

ORDINANCE 22-11
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Technical Corrections Set Forth in BMC 20.05, 20.06, & 20.07

- WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and
- WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and
- WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and
- WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and
- WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-07 and Ordinance 20-08; and
- WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and
- WHEREAS, on March 14, 2022, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and
- WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 23, 2022; and
- WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:
- 1) the Comprehensive Plan;
 - 2) current conditions and character of current structures and uses in each district;
 - 3) the most desirable use for which land in each district is adapted;
 - 4) the conservation of property values throughout the jurisdiction; and
 - 5) responsible development and growth; and

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

SECTION I. Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

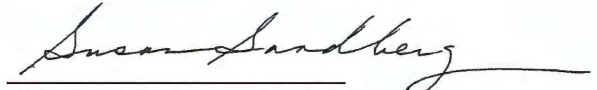
1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-13-22, (“Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.


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

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


PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of May, 2022.


SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:


NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of May, 2022.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 19th day of May, 2022.


JOHN HAMILTON, Mayor
City of Bloomington

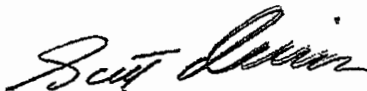
SYNOPSIS

This petition contains amendments to subdivision standards, administrative procedures, and definitions in the code. These amendments add, remove, or edit existing text to clarify and amend standards, procedures, and definitions. There are 12 amendments identified.

Distributed to: Clerk, Council Attorney, Legal, Mayor, and Planning & Transportation.

ORDINANCE CERTIFICATION

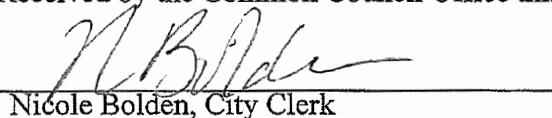
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-11 is a true and complete copy of Plan Commission Case Number ZO-13-22 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 14, 2022.



Date: March 23, 2022

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 23rd day of March, 2022.



Nicole Bolden, City Clerk

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

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

Approval of case ZO-13-22 amends the 2021 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

Case # ZO-13-22 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-13-22 on March 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0.

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code.

The last UDO Update process was completed in the Spring of 2021, with the final text amendment Ordinance becoming effective in July 2021. That update was the culmination of the much larger effort to update the UDO and Zoning Map that began with the Comprehensive Plan update in 2018. This update is a smaller scale and regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below:

1. ZO-13-22 | Chapter 5: Subdivision Standards; Chapter 6: Administration & Procedures; Chapter 7: Definitions

ZO-13-22 | Chapter 5: Subdivision Standards; Chapter 6: Administration & Procedures; Chapter 7: Definitions

This petition clarifies protections for environmental features in non-platting situations; adds the Engineering Department to procedures for new street lighting; requires attendance at Development Review Committee for applicants; syncs our public notice requirements with those of the State; modifies and syncs the triggers for both minor and major site plans; modifies the triggers for grading permits; clarifies confusing language related to secondary plat expiration and minor modifications; and allows minor modifications to be done for certificates of zoning compliance. There are 12 amendments identified. These amendments are needed to provide clarity on environmental protection requirements. These amendments also correct and update an error from the UDO overhaul related to notice requirements for hearings. The amendments also clarify a number of other areas where the language in code was not quite clear, as well as extends the minor modification procedure to certificates of zoning compliance, which was originally intended.

20.05.040 Easements

(a) Applicability

All proposed plats submitted for approval under the provisions of this Chapter 20.05: (Subdivision Standards) shall comply with the standards in this Section 20.05.040.

(b) General Standards

- (1) All easements and corresponding utility location plans shall be approved prior to the approval of the plat.
 - (2) All necessary easements shall be clearly identified on secondary plats and shall be recorded per processes as defined within Chapter 20.06: (Administration & Procedures), and shall include a definition consistent with Section 20.05.040(e).
 - (3) All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.
 - (4) Signs shall not be located within utility easements unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A) (Public Signs), and is further authorized by the city.
 - (5) Each easement shall allocate sufficient areas for the utilities, infrastructure, amenities, or features that are the subject of the easement, including but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary.
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(c) Environmental Features

The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat or set aside in easements on a deed where no plat is required or proposed, as identified in Section 20.04.030 (Environment).

- (1) All areas of excessive slope as defined in Section 20.04.030(c) (Steep Slopes).
 - (2) All karst features and their required buffer zones as defined in Section 20.04.030(g) (Karst Geology).
 - (3) All required riparian buffer areas as defined in Section 20.04.030(f) (Riparian Buffers).
 - (4) All areas within regulatory floodways and floodway fringes as defined in Section 20.04.040 (Floodplain).
 - (5) All delineated wetlands and required wetland buffer areas as defined in Section 20.04.030(h) (Wetlands).
 - (6) All trees required to be preserved by Section 20.04.030(i) (Tree and Forest Preservation).
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(d) Maintenance

- (1) For features required to be in an easement, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this UDO or in the development approval.
 - (2) A grant of authority to the city to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility.
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(B) City's Responsibilities

The petitioner shall be responsible for disseminating specifications for the installation of all public safety related street signs for streets, including, but not limited to speed limit signs, stop signs, yield signs and street name signs. The City's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these public signs required for any development. Site specific engineering work necessary to document compliance shall be prepared by a licensed engineer.

(C) Petitioner's Responsibilities

- i. The petitioner shall be required to install public signs prior to any street being opened to public. These public signs shall be installed in the location and to the height determined by the City Planning and Transportation Department.
- ii. The petitioner shall install a minimum of one street name public sign at each street intersection within the subdivision and on all perimeter intersections. At least one public sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from the sidewalk intersection (on the street side).
- iii. The petitioner shall install temporary street name public signs for any streets open to the public during construction. Such public signs shall meet the location requirements specified for street name public signs in (ii) above. Temporary street name public signs shall be removed when permanent street name public signs are installed.

(10) Street Lighting

(A) Street Lighting Plan

All subdivisions shall be required to have a street lighting plan approved by the City Engineering Department and submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company.

(B) Street Lighting Plan Approval

All certified street lighting plans shall be accepted by the City Board of Public Works prior to secondary plat signing. Street lighting plans shall include, but not be limited to, spacing of the fixtures, fixture type, fixture color, easements, light shielding, and the manufacturer. Full cutoff fixtures shall be used. The developer shall be responsible for installing all streetlights in accordance with the approved street lighting plan.

(C) Alternative Street Lighting Plans

Requests, including but not limited to the provision of specialized fixtures or use of privately-owned lights, may be considered by the City Board of Public Works as an alternative to conventional street lighting plans.

(b) Pre-Submittal Activities

(1) Pre-Submittal Meeting

(A) Purpose

The pre-submittal meeting is intended to provide an opportunity for the petitioner to meet with city staff to review the zoning classification of the site, the regulatory ordinances and materials, the procedures, and examine the proposed use and development of the property. The staff shall aid and advise the petitioner in preparing the petition and supporting documents as necessary. This meeting shall take place on or prior to the pre-submittal meeting deadline as listed on the schedule of meeting dates.

(B) Applicability

A pre-submittal meeting shall be required as indicated in Table 06-1: Summary Table of Review Procedures.

(C) Procedure

The petitioner shall submit a request for a pre-submittal meeting to Planning and Transportation Department staff.

(D) Effect

Any information or discussions held at the pre-submittal meeting shall not be binding on the city or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(2) Development Review Committee (DRC) Meeting

(A) Purpose

The Development Review Committee (DRC) meeting is intended to provide an opportunity for city staff from several departments to discuss details and potential impacts of the proposed project, and to establish points of contact. The staff shall advise the petitioner in preparing the petition and supporting documents as necessary. The petitioner ~~may attend the DRC meeting; however, it is not required.~~ or petitioner's representative is required to attend the DRC meeting.

(B) Applicability

A DRC meeting shall be required as indicated in Table 06-1: Summary Table of Review Procedures.

(C) Procedure

- i. The petitioner shall refer to the schedule of meeting dates in the Administrative Manual to determine the filing deadline for any given meeting of the DRC. Incomplete submittal information may result in the petition being postponed from the DRC agenda to allow the petitioner sufficient time to complete the submittal.
- ii. The staff shall inform the petitioner of the time, date, and place of the DRC meeting.

(E) **Notice to Adjacent Governmental Entities**

In a proceeding involving a petition for property that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the city to the planning agency of the governmental unit abutting such land.

(3) **Notice Format and Timeframes**

(A) **Published Notice**

Published notice shall be distributed in a newspaper in accordance with Indiana Code § 5-3-1: Publication Procedures, at least 21 days prior to the initial scheduled public hearing before the Plan Commission, ~~or Board of Zoning Appeals, and at least 10 days prior to the scheduled public hearing before the~~ Plat Committee, or Hearing Officer.

(B) **Mailed Notice**

Mailed notices shall be postmarked and sent via first class mail to all interested parties at least 21 days before the date of the initial scheduled public hearing before the Plan Commission, ~~Plat Committee, Hearing Officer, or Board of Zoning Appeals, and at least 10 days before the date of the initial scheduled public hearing before the Plat Committee or Hearing Officer.~~

i. **Proof of Notice**

The Planning and Transportation Department shall retain proof of notice within the petition file pursuant to the Administrative Manual.

ii. **Verification of Proper Notice**

City staff shall verify proper noticing pursuant to the Administrative Manual and shall advise the decision-making body at its initial public hearing of any omissions or deficiencies in the proof of notice.

iii. **Inadequate Notice**

If adequate notice in accordance with this section is not given to the interested parties, and this fact is confirmed by staff prior to action by the decision-making body, such petition may be continued to a later date to allow proper notice to all interested parties.

(C) **Posted Notice**

i. Required posted notice shall include at least one sign per street frontage on the subject property at least 21 days prior to the scheduled public hearing before the Plan Commission or Board of Zoning Appeals and at least 10 days prior to the scheduled public hearing before the Plat Committee or Hearing Officer.

ii. The required sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

(4) **Minor Defects in Notice Shall Not Invalidate Proceedings**

(A) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(B) Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties.

- i. New building construction;
- ii. Newly established uses of land;
- iii. Expansions, alterations, or modifications of existing structures or sites for commercial, public, institutional, civic, employment, utilities and communication, and multifamily residential uses of property within the city that result in increased occupancy or intensity of use; and
- iv. Creation or expansion of any vehicular parking area.

(B) Activities Exempt from Site Plan Review

Site plan review is not required for the following activities, but such activities shall be subject to the standards of this UDO and building permit review:

- i. Construction of a single-family detached, duplex, triplex, or fourplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings; and
- ii. Construction or erection of accessory buildings, fences, hedges, or walls; and
- iii. Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances.
- iv. Projects that fall below the thresholds for minor site plan review in Section 20.06.050(a)(2)(C)i.

(C) Thresholds for Minor and Major Site Plan Review

Site plan review is conducted by the Planning and Transportation Director or the Plan Commission, based on the thresholds below:

i. Minor Site Plan Review

Minor site plan review is required for any of the following activities unless that activity is exempt from the site plan process under Section 20.06.050(a)(2)(B), or the project meets or exceeds the thresholds requiring major site plan review under Section 20.06.050(a)(2)(C)ii:

1. A change in use that involves or requires site improvements;
2. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in Section 20.06.090(f)(2) (Limited Compliance), and falls below the thresholds for major site plan review in Section 20.01.010(a)(1)(A)i.1;
3. Development that contains ~~15,000-20,000~~ square feet or less of new non-residential gross floor area;
4. Development that contains ~~30-50~~ dwelling units or less;
5. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by 10 to 25 percent; ~~or 2,000 to 10,000 square feet, whichever is more;~~
- ~~6. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by five to 10 percent;~~
- ~~7.6.~~ The alteration of any vehicular parking area;
- ~~8.7.~~ Petitions for a permit and/or certificate of zoning compliance for grading; or

~~9.8.~~ Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district or such project does not contain more than ~~50-75~~ dwelling units.

ii. **Major Site Plan Review**

Major site plan approval is required for any project that meets or exceeds the following criteria, unless otherwise exempted from site plan review under Section 20.06.050(a)(2)(B):

1. Development located within 500 feet, measured radially, from the centerline of State Road 37/~~Interstate 69~~;
- ~~2. Development that contains more than 15,000 square feet of gross floor area;~~
- ~~3. Development that contains more than 50 dwelling units;~~
- ~~4. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in paragraphs (2) or (3) above;~~
- ~~5. Projects that qualify for affordable housing or sustainable development incentives on parcels located adjacent to one or more lots in an R1, R2, R3, or R4 district that contain more than 50 dwelling units;~~
- ~~6.2.~~ Any minor site plan determined by the Planning and Transportation Director to require major site plan review due to unusual size, complexity, or the creation of potential significant unanticipated impacts on the city or surrounding neighborhoods; or
- ~~3.~~ Any project that would individually qualify for minor site plan review but that, when considered collectively with prior minor site plan approvals for adjacent lots or sites under common or related ownership within the last three years, would have required major site plan review, if the Planning and Transportation Director concludes that the combined impact of any such adjacent projects creates impacts similar to those requiring major site plan review.
- ~~7.4.~~ Anything that exceeds minor site plan review thresholds.

(3) **Minor Site Plan Review Process**

Figure 06.05-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-1: Summary of Minor Site Plan Review Procedure

iv. Revocation of Permits

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

(e) Grading Permit

(1) Purpose

The grading permit procedure is intended to mitigate the environmental impact of site development and to protect the water quality of the City of Bloomington, Monroe County, and surrounding areas, and to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all grading activities.

(2) Applicability

No land-disturbing activity shall occur on platted or unplatted lands in any zoning district, unless a grading permit for such activity has been issued.

(A) Exemptions

- i. Land-disturbing activity covering an area less than ~~1,000~~ 2,500 square feet;
- ii. Land-disturbing activity on an individual single-family lot.
- iii. Projects with only new foundations for buildings or additions with a footprint of 5,000 square feet or less.

(B) Additional Requirements

Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5, and 327 IAC 15-13, regarding stormwater runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10 (Wastewater) of the Bloomington Municipal Code regarding stormwater runoff; and all applicable rules, regulations, standards and specifications of the City Utilities Department regarding stormwater management practices.

(3) Grading Permit Review Process

Figure 06.05-6 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to grading permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-6: Summary of Grading Permit Procedure

- iii. For petitions subject to review and a decision by the Plan Commission, pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

(B) Petition Submittal and Processing

The primary plat petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

Within 30 days after receipt of a complete petition, the primary plat petition shall be scheduled for a public hearing before the Plan Commission or Plat Committee and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

The Plan Commission or Plat Committee shall review the primary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following standards:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.
- v. All subdivision proposals shall minimize development in the SFHA and/or limit intensity of development permitted in the SFHA.
- vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(F) Subdivision Waivers

Waivers from any standards within Chapter 5 shall be reviewed according to the following criteria:

- i. The granting of the subdivision waiver shall not be detrimental to the public safety, health, or general welfare, or injurious to other property; and
- ii. The conditions upon which the request for a Subdivision Waiver are based are unique to the property; and
- iii. The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Transportation Plan.

(F)(G) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Effect of Approval

1. All decisions of the Plan Commission or Plat Committee approving, denying, or placing conditions upon a primary plat must be in writing and signed by the president of the Plan Commission, the chair of the Plat Committee, or the Planning and Transportation Director.
2. The approval of a primary plat by the Plan Commission is strictly tentative, involving merely the general acceptability of the layout as submitted.

ii. Revisions to Primary Plat

Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the conditions required by the Plan Commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

iii. Expiration of Primary Plat

1. A secondary plat petition shall be filed no later than 12 months after the date of approval of the primary plat, otherwise the primary plat approval shall be considered void, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).
2. One extension of up to six months may be authorized by the Planning and Transportation Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning and Transportation Director, and the Planning and Transportation Director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the primary plat record.

(c) Secondary Plat

(1) Purpose

The secondary plat procedure provides a mechanism for the city to review a petition for the secondary platting of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

2. For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within 18 months of the previous phase. If a successive phase fails to meet the 18-month requirement, the approval of the phases that have not been recorded shall be null and void ~~and~~, but only the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).

iii. Financial Bond Required

1. Purpose

In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the city, that all public facility improvements and installations required under the provisions of this UDO and Planning and Transportation Department requirements shall be completed.

2. Applicability

- [a] A performance agreement between the petitioner and the city, supported by a performance surety or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the City of Bloomington shall be bonded in accordance with Monroe County bonding policy.
- [b] The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.
- [c] The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the city. The time period and amount of the performance guarantee shall be determined by the Board of Public Works and shall comply with Indiana Code § 36-7-4-709(i).
- [d] The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.

3. Review

The City Planning and Transportation Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Planning and Transportation Department shall verify that the performance bond or letter of credit shall:

- [a] Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with this UDO and City Planning and Transportation Department requirements;

Table 06-2: Allowable Minor Modifications

UDO Standard	Allowable Modification (maximum percentage)
Subdivision Standards	
Parent tract size, minimum	10
Open space required, minimum	5
Block length, minimum or maximum	10
<u>Lot area, minimum</u>	<u>10</u>
Site Standards	
Lot area, minimum	10
Lot coverage, maximum	10
Lot Dimensional Standards	
Front building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Front parking setback, minimum	25
Front build-to range, minimum	25
Front building façade at build-to range, minimum	25
Side building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Rear building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Encroachment into setback pursuant to Table 04-6	10
Impervious surface coverage, maximum	5
Building Standards	
Primary structure height, maximum	10
Primary structure height, minimum	10
Student housing or dormitory building floor plate (maximum)	5
Accessory building height, maximum	10
Projection into height requirement pursuant to Table 04-7: Authorized Exceptions to Height Requirements	10
Development Standards	
Number of required vehicle or bicycle parking spaces, maximum or minimum	10
Minimum landscaped area	10
Fence or wall height, maximum	15

(4) Minor Modification Review Process

(A) Petition Submittal and Handling

A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), certificate of zoning compliance, or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.

(B) Review and Decision

- i. Where the concurrently reviewed petition requires review and approval by the planning and transportation staff, the Planning and Transportation Director shall review the petition and shall approve, approve with conditions, or deny the modification based on the criteria in Section 20.06.080(a)(5).
- ii. Where the concurrently reviewed petition requires review and approval by the Plan Commission or Common Council, the commission or council, as applicable, shall review and decide the minor modification petition based on the criteria in Section 20.06.080(a)(5).

(C) Effect of Approval

Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the petition.

(D) Expiration of Minor Modification

A minor modification shall automatically expire if the associated development petition is denied or if approval of the concurrently reviewed petition expires, is revoked, or otherwise deemed invalid.

(5) Minor Modification Approval Criteria

A minor modification may be approved if the decision-making body finds that the modification:

- (A) Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
- (B) Is not necessitated by the petitioner's actions; and
- (C) Is of a technical nature and is required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

(b) Variance

(1) Purpose

The variance procedure provides a mechanism for the City to authorize variances from the development standards of this UDO when it is demonstrated that such a variance will not be contrary to the public interest or the spirit of this UDO, where, owing to special conditions, literal enforcement of this UDO will result in practical difficulties or unnecessary hardship.

ii. Parking Setback/Impervious Surface Coverage

If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess asphalt or parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback. If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.

iii. Parking

Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of Section 20.04.060 (Parking and Loading). Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than ten percent of the gross floor area may not increase the degree of nonconformity regarding the required number of parking spaces.

iv. Paving

Any substandard parking surfaces shall be brought into compliance with Section 20.04.060(i)(7) (Surface Material).

v. ADA-accessible Parking

All required ADA-accessible parking spaces must be installed in accordance with Section 20.04.060(f) (Accessible Parking). If no additional room for parking is available, the number of parking spaces provided may be decreased enough to provide adequate ADA-accessible aisles.

vi. Bicycle Parking

All required bicycle parking must be installed per Section 20.04.060(l) (Minimum Bicycle Parking Required) and Section 20.04.060(m) (Bicycle Parking Location and Design).

vii. Landscaping

If full compliance with Section 20.04.080 (General Landscaping) cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

viii. Pedestrian Facilities

Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (Pedestrian and Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that pedestrian facilities shall comply with the Americans with Disabilities Act.

ix. Signage

All signage must be brought into compliance with Section 20.04.100 (Signs) to the extent practicable, although freestanding signs may use existing setbacks where the sign is not located within a restricted vision clearance area.

x. Dumpster Enclosures

All outdoor waste collection facilities must be brought into compliance with Section 20.04.080(m) (Screening).

Funeral Home

See "Mortuary."

Garage

A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Garage, Detached

A detached accessory building in which the sole use is the storage of vehicles and other incidental personal possessions of the premises.

Geographic Information System (GIS)

A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis, and modeling.

Glare

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Government Service Facility

A facility owned, operated, or occupied by any level of government to provide a governmental service, but not including offices for the provision of governmental services or facilities for any government operation separately defined in this UDO.

Grade, Finished

The final grade of a plan that conforms to the approved plan.

Grade, Street

The top of the curb, or the top of the edge of the pavement where no curb exists.

Grade, Unfinished

The stage at which the grade approximately conforms to the approved plan.

Gravel, Cement, or Sand Production

A facility for the sorting, grading, storage, manufacture or mixing of aggregate construction materials such as concrete, cement, gravel, crushed stone, sand or similar products, or products made of these materials.

Greenhouse, Noncommercial

The accessory or temporary use of a structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for noncommercial use.

Grocery or Supermarket

A retail establishment where most of the floor area is devoted to the sale of food products, both perishable and dry goods, for home preparation and consumption, as other convenience and household goods.

Gross Floor Area

All of the area contained in a building or buildings without exception, including utilities, stairwells, chimneys and other appurtenant features.

Ground Cover

In landscaping, low-growing plants with a typical maximum mature height of about 12 inches. Ground cover is sometimes referred to as the "herbaceous layer," "regenerative layer," or "ground flora." They are typically chosen for practical purposes to cover soil where turf grass does not thrive or is not practical or in wooded settings covering the soil surface. Ground cover species do not include non-native turf grass.

Ground Floor

The level of a building that is situated at or most nearly at street grade.

Group Care Home, FHA, Small and Large

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for persons with disabilities, persons with mental health conditions, or persons with developmental disabilities ~~handicapped, mentally ill, or developmentally disabled persons~~. This use does not include "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large."

Group Home, FHA Small

A facility designed for and occupied by eight or fewer residents living together.

Group Care Home, FHA Large

A facility designed for and occupied by nine or more residents living together.

Gym

See "Fitness Center."

Habitable Space

Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HAND

The City of Bloomington Department of Housing and Neighborhood Development.

Hardship

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

Health Club

See "Fitness Center."

Hearing Officer

A member of the staff, appointed by the Plan Commission, who hears and makes final decisions on certain variances and certain conditional uses, as specified in the Plan Commission rules of procedure. The Hearing Officer is established pursuant to Indiana Code 36-7-4-923.

School, Public or Private

A public or private institution that offers instruction in any of the branches of learning and study comparable to that taught in the public schools through high school level under the Indiana School Laws, including pre-school, pre-kindergarten, kindergarten, elementary school, and junior and senior high schools. This use does not include "School, Trade or Business," or "School, College or University."

School, Trade or Business

A private or public educational facility with a curriculum that is not comparable to that taught in the public schools through the high school level and focused upon skills required in business, trades, or the arts.

Searchlight

A powerful light equipped with a reflector to produce a bright beam intended to draw attention.

Seasonal Sales

Any business or use (primary or accessory) that may include but not be limited to retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, pumpkins, fireworks; and other similar businesses or uses. This definition does not include "Farm Produce Sales."

Secondary School

See "School, Public or Private."

Section 1316

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

Sediment

Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity or ice and has been deposited at another location.

Setback

The required distance between any structure or parking area and the lot lines of the lot or parcel on which they are located.

Setback, B-Line Trail

The line that defines the minimum distance that any area used for structures or vehicle parking spaces shall be separated from the B-Line trail right-of-way.

Setback, Front

The line that defines the depth of the required front yard measured from the front property line to a regulated structure. The front setback shall be measured from the proposed right-of-way as indicated on the ~~thoroughfare Transportation Plan~~ Transportation Plan except that the front setback adjacent to a street classified as Neighborhood Residential in the Transportation Plan shall be measured from the existing right-of-way. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zoning district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.

Setback, Front Smallest

Street Lighting Plan

A site plan showing the location and type of streetlights to be installed including type of fixture and bulb type.

Street, Stub

A street intended to be extended in conjunction with the subdivision and development of adjacent unplatted land.

Structural Alterations

Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams, or girders; or any change in the footprint or increase in the size of living space. Structural alterations also include substantial roofing and siding work when repairs are made to the structure beneath.

Structure

Structure (Generally)

In all other contexts, anything constructed or erected that requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs, and other similar items.

Structure (Floodplain Regulations)

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

Structure, Accessory

Structure, Accessory (Generally)

See "Building or Structure, Accessory."

Structure, Accessory (Floodplain Regulations)

For purposes of floodplain regulations, a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Structure, Historic

For purposes of floodplain regulations, any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Student Housing or Dormitory

A multiple-family dwelling designed primarily as housing for, or likely to be occupied by, unmarried undergraduate or post-graduate students, including but not limited to:

- 1) Multiple-family dwellings that contain any living units with four or more bedrooms; or
- 2) Multiple-family dwellings [with more than 10 dwelling units](#) where more than 33 percent of the living units contain three bedrooms; or
- 3) Residential buildings that do not meet the definition of a "Residential Rooming House" or "Hotel or Motel," in which any of the bedrooms require the use of a common hallway shared by more than three bedrooms, to access the nearest bathroom facilities or to access a cooking area containing a built-in sink, refrigerator, and stove or oven.

Urban Agriculture, Noncommercial

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Noncommercial urban agriculture may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. This definition includes gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens and other similar activities. Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Bloomington Municipal Code.

Use

The purposes for which land, a building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Abandonment of

The relinquishment of property or a cessation of the use of property for a continuous period of ~~six~~ twelve months by the owner.

Use, Accessory

An activity that is conducted or located on the same zoning lot as the primary building or use served, except as may be specifically provided elsewhere in this UDO; is clearly and customarily incidental to, subordinate in purpose to, and serving the primary use; and is either in the same ownership as the primary use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the primary use.

Use, Change In

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

- 1) Any change from a residential use to a nonresidential use;
- 2) Any change from a nonresidential use to multifamily use;
- ~~3)~~ 3) Any change from one residential land use to another;
- ~~3)4)~~ 4) Any increase in the number of dwelling units; ~~and any increase in number of bedrooms for any unit;~~
- ~~4)5)~~ 5) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
- ~~5)6)~~ 6) Any use which requires a conditional use approval;
- ~~6)7)~~ 7) Any change from a single-tenant to a multi-tenant site or building;
- ~~7)8)~~ 8) Any use that differs from the previous use of a building or land, as determined by subheadings in Table 03-1: Allowed Use Table, or where the new use differs substantially in the amount of required parking, traffic generation, number or frequency of customers/users, hours of operation, or other similar aspects of the use; and
- ~~8)9)~~ 9) Any establishment of a new use after a previous use has been abandoned, as defined by this UDO.

Use, Conditional

See "Conditional use."

Use, Establishment of

The initiation of a new use on a property or the initiation of a use on a property where the previous use has been discontinued; or, reestablishment of a prior conforming use that has been discontinued for a period of twelve months or more.

ZO-13-22

Redline Page Number	Online UDO Page Number	Chapter	Citation	Current Language	Proposed Language	Synopsis
232	224	5	20.05.040(c)	The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat, as identified in Section 20.04.030 (Environment).	The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat or set aside in easements on a deed in situations where no plat is required, as identified in Section 20.04.030 (Environment).	Clarifies that if an easement is required per Chapter 4, that the easement language and conditions surrounding it are adhered to per Chapter 5 standards
246	238	5	20.05.050(j)(10)(A)	All subdivisions shall be required to have a street lighting plan submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company	All subdivisions shall be required to have a street lighting plan approved by the City Engineering Department and submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company	Clarifies that the Engineering Department shall review and approve a street lighting plan
259	251	6	20.06.040(b)(2)(A)The petitioner may attend the DRC meeting; however, it is not required.The petitioner may attend or petitioner's representative is required to attend the DRC meeting.	Requires the petitioner or their representative to attend the DRC meeting
272	264	6	20.06.040(e)(3)(B)	Mailed notices shall be postmarked and sent via first class mail to all interested parties at least 21 days before the date of the initial scheduled public hearing before the Plan Commission or Board of Zoning Appeals and at least 10 days before the date of the initial scheduled public hearing before the Plat Committee or Hearing Officer	Mailed notices shall be postmarked and sent via first class mail to all interested parties at least 21 10 days before the date of the initial scheduled public hearing before the Plan Commission, Plat Committee, or Board of Zoning Appeals, or Hearing Officer. and at least 10 days before the date of the initial scheduled public hearing before the Plat Committee or Hearing Officer	Syncs public notice dates with State Code
277-278	269-270	6	20.06.050(a)(2)(C)(i)	Minor site plan thresholds	Amending thresholds for minor site plan	modifies trigger for minor site plan
278	270	6	20.06.050(a)(2)(C)(ii)	Major site plan thresholds	Amending thresholds for major site plan	Revises trigger for major site plan review
295	287	6	20.06.050(e)(2)(A)	Grading permit exemptions	Amending exemptions for grading permits	Modifies what the trigger is for a grading permit
312-313	304	6	20.06.060(b)	None	Add Section (F) with language for subdivision waivers. Use Section 20.09.210 from 2019 UDO.	Adds language and standards for subdivision waivers similar to previous UDO
316	307	6	20.06.060(c)(3)(E)(i)(2)	For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within 18 months of the previous phase. If a successive phase fails to meet the 18-month requirement, the approval of the phases that have not been recorded shall be null and void and the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).	For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within 18 months of the previous phase. If a successive phase fails to meet the 18-month requirement, the approval of the phases that have not been recorded shall be null and void and , but only the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).	Clarifies that only the secondary plat (not the primary plat) must be reapproved if successive phases are not recorded within 18 months of a previous phase
337	329	6	20.06.080(a)(2)(B) Table 06-2	Lot Coverage, maximum	Lot Coverage, maximum	We do not regulate Lot Coverage specifically
337	329	6	20.06.080(a)(2)(B) Table 06-2	Lot Area, minimum	move to "Subdivision Standards" rather than "Site Standards"	Moves standard to the appropriate section since it is related to the creation of a new lot as part of a subdivision
339	331	6	20.06.080(a)(4)(A)	A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.	A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), certificate of zoning compliance, or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.	Adds that minor modification can be done as part of a certificate of zoning compliance so that these can be applicable to building permits which was part of the original intent.

357	349	6	20.06.090(f)(2)(B)(ii)	If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback. If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.	If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess asphalt or parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback. If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.	Clarifies that excess asphalt can be required to be removed even if it is not parking spaces
387-388	379	7	20.07.010	no definition for "ground cover"	Ground Cover- In landscaping, low-growing plants with a typical maximum mature height of about 12 inches. Ground cover is sometimes referred to as the "herbaceous layer," "regenerative layer," or "ground flora." They are typically chosen for practical purposes to cover soil where turf grass does not thrive or is not practical or in wooded settings covering the soil surface. Ground cover species do not include non-native turf grass.	Provides a definition for "ground cover"
409	400	7	20.07.100	Setback, Front: The line that defines the depth of the required front yard measured from the front property line to a regulated structure. The front setback shall be measured from the proposed right-of-way as indicated on the thoroughfare plan. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zoning district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.	Setback, Front: The line that defines the depth of the required front yard measured from the front property line to a regulated structure. The front setback shall be measured from the proposed right-of-way as indicated on the thoroughfare Transportation Plan except that the front setback adjacent to a street classified as Neighborhood Residential in the Transportation Plan shall be measured from the existing right-of-way. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zoning district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.	Updates code to reflect applications of this section to maintain current building setbacks in areas of the City with varying degrees of current substandard right-of-way.
415	406	7	20.07.100	Student housing or dormitory definition- 2) Multiple-family dwellings where more than 33 percent of the living units contain three bedrooms; or	Multiple-family dwellings with more than 10 dwelling units where more than 33 percent of the living units contain three bedrooms; or	revised definition of student housing or dormitory
419	410	7	20.07.010	Use, Abandonment-The relinquishment of property or a cessation of the use of property for a continuous period of six months by the owner.	Use, Abandonment-The relinquishment of property or a cessation of the use of property for a continuous period of six twelve months by the owner.	Syncs 12 month abandonment language with language in Chapter 6 for abandonment of a use
419	410	7	20.07.010	Any change from one residential land use to another, any increase in the number of dwelling units, and any increase in number of bedrooms for any unit;	-Any change from one residential land use to another -Any increase in the number of dwelling units, and or any increase in number of bedrooms for any unit;	Revises language to separate clauses and removes the addition of bedrooms as a trigger.