

**ORDINANCE 22-10**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Technical Corrections Set Forth in BMC 20.04**

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:

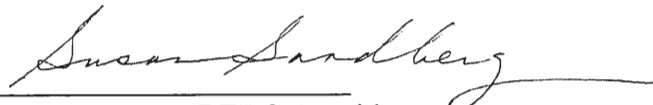
1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-12-22, (“Attachment A”)
  - (B) Any Council amendments thereto (“Attachment B”)

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

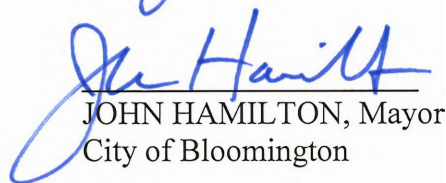
ATTEST:

  
NICOLE BOLDEN, Clerk  
City of Bloomington

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

  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this 22<sup>nd</sup> day of June, 2022.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This petition contains amendments related to design requirements for uses allowed in the code. These amendments add, remove, or edit existing text to clarify and amend standards. There are 21 amendments identified.

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

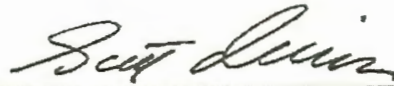
- AM 01 – amending BMC 20.04.110 to increase utilization of development incentives and improve outcomes of projects utilizing incentives;
- AM 02 – correcting typographical errors in the ordinance; and
- AM 03 – removing three proposed Notes under Table 04-3 that would have affected mixed-use district dimensional standards in a specified geographical area.

Distributed to: Clerk, Council, Legal, Mayor,  
Planning and Transportation

\*\*\*\*REPORT TO THE COMMON COUNCIL\*\*\*\*

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 22-10. Ordinance 22-10 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-12-22 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 21<sup>st</sup> day of June, 2022.



\_\_\_\_\_  
Nicole Bolden, City Clerk



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

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 22-10 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.04.

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 22-10 by a vote of 9-0, with three amendments. Attached to this correspondence are copies of the following records:

- Ordinance 22-10, signed by the Council President;
- Attachment A to Ord 22-10, consisting of ZO-12-22, the proposal forwarded to the Council by the Plan Commission;
- Attachment B to Ord 22-10, consisting of Council amendments to ZO-12-22, which includes:
  - Amendment 01, including a written statement of the reasons for the amendment;
  - Amendment 02, including a written statement of the reasons for the amendment;
  - Amendment 03, 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 22-10 and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney, Mike Rouker.

Sincerely,

A handwritten signature in cursive script that reads "Susan Sandberg".

Susan Sandberg, President  
Bloomington Common Council

**\*\*\*ORDINANCE CERTIFICATION\*\*\***

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-10 is a true and complete copy of Plan Commission Case Number ZO-12-22 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 1 Abstention by the Bloomington City Plan Commission at a public hearing held on March 14, 2022.

*Scott Robinson*

Date: March 23, 2022

\_\_\_\_\_  
Scott Robinson, Secretary  
Plan Commission

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

*N. Bolden*  
\_\_\_\_\_  
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-12-22 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-12-22 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

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The Plan Commission heard case ZO-12-22 on March 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0-1.

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-12-22 | Chapter 4: Development Standards & Incentives

### ZO-12-22 | Chapter 4: Development Standards & Incentives

This petition deals with the amendment of details related to design requirements for uses. These amendments vary greatly. The amendments match development standards to designs in the Hospital Redevelopment Plan, as well as the Certified Technology Park Plan; add Solar energy ready requirements; clarify on drive aisle widths; clarify street stub connection expectations; add a maximum parking for contractor's yard; delete redundant parking design information; add architectural standards for multifamily development; revise the street tree species list; clarify where buffer yards are required; detail additional types of ground-mounted equipment; clarify freestanding sign rules; and add small projecting sign allowances. There are 21 amendments identified. These changes are important for various reasons. Some help align future development with City Plans, and some clarify existing practice related to vehicular, landscape, and equipment requirements. Revising the street tree species list is important in order to align the UDO list with Urban Forester expectations for most successful species. The sign regulation amendments ensure new ground signs are not located in future right-of-way, as well as allowing tenants various types of signage.

**Table 04-3: Mixed-Use District Dimensional Standards**

sq. ft. = square feet

Dimensional Standards		MS	MN	MM	MC	ME	MI	MD	MH
<b>Lot Dimensions (Minimum, only for lots created after the effective date)</b>									
Lot area	sq. ft.	5,000	5,000	5,000	5,000	5,000	5,000	See Table 04-4	10,890
	acres	0.115	0.115	0.115	0.115	0.115	0.115		0.25
Lot width		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet		65 feet
<b>Building Setbacks (Minimum)</b>									
Front build-to range		None	15 to 25 feet	15 to 25 feet	None	None	None	See Table 04-4	None
Front building façade at build-to range (minimum)		None	70%	70%	None	None	None		None
Front		15 feet	(see above)	(see above)	15 feet	15 feet	15 feet		25 feet
Side [1] [6]		15 feet	7 feet	7 feet	7 feet	10 feet	10 feet		10 feet
Rear [1] [6]			10 feet						
<b>Other Standards</b>									
Front parking setback (minimum)		20 feet behind the primary structure's front building wall						See Table 04-4	20 feet behind the primary structure's front building wall
Side parking setback (minimum)		8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Rear parking setback (minimum)		8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Impervious surface coverage (maximum) [4]		70%	60%	60%	60%	70%	60%		60%
Landscape area (minimum) [5]		30%	40%	40%	40%	30%	40%		40%
Area of any individual commercial tenant (maximum)		None	5,000 sq. ft. gross floor area	None	None	None	None		None
Primary structure height (maximum) [1] [2] [3]		6 stories, not to exceed 75 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	4 stories, not to exceed 50 feet	5 stories, not to exceed 63 feet	4 stories, not to exceed 50 feet		3 stories, not to exceed 40 feet
Accessory structure height (maximum)		20 feet	20 feet	30 feet	30 feet	30 feet	30 feet		25 feet

**Notes:**

**Table 04-3: Mixed-Use District Dimensional Standards**

sq. ft. = square feet

Dimensional Standards	MS	MN	MM	MC	ME	MI	MD	MH
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**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.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] [Lots zoned MM north of 1<sup>st</sup> Street, south of 2<sup>nd</sup> Street, east of Maple Street \(extending south of 2<sup>nd</sup> Street to 1<sup>st</sup> Street\), and west of Morton Street shall have an impervious surface coverage maximum of 85%.](#)
- [5] [Lots zoned MM north of 1<sup>st</sup> Street, south of 2<sup>nd</sup> Street, east of Maple Street \(extending south of 2<sup>nd</sup> Street to 1<sup>st</sup> Street, and west of Morton Street shall have a minimum landscape area of 15%.](#)
- [6] [Lots zoned MM north of 1<sup>st</sup> Street, south of 2<sup>nd</sup> Street, east of Maple Street \(extending south of 2<sup>nd</sup> Street to 1<sup>st</sup> Street\), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.](#)

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

sq. ft. = square feet

Dimensional Standards	MD-CS	MD-DC	MD-UV	MD-DE	MD-DG	MD-ST
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**Lot Dimensions (Minimum)**

Lot area	None	None	None	None	None	None
Lot width	None	None	None	None	None	None

**Building Setbacks**

Front build-to range	0 to 5 feet	0 to 5 feet	0 to 15 feet	0 to 15 feet	0 to 15 feet	None
Front building façade at build-to range (minimum)	90%	70%	70%	70%	70%	None
Front (maximum)	None	None	None	None	None	15 feet
Adjacent to B-Line (minimum)	None	10 feet	None	None	None	15 feet
Side (minimum) [1]	None	None	None	7 feet	5 feet	5 feet
Rear (minimum) [1]	None	None	None	10 feet	5 feet	5 feet

**Other Standards**

Front parking setback (minimum)	20 feet behind the primary structure's front building wall					
<a href="#">Side and Rear parking setback (minimum)</a>	<a href="#">Requirements set per Section 20.04.080(h)(1)(A)(ii)</a>					
Impervious surface coverage (maximum)	100%	100%	General and Restaurant Row: 85% Kirkwood Corridor: 100%	75%	75%	<a href="#">75% 85%</a>
Landscape area (minimum)	None	None	General and Restaurant Row: 15% Kirkwood Corridor: None	25%	25%	<a href="#">25% 15%</a>



**(B) Overall Dimension**

The height of buildings shall be measured as the vertical distance from the average finished grade surface of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part.

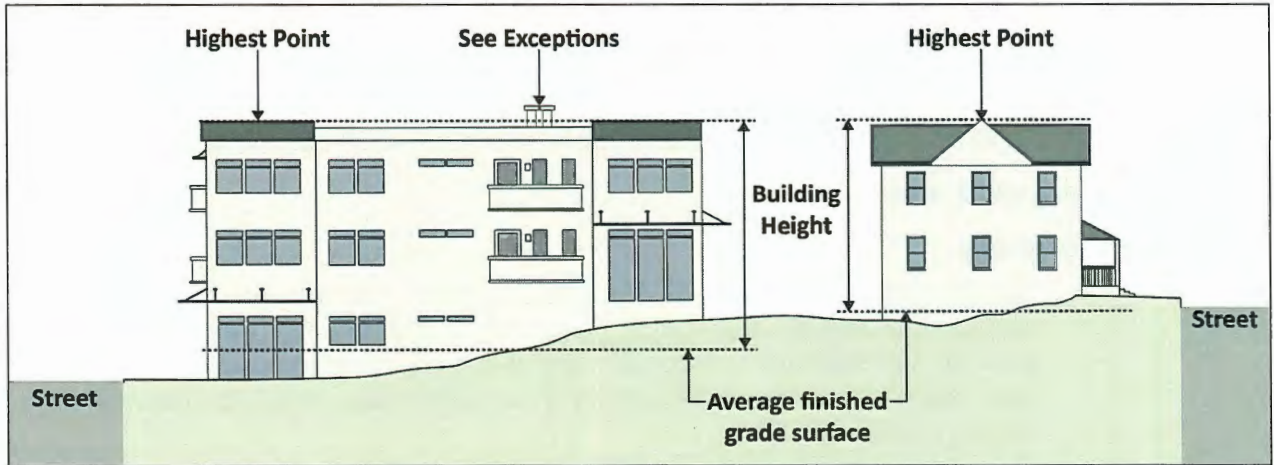


Figure 48: Building Height

**(2) Exceptions to Height Requirements**

No building or structure or part of a building or structure shall exceed the maximum building height within any zoning district unless authorized in Table 04-7, or elsewhere in this UDO.

**Table 04-7: Authorized Exceptions to Height Requirements**

DU = dwelling unit

Type of Exception	Extent of Exception
Place of worship elements	Steeple, bell towers, and similar features may exceed the maximum height of the applicable zoning district by no more than 25 percent of the applicable maximum height.
Chimneys and other ornamental architectural features	Chimneys and other ornamental architectural features may extend 10 feet above the roof's highest point.
<u>Solar Collector</u>	<u>In the R1, R2, R3, and R4 zoning districts, accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum of 36 inches. For all other zoning districts, accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum five feet.</u>
Water towers and quarry derricks	Water towers and quarry derricks are allowed up to a height of 150 feet.
Mechanical equipment and elevator bulkheads	Roof-mounted mechanical equipment including, but not limited to, utility boxes, telecommunication devices, cables, conduits, vents, chillers and fans, may extend up to 10 feet above the roof's highest point. In such cases, roof-mounted equipment shall comply with the requirements of Section 20.04.080(m)(1) (Roof-Mounted Mechanical Equipment).
Communication facilities	Communication facilities are exempt from height restrictions, subject to the limitations of 20.03.030(f)(1) (Communication Facility).

[b] Within 50 feet of another driveway entrance.

2. If the distance separation requirement cannot be met, then the entrance or drive shall be located equidistant from the two adjacent drives, or as approved by the City Engineer.

**(F) Improved Alley Access in the R3 and R4 District**

In the R3 and R4 zoning district, a driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley.

**(3) Driveway and Access Design**

**(A) Generally**

- i. The City Planning and Transportation Department shall determine curb radii and other construction standards for all entrances based on the smallest design vehicle possible and to still accommodate the most common vehicle and occasional larger vehicles with appropriate encroachments, and whether an acceleration lane, deceleration lane, or passing blister is required.
- ii. Driveways shall not impede the flow of drainage. Where driveway culverts are necessary to accommodate drainage, the culvert pipe size shall be determined by a licensed engineer to prevent flooding.

**(B) Driveway Pavement Widths**

**i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses**

The width of a driveway between the required front building setback and the street shall not exceed 18 feet.

**ii. All Other Uses**

No entrance or drive located in the front yard of a property shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half of the below requirements):

1. 24 feet if from a nonresidential use onto an arterial or collector street. The City Engineer may authorize a 34-foot entrance to accommodate heavy truck use.
2. 24 feet if from a nonresidential use onto a local street.
3. 24 feet if from a mixed-use multifamily residential use onto any type of street.

**(C) Surface Material**

- i. Unless specifically stated otherwise in this UDO, all entrances and drives shall be asphalt, concrete, or other material approved by the city.
- ii. The Planning and Transportation Director may approve structurally engineered, permeable parking pavers for entrances and drives provided these areas are intended for low intensity or intermittent vehicular use and pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.
- iii. Areas using permeable pavers shall not be counted in impervious surface calculations.
- iv. For new development, all driveway aprons onto a street shall be constructed of concrete.

- v. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.
- vi. Drive cuts shall ramp to meet the pedestrian and/or bicycle facility in order to keep the pedestrian and/or bicycle facility at the same grade, unless approved by the Transportation and Traffic Engineer due to site elevation constraints.
- vii. Surface materials for single-family residential driveways shall be as required in Section 20.04.060(i)(7).

**(4) Connectivity**

Where properties have adjacent street or access drive stubs intended for connection, these stubs shall be extended and connected on the developing property.

**(4)(5) Vision Clearance Triangle**

**(A) Applicability**

- i. A vision clearance triangle shall be maintained at every street intersection.
- ii. Vision clearance triangles for intersections may be reduced upon a determination by the City Planning and Transportation Department that such a reduction is not expected to have a significant impact on vehicle, bicycle, or pedestrian safety at the intersection and such a reduction is within engineering standards or guidelines for vehicle, bicycle, or pedestrian modes.

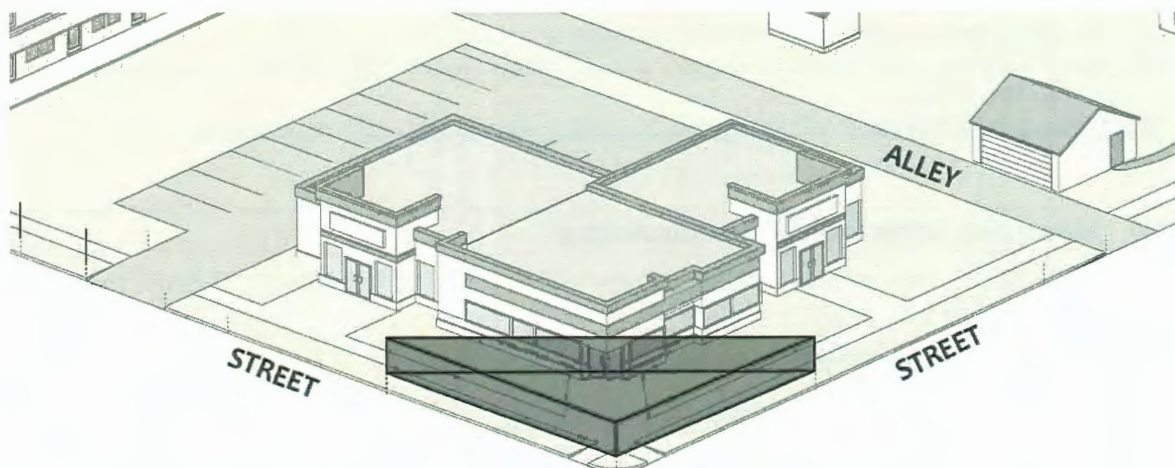


Figure 49: Vision Clearance Triangle

**(B) Vision Clearance Triangle Leg Lengths**

The vision clearance triangle leg lengths shall be as specified in the most current edition of the policy on geometric design of highways and streets published by the American Association of State Highway and Transportation Officials. Deviation from these standards shall require written approval from the City Planning and Transportation Department.

**Table 04-9: Minimum Vehicle Parking Requirements**

DU = dwelling unit

	All Other Zoning Districts	MD Zoning District
Dwelling, single-family (detached)	No requirement	
Dwelling, single-family (attached)		
Dwelling, duplex <a href="#">[3]</a>	0.5 spaces per DU [1]	No requirement
Dwelling, triplex <a href="#">[3]</a>		
Dwelling, fourplex <a href="#">[3]</a>		
Dwelling, multifamily [2]	Studio: 0.5 space per DU 1 bedroom: 1 space per DU 2 bedrooms: 1.5 spaces per DU 3 bedrooms: 2 spaces per DU	
Dwelling, live/work	No requirement	
Dwelling, cottage development	1 space per DU	
Dwelling, mobile home	1 space per DU	
Manufactured home park		
Noncommercial urban agriculture	2 spaces per lot	
Student housing or dormitory	0-10 bedrooms: no requirement 11 or more bedrooms: 0.5 spaces per bedroom	

**NOTES:**

[1] See Section 20.04.110 (Incentives) for alternative standards.

[2] Minimums shall only apply to multifamily development within or adjacent to the R3 zoning district and all multifamily development in the MD zoning district.

[\[3\] Minimum parking for duplexes, triplexes, and fourplexes only applies in the R1, R2, R3, and R4 districts.](#)

**(e) Maximum Vehicle Parking Allowance**

In no case shall any land use or development subject to this Section 20.04.060 provide more than the maximum number of vehicle parking spaces allowed for each land use listed in Table 04-10: Maximum Vehicle Parking Allowance.

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
<b>RESIDENTIAL USES</b>	
<b>Household Living</b>	
Dwelling, single-family (detached)	No limit
Dwelling, single-family (attached)	
Dwelling, duplex	2 spaces per DU
Dwelling, triplex	
Dwelling, fourplex	
Dwelling, multifamily	125 percent of the required minimum, or 1.25 spaces per bedroom, whichever is less.

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Fitness center, large	2.5 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA
<b>Retail Sales</b>	
Building supply store	2 spaces per 1,000 sq. ft. GFA
Grocery or supermarket	5 spaces per 1,000 sq. ft. GFA
Liquor or tobacco sales	3.3 spaces per 1,000 sq. ft. GFA
Pawn shop	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, small	4 spaces per 1,000 sq. ft. GFA
Retail sales, medium	4 spaces per 1,000 sq. ft. GFA
Retail sales, large	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, big box	3.3 spaces per 1,000 sq. ft. GFA
<b>Vehicles and Equipment</b>	
Equipment sales or rental	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/ office area; plus 1 space per service bay
Transportation terminal	No limit
Vehicle fleet operations, small	No limit
Vehicle fleet operations, large	No limit
Vehicle fuel station	5 spaces per 1,000 sq. ft. GFA
Vehicle impound storage	No limit
Vehicle parking garage	No limit
Vehicle repair, major	
Vehicle repair, minor	2.85 spaces per 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay
Vehicle sales or rental	
Vehicle wash	No limit
<b>EMPLOYMENT USES</b>	
<b>Manufacturing and Processing</b>	
Commercial Laundry	No limit
Food production or processing	No limit
Manufacturing, artisan	No limit
Manufacturing, light	No limit
Manufacturing, heavy	No limit
Salvage or scrap yard	No limit
<b>Storage, Distribution, or Warehousing</b>	
Bottled gas storage or distribution	No limit
Contractor's yard	<del>No limit</del> parking space per approved building occupancy

**(3) Dimensions of Parking Spaces and Drive Aisles**

All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards and per Table 04-11:

- (A) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
- ~~(B) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that:
 
  - i. Any raised curb in the overhang areas is no more than four inches in height; and
  - ii. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.~~

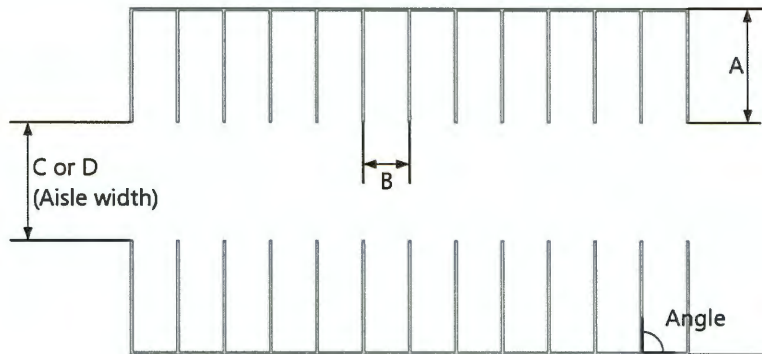


Figure 50: Illustrative Scale and Character

**Table 04-11: Parking Dimensions (in feet) [2]**

Angle	Parking Space		One-Way Aisle	Two-Way Aisle
	A	B	C	D
0° (parallel)	8.0	22.5 [1]	12.0	20.0
30°	15.0	8.5	12.0	20.0
45°	17.0	8.5	12.0	20.0
60°	17.5	8.5	16.0	20.0
90°	16.0	8.5	20.0	20.0

**Notes:**

- [1] End spaces may be a minimum of 20 feet in length where no obstruction exists.
- [2] Parking spaces for motorcycles may be provided and must be a minimum of 3 feet in width and 6 feet in depth.

~~(B)~~ If the petitioner can provide different acceptable standards based on a professionally recognized source of parking lot design, the City Planning and Transportation Department may approve alternative standards pursuant to the minor modification process outlined in Section 20.06.080(a) (Minor Modification).

**(4) Stacked Parking**

Stacked parking arrangements are permitted.

**(G) Uniform Architecture**

When the rear or side facade of a newly constructed building is adjacent to a street, the architecture of these facades shall be made to match that of the front facade. Such matching shall occur through use of similar materials, window/doorway openings, variation in rooflines, or fenestration.

**(H) Patterns**

In the case of new construction of multifamily units in the RM and RH zoning districts, all facades of a primary building visible from any roadway shall contain the following color and texture changes:

- i. Facades shall consist of at least one primary and one secondary color.
- ii. At least one of these elements, either texture or color, shall repeat horizontally across the facade.
- iii. Variations in texture and color elements shall repeat vertically a minimum of every 30 feet.

**(I) Primary Pedestrian Entry**

In the case of new construction of multifamily units in the RM and RH zoning districts, the following standards shall apply:

- i. One primary pedestrian entrance shall be provided for every façade facing a street.
- ii. On corner or through lots, the façade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.
- iii. The pedestrian entry shall contain at least three of the following architectural details:
  1. Pilasters or facade modules;
  2. Public art display;
  3. Prominent building address, building name, and lighting;
  4. Raised corniced entryway parapet; or
  5. Buttress and arched entry.

**(J) Exterior Facades**

In the case of new construction of multifamily units in the RM and RH zoning districts, all facades of a primary building shall incorporate three or more of the following design elements every 40 feet to avoid blank, uninterrupted walls:

- i. Awning or canopy;
- ii. Change in building façade height (minimum of five feet of difference);
- iii. A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation facing a street;
- iv. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building façade.

**(4) Belt Courses**

- (A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.
- (B) Building facades shall incorporate exterior vertical banding techniques using natural-stone or masonry to visually define building subdivisions of wall planes, modules, or building facade focal points.

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**(f) Universal Design**

- (1) In multifamily residential buildings and student housing and dormitory buildings constructed after 4/18/2020 that contain more than 25 dwelling units, at least 20 percent of the dwelling units shall incorporate at least one entrance at grade level and not requiring any steps up or down or a ramp for entry.
- (2) In addition, one of the following additional elements of "universal design" is required:
  - (A) All interior doorways with at least 32-inch wide openings;
  - (B) At least one bathroom with 32-inch counter height;
  - (C) At least one bathroom with wall reinforcements for handrails; and/or
  - (D) All light switches installed between 44 and 48 inches in height.

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**(g) Solar Ready Building Design**

All new construction of primary structures shall meet either (1) or (2) below:

- 1. Design building as solar or renewable energy ready and incorporate the following into the site plan:
  - 1. Roof load bearing specifications shall be sized to bear the weight of a solar installation;
  - 2. The roof should be oriented to maximize solar capacity and roof types shall be compatible with solar installation mounting;
  - 3. Non-solar rooftop equipment (HVAC systems, chimneys, vents) shall be placed to avoid shading of solar equipment and maximize the amount of continuous roof space;
  - 4. Electrical panels shall be sized to accommodate a future solar system and space shall be allocated in the utility room or outside for a solar DC-AC inverter; and
  - 5. Conduit for wiring shall be placed from the roof to the electrical panel.
- 2. Submit a completed U.S. EPA Renewable Energy Ready Home Solar Site Assessment or another approved solar-ready assessment is required.

Modifications to either 1 or 2 above can be approved by the Director of Planning and Transportation.



**Table 04-14: Permitted Street Tree Species**

Bold text indicates evergreen species

Common Name	Scientific Name
<b>Large Street Trees - 45 feet or more at mature height</b>	
Black Maple	<i>Acer nigrum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Sugar Hackberry	<i>Celtis laevigata</i>
Hackberry	<i>Celtis occidentalis</i>
American Beech	<i>Fagus grandifolia</i>
Thornless Honeylocust	<i>Gleditsia triacanthos inermis</i>
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>
Sweetgum	<i>Liquidambar styraciflura</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Blackgum or Tupelo	<i>Nyssa sylvatica</i>
Sycamore	<i>Platanus occidentalis</i>
London Planetree	<i>Platanus x acerfolia</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Shingle Oak	<i>Quercus imbricaria</i>
Overcup Oak	<i>Quercus lyrata</i>
Bur Oak	<i>Quercus macrocarpa</i>
Blackjack Oak	<i>Quercus marilandica</i>
Chinkapin Oak	<i>Quercus muhlenbergi</i>
Red Oak	<i>Quercus rubra</i>
Shumard Oak	<i>Quercus shumardii</i>
Post Oak	<i>Quercus stellata</i>
Black Oak	<i>Quercus velutina</i>
Bald Cypress	<i>Taxodium distichum</i>
Basswood or American Linden	<i>Tilia americana</i>
Elm	<i>Ulmus</i>
<b>Medium Street Trees - 25 feet to 45 feet at mature height</b>	
Autumn Flame Red Maple	<i>Acer rubrum</i>
River Birch	<i>Betula nigra</i>
Downy Serviceberry	<i>Amelanchier arborea</i>
American Hornbeam or Blue Beech	<i>Carpinus caroliniana</i>
Yellowwood	<i>Cladrastis lutea</i>
Hop Hornbeam or Ironwood	<i>Ostrya virginiana</i>
Regal Prince Oak	<i>Quercus x warei</i>
Crimson Spire Oak	<i>Quercus</i>

**Table 04-14: Permitted Street Tree Species**

Bold text indicates evergreen species

Common Name	Scientific Name
<b>Small Street Trees - Under 25 feet at mature height</b>	
<u>Apollo Maple</u>	<u><i>Acer saccharum</i> "Barrett Cole"</u>
Shadblow Serviceberry	<i>Amelanchier canadensis</i>
Allegheny Serviceberry	<i>Amelanchier laevis</i>
<u>Apple Serviceberry hybrids</u>	<u><i>Amelanchier x grandiflora</i></u>
Eastern Redbud	<i>Cercis canadensis</i>
Flowering Dogwood	<i>Cornus florida</i>
Thornless Cockspur Hawthorn	<i>Crataegus crus-galli</i>
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Green Hawthorn	<i>Crataegus viridis</i>

**Table 04-15: Permitted Interior Tree Species**

Bold text indicates evergreen species

Common Name	Scientific Name
<b>Large Trees - 45 feet or more at mature height</b>	
Ohio Buckeye	<i>Aesculus glabra</i>
Yellow Buckeye	<i>Aesculus octandra</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Pignut Hickory	<i>Carya glabra</i>
Shellbark Hickory	<i>Carya laciniosa</i>
Shagbark Hickory	<i>Carya ovata</i>
Mockernut Hickory	<i>Carya tomentosa</i>
Northern Catalpa	<i>Catalpa speciosa</i>
Black Walnut	<i>Juglans nigra</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Cucumber Tree	<i>Magnolia acuminata</i>
White Pine	<i>Pinus strobus</i>
Virginia Pine	<i>Pinus virginiana</i>
Black Cherry	<i>Prunus serotina</i>
Chestnut Oak	<i>Quercus prinus</i>
Canadian or Eastern Hemlock	<i>Tsuga Canadensis</i>
<b>Medium Trees - 25 feet to 45 feet at mature height</b>	
River Birch	<i>Betula nigra</i>
Sassafras	<i>Sassafras albidum</i>
American Arborvitae	<i>Thuja occidentalis</i>
<b>Small Trees - Under 25 feet at mature height</b>	
Pawpaw	<i>Asimina triloba</i>
Pagoda Dogwood	<i>Cornus alternifolia</i>

**(B) Location**

All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by Section 20.04.020 (Dimensional Standards). The required buffer yards shall be installed despite the presence of ~~streets,~~ alleys, streams or other features that may separate the two properties.

**(C) Plant Material**

All plant material used to meet the buffer yard requirements shall meet the standards of this section, and shall be selected from the list of permitted plant species in Section 20.04.080(d).

**(D) Groundcover**

All portions of a buffer yard not planted with trees, shrubs, or other required landscape materials shall be covered with grass or similar ground-covering vegetation. Landscaping stone or other non-vegetative materials may not be substituted for ground-covering vegetation except for areas that incorporate stormwater treatment alternatives, such as swales and culvert outfalls. Decorative mulch or stone planting beds may be used around trees, provided that such planting beds are six feet or less in diameter.

**(E) Planned Unit Development**

For development adjacent to a Planned Unit Development, or for a Planned Unit Development adjacent to existing development, the zoning district that most closely matches the predominant use of the Planned Unit Development shall be used to determine the buffer yard type, as determined by the decision-making body.

**(F) Credit Toward Other Requirements**

New landscaping that is required to meet these buffer yard requirements shall not count toward other site or parking lot landscaping requirements.

**(3) Buffer Yard Types**

Required buffer yards shall be installed according to the following standards:

**Table 04-19: Required Buffer Yard Types**

Buffer Yard Treatment	Buffer Type		
	Type 1	Type 2	Type 3
Minimum setback [1]	10 feet	15 feet	20 feet
Deciduous trees	1 tree every 30 linear feet	1 tree every 25 linear feet	1 tree every 20 linear feet
Evergreen trees	No requirement	2 trees every 25 linear feet	(see below)
Other	No requirement	No requirement	Any one of the following: 1 evergreen tree every 10 linear feet; or A 6-foot opaque fence; or A stone/brick wall; or A 5-foot tall undulating berm planted with shrubs

**Notes:**

[1] The buffer yard setback is measured from the property line along the boundary between the subject and adjoining properties and shall be provided in addition to the required building and parking setbacks required by this UDO.

- (A) Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (e.g. including, but not limited to, subpanels, transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
- (B) In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:
  - i. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
  - ii. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.
- (C) Screening of ground-mounted solar energy equipment is not required.

**(3) Loading, Service, and Refuse Areas**

- (A) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
- (B) Refuse areas shall not be located within the front setback and shall be a minimum of five feet from side and rear property lines, except for:
  - i. Side and rear locations adjacent to alleyways;
  - ii. Side and rear locations adjacent to the R1, R2, R3, and R4 zoning districts shall have a minimum 25-foot setback from the respective property lines.
- (C) In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by:
  - i. A solid wall or fence a minimum of six feet in height, or high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Such enclosures shall match the general design and materials of the primary structure (but excluding unfinished CMU block). At least one side of such fence or wall shall incorporate a movable gate for access.
  - ii. The use of chain-link fencing for loading, service, or refuse area screening shall be prohibited.

**(4) Design**

- (A) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on an impervious surface.
- (B) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

**(3) Roofs**

On the roof of a structure, or extending above the eave, roof line or parapet of a building, except that signs may be located on the vertical portion of a mansard roof if no vertical wall space is available on the wall space associated with that tenancy or occupancy below.

**(4)****(5)****(5)(6) Miscellaneous**

On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.

**(g) General Design Standards**

Unless otherwise stated in this UDO, the following standards apply to all signs.

**(1) Freestanding Signs**

All freestanding signs shall comply with the following standards:

**(A) Setback**

All freestanding signs shall be set back a minimum of two feet from the ~~front property line~~ proposed right-of-way line or outside of the required clear zone of a public sidewalk, whichever is greater, unless specifically approved by the City's Transportation and Traffic Engineer.

**(B) Mounting**

All freestanding signs shall be permanently affixed to the ground.

**(C) Base**

Sign bases shall conform to the following standards:

- i. Sign bases shall have an aggregate width of at least 40 percent of the total horizontal width of the sign; or have supports that are less than 25 percent of the vertical height of the sign.
- ii. The base and exposed foundation of all freestanding signs shall be covered with a finished material such as brick, stone, metal, or wood.

**(D) Cap**

A decorative cap may extend up to 18 inches above the height limit specified in this Section 20.04.100. The decorative cap shall have no identifying text, images, or identifying traits.

**(E) Landscaping**

- i. For any new freestanding sign, a landscaped area located around the entire base of a freestanding sign is required.
- ii. The landscaped area shall contain materials consisting of shrubs, spread no greater than three feet on center, and densely planted perennial ground cover.
- iii. The landscaped area shall be greater than or equal to the freestanding sign face area.

**(D) Number**

The permitted subdivision sign may be replaced with two signs of a maximum 16 square feet in area per sign if a sign is placed on each side of the entrance.

**(E) Wall Signage**

No wall signage is permitted.

**(3) Multifamily**

(A) Multifamily developments containing between three and 14 dwelling units shall be permitted one wall sign not to exceed 24 square feet per development.

(B) Multifamily developments containing at least 15 dwelling units shall be permitted:

- i. One freestanding sign per development vehicle entrance, not to exceed 32 square feet per side in maximum sign area and not to exceed six feet in height; and
- ii. One wall sign per building not to exceed 24 square feet each.

**(4) Conforming Nonresidential Uses**

For any nonresidential use approved as a permitted use or conditional use, the provisions of Section 20.04.100(k) shall apply. These provisions may be modified by action of the Board of Zoning Appeals as part of a conditional use approval.

**(5) Legal Nonconforming Multifamily Residential Uses**

Legal nonconforming multifamily residential uses in single family zoning districts with at least three units shall be permitted wall signage not to exceed 10 square feet in area but shall not be permitted any freestanding signs. This subsection supersedes Section 20.04.100(i)(3)(A).

**(6) Legal Nonconforming Nonresidential Uses**

Legal nonconforming nonresidential uses shall be permitted:

- (A) Wall signage not to exceed 10 square feet in area and:
- (B) On lots with less than 30 feet of street frontage, no ~~additional~~ freestanding signs; and
- (C) On lots with 30 feet or more of street frontage, one ~~additional~~ freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.

**(7) Illumination**

Signs within residential districts shall not be internally illuminated.

**(8) Window Signs**

Window signs are not permitted for residential uses.

**(9) Temporary Signs**

In addition to the temporary signs exempted under Section 20.04.100(c)(2)(C), conforming nonresidential uses and multifamily structures with at least 15 dwelling units are permitted to display temporary signage provided that the temporary signs comply with the following standards:

- (A) All temporary signs shall receive a sign permit from the City Planning and Transportation Department before being displayed;
- (B) A maximum of three temporary signs per display period described below are permitted;
- (C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in 20.04.100(e)(8);

- (D) Temporary signs shall not exceed 16 square feet in area per side;
- (E) Freestanding temporary signs shall not exceed six feet in height; and
- (F) External illumination of temporary signs is prohibited.
- (G) Display of temporary signs shall be permitted for a maximum of three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

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## (j) MS, MM, MC, ME, MI, MH, EM, and PO District Sign Standards

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### (1) Applicability

This sign standards section applies to the MS, MM, MC, ME, MI, MH, EM, and PO zoning districts.

### (2) Wall Signs

The following standards shall apply to wall signs for individual uses or tenants within a multi-tenant center:

#### (A) Allowance

##### i. Individual Nonresidential Uses

The cumulative square footage of all wall signs shall not exceed one and one-half square feet per lineal foot of primary facade facing a public or private street.

##### ii. Multi-tenant Nonresidential Center

The cumulative square footage of all wall signs for any individual tenant shall not exceed one and one-half square feet per lineal foot of the tenant's facade width facing either a public or private street or facing a parking area if no street frontage is adjacent. For purposes of this Section 20.04.100(j), only one facade of the building may be used to measure the sign allowance, with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

##### iii. Size Limits

No use shall be limited to less than 30 square feet of wall signage. Uses with less than 200,000 square feet of building area and no use shall not be permitted to exceed 300 square feet of wall signage. Uses with 200,000 square feet or more of building area shall not be permitted to exceed 400 square feet of wall signage.

#### (B) Maximum Projection

Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached.

#### (C) Location

Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.

#### (D) Multi-tenant Nonresidential Centers

In addition to other wall signs permitted in this Section 20.04.100(j)(2), multi-tenant nonresidential centers shall be permitted a single wall sign not exceeding 20 square feet in area.

**(3) Projecting Signs**

A 5 square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.

**(3)(4) Freestanding Signs**

The following standards shall apply to all freestanding signs:

**(A) Number**

- i. Freestanding signs shall not be permitted on lots with 30 feet or less of public street frontage.
- ii. Lots with greater than 30 feet and less than 500 feet of frontage on a public street are permitted one freestanding sign.
- iii. Lots with 500 feet or more of public street frontage, one freestanding sign shall be permitted for each 250 feet of public street frontage.
- iv. The number of signs allowed per street frontage shall be determined based on the length of frontage on each street. Each frontage is regulated separately, and total square footages may not be aggregated.
- v. In no case shall any lot have more than four freestanding signs.

**(B) Area****i. Individual Nonresidential Uses**

1. Freestanding signs on lots with greater than 30 feet and less than 50 feet of public street frontage shall not exceed 20 square feet.
2. Freestanding signs on lots with at least 50 feet and less than 75 feet of public street frontage shall not exceed 30 square feet.
3. Freestanding signs on lots with at least 75 feet of public street frontage shall not exceed 45 square feet.
4. Where a lot has more than one public street frontage, each street frontage shall be regulated independently.

**ii. Multi-tenant Nonresidential Centers**

1. Freestanding signs for centers with less than 20,000 square feet of gross floor area are permitted a maximum sign area based on individual nonresidential use allowances listed in the above section 20.04.100(j)(4)(B)i.
2. Freestanding signs for centers with at least 20,000 and less than 35,000 thousand square feet of gross floor area shall not exceed 60 square feet.
3. Freestanding signs for centers with at least 35,000 and less than 50,000 square feet of gross floor area shall not exceed 75 square feet.
4. Freestanding signs for centers with at least 50,000 square feet of gross floor area shall not exceed 125 square feet.
5. Individual tenant panels shall not exceed 36 square feet.
6. Outlots that are not counted toward center square footages shall be permitted freestanding signage based on individual nonresidential uses in Section 20.04.100(j)(4)(B)i.



**iii. Limits**

No property shall be limited to less than 20 square feet of wall signage and no use or tenant shall be permitted to exceed 100 square feet of wall signage.

**(B) Location**

No wall signage shall be located on a side or rear building façade facing a residential use.

**(C) Maximum Projection**

No part of a wall sign, other than an awning sign, shall protrude more than 12 inches from the wall or face of the building to which it is attached.

**(3) Projecting Signs**

A 5 square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment

**(3)(4) Freestanding Signs**

The following standards apply to permanent freestanding signs:

- (A) Lots with 30 feet or less of public street frontage shall not be permitted any freestanding signs. Lots with more than 30 feet of public street frontage on a single street are permitted a maximum of one freestanding sign.
- (B) No freestanding sign shall exceed 15 square feet in area per side.
- (C) No freestanding sign shall exceed four feet in height.
- (D) Internally illuminated signs are prohibited.

**(4)(5) Permanent Display Cabinets**

Permanent display cabinets shall be subject to the following standards:

- (A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.
- (B) Permanent display cabinets shall count toward the wall signage allowance of the use.
- (C) Individual display cabinets shall not exceed 16 square feet in area per display, measured at the outer edge of the cabinet frame.
- (D) A permanent display cabinet shall not exceed eight feet in height from ground level.
- (E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

**(5)(6) Temporary Signs**

In addition to the temporary signs exempted under Section 20.04.100(c)(2)(C), each property is allowed to display temporary signage provided that the temporary signs comply with the following standards:

- (A) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.
- (B) The following numbers of signs are permitted:
  - i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.
  - ii. Multifamily structures with at least 15 dwelling units shall be permitted a maximum of three temporary signs.

ZO-12-22

Redline Page Number	Online UDO Page Number	Citation	Current Language	Proposed Language	Synopsis
110-111	107	20.04.020 Table 04-3	none	[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 the Impervious surface coverage (maximum) shall be 35%. [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 the Landscape Area minimum shall be 15%.	Syncs the UDO with the Bloomington Hospital Site Reuse Master Plan (pages 62-63) with lot areas available for redevelopment
111	108	Table 04-4	Side and Rear Parking Setback for Downtown Character Overlays	Matching those standards to existing standards in 20.04.080(h)(1)(A)(i)	Setbacks are currently only in landscape section
111	108	Table 04-4	MD-ST Impervious Surface Coverage/Landscape Area split 75%/25%	Change to 85%/15%	To reflect a more urban design as proposed various Plans
116	113	Table 04-7	DU=dwelling unit	delete DU=dwelling unit, add Solar Collector and reference 20.03.030(f)(2)	fix a typo and cross-reference solar collector use standards
139	136	20.04.050(c)(3)(B)(i)	No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half of the below requirements);	No entrance or drive located in the front yard of a property shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half of the below requirements):	Clarifies location for restriction of driveway width
140	136	20.04.050(c)	None	Add new section (4) Connectivity - Where adjacent properties have street or access drive stubs to the shared property lines, these stubs shall be connected and extended.	Adds new language for connecting to adjacent street or driveway stubs
149	145	20.04.060(d) Table 04-9	Minimum parking requirements for duplexes, triplexes, fourplexes are required always	Add footnote [3] that minimum parking for duplexes, triplexes, fourplexes only applies in the R1, R2, R3, and R4 districts.	Clarifies that minimum parking only applies in certain districts. There is no minimum parking for multi-family in the mixed use and higher density residential districts
152	149	20.04.060(e) Table 04-10	No limit on parking for contractor's yard	one parking space per approved building occupancy	Provides a maximum parking requirement for contractor's yard, as it presents issues with change of use
157	153	20.04.060(i)(3)(B)	(A) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet, provided that: I. Any raised curb in the overhang areas is no more than four inches in height; and II. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.	<del>(A) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet, provided that: I. Any raised curb in the overhang areas is no more than four inches in height; and II. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.</del>	Removes unnecessary language which is better represented in the table
157	153	20.04.060(i)(3)	All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards	All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards and per Table 04-11	States that Table 04-11 contains the standards
169	165	20.04.070(d)(3)	None	Add architectural standards section from non-residential section (D, E, H)	Adds architectural standards for RM and RH district (new H, I, J)
172	167	20.04.070(g)	none	Add a new section (g) Solar Ready Buildings	adds a new standard that buildings will be built to solar ready standards
178-179	172	20.04.080 Table 04-14	Landscaping list	Revised species allowed for street trees	Far Urban Forester, there are some changes to the list of approved species for street trees
189	181	20.04.080(g)(2)(B)	All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by Section 20.04.020 (Dimensional Standards). The required buffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.	All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by Section 20.04.020 (Dimensional Standards). The required buffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.	Clarifies that buffer yards are not required for the portions of a property along a public street
194	187	20.04.080(m)(2)(A)	(A) Outdoor ground-mounted mechanical equipment (e.g., subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.	(A) Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (e.g. including but not limited to, subpanels, and transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.	Clarifies the type of equipment and fixtures classified as ground mounted mechanical equipment
205	198	20.04.100(g)(1)(A)	All freestanding signs shall be set back a minimum of two feet from the front property line or outside of the required clear zone of a public sidewalk, whichever is greater, unless specifically approved by the City's Transportation and Traffic Engineer	All freestanding signs shall be set back a minimum of two feet from the <del>front property</del> proposed right-of-way line or outside of the required clear zone of a public sidewalk, whichever is greater, unless specifically approved by the City's Transportation and Traffic Engineer	Revises the setback language so that freestanding signs are not located in the proposed right-of-way
207	200	20.04.100(i)(6)(B)	(A) On lots with less than 30 feet of street frontage, no additional freestanding signs; and	(A) On lots with less than 30 feet of street frontage, no additional freestanding signs; and	Removes confusing text
207	200	20.04.100(i)(6)(C)	(A) On lots with 30 feet or more of street frontage, one additional freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.	(A) On lots with 30 feet or more of street frontage, one additional freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.	Removes confusing text
208	201	20.04.100(j)(2)(A)(ii)	No use shall be limited to less than 30 square feet of wall signage and no use shall be permitted to exceed 300 square feet of wall signage.	No use shall be limited to less than 30 square feet of wall signage. Uses with less than 200,000 square feet of building area <del>and no use</del> shall not be permitted to exceed 300 square feet of wall signage. Uses with 200,000 square feet of building area or more shall not be permitted to exceed 400 square feet of wall signage.	Adjusts maximum signage allowance to allow more signage for larger buildings. Reflects variances that were done for Bloomington High School South and Catalent that have significantly larger building square footage than normal
209	201	20.04.100(j)	None	Add new section (3) Projecting Signs- A 5 square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.	Adds language for small projecting signs
212	204	20.04.100(k)	None	Add new section (3) Projecting Signs- A 5 square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.	Adds language for small projecting signs

\*\*\* Amendment Form \*\*\*

**Ordinance #:** 22-10  
**Amendment #:** Am 01 (revised)  
**Submitted By:** Cm. Smith (at request of Planning staff)  
**Date:** May 18, 2022  
**Proposed Amendment:**

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-10 as "Attachment A" (ZO-12-22) shall be amended as shown in the red-line version of BMC 20.04.110 attached hereto.

**Synopsis and Reason for Amendment**

This amendment proposes changes to the existing Incentives section in Chapter 4 of Title 20, the Unified Development Ordinance. After working with the incentives since their adoption, the Department is proposing various changes in order to increase utilization of the incentives, as well as improve the outcomes of projects that utilize these incentives. These changes work in tandem with other changes proposed in Chapter 3. These changes were always intended to be included in the Ordinance update that went to Plan Commission, but were omitted through an error during the compilation of the Plan Commission packets.

The amendment proposes the following:

- Increase the earnings threshold for 7.5 percent of affordable units in a Tier II affordable housing incentive bonus project from 80 percent to 90 percent
- Alter the requirements for Student Housing or Dormitory projects outside of the MD zoning district, removing the linkage study requirement
- Increase bulk reductions eligible in an affordable housing incentive bonus project
- Split the benefit for using both the affordable housing and sustainable incentives by Tier
- Add a proof of advertising requirement before occupancy for affordable housing incentive bonus projects
- Increase the allowable distance from the project site for associated affordable units to ¼ mile for affordable housing incentive bonus projects
- Alter the process for a Payment-in-Lieu agreement for affordable housing incentive bonus projects
- Reorganize the sustainable development incentive section
- Require compliance with more sustainable practices to receive the incentive bonuses
- Increases base Solar Reflectance Index readings for hardscape and roofing that is light-colored and being used for incentive bonuses
- Increase the percentage of spaces that are required to be covered to receive incentive bonuses for covered parking

**Committee Recommendation (05/11/22):** 5-0-2  
**Regular Session Action:** ADOPTED 9-0

*Note: This amendment was revised after it was considered at the May 11, 2022 Committee of the Whole. The revision corrected a typographical numbering error in the first sentence under 20.04.110(d)(2)(A)(iv).*

- iv. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

**(C) Placement**

Sandwich board signs shall meet the following placement criteria.

- i. Signs shall be placed only on sidewalks with a minimum width of seven feet.
- ii. Signs shall be removed from the public sidewalk at the end of each business day.
- iii. Signs shall be located a maximum of two feet from the building; or in the tree plot outside of the sidewalk.
- iv. Signs shall be placed a minimum of 48 inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.
- v. Signs shall be placed a minimum of eight feet from a building corner or pedestrian crosswalk.
- vi. Sign placement shall meet all requirements of the ADA.
- vii. Signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

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## 20.04.110 Incentives

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### (a) Applicability

These affordable housing and sustainable development incentives are available to all development, except for Student Housing or Dormitory projects located in the MD zoning district .

### (b) General Standards

The following standards apply to all projects seeking the affordable housing or sustainable development incentives in this Section 20.04.110.

#### (1) Neighborhood Transition Standards

- (A) All projects abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- (B) Where a primary structure's maximum height incentive is in conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards ), the neighborhood transition standards shall govern. The petitioner may request relief from the neighborhood transition standards in accordance with the development standards variance procedure pursuant to Section 20.06.080(b) (Variance).

#### (2) Waiver of Fees

- (A) When a petition qualifies for one or more of the incentives in this Section 20.04.110, filing fees for the Plan Commission and/or Board of Zoning Appeals shall be waived.

- (B) When a petition that qualifies for one or more of the incentives in this Section 20.04.110 has been approved by the decision-making body:
- i. Fees associated with right-of-way excavation permits for the project shall be waived; and
  - ii. Sewer hook-on fees for the project may be waived or reduced by the utilities service board.
- (3) **Administration**
- (A) A petition for these development incentives shall be included with a petition for development approval.
  - (B) Projects that qualify for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.110: (Incentives), shall have the site plan portion of the petition processed as a minor (rather than major) site plan, except when the project is adjacent to a lot in the R1, R2, R3, or R4 zoning districts or contains more than 50 dwelling units.
  - (C) Staff shall determine if the project is eligible to receive incentives and if it satisfies the criteria established in this Section 20.04.110.
  - (D) Where the final approval authority determines that the project satisfies the criteria of this Section 20.04.110, the final approval authority may authorize the modifications to development standards otherwise applicable to the project to allow the use of the approved incentives, but may not modify the Neighborhood Transition Standards in Section 20.04.070(d)(5).
  - (E) The city may withhold issuance of a Certificate of Zoning Compliance or recommendation for a Certificate of Occupancy until verification that the project satisfies the affordable housing and/or sustainable development standards approved as part of the development petition.

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(c) **Affordable Housing**

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(1) **Purpose**

The purpose of these standards is to encourage the provision of affordable housing for very low-, low-, and moderate-income households. Affordable housing is necessary to help maintain a diverse housing stock and to allow all residents to have better access to jobs and to improve their economic status.

(2) **Eligibility**

Projects that satisfy one of the following criteria shall be eligible for the incentives established in subsection (5) below:

(A) **Tier 1**

- i. At least 60 percent of the total gross floor area of the building (including additional area awarded with an incentive) is dedicated to residential dwellings; and
- ii. A minimum of 15 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning less than 120 percent of the HUD AMI for Monroe County, Indiana; or

(B) **Tier 2**

- i. At least 60 percent of the total gross floor area of the building (including additional area awarded with an incentive) is dedicated to residential dwellings; and

- ii. A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below 120 percent of the HUD AMI for Monroe County, Indiana; and
- iii. A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below ~~80~~ 90 percent of the HUD AMI for Monroe County, Indiana.

**(3) Nonresidential Projects**

Nonresidential projects that satisfy the following criteria shall qualify for the incentives established in subsection (5) below:

- (A) A linkage study has been approved by the City demonstrating that the proposed project results in an increased demand for affordable dwelling units in Bloomington; and
- (B) The petitioner takes one of the following actions in response to the findings of the linkage study:
  - i. The petitioner constructs at least the number of affordable dwelling units required to offset the increased demand for affordable housing calculated based on the linkage study, and each of those affordable dwelling units (a) is located off site, and (b) is deed-restricted to meet the Tier 1 or Tier 2 criteria for affordability levels and length of income restriction in Section 20.04.110(c), and (c) complies with the standards in Section 20.04.110(c)(6); or
  - ii. The petitioner purchases at least the number of existing market-rate dwelling units required to offset the increased demand for affordable housing calculated based on the linkage study, and each purchased market-rate unit is converted to an affordable dwelling unit that (a) is deed-restricted to meet the Tier 1 or Tier 2 criteria for affordability levels and length of income restriction in Section 20.04.110(c), and (b) complies with the standards in Section 20.04.110(c)(6); or
  - iii. The petitioner submits a payment-in-lieu of the construction or purchase of affordable dwelling units described in subsection (i) and (ii) above, pursuant to Section 20.04.110(c)(7), calculated on a per bedroom rate, in an amount sufficient to at least offset the increased demand for affordable housing calculated based on the linkage study.

**(4) Student Housing or Dormitory Projects**

Student housing or dormitory projects located outside of the Mixed-Use Downtown (MD) zoning district ~~that satisfy the following criteria~~ shall qualify for the incentives established in subsection (5) below:

- ~~(A) A linkage study has been approved by the City demonstrating that the proposed project results in an increased demand for affordable dwelling units in Bloomington; and~~
- ~~(B) The petitioner takes one of the following actions in response to the findings of the linkage study:~~

- ~~i. The petitioner constructs at least the number of affordable dwelling units required to offset the increased demand for affordable housing calculated based on the linkage study, and each of those affordable dwelling units (a) is located on or off site, and (b) is deed-restricted to meet the Tier 1 or Tier 2 criteria for affordability levels and length of income restriction in Section 20.04.110(c), and (c) complies with the standards in Section 20.04.110(c)(6); or~~
- ~~ii. The petitioner purchases at least the number of existing market-rate dwelling units required to offset the increased demand for affordable housing calculated based on the linkage study, and each purchased market-rate unit is converted to an affordable dwelling unit that (a) is deed-restricted to meet the Tier 1 or Tier 2 criteria for affordability levels and length of income restriction in Section 20.04.110(c), and (b) complies with the standards in Section 20.04.110(c)(6); or~~
- ~~iii. The petitioner submits a payment in lieu of the construction or purchase of affordable dwelling units described in subsection i and ii above, pursuant to Section 20.04.110(c)(7), calculated on a per-bedroom rate, in an amount sufficient to at least offset the increased demand for affordable housing calculated based on the linkage study.~~

#### (5) Affordable Housing Incentives

##### (A) Reduced Bulk Requirements

The following dimensional standards shall apply to single-family and duplex residential lots in the R1, R2, R3, and R4 zoning districts that meet either of the two criteria in subsection (2) above:

- i. The minimum lot area for subdivision may be reduced up to ~~30~~50 percent.
- ii. The minimum lot width for subdivision may be reduced up to ~~20~~40 percent.
- iii. The side building setbacks may be reduced to five feet regardless of the number of stories.
- iv. The rear building setback may be reduced to 15 feet.
- v. Where these standards conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern.

##### (B) Primary Structure Height

###### i. Eligibility

In addition to the eligibility criteria in 20.04.110(c)(2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

- 1. The building shall contain six or more dwelling units; and
- 2. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

###### ii. Tier 1 Projects

Projects that meet the Tier 1 affordability standards may increase the primary structure height by one floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iii. **Tier 2 Projects**

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iv. **Sustainable Development Bonus**

1. Tier 1 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
2. Tier 2 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet. The additional floor of building height granted under this subsection (iv)(2) shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

(6) **Other Standards**

The following standards shall apply to all affordable housing projects seeking incentives under this section 20.04.110(c).

(A) **Agreement Required**

Petitioners shall enter into an affordable housing program or agreement administered by the federal, state, or local governments, or an organization approved by those governments to ensure that no person shall sell, rent, purchase, or lease an affordable housing unit created pursuant to this Section 20.04.110(c)(5) except to income-eligible households and in compliance with the provisions of this section.

**(B) Advertising Requirement**

Proof that the income eligible units will be marketed and leased similar to the market-rate units is required before occupancy can be issued.

~~(B)~~(C) **Location**

- i. All affordable units constructed or rehabilitated under this Section 20.04.110(c)(5) shall be located either on site or within ~~1,000~~ 1,320 feet of the project site. Required affordable dwelling units shall not be located in less desirable locations than market-rate units and shall not, on average, be less accessible to public amenities, such as open space, than the market rate units.
- ii. Affordable housing shall be indistinguishable from market-rate units, integrated with the rest of the development, and shall be compatible with the market rate units in design, appearance, construction and quality of materials.
- iii. If provided off site, the petition for construction of required affordable dwelling units shall be processed simultaneously with the project for which the incentive was approved. No petition for development shall be approved if a related petition for required affordable housing units is denied or the number of required affordable dwelling units is reduced.



**(7) Payment-in-Lieu**

- (A) A payment-in-lieu of providing housing that meets the Tier 1 or Tier 2 affordability criteria may be authorized by ~~the Plan Commission if it determines that:~~ an agreement with the City and all payments will be deposited into the Housing Development Fund.
- ~~i. Creation of affordable housing on the petitioner's property would lead to an undesirable area/neighborhood concentration of very low- or low-income housing; or~~
  - ~~ii. Creation of affordable housing on the petitioner's property would result in income-restricted households being located more than a 10-minute walk or one-quarter mile from needed public services or public transit; or~~
  - ~~iii. Because of the small size of the petitioner's project, compliance with Tier 1 or Tier 2 affordability standards would require the creation of less than three affordable dwelling units.~~
- (B) The provisions of this Section 20.04.110(c)(7) shall become effective no later than the effective date of the UDO, by which time administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law shall be adopted and publicly available in the Administrative Manual within the Planning and Transportation Department. The procedures used for calculating, collecting, accounting for, and spending shall be reviewed frequently and updated as local housing market conditions change. The calculations may use or be based upon one or more of the following methods:
- i. Housing and Urban Development (HUD) annual rents based on Area Median Income;
  - ii. Area Median Income (per person, income bracket, etc.);
  - iii. Rental rates per unit or per bedroom;
  - iv. Utility rates allowances per unit;
  - v. Tiered rental rates based on percentages above and/or below AMI; and
  - vi. Payment contribution rates.

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**(d) Sustainable Development**

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**(1) Purpose**

The Comprehensive Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. The following incentives are intended to encourage the use of sustainable development, rehabilitation, and retrofit practices in Bloomington beyond the baseline standards required by this UDO.

**(2) Eligibility**

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall meet the qualifying criteria established in 20.04.110(a), shall be located on a previously developed lot(s) served by water and sewer utilities for at least five years prior to construction of petitioner's project, and shall satisfy one of the following two options below:

**(A) Option 1**

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall demonstrate compliance with ~~at least four of the following six~~ qualifying criteria:

i. **Storm Water**

The development site shall provide low impact development stormwater management by installing permanent infiltration or collection features (e.g., swale, culvert outfall, rainwater cistern) that can retain 100 percent of the runoff from at minimum, the 95th percentile (80th percentile for development in the MD zoning district) of regional rainfall events, based on the daily rainfall data and the methodology in the U.S. Environmental Protection Agency (EPA) Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act or a successor or replacement document issued by the EPA.

ii. **Light Colored Hardscaping**

At least 80 percent of horizontal hardscaping materials shall be installed with a solar reflectance index (SRI) of ~~29-86~~ or greater. The SRI shall be calculated in accordance with ASTM E1980. ~~A default SRI value of 35 for new concrete without added color pigment may be used instead of measurements.~~

iii. **Covered Parking**

1. A minimum of ~~75-90~~ percent of parking spaces shall be provided under cover. Any roof used to shade, or cover parking shall:
  - [a] Have a three-year aged SRI of at least ~~32-78~~ (if three-year aged value information is not available, use materials with an initial SRI of at least 39 at installation); or
  - [b] Be ~~75%~~ covered by energy generation systems, such as solar thermal collectors or photovoltaics.
2. Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project, including parking that is outside the project boundary but is used by the project. On-street parking in public rights-of-way is excluded from these calculations.
3. Parking spaces within a parking structure shall count toward meeting this standard.

iv. **Solar Energy, Cool or Vegetated Roof**

Provide a roof meeting the standards in subsections (1), (2), ~~(3)~~, or ~~(4)~~ below. Roofs containing vegetation must follow landscaping standards pursuant to subsections 20.04.080(c): *General Landscaping*, 20.04.080(d): *Permitted Plant Species*, and 20.04.080(e): *Prohibited Plant Species*.

**1. Solar Energy**

Install an on-site solar photovoltaic system covering an area anywhere on the building or lot equal to or greater than 35 percent of the total roof area of all primary buildings, or an area equal to or greater than an amount required to provide 40 percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

**4-2 Cool Roof**

Install a cool roof on at least 70 percent of the total roof surface using roofing materials that have an aged SRI equal to or greater than the values in Table 4-21. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 4-21.

**Table 04-21: Minimum Solar Reflectance Index (SRI)**

	Slope	Initial SRI	Aged SRI
Low-sloped roof	≤ 2:12	82	64
Steep-sloped roof	> 2:12	39	32

**2.3. Vegetated Roof**

Install a vegetated roof on at least 70 percent of the total roof surface using native or adapted plant species. Vegetated roofing shall comply with ASTM E2400-06: Standard Guide for Selection, Installation, and Maintenance of Plants for Green Roof Systems.

**3.4. Combination Roof**

Install a combination solar energy, cool roof and vegetated roof, with each portion meeting the applicable standards in subsections 1, 2, and 2-3 above, and together covering at least 70 percent of the roof surface.

**v. Solar Energy**

~~Install on-site solar photovoltaic system covering an area anywhere on the building or lot equal to or greater than 35 percent of the total roof area of all primary buildings, or an area equal to or greater than an amount required to provide 40 percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.~~

**vi.v. Building Efficiency**

Design the project to achieve improved building energy performance beyond the minimum required building code standards by:

1. Demonstrating that the project qualifies for a minimum of 45-17 points from the LEED v4.1 BD+C Optimize Energy Performance credit; or
2. Demonstrating that the project qualifies for a minimum of 100 points from the Assessing Energy Performance standards, as provided in Section 3.3.1.1 of the Green Globes for New Construction v1.5 Technical Reference Manual.

**(B) Option 2**

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall submit proof that the project is being reviewed and expects to receive certification by the following verified third-party sustainability programs:

- i. Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;
- ii. Silver Certification by the Home Innovation National Green Building Standard (NGBS) Green Certified rating system;
- iii. Petal Certification by the International Living Future Institute Living Building Challenge (LBC) rating system; or
- iv. Three Green Globes Certification by the Green Building Initiative (GBI) Green Globes Certification rating system;

- v. Another verified third-party sustainability program producing equal or greater sustainability benefits to at least one of the programs listed in subsections (i.) through (iv.) above, as determined by the Planning and Transportation Director.

**(3) Sustainable Development Incentives**

**(A) Single-Family, Duplex, Triplex, and Fourplex Uses**

- i. Single-family and duplex residential projects in the R1, R2, and R3 zoning districts that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for the reduced bulk requirements established in Section 20.04.110(c)(5)(A) (Reduced Bulk Requirements).
- ii. Single-family, duplex, triplex, and fourplex residential uses that satisfy the sustainable development criteria in Option 1 or Option 2 above shall not be eligible for additional primary structure height.

**(B) All Other Uses**

Projects that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for additional primary structure height as established below:

- i. One floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).
- ii. Projects that qualify for the affordable housing incentives in Section 20.04.110(c) (Affordable Housing) in addition to the sustainable development incentive in 20.04.110(d)(2) shall be eligible for the additional incentive height described in Section 20.04.110(c)(5)(B)iv.

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## 20.04.120 Operation and Maintenance

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**(a) Siltation and Erosion**

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- (1) Sedimentation basins and other control measures necessary to meet the requirements of Section 20.04.030(d) (Siltation and Erosion Prevention) shall be maintained by the property owner during construction.
- (2) Any site stabilization measures shall be maintained by the property owner in perpetuity.
- (3) Sediment shall be removed to maintain a depth of three feet.

**(b) Landscaping**

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Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of this UDO. Specifically:

- (1) All plant material, including plant material on vegetated roofs, shall be maintained alive, healthy, and free from disease and pests;
- (2) All landscape structures including, but not limited to, vegetated roof infrastructure, raised landscape planters, fences, and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition;

\*\*\* Amendment Form \*\*\*

**Ordinance #:** 22-10  
**Amendment #:** Am 02  
**Submitted By:** Cm. Piedmont-Smith  
**Date:** May 18, 2022  
**Proposed Amendment:** (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-10 as "Attachment A" (ZO-12-22) shall be amended as follows (only affected portions of the proposal are shown below):

1.

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**Table 04-15: Permitted Interior Tree Species**

Bold text indicates evergreen species

Common Name	Scientific Name
Large Trees - 45 feet or more at mature height	

~~Black~~ **Black** Cherry

*Prunus serotina*

2.

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## 20.04.100 Signs

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### (f) Prohibited Sign Locations

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**(4) Vision Clearance Triangle**

Within a vision clearance triangle as specified in Section 20.04.050(c)(4) (Vision Clearance Triangle).

**(5) Miscellaneous**

On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.

~~**(5) (6) Miscellaneous**~~

~~On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.~~

3.

## **20.04.100 Signs**

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### **(j) MS, MM, MC, ME, MI, MH, EM, and PO District Sign Standards**

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#### **(2) Wall Signs**

##### **(A) Allowance**

- ii. Multi-tenant ~~Nonresidential~~ **Nonresidential** Center

#### **Synopsis**

This amendment corrects typographical errors in the ordinance.

**Committee Recommendation:**  
**Regular Session Action:**

N/A  
ADOPTED 9-0

\*\*\* Amendment Form \*\*\*

**Ordinance #:** 22-10  
**Amendment #:** Am 03  
**Submitted By:** Cm. Flaherty  
**Date:** May 18, 2022  
**Proposed Amendment:** (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-10 as "Attachment A" (ZO-12-22) shall be amended as follows (only affected portions of the proposal are shown below):

1.

**Table 04-3: Mixed-Use District Dimensional Standards**

sq. ft. = square feet

Dimensional Standards	MS	MN	MM	MC	ME	MI	MD	MH
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**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.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- ~~[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 04-3 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:**  
**Regular Session Action:**

N/A  
**ADOPTED 8-1**