

ORDINANCE 23-06

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Amendments and Updates 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 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on March 6, 2023, 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 15, 2023; 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 1. Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, is amended.

SECTION 2. 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-06-23 (“Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

SECTION 3. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.


SECTION 4. 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 5. 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 19 day of April, 2023.


SUE SGAMBELLURI, 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 20 day of April, 2023.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 20th day of April, 2023.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains amendments in Chapter 4 related to design requirements for uses in the UDO. There are 55 amendments identified.

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

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 23-06 is a true and complete copy of Plan Commission Case Number ZO-06-23 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 6, 2023.



Date: March 15, 2023

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 15th day of March, 2023.



Nicole Bolden, City Clerk

| | | |
|------------------------------|---|--------------|
| Appropriation Ordinance # | Fiscal Impact Statement Ordinance # | Resolution # |
| _____ | _____ | _____ |

Type of Legislation:

| | | |
|-----------------|----------------|----------------------|
| Appropriation | End of Program | Penal Ordinance |
| Budget Transfer | New Program | Grant Approval |
| Salary Change | Bonding | Administrative |
| Zoning Change | Investments | Change |
| New Fees | Annexation | Short-Term Borrowing |
| | | 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-06-23 amends the Unified Development Ordinance (UDO), with amendments and updates related to design requirements for uses, 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-06-23 Memo

To: Bloomington Common Council

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

Date: March 15, 2023

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-06-23 on March 6, 2023 and voted to send the petition to the Common Council with a positive recommendation with a vote of 8-0, as amended. The Plan Commission voted to remove the proposed changes to Table 04-10 in order to have time for additional information to be gathered and discussion.

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 regular UDO Update process was completed in the Spring of 2022. This update is smaller scale than the larger update done in 2020 and is for regular maintenance of the code. Staff utilizes the UDO daily 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 the permitted uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance, 23-06:

1. ZO-06-23 | Chapter 4: Development Standards & Incentives

ZO-06-23 | Chapter 4: Development Standards & Incentives

This petition deals with amendments of details related to design requirements for uses. These amendments vary greatly. The amendments clarify that I-69 is not a front for design purposes; extend a provision for front entry to all R1-R4 districts; require access from an alley for almost all residential districts, as well as the mixed-use downtown district if an improved alley is present; clarify standards for the affordable housing incentives; alter architectural requirements in the mixed-use and some residential districts; alter screening requirements of electrical equipment on an alley; alter signage requirements for drive-through uses; clarify existing signage language to match practice; reword some language for clarity; exempt City of Bloomington signage from sign standards; as well as clarify front setbacks for additions on nonconforming structures. The amendments also add the required State of Indiana Floodplain Management language. (Some of the formatting for this section is not quite right, but the content is accurate.) The amendments also address a number of landscaping issues such as entirely new species tables (The formatting of the tables is not quite right, but the content is accurate.); updating street tree allowances and requirements; excluding the use of plastic netting; clarifying that native plantings

are required in green infrastructure facilities; altering the percentage allowances to improve diversity; altering buffer yard requirements for clarity; clarifying parking lot landscaping requirements; and improving the processes for verifying the installation of landscape plans. There are 55 amendments identified. These changes are important for various reasons. Some help align future development with City Plans and policies, some clarify existing practice related to development regulation, and some improve the regulations related to ease of use as well as improved outcomes. Revising the landscaping section to align the priorities of various departments is an important part of increasing consistency of regulation across the City.

Table 04-6: Authorized Exceptions to Setback Requirements

DU = dwelling unit

| Type of Exception | Extent of Exception |
|---|---|
| Air conditioners (ground) | Up to 5 feet if screened by a fence, wall, or appropriate landscaping. |
| Air conditioners (window) | Up to 30 inches. |
| Architectural features | Up to 18 inches. |
| Awnings, balconies, canopies, patios, and steps | Up to 6 feet. |
| Bay windows, chimneys, eaves, | Up to 3 feet. |
| Decks | Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line. |
| Fire Escapes | Up to 6 feet into side and rear setbacks. |
| Front Entry | For <u>existing primary structures in the R1, and R2, R3, and R4</u> zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary facade of the structure. |
| Accessible ramps | Exempt from all setback requirements. |
| Satellite dishes | Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines. |
| Detached garages or carports | Where a rear alleyway provides access to a detached garage or carport, the setback from the property line that runs parallel to the alleyway to the detached garage or carport may be reduced to three feet. |
| Additions to existing primary structures | For single-family, duplex, and triplex structures, additions to <u>the first floor footprint of</u> existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side). <u>Vertical additions to existing primary structures may utilize existing front setbacks provided that the existing structure is equal to, or has a greater front setback than, the median front setback of abutting residential structures.</u> |

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

(E)(D) For parking and building setback purposes, Interstate 69 is not considered a front.

(4) Through Lots

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

(f) Building Height

(1) Measurement

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

- (D) **Tracking**
Each site shall have sediment control devices or crushed stone streets, access drives, and parking areas of sufficient size and thickness to prevent sediment from being tracked onto public or private streets. Such areas shall be maintained at sufficient size and thickness throughout the duration of the construction activity on site. Any sediment that leaves the site is a violation of this UDO.
- (E) **Drain Inlet Protection**
All storm inlets shall be protected with best management practices meeting accepted design criteria, standards and specifications.
- (F) **Sediment Control**
Sediment shall be controlled and contained on site, and control measures shall prevent damage to existing vegetation or pavement.
- (G) **Ground Cover**
Vacant land held for development shall be planted with grass or other vegetative ground cover that complies with Section 20.04.080(l) (~~Vacant Lot Landscaping~~ Vacant Lot Landscaping).
- (H) **Inspection**
All erosion control measures shall be installed by the developer and inspected and approved by the City Planning and Transportation Department before land-disturbing activity may take place. Where applicable, developers shall follow their self-monitoring inspection program throughout construction as outlined in Bloomington Municipal Code Section 10.21.070(r).
- (I) **Finished Grade**
Disturbed areas that are at finished grade with installed utilities shall be permanently seeded or mulched within seven days.
- (J) **Unfinished Grade**
Areas that have undergone land-disturbing activities and are not yet at finished grade, and that have no construction activity for 15 days or more, shall be established with temporary vegetation, seed, and/or straw, or other measures approved by the City.
- (K) **Soil Stockpiles**
All soil stockpiles shall be protected by erosion control barriers and areas that remain inactive for seven days or more shall be seeded, covered, or protected.
- ~~(L)~~ **Plastic Netting**
Under no circumstances shall plastic netting or mesh be used on site for any type of permanent landscaping or erosion control.
- ~~(L)~~(M) **Single-Family Lots**
Single-family lots that remain inactive for 15 days or more shall be established with temporary vegetation.

(5) Steep Slopes

The maximum slope on which buildings may be constructed shall be 12 percent. No disturbance shall occur on any slope greater than 12 percent, measured as described in Section 20.04.020 (Dimensional Standards).

(6) Redundant Stormwater Quality Measures

Sites greater than one acre shall incorporate redundant stormwater runoff quality mitigation measures. The ongoing maintenance of these measures shall be ensured through a binding, recordable commitment that provides for all the following:

- (A) Periodic third-party inspection and report;
- (B) A homeowner's association with financing capability;
- (C) City authorization to order maintenance;
- (D) City authorization to seek injunctive relief;
- (E) City authorization to perform necessary maintenance and charge the homeowner's association for such work; and
- (F) Provisions, meeting the standards of the administrative manual, for responsibility of individual lot owners in the event the owners' association fails or refuses to perform.

20.04.040 Floodplain

(a) Purpose

The flood hazard areas of the City of Bloomington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible;
- (12) Meet community participation requirements of the National Flood Insurance Program;
- (13) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (14) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (15) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (16) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (17) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

This section is intended to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by establishing standards that:

- ~~(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;~~
- ~~(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
- ~~(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;~~
- ~~(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;~~
- ~~(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands; and~~
- ~~(6) Make federal flood insurance available for structures and their contents in the City by fulfilling the requirements of the National Flood Insurance Program.~~

(b) Applicability

- (1) This Section 20.04.040 (Floodplain) shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the City of Bloomington, Indiana including any additional areas of special flood hazard annexed by the City of Bloomington, Indiana.
- (2) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this UDO and other applicable regulations.
- (3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this UDO and other applicable regulations.
- ~~(1) This Section 20.04.040 (Floodplain) shall apply to all special flood hazard areas (SFHAs) and known flood-prone areas within the jurisdiction of the City.~~
- ~~(2) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this UDO and other applicable regulations.~~

- ~~(3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this UDO and other applicable regulations.~~

(c) General Standards

(1) Basis for Establishing ~~Regulatory Flood Data~~ **the Areas of Special Flood Hazard**

~~This UDO's protection standard is the regulatory flood. The best available regulatory flood data is listed below.~~

- ~~(A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City, delineated as an "AE Zone" on the Flood Insurance Study dated December 17, 2010 and the Flood Insurance Rate Map dated December 17, 2010 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of the City of Bloomington, Indiana and the corresponding Flood Insurance Rate Maps (FIRM) dated December 17, 2010 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.~~
- ~~(B) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City, delineated as an "A Zone" on the Flood Insurance Study dated December 17, 2010 and the Flood Insurance Rate Map, dated December 17, 2010, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.~~
- ~~(C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.~~
- ~~(D) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.~~
- ~~(A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the City shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study dated December 17, 2010 and the corresponding Flood Insurance Rate Map December 17, 2010 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.~~

- ~~(B) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the City, delineated as an "A Zone" on the City of Bloomington, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 17, 2010 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.~~
- ~~(C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood-prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.~~
- ~~(D) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.~~

(2) Permit Required Establishment of Floodplain Development Permit

~~A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard as established in Section 20.06.050(d).~~

~~A floodplain development permit shall be required prior to the commencement of any development activities in areas of special flood hazard as established in Section 20.06.050(d) (Floodplain Development Permit).~~

(3) Compliance

~~(A) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.~~

~~(B) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.~~

~~(C) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.~~

(4) Abrogation and Greater Restrictions

~~This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~(3)~~(5) **Conflicting Provisions**
Discrepancy between Mapped Floodplain and Actual Ground Elevations

- (A) ~~In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profile or table of still water elevations shall govern.~~
- (B) ~~If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.~~
- (C) ~~If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.~~
- (A) ~~This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~
- (B) ~~In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.~~
- (C) ~~If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.~~
- (D) ~~If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.~~

~~(4)~~(6) **Interpretation**

- (A) In the interpretation and application of this ordinance all provisions shall be:
- i. Considered as minimum requirements;
 - ii. Liberally construed in favor of the governing body; and
 - iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and Disclaimer of Liability

~~The degree of flood protection required by this UDO is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this UDO does not create any liability on the part of the City of Bloomington, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this UDO or any administrative decision made lawfully thereunder.~~

(8) Penalties for Violation
Warning and Disclaimer of Liability

~~Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City.~~

- (A) The City shall inform the owner that any such violation is considered a willful at to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (B) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

The degree of flood protection required by this UDO is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this UDO does not create any liability on the part of the City of Bloomington, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this UDO or any administrative decision made lawfully thereunder.

(d) Administration

(1) Designation of Administrator

The Common Council of the City of Bloomington hereby appoints the Planning Director (or their designee) to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

(2) Floodplain Development Permit and Certification Requirements

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(A) Application Stage.

- i. A description of the proposed development;
- ii. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;
- iii. A legal description of the property site;
- iv. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed

- including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;
- y. A site development plan showing existing and proposed development locations and existing and proposed land grades;
 - vi. verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
 - vii. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;
 - viii. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;
 - ix. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;
 - x. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;
 - xi. Plans showing how any proposed structure will be anchored to resist flotation or collapse;
 - xii. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;
 - xiii. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Section 20.04.040(d)(3)(H) and Section 20.04.040(d)(5) for additional information.)
 - xiv. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(B) Finished Construction.

- i. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
- ii. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
- iii. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

(3) Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (A) Enforce the provisions of this ordinance.
- (B) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
- (C) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (D) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- (E) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (F) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.
- (G) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 - i. Verify and document the market value of the pre-damaged or pre-improved structure;

- ii. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;
 - iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and
 - iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Section 20.04.040(e) of this ordinance are required.
- (H) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
 - (I) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 20.04.040(e)(2)(A), 20.04.040(e)(2)(C)(i), and Section 20.04.040(e)(2)(D) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
 - (J) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Section 20.04.040(d)(3)(i) is applicable.
 - (K) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (L) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 20.04.040(d)(2).
 - (M) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 20.04.040(d)(2).
 - (N) Make on-site inspections of projects in accordance with Section 20.04.040(d)(4).
 - (O) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
 - (P) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
 - (Q) Provide information, testimony, or other evidence as needed during variance hearings.
 - (R) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 20.04.040(d)(4).

- (S) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section 20.04.040(d)(4).
- (T) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Section 20.04.040(d)(5).
- (U) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (V) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(4) Administrative Procedures

- (A) Inspections of Work in Progress. As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (B) Stop Work Orders.
 - i. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - ii. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (C) Revocation of Permits.
 - i. The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.
- (D) Floodplain Management Records.
 - i. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map

Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.

ii. These records shall be available for public inspection at the City of Bloomington Planning and Transportation Department.

(E) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(5) Map Maintenance Activities

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Bloomington's flood maps, studies and other data identified in Section 20.04.040(c)(1) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(A) Requirement to Submit New Technical Data

- i. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
- ii. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

iii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.

iv. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(B) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City of Bloomington Planning and Transportation Department Director and may be submitted to FEMA at any time.

(C) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Bloomington have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Bloomington's Flood Insurance Rate Map accurately represent Bloomington's boundaries, include within such notification a copy of a map of Bloomington suitable for reproduction, clearly showing the new corporate limits or the new area for which Bloomington has assumed or relinquished floodplain management regulatory authority.

(d)(e) Provisions for Flood Hazard Reduction

All development shall comply with the provisions of this Section ~~20.04.040(e)~~20.04.040(d). Petitions for new or revised subdivisions shall also comply with the standards in Section 20.05.050(c).

(1) Conditional Uses

The following are conditional uses in the floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).

- (A) Transportation facilities, including, but not limited to, bridges, streets or drives;
- (B) Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;
- (C) Parking lots constructed solely of permeable pavers;
- (D) Recreational equipment; and
- (E) Buildings/structures.

(2) Floodplain Status Standards

(A) Standards for Identified Floodways (Riverine)

Located within SFHAs, established in Section 20.04.040(c)(1), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit,

construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- i. If the site is in a regulatory floodway as established in Section 20.04.040(c)(1), the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- ii. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.
- iii. The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
- iv. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 20.04.040(d)(5)(A). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- v. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- vi. For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(B) Standards for Identified Fringe (Riverine)

If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.

(C) Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

i. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

ii. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

(D) SFHAs not Identified on a Map

- i. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent

plans and specifications, to the Indiana Department of Natural Resources for review and comment.

- ii. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- iii. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

(2)(3) General Standards

In all areas of special flood hazard, the following provisions are required:

- (A) All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (B) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (C) New construction and substantial improvements must incorporate methods and practices that minimize flood damage;
- (D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
- (E) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

- (H) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;
- (I) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres;
- (J) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (K) Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes in areas of shallow flooding, designated as Zone AO or Zone AH on the FIRM.
- (L) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.

(4) Specific Standards

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Section 20.04.040(c)(1), the following provisions are required:

(A) Building Protection Requirement. In addition to the general standards described in Section 20.04.040(e)(3) structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- i. Construction or placement of a residential structure;
- ii. Construction or placement of a non-residential structure;
- iii. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;
- iv. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);

- v. Installing a manufactured home on a new site or a new manufactured home on an existing site;
- vi. Installing a travel trailer or recreational vehicle on a site for more than 180 days;
- vii. Reconstruction or repairs made to a repetitive loss structure; and (optional)
- viii. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance. (optional)

(B) Residential Construction.

- i. New construction or substantial improvement of any residential structures shall meet provisions described in Section 20.04.040(e)(2) and Section 20.04.040(e)(3).
- ii. In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of 20.04.040(e)(4)(B)(vi) must be met.
- iii. In **Zone AH**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(B)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(B)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.
- iv. In **Zone AO**, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet (2') greater than the flood depth specified on the FIRM above the highest adjacent grade. If no flood depth is specified, the community shall use two feet as the minimum depth. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(B)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(B)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.
- v. Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
 - 1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood

openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

- a. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
- b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
- c. Doors and windows do not qualify as openings;
- d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- e. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. (optional)

2. The floor of such enclosed area must be at or above grade on at least one side.

vi. A residential structure may be constructed on fill in accordance with the following

1. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
2. Fill shall extend 5 feet beyond the foundation of the structure before sloping below the BFE;
3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;
5. Fill shall be composed of clean granular or earthen material. (optional)

- i. A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(C) Non-Residential Construction.

- i. New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Section 20.04.040(e)(2) and applicable general standards described in Section 20.04.040(e)(3).
- i. In Zone A and Zone AE, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met.
- ii. In Zone AH, new construction or substantial improvement of any non-residential structure (excludes accessory structures) shall have the lowest floor, including basement, elevated at least to the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.
- iii. In Zone AO, new non-residential construction or substantial improvements of any non-residential structure (excludes accessory structures) shall either:
- iv. Have the lowest floor, including basement, elevated at least two feet (2') greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes; or
- vi. Be floodproofed to an elevation at least two (2') greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade.

vii. Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);

b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

c. Doors and windows do not qualify as openings;

d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

e. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. (optional)

2. The floor of such enclosed area must be at or above grade on at least one side.

viii. A nonresidential structure may be **constructed on fill** in accordance with the following:

1. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

2. Shall extend 5 feet beyond the foundation of the structure before sloping below the BFE;

3. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;

4. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;

5. Shall be composed of clean granular or earthen material. (optional)
- ix. A nonresidential structure may be **floodproofed** in accordance with the following:
 1. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
 2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- x. A nonresidential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(D) Manufactured Homes and Recreational Vehicles.

- i. These requirements apply to all manufactured homes to be placed on a site in the SFHA:
 1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(B)(v).
 3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings. (optional)
- i. Recreational vehicles placed on a site in the SFHA shall either:
 1. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 2. Meet the requirements for "manufactured homes" as stated earlier in this section.

(E) Accessory Structures

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- i. Shall have a floor area of 400 square feet or less;
- ii. Use shall be limited to parking of vehicles and limited storage;
- iii. Shall not be used for human habitation;
- iv. Shall be constructed of flood resistant materials;
- v. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- vi. Shall be firmly anchored to prevent flotation;
- vii. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
- viii. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(C)(iii); and
- ix. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(F) Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.

Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- i. Shall have open sides (having not more than one rigid wall);
- ii. Shall be anchored to prevent flotation or lateral movement;
- iii. Shall be constructed of flood resistant materials below the FPG;
- iv. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;
- v. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

(G) Above Ground Gas or Liquid Storage Tanks.

Within SFHAs, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Section 20.04.040(e)(4)(C).

(5) Standards for Subdivision and Other New Developments

(A) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.

(B) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.

(D) In all areas of special flood hazard where base flood elevation data area not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.

(E) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders). (optional)

(F) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds. (optional)

(6) Standards for Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

The following standards apply to all SFHAs and known flood-prone areas:

- ~~(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~
- ~~(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.~~
- ~~(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.~~
- ~~(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.~~
- ~~(E) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.~~
- ~~(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~
- ~~(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~
- ~~(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.~~
- ~~(I) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this UDO.~~
- ~~(J) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - ~~i. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.~~
 - ~~ii. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.~~
 - ~~iii. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.~~
 - ~~iv. The fill or structure shall not obstruct a drainage way leading to the floodplain.~~
 - ~~v. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.~~~~

- ~~vi. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.~~
- ~~vii. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this UDO.~~

~~(3) Structures Within SFHAs~~

~~(A) Generally~~

~~All structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:~~

- ~~i. Construction or placement of any structure having a floor area greater than 400 square feet.~~
- ~~ii. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50 percent of the value of the existing structure (excluding the value of the land).~~
- ~~iii. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50 percent of the market value of the structure (excluding the value of the land) before damage occurred.~~
- ~~iv. Installing a travel trailer or recreational vehicle on a site for more than 180 days.~~
- ~~v. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.~~
- ~~vi. Reconstruction or repairs made to a repetitive loss structure.~~

~~(B) Residential Structures~~

~~New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 20.04.040(d)(2)(D).~~

~~(C) Non-Residential Structures~~

~~New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 20.04.040(d)(2)(D). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:~~

- ~~i. A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in 20.06.020(f)(2)(L).~~
- ~~ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.~~

~~(D) Elevated Structures~~

- ~~i. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.~~
- ~~ii. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

 - ~~1. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).~~
 - ~~2. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.~~
 - ~~3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.~~
 - ~~4. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).~~
 - ~~5. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~
 - ~~6. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.~~
 - ~~7. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate Section 20.04.040(d)(2)(D). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded, along with the deed, in the Office of the Monroe County Recorder.~~
 - ~~8. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds six feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the Office of the Monroe County Recorder.~~~~

(E) Structures Constructed on Fill

A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- i. The fill shall be placed in layers no greater than one foot deep before compacting to 95 percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
- ii. The fill shall extend at least 20 feet beyond the foundation of the structure before sloping below the BFE.
- iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.
- iv. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- v. The top of the lowest floor including basements shall be at or above the FPG.
- vi. Fill shall be composed of clean granular or earthen material.

(F) Standards for Manufactured Homes and Recreational Vehicles

Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- i. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:
 1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(d)(2)(D).
 3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- ii. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
 1. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- ~~2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(d)(2)(D).~~
- ~~3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.~~
- ~~iii. Recreational vehicles placed on a site shall either:

 - ~~1. Be on site for less than 180 days;~~
 - ~~2. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or~~
 - ~~3. Meet the requirements for "manufactured homes" as stated in this section.~~~~

~~(G) Accessory Structures~~

~~Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:~~

- ~~i. Shall not be used for human habitation.~~
- ~~ii. Shall be constructed of flood resistant materials.~~
- ~~iii. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.~~
- ~~iv. Shall be firmly anchored to prevent flotation.~~
- ~~v. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.~~
- ~~vi. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(d)(2)(D).~~

~~(H) Above Ground Gas or Liquid Storage Tanks~~

~~All above-ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.~~

~~(4) Critical Facilities~~

~~Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.~~

~~(5) Identified Fringe~~

~~If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this UDO have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.~~

~~(6) SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes~~**~~(A) Drainage Area Upstream of the Site is Greater than One Square Mile~~**

- ~~i. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.~~
- ~~ii. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.~~
- ~~iii. Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 20.04.040(d) have been met.~~

~~(B) Drainage Area Upstream of the Site is Less than One Square Mile~~

- ~~i. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.~~
- ~~ii. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 20.04.040(d) have been met.~~

- ~~(C) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.~~

~~(7) Flood Prone Areas~~

~~All development in known flood-prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required by this UDO.~~

(F) Improved Alley Access in the R1, R2, R3, and R4, RM, and MD Districts

~~In the R3 and R4 zoning district, a 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.

- iii. In a shared parking arrangement, each property shall provide a minimum of 60 percent of the individual parking requirements provided in Table 04-9: Minimum Vehicle Parking Requirements. In no case shall the total combined parking spaces be less than 120 percent of the greater individual parking requirement.
- iv. Any property using shared parking facilities shall be located within 600 feet of such parking facility, using established sidewalks and crosswalks where available.

(B) Shared Parking Agreement

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

(2) Proximity to Transit

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

(3) Affordable and Senior Housing

The minimum number of required vehicle parking spaces for multifamily residential structures shall be reduced by 35 percent if:

- (A) The multifamily residential structure qualifies for the affordable housing incentives pursuant to Section 20.04.110 (Incentives); or
- (B) A minimum of 75 percent of the dwelling units are restricted for lease or sale by persons 65 years of age or older.

(4) On-Street Parking

Any on-street parking space in which more than one-half of the area of the parking space abuts the subject property, may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following:

- (A) On-street parking may not be used to meet the minimum off-street parking requirements for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses;
- (B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any minimum vehicle parking requirements for any use;
- (C) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.
- (D) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.
- (E) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street vehicle parking does not meet the minimum off-street parking requirements of this chapter.

- iv. No park strip shall be used for parking unless otherwise approved by the City Planning and Transportation Department based on considerations of pedestrian and traffic safety, visual appearance, and buffering.
- v. All parking shall comply with parking landscape standards in Section 20.04.080 (Landscaping, Buffering, and Fences).
- vi. For single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of this Section 20.04.060.
- vii. No commercial vehicles or trailers shall be parked overnight at a residence unless that home is occupied by the business owner or employee.

(B) In the R1, R2, R3, R4, RM, and RH, and MD Districts

- i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the required front building setback between the street and the building except on a single drive not exceeding 18 feet in width.
- ii. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the MD, RM, and RH districts, the required parking area shall directly access the alley ~~and be limited to 40 feet in depth and 20 feet in width~~. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.
- iii. For lots at the corner of a street and the alley, the driveway on the alley shall be setback 15' from the intersection of the street and the alley.

(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.

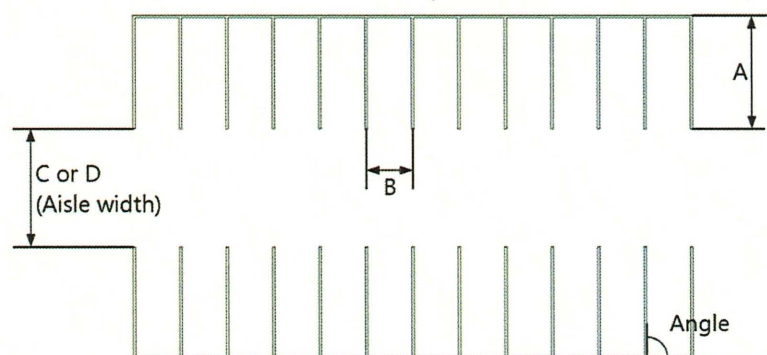


Figure 51: Illustrative Scale and Character

3. Downtown Gateway; and
4. Showers Technology.

(d) Building Design

(1) Third-Party Review

The Planning and Transportation Director may retain an independent third-party consultant to review any proposed building design in order to assist with review of compliance with the standards in this 20.04.070(d). Where the decision on an application is made by the Plan Commission or City Council (as shown in Table 06-1), the consultant may offer alternative compliant design option(s) that addresses each element of building design addressed in this 20.04.070(d). The body making the final decision on the application may approve some or all of the suggested design options if it determines that the suggested option:

- (A) Significantly enhances the visual appeal of the building;
- (B) Significantly enhances the perceived quality of the building facades visible from public streets;
- (C) Creates no adverse impacts on surrounding properties beyond those that would be permitted if the standards in this 20.04.070(d) were applied; and
- (D) Strengthen the public-private interaction at the street level.

(2) Mixed-Use and Nonresidential

(A) Applicability

The following standards shall apply to parcels in the MN, MM, MC, MS, ME, MI, and MH zoning districts.

(B) Exceptions

Single-family detached, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.04.070(d)(1). Such residential dwelling units shall be subject to the architectural standards in Section 20.04.070(d)(3).

(C) Materials

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finish materials:

i. Primary Exterior Finish Materials

1. Cementitious siding;
2. Masonry;
3. Brick;
4. Natural stone;
5. Precast concrete;
6. Split-faced block; and/or
7. Transparent glass.

ii. Secondary Exterior Finish Materials

1. Wood;
2. EIFS; ~~or~~

3. Metal panel or siding (minimum 26 gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners(except corrugated); or
4. Other products that replicate the appearance and durability of the above materials, as approved by the staff.

(D) Exterior Facades

All facades of a primary building shall incorporate three or more of the following design elements in each module to avoid blank, uninterrupted walls, except that buildings less than 40 feet in width shall incorporate a minimum of two of the design elements. every-A module can be a maximum of 40 feet in width. to avoid blank, uninterrupted walls.;

- i. Awning or canopy that extends at least 24 inches from the building face;
- ii. Change in building facade height in relation to the adjacent modules of a -(minimum of five feet of difference, except that buildings 25 feet or less in height may utilize a minimum of two 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 facade.

(E) Patterns

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.

(F) Eaves and Roofs

Buildings with sloped roofs (those greater than 3:12 pitch) visible from any roadway shall contain overhanging eaves, extending no less than two feet past the supporting walls. Flat roofs (those less than 3:12 pitch) shall include a parapet on supporting walls.

(G) 360-Degree Architecture

Those sides of a building that are not visible from the street frontage shall have a finished facade that is similar to the visible facades in terms of materials and architectural detailing.

(H) Primary Pedestrian Entry

- i. One primary pedestrian entrance shall be provided for every facade facing a street.
- ii. On corner or through lots, the facade 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, change in building mass, or a distinct facade module projections;
 2. Public art display;

3. Prominent building address, building name, and enhanced exterior light fixtures, such as wall sconces or light covesing;
4. Raised corniced entryway parapet; or
5. Buttress and arched entry~~Recessed or framed sheltered element of at least 3 feet in depth to protect pedestrians from weather;~~
- ~~5-6. Integral planters or wing walls that incorporate landscaping or seating.-~~

(I) **Windows on Primary Facades**

All first-story windows on the primary facade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

(J) **Anti-Monotony Standards**

In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

- i. Differences in rooflines;
- ii. Differences in building footprint;
- iii. Differences in the number of floors per building.

(K) **Street Addresses**

- i. Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight inches in height. For multifamily uses, the address display shall a minimum of five inches and a maximum of 10 inches in height.
- ii. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- iii. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(3) **Residential**

(A) **Applicability**

The following standards shall apply to the construction, expansion, addition, or alteration of any building in the R1, R2, R3, R4, RM, RH and RMH zoning districts.

(B) **Materials**

Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

- i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
- ii. V-grooved tongue-and-groove siding;
- iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
- iv. Cedar or other wood materials
- v. Stucco, plaster, or similar systems (excluding EIFS);
- vi. Stone;

- vii. Split face block, ground face block, or brick;
- viii. Cast or cultured stone;
- ix. Cast in place concrete;
- x. Earthen structural materials;
- ~~x~~.xi. Metal panel or siding (minimum 26 gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners(except corrugated);
or
- ~~x~~.xii. Other materials that replicate the look and durability of the above materials, as approved by the staff.

(C) Minimum Coverage

Exterior finish building materials listed above, or a combination of such materials, shall extend from roofline to within six inches of finished grade.

(D) Foundations

All buildings shall be placed on permanent foundations.

(E) Roofs

- i. For attached and detached single-family dwellings, duplex, triplex, fourplex, and multifamily dwelling units that have sloped roofs, the roof shall consist of shingles, shakes, tile, standing-seam metal, or V-grain metal. Additions to attached or detached single-family dwelling units may use flat roofs (less than a 3:12 roof pitch).
- ii. Primary structures larger than 1,000 square feet of gross floor area may use a flat roof (less than 3:12 roof pitch) with a parapet and shall comply with any applicable standards established in Subsection 20.03.030: *Use-Specific Standards*.

(F) Rain Gutters and Downspouts

Rain gutters and downspouts are required.

(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 facade facing a street.
- ii. On corner or through lots, the facade 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, change in building mass, or a distinct facade module projections;
 2. Public art display;
 3. Prominent building address, building name, and enhanced exterior light fixtures such as wall sconces or light coves;
 4. Raised corniced entryway parapet; or
 5. Recessed or framed sheltered element of at least 3 feet in depth to protect pedestrians from weather;
 6. Integral planters or wing walls that incorporate landscaping or seating;
 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 in each module to avoid blank, uninterrupted walls, except that buildings less than 40 feet in width shall incorporate a minimum of two of the design elements. every A module can be a maximum of 40 feet in width to avoid blank, uninterrupted walls:

- i. Awning or canopy;
- ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings 25 feet or less in height may utilize a minimum of two feet of difference; -(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 for nonresidential uses
- ~~iii.~~ iv. A regular pattern of transparent glass constituting a minimum of 30 percent of the total wall/facade area of the first-floor facade/elevation facing a street for residential uses;
- v. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade;
- ~~iv.~~ vi. Projecting porches, balconies, or entry stoops at relevant elevations.

(K) Anti-monotony Standards

In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

- i. Differences in rooflines;
- ii. Differences in building footprint;

20.04.080 Landscaping, Buffering, and Fences

(a) Purpose

The landscaping standards are intended to improve Bloomington's vegetated environment and foster development that will protect and preserve the appearance, character, health, safety and welfare of the community. Additionally, the standards are intended to foster an aesthetically pleasing development that will protect and improve Bloomington's biodiversity and the ecological services provided by native species and ecosystems. Trees, vegetation, fences, walls, and other landscape elements are essential components of a project. These components act to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environments.

(b) Applicability

Compliance with this Section 20.04.080 shall be required pursuant to Section 20.04.010 (Applicability) or the specific applicability criteria established in Sections 20.04.080(l) and 20.04.080(n).

(c) General Landscaping

(1) Placement of Landscape Materials

(A) Rights-of-way and Easements

It shall be the responsibility of the property owner to install and maintain landscape material in rights-of-way or easements, where such improvements are permitted. Plant species shall be approved by either the City or the easement holder.

(B) Utility Infrastructure

- i. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections.
- ~~ii. Trees shall be planted at least 10 feet from sanitary sewer, water service lines, and natural gas lines.~~
- ~~ii. Large canopy trees shall be planted at least 10 feet from public sanitary sewer, water service lines, and natural gas lines. Medium and small trees shall be planted at least 5 feet from public sanitary sewer, water service lines, and natural gas lines, except that medium and small trees planted less than 5 feet from public sanitary sewer, water service lines, and natural gas lines may be approved by the Planning and Transportation Director.~~
- iii. A tree ~~crowncanopy~~ may project over a right-of-way or easement.
- iv. All landscape plans shall also be reviewed by the utilities department to ensure that there are no conflicts between proposed landscape and utility lines.
- ~~v. Where utility lines pass overhead of a tree plot, medium or small trees may be used with approval of the Urban Forester.~~
- ~~vi. Where utility lines or tree plat widths are an impediment to planting large, canopy trees in a tree plot, the Urban Forester may approve medium or small trees.~~

(C) Vehicular and Pedestrian Movement

Plant materials shall be located to avoid interference with vehicular and pedestrian movement and shall not project over sidewalks, paths, or trails below a height of eight feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of 15 feet.

(D) Vision Clearance

~~i. Landscape materials shall be located to avoid interference with visibility per Section 20.04.050(c)(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.~~

~~Vision Clearance Triangle). Landscape materials shall be located to avoid interference with visibility per Section 20.04.050(c)(4) (Vision Clearance Triangle).~~

(E) Green Infrastructure

All green infrastructure facilities, including detention basins, bioswales, and raingardens shall be planted with only native seed and/or plugs.

(F) Installation Prior to Occupancy

All landscaping required by the approved site plan shall be installed and inspected prior to issuance of a recommendation for final occupancy, unless an extension is approved by the Planning and Transportation Department for weather-related or unique circumstances.

(E) Distribution

~~Required landscape shall be reasonably distributed in any areas of a site not covered by a structure, parking lot or required buffer yard. It is suggested that the required plantings be planted in clusters or irregular patterns, and that native grasses and herbaceous perennial species be used for ornamentation in addition to the required plantings.~~

(2) Plant Material Standards**(A) Live Plantings**

All plant material shall be living and healthy. Dead, diseased or artificial plants shall not be recognized as contributing to required landscape treatments.

(B) Species Identification

New plantings shall have species identification tags on the plant or paid purchase identification labels on the plants during the final inspection. A receipt with purchase order for plantings may be submitted prior to inspection in lieu of tags or labels on site.

(C) Prohibited Plant Species Invasive Plants

Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements.

(D) Species Diversity

i. On sites that require an aggregate total of 20 or more new trees, any given genus of tree shall be limited to a maximum of 2025 percent of the total number of newly planted trees on site.

~~ii. To improve pollinator habitat, at least 25 percent of planted areas shall include native flowering and nectar producing plant species.~~

~~iii.ii.~~ Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted ~~with with perennial forb species, graminoids, flowering perennials, grasses,~~ or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any ~~flowering perennials, grasses, or ferns~~ substituted plants used toward parking lot perimeter requirements shall be ~~of~~ species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(b) (Landscaping).

(E) New Planting Sizes

The following minimum sizes shall apply to all required plant material:

i. Deciduous Trees

All newly planted deciduous trees shall be at least two-inch caliper.

ii. Evergreen Trees

All newly planted evergreen trees shall be at least six feet in height.

iii. Shrubs

Shrubs shall be at least three-gallon container size and a minimum of 18 inches in height.

(F) Substitution

i. Public Art

The Planning and Transportation Department may allow up to five percent of the minimum landscape area requirement to be replaced with public art. Public art shall not replace required buffer yard landscaping as required by Section 20.04.080(g) or required parking lot landscaping required by Section 20.04.080(h) and shall not count towards impervious surface area on the lot.

ii. Existing Vegetation

1. The City Planning and Transportation Department may permit the substitution of required landscape with existing vegetation provided that the existing vegetation is in good health and quality and is found on the permitted plant list in this UDO.
2. Vegetation preserved to meet the requirements of Section 20.04.030(i), (Tree and Forest Preservation), may be substituted for required landscaping, provided it meets the requirements of Section ~~20.04.080(c)(2)~~ ~~20.04.080(c)(3)~~.
3. Existing vegetation listed in Section 20.04.080(d), shall be credited towards required landscaping based on the following values:

[a] Deciduous Trees

A credit of one tree per every four inches DBH of an existing qualified deciduous tree is earned. No single existing tree shall count towards more than four individual required trees.

[b] Evergreen Trees

A credit of one tree per every 12 feet in height of an existing qualified evergreen tree is earned. No single existing tree shall count towards more than three individual required trees.

[c] Shrubs

A credit of one shrub per every one existing qualified shrub is earned.

(G) Ground Cover

- i. Turf grass and other vegetative ground cover shall be used for all landscaped areas, except that parking lot bumpouts, islands, endcaps smaller than 324 square feet, and areas within 12 inches of a building foundation may use decorative mulch or stone.
- ii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch or stone shall not be used as groundcover except one foot beyond the dripline of shrubbery and shall be no more than six feet in diameter surrounding trees.

(3) Tree Protection

- (A) Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction.
- (B) Construction activities shall be prohibited within the tree protection zone, a three-foot minimum radius surrounding the dripline of the tree.
- (C) No equipment or supply storage, equipment movement, rest or picnicking area, or any land disturbing activities shall be allowed in the tree protection zone.

(4) Alternatives Authorized

A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions. The petitioner shall provide justification for the use of alternatives and shall demonstrate how compliance with the standard(s) from which a deviation is sought will be achieved to the maximum extent practicable.

(A) Conditions that may justify approval of an alternative landscape plan include:

- i. Unique lot size or configuration;
- ii. The presence of existing utility or other easements; or
- iii. Preservation of natural vegetation.

(B) ~~Alternative Landscape Plan Approval Criteria~~The City Planning and Transportation Department may approve alternative landscape plans that do not meet the specific requirements stated in this Section 20.04.080, when the petitioner demonstrates and the City Planning and Transportation Department determines that the alternatives meet all of the following criteria:
~~The City Planning and Transportation Department may approve alternative landscape plans that do not meet the specific requirements stated in this Section 20.04.080, when the petitioner demonstrates and the City Planning and Transportation Department determines that the alternatives meet all of the following criteria:~~

- i. Are consistent with the purposes of this Section 20.04.080;
- ii. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;
- iii. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
- iv. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

(d) Permitted Plant Species

All plant material shall be selected from this Section 20.04.080(d). Substitutions to the list shall be submitted to the City Planning and Transportation Department for approval.

(1) Street Trees

Trees suitable for planting along public streets and highways, ~~parking lots,~~ and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree.

(2) Interior Trees

Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted street tree species listed in Table 04-14: Permitted Street Tree Species may also be used, as interior trees, except the parenthesized trees, which are prohibited for interior trees.

(3) Shrubs, Bushes, and Hedges

~~Plants, bushes, and hedges~~ Shrubs suitable for individual, screen, biohedge uses, up to 12 feet at mature height are established in Table 04-16: Permitted Shrub Species ~~Table 04-15: Permitted Shrubs, Bushes and Hedges Species.~~

(4) Herbaceous Perennial Plants ~~Forbs~~

Forbs, or flowering, nongrassy Herbaceous ~~perennial~~ plants suitable for infill, aesthetics, and cover are established in Table 04-15: Permitted Herbaceous (Forb) Flowering Perennial Plant Species ~~Table 04-16: Permitted Herbaceous Perennial Plant Species.~~

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species. | Parentheses indicates prohibited as an interior tree

| Common Name | Scientific Name |
|--|--|
| Large Street Trees - 45 feet or more at mature height | |
| <u>Sugar Hackberry</u> | <u><i>Celtis laevigata</i></u> |
| <u>Hackberry</u> Sugar Hackberry | <u><i>Celtis occidentalis</i></u> <i>Celtis laevigata</i> |
| <u>Thornless Honeylocust</u> Hackberry | <u><i>Gleditsia triacanthos var. inermis</i></u> <i>Celtis occidentalis</i> |
| <u>Kentucky Coffee Tree</u> Thornless Honeylocust | <u><i>Gymnocladus dioica</i></u> <i>Gleditsia triacanthos inermis</i> |
| <u>Tulip Tree</u> Kentucky Coffee Tree | <u><i>Liriodendron tulipifera</i></u> <i>Gymnocladus dioica</i> |
| <u>Blackgum or Tupelo</u> Tulip Tree | <u><i>Nyssa sylvatica</i></u> <i>Liriodendron tulipifera</i> |
| <u>Sycamore</u> Blackgum or Tupelo | <u><i>Platanus occidentalis</i></u> <i>Nyssa sylvatica</i> |

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species | Parentheses indicates prohibited as an interior tree

| Common Name | Scientific Name |
|--|--|
| (London Planetree) Sycamore | (<i>Platanus x acerfoia</i>) <i>Platanus occidentalis</i> |
| White Oak London Planetree | <i>Quercus alba</i> <i>Platanus x acerfoia</i> |
| Swamp White Oak White Oak | <i>Quercus bicolor</i> <i>Quercus alba</i> |
| Scarlet Oak Swamp White Oak | <i>Quercus coccinea</i> <i>Quercus bicolor</i> |
| Shingle Oak Scarlet Oak | <i>Quercus imbricaria</i> <i>Quercus coccinea</i> |
| Overcup Oak Shingle Oak | <i>Quercus lyrata</i> <i>Quercus imbricaria</i> |
| Bur Oak Overcup Oak | <i>Quercus macrocarpa</i> <i>Quercus lyrata</i> |
| Chestnut Oak Bur Oak | <i>Quercus montana</i> <i>Quercus macrocarpa</i> |
| Chinkapin Oak or Chinquapin Oak | <i>Quercus muehlenbergii</i> |
| Willow Oak Blackjack Oak | <i>Quercus phellos</i> <i>Quercus marilandica</i> |
| Red Oak Chinkapin Oak | <i>Quercus rubra</i> <i>Quercus muhlenbergii</i> |
| Shumard Oak Red Oak | <i>Quercus shumardii</i> <i>Quercus rubra</i> |
| Post Oak Shumard Oak | <i>Quercus stellata</i> <i>Quercus shumardii</i> |
| Black Oak Post Oak | <i>Quercus velutina</i> <i>Quercus stellata</i> |
| Bald Cypress Black Oak | <i>Taxodium distichum</i> <i>Quercus velutina</i> |
| Basswood or American Linden Bald Cypress | <i>Tilia americana</i> <i>Taxodium distichum</i> |
| American Elm Basswood or American Linden | <i>Ulmus Americana (resistant cultivars)</i> <i>Tilia americana</i> |
| Elm | <i>Ulmus</i> |
| Medium Street Trees - 25 feet to 45 feet at mature height | |
| Downy Serviceberry | <i>Amelanchier arborea</i> |
| River Birch | <i>Betula nigra</i> |
| American Hornbeam or Blue Beech River Birch | <i>Carpinus caroliniana</i> <i>Betula nigra</i> |
| Yellowwood Downy Serviceberry | <i>Cladrastis kentukea</i> <i>Amelanchier arborea</i> |
| Hop Hornbeam or Ironwood | <i>Ostrya virginiana</i> |
| Sourwood American Hornbeam or Blue Beech | <i>Oxydendrum arboretum</i> <i>Carpinus caroliniana</i> |
| Blackjack Oak Yellowwood | <i>Quercus marilandica</i> <i>Cladrastis lutea</i> |
| (Crimson Spire Oak) | (<i>Quercus robur</i> x <i>Q. alba</i> 'Crimschmidt') |
| (Regal Prince Oak) Hop Hornbeam or Ironwood | (<i>Quercus robur</i> 'Fastigiata' x <i>Q. bicolor</i> 'Long') <i>Ostrya virginiana</i> |
| Regal Prince Oak | <i>Quercus x warei</i> |
| Crimson Spire Oak | <i>Quercus</i> |
| Small Street Trees - Under 25 feet at mature height | |
| Apollo Maple | <i>Acer saccharum</i> 'Barrett Cole' |
| Shadblow Serviceberry Apollo Maple | <i>Amelanchier canadensis</i> <i>Acer saccharum</i> "Barrett Cole" |
| Allegheny Serviceberry Shadblow Serviceberry | <i>Amelanchier laevis</i> <i>Amelanchier canadensis</i> |
| (Apple Serviceberry hybrids) Allegheny Serviceberry | (<i>Amelanchier x grandiflora</i>) <i>Amelanchier laevis</i> |
| Eastern Redbud Apple Serviceberry hybrids | <i>Cercis canadensis</i> <i>Amelanchier x grandiflora</i> |

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species | Parentheses indicates prohibited as an interior tree

| Common Name | Scientific Name |
|---|--|
| Flowering Dogwood | <i>Cornus florida</i> |
| (Smoke Tree)Eastern Redbud | (<i>Continus obovatus</i>)<i>Cercis canadensis</i> |
| Thornless Cockspur Hawthorn Flowering Dogwood | <i>Crataegus crus-galli</i> <i>Cornus florida</i> |
| Washington Hawthorn Thornless Cockspur Hawthorn | <i>Crataegus phaenopyrum</i> <i>Crataegus crus-galli</i> |
| Green Hawthorn Washington Hawthorn | <i>Crataegus viridis</i> <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 |
|--|---|
| Large Interior Trees - 45 feet or more at mature height | |
| Black Maple | <i>Acer nigrum</i> (now a subspecies of <i>acer saccharum</i>) |
| Red Maple | <i>Acer rubrum</i> |
| Sugar Maple | <i>Acer saccharum</i> |
| | |
| Yellow Buckeye | <i>Aesculus flava</i> (formally <i>A. octandra</i>) |
| Ohio Buckeye Ohio Buckeye | <i>Aesculus glabra</i> <i>Aesculus glabra</i> |
| Bitternut Hickory Yellow Buckeye | <i>Carya cordiformis</i> <i>Aesculus octandra</i> |
| Pignut Hickory | <i>Carya glabra</i> |
| Northern Pecan Bitternut Hickory | <i>Carya illinoensis</i> <i>Carya cordiformis</i> |
| Shellbark Hickory Pignut Hickory | <i>Carya laciniosa</i> <i>Carya glabra</i> |
| Shagbark Hickory Shellbark Hickory | <i>Carya ovata</i> <i>Carya laciniosa</i> |
| Mockernut Hickory Shagbark Hickory | <i>Carya tomentosa</i> <i>Carya ovata</i> |
| | |
| Northern Catalpa | <i>Catalpa speciosa</i> |
| American Beech Mockernut Hickory | <i>Fagus grandfolia</i> <i>Carya tomentosa</i> |
| | |
| Black Walnut Northern Catalpa | <i>Juglans nigra</i> <i>Catalpa speciosa</i> |
| Eastern Red Cedar | <i>Juniperus virginiana</i> |
| Sweetgum Black Walnut | <i>Liquidambar styraciflua</i> <i>Juglans nigra</i> |
| | |
| Cucumber Tree | <i>Magnolia acuminata</i> |
| Eastern Red Cedar | <i>Juniperus virginiana</i> |
| White Pine Cucumber Tree | <i>Pinus strobus</i> <i>Magnolia acuminata</i> |
| Virginia Pine White Pine | <i>Pinus virginiana</i> <i>Pinus strobus</i> |
| Black Cherry Virginia Pine | <i>Prunus serotina</i> <i>Pinus virginiana</i> |
| | |
| Chestnut Oak | <i>Quercus prinus</i> |
| Black willow Black Cherry | <i>Salix nigra</i> <i>Prunus serotina</i> |
| Canadian or Eastern Hemlock Chestnut Oak | <i>Tsuga canadensis</i> <i>Quercus prinus</i> |

Table 04-15: Permitted Interior Tree Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|--|---|
| <u>Canadian or Eastern Hemlock</u> | <u><i>Tsuga Canadensis</i></u> |
| Medium Interior Trees - 25 feet to 45 feet at mature height | |
| <u>Southern Catalpa</u> | <u><i>Catalpa bignoniodes</i></u> |
| <u>Downy Hawthorn</u> | <u><i>Crataegus mollis</i></u> |
| <u>Persimmon</u> | <u><i>Diospyros virginiana</i></u> |
| American Holly | <i>Ilex opaca</i> |
| River Birch | <i>Betula nigra</i> |
| <u>Sassafras</u> <u>Sassafras</u> | <u><i>Sassafras albidum</i></u> <u><i>Sassafras albidum</i></u> |
| American Arborvitae <u>American Arborvitae</u> | <i>Thuja occidentalis</i> <u><i>Thuja occidentalis</i></u> |
| Small Interior Trees - Under 25 feet at mature height | |
| <u>Red Buckeye</u> <u>Pawpaw</u> | <u><i>Asimina triloba</i></u> <u><i>Aesulus pavia</i></u> |
| <u>Devil's Walking Stick</u> <u>Pagoda Dogwood</u> | <u><i>Cornus alternifolia</i></u> <u><i>Aralia spinosa</i></u> |
| <u>Persimmon</u> <u>Pawpaw</u> | <u><i>Diospyros virginiana</i></u> <u><i>Asimina triloba</i></u> |
| <u>Silverbell</u> <u>Pagoda Dogwood</u> | <u><i>Halesia carolina</i></u> <u><i>Cornus alterifolia</i></u> |
| <u>Wild Plum</u> <u>Down Hawthorn</u> | <u><i>Crataegus mollis</i></u> <u><i>Prunus Americana</i></u> |
| <u>Staghorn Sumac</u> <u>Silverbell</u> | <u><i>Halesia carolina</i></u> <u><i>Rhus typhina</i></u> |
| <u>American Plum</u> | <u><i>Prunus americana</i></u> |
| <u>Chickasaw Plum</u> | <u><i>Prunus angustifolia</i></u> |
| <u>Hoptree</u> | <u><i>Ptelia trifoliata</i></u> |
| <u>Dwarf Chinquapin Oak</u> | <u><i>Quercus prinoides</i></u> |
| <u>Winged Sumac or Shinig Sumac</u> | <u><i>Rhus copallina</i></u> |
| <u>Shining Sumac or Smooth Sumac</u> | <u><i>Rhus glabra</i></u> |
| <u>Staghorn Sumac</u> | <u><i>Rhus typhina</i></u> |

Table 04-1516: Permitted Shrubs, Bushes and Hedges Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|---|--|
| <u>Indigo Bush</u> | <u><i>Amorpha fruticosa</i></u> |
| <u>Red Chokeberry</u> <u>Black Chokeberry</u> | <u><i>Aronia arbutifolia</i></u> <u><i>Aronia melanocarpa</i></u> |
| <u>Black Chokeberry</u> <u>New Jersey Tea</u> | <u><i>Aronia melanocarpa</i></u> <u><i>Ceanothus americanus</i></u> |
| <u>New Jersey Tea</u> <u>Buttonbush</u> | <u><i>Ceanothus americanus</i></u> <u><i>Cephalanthus occidentalis</i></u> |
| <u>Buttonbush</u> <u>American Hazelnut</u> | <u><i>Cephalanthus occidentalis</i></u> <u><i>Corylus Americana</i></u> |
| <u>Silky Dogwood</u> <u>Eastern Witch Hazel</u> | <u><i>Cornus amomum</i></u> <u><i>Hamamelis virginiana</i></u> |
| <u>Rough-leaved Dogwood</u> <u>Wild Hydrangia</u> | <u><i>Cornus drummondii</i></u> <u><i>Hydrangia arborescens</i></u> |
| <u>Gray Dogwood</u> <u>Inkberry</u> | <u><i>Cornus racemosa</i></u> <u><i>Ilex glabra</i></u> |
| <u>Red-Twig Dogwood</u> <u>Winterberry Holly</u> | <u><i>Cornus sericea</i></u> <u><i>Ilex verticillata</i></u> |

Table 04-1516: Permitted Shrubs, Bushes and Hedges Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|---------------------------------------|--|
| American Hazelnut Virginia-Sweetspire | <i>Corylus americana</i> <i>Itea virginica</i> |
| Eastern Witchhazel Juniper | <i>Hamamelis virginiana</i> <i>Juniperus communis</i> |
| Smooth Hydrangea Spicebush | <i>Hydrangea arborescens</i> <i>Lindera benzoin</i> |
| Golden St. John's wort Ninebark | <i>Hypericum frondosum</i> <i>Physocarpus opulifolius</i> |
| Possumhaw Shrubby Cinquefoil | <i>Ilex decidua</i> <i>Potentilla</i> |
| Inkberry Sand-Cherry | <i>Ilex glabra</i> <i>Prunus pumila</i> |
| Winterberry Holly Fragrant Sumac | <i>Ilex verticillata</i> <i>Rhus aromatica</i> |
| Virginia Sweetspire Winged Sumac | <i>Itea virginica</i> <i>Rhus copallina</i> |
| Common Juniper Shinning Sumac | <i>Juniperus communis</i> <i>Rhus glabra</i> |
| Spicebush Virginia-Rose | <i>Lindera benzoin</i> <i>Rosa virginiana</i> , <i>Rosa setigera</i> , <i>Rosa palustris</i> |
| Ninebark Pussy Willow | <i>Physocarpus opulifolius</i> <i>Salix discolor</i> |
| Sand Cherry Elderberry | <i>Prunus pumila</i> <i>Sambucus canadensis</i> |
| Fragrant Sumac Bladdernut | <i>Rhus aromatica</i> <i>Staphylea trifolia</i> |
| Prickly Gooseberry Coralberry | <i>Ribes cynosbati</i> <i>Symphoricarpos orbiculatus</i> |
| Swamp Rose Canadian Yew | <i>Rosa palustris</i> <i>Taxus canadensis</i> |
| Climbing Rose Highbush Blueberry | <i>Rosa setigera</i> <i>Vaccinium corymbosum</i> , <i>Vaccinium vacillans</i> |
| Virginia Rose Mapleleaf Viburnum | <i>Rosa virginiana</i> <i>Viburnum acerifolium</i> |
| Purple Flowering Raspberry Arrowwood | <i>Rubus odoratus</i> <i>Viburnum dentatum</i> |
| Pussy Willow Nannyberry | <i>Salix discolor</i> <i>Viburnum lentago</i> |
| American Black Elderberry Black Haw | <i>Sambucus canadensis</i> <i>Viburnum prunifolium</i> , <i>Viburnum rufidulum</i> |
| Bladdernut Prickly Ash | <i>Staphylea trifolia</i> <i>Zanthoxylum americanum</i> |
| Coralberry | <i>Symphoricarpos orbiculatus</i> |
| Canadian Yew | <i>Taxus canadensis</i> |
| Highbush Blueberry | <i>Vaccinium corymbosum</i> |
| Hillside Blueberry | <i>Vaccinium pallidum</i> |
| Mapleleaf Viburnum | <i>Viburnum acerifolium</i> |
| Arrowwood Viburnum | <i>Viburnum dentatum</i> |
| Nannyberry | <i>Viburnum lentago</i> |
| Blackhaw | <i>Viburnum prunifolium</i> |
| Rusty Blackhaw | <i>Viburnum rufidulum</i> |
| Prickly Ash | <i>Zanthoxylum americanum</i> |

Table 04-1516: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|--|---|
| Flowering Perennials | |
| <u>Purple giant hyssop</u> | <u><i>Agastache scrophulariaefolia</i></u> |
| <u>Nodding wild onion</u> | <u><i>Allium cernuum</i></u> |
| <u>Lead plant</u> | <u><i>Amorpha canescens</i></u> |
| <u>Bluestar</u> | <u><i>Amsonia tabernaemontana</i></u> |
| <u>Canada Anemone</u> | <u><i>Anemone canadensis</i></u> |
| <u>Thimbleflower</u> | <u><i>Anemone virginiana</i></u> |
| <u>Wild Columbine</u> | <u><i>Aquilegia canadensis</i></u> |
| <u>Pale Indiana Plantain</u> | <u><i>Arnoglossum atriplicifolium</i></u> |
| <u>Goatsbeard</u> | <u><i>Aruncus dioicus</i></u> |
| <u>Poke milkweed</u> | <u><i>Asclepias exaltata</i></u> |
| <u>Tall green milkweed</u> | <u><i>Asclepias hirtella</i></u> |
| <u>Swamp or Marsh Milkweed</u> | <u><i>Asclepias incarnata</i></u> |
| <u>Purple milkweed</u> | <u><i>Asclepias purpurascens</i></u> |
| <u>Showy milkweed</u> | <u><i>Asclepias speciosa</i></u> |
| <u>Prairie milkweed</u> | <u><i>Asclepias sullivantii</i></u> |
| <u>Common Milkweed</u> | <u><i>Asclepias syriaca</i></u> |
| <u>Butterflyweed</u> | <u><i>Asclepias tuberosa</i></u> |
| <u>Whorled milkweed</u> | <u><i>Asclepias verticillata</i></u> |
| <u>Spider milkweed</u> | <u><i>Asclepias viridis</i></u> |
| <u>Lindley's Heart-leaved Aster</u> | <u><i>Aster ciliolatum (Symphyotrichum ciliolatum)</i></u> |
| <u>Blue Wood Aster</u> | <u><i>Aster cordifolius</i></u> |
| <u>Heath Aster</u> | <u><i>Aster ericoides (Symphyotrichum ericoides)</i></u> |
| <u>Smooth Aster</u> | <u><i>Aster laevis</i></u> |
| <u>New England Aster</u> | <u><i>Aster novae-angliae (Symphyotrichum novae-angliae)</i></u> |
| <u>Aromatic Aster</u> | <u><i>Aster oblongifolius (Symphyotrichum oblongifolium)</i></u> |
| <u>Sky-blue Aster</u> | <u><i>Aster oolentangiensis (Symphyotrichum oolentangiensis)</i></u> |
| <u>Swamp Aster</u> <u>Canada Anemone</u> | <u><i>Aster puniceus (Symphyotrichum puniceum)</i></u> <u><i>Anemone canadensis</i></u> |
| <u>Short's Aster</u> | <u><i>Aster shortii (Symphyotrichum shortii)</i></u> |
| <u>Flat-topped Aster</u> | <u><i>Aster umbellatus (Doellingeria umbellata)</i></u> |

Table 04-1516: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|--|---|
| <u>False White indigo</u> | <u><i>Baptisia alba</i></u> |
| <u>False Blue Indigo</u> | <u><i>Baptisia australis</i></u> |
| <u>False Yellow Indigo</u> | <u><i>Baptisia tinctoria</i></u> |
| <u>Downy wood mint</u> | <u><i>Blephilia ciliata</i></u> |
| <u>Hairy wood mint</u> | <u><i>Blephilia hirsuta</i></u> |
| <u>False chamomile or false aster</u> <u>Columbine</u> | <u><i>Boltonia asteroides</i></u> <u><i>Aquilegia canadensis</i></u> |
| <u>Clustered poppy mallow</u> | <u><i>Callirhoe triangulata</i></u> |
| <u>Marsh marigold</u> | <u><i>Caltha palustris</i></u> |
| <u>Tall bellflower</u> | <u><i>Campanula americana</i></u> |
| <u>White turtlehead</u> | <u><i>Chelone glabra</i></u> |
| <u>Pink Turtlehead</u> | <u><i>Chelone obliqua</i></u> |
| <u>Black cohosh</u> | <u><i>Cimicifuga racemosa</i></u> |
| <u>Lance-leaved coreopsis</u> | <u><i>Coreopsis lanceolata</i></u> |
| <u>Prairie coreopsis</u> | <u><i>Coreopsis palmata</i></u> |
| <u>Tall Coreopsis</u> | <u><i>Coreopsis tripteris</i></u> |
| <u>White prairie clover</u> | <u><i>Dalea candida</i></u> |
| <u>Purple prairie clover</u> | <u><i>Dalea purpureum</i></u> |
| <u>Larkspur</u> | <u><i>Delphinium tricorne</i></u> |
| <u>Pale purple coneflower</u> | <u><i>Echinacea pallida</i></u> |
| <u>Purple coneflower</u> | <u><i>Echinacea purpurea</i></u> |
| <u>Rattlesnake master</u> | <u><i>Eryngium yuccifolium</i></u> |
| <u>Common boneset</u> | <u><i>Eupatorium perfoliatum</i></u> |
| <u>Flowering spurge</u> | <u><i>Euphorbia corollata</i></u> |
| <u>Grass-leaved goldenrod</u> | <u><i>Euthamia graminifolia</i></u> |
| <u>Hollow Joe-Pye weed</u> | <u><i>Eutrochium fistulosum</i></u> (syn. <u><i>Eupatorium fistulosum</i></u>) |
| | <u><i>Eutrochium maculatum</i></u> (syn. <u><i>Eupatorium maculatum</i></u>) |
| <u>Spotted-Joe-Pyeweed</u> | <u><i>Eutrochium purpureum</i></u> (syn. <u><i>Eupatorium purpureum</i></u>) |
| <u>Purple Joe-Pye weed</u> | <u><i>Filipendula rubra</i></u> |
| <u>Queen of the prairie</u> | <u><i>Gentiana andrewsii</i></u> |
| <u>Bottle Gentian</u> | |
| <u>Wild Geranium</u> <u>Swamp or Marsh Milkweed</u> | <u><i>Geranium maculatum</i></u> <u><i>Asclepias incarnata</i></u> |

Table 04-1546: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|---|---|
| <u>Autumn Sneezeweed</u> | <u><i>Helenium autumnale</i></u> |
| <u>Woodland Sunflower</u> | <u><i>Helianthus divaricatus</i></u> |
| <u>Downy Sunflower</u> | <u><i>Helianthus mollis</i></u> |
| <u>Western Sunflower</u> | <u><i>Helianthus occidentalis</i></u> |
| <u>Stiff or Prairie Sunflower</u> | <u><i>Helianthus pauciflorus</i></u> |
| <u>False Sunflower</u> | <u><i>Heliopsis helianthoides</i></u> |
| <u>American alumroot</u> | <u><i>Heuchera americana</i></u> |
| <u>Prairie Alumroot</u> | <u><i>Heuchera richardsonii</i></u> |
| <u>Rose Mallow</u> | <u><i>Hibiscus laevis</i></u> |
| <u>Swamp Rose Mallow</u> | <u><i>Hibiscus moschuetos</i></u> |
| <u>Dwarf Crested Iris</u> | <u><i>Iris cristata</i></u> |
| <u>Blue Flag Iris</u> | <u><i>Iris virginica</i></u> |
| <u>Violet Lespedeza</u> <u>Common Milkweed</u> | <u><i>Lespedeza violacea</i></u> <u><i>Asclepias syriaca</i></u> |
| <u>Rough Blazingstar</u> | <u><i>Liatris aspera</i></u> |
| <u>Dwarf Blazingstar</u> <u>Butterflyweed</u> | <u><i>Liatris microcephala</i></u> <u><i>Asclepias tuberosa</i></u> |
| <u>Prairie Blazing Star</u> | <u><i>Liatris pycnostachya</i></u> |
| <u>Northern Blazingstar</u> <u>Smooth Aster</u> | <u><i>Liatris scariosa</i></u> <u><i>Aster laevis</i></u> |
| <u>Dense Blazingstar</u> , <u>Spiked Blazingstar</u> <u>Short's Aster</u> | <u><i>Liatris spicata</i></u> <u><i>Aster shortii</i></u> |
| <u>Cardinal Flower</u> | <u><i>Lobelia cardinalis</i></u> |
| <u>Downy Lobelia</u> <u>False Blue Indigo</u> | <u><i>Lobelia puberula</i></u> <u><i>Baptisia australis</i></u> |
| <u>Great Blue Lobelia</u> <u>Tall Coreopsis</u> | <u><i>Lobelia siphilitica</i></u> <u><i>Coreopsis tripteris</i></u> |
| <u>Virginia Bluebells</u> <u>Larkspur</u> | <u><i>Mertensia virginica</i></u> <u><i>Delphinium tricorne</i></u> |
| <u>Bergamot or Bee-balm</u> <u>Purple Coneflower</u> | <u><i>Monarda fistulosa</i></u> <u><i>Echinacea purpurea</i></u> |
| <u>Purple Prairie Clover</u> <u>Spotted Joe-Pye Weed</u> | <u><i>Petalostemum purpureum</i></u> <u><i>Eupatorium maculatum</i></u> |
| <u>Blue Phlox</u> , <u>Woodland Phlox</u> <u>Wild Geranium</u> | <u><i>Phlox divaricata</i></u> <u><i>Geranium maculatum</i></u> |
| <u>Summer Phlox</u> , <u>Tall Phlox</u> <u>Autumn Sneezeweed</u> | <u><i>Phlox paniculata</i></u> <u><i>Helenium autumnale</i></u> |
| <u>Obedient Plant</u> | <u><i>Physostegia virginiana</i></u> |
| <u>Jacob's Ladder</u> | <u><i>Polemonium reptans</i></u> |
| <u>Solomon's Seal</u> | <u><i>Polygonatum biflorum</i></u> |
| <u>Prairie Cinquefoil</u> | <u><i>Potentilla arguta</i></u> |
| <u>Hoary Mountain Mint</u> | <u><i>Pycnanthemum incanum</i></u> |
| <u>Hairy Mountain Mint</u> | <u><i>Pycnanthemum pilosum</i></u> |
| <u>Narrow-leaved Mountain Mint</u> | <u><i>Pycnanthemum tenuifolium</i></u> |
| <u>Virginia Mountain Mint</u> <u>Stiff or Prairie Sunflower</u> | <u><i>Pycnanthemum virginianum</i></u> <u><i>Helianthus pauciflorus</i></u> |

Table 04-1516: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|--|--|
| <u>Pinnate Prairie Coneflower</u> False Sunflower | <u><i>Ratibida pinnata</i></u> <i>Heliopsis helianthoides</i> |
| <u>Orange Coneflower</u> Violet Lespedeza | <u><i>Rudbeckia fulgida</i></u> <i>Lespedeza violacea</i> |
| <u>Rough Blazing Star</u> | <u><i>Liatris aspera</i></u> |
| <u>Green-Headed Coneflower</u> Prairie Blazing Star | <u><i>Rudbeckia laciniata</i></u> <i>Liatris pycnostachya</i> |
| <u>Sweet Susan Coneflower</u> | <u><i>Rudbeckia subtomentosa</i></u> |
| <u>Wild Petunia</u> | <u><i>Ruellia humilis</i></u> |
| <u>Blue Sage</u> | <u><i>Salvia azurea</i></u> |
| <u>Lyre-leaved Sage</u> | <u><i>Salvia lyrata</i></u> |
| <u>Late-flowering Figwort</u> | <u><i>Scrophularia marilandica</i></u> |
| <u>Downey Skullcap</u> | <u><i>Scutellaria incana</i></u> |
| <u>Heart-leaved Scullcap</u> | <u><i>Scutellaria ovata</i></u> |
| <u>Wild Stonecrop</u> | <u><i>Sedum ternatum</i></u> |
| <u>Wild Senna</u> | <u><i>Senna hebecarpa</i></u> |
| <u>Maryland Senna</u> | <u><i>Senna manilandica</i></u> |
| <u>Royal Catchfly</u> | <u><i>Silene regia</i></u> |
| <u>Fire Pink</u> | <u><i>Silene virginica</i></u> |
| <u>Rosinweed</u> | <u><i>Silphium integrifolium</i></u> |
| <u>Compass Plant</u> | <u><i>Silphium laciniatum</i></u> |
| <u>Cup Plant</u> | <u><i>Silphium perfoliatum</i></u> |
| <u>Cutleaf Prairie Dock</u> | <u><i>Silphium pinnatifidum</i></u> |
| <u>Prairie Dock</u> | <u><i>Silphium terebinthinaceum</i></u> |
| <u>Whorled Rosinweed</u> | <u><i>Silphium trifoliatum</i></u> |
| <u>Blue-eyed Grass</u> | <u><i>Sisyrinchium angustifolium</i></u> |
| <u>Solomon's Plume</u> Dense Blazing Star | <u><i>Smilacina racemosa</i></u> <i>Liatris spicata</i> |
| <u>Cardinal Flower</u> | <u><i>Lobelia cardinalis</i></u> |
| <u>Blue-stemmed Goldenrod</u> | <u><i>Solidago caesia</i></u> |
| <u>Zig-zag Goldenrod</u> | <u><i>Solidago flexicaulis</i></u> |
| <u>Tall Goldenrod</u> | <u><i>Solidago gigantea</i></u> |
| <u>Early Goldenrod</u> Great Blue Lobelia | <u><i>Solidago juncea</i></u> <i>Lobelia siphilitica</i> |
| <u>Grey Goldenrod</u> | <u><i>Solidago nemoralis</i></u> |
| <u>Swamp Goldenrod</u> | <u><i>Solidago patula</i></u> |
| <u>Stiff Goldenrod</u> | <u><i>Solidago rigida</i></u> |

Table 04-1546: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|---|--|
| <u>Rough-leaved Goldenrod</u> | <u><i>Solidago rugosa</i></u> |
| <u>Showy Goldenrod</u> | <u><i>Solidago speciosa</i></u> |
| <u>Indian Pink</u> <u>Virginia Bluebells</u> | <u><i>Spigelia marilandica</i></u> <u><i>Mertensia virginica</i></u> |
| <u>Bergamot or Bee-balm</u> | <u><i>Monarda fistulosa</i></u> |
| <u>Purple Prairie Clover</u> | <u><i>Petalostemum purpureum</i></u> |
| <u>Celandine Poppy</u> <u>Blue Phlox</u> | <u><i>Stylophorum diphyllum</i></u> <u><i>Phlox divaricata</i></u> |
| <u>Ohio Spiderwort</u> | <u><i>Tradescantia ohioensis</i></u> |
| <u>Virginia Spiderwort</u> | <u><i>Tradescantia virginiana</i></u> |
| <u>Bellwort or Merrybells</u> | <u><i>Uvularia grandiflora</i></u> |
| <u>Blue Vervain</u> | <u><i>Verbena hastata</i></u> |
| <u>Hoary Vervain</u> | <u><i>Verbena stricta</i></u> |
| <u>Yellow Wingstem</u> | <u><i>Verbesina alternifolia</i></u> |
| <u>Smooth Ironweed</u> | <u><i>Vernonia fasciculata</i></u> |
| <u>Missouri Ironweed</u> | <u><i>Vernonia missurica</i></u> <u><i>Phlox paniculata</i></u> |
| <u>Summer Phlox</u> | |
| <u>Culver's Root</u> | <u><i>Veronicastrum virginicum</i></u> |
| <u>Golden Alexander</u> <u>Obedient Plant</u> | <u><i>Zizia aurea</i></u> <u><i>Physostegia virginiana</i></u> |
| <u>Yellow Coneflower</u> | <u><i>Ratibida pinnata</i></u> |
| <u>Orange Coneflower</u> | <u><i>Redbeckia fulgida</i></u> |
| <u>Black-Eyed-Susan</u> | <u><i>Rudbeckia hirta</i></u> |
| <u>Green-Headed Coneflower</u> | <u><i>Rudbeckia laciniata</i></u> |
| <u>Sweet Coneflower</u> | <u><i>Rudbeckia subtomentosa</i></u> |
| <u>Stiff Goldenrod</u> | <u><i>Solidago rigida</i></u> |
| <u>Blue-stemmed Goldenrod</u> | <u><i>Solidago caesia</i></u> |
| <u>Grey Goldenrod</u> | <u><i>Solidago nemoralis</i></u> |
| <u>Royal Catchfly</u> | <u><i>Silene regia</i></u> |
| <u>Fire Pink</u> | <u><i>Silene virginica</i></u> |
| <u>Celandine Poppy</u> | <u><i>Stylophorum diphyllum</i></u> |
| <u>Coralberry</u> | <u><i>Symphoricarpos orbiculatus</i></u> |
| <u>Culver's Root</u> | <u><i>Veronicastrum virginicum</i></u> |
| <u>Violet</u> | <u><i>Viola sororia</i></u> |
| Ground Covers | |

Table 04-1516: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|---|---|
| <u>Canada Anemone</u> | <u>Anemone canadensis</u> |
| <u>Pussytoes</u> | <u>Antennaria plantaginifolia</u> |
| <u>Wild Ginger</u> | <u>Asarum canadense</u> |
| <u>Purple poppy malow</u> <u>Canada Anemone</u> | <u>Callirhoe involucrate</u> <u>Anemone canadensis</u> |
| <u>Wild-Ginger</u> | <u>Asarum canadense</u> |
| <u>Common Oak Sedge or Pennsylvania Sedge</u> | <u>Carex pensylvanica</u> |
| <u>Palm-Sedge</u> | <u>Carex muskingumensis</u> |
| <u>Common Oak Sedge</u> | <u>Carex pensylvanica</u> |
| <u>Wild Strawberry</u> <u>Running Strawberry Bush</u> | <u>Fragaria virginiana</u> <u>Euonymus obovatus</u> |
| <u>Dwarf Crested Iris</u> <u>Wild Strawberry</u> | <u>Iris cristata</u> <u>Fragaria virginiana</u> |
| <u>Creeping Juniper</u> | <u>Juniperus horizontalis</u> |
| <u>Golden Ragwort</u> | <u>Packera aurea</u> |
| <u>Roundleaf Ragwort</u> <u>Dwarf Crested Iris</u> | <u>Packera obovata</u> <u>Iris cristata</u> |
| <u>Cleft Phlox</u> | <u>Phlox bifida</u> |
| <u>Creeping Phlox</u> <u>Creeping Juniper</u> | <u>Phlox subulata</u> <u>Juniperus horizontalis</u> |
| <u>Partridge Berry</u> <u>Creeping Phlox</u> | <u>Mitchella repens</u> <u>Phlox subulata</u> |
| <u>Wild Stonecrop</u> <u>Partridge Berry</u> | <u>Sedum ternatum</u> <u>Mitchella repens</u> |
| <u>Violet</u> <u>Wild Stonecrop</u> | <u>Viola sororia</u> <u>Sedum ternatum</u> |
| <u>Foam Flower</u> | <u>Tiarella cordifolia</u> |
| Vines | |
| <u>Wooly Douchman's Pipe</u> | <u>Aristolochia tomentosa</u> |
| <u>Crossvine</u> | <u>Bignonia capreolata</u> |
| <u>Trumpet Creeper</u> | <u>Campsis radicans</u> |
| <u>Virgin's Bower (native clematis)</u> | <u>Clematis virginiana</u> |
| <u>Virginia Creeper</u> | <u>Parthenocissus quinquefolia</u> |
| <u>Yellow Passionflower</u> | <u>Passiflora lutea</u> |
| Ferns | |
| <u>Maidenhair Fern</u> | <u>Adiantum pedatum</u> |
| <u>Lady Fern</u> | <u>Athyrium filix-femina</u> |
| <u>Giant Wood Fern or Goldie's Fern</u> | <u>Dryopteris goldiana</u> |
| <u>Evergreen Shield Fern</u> | <u>Dryopteris marginalis</u> |
| <u>Ostrich Fern</u> | <u>Matteuccia struthiopteris</u> |
| <u>Sensitive Fern</u> | <u>Onoclea sensibilis</u> |
| <u>Cinnamon Fern</u> | <u>Osmunda cinnamomea</u> |
| <u>Royal Fern</u> | <u>Osmunda regalis</u> |
| <u>Christmas Fern</u> | <u>Polystichum acrostichoides</u> |

Table 04-1546: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|---|--|
| Graminoids Grasses | |
| <u>Big Bluestem</u> | <u><i>Andropogon gerardii</i></u> |
| <u>Broomsedge</u> | <u><i>Andropogon virginicus</i></u> |
| <u>Side-Oats Gramma</u> | <u><i>Bouteloua curtipendula</i></u> |
| <u>Oak Sedge</u> | <u><i>Carex albicans</i></u> |
| <u>Yellow Fox Sedge</u> | <u><i>Carex annectens</i></u> |
| <u>Appalachian Sedge</u> | <u><i>Carex appalachia</i></u> |
| <u>Plains Oval Sedge</u> | <u><i>Carex brevior</i></u> |
| <u>Fringed Sedge</u> | <u><i>Carex crinita</i></u> |
| <u>Crested Sedge</u> | <u><i>Carex cristatella</i></u> |
| <u>Blue Wood Sedge</u> | <u><i>Carex flaccosperma</i></u> |
| <u>Gray's Sedge</u> | <u><i>Carex grayii</i></u> |
| <u>Hop Sedge</u> | <u><i>Carex lupulina</i></u> |
| <u>Palm Sedge</u> | <u><i>Carex muskingumensis</i></u> |
| <u>Pennsylvania Sedge</u> | <u><i>Carex pennsylvanica</i></u> |
| <u>Seersucker Sedge</u> | <u><i>Carex plantaginea</i></u> |
| <u>Eastern Star Sedge or Straight-Styled Wood Sedge</u> | <u><i>Carex radiata</i></u> |
| <u>Lanced-fruited, or Broom Sedge</u> | <u><i>Carex scoparia</i></u> |
| <u>Short's Sedge</u> | <u><i>Carex shortiana</i></u> |
| <u>Brown Fox Sedge</u> <u>Big-Bluestem</u> | <u><i>Carex vulpinoidea</i></u> <u><i>Andropogon gerardii</i></u> |
| <u>Indian Seaoats or River Oats</u> | <u><i>Chasmanthium latifolium</i></u> |
| <u>Tufted Hair Grass</u> | <u><i>Deschampsia caespitosa</i></u> |
| <u>Canada Wild Rye</u> <u>Side-Oats Gramma</u> | <u><i>Elymus canadensis</i></u> <u><i>Bouteloua curtipendula</i></u> |
| <u>Bottlebrush Grass</u> | <u><i>Elymus hystrix</i></u> |
| <u>Silky Wild rye</u> <u>Indian-Seaoats</u> | <u><i>Elymus villosus</i></u> <u><i>Chasmanthium latifolium</i></u> |
| <u>Virginia Wild Rye</u> | <u><i>Elymus virginicus</i></u> |
| <u>Purple Love Grass</u> | <u><i>Eragrostis spectabilis</i></u> |
| <u>Soft Rush</u> | <u><i>Juncus effuses</i></u> |
| <u>Torrey's Rush</u> <u>Bottlebrush-Grass</u> | <u><i>Juncus torreyi</i></u> <u><i>Elymus hystrix</i></u> |
| <u>Virginia Wild Rye</u> | <u><i>Elymus virginicus</i></u> |
| <u>Switchgrass</u> | <u><i>Panicum virgatum</i></u> |
| <u>June-Grass</u> | <u><i>Koeleria macrantha</i></u> |
| <u>Little Bluestem</u> | <u><i>Schizachyrium scoparium</i></u> |

Table 04-1546: Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Bold text indicates evergreen species

| Common Name | Scientific Name |
|--|--|
| <u>Dark Green Bulrush</u> | <u><i>Scirpus atrovirens</i></u> |
| <u>Woolgrass</u> | <u><i>Scirpus cyperinus</i></u> |
| <u>Georgia Bulrush</u> | <u><i>Scirpus georgianus</i></u> |
| <u>Indian grass</u> | <u><i>Sorghastrum nutans, syn. Andropogon nutans</i></u> |
| <u>Prairie Cordgrass</u> <u>Switch Grass</u> | <u><i>Spartina pectinata</i></u> <u><i>Panicum virgatum</i></u> |
| <u>Prairie Dropseed</u> <u>Little Bluestem</u> | <u><i>Sporobolus heterolepis</i></u> <u><i>Schizachyrium scoparium</i></u> |
| <u>Prairie Dropseed</u> | <u><i>Sporobolus heterolepis</i></u> |

(e) Prohibited Plant Species

Species identified in Table 04-18: Prohibited Plant Species~~Table 04-17: Prohibited Plant Species~~ are considered unacceptable and shall not be planted because of invasive characteristics, weak wood, and/or abundant litter.

Table 04-1817: Prohibited Plant Species

+* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner) C 15-16-7

*+ = Indiana detrimental plants (INDNR C 15-16-8) ^ = Indiana terrestrial plant rule (312 IAC 18-3-25)

@ = Indiana multiflora rose and purple loosestrife restrictions (312 IAC 18-3-13)

= Indiana control of kudzu rule (312 IAC 18-3-16)

| Common Name | Scientific Name |
|---|--|
| Prohibited Invasive Trees | |
| <u>Hedge Maple</u> | <u><i>Acer campestre</i></u> |
| <u>Amur Maple</u> | <u><i>Acer ginnala</i></u> |
| <u>Norway Maple</u> | <u><i>Acer platanoides</i></u> |
| <u>Sycamore Maple</u> <u>Amur Maple</u> | <u><i>Acer pseudoplatanus</i></u> <u><i>Acer ginnala</i></u> |
| <u>Tree-of-Heaven</u> | <u><i>Ailanthus altissima</i></u> ^ |
| <u>Mimosa</u> <u>Norway Maple</u> | <u><i>Albizia julibrissin</i></u> <u><i>Acer platanoides</i></u> |
| <u>Black Alder</u> | <u><i>Alnus glutinosa</i></u> ^ |
| <u>Kousa Dogwood</u> | <u><i>Cornus kousa</i></u> |
| <u>Cornelian Cherry Dogwood</u> <u>Tree-of-Heaven</u> | <u><i>Cornus mas</i></u> <u><i>Ailanthus altissima</i></u> |
| <u>Russian Olive</u> <u>Black Alder</u> | <u><i>Elaeagnus angustifolia</i></u> <u><i>Alnus glutinosa</i></u> |
| <u>Autumn Olive</u> | <u><i>Elaeagnus umbellata</i></u> ^ |
| <u>Hardy Rubber Tree</u> <u>Russian Olive</u> | <u><i>Eucommia ulmoides</i></u> <u><i>Elaeagnus angustifolia</i></u> |
| <u>Glossy Buckthorn</u> | <u><i>Frangula alnus</i></u> ^ |
| <u>Golden Raintree</u> | <u><i>Koelreuteria paniculata</i></u> |
| <u>Chinaberry Tree</u> <u>Autumn Olive</u> | <u><i>Melia azedarach</i></u> <u><i>Elaeagnus umbellata</i></u> |
| <u>White Mulberry</u> <u>Glossy Buckthorn</u> | <u><i>Morus alba</i></u> ^ <u><i>Frangula alnus</i></u> |

Table 04-1847: Prohibited Plant Species

+* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner) C 15-16-7)

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@ = Indiana multiflora rose and purple loosestrife restrictions (312 IAC 18-3-13)

= Indiana control of kudzu rule (312 IAC 18-3-16)

| Common Name | Scientific Name |
|--|--|
| <u>Princess Tree</u> <u>White Mulberry</u> | <u>Paulownia tomentosa</u> <u>Morus alba</u> |
| <u>Sawtooth Oak</u> <u>Princess Tree</u> | <u>Quercus acutissima</u> <u>Paulownia tomentosa</u> |
| <u>Amur Cork Tree</u> <u>Sawtooth Oak</u> | <u>Phellodendron amurense</u> ^ <u>Quercus acutissima</u> |
| <u>Callery Pear and all cultivars</u> <u>Amur Cork Tree</u> | <u>Pyrus calleryana</u> <u>Phellodendron amurense</u> |
| <u>European or Common Buckthorn and all cultivars</u> <u>Callery Pear and all cultivars</u> | <u>Rhamnus cathartica</u> ^ <u>Pyrus calleryana</u> |
| <u>Glossy or Smooth Buckthorn and all cultivars</u> <u>European</u> <u>or Common Buckthorn and all cultivars</u> | <u>Rhamnus frangula</u> ^ <u>Rhamnus cathartica</u> |
| <u>Buckthorn Tallhedge and all cultivars including</u> <u>'Fineline' Glossy or Smooth Buckthorn and all cultivars</u> | <u>Rhamnus frangula columnaris</u> ^ <u>Rhamnus frangula</u> |
| <u>Black Locust</u> <u>Buckthorn Tallhedge and all cultivars</u> | <u>Robinia pseudoacacia</u> <u>Rhamnus frangula columnaris</u> |
| <u>Siberian Elm</u> | <u>Ulmus pumila</u> ^ |
| <u>Japanese Zelkova</u> <u>Black Locust</u> | <u>Zelkova serrata</u> <u>Robinia pseudoacacia</u> |
| <u>Siberian Elm</u> | <u>Ulmus pumila</u> |
| Prohibited Plants with Poor <u>or Nuisance</u> Characteristics | |
| <u>Box Elder</u> | <u>Acer negundo</u> |
| <u>Silver maple</u> | <u>Acer saccharinum</u> |
| <u>Ragweed</u> | <u>Ambrosia artemisiifolia</u> |
| <u>Giant Ragweed</u> | <u>Ambrosia trifida</u> |
| <u>Tropical Milkweed</u> | <u>Asclepias curassavica</u> |
| <u>European White Birch</u> | <u>Betula pendula</u> |
| <u>Poison Hemlock</u> | <u>Conium maculatum L.</u> |
| <u>Ash</u> | <u>Fraxinus species</u> |
| <u>Ginkgo (female only)</u> | <u>Ginkgo biloba</u> |
| <u>Giant Hogweed</u> <u>or Giant Cow Parsnip</u> <u>or Wild Parsnip</u> | <u>Heracleum mantegazzianum</u> |
| <u>Rice Cutgrass</u> | <u>Leersia oryzoides</u> |
| <u>Flowering Crabapple</u> | <u>Malus</u> |
| <u>Heavenly Bamboo</u> | <u>Nandina domestica</u> |
| <u>Wild Parsnip</u> | <u>Pastinaca sativa</u> |
| <u>American Elm</u> | <u>Ulmus Americana</u> |
| <u>Poison Ivy</u> | <u>Toxicodendron radicans</u> |
| <u>Poison Sumac</u> | <u>Toxicodendron vernix</u> |
| <u>Stinging Nettle</u> | <u>Urtica dioica</u> |
| <u>Burning Nettle</u> | <u>Urtica urens</u> |
| Prohibited Invasive Herbaceous Perennials <u>and Forbs</u> | |
| <u>Japanese Chaff Flower</u> | <u>Achyranthes japonica</u> ^ |

Table 04-1847: Prohibited Plant Species

+* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner) C 15-16-7)

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= Indiana control of kudzu rule (312 IAC 18-3-16)

| Common Name | Scientific Name |
|---|---|
| <u>Wild Garlic and Wild Onion</u> <u>Japanese Chaff Flower</u> | <u>Alliums spp.</u> <u>Achyranthes japonica</u> |
| <u>Garlic Mustard</u> | <u>Alliaria petiolata</u> ^ |
| <u>Smooth Pigweed</u> | <u>Amaranthus hybridus</u> + |
| <u>Palmer Amaranth or carelessweed</u> | <u>Amaranthus palmeri</u> + |
| <u>Powell Amaranth</u> | <u>Amaranthus powellii</u> + |
| <u>Rough Pigweed</u> | <u>Amaranthus retroflexus</u> + |
| <u>Common Waterhemp</u> | <u>Amaranthus rudis</u> + |
| <u>Tall Waterhemp</u> <u>Wild Garlic and Wild Onion</u> | <u>Amaranthus tuberculatus</u> + <u>Alliums spp.</u> * |
| <u>Mugwort</u> | <u>Artemisia vulgaris</u> ^ |
| <u>Italian Arum</u> | <u>Arum italicum</u> |
| <u>Narrowleaf Bittercress</u> <u>Garlic Mustard</u> | <u>Cardamine impatiens</u> <u>Alliaria petiolata</u> |
| <u>Spiny Plumeless Thistle</u> <u>Mugwort</u> | <u>Carduus acanthoides</u> ^ <u>Artemisia vulgaris</u> |
| <u>Cornflower or Bachelor's Button</u> <u>Spiny Plumeless Thistle</u> | <u>Centaurea cyanus</u> <u>Carduus acanthoides</u> |
| <u>Russian Knapweed</u> <u>Cornflower or Bachelor's Button</u> | <u>Centaurea repens</u> <u>Centaurea cyanus</u> |
| <u>Spotted Knapweed</u> <u>Russian Knapweed</u> | <u>Centaurea stoebe</u> ^ <u>Centaurea repens</u> * |
| <u>Canada Thistle</u> <u>Spotted Knapweed</u> | <u>Cirsium arvense</u> *+ <u>Centaurea stoebe</u> |
| <u>Bull Thistle</u> <u>Canada Thistle</u> | <u>Cirsium vulgare</u> ^ <u>Cirsium arvense</u> *+ |
| <u>Poison Hemlock</u> | <u>Conium maculatum</u> + |
| <u>Marestail or Horsetail</u> | <u>Conyza canadensis</u> + |
| <u>Queen Anne's Lace</u> <u>Bull Thistle</u> | <u>Daucus carota</u> <u>Cirsium vulgare</u> |
| <u>Grecian Foxglove</u> <u>Poison Hemlock</u> | <u>Digitalis lanata</u> <u>Conium maculatum</u> |
| <u>Teasel</u> <u>Grecian Foxglove</u> | <u>Dipsacus fullonum ssp. sylvestris</u> ^ <u>Digitalis lanata</u> |
| <u>Cutleaf Teasel</u> <u>Teasel</u> | <u>Dipsacus laciniatus</u> ^ <u>Dipsacus fullonum ssp. Sylvestris</u> |
| <u>Leafy Spurge</u> <u>Cutleaf Teasel</u> | <u>Euphorbia virgata</u> ^ <u>Dipsacus laciniatus</u> |
| <u>Mulberry weed, Hairy Crabweed</u> | <u>Fatoua villosa</u> |
| <u>Giant Hogweed</u> <u>Leafy Spurge</u> | <u>Heracleum mantegazzianum</u> <u>Euphorbia virgata</u> |
| <u>Dame's Rocket</u> <u>Giant Hogweed</u> | <u>Hesperis matronalis</u> ^ <u>Fallopia japonica</u> |
| <u>Meadow Fleabane or British Yellowhead</u> | <u>Inula britannica</u> |
| <u>Korean Lespedeza</u> | <u>Kummerowia stipulacea</u> |
| <u>Striate Lespedeza</u> <u>Dame's Rocket</u> | <u>Kummerowia striata</u> <u>Hesperis matronalis</u> |
| <u>Perennial Peppergrass</u> <u>Meadow Fleabane or British Yellowhead</u> | <u>Lepidium draba</u> ^ <u>Inula britannica</u> |
| <u>Pepperweed</u> <u>Perennial Peppergrass</u> | <u>Lepidium latifolium</u> ^ <u>Lepidium draba</u> * |

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= Indiana control of kudzu rule (312 IAC 18-3-16)

| Common Name | Scientific Name |
|--|---|
| <u>Bicolor Lespedeza</u> Pepperweed | <u>Lespedeza bicolor</u> <u>Lepidium latifolium</u> |
| <u>Sericea Lespedeza</u> <u>Bicolor Lespedeza</u> | <u>Lespedeza cuneata</u> ^ <u>Lespedeza cuneata</u> |
| <u>Purple Loosestrife</u> <u>Sericea Lespedeza</u> | <u>Lythrum salicaria</u> @ <u>Lespedeza cuneata</u> |
| <u>White Sweet Clover</u> | <u>Melilotus alba</u> |
| <u>Yellow Sweet Clover</u> <u>Purple Loosestrife</u> | <u>Melilotus officinalis</u> <u>Lythrum salicaria</u> * |
| <u>Star of Bethlehem</u> <u>Sweet Clover</u> | <u>Ornithogalum umbellatum</u> <u>Melilotus alba</u> , <u>M. officinalis</u> |
| <u>Lesser Celandine</u> | <u>Ranunculus ficaria</u> |
| <u>Beefsteak Plant</u> <u>Star of Bethlehem</u> | <u>Perilla frutescens</u> <u>Ornithogalum umbellatum</u> |
| <u>Japanese Knotweed</u> <u>Lesser Celandine</u> | <u>Polygonum cuspidatum</u> , <u>Reynoutria japonica</u> , <u>Fallopia japonica</u> ^ <u>Ranunculus ficaria</u> |
| <u>Giant Knotweed</u> <u>Japanese Knotweed</u> | <u>Reynoutria sachalinensis</u> ^ <u>Polygonum cuspidatum</u> |
| <u>Bohemian Knotweed</u> | <u>Reynoutria x bohemica</u> ^ |
| <u>Bouncing Bet</u> <u>Giant Knotweed</u> | <u>Saponaria officinalis</u> <u>Reynoutria sachalinensis</u> |
| <u>Perennial Sowthistle</u> | <u>Sonchus arvensis</u> |
| <u>Spreading Hedge Parsley</u> | <u>Torilis arvensis</u> |
| <u>Japanese Hedge Parsley</u> <u>Bohemian Knotweed</u> | <u>Torilis japonica</u> <u>Reynoutria x bohemica</u> |
| <u>Black Swallow-Wort</u> <u>Perennial Sowthistle</u> | <u>Vincetoxicum nigrum</u> ^ <u>Sonchus arvensis</u> * |
| <u>Pale Swallow-Wort</u> <u>Black Swallow-wort</u> | <u>Vincetoxicum rossicum</u> ^ <u>Vincetoxicum nigrum</u> |
| <u>Pale Swallow-wort</u> | <u>Vincetoxicum rossicum</u> |
| Prohibited Invasive Graminoidsses | |
| <u>Quackgrass</u> | <u>Agropyron repens</u> |
| <u>Giant Reed</u> <u>Quackgrass</u> | <u>Arundo donax</u> <u>Agropyron repens</u> * |
| <u>Small Carpgrass</u> <u>Giant Reed</u> | <u>Arthraxon hispidus</u> ^ <u>Arundo donax</u> |
| <u>Smooth Brome</u> <u>Small Carpgrass</u> | <u>Bromus inermis</u> <u>Arthraxon hispidus</u> |
| <u>Tall Fescue and all cultivars</u> | <u>Festuca elatior</u> |
| <u>Cogon grass</u> , <u>Japanese Blood Grass</u> <u>Smooth Brome</u> | <u>Imperata cylindrica</u> <u>Bromus inermis</u> |
| <u>Japanese Stiltgrass</u> <u>Tall Fescue and all cultivars</u> | <u>Microstegium vimineum</u> ^ <u>Festuca elatior</u> |
| <u>Maiden Grass</u> <u>Japanese Stiltgrass</u> | <u>Miscanthus sinensis</u> <u>Microstegium vimineum</u> |
| <u>Reed Canary Grass</u> <u>Maiden Grass</u> | <u>Phalaris arundinacea</u> ^ <u>Miscanthus sinensis</u> |
| <u>Common Reed Grass</u> | <u>Phragmites australis</u> ^ |
| <u>Ravenna Grass</u> | <u>Saccharum ravennae</u> |
| <u>Tall Fescue</u> <u>Reed Canary Grass</u> | <u>Schedonorus arundinaceus</u> <u>Phalaris arundinacea</u> |
| <u>Columbus Grass</u> <u>Common Reed Grass</u> | <u>Sorghum x almum Parodi</u> *+ <u>Phragmites australis</u> |
| <u>Shattercane</u> <u>Columbus Grass</u> | <u>Sorghum bicolor</u> *+ <u>Sorghum almum Parodi</u> * |
| <u>Johnson Grass or Sorghum Almum</u> <u>Shattercane</u> | <u>Sorghum halepense</u> *+ <u>Sorghum bicolor</u> *+ |

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 @ = Indiana multiflora rose and purple loosestrife restrictions (312 IAC 18-3-13)
 # = Indiana control of kudzu rule (312 IAC 18-3-16)

| Common Name | Scientific Name |
|---|--|
| <u>Yellow Groove Bamboo Johnson Grass or Sorghum Alum</u> | <u>Phyllostachys aureosulcata Sorghum halepense</u> *+ |
| <u>Yellow Groove Bamboo</u> | <u>Phyllostachys aureosulcata</u> |
| Prohibited Invasive Vines and Groundcovers | |
| <u>Porcelain Berry</u> | <u>Ampelopsis brevipedunculata</u> |
| <u>Oriental Bittersweet</u> | <u>Celastrus orbiculatus</u> ^ |
| <u>Asiatic Bittersweet Oriental Bittersweet</u> | <u>Celastrus scandens Celastrus orbiculatus</u> |
| <u>Sweet Autumn Clematis Asiatic Bittersweet</u> | <u>Clematis terniflora Celastrus scandens</u> |
| <u>Field Bindweed Sweet Autumn Clematis</u> | <u>Convolvulus arvensis</u> ^ <u>Clematis terniflora</u> |
| <u>Crown Vetch Field Bindweed</u> | <u>Coronilla varia</u> ^ <u>Convolvulus arvensis</u> * |
| <u>Black Swallow-Wort Crown Vetch</u> | <u>Cynanchum nigrum, syn. Vincetoxicum nigrum</u> ^ <u>Coronilla varia</u> |
| <u>Pale Swallow-Wort Black Swallow-Wort</u> | <u>Cynanchum rossicum</u> ^ <u>Cynanchum nigrum, syn. Vincetoxicum nigrum</u> |
| <u>Potato Vine Pale Swallow-Wort</u> | <u>Dioscorea batatas Cynanchum rossicum</u> |
| <u>Chinese Yam Potato Vine</u> | <u>Dioscorea oppositifolia</u> ^ <u>Dioscorea batatas</u> |
| <u>Purple Winter Creeper Chinese Yam</u> | <u>Euonymus fortunei</u> ^ <u>Dioscorea oppositifolia</u> |
| <u>Creeping Charlie Purple Winter Creeper</u> | <u>Glechoma hederacea Euonymus fortunei</u> |
| <u>English Ivy Creeping Charlie</u> | <u>Hedera helix Glechoma hederacea</u> |
| <u>Japanese Hops</u> | <u>Humulus japonicus</u> ^ |
| <u>Yellow Archangel English Ivy</u> | <u>Lamium galeobdolum Hedera helix</u> |
| <u>Japanese Honeysuckle Japanese Hops</u> | <u>Lonicera japonica</u> ^ <u>Humulus japonicus</u> |
| <u>Creeping Jenny or Moneywort Japanese Honeysuckle</u> | <u>Lysimachia nummularia Lonicera japonica</u> |
| <u>Mile-A-Minute Weed or Mile-A-Minute Vine Creeping Jenny or Moneywort</u> | <u>Polygonum perfoliatum</u> ^, <u>Persicaria perfoliata</u> ^ <u>Lysimachia nummularia</u> |
| <u>Kudzu Mile-A-Minute Weed</u> | <u>Pueraria montana lobata</u> # <u>Polygonum perfoliatum</u> |
| <u>Bur Cucumber</u> | <u>Sicyos angulatus</u> *+ |
| <u>Vetch Kudzu</u> | <u>Vicia cracca Pueraria montana lobata</u> |
| <u>Periwinkle or Myrtle Bur Cucumber</u> | <u>Vinca minor Sicyos angulatus</u> *+ |
| <u>Wisteria Periwinkle or Myrtle</u> | <u>Wisteria sinensis Vinca minor</u> |
| <u>Wisteria</u> | <u>Wisteria sinensis</u> |
| Prohibited Invasive Shrubs | |
| <u>Black Alder</u> | <u>Alnus glutinosa</u> ^ |
| <u>Japanese Barberry Black Alder</u> | <u>Berberis thunbergii</u> ^ <u>Alnus glutinosa</u> |
| <u>Butterfly Bush Japanese Barberry</u> | <u>Buddleia davidii Berberis thunbergii</u> |
| <u>Burning Bush Butterfly Bush</u> | <u>Euonymus alatus Buddleia davidii</u> |

Table 04-1847: Prohibited Plant Species

+* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner) (C 15-16-7)

*+ = Indiana detrimental plants (INDNR) (C 15-16-8) ^ = Indiana terrestrial plant rule (312 IAC 18-3-25)

@ = Indiana multiflora rose and purple loosestrife restrictions (312 IAC 18-3-13)

= Indiana control of kudzu rule (312 IAC 18-3-16)

| Common Name | Scientific Name |
|---|---|
| Blunt-Leaved Privet Burning-Bush | <i>Ligustrum obusifolium</i> ^ <i>Euonymus alatus</i> |
| Common Privet Blunt-leaved Privet | <i>Ligustrum vulgare</i> ^ <i>Ligustrum obusifolium</i> |
| Bush or Amur Honeysuckle Common Privet | <i>Lonicera maackii</i> ^ <i>Ligustrum vulgare</i> |
| Morrow's Honeysuckle Bush or Amur Honeysuckle | <i>Lonicera morowii</i> ^ <i>Lonicera maackii</i> |
| Tatarian Honeysuckle Morrow's Honeysuckle | <i>Lonicera tatarica</i> ^ <i>Lonicera morowii</i> |
| Bell's Honeysuckle | <i>Lonicera x bella</i> ^ |
| Heavenly Bamboo, Sacred bamboo Tatarian Honeysuckle | <i>Nandina domestica</i> <i>Lonicera tatarica</i> |
| Jetbead | <i>Rhodotypos scandens</i> ^ |
| Bristly Locust Bell's Honeysuckle | <i>Robinia hispida</i> <i>Lonicera x bella</i> |
| Multiflora Rose Jetbead | <i>Rosa multiflora</i> @ <i>Rhodotypos scandens</i> |
| Wineberry Multiflora-Rose | <i>Rubus phoenicolasius</i> <i>Rosa multiflora</i> * |
| Japanese Spirea or Japanese Meadowsweet Wineberry | <i>Spiraea japonica</i> <i>Rubus phoenicolasius</i> |
| Atlantic Poison Oak Japanese Spirea | <i>Toxicodendron pubescens</i> , syn. <i>Rhus pubescens</i> <i>Spiraea japonica</i> |
| European Highbush Cranberry Atlantic Poison-Oak | <i>Viburnum opulus</i> var. <i>opulus</i> <i>Toxicodendron pubescens</i> , syn. <i>Rhus pubescens</i> |
| Poison-Sumac | <i>Toxicodendron vernix</i> , syn. <i>Rhus vernix</i> |
| European Highbush Cranberry | <i>Viburnum opulus</i> v. <i>opulus</i> |

(f) Street Trees

(1) Number

The minimum number of required street trees to be planted shall be one large canopy tree for every 30 feet of property that abuts a public right-of-way. If medium or small trees are allowed, two medium or small trees can be substituted for each large canopy tree. A minimum of one canopy tree shall be planted per 40 feet of property that abuts a public right-of-way or 20 feet for small trees under overhead utility lines.

(2) Type

Street tree species shall be subject to approval by the City's Urban Forester based on hardiness, seasonal appearance, and contribution to shading and cooling.

(3) Location

(A) Freeway/Expressway

Street trees along a limited-access highway shall be planted within 15 feet of the property line that abuts the limited-access highway. No trees shall be planted in the right-of-way.

(B) Arterial, Collector, Local or Private Street

Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street. Street trees planted within the front yard shall not count towards other landscaping requirements.

(C) ~~Proximity of Adjacent Street Trees~~ Separation

The spacing between adjacent street trees shall be no less than 10 feet from the center of one tree to the next, and no more than 40 feet. Street trees shall be planted no more than 30 feet apart, from the center of one tree to the next, except that street trees with separation exceeding 30 feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location.

(D) Tree Grates

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

(E) Planting

All street trees shall be planted, stabilized, and mulched according to this UDO and the Administrative Manual.

(E)(F) Vision Clearance

~~i. Street trees shall be planted outside the vision clearance triangle as defined in Section 20.04.050(c)(4) (Connectivity)~~

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

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

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

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

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

(4) MD District**(A) Generally**

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

(B) Alternatives

The following street tree planting methods may be used in lieu of the five foot by five-foot grate, subject to approval by the Transportation and Traffic Engineer.

- i. Street trees may be planted in a minimum five-foot-wide grassed tree plot area; or
- ii. Street trees may be planted in a large curbed planting area.

(g) Buffer Yards**(1) Purpose**

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

(2) General Standards**(A) Responsibility**

The developer or owner of the property being developed is responsible for installing and maintaining in perpetuity the buffer yard at the time of that development. The adjacent property owner shall not be required to participate in the installation of the buffer yard.

(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 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.

(F)(G) Credit Toward Other Requirements Prohibited Uses

Buildings, parking areas, swimming pools, or drive aisles are not allowed within buffer yards. 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 04-1948: Required Buffer Yard Types

| Buffer Yard Treatment | Buffer Type | | |
|--------------------------------------|-----------------------------|------------------------------|--|
| | Type 1 | Type 2 | Type 3 |
| Minimum width 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.~~

(4) Buffer Yard Requirements

Buffer yards shall be required by the developing use pursuant to ~~Table 04-19: Required Buffer Yards.~~

Table 04-20: Required Buffer Yards

| Developing Site Property Zoning District | Adjacent Zoning District | | | | | | | |
|--|--------------------------|-----|-------|----|----|----|-------|-------------|
| | R1/R2/R3/R4 | RMH | RM/RH | MS | MN | MD | MM/MC | ME/MI/MH/EM |
| RMH | 2 | | | | | | | |
| RM/RH | 1 | 1 | | | | | | |
| MS | 2 | 2 | | | | | | |
| MN | 1 | 1 | | | | | | |
| MD | 1 | 1 | | | | | | |
| MM/MC | 2 | 2 | 2 | 2 | 2 | 1 | | |
| ME/MI/MH/EM | 3 | 3 | 2 | 2 | 2 | 1 | 1 | |

Notes:

[1] ~~The uses Dwelling, single-family (attached); Dwelling, single-family (detached); Dwelling, duplex; Dwelling, triplex; and Dwelling, fourplex do not have to provide a buffer yard, even if on the 'Developing Site'.~~

Table 04-19: Required Buffer Yards

| Developing Use | Adjacent Use Type or Category | | | |
|---|--|---------------------------------------|---|------------|
| | Single-family detached, duplex, triplex, or fourplex | Multifamily or single-family attached | Mixed-use, commercial, or institutional | Employment |
| Single-family detached, duplex, triplex, and fourplex | | 1 | 3 | 3 |
| Multifamily and single-family attached | 1 | | 2 | 3 |

| | | | | |
|---|---|---|---|---|
| Mixed-use, commercial, or institutional | 3 | 2 | | 4 |
| Employment | 3 | 3 | 2 | |

(h) Parking Lot Landscaping

(1) Parking Lot Perimeter Treatment

Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen berms. Parking lots with four or more spaces shall have the following perimeter treatment:

(A) Minimum Landscape Width

i. Generally

A landscape area a minimum of eight feet in width shall be provided along all parking lot perimeter areas abutting another property or a public right-of-way. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line.

ii. MD Zone District

A minimum of one of the following perimeter landscape treatments shall be applied in the MD zoning district:

1. A landscape area a minimum of five feet in width shall be provided along all surface parking lot perimeter areas abutting another property or a public right-of-way. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line; or
2. A decorative wall shall be installed along the perimeter of the parking area except for parking spaces where vehicles back out into the public right-of-way. Decorative walls shall be a minimum of 30 inches and a maximum of 42 inches in height and may incorporate breaks to allow for pedestrian movement.

(B) Trees

i. Number

Parking lot perimeter areas shall contain a minimum of one tree per four parking spaces.

ii. Type

A minimum of 75 percent of the required trees shall be large, canopy trees.

iii. Location

Trees shall be planted within 10 feet of the parking lot edge.

(C) Shrubs

i. Number

Parking lot perimeter areas shall contain a minimum of three shrubs per one parking space.

ii. Location

Shrubs shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk immediately adjacent to a parking area, the required shrubs must be within 5' of the edge of the sidewalk.

iii. **Height**

Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four feet.

(2) **Landscape Bumpouts, Islands, and Endcaps**

(A) **Number**

Parking lots with 12 or more parking spaces shall provide one landscape bumpout, island, or endcap per every 10 parking spaces.

(B) **Minimum Area**

The width and length of each required landscape bumpout, island, or endcap shall be equal to the width and length of the adjacent parking space.

(C) **Minimum Planting**

Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street tree totals, required parking lot perimeter area tree totals, or required interior plantings tree totals.

(D) **Stormwater Filtration**

Parking lot bumpouts, islands, or endcaps shall be installed lower than the parking surface to allow stormwater run-off to enter the bumpout, island, or endcap for natural treatment and filtration. Any parking areas with curbing shall incorporate gaps to allow stormwater to enter the bumpout, island, or endcap.

(E) **Placement**

Landscape bumpouts, islands, or endcaps shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than 10 consecutive spaces.

(i) **Multifamily Development Landscaping**

(1) **Interior Plantings**

The minimum landscape area on a site not covered by a structure, parking lot, accessway, required buffer yard, or other pervious surface as established in Section 20.04.020 (Dimensional Standards) shall be planted with the following:

- (A) A minimum of 14 large canopy trees, five evergreen trees, and five medium or small canopy trees per acre.
- (B) A minimum of 36 shrubs per acre. One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.
- (C) Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) **Parking Lot Landscaping**

See Section 20.04.080(h).

- (B) A site plan has been approved for the reuse of the property. If an approved site plan has expired and has not been renewed, landscaping as outlined in Section 20.04.080(l)(3) shall be installed within 180 days after site plan expiration.

(3) Planting Requirements

- (A) For lots of one-half acre or less, the entire lot containing the demolition activity shall be covered with grass or other suitable ground cover. No ground cover is required in locations where existing vegetation, remaining structures, or parking areas serving such remaining structures still exist.
- (B) For lots greater than one-half acre, one of the following landscaping options must be selected:
- i. The entire area disturbed for demolition shall be covered with grass or other suitable ground cover; or
 - ii. A 10-foot wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. This planting area may either utilize raised planters or be level with street grade. Evergreen shrubs that grow to a minimum height of at least four feet shall be planted every three feet within these planting areas.

(m) Screening

(1) Roof-Mounted Mechanical Equipment

- (A) Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.
- (B) The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground-level.
- (C) Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements.

(2) Ground-Mounted Mechanical Equipment

The following standards shall apply to all uses except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

- (A) Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (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, except that ground-mounted equipment within 10 feet of an improved platted alley does not require screening:
- 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

20.04.100 Signs

(a) Purpose

The intent of these sign standards is to:

- (1) Accomplish the goals of the Comprehensive Plan;
- (2) Avoid unnecessary proliferation of signs;
- (3) Provide developments with appropriate identification;
- (4) Create a consistent streetscape;
- (5) Maintain and enhance the aesthetic environment of the city and its City;
- (6) Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and
- (7) Promote the health, safety, and welfare of the residents of the City of Bloomington.
- (8) No part of these standards shall in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution or Article 1, Section 9 of the Indiana Constitution.

(b) Applicability

No sign or advertising device shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in compliance with this Section 20.04.100.

(c) Permit Requirements

(1) Generally

A sign permit shall be required for all signs located, erected, constructed, reconstructed, moved, or altered unless specifically exempted by this Section 20.04.100.

(2) Signs not Requiring a Permit

The following signs are exempt from the requirement to obtain a sign permit, unless specifically required by another subsection of this Section 20.04.100.

(A) Public Signs

Any signs erected, or required to be erected, by a unit of local, state, or federal government.
[City of Bloomington public signs are exempt from signage regulations.](#)

(B) Small Signs

Any sign of not more than one and one-half square feet in area.

(C) Temporary Signs

- i. In all zoning districts, each property is allowed to have two signs, neither of which shall exceed five square feet in area, and one additional sign that shall not exceed eight square feet in area.
- ii. In nonresidential and mixed-use zoning districts, each vacant property, or property that is under construction, is allowed to have one sign that shall not exceed 32 square feet in area.

7. Replacement or switch-out of individual tenant panels on a multi-tenant sign shall not require compliance of the entire freestanding sign but shall require a sign permit.
8. The gross floor area calculations described in this Section 20.04.100(j)(4)(B)ii shall not include any square footage associated with a residential use.

(C) Height

- i. For individual nonresidential uses and multi-tenant centers of less than 20,000 square feet of gross floor area, the maximum freestanding sign height shall be six feet.
- ii. For multi-tenant centers with at least 20,000 square feet and less than 50,000 square feet of gross floor area, the maximum freestanding sign height shall be eight feet.
- iii. For multi-tenant centers with at least 50,000 square feet of gross floor area, the maximum sign height shall be 15 feet.
- iv. The gross floor area calculations described in this Section 20.04.100(j)(4)(C) shall not include any square footage associated with a residential use.

(D) Separation

Where a lot is permitted multiple freestanding signs, no two freestanding signs shall be within 100 feet of each other, as measured along the public right-of-way.

(E) Changeable Copy

A maximum of 80 percent of any freestanding sign may be dedicated to changeable copy.

(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 square footage allowance of the use.
- (C) Individual display cabinets shall not exceed 16 square feet in area per display cabinet, 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.

(6) Drive-Through Uses

In addition to the signs listed in this Section 20.04.100:

- (A) Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed 36 square feet, and the height of the sign does not exceed six feet. These signs shall be allowed to have 20% as electronic reader board and shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E).
- (B) Structures with a drive-through shall be permitted two additional freestanding signs, with a maximum sign face area that does not exceed four square feet, and the height of the sign does not exceed four feet.

~~(B)~~(C) Structures with a drive-through shall be permitted one additional sign at the ordering location of each drive-through, provided that the sign(s) has only one face, the maximum area of that sign face does not exceed 12 square feet, and the height does not exceed five feet. These signs shall be allowed to have 100% as electronic reader board and shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E).

(7) Multifamily Dwelling Uses

~~The following standards apply to multifamily dwelling uses: Developments containing at least 15 dwelling units shall be permitted up to 24 square feet of wall signage per development and one freestanding sign per vehicle entrance. The freestanding sign shall not exceed 32 square feet and the height of the sign shall not exceed six feet.~~

~~(A) Multifamily developments containing between 3 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.~~

(8) 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.
 - iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.
- (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.
- (E) Freestanding temporary signs shall not exceed six feet in height.
- (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.

(k) MN District Sign Standards

(1) Applicability

This sign standards section applies to the MN zoning districts.

(2) Wall Signs

The following standards 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 square foot per lineal foot of primary structure that faces a public or private street.

ii. Multi-tenant Centers

The cumulative square footage of all wall signs for any individual use shall not exceed one and one-half square feet per lineal foot of the facade width associated with the use facing either a public or private street or facing a parking area if no street frontage is adjacent. For purposes of this section, only one facade of the building will be used to measure 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. 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 facade 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

(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.

(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.

(6) Multifamily Dwelling Uses

Multifamily developments shall be permitted one wall sign not to exceed 24 square feet.

(6)(7) 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.
 - iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.
- (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.
- (E) Freestanding temporary signs shall not exceed six feet in height.
- (F) External illumination of temporary signs is prohibited.
- (G) Display of temporary signs shall be permitted for up to 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.

(7)(8) Electronic Reader Boards

Electronic reader boards are not permitted in this zoning district.

(8)(9) Sandwich Board Signs

Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria are met.

- (A) **Number**
Each property shall be permitted one sandwich board sign. If a property contains more than one tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited to ensure that no sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.
- (B) **Design**
 - i. Sign face area shall not exceed five square feet.

- (F) No part of a projecting sign shall protrude more than 96 inches from the wall or face of the building to which it is attached. Those support structures located between the building and the sign only shall be counted toward this allowance.
- (G) Projecting signs shall be located adjacent to the tenant's lease space and shall be installed at least seven feet above the pavement.
- (H) The petitioner for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate anticipated wind loading.

(4) Freestanding Signs

The following standards apply to permanent freestanding signs.

- (A) The erection of freestanding signs shall be prohibited on any property frontage immediately adjacent to the B-Line Trail right-of-way.
- (B) Lots with 30 feet or less of public street frontage are not permitted any freestanding signs. Properties with more than 30 feet of public street frontage on a single street are permitted a maximum of one freestanding sign.
- (C) Freestanding signs shall not exceed 15 square feet.
- (D) Freestanding signs shall not exceed four feet in height.
- (E) No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right-of-way by a minimum of 15 feet.
- (F) Internally illuminated signs **and electronic reader boards** are prohibited.
- (G) Changeable copy shall be prohibited as part of a freestanding sign.

(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.

(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.

- (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 in~~ the Mixed-Use Downtown (MD) zoning district shall ~~qualify not be eligible~~ for the incentives established in subsection (5) below. Student housing or dormitory projects located in other zoning districts shall be eligible for the incentives established in subsection (5) below if they meet the eligibility criteria outlined in subsection (2) above:

(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 50 percent.
- ii. The minimum lot width for subdivision may be reduced up to 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 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.

| Chapter | Citation | Current Language | Proposed Language | Synopsis | Difficulty | Type of Change |
|---------|-------------------------|---|---|---|------------|----------------|
| 4 | 20.04.020(e)(3) | New language | (D) For parking and building setback purposes, Interstate 69 is not considered a front. | Codifies previous interpretations. | easy | new |
| 4 | 20.04.020 Table 04-6 | For the R1 and R2 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary façade of the structure. | For existing primary structures in the R1, and R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary façade of the structure. | Allows encroachment into front setback in the R4 district and the front setback created by the build-to-line for covered front entries to apply in the R3 district. | Easy | Revision |
| 4 | 20.04.020(e) Table 04-6 | Addition to existing primary structure: For single-family, duplex, and triplex structures, additions to existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side). | Additions to existing primary structures: For single-family, duplex, and triplex structures, additions to the first floor footprint of existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side). Vertical additions to existing primary structures may utilize existing front setbacks provided that the existing structure is equal to, or has a greater front setback than, the median front setback of abutting residential structures. | Clarifies language for additions to existing structures that are located in required setbacks that this only applies to first floor additions and provides language for second-story additions. | easy | Revision |
| 4 | 20.04.030(d)(3)(L) | New regulation re: plastic netting | (L) Plastic Netting Under no circumstances shall plastic netting or mesh be used for any type of permanent landscaping or erosion control. | Plastic netting is used in permanent landscape situations and not removed from site. Now requiring that such treatments not be plastic. | Easy | New |
| 4 | 20.04.040 | Floodplain | New guidance from the State was received. | The Floodplain section is being replaced with the State model language with the addition of our conditional use language. | Medium | Revision |
| 4 | 20.04.050(c)(2)(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. | Improved Alley Access in the R1, R2, R3, R4, RM, RH, and MD District: In the R3 and R4 zoning district, a 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. | Revises and syncs this section with the Parking section requiring driveway access if adjacent to an improved alley | Medium | revision |
| 4 | 20.04.060(g)(3)(A) | (A) The multifamily residential structure qualifies for the affordable housing incentives pursuant to Section 20.04.110 (Incentives) | (A) The multifamily residential structure qualifies for the affordable housing incentives pursuant to Section 20.04.110 (Incentives); or | Adds "or" to the end of the section to clarify that if either criteria are met, then the parking reduction is allowed | easy | clarification |
| 4 | 20.04.060(i)(2)(B) | In the R1, R2, R3, R4, RM, and RH District | In the R1, R2, R3, R4, RM, RH, and MD District | Adds the MD district to the list of applicable districts requiring access to come from the alley | medium | revision |
| 4 | 20.04.060(i)(2)(B)(ii) | i. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the RM and RH districts, the required parking area shall directly access the alley and be limited to 40 feet in depth and 20 feet in width. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department. | i. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the MD, RM, and RH districts, the required parking area shall directly access the alley and be limited to 40 feet in depth and 20 feet in width. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department. | Removes language that would prohibit a typical parking area in multi-family districts | medium | revision |
| 4 | 20.04.070(d)(2) | Architectural Standards - Mixed Use | See separate exhibit | Revises the overall architecture standards | medium | revision |

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| 4 | 20.04.080(c)(1)(B)(ii) | ii. Trees shall be planted at least 10 feet from sanitary sewer, water service lines, and natural gas lines. | ii. Large canopy trees shall be planted at least 10 feet from public sanitary sewer, water service lines, and natural gas lines. Medium and small trees shall be planted at least 5 feet from public sanitary sewer, water service lines, and natural gas lines, except that medium and small trees planted less than 5 feet from public sanitary sewer, water service lines, and natural gas lines may be approved by the Planning and Transportation Director. | Revises standards to give flexibility for street trees in existing tree plots where there are existing utilities that may prevent street trees from being replaced or installed. | easy | revision |
| 4 | 20.04.080(c)(1)(B)(iii) | A tree canopy may project over a right-of-way or easement. | A tree canopy crown may project over a right-of-way or easement. | Verbiage correction | easy | revision |
| 4 | 20.04.080(c)(1)(B)(v) | Where utility lines pass overhead of a tree plot, small trees may be used. | Where utility lines pass overhead of a tree plot, medium or small trees may be used with approval of the Urban Forester. | Clarifying that street tree substitutions for utility conflict need Urban Forester approval. | easy | revision |
| 4 | 20.04.080(c)(1)(B)(vi) | New | Where utility lines or tree plot widths are an impediment to planting large trees in a tree plot, the Urban Forester may approve medium or small trees. | Clarifying that street tree substitutions for utility conflict need Urban Forester approval. | easy | revision |
| 4 | 20.04.080(c)(2)(A) [(1)(E) in Municode] | (A) Distribution: Required landscape shall be reasonably distributed in any areas of a site not covered by a structure, parking lot or required buffer yard. It is suggested that the required plantings be planted in clusters or irregular patterns, and that native grasses and herbaceous perennial species be used for ornamentation in addition to the required plantings. | Remove Section. | Not necessary with other standards. | easy | revision |
| 4 | 20.04.080(c)(1)(E) | New | (E) Green Infrastructure: All green infrastructure facilities, including detention basins, bioswales, and raingardens shall be planted with only native seeds and/or plugs. | Clarification that seed mixes must be native. | easy | clarification |
| 4 | 20.04.080(c)(1)(F) | New | (F) Installation Prior to Occupancy: All landscaping required by the approved site plan shall be installed and inspected prior to issuance of a recommendation for final occupancy, unless an extension is approved by the Planning and Transportation Department for weather-related or unique circumstances. | Clarification that landscaping is required for final occupancy. | easy | clarification |
| 4 | 20.04.080(c)(2)(B) | Species Identification: New plantings shall have species identification tags on the plant or paid purchase identification labels. | Species Identification: New plantings shall have species identification tags on the plant or paid purchase identification labels on the plants during the final inspection. A receipt with purchase order for plantings may be submitted prior to inspection in lieu of tags or labels on site. | Clarification that plants needs to be identifiable during inspection. | easy | clarification |
| 4 | 20.04.080(c)(2)(C) | Invasive Plants Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements. | Invasive Plants Prohibited Plant Species Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements. | Changing the title | easy | clarification |
| 4 | 20.04.080(c)(2)(D)(i) | On sites that require an aggregate total of twenty or more new trees, any given genus of tree shall be limited to a maximum of twenty-five percent of the total number of newly planted trees on site. | On sites that require an aggregate total of twenty or more new trees, any given genus of tree shall be limited to a maximum of twenty-five percent of the total number of newly planted trees on site. | Reducing the percentage allowance for one genus in site plans. | easy | revision |
| 4 | 20.04.080(c)(2)(D)(ii) | To improve pollinator habitat, at least twenty-five percent of planted areas shall include native flowering and nectar producing plant species. | Remove Section. | Not necessary. | easy | revision |

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| 4 | 20.04.080(c)(2)(D)(iii) | Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with flowering perennials, grasses, or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any flowering perennials, grasses, or ferns used toward parking lot perimeter requirements shall be of species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(b) (Landscaping). | Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with flowering perennials, grasses, perennial forb species, graminoids, or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any flowering perennials, grasses, or ferns substituted plants used toward parking lot perimeter requirements shall be of species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(b) (Landscaping). | Updating language. | easy | clarification |
| 4 | 20.04.080(c)(2)(E)(i) | Deciduous Trees All newly planted deciduous trees shall be two-inch caliper. | Deciduous Trees All newly planted deciduous trees shall be at least two-inch caliper. | Clarifying the minimum caliper. | easy | Clarification |
| 4 | 20.04.080(c)(4) and (5) | Alternatives Authorized and Alternative Landscape Plan Approval Criteria | No substance changes, only reorganizing. | Re-numbering these sections for clarity. | easy | Clarification |
| 4 | 20.04.080(d)(1) | Street Trees Trees suitable for planting along public streets and highways, parking lots, and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree. | Street Trees Trees suitable for planting along public streets and highways, parking lots, and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree. | Clarifying that street trees are for public rights-of-way. | easy | Clarification |
| 4 | 20.04.080(d)(2) | Interior Trees Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted street tree species listed in Table 04-14: Permitted Street Tree Species may also be used. | Interior Trees Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted street tree species listed in Table 04-14: Permitted Street Tree Species may also be used, as interior trees, except the parenthesized trees, which are prohibited for interior trees. | Clarifying what street trees can be used for interior trees. | easy | Clarification |
| 4 | 20.04.080(d)(3) | Shrubs, Bushes, and Hedges Plants, bushes, and hedges suitable for individual, screen, biohedge uses, up to 12 feet at mature height are established in Table 04-15: Permitted Shrubs, Bushes and Hedges Species. | Shrubs, Bushes, and Hedges Plants, bushes, and hedges Shrubs suitable for individual, screen, or biohedge uses, up to 12 feet at mature height are established in Table 04-15: Permitted Shrubs, Bushes and Hedges Species. | Updating language. | easy | Clarification |
| 4 | 20.04.080(d)(4) | Herbaceous Perennial Plants Herbaceous perennial plants suitable for infill, aesthetics, and cover are established in Table 04-16: Permitted Herbaceous Perennial Plant Species | Herbaceous Perennial Plants Forbs Forbs, or flowering, nongrassy h Herbaceous perennial plants suitable for infill, aesthetics, and cover are established in Table 04-16: Permitted Forb Herbaceous Perennial Plant Species | Updating language. | easy | Clarification |
| 4 | Table 04-14 | Table 04-14: Permitted Street Trees | New Table | Amending table per comments from the Tree Commission and Urban Forester | medium | revision |
| 4 | Table 04-15 | Table 04-15: Permitted Interior Tree Species | New Table | Amending table per comments from the Tree Commission and Urban Forester | medium | revision |
| 4 | Table 04-15 | Table 04-15: Permitted Shrubs, Bushes and Hedges Species | Table 04-156: Permitted Shrubs, Bushes and Hedges Shrub Species | Title Correction and Change | easy | revision |
| 4 | Table 04-15 | Table 04-15: Permitted Shrubs, Bushes and Hedges Species | New Table | Amending table per Senior Environmental Planner | medium | revision |
| 4 | Table 04-16 | Table 04-16: Permitted Herbaceous Perennial Plant Species | Table 04-167: Permitted Herbaceous (Forb) Flowering Perennial Plant Species | Title Correction and Change | easy | revision |
| 4 | Table 04-16 | Table 04-16: Permitted Herbaceous Perennial Plant Species | New Table | Amending table per Senior Environmental Planner | medium | revision |
| 4 | Table 04-17 | Table 04-17: Prohibited Plant Species | Table 04-178: Prohibited Plant Species | Title Correction | easy | revision |

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| 4 | 20.04.080(f)(1) | A minimum of one canopy tree shall be planted per 40 feet of property that abuts a public right of way or 20 feet for small trees under overhead utility lines. | A minimum of one canopy tree shall be planted per 40 feet of property that abuts a public right of way or 20 feet for small trees under overhead utility lines. The minimum number of required street trees to be planted shall be one large canopy tree for every 30 feet of property that abuts a public right-of-way. If medium or small trees are allowed, two medium or small trees can be substituted for each large canopy tree. | Clarifying that this regulation is for number only. Increasing the number required. | | |
| | | | | | easy | revision |
| 4 | 20.04.080(f)(3)(C) | Proximity of Adjacent Street Trees The spacing between adjacent street trees shall be no less than 10 feet and no more than 40 feet. | Proximity of Adjacent Street Trees Separation The spacing between adjacent street trees shall be no less than 10 feet and no more than 40 feet from the center of one tree to the next. Street trees shall be planted no more than 30 feet apart, from the center of one tree to the next, except that street trees with separation exceeding 30 feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location. | Reducing the separation maximum and clarifying how that is measured. | | |
| | | | | | easy | revision |
| 4 | 20.04.080(f)(3)(E) | New Section | Planting All street trees shall be planted, stabilized, and mulched according to this UDO and the Administrative Manual. | Clarifying planting expectations that will be in the Administrative Manual. | | |
| | | | | | easy | revision |
| 4 | 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 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 alleys, streams or other features that may separate the two properties. | Removing buffer yard requirement in addition to setbacks. | | |
| | | | | | easy | revision |
| 4 | 20.04.080(g)(3) Table 04-18 | Minimum Setback | | Changes this standard so that there is no longer a stacked setback. The depth of the stacked setbacks has been more difficult on smaller lots. | | |
| | | | Minimum Setback-Width | | medium | revision |
| 4 | 20.04.080(g)(3) Table 04-18 | Note [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 the UDO. | Note [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 the UDO. | Changes this standard so that there is no longer a stacked setback. The depth of the stacked setbacks has been more difficult on smaller lots. | | |
| | | | | | medium | revision |
| 4 | 20.04.080(g)(2) | New language/section | (G) Prohibited Uses: Buildings, parking areas, swimming pools, or drive aisles are not allowed within Buffer Yards | Adds language clarifying what uses or improvements are allowed within Buffer Yards | | |
| | | | | | Medium | New |
| 4 | 20.04.080(g)(4) Table 04-19 | Table 04-19 Required Buffer Yards | New Table | Amends table to have buffer yard based on district. | | |
| | | | | | medium | revision |
| 4 | 20.04.080(h)(1)(C)(ii) | Shrubs shall be planted within five feet of the parking lot edge. | Shrubs shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk surrounding a parking area, the required shrubs must be within 5' of the sidewalk. | Adds language to address the presence of sidewalks around parking areas and the locational requirements for shrubs in these situations. Reflects previous interpretations for this situation. | | |
| | | | | | easy | Clarification |
| 4 | 20.04.080(h)(2)(C) | Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided. | Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street trees totals, required parking lot perimeter area tree totals, or required interior plantings tree totals. | Adds language to clarify standards and to reflect previous interpretations and application that parking lot bumpout, island, or endcap trees are their own requirement. | | |
| | | | | | easy | clarification |

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| 4 | 20.04.080(m)(2)(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: | 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, except that ground-mounted equipment within 10 feet of an improved platted alley does not require screening: | Revised standards to not require screening adjacent to an alley. | easy | revision |
| 4 | 20.04.100(c)(2)(A) | Public Signs: Any signs erected, or required to be erected, by a unit of local, state, or federal government. | Any signs erected, or required to be erected, by a unit of local, state, or federal government. City of Bloomington public signs are exempt from signage regulations. | Adds language to specifically state that public signs are exempt from signage regulations. | easy | New |
| 4 | 20.04.110(c)(4) | Student housing or dormitory projects located outside of the Mixed-Use Downtown (MD) zoning district shall qualify for the incentives established in subsection (5) below: | Student housing or dormitory projects located outside of the Mixed-Use Downtown (MD) zoning district shall qualify for the incentives established in subsection (5) below: Student housing or dormitory projects located in the Mixed-Use Downtown (MD) zoning district shall not be eligible for the incentives established in subsection (5) below. Student housing or dormitory projects located in other zoning districts shall be eligible for the incentives established in subsection (5) below if they meet the eligibility criteria outlined in subsection (2) above. | Rewording of this section to be clearer, no change in the eligibility standards is proposed with this change. | easy | clarification |
| 4 | 20.04.100(d)(3) | Architectural Standards - RM and RH | See separate exhibit | Revises the overall architecture standards | medium | revision |
| 4 | 20.04.100(j)(6)(A) | (A) Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed 36 square feet, and the height of the sign does not exceed six feet. | (A) Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed 36 square feet, and the height of the sign does not exceed six feet. These signs shall be allowed to have 20% as electronic reader board and shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E). | Allow menu board signs to be exempt from landscaping standards. Changes electronic reader board to reflect changing technology and standards. Also exempts them from landscaping requirements since these are not located along a road frontage. | medium | revision |
| 4 | 20.04.100(j)(6) | New language/section | (C) Structures with a drive-through shall be permitted one additional sign at the ordering location of each drive-through, provided that the sign(s) has only one face, the maximum area of that sign face does not exceed 12 square feet, and the height does not exceed five feet. These signs shall be allowed to have 100% as electronic reader board and shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E). | Allow menu board signs to be exempt from landscaping standards. Changes electronic reader board to reflect changing technology and standards. Also exempts them from landscaping requirements since these are not located along a road frontage. | medium | revision |
| 4 | 20.04.100(j)(7) | Developments containing at least 15 dwelling units shall be permitted up to 24 square feet of wall signage per development and one freestanding sign per vehicle entrance. The freestanding sign shall not exceed 32 square feet and the height of the sign shall not exceed six feet. | Developments containing at least 15 dwelling units shall be permitted up to 24 square feet of wall signage per development and one freestanding sign per vehicle entrance. The freestanding sign shall not exceed 32 square feet and the height of the sign shall not exceed six feet: (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. | Replaces language for multifamily in the RH and RM districts with the language from the Mixed-Use Districts. | easy | revision |

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|---|--------------------|---|--|--|------|---------------|
| 4 | 20.04.100(k)(2) | Wall Signs: The following standards apply to wall signs for individual uses within a multi-tenant center: | The following standards apply to wall signs for individual uses or tenants within a multi-tenant center: | Clarifies existing language to be consistent with other sections | easy | clarification |
| 4 | 20.04.100(k) | New language/section | Multifamily developments shall be permitted one wall sign not to exceed 24 square feet. | Adds language for multifamily uses in the MN District similar to other districts that have specific language for this use, while respecting the smaller scale of MN. | easy | new |
| 4 | 20.04.100(l)(4)(F) | Internally illuminated signs are prohibited. | Internally illuminated signs and electronic reader boards are prohibited. | Clarifies this language to include electronic reader board | easy | clarification |

