

ORDINANCE 73-3

AN ORDINANCE TO AMEND TITLE 20 OF THE
BLOOMINGTON MUNICIPAL CODE AND INCORPORATED
MAPS.

WHEREAS, The Common Council of the City of Bloomington has held first reading and several public hearings of the original draft of Ordinance 73-3, and

WHEREAS, The Common Council by motion duly moved, seconded and passed on April 24, 1973, and remanded several amendments for City Plan Commission review and comment, and

WHEREAS, The City Plan Commission has completed their review of Ordinance 73-3 and has recommended that said amendment Title 20 and the incorporated maps do pass.

NOW, THEREFORE, BE IT ORDAINED BY THE
COMMON COUNCIL OF THE CITY OF BLOOMINGTON,
INDIANA:

Section 1. The Bloomington Municipal Code, Title 20 and its incorporated maps, is hereby amended to read as follows:

TITLE 20

ZONING

CHAPTERS:

20.01	Title
20.02	Reserved
20.03	Reserved
20.04	Definitions
20.05	Zones
20.06	Non-Conforming Uses
20.07	Land Use Provisions
20.08	Height, Bulk, Density and Area Provisions
20.09	Reserved
20.10	Regulations for Conditional Uses
20.11	Regulations for Special Exceptions
20.12	Reserved
20.13	Planned Unit Developments
20.14	Minimum Off-Street Parking Requirements
20.15	Floodway and Fringe Area Flood Plains
20.16	Conservation Requirements
20.17	Signs
20.18	Reserved
20.19	Board of Zoning Appeals
20.20	Reserved
20.21	Administration and Enforcement

20.01 TITLE AND PURPOSE

- 20.01.01.00 Title. This chapter and its accompany maps shall be known and may be cited as "The Zoning Ordinance of the City of Bloomington, Indiana."
- 20.01.02.00 Purpose.
- 20.01.02.01 The purpose of these regulations shall be to regulate the use of land, buildings, structures for residence, commerce, industry and other uses required by the community.
 - 20.01.02.02 To regulate the location, height, size of buildings or structures, yards, courts and other open spaces, the amount of building coverage permitted in each zone and the population density.
 - 20.01.02.03 To implement the general plans of the City of Bloomington.
 - 20.01.02.04 To divide the City of Bloomington, Indiana, into zoning districts of such shape, size and number required to carry out these regulations and to provide for their enforcement.
- 20.01.03.00 Necessity. These regulations are necessary in order to:
- 20.01.03.01 Provide for the most appropriate use of land.
 - 20.01.03.02 To conserve and stabilize values of property.
 - 20.01.03.03 To provide adequate open space for the passage of light and air.
 - 20.01.03.04 To enable the City of Bloomington to provide utilities and services in the most efficient manner.
 - 20.01.03.05 To regulate the distribution of the population.
 - 20.01.03.06 To promote the health, safety, and general welfare of the citizens of the City of Bloomington.
- 20.01.04.00 Enactment. Except as hereinafter provided no building shall be erected or structurally altered; no building or premises may be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open space shall be smaller than prescribed herein; nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open

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space provided for any building for the purpose of complying with these regulations, shall be considered as providing a yard or other open space for any other building.

20.01.05.00 Application. This ordinance shall apply to all land use, buildings, structure for residence, commerce, industry and other uses within the incorporated City of Bloomington and any other areas contiguous to the City over which the City exercises planning control by virtue of State statute. This ordinance shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Bloomington Municipal Code which are necessary for an understanding of this ordinance and the attainment of its purposes.

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20.04 DEFINITIONS

20.04.01.00 Definitions. The following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural and the plural, the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, or a corporation, as well as an individual. Terms not herein defined shall have the meanings customarily assigned to them.

20.04.01.01 **ACCESSORY BUILDING:** A subsidiary or auxiliary building located on the same lot with the main building and which is customarily incidental to the main building or to the principal use of the land.

Where a substantial part of the wall of a building housing an accessory use is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

20.04.01.02 **ACCESSORY USE:** A use which is customarily incidental to the principal uses and is either in the same ownership as such principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

20.04.01.03 **ALLEY:** A permanent public or private service-way providing a secondary means of access to abutting lands.

20.04.01.04 **APARTMENT:** A suite or set of rooms with necessary appurtenances in a house, apartment building, or hotel occupied or suitable to be occupied as a dwelling unit.

20.04.01.05 **APARTMENT BUILDING:** An apartment building is a building arranged in several suites of connecting rooms, each suite designated for independent house-keeping, but with certain mechanical conveniences such as heat, and elevator services in common to all tenants occupying the building.

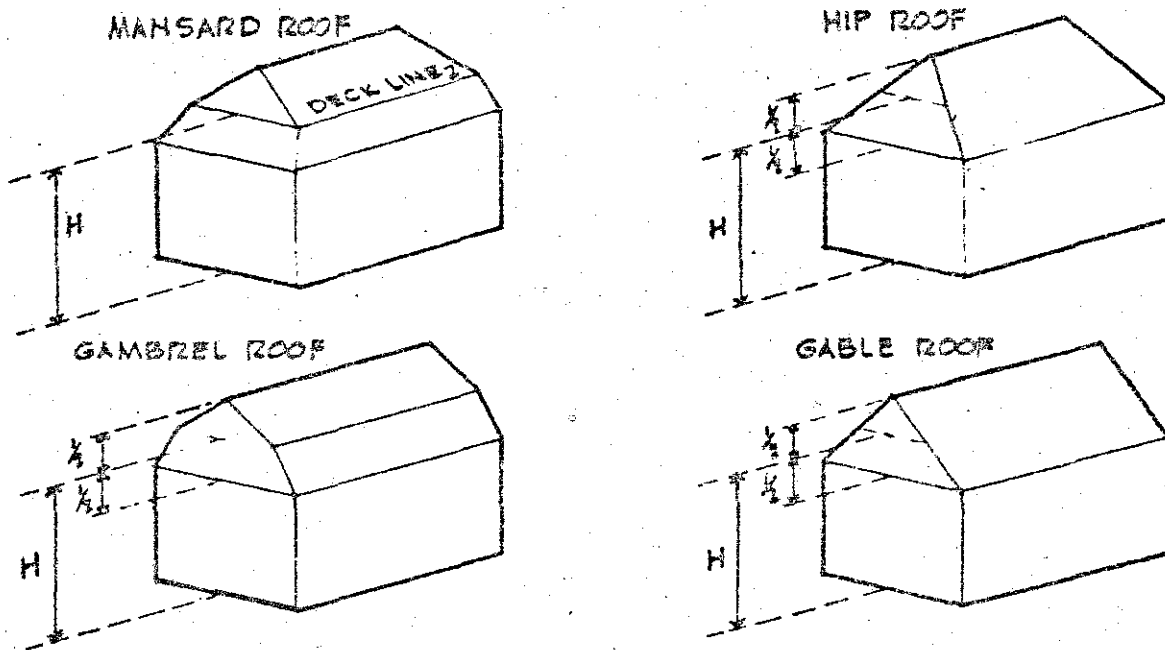
20.04.01.06 **ARCHITECTURAL FEATURE:** Ornamentation or decorative features attached to or protruding from an exterior wall.

20.04.01.07 **BOARD:** The Board of Zoning Appeals of the City of Bloomington.

20.04.01.08 **BUILDING:** Any structure having a roof supported by column or walls or air pressure for the housing or enclosure of persons, animals, or chattels. When any portion thereof is completely separated from every other portion therein by a division wall without openings, then each such portion shall be deemed to be a separate building.

20.04.01.09 BUILDING, DETACHED: A building having no wall in common with another building.

20.04.01.10 BUILDING, HEIGHT OF: The vertical distance measured from the adjoining curb grade at a point opposite the center of the principal frontage of the building to the highest point of ceiling of the top story, in the case of a flat roof; to the deck line of a mansard roof; and, to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.



20.04.01.11 BUILDING, NONCONFORMING: A legally existing building, structure, or dwelling which fails to comply with the regulations set forth in this chapter applicable to the district in which such building, structure or dwelling is located.

20.04.01.12 BUILDING, SEMI-DETACHED: A building having one party wall common with an adjacent building.

20.04.01.13 CAMP GROUND: Any area or tract of land used to accommodate two or more camping parties on a non-permanent basis, including tents, cabins, house trailers or other camping outfits.

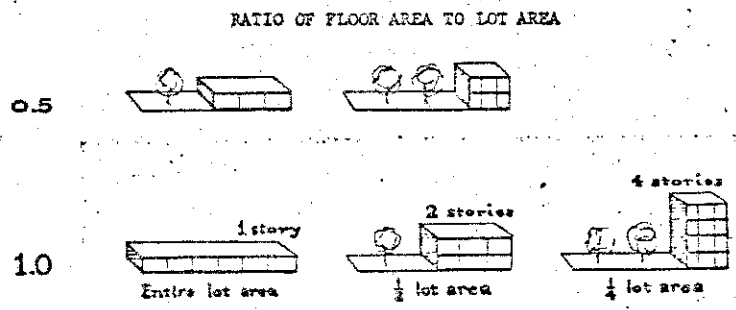
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- 20.04.01.14 CAR WASH: A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices; and shall include a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.
- 20.04.01.15 CEMETERY: Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- 20.04.01.16 CHURCH: A building wherein persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain public ownership, together with all accessory buildings and uses customarily associated with such primary purpose.
- 20.04.01.17 COMMISSION: The City Plan Commission of the City of Bloomington.
- 20.04.01.18 COUNCIL: The Common Council of the City of Bloomington.
- 20.04.01.19 DAY CARE CENTER: A Day Care Center is (a) a place which receives children for care, maintenance and supervision in a structure other than a private residence for less than 24 hours per day and unattended by a parent or legal guardian, and (b) any place, including a structure attached to but separate from a private residence which receives more than ten children for care and maintenance and supervision for less than 24 hours per day unattended by a parent or legal guardian.
- 20.04.01.20 DAY CARE HOME: A Day Care Home is a private residence which receives for care, maintenance and supervision one or more but no more than ten children including resident children under the age of 14, for less than 24 hours a day, unattended by a parent or legal guardian.
- 20.04.01.21 DISTANCES: Unless otherwise specified, all distances shall be measured horizontally in any direction.
- 20.04.01.22 DRIVE-IN FACILITY OR ESTABLISHMENT: Any place or premises used for sale, dispensing, or serving of food, refreshments, beverages or services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

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- 20.04.01.23 DWELLING, DETACHED (SINGLE HOUSEHOLD): A building designed for the occupancy of no more than five (5) adults (i.e., persons sixteen (16) years of age or older) and any dependent children of the household. Such dwellings shall be characterized by but not limited to: 1. a single house number with a single mailbox for the receipt of materials sent through the United States mail; 2. a single kitchen adequate for the preparation of meals; and 3. a tenancy based upon a legal relationship of a unitary nature, i.e., single lease, mortgage or contractual sales agreement for the entire premises.
- 20.04.01.24 DWELLING, DUPLEX: A building designed for occupancy by two household units living in separate dwelling units.
- 20.04.01.25 DWELLING, FOURPLEX: A structure containing four apartments.
- 20.04.01.26 DWELLING, ROW OR TOWN HOUSES: A building having three or more dwelling units each of which has at least one wall in common with an adjoining dwelling unit.
- 20.04.01.27 DWELLING UNIT (DU): One or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.
- 20.04.01.28 EASEMENT: A grant by the property owner for the use of land by the public.
- 20.04.01.29 EDUCATIONAL INSTITUTION: Pre-primary, primary or grammar, public, parochial or private school, high school, preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable non-profit organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award degrees; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or, private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this section.
- 20.04.01.30 FLOOR AREA: The total number of square feet of usable floor space within the exterior walls of a building.

20.04.01.31 FLOOR AREA RATIO (FAR): A ratio determined by dividing the total floor area of a building by the area of the lot upon which the building is located.



20.04.01.32 GARAGE, PARKING: Any building, except those herein defined as a private garage, used exclusively for parking of self-propelled vehicles, and with not more than two pumps for the incidental sale of gasoline.

20.04.01.33 GARAGE, PRIVATE: A detached accessory building or portion of a main building, used for the storage of vehicles for the residents housed in the building to which such garage is accessory. Incidental storage of property owned by the residents of the principal building shall be permitted. Leasing of space for storage purposes shall constitute a commercial use of such a building and therefore subject to the provisions of the zone in which the building is located.

20.04.01.34 GASOLINE SERVICE STATION: A retail business providing automotive fuels and lubricants directly to customer vehicles. Incidental repair, replacement and servicing of customer vehicle shall be considered as an accessory use. Removal and repair of major automotive components, the repair and painting of body parts and the machining of automotive parts shall not be considered as an accessory use.

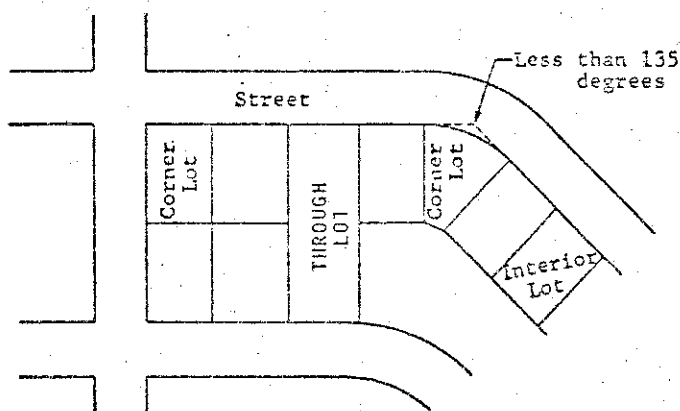
20.04.01.35 GRADE, CURB: The elevation of the top of the face of the curb as fixed by the city.

20.04.01.36 HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

20.04.01.37 HOSPITAL: An establishment providing accommodations, facilities and services on a continuous twenty-four (24) hour basis for persons suffering from illness,

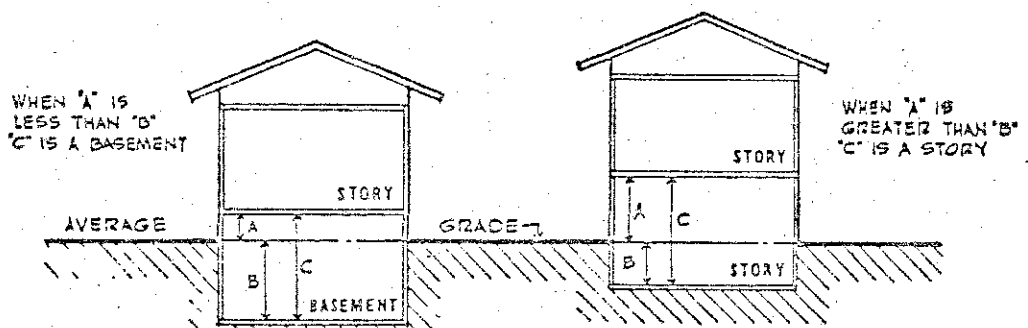
injury, or conditions requiring obstetrical, medical or surgical services. Hospitals shall not include nursing homes, convalescent centers, or extended health care facilities.

- 20.04 .01.38 HOUSEHOLD: A single individual living upon the premises as a separate housekeeping unit or a collective body of persons living upon the premises as a single housekeeping unit.
- 20.04 .01.39 JUNK YARD: A lot or part thereof used for the storage, abandonment, processing, disassembly, reuse and resale of discarded matter, including metal, wood, glass, paper or other similar material. Auto wrecking and salvage storage yards shall be included under this definition.
- 20.04 .01.40 LODGINGHOUSE, ROOMING HOUSE: A building with more than two (2) but not more than ten (10) guest rooms where lodging with or without meals is provided for compensation or a single household dwelling occupied by more than five (5) adult individuals.
- 20.04 .01.41 LOT: A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat. In determining lot area and boundary lines, no part thereof within the limits of the street shall be included. The word "lot" includes the word "plot."
- 20.04 .01.42 LOT, CORNER: A lot at the junction of and fronting on two or more intersecting streets.
- 20.04 .01.43 LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets.



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- 20.04.01.44 LOT WIDTH: The distance parallel to the front lot line through a building erected or to be erected, measured between side lot lines through the part of the building where the lot is narrowest.
- 20.04.01.45 MOBILE HOME: Any modular vehicle or similar portable structure having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit long-term occupancy for dwelling or sleeping purposes.
- 20.04.01.46 NONCONFORMING USE: A legally existing use of land or building which fails to comply with the regulations set forth in this chapter applicable to the district in which such use is located.
- 20.04.01.47 OPEN SPACE: Total horizontal area of all portions of the lot not covered by buildings or structures.
- 20.04.01.48 PARKING AREA, PUBLIC: An area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.
- 20.04.01.49 PARKING SPACE, ONE OFF-STREET: The area required for parking one automobile.
- 20.04.01.50 PLAT: A map or chart indicating the subdivision or resubdivision of land intended to be filed for record.
- 20.04.01.51 STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story, unless the height surface of the first story is 50% above the average elevation of the finished lot grade.



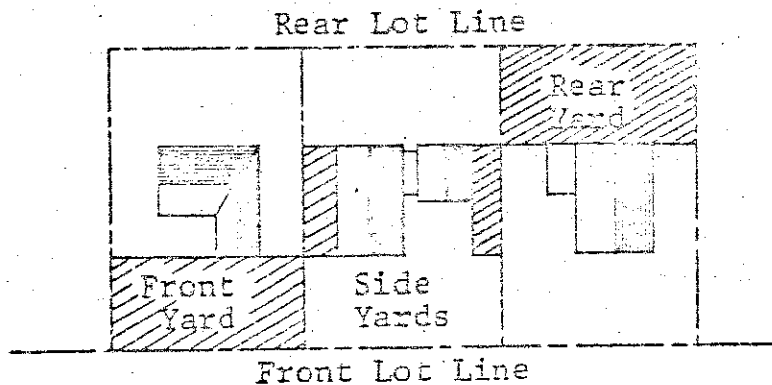
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- 20.04.01.52 STREET: A public way established by or maintained under public authority, a private way open for public uses and a private way plotted or laid out for ultimate public use, whether or not constructed.
- 20.04.01.53 STRUCTURE: Anything constructed or erected which requires location on the ground or attachment on something having a location on the ground.
- 20.04.01.54 STRUCTURAL, ALTERATION: The erection, strengthening, removal or other change of the supporting elements of a building or structure. Such elements shall include, but shall not be limited to, footings, bearing walls, columns, beams, girders, joists, and decking.
- 20.04.01.55 SUBDIVISION: A division of a lot, tract or parcel of land into two or more lots or other divisions of land for the purpose, immediate or future, of transfer of ownership, or development, including all changes in street or lot lines. Divisions of land for agricultural purposes in parcels of ten (10) or more acres, not involving any new street or easement of access, shall not be interpreted as a subdivision.
- 20.04.01.56 TERRITORIAL JURISDICTION: The City of Bloomington, Indiana, such contiguous unincorporated area as shown on the City Zoning Map on file with the County Recorder, Monroe County, Indiana, as does now or hereafter may have legal effect.
- 20.04.01.57 THOROUGHFARE PLAN: The part of the master plan which may set forth the location, alignment and classification of existing and proposed public streets.
- 20.04.01.58 TRADE OR BUSINESS SCHOOL: Secretarial school or college, business school or college, when not public and now owned or conducted by or under the sponsorship of a religious or charitable organization, or school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, or hairdressing or for teaching technical skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institution as defined in this section.
- 20.04.01.59 USABLE OPEN SPACE: That portion of the lot that is not covered by buildings, streets, parking areas, or paved walkways. For the purposes of this ordinance outdoor roof gardens, patios and decks may be counted providing a maximum of 100 square feet per dwelling unit may be included as usable open space. Pools and other

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recreational facilities may be included in the usable open space provided that a minimum of 30% of the usable open space must be devoted to landscaping.

- 20.04.01.60 YARD: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky except as otherwise provided in this chapter.
- 20.04.01.61 YARD, FRONT: A yard extending across the full width of the lot, the depth of which shall be the least distance between the average of the front lot lines on the same side of the street within the block and the front of the main building.
- 20.04.01.62 YARD, REAR: A yard extending across the full width of the lot between the rearmost portion of the main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.
- 20.04.01.63 YARD, SIDE: A yard between the main building and the side lot line, extending from the front yard or front lot line, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.



YARDS

20.05 ZONES

20.05.00.00 Establishment and Purpose of Zone. These regulations establish the following zoning districts, the boundaries of which are shown upon the maps made a part of these regulations and which are designated as the official zoning maps. Uses permitted in each zone are indicated in the Use Table, Chapter 20.07 of this Ordinance.

20.05.10.00 Residential Zones

20.05.10.01 RE-Residential Estate Districts. The RE Residential District is established as a district in which the principal use of the land is for detached single household or agricultural uses. The specific intent of this district is to permit low density development in areas that are not suitable for or not within the range of essential public facilities such as sewage collection and treatment and public water supply. Density in the RE district should not exceed one (1) DU per acre.

20.05.10.02 RS-Single Dwelling Residential Districts. The RS Single Dwelling zone is intended to provide an area for individual homes at an average density of not more than five (5) dwelling units per gross acre. These zoning districts require all customary community services such as sewers, water, and fire protection. Recreation, religious and educational facilities may be permitted in RS zones as an integral part of the neighborhood.

20.05.10.03 RL-Low Density Multi-Dwelling Districts. RL districts may permit single detached dwellings, duplexes, fourplexes, townhouses and low density apartments. The low density multi-dwelling unit zones are generally to be located outside the established high activity centers of the city. They are, however, to be readily accessible to the major thoroughfare and neighborhood shopping areas. Their density should not exceed 10.0 units per gross acre. The regulations of this district are intended to provide a suitable residential environment for families living in multi-dwellings in an otherwise low density area. Such a suitable environment must provide adequate green open space in proportion to dwelling area and be buffered so as not to detract from the adjacent lower density residential area.

20.05.10.04 RM-Moderate Density Multi-Dwelling Districts. The RM districts are intended to provide a multi-dwelling residential use in the already developed core of the city near the major activity centers of the community. Since the area of the city appropriate to RM districts is generally already developed, the predominant use will be the conversion of existing structures. These districts are intended insofar as possible to permit conversions while retaining the exterior appearance of the structure so as to minimize the effect upon existing neighborhoods. These districts are also intended to insure adequate lot areas and parking spaces and to retain a moderate density of development. Uses permitted in the RM district shall include single detached dwellings, townhouses, duplexes and fourplexes, but not apartments.

20.05.10.05 RH-High Density Residential Districts. This zone is established to provide for residential use in established high density centers. These are generally the areas where the full component of public and private services are readily available. The regulations of this district provide open space, off-street parking and buffering from nearby business uses.

All forms of multi-dwelling development are permitted in the RH districts with densities not to exceed twenty (20) units per acre. All RH districts shall be served by a major road designated at least as a collector in the major thoroughfare plan.

20.05.20.00 Business or Commercial Zones

20.05.20.01 BL-Limited Business District. This business zone is established within or adjacent to residential areas to furnish neighborhood convenience goods and services. Other business compatible with allowed businesses may be permitted. It is desired that structures developed in this business zone should be designed in such a manner as to be compatible with uses and properties in the surrounding area and adjacent neighborhood areas. It is the intent that these limited shopping areas be so designed to meet regulations comparable to those established for residential districts regarding area, height, and placement of structure. BL districts established by these regulations should provide a logical grouping of convenience facilities rather than single lots for commercial purposes although some small commercial lots may be pre-existing in some neighborhoods and will be designated BL.

- 20.05.20.02 BI-Institutional Business District. Institutional Business and Commercial districts are established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of the population affiliated with major institutions. The primary intent of this zone is to provide districts adjacent to a major institution, and within walking distance of a significant segment of the population affiliated with that institution, which may provide facilities, personal service and professional services normally required on a regular basis. In general these districts will be oriented to the University; however, application could be made to any institutional area. Because of the very large population of Indiana University these districts will allow a broader range of uses than provided in the BL district.
- 20.05.20.03 BG-General Commercial Districts. This zone is designed to permit commercial development of a community serving nature. Such districts should include groupings of commercial facilities in older established areas and in areas where commercial development has displaced or is displacing residential development or is encroaching upon vacant land in established areas.
- Regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities. In general, regulations for the BG district recognize the existing, developed nature of the commercial area thus differentiating the BG districts from the BA districts.
- 20.05.20.04 BA-Arterial Business. Arterial Business and commercial districts are established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development such as outlying community shopping centers; to provide for the orderly development and concentration of highway and arterial commercial uses at appropriate locations;

and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses. Regulations for the BA districts recognize the open undeveloped or sparsely developed nature of land in these districts and provide bulk and area regulations which permit better access control, building siting, and parking arrangements than exist in already developed areas.

20.05 .20.05 BD-Downtown Business Districts. The commercial retail function of the central business area with complementary office, medical, civic, and historical areas, forms the urban center for commercial, financial, professional, governmental, and cultural activities. The intent here is to protect and improve the central business district for the performance of its primary functions. Uses in the downtown business district are generally pedestrian oriented. Therefore, parking for individual facilities should be discouraged while joint or common parking facilities should be encouraged.

20.05.30.00 Industrial Zones

20.05 .30.01 ML-Light Manufacturing and Industrial Districts. The light manufacturing and wholesaling district is established to provide areas in which the principal use of land is for light manufacturing, assembly or processing plants as well as warehousing, wholesaling and storage. Incidental retail facilities to serve the industrial area and its surrounding neighborhood may also be provided. It is intended that all operations in this district be conducted entirely within an enclosed building and that all uses permitted should be compatible with, or in logical transition to, any surrounding or adjacent commercial or residential area. Industries in the ML zone may require direct access to rail, water, air or street transportation; however, the volume of freight generated in this district should be less than generated in the MG districts. Regulations for this district are intended to prevent friction between uses within and adjacent to the light industrial area.

20.05 .30.02 MG-General Manufacturing or Industrial Districts. General Manufacturing or Industrial districts are established to provide areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing. These uses do

not depend primarily on frequent personal visits of customers or clients, but usually require accessibility to major rail, air, or street transportation routes. Such uses have some adverse affects on surrounding properties, and are not properly associated with, and not compatible with, residential, institutional, and retail commercial uses. It is intended to encourage the grouping of such compatible industrial uses into identifiable areas having access to facilities required by such industrial uses.

- 20.05.30.03 MQ-Quarry Districts. Because of the unique mineral resources available in the Bloomington area, zoning districts are established for quarrying only. It is the intent of this zone to preserve the natural resource of the region. Agricultural uses shall be permitted in this zone.

20.05.40.00 Special Districts

- 20.05.40.01 SI-Special Institutional Zone. Significant land area in Bloomington is owned by State, County or City, consequently the institutional districts are established to govern these facilities. Any land zoned in the SI category which is returned to private ownership shall be evaluated by the Plan Commission and rezoned by the City Council for its most appropriate use. Such new zoning shall be one of the regular zoning districts available under this ordinance.
- 20.05.40.02 SC-Special Conservancy Zone. The SC-Special Conservancy Zone is created to protect the public health and to reduce the financial burdens which may be imposed on the community, its governmental units and its individuals as a result of improper use of lands having excessively high water tables or which are subject to frequent and periodic floods. The boundaries of these zones are based upon information on file in the office of the Planning Department, and such soil and flood studies as may be undertaken by the Plan Commission. Special Conservancy Districts shall be designated SC for all floodways, sink holes or areas restricting permanent construction or have an unusual topographical problem which makes the area unsuitable for development, and SC hyphen with a conventional zone designation in floodway fringe areas where land use is subject to floodway fringe requirements.
- 20.05.40.03 SM-Special Medical District. SM-Special Medical District recognizes the unique nature of hospitals, their land needs and their effect upon surrounding

properties. The SM district is established and is intended to set aside areas for hospitals and their allied services and to provide for their possible expansions. This district further recognizes that hospitals should be protected from the encroachment of non-related, incompatible uses and further that, to the greatest extent possible, surrounding land uses and properties should be stabilized against any detrimental effects that might be created by proximity to the hospital or allied facilities.

20.05.50.00 Establishment or Designation of Special Areas Within Existing Zoning Districts

In order to encourage flexibility in the development of land; to promote its more appropriate use; to improve the design, character, and quality of new development; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural scenic features of open area, certain areas within the existing zoning district may be designated by Bloomington Common Council as Planned Unit Development areas.

- 20.05.50.01 Planned Unit Development may be established by the Council for predominantly residential purposes. Such PUD areas may be designated within existing residential (R) zones or on land immediately adjacent and contiguous to an existing residential zone.
- 20.05.50.02 Planned Commercial Developments may be established by the Council for predominantly commercial purposes such as shopping centers, office parks, commercial parks or similar planned commercial developments. Such planned commercial areas may be designated within existing business (B) zones or industrial (ML or MG) zones on land adjacent and contiguous to such zones; provided, however, that not more than twenty-five percent (25%) of any planned commercial development shall be in any R (residential) zone.
- 20.05.50.03 Planned Mobile Home Parks and Subdivisions may be established by the Council for predominantly residential purposes. Such planned mobile home areas may be designated within existing residential RH and RL zones or on land immediately adjacent and contiguous to an existing residential (RH or RL) zone; provided, however, that not more than twenty-five percent (25%) of any planned mobile home area shall be in any B (business) or M (industrial) zone.

20.05.60.00 Establishment of Zone Map. The above zones and the boundaries of such zones are hereby established as shown on maps dated July 18, 1950, entitled "Bloomington Zoning Map" and "Bloomington Zoning Map II" dated July 31, 1967, two copies of such maps being on file in the office of the City Controller and the City Plan Commission. Such maps and all explanatory matter thereon are hereby adopted and made part of this chapter.

20.05.60.01 The map shall be amended by providing the following changes in zone names:

- A - Agricultural Zone to RE Residential Estate Zone.
- R-1 Single Family Zone to RS Single Dwelling Zone.
- R-2 Duplex Zone to RM Moderate Density Multi-dwelling Zone.
- R-3 Multiple Dwelling Zone to RH High Density Multi-dwelling Zone.
- B-1 Limited Business Zone to BL Limited Business Zone.
- B-2 Downtown Business Zone to BD Downtown Business Zone.
- B-3 General Business Zone to BG General Commercial Zone.
- M-1 General Industrial Zone to ML Light Industrial Zone.
- M-2 Heavy Industrial Zone to MG General Industrial Zone.

20.05.60.02 The following new zones are hereby created:

- RL-Low Density Multi-dwelling Zone.
- BA-Arterial Business Zone.
- BI-Institutional Business Zone.
- MQ-Quarry Zone.
- SC-Special Conservancy Zone.
- SI-Special Institutional Zone.
- SM-Special Medical Zone.

20.05.60.03 The following zones are hereby repealed:

- R-4 Mobile Home Zone.

20.05.60.04 Boundaries. Unless otherwise indicated, the zone boundary lines are the center lines of streets, parkways, alleys or railroad right-of-way, or such lines extended. Other lines within blocks two hundred (200) feet or more wide are one hundred (100) feet distance from the less restricted side of the blocks. Other lines within blocks are rear or side lot lines, or such lines extended.

Where the boundary lines of a zone divide a lot having frontage on a street in the less restricted zone, the provisions of this chapter covering the less restricted portion of such lot may extend to the lot, but in no case for a distance of more than thirty (30) feet. Where the boundary line

of a zone divides a lot having frontage only on a street in a more restricted zone, the provisions of this chapter covering the more restricted portion of such lot shall extend to the entire lot.

Where the street layout actually on the ground varies from the layout as shown on the zoning map, the City Engineer shall interpret such map according to the reasonable intent of this chapter.

20.05.60.10 Amendments, Procedure. The regulations, restrictions and boundaries provided for in this chapter may from time to time be amended or repealed. This chapter may from time to time be amended as provided by the Indiana Code.

20.05.60.20 Conflict of Laws, Construction. This chapter shall not amend, annul or impair any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises; provided, however, that wherever the terms of this chapter required a greater width or size of yards, courts or other open spaces or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of this chapter shall govern, except as provided in Section 93, Chapter 174, Acts of 1947 General Assembly of the State of Indiana as amended. Whenever the provisions of any other statute, local ordinance or regulation require a greater width or size of yards, courts or other open spaces or requires a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in this chapter the provisions of such statute, local ordinance or regulation shall govern. All variances and exceptions heretofore granted by the Board shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board shall remain in effect and be binding to the same extent as if such ordinance had not been amended and such ordinance shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

20.05.60.30 Judicial Review. Nothing in this ordinance shall be construed as denying the right of judicial review of all the actions of the Commission or the Board.

20.06 NONCONFORMING USES AND STRUCTURES

- 20.06.01.00 Non-Conforming Uses. The lawful use of any building, structure, or land existing at the time of the enactment of this ordinance may be continued, although such use does not conform with the provisions of this ordinance, provided the following conditions are met:
- 20.06.01.01 Unsafe structures. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- 20.06.01.02 Alterations. A non-conforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding in aggregate cost thirty percent (30%) of the assessment value of building or structure, unless the building or structure is changed to a conforming use.
- 20.06.01.03 Extension. A non-conforming use shall not be extended but the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
- 20.06.01.04 Changes. No non-conforming building, structure or use shall be changed to another non-conforming use.
- 20.06.01.05 Construction approved prior to ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within nine (9) months of the date of the permit, and which entire building shall be completed according to such plans as filed within twelve (12) months from date of this ordinance.
- 20.06.01.06 Restoration. Nothing in this ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of this ordinance, wherein the expense of such work does not exceed 150% of the assessed value of the building or structure at the time such damage occurred.

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- 20.06.01.07 Wear and Tear. Nothing in this ordinance shall prevent the reconstruction, repairing or rebuilding of a non-conforming building, structure or part thereof existing at the effective date of this ordinance, rendered necessary by wear and tear, deterioration or depreciation provided the cost of such work shall not exceed forty percent (40%) of the assessed value of such building or structure at the time such work is done, nor prevent compliance with the provisions of the City's approved building code relative to the maintenance of buildings or structures.
- 20.06.01.08 Abandonment. A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:
- A. When the intent of the owner to discontinue the use is apparent, or,
 - B. When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months, unless other facts show intention to resume the non-conforming use, or,
 - C. When it has been replaced by a conforming use.
- 20.06.01.09 Displacement. No non-conforming use shall be extended to displace a conforming use.
- 20.06.01.10 Amortization of Land and Structures.

The non-conforming use of land where no building is involved shall be discontinued within five years from the date of its passage except where farming is the primary use lawfully existing at the time this chapter became effective.

- 20.06.01.11 Cessation--Junk and Wrecking Yards. No junk or automobile wrecking yard not within an enclosed masonry building or which has not been granted a special exception by the Plan Commission under the provisions of Chapter 20.11 of these regulations shall be operated or maintained for more than twelve (12) months after a zoning change to a use district within which such yard is not permitted, except that in a light industrial district, where the Board of Zoning Appeals determined that it is impractical to roof over a large area containing junk material or an automobile wrecking yard, the Board may permit the construction around such area of an eight (8) foot high masonry wall or substantial sightly tight or semi-tight fence, whichever in its opinion is the more appropriate in the surroundings of the property, and may then permit, for a specified time, the continued use of such property for such purposes.
- 20.06.01.12 Unlawful Use Not Authorized. Nothing in this ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this ordinance.
- 20.06.01.13 Certificate of Non-conforming Uses. Upon the effective date of this ordinance the City Engineer shall, upon application by the landowner, issue a "Certificate of Non-conforming Use" to all owners of property, the use of which does not conform to the provisions of the use zone in which the property is located.
- A. In accordance with the provisions of this section no use of land, buildings or structures shall be made other than that specified on the "Certificate of Non-conforming Use," unless said use shall be in conformity with the provisions of the use zone in which the property is located.
- B. A copy of each "Certificate of Non-Conforming Use" shall be filed with the office of the Plan Commission. No permit or license shall be issued for any property for which a "Certificate of Non-Conforming Use" has been issued until said permit or license has been approved by the Planning Commission consistent with the terms of the Site Plan Ordinance of February 22, 1973, Ordinance No. 73-11.
- 20.06.01.14 District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different

classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

20.06.01.15 Application. The provisions of Chapter 20.06 of this code shall also apply to building structures, land or uses which hereafter become non-conforming due to any reclassification of zones under this chapter or any subsequent change in the regulations of this chapter and any time periods specified for discontinuance of non-conforming uses shall be measured from the date of such reclassification or change.

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20.07 LAND USE REGULATIONS

20.07.01.00 Tabular Summary of Land Use Regulation. The charts and text on the following pages are adopted as the basic land use regulations. The uses as shown in this chart are divided into four (4) basic groups:

Residential - 20.07.04.00

Business ---- 20.07.05.00

Industrial -- 20.07.06.00

Special ----- 20.07.07.00

20.07.02.00 Determination In Which Zone A Specific Use Is Permitted.

- To determine in which zone a specific use is allowed.
- A. Find the use in the alphabetical list in the following chart.
 - B. Read across the chart until a number or "X" appears in the zoning column.
 - C. If a number appears this means that the use is allowed in that zone represented by that column, but only if certain conditions are complied with. The conditions applicable to that use are those listed on the bottom of each page. The number appearing in the zoning column corresponds to number of the conditions which must be complied with.
 - D. If an "X" appears in the column the use is allowed in the zone represented by that column without being subject to any of the conditions listed.
 - F. If "S" appears in column the use may be permitted subject to the Board of Zoning Appeals granting a special exception as specified in section 20.07.08.00 of this chapter and chapter 20.11 of this title.

20.07.03.00 Plan Commission Interpretation. The Plan Commission or their agent shall interpret the appropriate zone for any land use not specifically listed in this chart. If the specific use you are checking does not appear in the chart, contact the Plan Commission office for information you desire.

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Uses Permitted

RE RS RL RM RH BL BI BG BA BD ML MC MQ SC SJ SH

Uses Permitted	RE	RS	RL	RM	RH	BL	BI	BG	BA	BD	ML	MC	MQ	SC	SJ	SH
20.07.04.00 Residential																
A. AGRICULTURAL																
1. Crops	X												X	X		
2. Livestock	1												X	1		
3. Nurseries/Greenhouse	X								X					X		
4. Truck Garden	X	2	2	2	2								X	X		
B. RESIDENTIAL																
1. Single Dwelling Without Sewer	X															
2. Single dwelling detached	X	X	X	X	X											X
3. Duplex			X	X	X		X									X
4. Townhouse			X	X	X		X									X
5. Fourplex			X	X	X		X									X
6. Apartments			X		X	3	3			4						X
7. Rooming & Boarding Houses				X	X											X
8. Fraternities					X											X
9. Mobile Homes			5	5												
10. Home Occupations	6	6	6	6	6	6	6			6						
11. Day Care Homes	X	X	X	X	X											
12. Planned Residential Dev.	7	7	7	7	7											
13. Commercial Uses	5	5	5	5	5											

Notes for Special Conditions

- (1) Livestock permitted only on lots of 5 acres or greater.
- (2) No structure for sale of produce permitted.
- (3) Permitted in upper stories of neighborhood commercial facility provided all area, bulk and density requirements of RH zone are met.
- (4) Permitted alone or in conjunction with commercial facilities in the same building provided all area and density requirements in Bulk, Height & Density Table (20.08) are met.
- (5) Subject to regulations for mobile home parks contained in Chapter PUD (20.13).
- (6) Subject to regulations governing home occupations in Chapter 20.11 of this ordinance.
- (7) Subject to PUD regulations (20.13)

RE RS RL RM RH BL BI BG BA BD ML MG MQ SC SI SM

20.07.05 BUSINESS																			
A. COMMERCIAL-RETAIL																			
1. Amusments outdoor																			X
2. Amusments indoor																			
3. Antiques																			
4. Apparel																			
5. Auto Parking																			
6. Auto/Truck/Marine Sales																			
7. Auto parts/ Supplies, new																			
8. Bakery																			
9. Books, newsstands																			X
10. Camps & Resorts	X																		X
11. Dairy Products																			
12. Department, Discount Stores																			
13. Drugstore, sundry																			X
14. Farm Equipment		10																	
15. Farm Produce		11																	X
16. Florist Shop																			X
17. Furniture & Appliance																			
18. Gift Shop																			X

- (8) Retail sales of baked goods. Incidental baking of goods to be sold on premises premitted.
- (9) Limited to 3000 square feet of retail floor space.
- (10) Permitted on major thoroughfare but not within 1000 feet of existing platted residential subdivisions. 100 foot landscaped buffer required on setback from road and all adjacent residential land.
- (11) Sales of produce grown on premises provided sales area does not exceed 200 square feet. Structures may not be permitted.

RE RS RL RM RH BL BI BG BA BD ML MG MQ SC SI SII

19. Grocery & Meats						9	9	X	X	X	X	X						
20. Hardware						9	9	X	X	X	X	X						
21. Jewelry								X	X	X	X	X						
22. Liquor Store								X	X	X	X	X						
23. Mobile Home Sales									X									
24. Motorcycle Sales								X	X	X	X	X						
25. Pet Shop (Domestics)								X	X	X	X	X						
26. Shopping Center						12	12	12	12	12	12	12						
27. Sporting Goods							9	X	X	X	X	X						
28. Used Merchandise								X	X	X	X	X						
29. Variety Store						9	9	X	X	X	X	X						
B. COMMERCIAL TRADE																		
1. Appliance Repair (small)								X	X	X	X	X	X					
2. Auto Repair									13	13	13	X						
3. Banks (main)									X	X	X	X						
4. Banks (branch)								X	X	X	X	X						
5. Bar, Tavern								X	X	X	X	X						
6. Business Service								X	X	X	X	X						
7. Business & Prof. Office								X	X	X	X	X						
8. Bus terminal (passenger)								X	X	X	X	X						

(12) Subject to planned commercial development regulations contained in Chapter 20.13 of these regulations.

(13) All major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building and all spray painting shall be conducted within an approved spray booth and, provided further, that no outdoor storage of automobile parts, discarded tires, or similar materials, or outdoor storage of more than three wrecked or temporarily inoperable motor vehicles awaiting repairs shall be permitted.

20.07.08.00 Conditional Uses. The following uses may be permitted in any zone subject to conditions set forth in Chapter 20.10 of this ordinance, their locations in such zone being subject to the granting of special permit by the Plan Commission.

20.07.08.01 Uses permitted under special conditions:

- A. Any use indicated in the table of uses
- B. Civic and Community Clubs
- C. Educational Facilities
- D. Parks, Playgrounds and Recreation Facilities
- E. Temporary Uses
- F. Utility Substations

20.07.08.02 Procedures for granting conditional permit:

Upon receipt of an application for any of the above listed uses in any zone the Plan Commission shall determine that all conditions required in Chapter 20.10 of these regulations have been met. Having determined that these conditions have been met the Plan Commission shall issue a permit for such conditional use.

20.07.09.00 Special Exceptions. The following uses may be permitted in some zones subject to the granting of a special exception by the Board of Zoning Appeals provided conditions enumerated in Chapter 20.11 of these regulations have been met.

20.07.09.01 Uses which may be permitted as special exceptions:

- A. Any use indicated in the table of uses and requiring a special exception for a particular zone.
- B. Automobile wrecking and junk yards.
- C. Day care centers, nurseries and kindergartens.
- D. Drive-in theatres.
- E. Home occupations.
- F. Rehabilitative, correctional and mental health facilities.
- G. Retail commercial uses in a residential zone.
- H. Rod and skeet clubs.
- I. Tire recapping.

20.07.09.02 Upon receipt of an application for a use which may be permitted as a special exception the Board of Zoning Appeals may grant such exception after having considered the following points:

- A. Request a recommendation from the Plan Commission or their agent which shall investigate each proposed use to determine that it is properly related to adjacent land uses and with other uses permitted in the zone.
- B. Determine that all conditions, regulations, and development standards required in Chapter 20.11 of

this ordinance have been fulfilled.

- C. Hold a public hearing on each requested use.
- D. Impose such conditions and restrictions deemed necessary to insure compatibility with surroundings.
- E. Insure that adequate landscaping and buffering are provided where appropriate.

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20.08 BULK, DENSITY, HEIGHT AND AREA PROVISIONS

- 20.08.01.00 Area Provisions Generally. Except as hereinafter provided in this chapter, no building or structure shall be erected on a lot unless such building, structure or enlargement conforms with the area regulations of the zone in which it is located.
- 20.08.02.00 The following chart and notes are adopted as Bloomington basic height and area regulations. Read across the chart opposite the specific zone; the bulk, density or height requirement is shown in the appropriate column. A numerical designation refers to the number of feet lot width or set back or the number of square feet of lot area or usable open space. Percent figures apply to maximum lot coverage. Where a number appears in parenthesis it refers to a special condition noted in Chapter 20.08.04.00. An "X" in a column indicates that that item is not applicable to the zoning district in question and an "NP" indicates frontage is not permitted for that zoning category on local streets. When "FAR" appears in the table the floor area ratio for that zone governs the height and bulk and no specific setback is required.

35 20.08.03.00

LOT AREA PER DU:

SET BACK:

YARD REQUIREMENT:

ADDN
SIDE YARD
EACH
STORY
OVER ONE

USABLE
OPEN
SPACE PER
DU

ZONE	MIN LOT AREA	1st DU	ADDN DU	TOWN-HOUSE	MAX. HT.	MIN WIDTH LOT	LOCAL ST. (6)	ART ST. (6)	SIDE LEAST	YARD COMB..	REAR	ADDN SIDE YARD EACH STORY OVER ONE	MAX LOT COVERAGE	USABLE OPEN SPACE PER DU	FAR
RE	40,000	40,000	X	X	30'	100'	30'	30'	20'	40'	50'		10%	X	X
RS	7,200	7,200	X	X	30'	60'	25'	30'	8'	20'	25'	4'	30%	X	X
RL	6,000	6,000	4,000	3,000	35'	60'	25'	30'	8'	20'	25'	4'	40%	1,500	X
RM	5,000	5,000	4,000	2,500	35'	50'	15'	30'	6'	15'	25'	4'	40%	1,200	X
RH	5,000	5,000	2,000	2,000	80'	50'	15'	30'	6'	X	X	FAR	FAR	800	.60
BL	(3)	5,000	2,000	X	35'	none	15'	30'	0 ₄	0	15' ₅	X	50%	800	X
BI	(3)	5,000	2,000	2,000	80'	none	15'	30'	0 ₄	0 ₄	15' ₅	X	60%	800	2.4
BG	X	X	X	X	FAR	X	15'	30'	(7)	(7)	(7)	FAR	60%	X	2.4
BA	10,000	X	X	X	FAR	60'	15'	40'	(7)	(7)	(7)	FAR	50%	X	1.5
BD	X	(8)	1,000	X	FAR	X	10'	0	(9)	(9)	(5)	FAR	80%	400	3.0
HL	none	X	X	X	45'	60'	25'	50'	12'	24'	20'	4'	50%	X	1.5
MG	20,000	X	X	X	45'	100'	50'	50'	12' ₁₀	24' ₁₀	20' _{10,11}	4'	70%	X	2.0
MQ	40,000	X	X	X	45'	200'	100'	100'	50' ₁₄	100' ₁₄	50' ₁₄	X	X	X	X
SC	(12)	X	X	X	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)	X	X
SI	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)
SM	5,000	5,000	2,500	2,500	FAR	X	25'	30'	(7)	(7)	(7)	FAR	FAR	800	1.5

20.08.04.00 Special Conditions for Bulk, Density, Height and Area Regulations.

1. Townhouse developments require, in addition to stated private lot space, a minimum of 1200 square feet of common usable open space per townhouse unit.
2. In the RM zone four units are permitted on the first 8000 square feet of lot; each unit thereafter shall require an additional 4000 square feet of lot.
3. No minimum for commercial or industrial uses. Permitted residential uses must meet all requirements of the RH residential zone.
4. If side yard is provided it shall be at least six (6) feet. If across a street from or abutting a residential zone side yard shall be ten (10) feet and shall be a landscaped buffer.
5. No rear yard is required where lots abut a public alley in a B or M zone. Where lot is abutting an R zone the rear yard shall be 25 feet and shall be a landscaped buffer strip.
6. In any zone except BD, MQ, or SI where the average setback of all structures on a block on which 50% or more of the lots are improved with buildings is less than one-half the required setback or is ten (10) feet or more greater than the required setback, then the setback required shall be equal to the average setback already established, but in no case less than ten (10) feet or greater than 100 feet.
7. Side and rear yards not required, building bulk governed by FAR; side and rear yards abutting residential zone shall be twenty-five (25) feet.
8. No minimum required for first unit--each unit must have at least 1000 square feet of lot cover.
9. No side yard required for commercial uses. Any residential portions of any building must set back at least six (6) feet from the side lot line but in no case closer than twenty (20) feet from any adjacent building wall.
10. Any main or accessory building shall not be located closer than one hundred (100) feet to any residentially zoned property. At least twenty-five (25) feet adjacent to such residential property shall be a landscaped buffer.

11. Except as covered in note (10) no rear yard shall be required when an industrial lot is served by a rail siding at the rear.
12. All height, area and bulk regulations for structures permitted in the SC zone are the same as those in adjacent zone. All regulations are subject to regulations in section 20.16 conservancy regulations.
13. All use bulk and density regulations are subject to the institutional plan for the area.
14. No quarry pit or mechanical operation shall be permitted within 200 feet of any residentially zoned lot.

20.08.05.00 General Exceptions to Bulk, Density, Height and Area Regulations. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth.

20.08.05.10 Height Exceptions. The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts:

- 20.08.05.11 Barns, silos, windmills, chimneys, penthouses, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers, radio and television antenna and towers, observation towers, power transmission towers, and water tanks.
- 20.08.05.12 Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth or the front, side, and rear yards required in the district is increased one (1) foot for each two (2) feet by which the height of such structure exceeds the prescribed height limit.
- 20.08.05.13 Airport hazard districts. Height restrictions in the areas adjacent to the Bloomington Airport are regulated by the Federal Aviation Administration guidelines.

20.08.50.20 Yard, Building Setback and Open Space Exceptions. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations.

- 20.08.05.21 No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

20.08.05.22 The following structures shall be allowed to project into the required yard or beyond the building setback line, subject to conditions in the following table.

Projecting Use	Projection Allowed
Architectural Features	3 ft.
Awnings, Canopies (9 ft. clearance above streets or walks)	3 ft.
Bay Windows, Chimneys	2 ft.
Fire Escapes	6 ft.
Steps & Porches (Non-enclosed)	6 ft.

20.08.05.23 The following structures or facilities shall be allowed to be constructed in any yard: driveways, curbs, sidewalks, fences, walls, and hedges, subject to the regulations as set forth in this section, and flagpoles, non-permanent landscape features, planting boxes, recreational equipment, parking spaces, garbage disposal equipment or composters only if adequately screened.

20.08.05.30 Safety and Vision. The following regulations provide for the maximum safety of persons using sidewalks and streets.

20.08.05.31 On any corner lot, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two and one-half (2½) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle on the area of the lot adjacent to the street intersections.

20.08.05.40 Special Requirements. Special requirements are established to clarify certain conditions pertaining to the use of lots and access points.

20.08.05.41 Division of a lot. No recorded lot shall be divided into two or more lots unless such division results in the creation of lots each of which conforms to all zoning and subdivision regulations.

20.08.05.42 Lot of record. Any lot recorded at the time of adoption of these regulations shall be permitted to exist in its present dimensions and construction on any such lot may have reduced side yard requirements as follows:

In any RS, RL, or RM zone: 5 ft. min., 12 ft. combined.
 In any RE: 8 ft. min., 20 ft. combined.
 In any non-residential zone: ½ of basic requirement.

20.08.05.43 Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street right-of-way.

20.08.05.44 Outdoor display of merchandise, where permitted shall setback from street right-of-way lines not less than one-half of the distance of the required building setback, as set out in the bulk, density, height and area chart included in this chapter.

20.08.06.00 Special Court Regulations

20.08.06.10 The purpose of special court requirements is to insure an adequate amount of light, air, and access in residential developments which are designed around open court areas that occur in bungalow courts, court apartments, and other similar projects. Wherever possible building arrangements shall be designed so that parallel facing walls are avoided. However, when court arrangements are used the following regulations shall be used.

20.08.06.20 Special Court Requirements

20.08.06.21 Court requirement - one side: Where such entrance or entrances are located along one side of an interior side yard or court, the minimum width of said interior side yard or court shall be fifteen (15) feet.

20.08.06.22 Court requirement - two sides: Where such entrances are located on two sides of a court, the minimum width of said court shall be twenty-four (24) feet.

20.08.06.23 Arcade requirement: Where the entrance to a side yard or court mentioned herein is between two front buildings which are connected by a common roof or other enclosure, or is through an arcade in one front building, the distance between such buildings shall be at least twenty-four (24) feet provided, however, that the width of any such arcade having no windows facing the arcade may be ten (10) feet.

20.08.06.24 Openings: Within the roofed or enclosed area between two buildings or within the arcade area there may be a single stairway and entrance to adjacent dwelling units. However, no window openings are permitted except for ventilation.

- 20.08.06.25 Distance between buildings other than court area: On those portions of a lot other than the main court area, there shall be a minimum width between buildings of ten (10) feet if there are no door openings therein. If there are door openings or window openings the minimum distance shall be twenty-four (24) feet.
- 20.08.06.26 Stairs, balconies, etc., in court area: All required open court areas shall be clear and unobstructed from the ground to the sky except for a maximum two (2) foot eave overhang and a maximum three (3) riser porch landing on the ground floor. No stairways, balconies, or any other structure may project into a minimum required court area.

20.10 REGULATIONS FOR CONDITIONAL USES

20.10.01.00 The following regulations are provided to govern conditional uses which may be approved by the Plan Commission.

20.10.02.00 Accessory Uses. Accessory uses shall be permitted in any zones provided such accessory use is related to its principal use as indicated by the following table.

Use Accessory To	Accessory Use	HT	Front Yard Feet	Side Yard Feet	Rear Yard Feet
Agricultural Use	Barns & Outbuildings	*	40	10	10
Residential Dwellings	Pethouse	10	35	5	5
	Playhouse	10	35	5	5
	Play-Equipment	-	-	-	-
	Swimming Pool	-	35	5	5
	Garage/Carport	15	35	5	5
	Storage Shed	10	35	5	5
Churches; Temples	Parsonage	*	*	8	10
	Education Buildings	*	35	12	30
Schools	Teachers' Quarters	*	*	8	10
	Dorms	*	35	12	25
	Power Plants	*	35	12	30
	Athletic Fields	-	35	-	-
	Stadium	-	35	12	30
Hospitals	Staff Quarters	*	*	8	10
	Chapel	*	35	12	10
	Medical Instruction Buildings	*	35	12	10
Industrial Use	Caretaker Quarters	*	25	8	10

*Subject to requirements of zone in which located.

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20.10.03.00 Schools, Parks, Playgrounds and Related Facilities.

- 20.10.03.01 The Plan Commission may issue a conditional permit for schools, parks, playgrounds or recreational facilities in any zones after first holding a public hearing to determine compatibility with the surrounding development and conformities.
- 20.01.03.02 Each site or facility must be proposed in accordance with the general plan for Bloomington.
- 20.10.03.03 Elementary schools, parks, and playgrounds providing active and passive participant recreation for a neighborhood can be located in any zone provided adequate access is provided to such facility.
- 20.10.03.04 Temporary Uses. The following uses are deemed temporary and shall be subject to conditions listed below.

USE	Zone in Which Permitted	Duration of Permit	Conditions
Carnival or Circus	Any B or M zone.	15 days	Setback 100 feet from any residential district. Off-street parking required.
Christmas Tree Sales	Any residential zone.	30 days	Unsold trees must be removed.
Contractor Office and Equipment Storage	Any incidental to construction project.	1 year	Removal on completion of construction. No sleeping or cooking facilities.
Real Estate Sales Office	Any, on premises of development.	1 year	No sleeping or cooking facilities.
Religious Tent Meeting	Any non-residential.	30 days	Off-street parking required.
Seasonal Sale of farm Produce	Any RE or SC zone.	4 months per year	Stands removed when not in use.

Application for temporary uses shall meet any requirements contained in other applicable ordinances of the City of Bloomington.

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- 20.10.05.00 Utility Substations. Utility substations may be permitted in any zone provided that:
- A. The utility company shows a need for the substation at the location proposed and further shows that locations proposed will best serve the planned development of the area which it is intended to serve.
 - B. All utility substations shall be screened from adjacent uses with a permanent landscape screen.
- 20.10.06.00 Religious Organizations. The Plan Commission shall hold a public hearing before issuing a conditional permit for a church, temple, synagogue, or other structure for religious activities. Such hearing shall determine that:
- A. The design of the structure is compatible with the surrounding neighborhood.
 - B. Off-street parking meets requirements of Chapter 20.14.
 - C. Adequate access is provided to a major thoroughfare or collector street and traffic is not required to travel through a residential neighborhood. Principal access is prohibited to local neighborhood streets.
- 20.10.07.00 Civic or Community Clubs. The Plan Commission shall hold a public hearing before issuing a conditional permit for civic or community clubs. Such hearing shall determine that:
- A. The design of the structure is compatible with the surrounding neighborhood.
 - B. Off-street parking meets requirements in Chapter 20.14.
 - C. Adequate access is provided to a major thoroughfare or collector street and traffic is not required to travel through a residential neighborhood. Principal access is prohibited to local neighborhood streets.

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20.11 REGULATIONS FOR SPECIAL EXCEPTIONS

- 20.11.00.00 The following regulations are provided to establish specific criteria and conditions which shall be met before the Board of Zoning Appeals may grant a special exception for any uses in this section.
- 20.11.01.00 Home Occupations Regulations.
- 20.11.01.01 Purpose. Regulations governing home occupations are intended to protect residential districts from commercial encroachment, maintain the character of the neighborhood, prevent an undue increase in traffic or parking problems on local streets but at the same time provide a means for individuals to operate businesses customarily conducted from private homes.
- 20.11.01.02 Permit License. A special permit issued by the Plan Commission or its agent is required for the conduct of any home occupation. No business license for a home occupation shall be issued unless such a special permit is granted.
- 20.11.01.03 Permit not Transferable. A special permit for a home occupation is not transferable. A new permit must be applied for.
- 20.11.01.04 Limitation on type of home occupation. A home occupation shall be limited to an office, a business of a personal service nature for the creation and/or sale of arts and crafts.
- 20.11.01.05 Use confined to residents of dwelling. Such use shall be confined to the residents of the dwelling unit and shall not exceed two persons engaged therein.
- 20.11.01.06 No products or processing. Except for the creation and production of arts and crafts there shall be no goods, samples, materials, or objects sold, stored, displayed, manufactured or processed on the premises in connection with the operation of any home occupation.

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- 20.11.01.07 Limitation on area. Not more than 10% of the total ground floor area of the dwelling unit shall be used in connection with any home occupation.
- 20.11.01.08 Signs. One nameplate or identification sign not to exceed two (2) square feet in area is permitted.
- 20.11.01.09 Must be in main building. Home occupations shall be confined to the main building.
- 20.11.02.00 Home occupations prohibited. Under no circumstances shall a home occupation be permitted for the conduct of any of the following.
- 20.11.02.01 Non-compliance. Those which do not meet the provisions of subsection three above.
- 20.11.02.02 No products or processing. Those which entail the repair, manufacture, processing or alteration of goods, materials, or objects, provided, however, this section shall not prohibit dressmaking or tailoring wherein goods are not manufactured or processed as stock for sale or distribution, nor shall it prohibit the production or distribution, nor shall it prohibit the production and incidental sale of arts and crafts which have been created by the occupant of the premises.
- 20.11.02.03 Kennels. Those which entail boarding, training, or raising of dogs, cats, birds, or other animals.
- 20.11.02.04 Auto repair. Body and fender repairing.
- 20.11.02.05 General restrictions. Those which in the judgment of the Plan Commission would constitute an objectionable use of residentially zoned property due to potential noise, increased pedestrian and vehicular traffic or any other conditions which might interfere with the general welfare of the surrounding residential area.
- 20.11.02.06 Off-street parking shall be provided in accordance with requirements of Chapter 20.14.
- 20.11.02.07 Abatement. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, said home occupation may be terminated and the business license thereof revoked.
- 20.11.05.00 Cemetery and Mausoleum Regulations
- 20.11.05.01 Any proposal for a cemetery or mausoleum shall be accompanied by a site plan showing all ingress and egress, building sites, external road system and such other information as may be required by the Board.
- 20.11.05.02 A cemetery or mausoleum may be granted a special exception by the Board to locate in any residential or the BA zone.

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20.11.10.00 Board Findings. Before granting such special exception the Board shall first hold a public hearing to determine that:

- 20.11.10.01 The proposed use is entirely compatible with adjacent and surrounding land uses.
- 20.11.10.02 All regulations, federal, state or local, governing the establishment and maintenance of cemeteries and mausoleums have been met.
- 20.11.10.03 Access to the proposed site is adequate so that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations.
- 20.11.10.04 Any accessory uses included on the site are clearly defined and that all such accessory uses are compatible with surrounding uses and are no more objectionable than the principal use.
- 20.11.10.05 Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 20.11.10.06 All structures including but not limited to mausoleum, permanent monument, or maintenance building shall be set back not less than thirty-five (35) feet from any property line or street right-of-way line.
- 20.11.10.07 All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way.
- 20.11.10.08 All required yards shall be landscaped and maintained.

20.11.15.00 Private Day Care Centers, Nurseries and Kindergartens

- 20.11.15.01 A day care center or kindergarten may be granted a special exception in any zone.
- 20.11.15.02 Any proposed day care center shall provide a site plan showing all ingress and egress, parking, structure site and playing area.

20.11.16.00 Board Findings for Private Day Care Centers, Nurseries and Kindergartens. Before granting a special exception the Board shall determine that:

- 20.11.16.01 The total lot area of any day care center is not less than 15,000 square feet.
- 20.11.16.02 A fenced play area of 1000 square feet is provided for the first ten (10) children with seventy-five (75) square feet additional for each additional child.

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- 20.11.16.03 No portion of the play area shall be closer than thirty-five (35) feet from any public street.
- 20.11.16.04 All off-street parking facilities required by this ordinance have been provided.
- 20.11.16.05 Any state and local regulations for day care centers have been complied with.
- 20.11.20.00 Tire Recapping. The Board may grant a special exception for recapping of tires in the BG or ML zones providing a public hearing has first been held to determine that:
- 20.11.20.01 The recapping operation is compatible with other uses on the adjacent or surrounding properties.
- 20.11.20.02 The air pollution standards, state, federal, and local can be met.
- 20.11.20.03 Before granting a special exception the Board shall also require the following conditions be met:
- 20.11.20.04 All operations shall be conducted entirely within an enclosed building.
- 20.11.20.05 No outside storage of tires, scrap rubber or any usable or waste materials shall be permitted.
- 20.11.21.00 Automobile Wrecking and Junk Yards. Because of the nature and character of junk and salvage yards the Board may issue special exceptions for such uses in the ML or MG zones.
- Before issuing such permits the Board shall determine the following conditions have been met.
- 20.11.21.01 No processing of metal salvage shall be permitted in the ML zones.
- 20.11.21.02 All other waste processing shall be entirely within an enclosed building. No operation shall be permitted closer than three hundred (300) feet from any established residential district.
- 20.11.21.03 Screening. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, designed to obscure the view of any wrecked cars from the road. Such fence or wall shall be constructed on or inside the front, side and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street, or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.

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20.11.21.03 Off-street parking. As regulated by parking requirements of these regulations.

20.11.21.04 Ingress and egress. One access driveway shall be permitted on any single street frontage.

20.11.25.00 Rehabilitation and Correctional and Mental Facilities.

Rehabilitation, correctional and mental facilities may be permitted by special exception of the Board in the following zones:

20.11.25.01 Rehabilitative facilities in any zone.

20.11.25.02 Correctional facilities, BD, BA, BG.

20.11.25.03 Mental health facilities, RE, SI, SM, BA, BG.

20.11.26.00 Prior to issuance of the permit the Board shall hold a public hearing to determine that the following conditions have been met:

20.11.26.01 The use is compatible with adjacent and surrounding uses.

20.11.26.02 Adequate access is provided and the use is located on a street designated at least as a collector.

20.11.26.03 The safety of surrounding areas will not be impaired.

20.11.30.00 Retail Uses in Residential Zones.

20.11.30.01 The Board may grant a special exception for retail uses in any residential district providing only uses listed below may be permitted and only if the following conditions are met.

20.11.30.02 Retail uses permitted as a special exception shall be limited to: bakery products, dairy products, drugs and sundries, groceries and meats, florists, variety stores, and beauty or barber shops.

20.11.30.03 All retail uses so permitted shall have principal access from at least a collector street.

20.11.30.04 No retail use shall be permitted in a structure exceeding 3000 square feet.

20.11.30.05 The metes and bounds of any such residential district to be served by special exception retail use shall be determined by the Plan Commission. The procedure for gaining a special exception retail use shall be as follows:

20.11.30.05 continued...

- A. The petitioner must request that the City Plan Commission determine the metes and bounds description of the residential district to be served by the proposed retail use. Such request shall be made in the form of a resolution to the Plan Commission and must be approved by an affirmative vote of the Commission at a regular or special meeting.
- B. After the Plan Commission has determined the boundaries of said residential district (neighborhood) the petitioner shall have thirty (30) days to present a petition to the Secretary of the Plan Commission signed by at least 38% of the residents (as distinguished from owners) of the residential district.
- C. Upon receipt of said petition, the Secretary of the Plan Commission shall cause legal notice to be published in a newspaper of general circulation in Monroe County, describing the petition and the proposed retail use. The cost of said advertisement shall be paid by the proponent-petitioners.
- D. Remonstrators shall have thirty (30) days from the date of publication of said petition to present an opposing petition to the Secretary of the Plan Commission.
- E. In the event no opposing petition is filed with the Secretary of the Plan Commission, or, where the opposing petition contains the signatures of less than 38% of the residents of the residential district (neighborhood), the Secretary of the Plan Commission shall certify the residential district to the Board of Zoning Appeals which will proceed in hearings of the special exception in accordance with 20.19 of this Title.
- F. In the event that the opposing petition contain a greater number of signatures than the petitioners of proposal, the Secretary shall not certify, the

the petition shall be considered defeated, and the proponents may not repetition for a period of one (1) year.

20.11.30.06 Not more than one-half ($\frac{1}{2}$) of one (1) percent of the land area as determined by the geographic boundaries covered by the petition in section 20.11.62.04 above may contain structures devoted to retail uses.

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- 20.11.30.07 No commercial structure permitted under these regulations shall have exposed block or construction walls. All exterior surfaces shall be faced with an architectural siding.
- 20.11.30.08 In any single family residential district any permitted commercial structure shall have a roof pitch equal to the average roof pitch of the structures on the same block.
- 20.11.30.09 To insure neighborhood compatibility business hours for retail uses permitted under these regulations shall be between 6:00 am and 9:00 pm.
- 20.11.30.10 Since one purpose of neighborhood business facilities is to provide services within walking distance of dwellings parking requirements may be reduced to one half ($\frac{1}{2}$) normal requirements.
- 20.11.30.11 No parking may be provided in front yards and all front yard setbacks shall be landscaped.
- 20.11.30.12 All yard and lot coverage provisions shall be the same as for residential uses in the zone in which the special exceptions are granted.
- 20.11.35.00 Drive-In Theatres
- 20.11.35.01 The site must have direct access to a major public road.
- 20.11.35.02 In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.
- 20.11.35.03 The theatre viewing screen shall not be visible from any public street within fifteen hundred (1,500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six (6) feet in height.
- 20.11.35.04 Loading space for patrons waiting admission to the theatre shall be equal to twenty (20) percent of the capacity of the theatre. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.
- 20.11.35.05 Sale of refreshments shall be limited to patrons of the theatre.
- 20.11.35.06 No central loudspeakers shall be permitted.

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- 20.11.35.07 All parking areas and access ways shall be adequately lighted, provided however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.
- 20.11.35.08 Amusement parks or kiddylands shall be accessible only to patrons of the theatre.
- 20.11.40.00 Rod and Gun Club, Skeet Range
- 20.11.41.00 The BZA may issue a special exception for Rod and Gun Club or Skeet Range in the RE zone.
- 20.11.42.00 The development standards for a Rod and Gun Club or Skeet Range are as follows:
- 20.11.42.01 A site plan shall show all property boundaries, building location and shooting ranges.
- 20.11.42.02 Adequate data shall be provided relative to noise level produced by the shooting.
- 20.11.42.03 Access shall be at least to a collector road and adequate parking shall be provided.
- 20.11.42.04 The BZA may impose such restrictions as are deemed necessary to protect surrounding uses from any offensive noise or traffic.
- 20.11.50.00 Abatement. Failure to operate a shooting range of any type in accordance with the above standards or operation of such facility in an undesirable manner interfering with the general welfare of the surrounding area shall be cause for termination of the special permit.

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20.13 PLANNED UNIT DEVELOPMENT

20.13.01.00 Procedures for the Approval of Planned Developments

- 20.13.01.01 Purpose. The purpose of the Planned Unit Development Chapter of the City Zoning Ordinance is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve design, character and quality of new developments; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic features of open areas alongside major development.
- 20.13.01.02 Definition. A "Planned Unit Development" involves a project area devoted to a particular group of uses within regular residential, commercial or industrial zones, located on a lot or contiguous group of lots held under single, joint, or common ownership.
- 20.13.01.03 Applicability of Dimensional Requirements. The lot area, lot width, yard, and usable open space requirements of this ordinance shall not apply to planned unit developments, and the siting and location of buildings; improvements, structures, and common open spaces within the area of the planned unit development shall be controlled by the outline and development plans which are approved for the planned unit development.
- 20.13.01.04 A. Designation of Planned Development Areas Initiated by the City. Upon recommendation of the Plan Commission, the Council may request the City Engineer to amend a zoning map so as to designate an area for planned unit development. When such an area is designated by City initiatives then any development proposal in such area shall be subject to an outline plan and subsequent development as required in these regulations except that any such outline plan may be for less than the entire area designated by Council actions but not less than such area otherwise required by these regulations.
- B. Application for Approval of Outline Plan. An application for approval of a planned unit development shall be filed with the Plan Commission, and must be accompanied by the written consent of any owner of land to be included within the planned unit development who does not join in the application. The application must contain an outline plan which includes both maps and a written statement, and which covers adjacent and contiguous areas surrounding the planned unit development to indicate its relationship to adjoining uses, both existing and proposed.

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- 20.13.01.05 Outline Map. The map which is part of the outline plan may be in general, schematic form, and should contain at least the following information:
- A. Existing topographic character of the land and major natural features.
 - B. Existing and proposed land uses.
 - C. Proposed density and type of dwelling.
 - D. Approximate location of thoroughfares.
 - E. Land to be conveyed as common open space.
 - F. Availability and adequacy of sewer and water.
 - G. Stages, if any, in which the planned unit development is to be constructed.
 - H. Patterns of external traffic flow.
- 20.13.01.06 Written Statement. The written statement to accompany the outline plan must contain the following information:
- A. Description of the planned unit development.
 - B. Land ownership.
 - C. Relationship to surrounding neighborhood.
- 20.13.01.07 Approval of Outline Plan. Applications for approval of the outline plan of Planned Unit Developments shall be submitted to the Plan Commission in accordance with the rules of procedure of the Commission. The Plan Department shall review any such outline plan and forward a report to the Plan Commission based upon the criteria for approval contained in Sections 20.13.01 and 20.13.02 and such other planning concepts as may be deemed pertinent. The Plan Department report shall be complete and made available as a public record in the Plan Department Office at least 15 days prior to the regular meeting of the Plan Commission at which time a final hearing will be held on the planned unit development.
- A. Upon conclusion of its public hearings and within seven days of final action on an outline plan, the Plan Commission shall forward to the Bloomington City Council its recommendations together with the Plan Department report and such other documents as may be pertinent to the Planned Unit Development.
 - B. The City Council shall publish notice, as required by Indiana Law, and conduct a public hearing on the Planned Unit Development application. Such hearing is to be held not more than thirty days after the receipt of the Plan Commission's report and recommendations.
- 20.13.01.08 Criteria for Approval. Following the hearing, the

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Council may approve the outline plan and written statement, with or without modifications, but only if the planned unit development is consistent with the general plan for the City, and is an effective and unified treatment of the development possibilities on the planned unit development site and meets all specific criteria of these regulations.

- 20.13.01.09 Amendment to Zoning Map. When the Council has approved the outline plan, it shall direct the City Engineer to amend the zoning map to designate as a Planned Unit Development the area covered by the outline map. If the outline plan is approved with modifications, the Council shall not direct the engineer to amend the zoning map until the applicant has filed with the Council a written consent to the plan as modified. If the applicant does not accept all of the modifications, the outline plan shall be deemed denied. The City Engineer shall not issue any building permits within the area covered by the zoning of the area unless it otherwise would be permitted by the zoning of the area until the development plan has been approved by the Plan Commission.
- 20.13.01.10 Application for Approval of Development Plan. Within eighteen months following the approval of the outline plan, the applicant shall submit to the Plan Commission a development plan covering all of the area of the outline plan, or one of more of the stages for the construction of the planned unit development which are shown on the outline plan. If the development plan has not been prepared for a just reason the developer may request an extension from the Plan Commission. A submitted development plan must contain all of the following information:
- A. A current map showing topographic features and contour; existing and projected zoning patterns; land uses; the location and size of all existing and proposed buildings, except that single dwellings may be shown as dwelling lots or sites; and the density and type of dwellings.
 - B. Elevation and perspective drawings of each type of building, structure, and improvement.
 - C. A map showing internal traffic and circulation systems, off-street parking areas, and major points of access to streets and thoroughfares.
 - D. Detailed maps of areas to be conveyed as common open space, and of any improvements to be constructed therein.

- E. A landscape plan.
- F. Agreements and covenants which govern the use, maintenance, and continued protection of the planned unit development and its common open space.
- G. A development schedule indicating the approximate dates when construction of the planned unit development will begin and will be completed, and the anticipated rate of development.
- H. A plan for sewer, water and drainage showing connections to existing city system as well as internal system in the project area.
- I. Plan Commission Review. The Plan Commission shall review the development plan at public hearings held in accordance with the rules of procedure of the Plan Commission. At that time the Plan Commission will review each type of development by use of the relevant substantive standards set out below. (See Chapter 20.13.02 for Planned Unit Developments; 20.13.03 for Planned Commercial Developments; 20.13.04 for Mobile Home Park Developments.)
- J. Bond. No development plan may be approved unless the applicant has provided a bond or other financial assurance that all streets, walks, landscaping, recreation facilities, or other public improvements or improvements for common use will be completed. If a bond is provided for assurance it shall:
 1. Run to the Common Council of the City of Bloomington.
 2. Be in an amount equal to 100% of the estimated value of the improvements or be in an amount determined by the Board of Public Works.
 3. Specify the time for completion of the improvements and installations.
 4. Be with a surety company entered and licensed to do business in the State of Indiana.

20.13.01.11 Recording. When the Plan Commission has approved the development plan the developer shall cause to have recorded the development plan in the manner provided for the recording of plats of subdivisions. If the development plan is approved with modification, the plan shall not be recorded until the applicant has filed with the Plan Commission a written consent to the plan as modified. If the applicant does not accept all of the modifications, the development plan shall be deemed denied.

20.13.01.12 Building Permits and Certificates of Occupancy. The City Engineer shall issue building permits for buildings and structures in the area covered by the

approved development plan if they are in conformity with the development plan and with all other ordinances and regulations, and if all common open space provided in the planned unit development has been conveyed in accordance with standards established in Chapter 20.13.02 of these regulations. The City Engineer shall issue a certificate of occupancy for any completed building or structure located in an area covered by an approved development plan if the completed building or structure conforms to the requirements of the approved development plan and all other applicable ordinances and regulations. The certificate of occupancy shall include a map showing in appropriate scale the location of the completed building or structure on the development plan, and shall indicate the height, size, and other dimensions of the completed building or structure.

20.13.01.13 Lapse of Development Plan. If no building, structure, or other improvement has been substantially completed in the planned unit development within eighteen (18) months of the approval of the development plan, the development plan shall be reviewed by the Plan Commission to determine the developer's intent to proceed. For good cause, the Plan Commission may extend for up to one (1) additional year the period for substantial completion of a building, structure, or other improvement. If the Plan Commission determines the developer does not intend to proceed with the planned unit development, the Commission shall request the City Engineer to file a notice of revocation with the recorded copy of the development plans.

20.13.01.14 Changes in Outline or Development Plans. No changes may be made in an approved outline or development plan prior to the completion of the planned unit development except upon application to the appropriate agency under the procedures authorized below:

- A. Minor changes in the location, siting, and height of buildings and structures, and minor changes in the internal street system and off-street parking areas may be approved by the Plan Department when required by engineering or comparable circumstances not foreseen at the time the development plan was approved. No change made under the provisions of this section may increase the cube of any building or structure by more than ten (10) percent, increase the density of dwelling units to be constructed in the planned unit development, decrease the number of off-street parking spaces or decrease the area devoted to open space.

B. All other changes in the outline plan or development plan, including changes in use and density, approval ratios and additions to or deletions from the area covered by the outline plan, must be made by the Council under the provisions authorized by this ordinance for the initial approval of the outline plan.

- 20.13.01.15 Review of Progress in Planned Unit Development. At least once every twelve (12) months, the City Engineer shall review all the building permits which have been issued in the planned unit development and shall examine the construction which has taken place within the planned unit development. If he finds any violation of the development plan for the planned unit development, or any violation of any of the provisions of this ordinance, or if he finds that construction within the planned unit development is not proceeding in accordance with the development schedule, he shall forward a report of his review to the Plan Commission. The Commission shall hold a hearing on the report of the City Engineer, having first given notice as provided in Chapter 20.13.01 of this ordinance to the owner of the planned unit development, and to all owners of property abutting the planned unit development. The Commission shall review the report of the City Engineer, may amend or modify the planned unit development and recommend that Council revoke its approval of the planned unit development, or require that appropriate action be taken to remedy any of the violations or conditions reported by the City Engineer.
- 20.13.01.16 Completion of Planned Unit Development. The City Engineer shall issue a certificate certifying the completion of the planned unit development or an entire stage thereof and shall note the issuance of the certificate on the recorded copy of the development plan.
- 20.13.01.17 Development Plan to Govern. After the certificate of completion has been recorded, the use of land and the construction, reconstruction, modification, or alteration of any buildings, structures, or improvements within the planned unit development shall be governed by the development plan rather than by the provisions of this zoning ordinance.
- 20.13.01.18 Changes Prohibited. No changes may be made in an outline or development plan after the certificate of completion has been recorded except upon application to the appropriate agency and approval in accordance with the provisions of this Article.

20.13.01.19 Variance. In any case where these regulations will cause an undue hardship and where the preservation of topographic features requires, or where unique design quality of a development warrant, the Plan Commission may vary any provisions of these regulations.

20.13.01.20 Fee Schedule. The Plan Commission may establish a fee schedule for planned unit development applications to cover the cost of processing and review.

20.13.02.20 Substantive Requirements for Planned Unit Developments.

20.13.02.01 The purpose of the planned unit development Article is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design character and quality of new developments; to encourage a mixture of residential uses; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic features of open areas.

20.13.02.02 Definition. A "planned unit development" is a group of buildings constructed for residential use and ancillary commercial use, located on a lot or contiguous group of lots held under single, joint, or common ownership, covering at least twenty (20) acres.

20.13.02.03 Criteria for Approval. Uses permitted in a planned unit development may be of the following, providing two (2) or more residential uses are included in each PUD and further provided the building arrangement, site design and mixture of uses is appropriate to the area in which the planned unit development is located:

- A. Single household detached dwellings.
- B. Single household semi-attached or attached (townhouse) dwellings.
- C. Two household dwellings.
- D. Four household dwellings.
- E. Apartments.
- F. Recreation uses subject to requirements of these regulations.
- G. Commercial uses subject to the approval of the Plan Commission and City Council, but limited to the requirements of these regulations.
- H. Community facilities deemed necessary by the Plan Commission.

20.13.02.04 Total Open Space. The total of all open space in any PUD shall not be less than 40%. Open space for this purpose shall include all areas not covered by structures, streets or parking.

20.13.02.05 Density. Dwelling unit densities shall be compatible with the zoning districts and the neighborhood in which the planned unit development is located. The Plan Commission may recommend and City Council may approve planned unit development densities as follows:

In RH Zone	25 units/one acre
In RL Zone	15 units/one acre
In RS Zone	8 units/one acre

In any non-residential districts, the density permitted in the adjacent residential zone may be permitted. If the non-residential zone adjoins two (2) residential zones the standard shall be the same as the more restrictive zone.

20.13.02.06 Ratio of Use. In any planned unit development the mixture of uses included as permitted in Chapter 20.13.02 should include the following ratios:

In RS PUD at least 75% of the residential units shall be single household detached dwellings.

In RL PUD at least 50% of the residential units shall be single household detached dwellings.

In RH PUD at least 25% of the residential units shall be single household detached dwellings.

20.13.02.07 Commercial Uses. Commercial uses permitted by the Plan Commission shall be limited to those permitted in the neighborhood business districts. No planned unit development containing less than 300 dwelling units shall include commercial uses. Not more than five percent (5%) of the gross planned unit development area may be devoted to commercial use.

20.13.02.08 Plan Commission Approval. The Plan Commission may approve the development plan, with or without modifications, if it is in compliance with the outline plan, and if it finds that the following criteria, standards, and requirements have been satisfied.

A. Adequate spacing must be provided between buildings and structures, giving consideration to their height, design, location, and siting; to the placement and extent of facing window areas; and to intervening streets, land contours, topography, and such other natural features as will assure privacy and amenity.

B. The planned unit development is appropriately related to the surrounding neighborhood, and there

is a buffer area at least thirty (30) feet wide between the planned unit development and any adjacent residential use district of equal or lower density. The buffer area must be free of roads, parking, buildings, and recreational facilities and must be landscaped, screened or protected by natural features so that adverse effects on surrounding properties are minimized.

- C. No planned unit development shall be approved until the developer has submitted a staging plan, setting forth the ratios of each of the proposed uses to be constructed in each of his proposed stages, and further, that the Plan Commission has determined that the ratios in each stage reflect a satisfactory balance of uses for the entire development.
- D. Any common open space included within the planned unit development is suitable for amenity, landscaping, or recreational purposes, giving consideration to the size, character, and location of dwellings to be constructed within the planned unit development; the topography and existing amenities of the common open space, including existing trees, ground cover, and other natural features; and the manner in which the common open space is to be improved and maintained for amenity, landscaping, or recreational purposes. Any common open space provided in the planned unit development must be accessible and available to all occupants of the planned unit development. No area devoted to streets, parking, or vehicular use may be considered an open space and may not be part of that area considered as a buffer area.
- E. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are to be constructed in common open space areas must conserve and enhance the amenities of the common open space, having regard to its topography and character. A minimum of 15% of the planned unit development area shall be developed for recreation purposes; such recreation land may be part of land designated as common open space.
- F. The internal street system is safe and convenient; provides safe and adequate access to existing streets and thoroughfares; and provides for an adequate system of internal circulation, giving consideration to the type and volume of traffic to

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be generated by the planned unit development. Unless otherwise approved by the Plan Commission standards for streets required by the City of Bloomington subdivision regulations shall be used.

- G. Off-street parking areas must provide safe and convenient access to streets and thoroughfares, must be convenient to residential building groups, and must allow for the adequate internal circulation of vehicles. Contiguous off-street parking areas adjacent to more than one building are not permitted.
- H. Pedestrian access is arranged so as to provide safe and convenient routes to, from, and within a planned unit development must be interconnected by a common pedestrian system, and must be accessible to such system from residential building groups.
- I. Trees, ground cover, streams, woodland, and all other natural features must be preserved, so far as practicable. In addition, adequate landscaping areas must be provided appropriate to the Planned Unit Development giving consideration to the height, location, siting of buildings, type and configuration of materials used, and the maintenance they require. Suitable landscaping is required for all off-street parking areas.

20.13.02.09 Guidelines. The Plan Commission shall from time to time issue guidelines and policies which it will follow, so far as practicable, in determining whether planned unit developments submitted to it for approval meet the criteria, standards and requirements contained in this Chapter.

20.13.02.10 Conveyance and Maintenance of Common Open Space. All common open space included in the development plan must be conveyed under one of the following options:

- A. It may be conveyed to a public agency which agrees to maintain the common open space, and any buildings, structures, or improvements which have been placed on it.
- B. It may be conveyed to trustees as provided in an indenture establishing an association or similar organization for the maintenance of the common open space. The common open space must be conveyed to the trustees subject to covenants which restrict the common open space to the uses specified in the development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

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- 20.13.02.11 Conveyance of Common Space in Stages. If the construction of the planned unit development has been approved in stages, common space must be provided for each stage of the planned unit development. The common open space provided for each stage of the planned unit development must either:
- A. Be located in the area of the planned unit development included in that stage; or
 - B. Be located in the area which is accessible to the dwelling units to be constructed in that stage.
- 20.13.02.12 Conveyance of Open Space Without the Development. As an alternative to the conveyance of common open space within the area covered by the planned unit development, the applicant may convey common open space outside the planned unit development to the City or may provide funds to the City for the acquisition of common open space outside the planned unit development, provided that the common open space so conveyed or to be acquired, is adjoining or within easy pedestrian access of the planned unit development and is in accordance with the City's master plan for recreation and open space. Common open space which is so conveyed or acquired may be counted as part of the planned unit development for purposes of calculating dwelling unit densities within the planned unit development as long as such land is continuously used as public open space.
- 20.13.02.13 Subdivision and Resale. A planned unit development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been recorded. Application for subdivision or resubdivision shall be made to the Plan Commission. The Plan Commission may approve the application if it finds that each section of the subdivided or resubdivided planned unit development satisfies the criteria, standards, and requirements which are provided in Chapter 20.13.02, and any other applicable provisions of this or any other ordinance. All sections of a subdivided or resubdivided planned unit development shall be governed by the development plan rather than by the provisions of this ordinance that otherwise would be applicable.
- 20.13.02.14 Effect of Changes. No changes in the outline plan or development plan which are approved under this Article, and no subdivision or resubdivision of the planned unit development, are to be construed as a waiver of the covenants restricting the use of land, buildings,

structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any such changes, subdivisions, or resubdivisions are expressly reserved.

20.13.03.00 Substantive Requirements for Planned Commercial Developments.

- 20.13.03.01 Purpose - General Definition. The purpose of this section is intended to encourage a unified grouping of commercial and/or industrial buildings which do not require or desire a central location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible, to achieve economic provision of streets, utilities and usual public facilities and to preserve natural and scenic features of open areas.
- 20.13.03.02 Definition. A Planned Commercial Development is a building, structure or grouping of buildings or structures constructed predominantly for commercial or industrial uses located on a lot or contiguous group of lots held under single, joint, or common ownership or lease.
- 20.13.03.03 Uses Permitted. It is not the intent of this zone to restrict potential development by limiting uses. In planned commercial zones uses permitted may include offices, commercial services, shopping centers, and light distribution centers. In planned industrial zones uses permitted may include manufacturing, distribution, research and development offices and subordinate services. Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the Plan Commission with a list of specific uses proposed in his development which shall be compatible with each other and neighboring uses. In general planned commercial/industrial developments will fall into one of the following categories:
- A. Neighborhood Shopping Centers.
 - B. Community Shopping Centers.
 - C. Regional Shopping Centers.
 - D. Planned Office Parks.
 - E. Research and Development Parks.
 - F. Distribution and Warehousing Centers.
 - G. Industrial Parks.
- 20.13.03.04 Zones in Which Permitted.
- A. At least 60% of the land area of any commercial

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development including but not limited to shopping centers and office parks shall be zoned in a B (business) or M (industrial) category.

- B. At least 60% of the land area of any industrial, distribution or warehousing development shall be zoned in an M (industrial) category.
- C. Research and development parks may be zoned either B (business) or M (industrial).
- D. The remaining area up to 40% may be in any zoning category provided that such land is adjacent and contiguous along one or more continuous lot lines and crosses no streets, alleys or watercourses.
- E. Developments not clearly in one of the above categories or representing a mix of uses shall be permitted in zoning districts as interpreted by the Plan Commission.

20.13.03.05 Plan Commission Approval. The Plan Commission may approve the development plan, with or without modifications, if it is in compliance with the outline plan, and if it finds that the following criteria, standards, and requirements have been satisfied:

- A. Adequate spacing must be provided between buildings and structures, giving consideration to their height, design, location, and siting; to the placement and extent of facing window areas; and to intervening streets, land contours, topography, and such other natural features as will assure privacy and amenity.
- B. The planned unit development is appropriately related to the surrounding neighborhood and there is a buffer area of at least thirty (30) feet between the planned unit development and any adjacent residential use district of a lower density. The buffer area must be free of buildings, streets or parking and must be landscaped, screened, or protected by natural features so that adverse effects on surrounding areas are minimized.

20.13.03.06 The following bulk and area regulations will be met:

- A. Lot Size. Minimum lot size for a planned commercial development shall be 5 acres. Minimum lot size for a planned industrial development shall be 30 acres.
- B. Setback. Minimum setback for any structure shall be 50 feet from any existing street or road.

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- C. Lot Coverage. Maximum lot covered by buildings or structures shall be 50% at the ultimate expansion potential.
- D. Height. In general, height shall be limited to 45 feet. However, to permit the greatest flexibility of design the Plan Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.

20.13.03.07 Floor Area Ratio. The floor area ratio shall not exceed 1.00 (1).

20.13.03.08 Parking. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of open parking lot. All parking and loading requirements shall be in accordance with regulations specified in Chapter 20.14 of this ordinance.

20.13.03.09 Storage. Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.

20.13.03.10 Landscaping. A landscape plan for the entire development shall be prepared and presented to the Plan Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment of the landscape plan.

The landscaping plan shall include but not be limited to approaches to building entrances, appropriate visual screens and any parking areas.

20.13.03.11 Access and Streets.

- A. Access to the planned commercial complex shall be designed to minimize conflicts in traffic. Insofar as possible all lots shall be designed to front on streets within the commercial development. Lots should not have direct access to existing streets, roads, or highways except as may otherwise be approved by the Plan Commission.
- B. All streets within the planned commercial or planned industrial development shall be designed at least to standards of collector streets.
- C. Loading Requirements. One off-street loading area for standing loading and unloading shall be provided for each 25,000 square feet of usable floor space for each building or contiguous group of buildings. Minimum dimensions for such loading space should be 60 feet (depth) X 14 feet (width) X 14 feet (height clearance). All loading and

unloading facilities must have appropriate means of access to a street or alley and must have adequate area for maneuvering vehicles.

20.13.03.12 Signs.

- A. No flashing or intermittent illumination shall be permitted.
- B. One business ground sign identifying the commercial or industrial park at each entrance shall be permitted.
- C. Where a single tenant is to occupy a building lot one business ground sign or building mounted business sign identifying the structure or business may be permitted on each such lot.
- D. Where a group of tenants are to occupy a single building, or, are located within a building grouping, each such tenant shall be permitted an appropriate identifying sign; provided, the conditions and design of such signs are stated in the protective covenants of the project.
- E. No general advertising billboards, pole signs, or temporary signs will be permitted, except that temporary signs advertising the tract of land for sale shall be permitted as governed by these regulations.

20.13.03.13 Off-street parking areas must provide safe and convenient access to streets and thoroughfares, must be convenient to building groups, and must allow for the adequate internal circulation of vehicles.

20.13.03.14 Pedestrian access is arranged so as to provide safe and convenient routes to, from, and within a planned development, must be interconnected by a common pedestrian system, and must separate pedestrian traffic from automotive traffic.

20.13.03.15 Trees, ground cover, streams and woodland, and all other natural features must be preserved, so far as practicable. In addition, adequate landscaping areas must be provided which are appropriate to the commercial development giving consideration to the height, location, siting of buildings, type and configuration of materials used, and the maintenance they require. Adequate landscaping is required for all off-street parking areas.

20.13.03.16 Guidelines. The Plan Commission shall from time to time issue guidelines and policies which it will follow

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in determining whether planned unit developments submitted to it for approval meet the criteria, standards, and requirements contained in this section.

- 20.13.03.17 Subdivision and Resale. A planned unit development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been recorded. Application for subdivision or resubdivision shall be made to the Plan Commission. The Plan Commission may approve the application if it finds that each section of the subdivided or resubdivided planned unit development satisfies the criteria, standards, and requirements which are required and any other applicable provisions of this or any other applicable ordinance. All sections of a subdivided or resubdivided planned unit development shall be governed by the development plan rather than by the provisions of this ordinance that otherwise would be applicable.
- 20.13.03.18 Effect of Changes. No changes in the outline plan or development plan which are approved under this Article, and no subdivision or resubdivision of the planned unit development, are to be construed as a waiver of the covenants restricting the use of land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any such changes, subdivisions, or resubdivisions are expressly reserved.
- 20.13.04.00 Substantive Standards for the Use of Mobile Homes
- 20.13.04.01 Purpose. The purpose of this section is to provide a means of locating mobile homes as a means of living and to establish design criteria which may insure that residency in a mobile home park will be in an area suitable to long term occupancy and protected from adverse environmental effects in the same way as other residential units may be so protected.
- 20.13.04.02 Mobile Home Park. A tract of land under single, joint or common ownership designed in such a manner as to provide sites for mobile homes in a residential environment.
- 20.13.04.03 Mobile Home Subdivisions. A tract of land divided into individual lots for the purpose of setting mobile homes on lots generally owned by the occupant of the mobile home and arranged in such a manner as to provide a residential community environment.
- 20.13.04.04 Mobile Homes in RL and RH Zones. Mobile homes may be permitted in RL and RH zones provided they are located in a mobile home park approved by the Plan Commission.

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20.13.04.05 Mobile Home Park Approval.

In approving mobile home parks the Plan Commission shall determine the following standards have been met:

- A. No parcel of land containing less than ten (10) acres and less than twenty-five (25) mobile home spaces, available at the time of first occupancy, shall be used for a mobile home park.
- B. The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- C. Each mobile home park shall have a setback of 25 feet.
- D. Each mobile home park shall have a rear yard and a side yard on both sides.
- E. Each mobile home park shall be permitted to display on each street frontage, one identifying sign of maximum size of nine (9) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.
- F. Access roads within a mobile home park shall be paved to a width of not less than thirty (30) feet.
- G. There shall be provided a park and recreation area having a minimum of five hundred (500) square feet for each mobile home space. Recreation areas shall be consolidated into contiguous common open space.
- H. Each mobile home park shall be provided with a management office and such service buildings as are necessary.
- I. Mobile homes shall not be used for commercial, industrial or other non-residential uses within the mobile home park except as a management office for the mobile home park not exceeding fifty (50) spaces.

20.13.04.06 Mobile Home Park Standards. In approving mobile home parks, the Plan Commission shall determine that the following standards have been met for each mobile home space or site:

- A. Each mobile home space shall be at least 4,000 square feet.
- B. Each mobile home space shall be at least thirty-two (32) feet wide at the front setback line and such space shall be clearly defined by permanent markers.

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- C. There shall be a front yard setback of not less than ten (10) feet from all access roads within the mobile home park.
- D. Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes or between mobile homes and any other building or structure within the park.
- E. There shall be at least one and one-half (1½) paved, off-street parking spaces for each mobile home space.
- F. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet and have a storage locker of at least one hundred (100) cubic feet. Storage lockers may be located in locker compounds.
- G. Mobile home spaces may abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.
- H. Walkways not less than four (4) feet wide shall be provided from the mobile home spaces to service buildings.
- I. Each mobile home space shall be provided with a connection to a sanitary sewer line.
- J. All mobile homes shall be skirted to cover the undercarriage and/or wheels of the dwelling.

- 20.13.04.07 Mobile homes as a primary use on an individual lot shall be prohibited except as provided in Chapter 20.13.04.09 below.
- 20.13.04.08 Mobile homes as an auxiliary use or additional residence on a lot containing an existing structure shall be prohibited.
- 20.13.04.09 Mobile home subdivisions of not less than twenty-five (25) lots may be permitted in any RL and RH zone providing customary regulations for subdivisions and all zoning regulations are complied with.

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20.14 MINIMUM OFF-STREET PARKING REQUIREMENTS

- 20.14.01.00 Parking Required in Various Zoning Districts. In all districts there shall be provided adequate off-street parking areas in accordance with the following requirements.
- 20.14.01.01 In all zones parking for any residential structures, single dwelling or multiple dwelling, shall be provided in accordance with requirements in these tables, on the same site as the residential structure.
- 20.14.01.02 In BD zones adequate parking may be either provided by the business or may be commercial parking. Such parking shall be in accordance with the parking plan for the Central Business District.
- 20.14.01.03 Because of its close proximity to the normal retail market, parking required for commercial facilities in the BI district shall be one half ($\frac{1}{2}$) that specified in the table of required parking.
- 20.14.01.04 Parking in all other zones shall be on site of the building or within 200 feet of such site and shall be in accordance with the table of required parking.

20.14.02.00 Table of Required Parking

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Uses	Basic Spaces	Requirement Per
Auto Salvage Yard	10.0	1,000 sq. ft. floor area
Auto Truck Repair	4.0	1,000 sq. ft. service area
Auto Sales	1.25	1,000 sq. ft. land & Building
Branch Banks and Offices	7.0	1,000 sq. ft. usable space
Business & Professional Offices	4.0	1,000 sq. ft. usable space
Barber/Beauty Shop	3.0	Chair
Boarding & Rooming House	1.0	Each guest
Bowling Alleys	5.0	Alley
Churches	1.0	Four seats or 50 sq. ft. where removable seats are used
Mortuaries	1.0	Four seats when fixed or when removable per 32 sq. ft. of Parlor Space and Assembly Rooms
Coin Laundry/Dry Cleaner	5.0	1,000 sq. ft. floor area
Car Wash - Coin	4.0	Wash Bay
Car Wash - Conveyor	1.0	Five feet of tunnel
Commercial Trade School	4.0	Each ten (10) students
Country Club	2.0	Each ten (10) members
Dormitories	1.0	Each three (3) residents
Dry Cleaning Collection Station	3.0	1,000 sq. ft. floor area
Dwellings	2.0	Dwelling
Restaurant/Bar/Tavern	12.0	1,000 sq. ft. floor area
Furniture/Appliance	2.0	1,000 sq. ft. display area
Gasoline Station	5.0	1,000 sq. ft. floor/ser. area
Hospitals	1.0	Each two beds
Hotel	1.0	Each two rooms
Industrial Establishment	1.0	Each two (2) employees (combined two largest shifts)
Library	2.5	1,000 sq. ft. floor area
Medical Offices & Clinics	10.0	Per doctor
Dental Offices & Clinics	5.0	Per dentist
Motels	1.0	Per room
Retail Stores generating heavier auto traffic including, but not limited to Supermarkets, other food stores, ice cream parlors, bakeries, drug stores, dime stores	8.0	1,000 sq. ft. of sales space
Retail Stores generating lighter auto traffic including, but not limited to jewelry stores, gifts, hardware, appliance stores and the like, personal service shops, household or equipment repair shops, clothing or shoe repair shops, interior decorating shops, and wearing apparel	4.0	1,000 sq. ft. of sales area
Schools - Elementary and Junior High	1.0	Each fifteen (15) students
- High School	1.0	Each four (4) students
- Kindergarten	1.0	Per teacher

Uses	Basic Spaces	Requirement Per
Shopping Center Complexes:		
up to 200,000 sq. ft.	5.5	1,000 sq. ft. leasable floor area
over 200,000 sq. ft.	5.25	1,000 sq. ft. leasable floor area
Stadiums/Arenas	1.0	Each six (6) seats
Swimming Pools	1.0	Thirty (30) sq. ft. of water
Theatres/Auditoriums	1.0	Each three (3) seats
Union Hall/Lodges/Clubs	1.0	Each three (3) members
Wholesale Business	30.0	1,000 sq. ft. customer service area

Uses not specified: For any commercial district use not specified above, the requirements for off-street parking for a specified use to which said use is most similar shall apply.

20.14.03.00 General Regulations

- 20.14.03.01 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- 20.14.03.02 Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
- 20.14.03.03 Every company car, truck, tractor and trailer normally stored at a business site shall be provided with off-street parking space in an area reserved for the use as determined by the Plan Commission. Such space shall not be counted as meeting parking requirements of Chapter 20.14.
- 20.14.03.04 In cases of dual functioning of off-street parking where operating hours do not overlap, the BZA may grant an exception, provided the total parking provided is sufficient to meet the requirements of greatest demand or largest combined demands.
- 20.14.03.05 Such parking spaces as required in Chapter 20.14 shall not be counted as meeting off-street loading requirements of section 20.14.08.00 of this Chapter.

20.13.04.00 Off-Street Parking, Lot Layout, Construction and Maintenance.

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed, and maintained in accordance with the following regulations.

- 20.14.04.01 Back-out parking prohibited. Except for parcels of land devoted to one (1) and two (2) dwelling uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public or private street to obtain egress.
- 20.14.04.02 Parking stalls and drive widths. Each parking area shall provide parking stalls of minimum width and length and drive area of minimum width as indicated in the following table:

Angle of Parking	Stall Width	Stall Length	Two-way Drive Width	One-Way Drive Width
61 thru 90 degrees	9 ft.	20 ft.	25 ft.	20 ft.
46 thru 60 degrees	9 ft.	20 ft.	20 ft.	20 ft.
31 thru 45 degrees	8½ ft.	20 ft.	X	15 ft.
30 or less	8½ ft.	20 ft.	X	12 ft.

20.14.04.03 Parking Surface. All parking surfaces shall be constructed to meet the following standards:

- A. All areas devoted to off-street parking as required under this section shall be of a paved surface construction such as plant mix asphalt, penetrating asphalt or concrete paving.
- B. The parking lot shall be drained to eliminate surface water.

20.14.04.04 Spacing between parking aisles. In any parking lot where more than one aisle of parking stalls is to be provided, aisles of parking stalls should be separated by a walkway or landscaped area at least five (5) feet in width. Such landscaped areas are required to control traffic circulation, to provide the separation of pedestrian and vehicular traffic and to alter the impression created by unbroken continuous paved surface.

20.14.05.00 Setback Requirements

20.14.05.01 All parking facilities except for single dwelling residences shall set back from all public rights-of-way lines in accordance with setback requirements of the applicable zone. Any parking provided abutting a more restrictive zone shall have the same setback as the more restrictive zone. Parking provided to the side or rear of a structure shall set back from all lot lines a distance at least one half of the side or rear yard requirement.

20.14.05.02 All setback areas shall be landscaped and wheel stops shall be provided to prohibit the overhand of vehicles into the setback areas. Setback areas separating parking areas from more restrictive zones shall be planted with trees or shrubs of sufficient height to provide a visual screen of the parking area.

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20.14.06.00 Ingress and Egress

20.14.06.01 Clearly defined driveways shall be provided for ingress and egress. Driveways shall be located and constructed subject to the following criteria or such standards as established by the Indiana State Highway Department or City Engineer whichever shall be more restrictive.

Driveway Standard	Residential Property	Truck Terminal and Service Station	Other Non-Residential
Maximum width at property line	25 ft.	40 ft.	35 ft.
Minimum distance from interior lot line	5 ft.	11½ ft.	12½ ft.
Minimum distance from street intersection	30 ft.	30 ft.	30 ft.
Space between two drives/ same property	25 ft.	25 ft.	25 ft.
Radius of curb return:			
Minimum	5 ft.	5 ft.	5 ft.
Maximum	15 ft.	20 ft.	20 ft.

20.14.07.00 The number of traffic access points for establishments fronting on major and secondary arterial streets shall not exceed one (1) per six hundred (600) feet.

For establishments with frontage on a major or secondary arterial road, a service road shall be provided of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to, the street upon which the establishments front.

20.14.07.01 In the event the establishments front on more than one street, such service roads may be required on more than one (1) street frontage.

20.14.07.02 Access to the required service road must be assured for planned future construction of connecting service roads.

20.14.07.03 The service road or roads required by this section shall be effectively separated from the main road-way by a minimum of a five (5) foot wide planting strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.

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20.14.08.00 Lighting. Any light used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises in an R zone.

20.14.09.00 Off-Street Loading

20.14.09.01 In all zoning districts, except residential districts, one (1) off-street loading area for standing, loading and unloading shall be provided for each building or for each 25,000 feet of usable floor area of grouped contiguous buildings.

20.14.09.02 When trailer trucks are required for such loading and unloading the space provided shall be 60 feet (depth) X 14 feet (width) X 14 feet (height).

20.14.09.03 No such loading space required in this section shall be provided in the front yard of any building or contiguous group of buildings.

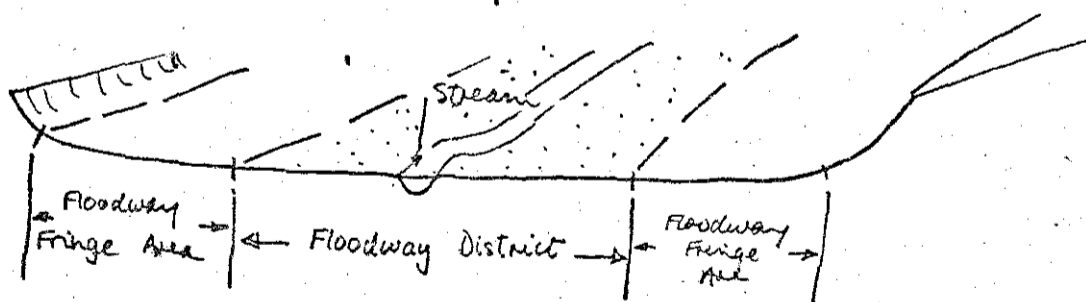
20.14.09.04 No loading area may be counted as parking area as required in these regulations.

20.14.09.05 Branch banks shall provide a minimum of four (4) stack-up spaces per drive-in service window. No such stack-up spaces shall impede the access to customer parking spaces as provided by Chapter 20.14. No such stack-up spaces shall impede the easy ingress and egress of traffic onto public streets and thoroughfares.

20.15.10.00 Enforcement. Wherever a parking layout plan is required by this Chapter, no building permit shall be issued prior to approval of entrance to affected city streets and/or state highways by the appropriate city and/or state official.

20.15 FLOODWAY AND FRINGE AREAS

- 20.15.01.00 Establishment of Floodway Zoning Districts. The flood-plain areas within the jurisdiction of this ordinance are hereby divided into two districts: Floodway Districts designated SC and Floodway Fringe Areas designated SC hyphen and a conventional zone indicator. The Floodway districts are adjacent to the stream channel (except where otherwise mapped) and are the areas of the most frequent and severe flooding. The Floodway Fringe Areas lie beyond the Floodway District and are subject to less severe flooding.
- 20.15.01.01 General Description Floodway District. The Floodway District is established for the purpose of meeting the needs of the streams to carry flood water and protecting the river, creek channels and flood plains from encroachment so that flood heights and flood damage will not be appreciably increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.
- 20.15.01.02 Definition - Floodway District. Within any SC zone a Floodway District shall be established to include all rivers, streams and creeks and all land within 100 feet of the centerline of such rivers, streams and creeks or such other distance as determined will provide adequate stream channel at flood conditions. In addition, the Floodway District shall include all areas designated on the zoning maps subject to flood resulting from ground drainage or excessive run-off. Such designated areas to be those determined by the Indiana State Department of Natural Resources to be within the contours defined as the 100 year flood.



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- 20.15.03.00 Permitted Uses. The following open-type uses are permitted in the Floodway District subject to approval of the Plan Commission and to such conditions the Plan Commission may specify to protect the public interest.
- 20.15.03.01 Adjacent to Agricultural and Residential Districts: Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.
- 20.15.03.02 Railroads, streets, bridges and public utility wire and pipe lines for transmission and local distribution purposes.
- 20.15.03.03 Public parks and playgrounds, and outdoor private clubs, swimming clubs, tennis clubs, provided that no principal building is located in the floodway.
- 20.15.03.04 Recreational camp, campgrounds, and camp trailer parks, provided that restroom facilities shall be located and constructed in accordance with the Health Department requirements.
- 20.15.03.05 Commercial excavation of natural materials and improvements of a stream channel.
- 20.15.03.06 Other similar uses accessory to those permitted in the adjoining districts.
- 20.15.04.00 Permitted Uses Adjacent to a Commercial District.
- 20.15.04.01 Any of the above permitted uses.
- 20.15.04.02 Archery range, miniature golf courses, and golf driving ranges.
- 20.15.04.03 Loading and unloading areas, parking lots, used car lots.
- 20.15.04.04 Other similar uses accessory to those permitted in the adjoining district.
- 20.15.05.00 Permitted Uses Adjacent to an Industrial District.
- 20.15.05.01 Agricultural uses including crop, nursery stock and tree farming, truck gardening, livestock grazing, and other agricultural uses which are of the same or closely similar nature.
- 20.15.05.02 Storage yards for equipment and material not subject to major damage by flood, provided such use is accessory to a use permitted in an adjoining district.
- 20.15.05.03 Parking lots.
- 20.15.05.04 Railroad, streets, bridges, and utility lines.

20.15.05.05 Other similar uses accessory to those permitted in the adjoining district.

20.15.06.00 Plan Commission Approval.

20.15.06.01 No permit shall be issued for the construction of any structure including railroads, streets, bridges, and utility lines or for any use within the Floodway District until the plans for such construction or use have been submitted to the Planning Commission and approval is given in writing for such construction.

20.15.06.02 In its review of plans submitted, the Plan Commission shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property.

20.15.06.03 Any structure permitted shall be of a type not appreciably damaged by flood waters, provided no structure for human habitation shall be permitted.

20.15.06.04 Any permitted structure and/or fill shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to and effect upon the flow of water.

20.15.06.06 Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and restricted sections of the stream.

20.15.06.07 The Plan Commission shall require the applicant to submit topographic data, engineering data, and other studies as needed to determine the effects of flooding on a proposed structure or fill and the effect of the structure or fill on the flow of water. Such data or other studies shall be prepared by competent engineers and other technical specialists.

20.15.06.08 To prevent back-up of water, ponding or damming effect no land may be filled in any designated floodway.

20.15.06.09 The granting of approval of any structure, fill or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the City of Bloomington or the Plan Commission or by any officer or employee thereof, or the practicability or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.

- 20.15.07.00 Floodway Fringe Area Requirements. For the purposes of this ordinance land lying outside the Floodway District and below the elevation as designated on the zoning maps outlining the SC zoning district shall be considered subject to flood. The flood profiles shall be kept and maintained by the City Engineer and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.
- 20.15.07.10 Areas lying outside the SC District, as shown on the zoning map of Bloomington, Indiana, but subject to flood as defined above, shall be identified as SC hyphen with a conventional zone designation and shall be subject to the following regulations.
- 20.15.07.11 No building or structure shall be erected and no existing building or structure shall be extended or moved unless the main floor of said building or structure is placed at least one (1) foot above the elevation subject to flood. No basement floor or other floor shall be constructed below or at a lower elevation than the main floor. Foundations of all structures shall be designed and constructed to withstand flood conditions at the site.
- 20.15.07.12 Land may be filled within these floodway fringe areas provided such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon.
- 20.15.07.20 Uses permitted in the SC hyphenated districts shall be the same as those uses permitted in the conventional zoning district indicated after the hyphen, (i.e.), uses permitted in an SC-RH zone shall be those permitted in the RH zone and uses permitted in an SC-BA shall be the same as those permitted in the BA zone.
- 20.15.07.30 All height, bulk and density requirements in floodway fringe (hyphenated SC) districts shall be the same as those required for the conventional zone indicated.

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20.16 CONSERVATION REQUIREMENTS

- 20.16.01.00 Preservation of Existing Features. Existing features which would add value to residential, development or natural or man-made assets of the county such as trees, streams, vistas, lakes, historically significant items, and similar irreplaceable assets, shall be preserved through harmonious and careful design of the unit or subdivision.
- 20.16.02.00 Preservation of Natural Cover. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize grading, cut and fill and to retain the natural contours, minimize storm water run-off, and conserve the natural cover and soil.
- 20.16.03.00 Grading. No person shall do any mass grading, stripping, excavating or filling of land or create burrow pits, material processing facilities or any facility on any land area other than single lots for development as a single dwelling residence, without having first obtained grading plan approval by the City Engineer. Proposed plan approval for individual lots within a subdivision for which an overall grading plan has been approved will not be necessary.
- 20.16.04.00 Storm Drainage. A storm water drainage plan shall be submitted for review by the Commission on all proposed subdivision or planned unit developments. The following guidelines shall be considered in review of the storm water drainage plan.
- 20.16.04.01 The existing natural drainage system shall be utilized to the maximum extent possible.
 - 20.16.04.02 Finished land grades shall be such that there is no ponding of water on the land and that all surface water will not cause serious erosion.
 - 20.16.04.03 The natural vegetation shall be utilized where possible to prevent the concentration of surface water run-off.
 - 20.16.04.04 Any planned drainage construction shall be integrated into the drainage pattern of surrounding properties.
 - 20.16.04.05 The storm water drainage plan shall be designed to provide for rainfall at the rate of three (3) inches per hour.

20.16.05.00 Review of Drainage Plans. The Monroe County Soil and Water Conservation District shall be asked to review the storm water drainage plans. Petitioner shall furnish a set of the storm water drainage plans to that agency, within two (2) days after filing application for approval of any proposed subdivision or planned unit development. Recommendations of that agency may be presented at the public hearing or submitted in writing to the Department of Planning prior to the hearing. Approval of the Commission will be based upon, but not limited to, consideration of the following items:

20.16.05.01 Culvert and storm sewer size and placement.

20.16.05.02 Grade stabilizing structures.

20.16.05.03 Improvement of the natural drainageways as needed by the increased surface water run-offs.

20.16.05.04 Curb elevations on streets used as part of the storm water drainage plan.

20.16.06.00 Steep Slopes

20.16.06.01 Development may occur in the steep slope areas provided that 30% of the required lot or a minimum of 2000 square feet, whichever is greater, has 15% or less slope. When receiving a plat involving thirty (30) or more lots the Commission may allow 10% of the total number of lots to exceed the maximum allowable grades provided that applicant has complied with Section 20.16.04.00 of the ordinance, further provided that proposed lots are serviced by the public water and sewer system. The extent of cutting and filling that will be permitted on any lot will be based on the soil conditions at the site as determined by the City Engineer upon recommendation of the Monroe County Soil and Water Conservation Service.

20.16.06.02 Development of land not qualifying under Section above shall be subject to review as a special exception and one of the following:

A. Minimum lot size of three (3) acres.

B. Certification by a soil engineer consisting of sufficient soil analysis to support his finding that the proposed steep slope shall not endanger any public or private property or result in deposition of sediment or debris or interfere with any existing drainage course.

C. Review and approval by the Commission as a special exception.

20.16.06.03 All roads and streets shall be in accordance with the topography with a minimum of cutting and filling.

20.16.06.04 In the case of single lot development within such areas when no central storm drainage system exists, run-off from driveways, roofs and other improved surfaces shall be diverted and carried to an acceptable outlet by one or a combination of the following methods: filtration beds, subsurface conduit systems, surface storm drainage system.

The surface water run-off plan shall be included in the application for a zoning permit.

20.16.07.00 The above standards and requirements shall be further controlled by the subdivision regulations of the City of Bloomington.

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20.17 SIGNS

- 20.17.01.00 Purpose. These regulations are established as a reasonable and impartial method of regulating advertising structures in order to insure safe construction, to insure light, air, and open space, to reduce hazards at intersections, to prevent the accumulations of trash, to preclude the establishment of structures which are inconsistent with the amenity level of the community.
- 20.17.02.00 Definitions. "Sign" as used in this chapter means any advertisement, announcement, or communication produced by the construction, erection, affixing or placing of a structure on any land or upon any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material upon any building, structure or surface. Signs placed or erected by any governmental subdivision for the purpose of conveying information shall not be included within the meaning of such term.
- 20.17.03.00 Compliance requirements. All signs erected or installed within the areas subject to this title shall be erected or installed only in such areas permitted by this chapter, and in accordance with the conditions as are hereinafter set forth.
- 20.17.04.00 RE, RS, RM, MQ or SM zones. No sign of any kind or nature shall be erected or installed in an RE, RS, RM, MQ or SM zone, excepting the following:
- 20.17.04.01 Signs pertaining to the prospective sale or rental of the property and measuring no more than six square feet in area.
 - 20.17.04.02 Signs pertaining to any business or commercial use allowed by this title in such zone, erected or installed upon the site of such business or commercial use and not exceeding six square feet in area.
 - 20.17.04.03 Signs designating the name of a particular subdivision placed at an entrance into such subdivision and not exceeding thirty-two square feet in area.
- 20.17.05.00 RL, RH zones. No sign shall be erected in an RL or RH zone, except the following:
- 20.17.05.01 Signs permitted in RE, RS, RM, SM or MQ zones;
 - 20.17.05.02 Signs pertaining to an apartment or mobile home park setting out the name of such apartment or mobile home park, not exceeding thirty-two square feet in area.

- 20.17.06.00 Breaker flashing illumination restriction. No sign located in any zone shall be designed, installed, or constructed so as to provide breaker flashing illumination.
- 20.17.07.00 BL, BI, BN, BG, and BD zones. No signs shall be erected or installed in any zone, except on-premise signs. No signs may be erected or installed in any commercial zone, except the following:
- 20.17.07.01 Signs permitted in RE, RS, RM, RL, RH, SM, or MQ zones.
- 20.17.07.02 Signs pertaining to business or commercial enterprises subject to the following limitations:
- A. The highest point of any such sign shall not be more than thirty feet from the ground.
 - B. No such sign shall exceed three hundred square feet in area, such area to be determined as a product of the length of a line extending from the highest to the lowest point of such sign and the length of a line extending from a point on each side of such sign at its greatest width.
 - C. If such sign shall be located within fifty feet of an RE, RS, RM, SM, or MQ zone, such sign shall be subject to the following limitations:
 1. The highest point of any such sign shall not be more than twelve feet from the ground.
 2. No such sign shall exceed fifty feet in area, such area being determined as the product of the length of a line extending from the highest to the lowest point of such sign and the length of a line extending from a point on each side of such sign at its greatest width.
- 20.17.08.00 ML and MG zones. No sign shall be erected and installed in an ML or MG zone, except the following:
- 20.17.08.01 Signs permitted in residential, commercial, SM, and MQ zones.
- 20.17.08.02 The highest point of any such sign shall not be more than thirty feet from the ground.
- 20.17.08.03 No such sign shall exceed three hundred square feet in area, such area to be determined as the product of the length of a line extending from the highest to the lowest point of such sign and the length of a line extending from a point on each side of such sign at its greatest width.

20.17.08.04 In that part of any ML or MG zone within fifty feet of any residential, commercial, SM, or MQ zone, no sign shall be erected, except those in compliance with Section 20.17.07.00.

20.17.09.00 Restrictions near scenic roads. No sign shall be erected or installed within five hundred feet of that part of any road, street, or highway which shall have been designated by the common council as a scenic road, except for signs for on-premises use in a designated commercial zone or industrial zone. All such signs shall meet the same requirements as in Section 20.17.07.00.

The designation of such scenic roads shall be made by the common council upon the basis of the topography, vegetation, and structures adjacent to such road.

The designation of the part of any road, street, or highway as a scenic road by the common council shall be considered as an amendment to this title.

20.17.10.00 Exceptions, Variances--Conditions. Any exception or variance to the provisions of this chapter may be granted only by the Board of Zoning Appeals as provided in this title and the statutes of the state of Indiana. No exception shall be granted by such board unless it finds that such exception is consistent with the intent and purpose of this chapter and this title to promote public health, safety, morals, and the aesthetic appearance of the city and its adjacent areas.

20.17.11.00 Nonconforming signs--Repair, replacement. If a nonconforming sign located and installed prior to the effective date of the ordinance codified in Sections 20.17.02.00 and 20.17.03.00 be damaged or destroyed, the owner may repair or replace such sign with a sign where the original sign stood or was installed.

20.17.12.00 Nonconforming signs--Removal, relocation. If an owner shall be required to remove a nonconforming sign erected or installed prior to the effective date of the ordinance codified in Sections 20.17.01.00 and 20.17.02.00 because of acquisition of the land upon which such sign is located by any authority having the power of eminent domain, such owner may relocate such sign or replace such sign with a sign of like construction and appearance within two hundred feet of where the original sign was installed or erected.

- 20.17.13.00 Scenic roads designated. The following roads are designated as scenic roads and subject to the restrictions of Sections 20.17.02.00-20.17.12.00:
- 20.17.13.01 New four-lane Highway No. 37 lying within the jurisdiction of this title;
 - 20.17.13.02 That part of Highway No. 46 extending from Highway No. 37 southeastward to Highway No. 45 and lying within the jurisdiction of this title;
 - 20.17.13.03 All that part of Highway No. 46 lying outside of the city and lying within the jurisdiction of this title;
 - 20.17.13.04 All that part of Highway No. 45 lying outside of the city and lying within the jurisdiction of this title;
 - 20.17.13.05 All that part of State Road No. 37 extending south from Mel Currie Road to the north corporation line and lying within the jurisdiction of this title;
 - 20.17.13.06 All that part of Highway No. 446 extending southward and lying within the jurisdiction of this title;
 - 20.17.13.07 Highway No. 146 lying within the jurisdiction of this title;
 - 20.17.13.08 Highway No. 346 lying within the jurisdiction of this title.

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20.19 BOARD OF ZONING APPEALS

- 20.19.01.00 Composition: Terms of Office. The Board of Zoning Appeals as constituted at the time of the effective date of this section and the terms of office of the members thereof shall be continued.
- 20.19.02.00 Meetings, Oaths, Attendance. Meetings of the Board shall be held on call of the chairman and at such times as the Board may determine. The Board shall hear all petitions addressed to it in public meeting. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.
- 20.19.03.00 Public Hearing on Petitions, Notice, Publication, Cost. Prior to decision on petitions addressed to the Board, the Board shall hold a public hearing thereon, notice of which shall be mailed to the petitioner and to owners of all property deemed by the Board to be affected thereby as they appear in the current records of the county auditor and also advertised ten (10) days prior to the public hearing in a newspaper of general circulation published in the city. The cost of notifying affected property owners and the cost of advertising the notice of the public hearing shall be borne by the petitioner.
- 20.19.04.00 Required Vote for Certain Actions. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the enforcement officer or other duly authorized administrative officer, and the concurring vote of four (4) members of the Board shall be required to decide in favor of the petitioner on any matter within the discretion of the Board upon which it is required to pass under this chapter or to affect any variation in the application of this chapter.
- 20.19.05.00 Report Generally: Notice of Decisions. The Board shall cause to be made a detailed report of all its proceedings, setting forth in writing its reasons for its decisions, a vote of each member participating therein with the reasons therefore and the absence of a member or his failure to vote.
- 20.19.05.01 A record of the reasons for the vote of the majority of the Board and the Board's final decision shall be recorded separately and in addition to the records of the votes of its individual members. Such records immediately following the Board's decision shall be filed in the office of the Board and of the enforcement

officer, and shall be open to public inspection. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

- 20.19.06.00 Appeal from Board Decisions. Any person jointly or severally aggrieved by any decision of the Board may proceed in the manner prescribed in Section 82, Chapter 174, Acts of the 1947 General Assembly of the State of Indiana.
- 20.19.07.00 Powers and Duties. The powers and duties of the Board of Zoning Appeals shall be:
- 20.19.07.01 To hear and determine or review determinations made by an administrative official or Board charged with the enforcement of any regulations or restrictions set forth in this chapter.
- 20.19.07.02 To permit and authorize exceptions in particular situations specified in this chapter.
- 20.19.07.03 To hear and decide special exceptions to the terms of this chapter upon which the Board is required to act under this chapter.
- 20.19.07.04 To authorize upon appeal in certain cases such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be preserved and substantial justice done, but, in no cause shall the Board have the power to grant a change in use.
- 20.19.08.00 Standards for Variances. In granting a variance the Board shall ascertain that the following criteria are met:
- 20.19.08.01 Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the Board, do not apply generally in the district.
- 20.19.08.02 Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
- 20.19.08.03 For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that this resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

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20.21 ADMINISTRATION AND ENFORCEMENT

- 20.21.01.00 Duty of City Engineer: Powers. It shall be the duty of the City Engineer to enforce the provisions of this chapter in the manner and form and with the powers provided in the laws of the State and in the Code or other ordinances of the city.
- 20.21.02.00 Permit--Requirements, Applications, Display, Requirements for Issuance Generally. It shall be a requirement that no soil removal, grading, filling or dredging may be undertaken; no sign shall be erected and no building or structure shall be erected, reconstructed, enlarged or moved until a zoning permit shall have been applied for in writing and issued by the enforcement officer. Such permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.
- 20.21.03.00 Same--Site Plan to Accompany Application. Every application for a zoning permit shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, accurate dimension of the lot, yards and buildings, together with location, size and use of any and all buildings not on the lot but within fifty (50) feet from the boundaries thereof, unless separated therefrom by a street, together with such other information as may be necessary to the enforcement of this chapter.
- 20.21.04.00 Fees.
- 20.21.04.01 Zoning Permit. Every application for a zoning permit shall be accompanied by a fee as established by the enforcement officer.
- 20.21.04.02 Change of Zone. Every application for a change in zone shall be accompanied by a fee as established by the Plan Commission.
- 20.21.04.03 Change of Grade. Every application for a grading permit shall be accompanied by a fee as established by the enforcement officer.
- 20.21.04.04 Occupancy Permit. Every application for an occupancy permit shall be accompanied by a fee as established by the enforcement officer.
- 20.21.04.05 Home Occupation Permit. Every application for a home occupation permit shall be accompanied by a fee as established by the enforcement officer.

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- 20.21.05.00 Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this chapter for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other buildings. The lot or yard areas of buildings existing at the time this chapter became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected.
- 20.21.06.00 Reconstruction of Unsafe Walls. Nothing in this chapter shall prevent the reconstruction of a wall or other structural parts of a building declared unsafe by the State Fire Marshal or the Administrative Building Council of the State.
- 20.21.07.00 Certificate of Occupancy. A certificate of occupancy shall be required for any of the following:
- 20.21.07.01 Occupancy and use of a building hereafter erected or enlarged.
 - 20.21.07.02 Change in use of an existing building to a use of a different classification.
 - 20.21.07.03 Occupancy and use of vacant land except for the raising of crops.
 - 20.21.07.04 Change in the use of land to a use of a different classification except for the raising of crops.
 - 20.21.07.05 Any change in use of a nonconforming use.
 - 20.21.07.06 No such occupancy use or change of use shall take place until a certificate of occupancy therefore shall have been issued by the enforcement officer.
 - 20.21.07.07 Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged, shall be made at the same time as the application for the zoning permit for such building. No fee shall be charged for an original certificate applied for coincident with the application for a zoning permit; for all other certificates or for copies of any original certificates, there shall be a charge established by the enforcement officer. Such certificate shall be issued within five (5) days after a written request for it has been made to the enforcement officer after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this chapter.

- 20.21.07.08 Pending the issuance of such certificate, a temporary certificate of occupancy may be issued by the enforcement officer for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the city relating to the use or occupancy of the land or building, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- 20.21.07.09 Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the enforcement officer.
- 20.21.07.10 If the proposed use is in conformity with the provisions of the chapter the certificate of occupancy therefore shall be issued within three (3) days after the application for it has been made. Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this chapter.
- 20.21.07.11 A record of all certificates of occupancy shall be kept on file in the office of the enforcement officer, and a copy shall be forwarded on request to any person having proprietary or tenancy interest in the building or land affected.
- 20.21.07.12 No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.
- 20.21.08.00 Review of the Zoning Ordinance. Upon adoption of these regulations the Plan Commission shall periodically review both the text of this ordinance and the accompanying maps.
- 20.21.08.01 Such periodic review shall be on a regular schedule by the Plan Commission, but not less frequently than once every two years.
- 20.21.08.02 Upon review of the text and maps the Plan Commission shall recommend all appropriate changes to the Zoning Ordinance. Such changes shall be presented to the City Council as proposed amendments to the Zoning Ordinance.

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- 20.21.09.00 Rules of Procedure. Upon adoption of these regulations the Plan Commission and Board of Zoning Appeals shall review their Rules of Procedure.
- 20.21.09.01 Such review shall be on a regular schedule to assure that the administrative rules of both the Plan Commission and the Board are consistent with the intent and purpose of these regulations and state statutes. The regular review of administrative rules of procedure shall not be less frequent than once every two years.
- 20.21.10.00 Enforcement Generally. All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose if it would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.
- 20.21.11.00 Violation: Proceeding to Abate. The erection, construction, enlargement, conversion, moving, or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any of the provisions of the chapter is hereby declared to be a violation of this chapter and unlawful. The city attorney shall immediately upon any such violation having been called to his attention by the enforcement officer institute injunction, abatement or any other appropriate action in his discretion to prevent, enjoin, abate, or remove such violation. Civil suit against any violator of this ordinance may also be instituted by any property owner who may be especially damaged by any violation of this chapter.
- The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.
- 20.21.12.00 Penalties. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land in violation of any regulation in this ordinance. Any person, firm, association or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provisions of this ordinance shall be subject to the same penalty as provided in Chapter 1.01.130 of the Bloomington Municipal Code; and every day of violation shall constitute a separate offense.
- 20.21.13.00 Validity. No invalidity of any part of these regulations shall affect the validity of any remaining part, it being declared that all such remaining parts would have been passed irrespective of the validity or invalidity of any part found to be invalid.

Section 2. That this ordinance shall be in full force and effect from and after its passage, promulgation and publication in accordance with the law.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 21 day of June, 1973.

Charlotte T. Zietlow
Charlotte Zietlow,
Council President

Attest:

Grace E. Johnson
Grace E. Johnson,
City Clerk

Presented by me to the Mayor of the City of Bloomington, Indiana, upon the 22 day of June, 1973, at the hour of 11 o'clock A.M.

Grace E. Johnson
Grace E. Johnson,
City Clerk

This ordinance approved and signed by me upon the 22 day of June, 1973, at the hour of 22 o'clock P.M.

Francis X. McCloskey
Francis X. McCloskey, Mayor

INTRODUCED BY:

REFERRED TO COUNCIL COMMITTEE:

APPROVED AS TO LEGALITY:

Lawrence Owens
City Attorney