ORDINANCE 22-08
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE) OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Technical Corrections Set Forth in BMC 20

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-10-22 (“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.

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of June, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 21st day of June, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains corrections or clarifications in the UDO. These errors range from missing references to terminology correction to missing text to syncing references across the UDO. There are 22 amendments identified, some appearing multiple times in the code.

Note: At the May 18, 2022 Regular Session, the Council adopted the following amendments:

• AM 01 – correcting typographical errors in the ordinance; and
• AM 02 – removing three proposed Notes under Table 02-11 that would have affected mixed-use district dimensional standards in a specified geographical area.

Distributed to: Clerk, Council, Legal, Mayor, Planning and Transportation
In accordance with Indiana Code 36-7-4-606(g), I hereby file this Report to the Common Council of the action of the Plan Commission in regard to Ordinance 22-08. Ordinance 22-08 amended regulations in the City’s Unified Development Ordinance as amended by the Common Council and was accompanied by the amendments and a statement of reasons for those amendments. I certify that the Plan Commission considered the aforementioned materials via Case Number ZO-10-22 and approved the Unified Development Ordinance as amended by a 7-0 vote at a public meeting on June 13, 2022.

Date: June 21, 2022

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 21st day of June, 2022.

Nicole Bolden, City Clerk
May 20, 2022

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

Dear Plan Commissioners,

This letter is being written pursuant to I.C. 36-7-4-607(e), which requires the Council, in the event it amends a proposal to amend the text of the City’s zoning ordinance, to return the proposal and the amendment(s) to the Plan Commission, with a statement of reasons for the amendment(s). On March 23, 2022, the Common Council received certification of the Plan Commission’s action on the proposal to amend certain provisions of the Unified Development Ordinance, which came forward as Ordinance 22-08 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.

At a Regular Session on May 18, 2022, after having met in Committee of the Whole on May 11, 2022, the Common Council approved Ordinance 22-08 by a vote of 9-0, with two amendments. Attached to this correspondence are copies of the following records:

• Ordinance 22-08, signed by the Council President;
• Attachment A to Ord 22-08, consisting of ZO-10-22, the proposal forwarded to the Council by the Plan Commission;
• Attachment B to Ord 22-08, consisting of Council amendments to ZO-10-22, which includes:
  o Amendment 01, including a written statement of the reasons for the amendment;
  o Amendment 02, including a written statement of the reasons for the amendment.

The Council extends its deep appreciation for the work of the Plan Commissioners and staff on Ordinance 22-08 and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney, Mike Rouker.

Sincerely,

Susan Sandberg, President
Bloomington Common Council
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-08 is a true and complete copy of Plan Commission Case Number ZO-10-22 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 ___ day of _____________, 2022.

Nicole Bolden, City Clerk

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

**Cause of Request:**

Planned Expenditure

Unforeseen Need

Emergency

Other

**Funds Affected by Request:**

<table>
<thead>
<tr>
<th>Fund(s) Affected</th>
<th>Fund Balance as of January 1</th>
<th>Revenue to Date</th>
<th>Revenue Expected for Rest of year</th>
<th>Appropriations to Date</th>
<th>Unappropriated Balance</th>
<th>Effect of Proposed Legislation (+/-)</th>
<th>Projected Balance</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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-10-22 amends the 2021 Unified Development Ordinance (UDO), with technical corrections for scrivener's errors, punctuation, references, and/or citations, 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-10-22 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-10-22 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-10-22 | Technical Corrections

ZO-10-22 | Technical Corrections
This petition contains corrections or clarifications to the UDO. These range from misplaced or missing references to incorrect numbers to terminology correction or clarification to missing text to syncing references across the UDO. There are 22 amendments identified, some appearing multiple times in the code. These amendments are needed to provide accurate and clear language for use of the code, as well as to sync the code with itself and adopted plans.
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</tr>
<tr>
<td>(a)</td>
<td>Title</td>
<td>1</td>
</tr>
<tr>
<td>(b)</td>
<td>Purpose</td>
<td>1</td>
</tr>
<tr>
<td>(c)</td>
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</tr>
<tr>
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</tr>
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<td>(b)</td>
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## Chapter 20.02: Zoning Districts

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<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
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<td>(g)</td>
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<td>(i)</td>
<td>R2: Residential Medium Lot</td>
<td>16</td>
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<td>R3: Residential Small Lot</td>
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</tr>
<tr>
<td>(k)</td>
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<td>20</td>
</tr>
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<td>(l)</td>
<td>RM: Residential Multi-family</td>
<td>22</td>
</tr>
<tr>
<td>(m)</td>
<td>RH: Residential High-Density Multi-family Holmes Park</td>
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<tr>
<td>(n)</td>
<td>RMH: Manufactured/Mobile Home Park</td>
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<td>30</td>
</tr>
<tr>
<td>(c)</td>
<td>MM: Mixed-Use Medium Scale</td>
<td>32</td>
</tr>
<tr>
<td>(d)</td>
<td>MC: Mixed-use Corridor</td>
<td>34</td>
</tr>
<tr>
<td>(e)</td>
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<td>36</td>
</tr>
<tr>
<td>(f)</td>
<td>MI: Mixed-use Institutional</td>
<td>38</td>
</tr>
<tr>
<td>(g)</td>
<td>MD: Mixed-use Downtown</td>
<td>40</td>
</tr>
<tr>
<td>(h)</td>
<td>MH: Mixed-use Healthcare</td>
<td>54</td>
</tr>
<tr>
<td>20.02.030</td>
<td>Nonresidential Zoning Districts</td>
<td>56</td>
</tr>
<tr>
<td>(a)</td>
<td>EM: Employment</td>
<td>56</td>
</tr>
</tbody>
</table>

Bloomington, Indiana – Unified Development Ordinance  
Effective Date: April 18, 2020  
Last Amended Date: July 12, 2021  
ZO-10-22 Red Line
(m) RH: Residential High-Density Multifamily High-Density

(1) Purpose
The RH district is intended to accommodate high-intensity multifamily residential development, plus related civic and residential-supportive uses, to provide an adequate mix of housing types throughout the community. This district can also serve as a transition between other lower-density districts and the downtown or university areas.
**20.02.020 Mixed-Use Zoning Districts**

The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>Minimum, only for lots created after the effective date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Lot area</td>
<td>5,000 square feet (0.115 acres)</td>
</tr>
<tr>
<td>B Lot width</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

**Building Setbacks (Minimum)**

<table>
<thead>
<tr>
<th>C Front build-to range</th>
<th>15 to 25 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front building facade at build-to range (minimum)</td>
<td>70%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D Side</th>
<th>7 feet [1][4]</th>
</tr>
</thead>
<tbody>
<tr>
<td>E Rear</td>
<td>7 feet [1][4]</td>
</tr>
</tbody>
</table>

**Other Standards**

<table>
<thead>
<tr>
<th>F Front parking setback (minimum)</th>
<th>20 feet behind the primary structure's front building wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious surface coverage (maximum)</td>
<td>60%</td>
</tr>
<tr>
<td>Landscape area (minimum) [5]</td>
<td>40%</td>
</tr>
<tr>
<td>Primary-structure height (maximum)</td>
<td>4 stories, not to exceed 50 feet [1][2][3]</td>
</tr>
<tr>
<td>Accessory-structure height (maximum)</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

**Notes:**

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
[4] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have an impervious surface coverage maximum of 85%.
[5] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have a minimum landscape area of 15%.
[6] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.
Chapter 20.02: Zoning Districts
20.02.020: Mixed-Use Zoning Districts

The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-15: MD-CS Dimensional Standards

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build-to range</td>
<td>0 to 5 feet</td>
<td></td>
</tr>
<tr>
<td>Building façade at build-to range (minimum)</td>
<td>90%</td>
<td></td>
</tr>
<tr>
<td>Front (maximum)</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Side (minimum)</td>
<td>None [1]</td>
<td></td>
</tr>
<tr>
<td>Rear (minimum)</td>
<td>None [1]</td>
<td></td>
</tr>
</tbody>
</table>

Other Standards

- Front parking setback (minimum) 20 feet behind the primary structure’s front building wall
- Side and Rear parking setback (minimum) Requirements set per Section 20.04.080(h)(11)(i)(ii)
- Impervious surface coverage (maximum) 100%
- Primary structure height (maximum) 3 stories, not to exceed 40 feet [1] [2] [3] [4]
- Primary structure height (minimum) 25 feet
- Accessory structure height (maximum) 25 feet

Notes:

1. Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
2. Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
3. See Section 20.04.110 (Incentives) for alternative standards.
4. Buildings that include one or more dwelling units that meet the definition of “Student Housing or Dormitory” shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).
(B) **Dimensional Standards**

The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build-to range</td>
<td>0-5 feet</td>
<td>70%</td>
<td></td>
</tr>
<tr>
<td>Building façade at build-to range (minimum)</td>
<td></td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Adjacent to B-Line (minimum)</td>
<td></td>
<td>None [1]</td>
<td></td>
</tr>
<tr>
<td>Size (minimum)</td>
<td></td>
<td>None [1]</td>
<td></td>
</tr>
<tr>
<td>Rear (minimum)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Standards**

- Front parking setback (minimum): 20 feet behind the primary structure's front building wall
- Side and Rear parking setback (minimum): Requirements set per Section 20.04.080(b)(H)(A)(ii)
- Impervious surface coverage (maximum): 100%
- Primary structure height (maximum): 4 stories, not to exceed 50 feet [1] [2] [3] [4]
- Primary Structure height (minimum): 35 feet
- Accessory structure height (maximum): 25 feet

**Notes:**

1. Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
2. Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
3. See Section 20.04.110 (Incentives) for alternative standards.
4. Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).
Chapter 20.02: Zoning Districts

20.02.020 Mixed-Use Zoning Districts

The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th>General</th>
<th>Kirkwood Corridor</th>
<th>Restaurant Row</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build-to range</td>
<td>0 to 15 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building façade at build-to percentage (minimum)</td>
<td>70%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side (minimum)</td>
<td>None [1]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear (minimum)</td>
<td>None [1]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Standards</th>
<th>General</th>
<th>Kirkwood Corridor</th>
<th>Restaurant Row</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front parking setback (minimum)</td>
<td>10 feet behind the primary structure's front building wall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side and Rear parking setback</td>
<td>Requirements set per Section 20.04.080(h)(1)(A)(ii)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impervious surface coverage (maximum)</td>
<td>85%</td>
<td>100%</td>
<td>85%</td>
</tr>
<tr>
<td>Primary structure height (maximum)</td>
<td>3 stories, not to exceed 40 feet [1][2][3][4]</td>
<td>3 stories, not to exceed 40 feet [1][2][3][4]</td>
<td>3 stories, not to exceed 35 feet [1][2][3][4]</td>
</tr>
<tr>
<td>Primary Structure height (minimum)</td>
<td>25 feet</td>
<td>25 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Accessory structure height (maximum)</td>
<td>25 feet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(b)(5) (Neighborhood Transition Standards).
[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).
(B) **Dimensional Standards**

The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

**Table 02-18: MD-DE Dimensional Standards**

<table>
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</thead>
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<td>A</td>
<td>Build-to-range</td>
</tr>
<tr>
<td>B</td>
<td>Building façade build-to percentage (minimum)</td>
</tr>
<tr>
<td>C</td>
<td>Side (minimum)</td>
</tr>
<tr>
<td>D</td>
<td>Rear (minimum)</td>
</tr>
</tbody>
</table>

**Other Standards**

- Front parking setback (minimum) 20 feet behind the primary structure's front building wall
- Side and Rear parking setback (minimum) Requirements set per Section 20.04.080(h)(1)(A)(ii)
- Impervious surface coverage (maximum) 75%
- Landscape area (minimum) 25%
- Primary structure height (maximum) 3 stories, not to exceed 40 feet [1] [2] [3] [4]
- Primary structure height (minimum) 20 feet
- Accessory structure height (maximum) 25 feet

**Notes:**

1. Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
2. Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
3. See Section 20.04.110 (Incentives) for alternative standards.
4. Buildings that include one or more dwelling units that meet the definition of “Student Housing or Dormitory” shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

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Bloomington, Indiana - Unified Development Ordinance
Effective Date: April 18, 2020
Last Amended Date: July 12, 2021
Chapter 20.02: Zoning Districts

20.02.020 Mixed-Use Zoning Districts

(B) Dimensional Standards

The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th>Over Other Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: Building-to-range</td>
<td>A: Front parking setback (minimum)</td>
</tr>
<tr>
<td></td>
<td>0 to 15 feet</td>
</tr>
<tr>
<td>B: Building façade build-to percentage (minimum)</td>
<td>B: Side and rear parking setback (minimum)</td>
</tr>
</tbody>
</table>
|                                                        | Requirements set per Section 20.04.080(h)(2)(A)
| C: Side (minimum)                                       | C: Impervious surface coverage (maximum)  |
|                                                        | 75%                                       |
| D: Rear (minimum)                                       | D: Landscape area (minimum)               |
|                                                        | 25%                                       |
| E: Primary structure height (maximum)                   | E: Primary structure height (minimum)      |
|                                                        | 3 stories, not to exceed 40 feet [1] [2]   |
|                                                        | [3] [4]                                   |
|                                                        | E: Accessory structure height (maximum)    |
|                                                        | 30 feet                                   |

Notes:

1. Buildings abutting a property in the R1, R2, R3, or R4 zoning districts shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
2. Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
3. See Section 20.04.110 (Incentives) for alternative standards.
4. Buildings that house one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).
Chapter 20.03: Zoning Districts
20.02.020 Mixed-Use Zoning Districts

(B) Dimensional Standards
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Front (maximum)</td>
<td>15 feet</td>
</tr>
<tr>
<td>B Adjacent to B-Line (minimum)</td>
<td>15 feet</td>
</tr>
<tr>
<td>C Side building setback (minimum)</td>
<td>5 feet (1)</td>
</tr>
<tr>
<td>D Rear building setback (minimum)</td>
<td>5 feet (1)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front parking setback (minimum)</td>
<td>20 feet behind the primary structure’s front building wall</td>
</tr>
<tr>
<td>Side and Rear parking setback (minimum)</td>
<td>Requirements set per Section 20.04.080(b)(7)(A)(6)</td>
</tr>
<tr>
<td>Impervious surface coverage (maximum)</td>
<td>34% 65%</td>
</tr>
<tr>
<td>Landscape area (minimum)</td>
<td>36% 15%</td>
</tr>
<tr>
<td>E Primary structure height (maximum)</td>
<td>4 stories, not to exceed 50 feet [1] [2] [3] [4]</td>
</tr>
<tr>
<td>Primary Structure height (minimum)</td>
<td>25 feet</td>
</tr>
<tr>
<td>Accessory structure height (maximum)</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

Notes:
[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
[4] Buildings that include one or more dwelling units that meet the definition of “Student Housing or Dormitory” shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).
Table 02-28: Façade Materials

<table>
<thead>
<tr>
<th>Downtown Character Overlays</th>
<th>Prohibited Façade Material Standards</th>
<th>Secondary</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS [1]</td>
<td>Wood, EIFS, smooth-faced or split-faced cement block, vinyl, metal, cementitious siding, and precast concrete</td>
<td>EIFS, vinyl, and smooth or split-faced cement block</td>
</tr>
<tr>
<td>DC</td>
<td>EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, and cementitious siding</td>
<td>EIFS, vinyl, and highly reflective materials</td>
</tr>
<tr>
<td>UV General</td>
<td>EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, metal, and precast concrete</td>
<td>EIFS, vinyl, and highly reflective materials</td>
</tr>
<tr>
<td>UV Kirkwood Corridor</td>
<td>EIFS, vinyl, wood, smooth or split-faced cement block, and cementitious siding</td>
<td>EIFS, vinyl, smooth or split-faced cement block, wood, and cementitious siding [2]</td>
</tr>
<tr>
<td>UV Restaurant Row</td>
<td>EIFS, vinyl, smooth or split-faced cement block, natural stone or masonry, and precast concrete</td>
<td>EIFS and vinyl</td>
</tr>
</tbody>
</table>

Notes:

[1] All exterior finish materials shall have a non-reflective, low reflectance, or matte finish.
[2] May only be used as a secondary façade material on floors above the first floor.

(10) Design Guidelines

Petitioners are encouraged to comply with design guidance in the following Guidelines contained in the Downtown Vision and Infill Strategy Plan to the degree that compliance with those guidelines does not create an inconsistency with the standards in Sections 2.21.1 through 2.21.8 above.

(A) Site plan: Guidelines 3.1 and 3.2.
(B) Architectural character: Guidelines 3.3 and 3.4.
(C) Mass, scale and form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9.
(F) Entries: Guidelines 3.15 and 3.16.
(G) Pedestrian interest: Guidelines 3.17, 3.18 and 3.19.
(H) Mechanical equipment and service utilities: Guidelines 3.20, 3.21, 3.22 and 3.23.
Chapter 20.03: Use Regulations

20.03.030 Use – Specific Standards

(E) Where minimum spacing is required by subsections (C) and (D) above, the distance shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

(12) Residential Rooming House

(A) No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.

(B) No bedroom occupied by a person other than the residential rooming house owner shall be rented for a period of less than 30 consecutive days.

(13) Student Housing or Dormitory

(A) Ground Floor Parking

All portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building façade facing a public street. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

(B) Location

In the RM, RH, MN, MM, MC, and MI zoning districts, each student housing or dormitory use shall be separated from any other student housing or dormitory use.

i. By at least 400 feet, as measured between the closest points on the two lots containing the student housing or dormitory uses, and

ii. By at least 400 feet, as measured between the closest points of two or more residential or mixed use structures within one lot containing the student housing or dormitory use.

However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, only the requirements of 20.03.030(b)(13)(A)(I) apply to each student housing or dormitory use in the RM, RH, MN, MM, MC, and MI zoning districts, if both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d), the separation requirements of this section do not apply to each student housing or dormitory use in the RM, RH, MN, MM, MC, and MI zoning districts.

(C) Building Floor Plate

i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,000 square feet per building, pursuant to the measurement standards in Section 20.04.010(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 6,000 square feet per building, pursuant to the measurement standards in Section 20.04.010(g).

If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(b) has been earned, the maximum building floor plate of a student housing or dormitory use shall be 5,000 square feet per building.
Chapter 20.03: Use Regulations
20.03.030 Use-Specific Standards

ii. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000-3,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000-5,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be 10,000 square feet per building.

iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000-5,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000-8,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be 20,000 square feet per building.

iv. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000-10,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, there shall be no maximum building floor plate per building in the MS zoning district.

(D) Building Height

i. In the RH zoning district, the maximum building height for a student housing or dormitory use shall be three stories, not to exceed 40 feet, except as necessary to accommodate additional height earned through the affordable housing incentive in Section 20.04.110(c).

ii. In the MD-DC character area, the maximum building height for a student housing or dormitory use shall not exceed 40 feet.

iii. In the MD-CS, MD-UV, MD-DE, MD-DG, and MD-ST Downtown Character Overlays, the maximum building height for a student housing or dormitory use shall not exceed 30 feet.
(7) Sexually Oriented Business

(A) Purpose

Within the city it is acknowledged that there are some uses, often referred to as sexually oriented businesses, which because of their nature can have a negative impact on nearby property, particularly when these sexually oriented businesses are concentrated together or located in direct proximity to places where children congregate including but not limited to: residential uses; child care centers; places of worship; schools; libraries; playgrounds; and/or parks. Special regulations for these sexually oriented businesses are necessary to ensure that these adverse impacts will not contribute to the blighting of surrounding areas. The primary goal of these regulations is to prevent the concentration or location of these uses in a manner that would exacerbate their adverse effects.

(B) Location

A sexually oriented business shall not be located on a property within 500 feet (measured from the nearest property line of the property from which spacing is required to the nearest wall of the building or tenant space that houses the sexually oriented business use using a straight line, without regard to intervening structures or public rights-of-way) of any of the following:

i. Place of Worship;
ii. School, Public or Private (preschool, K-12);
iii. Day care center, adult or child;
iv. Park (including publicly owned multiuse trails);
v. Library;
vi. Homeless Shelter;
vii. R1, R2, R3, R4, or RMH zoning district, including any portion of a Planned Unit Development designated for single-family residential use;
viii. RM or RH zoning district, including any portion of a Planned Unit Development designated for multifamily residential use; and
ix. Another Sexually Oriented Business.

(C) PUDs

For the purposes of this section, sexually oriented businesses shall be considered permitted uses in any PUD zoning district created before February 12, 2007, where the underlying zoning is MC, MM, and IN.

(D) Exterior Display

No sexually oriented business shall be conducted in any manner that permits the observation from any right-of-way of material depicting specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening.

(8) Bed and Breakfast

(A) In the R1, R2, R3, R4, and RM zoning districts, this use is limited to single-family detached dwellings.

(B) In the R1, R2, R3, R4, and RM zoning districts, the maximum number of guest units for any bed and breakfast shall be three. In all other zoning districts, the maximum number of guest units for any bed and breakfast establishment shall be eight.
### Table 04-3: Mixed-Use District Dimensional Standards

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>MS</th>
<th>MN</th>
<th>MM</th>
<th>MC</th>
<th>ME</th>
<th>MI</th>
<th>MD</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notes:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be 12 feet.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[4] Lots zoned MM north of 1st Street south of 2nd Street east of Maple Street extending south of 2nd Street to 1st Street, and west of Morton Street shall have an impervious surface coverage maximum of 85%.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[5] Lots zoned MM north of 1st Street south of 2nd Street, east of Maple Street extending south of 2nd Street to 1st Street, and west of Morton Street shall have a minimum landscape area of 15%.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[6] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street extending south of 2nd Street to 1st Street, and west of Morton Street shall have minimum side and rear building setbacks of zero feet.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 04-4: Downtown Character Overlay Dimensional Standards

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>MD-CS</th>
<th>MD-DC</th>
<th>MD-UV</th>
<th>MD-DE</th>
<th>MD-DG</th>
<th>MD-ST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Dimensions (Minimum)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot area</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Lot width</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Building Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front build-to range</td>
<td>0 to 5 feet</td>
<td>0 to 5 feet</td>
<td>0 to 15 feet</td>
<td>0 to 15 feet</td>
<td>0 to 15 feet</td>
<td>None</td>
</tr>
<tr>
<td>Front building façade at build-to range (minimum)</td>
<td>30%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>None</td>
</tr>
<tr>
<td>Front (maximum)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Adjacent to B-Line (minimum)</td>
<td>10 feet</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>15 feet</td>
</tr>
<tr>
<td>Side (minimum) [1]</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>7 feet</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Rear (minimum) [1]</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>10 feet</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Other Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front parking setback (minimum)</td>
<td>20 feet behind the primary structure’s front building wall</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side and Rear parking setback (minimum)</td>
<td>Requirements set per Section 20.04.0800H[1][A][B]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impervious surface coverage (maximum)</td>
<td>100%</td>
<td>100%</td>
<td>General and Restaurant Row: 85%</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>Landscape area (minimum)</td>
<td>None</td>
<td>None</td>
<td>General and Restaurant Row: 15%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
</tr>
</tbody>
</table>

111 Bloomington, Indiana – Unified Development Ordinance
Effective Date: April 18, 2020
Last Amended Date: July 12, 2021
### Table 04-6: Authorized Exceptions to Setback Requirements

<table>
<thead>
<tr>
<th>Type of Exception</th>
<th>Extent of Exception</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air conditioners (ground)</td>
<td>Up to 5 feet if screened by a fence, wall, or appropriate landscaping.</td>
</tr>
<tr>
<td>Air conditioners (window)</td>
<td>Up to 30 inches.</td>
</tr>
<tr>
<td>Architectural features</td>
<td>Up to 18 inches.</td>
</tr>
<tr>
<td>Awnings, balconies, canopies, patios, and steps</td>
<td>Up to 6 feet.</td>
</tr>
<tr>
<td>Bay windows, chimneys, eaves, decks</td>
<td>Up to 3 feet.</td>
</tr>
<tr>
<td>Fire Escapes</td>
<td>Up to 6 feet into side and rear setbacks.</td>
</tr>
<tr>
<td>Front Entry</td>
<td>For the R1 and R2 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary façade of the structure.</td>
</tr>
<tr>
<td>Accessible/Handicap ramps</td>
<td>Exempt from all setback requirements.</td>
</tr>
<tr>
<td>Satellite dishes</td>
<td>Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines.</td>
</tr>
<tr>
<td>Detached garages or carports</td>
<td>Where a rear alleyway provides access to a detached garage or carport, the setback from the property line that runs parallel to the alleyway to the detached garage or carport may be reduced to three feet.</td>
</tr>
<tr>
<td>Additions to existing primary structures</td>
<td>For single-family, duplex, and triplex structures, additions to existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side).</td>
</tr>
</tbody>
</table>

(C) Where this UDO establishes a maximum setback from the front property line, that maximum setback may be increased by up to five feet to accommodate access required by the Americans with Disabilities Act, utility or access easements, or to prevent encroachment of building projections over the public right-of-way.

(4) **Through Lots**

On a through lot, the Planning and Transportation Director shall determine which lot line shall be deemed the front lot line based on the existing and/or proposed building orientation of surrounding lots. Through lots adjacent to an arterial street shall comply with the standards established in 20.05.050(7)(A)iii (Buffer).

(f) **Building Height**

(1) **Measurement**

Maximum building heights are expressed in both overall dimension and the number of stories, where applicable.

(A) **Stories**

Story height is measured between the floor of a story to the floor of the story above it. For single-story buildings and the uppermost story of a multistory building, the measurement shall be from the floor of the story to the ceiling.
Chapter 20.04: Development Standards & Incentives
20.04.050 Access and Connectivity

(C) Vertical Clear Area
No primary or accessory structures, landscaping, fences, walls or signs shall be placed in or to project into the vision clearance triangle between the heights of two and one-half feet and nine feet above the crown of the adjacent street.

(d) Pedestrian and Bicycle Circulation

(1) Purpose
To reduce greenhouse gas emissions and improve the health and quality of life of city residents by providing safe, convenient, and attractive pedestrian and bicycle transportation paths, sidewalks, trails, and other facilities throughout the City.

(2) Applicability
Pedestrian facilities shall be required on both sides of all streets, with the exception of new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (neighborhood) streets with no adjacent pedestrian facilities, and additions to existing residential structures; and except that culs-de-sac less than 300 feet in length and providing access to less than 10 residential units shall be required to provide pedestrian facilities on one side of the street. All required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.

(3) Inspection and Acceptance
Prior to the recommendation of issuance of a final certificate of occupancy, all transportation facilities located within the adjoining public right-of-way or dedicated easements shall be inspected for compliance with standards adopted by the City of Bloomington, the Bloomington Public Transportation Corporation, and/or AASHTO standards.

(4) Pedestrian Network Required
(A) All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network shall include pedestrian facilities along street frontages, multiuse trails where indicated on the Transportation Plan, and pedestrian connector paths between developments and public destinations (e.g., schools, parks, hospitals), nearby trails, other developments, and vacant land.

(B) All concrete sidewalk and asphalt path improvements shall be constructed as per City Planning and Transportation Department and Engineering Department requirements.

(C) All buildings shall have a sidewalk connection from the building entrance to the adjacent public street.

(5) Type of Pedestrian Facility
Required pedestrian facilities shall be as indicated in the Transportation Plan, unless it is determined by the Planning and Transportation Director that such facility should be altered to match adjacent facilities.

(6) Width
The minimum width of required pedestrian facilities shall be as indicated in the Transportation Plan unless specifically noted in Table 05-5: Subdivision Development Standards.
Chapter 20.04: Development Standards & Incentives

20.04.060 Parking and Loading

(2) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for persons with disabilities the disabled.

(3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.

(4) Required accessible spaces shall count towards the number of maximum parking spaces permitted, unless the maximum allowed number of parking spaces is 25 spaces or less.

(g) Adjustments to Minimum Parking Requirements

The amount of vehicle parking required pursuant to Table 04-9: Minimum Vehicle Parking Requirements, may be adjusted by the factors listed in this Section 20.04.060(g). These adjustments may be applied as part of the calculation of parking requirements and do not require discretionary approval by the City.

(1) Shared Parking Facilities

(A) Generally

i. When reviewing a shared parking proposal, the City Planning and Transportation Department shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to subsections (2) through (5) below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the City Planning and Transportation Department.

ii. Where a minimum number of parking spaces are required by Table 04-9: Minimum Vehicle Parking Requirements, the owners of two or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request, the City Planning and Transportation Department may authorize the shared use of parking facilities subject to the following:

iii. In a shared parking arrangement, each property shall provide a minimum of 60 percent of the individual parking requirements provided in Table 04-9: Minimum Vehicle Parking Requirements. In no case shall the total combined parking spaces be less than 120 percent of the greater individual parking requirement.

iv. Any property using shared parking facilities shall be located within 600 feet of such parking facility, using established sidewalks and crosswalks where available.

(B) Shared Parking Agreement

The property owner seeking leased spaces shall provide a recordable zoning commitment to the Planning and Transportation Department stating that in the case where leased spaces are no longer available, that an adequate parking alternative will be provided.

(2) Proximity to Transit

Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, the minimum parking required for development within one-quarter mile, measured radially in a straight line, of a fixed transit station shall be reduced from those shown in Table 04-9: Minimum Vehicle Parking Requirements by 15 percent.

(3) Affordable and Senior Housing

The minimum number of required vehicle parking spaces for multifamily residential structures shall be reduced by 35 percent if:
Chapter 20.04: Development Standards & Incentives

20.04.080 Landscaping, Buffering, and Fences

(D) **Tree Grates**
Street trees may be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks.

(E) **Vision Clearance**

- Vision Clearance Triangle), or within that portion of the vision clearance triangle behind the sidewalk.
- Low-branching species shall not be allowed within 50 feet of an intersection.
- Locations for street trees within 50 feet of an intersection shall be approved by the City Planning and Transportation Engineering Department.
- Street trees shall be located a minimum of 10 feet from a driveway cut, traffic control sign, or streetlight, and a minimum of three feet from a fire hydrant.

(4)(5) **MD District**

(A) **Generally**
Street trees shall be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the Transportation and Traffic Engineer.

(B) **Alternatives**
The following street tree planting methods may be used in lieu of the five foot by five-foot grate, subject to approval by the Transportation and Traffic Engineer.
- Street trees may be planted in a minimum five-foot-wide grassed tree plot area; or
- Street trees may be planted in a large curbed planting area.

(g) **Buffer Yards**

(1) **Purpose**
Buffer yards are required to mitigate or minimize potential nuisances such as noise, light, glare, dirt, litter, signs, parking, or storage areas and to provide a transition between incompatible uses.

(2) **General Standards**

(A) **Responsibility**
The developer or owner of the property being developed is responsible for installing and maintaining in perpetuity the buffer yard at the time of that development. The adjacent property owner shall not be required to participate in the installation of the buffer yard.
### Chapter 20.06: Administration & Procedures

#### 20.06.030 Summary Table of Review Procedures

Table 06-1 lists the development petitions authorized by this UDO, whether public notice is required, whether pre-submittal activities are required, and the role of City review and decision-making bodies.

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<thead>
<tr>
<th>Procedure</th>
<th>UDO Section</th>
<th>Public Notice</th>
<th>Pre-Submittal Activities</th>
<th>Review and Decision-Making Bodies</th>
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<tbody>
<tr>
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<td>Published</td>
<td>Mailed</td>
<td>Posted</td>
</tr>
<tr>
<td>Site Plan Review, Minor</td>
<td>20.06.050(a)</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Site Plan Review, Major</td>
<td>20.06.050(b)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Conditional Use Permit</td>
<td>20.06.050(c)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Demolition Delay Permit</td>
<td>20.06.050(d)</td>
<td>✓</td>
<td>✓</td>
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</tr>
<tr>
<td>Floodplain Development Permit</td>
<td>20.06.050(e)</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Grading Permit</td>
<td>20.06.050(f)</td>
<td>✓</td>
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<tr>
<td>Certificate of Zoning Compliance</td>
<td>20.06.050(g)</td>
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<tr>
<td>Certificate of Occupancy</td>
<td>20.06.050(h)</td>
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<td>Certificate of Nonconforming Use</td>
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<tr>
<td>Sign Permit</td>
<td>20.06.050(j)</td>
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<td>✓</td>
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<tr>
<td>Temporary Use Permit</td>
<td>20.06.050(k)</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Easements</td>
<td>20.06.050(l)</td>
<td>✓</td>
<td>✓</td>
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</table>

See 20.06.050(l) (Easements).

<table>
<thead>
<tr>
<th>Subdivision Procedures</th>
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</thead>
<tbody>
<tr>
<td>Primary Plat</td>
<td>20.06.060(a)</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Secondary Plat</td>
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<tr>
<td>Vacating Plat</td>
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</table>

<table>
<thead>
<tr>
<th>Plan/Ordinance Amendments</th>
<th>UDO Section</th>
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<tbody>
<tr>
<td>Comprehensive Plan Amendment</td>
<td>20.06.070(a)</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Zoning Map Amendment</td>
<td>20.06.070(b)</td>
<td>✓</td>
<td>✓</td>
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<td>Rezoning to Planned Unit Development (PUD)</td>
<td>20.06.070(c)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Zoning Text Amendment</td>
<td>20.06.070(d)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
(b) Conditional Use Permit

(1) Purpose
The conditional use permit procedure provides a mechanism for the city to evaluate proposed land uses in a particular zoning district and to establish certain conditions to address unique characteristics associated with the proposed land use. The use shall be permitted by the Board of Zoning Appeals or Hearing Officer if it is determined that the listed conditions are met.

(2) Applicability
No use classified as conditional in Table 03-1: Allowed Use Table, or any other standard in this UDO may be conducted without first obtaining a conditional use permit under this Section 20.06.050(b). No conditional use shall be conducted except in compliance with all applicable provisions of this UDO and with any conditions upon such conditional use approval.

(3) Conditional Use Permit Review Process
Figure 06.05-3 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to conditional use permit review. Additions or modifications to the common review procedures are noted below.

(A) Pre-Submittal Activities
i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).
ii. Petitions subject to review and decision by the Hearing Officer shall not require a Development Review Committee meeting or a pre-submittal neighborhood meeting.
iii. For petitions subject to review and decision by the zoning board of appeals, Board of Zoning Appeals, a Development Review Committee meeting and pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting) and Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting). The requirements of Section 20.06.050(b)(3)(D) and 20.06.050(b)(3)(E)(v) apply to conditional use permit petitions for the "Dwelling, duplex" use in the R1, R2, or R3 zoning districts.
Chapter 20.06: Administration & Procedures
20.06.050 Development Permits and Procedures

1. The property shall have been designated historic at the local level, or have had a petition filed for such designation, at the time of petition for conditional use approval.

2. The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.

3. The proposed use shall enhance the ability to restore and/or preserve the property.

4. The granting of the conditional use approval shall be contingent upon any required certificate of appropriateness and upon the granting of a local historic designation or the presence of such designation being in place.

iv. Quarry Adaptive Re-Use

1. The petitioner shall provide documentation that limestone or other stone processing operations are no longer feasible due to environmental and/or physical site characteristics. Market economic conditions may be considered, but the purpose is to protect these natural resources from encroachment of other land uses that may inhibit or prevent quarry or stone processing activities.

2. The proposed adaptive re-use shall retain, to the greatest extent possible, the existing quarry features to preserve the region’s quarry heritage.

3. Land use decisions shall be made in consideration of the dominant land use patterns that surround each site.

4. The proposed adaptive re-use shall be a less intense land use than quarry uses in regard to environmental regulatory standards and general nuisance in regard to noise, vibration, and dust.

5. An environmental mitigation plan shall be submitted with the conditional use petition. The environmental mitigation plan shall include, but not be limited to cleanup measures, water quality protection, and long-term monitoring standards.

All environmental mitigation plans shall meet the standards of the City Utilities Department, as well as any applicable state and federal requirements.

v. Dwelling, Duplex in R1, R2, or R3 Zoning Districts

Conditional use permit petitions for the “Dwelling, duplex” use in the R1, R2, or R3 zoning districts shall require a pre-submittal neighborhood meeting in accordance with 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

vi. Commitments

1. The Board of Zoning Appeals or Hearing Officer may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a conditional use permit in accordance with Section 20.06.040(d)(8) (Commitments).

2. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the Hearing Officer, then the owner’s petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.
(A) Pre-Submittal Activities
   i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).
   ii. Petitions subject to review and decision by the Hearing Officer shall not require a Development Review Committee meeting.
   iii. For petitions subject to review and decision by the Board of Zoning Appeals, a Development Review Committee meeting may be required at the discretion of the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

(B) Petition Submittal and Processing
   The variance 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
   The variance petition shall be scheduled for a public hearing before the Board of Zoning Appeals or Hearing Officer and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision
   The Hearing Officer or Board of Zoning Appeals shall review the variance petition and approve, approve with conditions or commitments, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the following approval criteria.
   i. Development Standards Variance
      Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:
      1. General Approval Criteria
         [a] The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
         [b] The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner and
         [c] The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.
[f] The compatibility of the proposed use with existing and anticipated development.

[g] The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

[h] The safety of access to the property in times of flood for ordinary and emergency vehicles.

[i] The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

[j] The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2. Review Criteria

The Board of Zoning Appeals or the Hearing Officer may grant a floodplain variance if, after a public hearing, it makes findings of fact in writing, that there is:

[a] A showing of good and sufficient cause;

[b] A determination that failure to grant the variance would result in exceptional hardship;

[c] A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

[d] A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances;

iii. Commitments

1. The Board of Zoning Appeals or the Hearing Officer may allow or require the owner of a parcel of real property to make a written and recorded zoning commitment concerning use and/or development of that parcel in connection with approval of a variance pursuant to Section 20.06.040(d)(8) (Commitments).

2. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe Office of the Monroe County Recorder before a certificate of zoning compliance is issued.

3. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the Hearing Officer, then the owner’s petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.
Chapter 20.07: Definitions

20.07.010 Defined Words

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

Group Care Home, FHAA 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.
Chapter 20.07: Definitions

20.07.010 Defined Words

**Height, Building**

Building height shall be defined according to the measurements and exceptions in Section 20.04.020(f) (Building Height).

**Highest Adjacent Grade**

For purposes of floodplain regulations, the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Highly Erodible Soils**

Areas of incline, whether natural or man-made, lacking sufficient vegetation to prevent instability, erosion, or downstream siltation due to soils that are subject to severe erosion when disturbed.

**Home Occupation**

An activity or occupation carried on within a dwelling or approved residential accessory structure by members of the family occupying the dwelling and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, unless this UDO states that the activity or occupation is not treated as a Home Occupation.

**Hospital**

An acute healthcare establishment providing accommodations, facilities and services on a continuous 24-hour basis with overnight (meaning between twelve midnight and five a.m.) beds and services for persons suffering from illness, injury or conditions requiring medical services. The term “Hospital” does not include “Nursing or Convalescent Home,” “Medical Clinic,” or “Methadone Treatment Facility,” or “Opioid Rehabilitation Facility” except where separately permitted.

**Hotel or Motel**

An establishment in which lodging is provided and offered to the public for compensation, for periods of time not exceeding thirty days and that is commonly known as a hotel or motel in the community in which it is located. This use customarily provides services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. This use may provide ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities. The term “Hotel or Motel” does not include “Residential Rooming House,” or “Bed and Breakfast,” or “Homeless Shelter,” except where separately permitted.
Chapter 20.07: Definitions
20.07.010 Defined Words

Recycling Drop-Off, Self-Serve
An accessory or incidental use that serves as a drop-off point for temporary storage for non-hazardous recoverable or recyclable goods such as, but not limited to, newspapers, glassware, plastics, and metal cans. This definition does not include the on-site processing of such items.

Regular Program
For purposes of floodplain regulations, the phase of the community’s participation in the NFIP where more comprehensive floodplain management requirements are imposed, and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory Flood
The flood having a one percent chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 20.04.040(c) (General Standards). The "Regulatory Flood" is also known by the term "Base Flood," "One-Percent Annual Chance Flood," and "100-Year Flood."

Regulatory Flood Elevation
The water-surface elevation of the base flood or the 100-year flood as defined by the Federal Emergency Management Agency.

Repetitive Loss
Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25 percent of the market value of the structure before the damage occurred.

Rescue Station
See "Police/fire/rescue station."

Residential Care Home
See "Group home/residential care home."

Residential Rooming House
A building that the owner of the property occupies as their primary residence, in which, lodging, with or without meals, is provided for compensation, including but not limited to, a building designed as a single-family dwelling, that is occupied by a group of persons, usually for periods of 30 days or longer, that do not meet the definition of “Family,” where the use does not meet the definition of “Bed and Breakfast,” “Fraternity or Sorority House,” “Student Housing or Dormitory,” “Residential Care Facility,” or “Hotel or Motel.”

Rest Home
See "Nursing or Convalescent Home."

Restaurant
An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessens, cafes, and coffee shops.
In the RH, MM, MC, and ML zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use shall be the size of each building, not the cumulative size of each student housing or dormitory use on the lot. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, only the requirements of Section 20.04.020(g)(13)(C)(i) apply to each student housing or dormitory use on the lot. In the RH, MM, MC, and ML zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 2,500 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, only the requirements of Section 20.04.020(g)(13)(C)(i) apply to each student housing or dormitory use on the lot. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g). However, if either the affordable housing or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g). However, if either the affordable housing or the sustainable development incentive codified at Section 20.04.110(d) has been earned, only the requirements of Section 20.04.020(g)(13)(C)(i) apply to each student housing or dormitory use on the lot.
All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.

Locations for street trees within 50 feet of an intersection shall be approved by the City Planning and Transportation Department.

Table shows that staff can only review and make a recommendation on secondary plat approval. The table should be updated to show that staff can only approve the secondary plat last year.

A building that the owner of the property occupies as their primary residence, as a residential dwelling, that is occupied by a group of persons, usually for periods of 30 days or longer, that do not meet the definition of "Family," where the use of the property as an occupation shall be incidental and subordinate to the use of the property as a dwelling, unless this UDO states that the activity or occupation is not treated as a home occupation.

Table 04-6: "Ramp Accessible Ramp" terminology

Table 06-1: Large. Rehabilitation Home, Large. terminology

Table 07-1: Home Occupation. terminology
1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-08 as “Attachment A” (ZO-10-22) shall be amended as follows (only affected portions of the proposal are shown below):

20.04.080 Landscaping, Buffering, and Fences

(f) Street Trees

(3) Location

(E) Vision Clearance

(4)

i. Street trees shall be planted outside the vision clearance triangle as defined in Section 20.04.050(c)(4) (Vision Clearance Triangle), or within that portion of the vision clearance triangle behind the sidewalk.

ii. Low-branching species shall not be allowed within 50 feet of an intersection.

iii. Locations for street trees within 50 feet of an intersection shall be approved by the City Engineering Department.

iv. Street trees shall be located a minimum of 10 feet from a driveway cut, traffic control sign, or streetlight, and a minimum of three feet from a fire hydrant.

(4)(6) (4) MD District

Synopsis and Reason for Amendment

This amendment corrects typographical errors in the ordinance.

Committee Recommendation: N/A
Regular Session Action: ADOPTED 8-0
The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-08 as “Attachment A” (ZO-10-22) shall be amended as follows (only affected portions of the proposal are shown below):

1. Table 02-11: MM District Dimensional Standards

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be 12 feet.


[4] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have an impervious surface coverage maximum of 85%.

[5] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have a minimum landscape area of 15%.

[6] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.

2. References to Notes [4], [5], and [6] shall be deleted.

Synopsis

This amendment is sponsored by Cm. Flaherty. It removes three proposed Notes under Table 02-11 that would affect mixed-use district dimensional standards in a specified geographical area. Such standards would be more appropriately proposed as part of an Overlay Zoning District for the area in question.

Committee Recommendation: N/A
Regular Session Action: ADOPTED 9-0