facades facing the B-Line Trail. In order to extend the policy rationale of UDO-077 to the B-Line Trail, CCL-011 requires a void-to-solid percentage of 60% of the wall/façade areas of the first floor facades/elevations facing the B-Line Trail within the following overlay districts: Courthouse Square, Downtown Core, Downtown Edges, Downtown Gateway and Showers Technology Park.

Plan Commission N/A
Action:

Council Action on Adopt 7 – 1 (Volan)
UDO-077 (Absent: Mayer)
Action Date: July 15, 2009

Council Action on Consider on August 8 – 0 (Absent: Mayer)
CCL-011 5th
Action Date: July 15 , 2009

Council Action on Move to End of 7 – 0 – 1 (Satterfield)
CCL-011 Agenda on August (Absent: Piedmont-Smith)
5th
Action Date: July 29, 2009

Council Action Motion to Recess 5 – 2 (Rollo and Volan) (Absent: Sturbaum and Wisler)
Until September 16,
2009.
Action Date: August 5, 2009

Council Action on Adopt 9 – 0
CCL-011
Action Date: September 16, 2009

Page 3-7 Courthouse Square Overlay

20.03.060(b)(2)

(A) First Floor (Building Base): Transparent glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of ~~eighty five~~ **seventy** percent

(~~85~~70 %) of the total wall/façade area of the first floor façade/elevation facing a street.

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

Page 3-13 Downtown Core Overlay

20.03.130(b)(2)

(A) First Floor (Building Base): Transparent glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of ~~seventy~~ sixty percent (70~~60~~%) of the total wall/façade area of the first floor façade/elevation facing a street.

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

Page 3-20 University Village Overlay

20.03.200(b)(2)(A)

(ii) Kirkwood Corridor: Transparent glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of ~~seventy~~ sixty percent (70~~60~~%) of the total wall/façade area of the first floor façade/elevation facing a street.

Page 3-25 Downtown Edges Overlay

20.03.270(b)(2)

(A) First Floor (Building Base): Transparent glass areas shall comprise a minimum of ~~fifty~~ forty percent (50~~40~~%) of the wall/façade area of the first floor façade/elevation facing a street.

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

Page 3-31 Downtown Gateway Overlay

20.03.340(b)(2)

(A) First Floor (Building Base): Transparent glass shall areas shall comprise a minimum of ~~fifty~~ forty percent (50~~40~~%) of the total wall/façade area of the first floor façade/elevation facing a street.

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

Page 3-37 Showers Technology Park Overlay

20.03.410(b)(2)

(A) First Floor (Building Base): Glass or framed façade open areas consisting of display windows, entries and doors shall comprise a minimum of ~~fifty~~ forty percent (50~~40~~%) of the wall/façade area of the first floor façade/elevation facing a street ~~or the B-Line Trail~~.

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

(M) Walnut Street

(N) Washington Street (between 3rd Street and 4th Street)

- (2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

Page 3-18

20.03.190 University Village Overlay (UVO); Development Standards

(e) Ground Floor Nonresidential Uses:

- (1) This subsection shall apply to any property with frontage on the following streets:

(A) Kirkwood Avenue

(B) 4th Street

(C) 3rd Street

(D) Washington Street

(E) Lincoln Street

(F) Grant Street

(G) Dunn Street

(H) Indiana Avenue

- (2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

Page 3-24

20.03.260 Downtown Edges Overlay (DEO); Development Standards

(e) Ground Floor Nonresidential Uses:

- (1) This subsection shall apply to any property with frontage on the following streets:

(A) 7th Street (west of Washington Street)

(B) Kirkwood Avenue (between Rogers Street and Madison Street)

(C) 3rd Street (between Rogers Street and Dunn Street)

(D) 2nd Street (between Morton Street and Washington Street)

(E) Madison Street (north of 3rd Street)

(F) College Avenue

(G) Walnut Street (South of 10th Street)

- (2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

Page 3-30

20.03.330 Downtown Gateway Overlay (DGO); Development Standards

(e) Ground Floor Nonresidential Uses:

- (1) This subsection shall apply to any property with frontage on the following streets:

(A) 10th Street

(B) 2nd Street

(C) College Avenue (between 1st Street and 2nd Street)

(D) Walnut Street (between 1st Street and 2nd Street)

(2) All properties to which this subsection applies shall provide ground floor nonresidential uses along the applicable street frontage. No less than fifty percent (50%) of the total ground floor area shall be used for such nonresidential uses. Enclosed parking garages shall not be counted toward the required nonresidential uses.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL-003(a)** Plan Commission Amendment #: ~~UDO-082~~

Sponsor: Sturbaum Date: July 31, 2009

Synopsis

Requires landscaping be installed when buildings are demolished unless a development plan is approved.

CCL-003(a) amends UDO-082 which was not adopted by the Plan Commission. It would add a new requirement for demolition permits. Specifically, any request for a demolition permit would be required to provide a post-demolition plan for the site that could include turf grass, other ground cover, trees/shrubs, or planters. Once the demolition has been completed, the post-demolition landscape plan would have to be implemented as shown on the approved plan. A site could only be released from this requirement if the demolition permit is accompanied by a proposed development plan that is submitted to the Planning Department to initiate the review process.

Plan Commission Deny [2:7]

Action:

Council Action on Postpone Until End of 7 – 0 - 1 (Satterfield)
UDO-082: Agenda on August 5th (Absent: Piedmont-Smith)
Action Date: July 29, 2009

Council Action: Motion to Recess Until 5 – 2 (Rollo and Volan)
September 16th (Absent: Sturbaum and Wisler)
Action Date: August 5, 2009

Council Action on Adopt 0 - 8
CCL-003(b): (Absent: Ruff)
Action Date: September 16, 2009

Council Action on Adopt 6 – 2
CCL-003(a): (Absent: Ruff)
Action Date: September 16, 2009

Page 5-52

20.05.057 LA-06 [Landscaping Standards; Vacant Lot Landscaping]

This Landscaping Standards section applies to the following zoning districts:

[RM] [RH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD]

- (a) **Applicability:** Any lot with frontage on a public street shall be subject to the requirements of this section.
- (b) **Timing:** Landscaping or ground cover shall be installed as required in Subsection (c) on the lot where demolition activity has occurred within one hundred and eighty (180) days after the issuance of a demolition permit, unless:
 - (1) The Planning Director has granted an extension of time due to the need for more time to complete demolition activities or due to the presence of seasonal or inclement weather; or

(2) A site plan has been approved for the reuse of the property. If an approved site plan has expired and has not been renewed, landscaping as outlined in Subsection (c) shall be installed within one hundred and eighty (180) days after site plan expiration.

(c) **Planting Requirements:**

(1) For lots of one-half (1/2) acre or less, the entire lot containing the demolition activity shall be covered with grass or other suitable ground cover as outlined in Section 20.05.057. No ground cover is required in locations where existing vegetation, remaining structures, or parking areas serving such remaining structures still exist.

(2) For lots greater than one-half (1/2) acre, one of the following landscaping options must be selected:

(A) The entire area disturbed for demolition shall be covered with grass or other suitable ground cover as outlined in Section 20.05.057; or

(B) A ten (10) foot wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. This planting area may either utilize raised planters or be level with street grade. Evergreen shrubs that grow to a minimum height of at least four (4) feet shall be planted every three (3) feet within these planting areas.

(d) **Maintenance Requirements:**

(1) All plant material shall be maintained alive, healthy, and free from disease and pests;

(2) All raised landscape planters shall be repaired or replaced periodically to maintain a structurally sound condition;

(3) Ground cover shall be maintained in compliance with Bloomington Municipal Code Title 6, *Health and Sanitation*; and

(4) Public sidewalks shall be maintained in compliance with Bloomington Municipal Code Title 12, *Streets, Sidewalks, and Storm Sewers*.

[Subsequent sections of Chapter 20.05 will be renumbered to accommodate the inclusion of this new section.]

Page 9-29

20.09.230 Demolition and Demolition Delay

Insert a new part(a) which shall read as follows:

(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.

Reletter subsequent parts of 20.09.230 accordingly.

Other Pages in the UDO

Substitute references to “20.09.230 Demolition Delay” with “20.09.230 Demolition and Demolition Delay” wherever it appears in Title 20.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: CCL-013 Plan Commission Amendment #: UDO – 083

Submitted By: Plan Staff Date: July 17, 2009

Synopsis

Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments.

This amendment revises the Parking Standards of the UDO to convert the minimum parking requirements of the ordinance into maximum parking requirements. The purpose of this amendment is to reduce the amount of off-street parking provided for all nonresidential, multifamily, and single family developments. Additionally, this amendment has been revised to encompass overlapping changes to parking and entrance and drive standards which were adopted by the Plan Commission in Amendments 25, 27, and 44.

Plan Staff offered CCL-013 as an amendment to UDO-083. It incorporates UDO-025 (Clarifies calculation of car dealer parking), UDO-027 (Allows stacked parking for MF garages), and UDO-044 (Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties).

Plan Commission Adopt [8:1]
Action:

Council Action on Adopt 8 – 0
CCL-013: (Absent: Piedmont-Smith)
Action Date: July 29, 2009

Page 3-24 Downtown Edges Overlay

20.03.260(c)

(3) *Nonresidential Parking Standards:* Fifty percent (50%) of the ~~minimum~~ **maximum** parking ~~required~~ **permitted** in Chapter 20.05; PK: Parking Standards.

Page 3-30 Downtown Gateway Overlay

20.03.330(c)

(3) *Nonresidential Parking Standards:* Seventy-five percent (75%) of the ~~minimum~~ **maximum** parking ~~required~~ **permitted** in Chapter 20.05; PK: Parking Standards.

Page 3-36 Showers Technology Park Overlay

20.03.400(c)(3) *Nonresidential Parking Standards*

(B) Other Nonresidential Uses: Seventy-five percent (75%) of the ~~minimum~~ **maximum** parking ~~required~~ **permitted** in Chapter 20.05; PK: Parking Standards.

Page 5-8

20.05.009(d)

(3) *Single-Family Residential Parking:* Parking requirements may be reduced to **a maximum of** one (1) on-site parking space per single-family house when adequate adjacent on-street parking is available.

Page 5-22

20.05.026 CU-04[Conditional Use; Bed and Breakfast Establishments]

- (c) The establishment shall provide a maximum of one (1) parking space per guest room in addition to the spaces required for the dwelling unit.

Page 5-22

20.05.28 CU-06[Conditional Use; Retail Low Intensity and Restaurant Limited Service]

- (e) Parking: Parking spaces shall be provided at a fifty percent (50%) reduction from the requirements of Chapter 20.05; PK: Parking Standards, with a minimum maximum of three (3) spaces for any accessory commercial use. Parking spaces for the primary use shall not be used to satisfy this requirement.

Page 5-40 Green Development Incentives

20.05.049(a)(3)

- (C) Provision of automobile parking at least twenty-five percent (25%) below required minimums permitted maximums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.

Page 5-67

20.05.069 PK-01 [Parking Standards; General]

- (a) Maximum Number of Parking Spaces Required Permitted:

(1) Minimum Maximum Number of Parking Spaces Required Permitted:

- (A) Unless specifically stated otherwise in the Unified Development Ordinance, the number of on-site parking spaces shall be as specified in Section 20.05.074; Exhibit PK-A: Required Maximum Number of Parking Spaces Permitted by Land Use.

(2) Maximum Number of Parking Spaces: Unless specifically stated otherwise in the Unified Development Ordinance, additional on-site parking spaces above the minimum required number may be provided based on the following standards:

- (A) For sites where fifteen (15) or fewer parking spaces are required by this Ordinance, a maximum of four (4) additional parking spaces above the minimum requirement may be provided.
(B) For sites where sixteen (16) or more parking spaces are required by this Ordinance, additional parking spaces may be provided up to a maximum of fifteen percent (15%) above the minimum requirement.
(C) Single family residences are exempt from the maximum parking requirement.

(2) Exceptions: The parking ratios contained in Section 20.05.074; Exhibit PK-A shall be considered minimum parking requirements for the following uses:

- (A) Single family residential uses;
(B) Multifamily residential units located within or adjacent to the Residential Core (RC) zoning district and multifamily residential units located within the Commercial Downtown (CD) zoning district.
(i) For sites where fifteen (15) or fewer parking spaces are required by this Ordinance, a maximum of four (4) additional parking spaces above the minimum requirement may be provided.
(ii) For sites where sixteen (16) or more parking spaces are required by this Ordinance, additional parking spaces may be provided up to a maximum of fifteen percent (15%) above the minimum requirement.

(3) Display Vehicles – Parking spaces for vehicles that are specifically displayed for purchase or rental shall not be included in the calculation of maximum parking requirements.

- (3) *Reduction of Number of Spaces*: Upon the approval of the Planning Director, a parking lot may be built with fewer spaces than the required minimum spaces in *Exhibit PK A: Required Number of Parking Spaces by Land Use* if the following standards are met:
- (A) *Landbank Area*: Adequate space shall be landbanked such that the full number of parking spaces required in *Section 20.05.074; Exhibit PK A: Required Number of Parking Spaces by Land Use* can be built on-site at a later date, should the need arise.
 - (i) *Parking Design Required*: A design shall be presented showing how the full number of parking spaces required in *Section 20.05.074; Exhibit PK A: Required Number of Parking Spaces by Land Use* would be installed, and how drainage would be handled. This design shall be approved by the planning staff.
 - (ii) *Maximum Reduction*: Under no circumstances shall less than fifty percent (50%) of the spaces required by *Section 20.05.074; Exhibit PK A: Required Number of Parking Spaces by Land Use* be installed.
 - (B) *Mixed Uses*: Where a development contains multiple land uses with different peak travel generation, the total required parking spaces may be reduced by the Planning Director. In such instances, parking space reductions shall be determined by utilizing the ITE: Trip Generation standards or similar professional parking or travel demand standards.
 - (C) *Multi-modal Proximity*: Where a development is located within one-tenth (0.10) of a mile of a public transit stop or a multiuse trail facility, the minimum parking requirement may be reduced by up to a maximum of fifteen percent (15%).

Page 5-68

20.05.069(e)(2) *Shared Parking Facilities*:

- (A) *Authorization*: In those situations where a minimum number of parking spaces is required, the owners of two (2) or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request by the Planning Director, the Planning Director may authorize the shared use of parking facilities under the following conditions:
 - (i) *Minimum*: In a shared parking arrangement, each property shall provide a minimum of sixty percent (60%) of the individual parking requirements. In no case shall the total combined parking spaces be less than one hundred and twenty percent (120%) of the greater individual parking requirement.
 - (ii) *Proximity*: Any property utilizing shared parking facilities shall be located within three hundred (300) feet of such parking facility, using established sidewalks and crosswalks where available.
- (B) *Shared Parking Agreement*: The property owner seeking leased spaces shall provide a recordable zoning commitment to the Planning Department stating that in the case where leased spaces are no longer available, that an adequate parking alternative will be provided.

Page 5-68

20.05.069

- (f) *Stacked Parking*: Stacked parking arrangements are permitted. spaces shall not be used to fulfill minimum parking space requirements. Single family residences are exempt from this provision.

Page 5-70

20.05.069

- (l) *On-street Parking*: The Planning Director may approve the utilization of on-street parking spaces to count toward the provision of the minimum number of spaces required for the development. Such necessary on-street spaces shall be located along the property frontage on the same side of the street as the development requesting their use. In cases where new on-street spaces are being created as a component of the development, the design of such spaces shall meet the standards of the City Engineering Department.

20.05.069

Subsections (m) and (n) will be re-lettered to read (l) and (m) as a result of the deletion of the original Subsection (l) as noted above.

Page 5-72 PK-05 [Parking Standards; Commercial Downtown]

20.05.073

- (a) ~~Minimum Number of Parking Spaces Required: Minimum p~~ Parking requirements for all uses shall be as defined in the applicable Overlay District in *Chapter 20.03: Overlay Districts*.

Page 5-73, 5-74, 5-75, 5-76

20.05.074 Exhibit PK-A [~~Required~~ Maximum Number of Permitted Parking Spaces by Land Use]

Page 7-24 Sustainable Development Incentives

20.07.200(a)(3)

- (C) Provision of automobile parking at least twenty-five percent (25%) below ~~required~~ permitted minimums maximums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.

Page 8-4

20.08.060(b)

- (2) *Parking Setback/Impervious Surface Coverage*: If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards ~~can be achieved without a net loss of parking spaces or without the reduction of spaces below the maximum number of parking spaces allowed~~ through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of asphalt paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.

- (14) *Entrances and Drives*: All entrances and drives shall be brought into compliance with *Chapter 20.05; §ED: Entrance and Drive Standards*, with the exception of driveway location requirements.

Page 8-5

20.08.060(d)

- (2) *Parking Setback/Impervious Surface Coverage*: If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards ~~can be achieved without a net loss of parking spaces or without the reduction of spaces below the maximum number of parking spaces allowed~~ through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of asphalt paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.

- (12) *Entrances and Drives*: All entrances and drives shall be brought into compliance with *Chapter 20.05; §ED: Entrance and Drive Standards*, with the exception of driveway location requirements.

Page 8-5

20.08.060

- (e) A lawful nonconforming site or structure for a single-family use shall not be brought into compliance with current development standards at such time as an addition or modification occurs, except that the addition or modification may not increase the degree of nonconformity regarding maximum impervious surface coverage and parking requirements. Enlargement or modification of an existing driveway shall be subject to *Subsection 20.05.036(g)*. Changes to nonconforming uses and structures containing nonconforming uses involving occupancy of unrelated adults are subject to *Section 20.08.030: Residential Occupancy* and *Section 20.08.040: Certificate of Nonconforming Use*.

Ordinance 09-12
Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL-004** Plan Commission Amendment #: ~~UDO-093~~

Sponsor: Piedmont-Smith Date: July 30, 2009

Synopsis

Requires grading permit for single family lots which have not been part of a larger grading plan.

UDO-093 was requested by the Environmental Commission and would eliminate an exemption in the Unified Development Ordinance that allows land-disturbing activity on single-family lots without the prior receipt of a grading permit. The purpose of the current language in the UDO is to streamline the process for property owners who wish to secure a building permit or simply remove a diseased tree. In this case, a streamlined process makes sense because disturbance limits and tree removal restrictions have often been determined during the issuance of a detailed grading permit covering the lot as part of a larger subdivision. However, the unintended consequence of this exemption is that, on two occasions, owners of single-family lots have been able to remove trees without any regulation from the City. The proposed amendment would still allow the current exemption as long as a previous grading permit has been issued addressing land disturbing activity for the single-family lot.

CCL-004 amends UDO-093 which was not adopted by the Plan Commission. Changes to UDO-093 include: 1) identifying 'tree removal' as an activity that can be regulated through the site plan review process, 2) identifying certain tree removal activities that are exempt from review, and 3) identifying other tree removal activities which require Certificates of Zoning Compliance, site plan review, and compliance with the tree preservation standards of the UDO.

Plan Commission No Action [3:5]
Action:

Council Action on Adopt 6 – 1 (Wisler) – 1 (Mayer)
CCL-004:
Action Date: August 5, 2009

Page 9-10
20.09.120

(b) Applicability: Submission and approval of a Site Plan shall be required in all zoning districts established in *Chapter 20.01: Ordinance Foundation* of this Unified Development Ordinance. Every application for a permit and/or Certificate of Zoning Compliance for grading, establishment of a use or change in use, new construction, ~~or any building addition,~~ **or tree removal** shall also be an application for Site Plan approval, except as provided otherwise herein.

Page 9-28
20.09.220

(b) Certificate of Zoning Compliance Required: The City requires that a Certificate of Zoning Compliance (herein after "CZC") shall be obtained for any of the following actions. A single CZC may be issued for a combination of such actions, if they occur together. Any application for a CZC, permit or other approval for an action described in Division (5) of this Subsection shall be subject to the procedures outlined in *Section*

20.09.230: *Demolition Delay*:

- (1) Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, or mobile home;
- (2) Establishment of a use or change in use to another use (see *Chapter 20.11: Definitions*; “*Change in Use*”);
- (3) Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;
- (4) Grading, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.
- (5) Any action, whether or not listed in Divisions (1) through (4) of this Subsection, that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as ‘Outstanding’, ‘Notable’, or ‘Contributing’ on the Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report adopted on October 17, 2002, by the Bloomington Historic Preservation Commission (hereinafter “HPC”) as the same may be hereafter amended or replaced (hereinafter “Historic Survey”). Such action shall be subject to the procedures outlined in *Section 20.09.230: Demolition Delay*. An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered “listed” within the meaning of this ordinance unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the planning staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of HPC or its staff.
- (6) Tree removal. If such activity involves the removal of dead, dying, or hazardous trees, or exotic, invasive vegetation, as verified by the Planning Department, no CZC is required. Tree removal requests which decrease the baseline canopy cover of a site require a CZC and must follow the procedures outlined in *Section 20.09.120: Site Plan Review* and comply with the requirements of *Section 20.05.044: Environmental Standards; Tree and Forest Preservation*.

20.02.060 Residential Single-family (RS); Permitted Uses

- urban agriculture

Page 2-8

20.02.100 Residential Core (RC); Permitted Uses

- urban agriculture

Page 2-10

20.02.140 Residential Multifamily (RM); Permitted Uses

- urban agriculture

Page 2-12

20.02.180 Residential High Density Multifamily (RH); Permitted Uses

- urban agriculture

Page 11-39

Chapter 20.11 Definitions

Community Garden: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed

collectively by members of the group and may include common areas maintained and used by group members.

Page 2-4

20.02.020 Residential Estate (RE); Permitted Uses

- community garden*

Page 2-6

20.02.060 Residential Single-family (RS); Permitted Uses

- community garden*

Page 2-8

20.02.100 Residential Core (RC); Permitted Uses

- community garden*

Page 2-10

20.02.140 Residential Multifamily (RM); Permitted Uses

- community garden*

Page 2-12

20.02.180 Residential High Density Multifamily (RH); Permitted Uses

- community garden*

Page 5-93

20.05.096 [Special Conditions; Community Garden]

This Special Conditions Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH]

- (a) Community Gardens shall be subject to the following requirements:
- (1) Retail sales shall be prohibited on the community garden site, except for the sale of produce grown in the community garden. Such sales shall be in compliance with Subsection 20.05.109(b), *Farm Produce*.
 - (2) Structures utilized for the storage of gardening materials shall be permitted subject to the accessory structure requirements of this ordinance. The combined area of all structures shall not exceed fifteen percent (15%) of the community garden site lot area.
 - (3) Hours of operation shall be restricted to between 5:00 a.m. and 11:00 p.m. daily. Community Gardens shall adhere to the noise standards in Title 14 of the Bloomington Municipal Code.
 - (4) On-site storage containers, compost bins, and other material storage areas shall be located in the rear building setback area, and shall be at least five (5) feet from rear and side property lines. Trash shall be removed from the community garden site at least once a week.
 - (5) Cultivated areas shall not encroach onto adjacent properties.
 - (6) The community garden site shall be maintained free of high grass in compliance with Title 6 of the Bloomington Municipal Code.
 - (7) Any community garden site with a lot area greater than fifteen thousand (15,000) square feet shall provide one (1) on-site parking space per two thousand (2,000) square feet of lot area above fifteen thousand (15,000) square feet.
 - (8) One permanent sign shall be permitted. Such sign shall be limited to four (4) square feet in area per side and four (4) feet in height.

***** Amendment Form *****

Ordinance #: 09-12
Amendment #: CCL-014a
Submitted By: Council Office
Date: September 16, 2009

Proposed Amendment:

1. Section One of Ord 09-12 shall be deleted and replaced with the following:

SECTION 1. The Common Council hereby adopts amendments to the text and incorporated maps of Title 20 entitled, "Unified Development Ordinance." These amendments are attached hereto and incorporated by reference into this ordinance and consist of the following documents:

- (a) Amendments to the text of Title 20 as well as to the maps incorporated into Title 20 which were forwarded by the Plan Commission to the Common Council with a positive recommendation and which were adopted by the Common Council (hereinafter Attachment A); and
 - (b) Amendments to the text of Title 20, which were forwarded by the Plan Commission to the Council either with a positive recommendation and subsequently revised or amended by the Common Council or forwarded with a negative or no recommendation and subsequently approved or amended by the Common Council (hereinafter "Attachment B").
2. Amendment CCL-007 is hereby amended to read as it appears in the attached document.
 3. The Common Council authorizes the Council Attorney/Administrator to prepare the necessary documents for consideration of the changes to this ordinance by the Plan Commission under I.C. 36-7-4-607 (e) and (f).

Synopsis

This amendment would reassemble the amendments adopted by the Council into two attachments. The first would include amendments favored by the Plan Commission and adopted by the Common Council without change. The second would include all other amendments forwarded by the Plan Commission (with either a positive, negative, or no recommendation) and subsequently approved or amended by the Council. This amendment would also amend the posture of CCL-007 so that it amends UDO-038 rather than introduce a Council-initiated amendment to the UDO. The latter would require a review of by the Plan Commission independent of the other amendments attached to Ord 09-12 which is unnecessary because CCL-007 does, in fact, amend UDO-038. Lastly, this amendment authorizes the Council Administrator/Attorney to prepare the necessary documents for consideration of the changes to this ordinance by the Plan Commission under I.C. 36-7-4-607 (e) and (f).

9/16/09 Special Session Action: **Adopt: 7 – 2 (Volan and Wisler)**
Adopted

September 16, 2009