

ORDINANCE 2024-04
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Amendments and Updates Set Forth in BMC 20 Table of Contents and 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 11, 2024, 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 21, 2024; 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;

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-05-24 (hereinafter “Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

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


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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10th day of April, 2024.


ISABEL PIEDMONT-SMITH, 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 06 day of June, 2024.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 6 day of June, 2024.


KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This petition contains amendments to the Table of Contents and Chapter 4 related to development standards. There are 55 amendments identified.

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

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 24-06 is a true and complete copy of Plan Commission Case Number ZO-07-24 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 11, 2024.

Date: March 21, 2024



 Jacqueline Scanlan, Secretary
 Plan Commission

Received by the Common Council Office this 21 day of March, 2024.



 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 Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

 Signature of Controller

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

Yes _____ No _____ XX _____

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

Approval of case ZO-07-24 amends the Unified Development Ordinance (UDO), with amendments and updates to processes and procedures, 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.)



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

April 16, 2024

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

Dear Plan Commissioners,

This letter is being written pursuant to I.C. 36-7-4-607(e), which requires the Council, in the event it amends a proposal to amend the text of the City's zoning ordinance, to return the proposal and the amendment(s) to the Plan Commission, with a statement of reasons for the amendment(s). On March 21, 2024, the Common Council received certification of the Plan Commission's action on proposals to amend certain provisions of the Unified Development Ordinance, which came forward as

- Ordinance 2024-04 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC Table of Contents and 20.04
- Ordinance 2024-05 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.02; 20.03; 20.05; 20.07
- Ordinance 2024-06 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.06

At a Regular Session on April 10, 2024, the Common Council approved of the ordinances listed above with amendments, all by a vote of 8-0. Attached to this correspondence are copies of the following records:

- Ordinance 2024-04, Ordinance 2024-05, and Ordinance 2024-06, all signed by the Council President;
- Attachment A to each of these ordinances, consisting of ZO-05-24, ZO-06-24, and ZO-07-24, the proposals forwarded to the Council by the Plan Commission;
- Attachment B to each of these ordinances, consisting of the relevant Council amendments to the proposals, which include a written statement of the reasons for the amendment.

The Council extends its deep appreciation for the work of the Plan Commissioners and staff on these items and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney.

Sincerely,

Isabel Piedmont-Smith, President
Bloomington Common Council

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

In accordance with Indiana Code 36-7-4-606(g), I hereby file this Report to the Common Council of the action of the Plan Commission in regard to Ordinance 24-04. Ordinance 24-04 amended regulations in the City's Unified Development Ordinance as amended by the Common Council and was accompanied by the amendments and a statement of reasons for those amendments. I certify that the Plan Commission considered the aforementioned materials via Case Number ZO-05-24 and approved the Unified Development Ordinance as amended by a 7-0 vote at a public meeting on May 13, 2024.

Date: June 5, 2024



David Hittle, Secretary
Plan Commission

Received by the Common Council Office this 5th day of June, 2024.



Nicole Bolden, City Clerk

Case # ZO-05-24 Memo

To: Bloomington Common Council
From: Jackie Scanlan, AICP Development Services Manager, Interim Director
Date: March 21, 2024
Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-05-24 on March 11, 2024 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0, as amended. The Plan Commission made one correction and one clarification.

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

The last UDO Update process was completed in the April of 2023, with the final text amendment Ordinance becoming effective in August 2023. That update was the end of 2023's annual update, with changes related to maximum parking and chicken flocks. This update is part of our regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below, and is this Ordinance 24-04:

1. ZO-05-24 | Table of Contents and Chapter 4: Development Standards & Incentives

ZO-05-24 | Table of Contents and Chapter 4: Development Standards & Incentives

This petition contains amendments for Chapter 4 related to design standards and 2 related changes in the Table of Contents. Chapter 4 contains development standards and these amendments vary greatly in content, though many are included to clarify existing code and process. These changes range from moving the location of outdoor storage standards, which is what the Table of Contents proposal entails, to a number of environmental standards ranging from clarification that no plastic netting may be used as erosion control to requiring staff approval for invasive species removal in sensitive areas. Some of the changes involve updating wording to be more accurate or clarifying how specific standards are already administered by adding more information. More plantings are proposed in buffer yards and parking lot islands. The regulations related to electronic reader boards are clarified. There are a total of 55 amendments in Chapter 4. The changes are necessary for various reasons. Many of the changes are simply trying to make existing code and practice clearer for those using the UDO, with some changes to amount of landscaping required or clarification on signage and lighting requirements, as well as other changes.

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(e) Setbacks

(1) Measurement

- (A) Setbacks referred to in this UDO shall be measured as stated in Chapter 20.07: (Definitions), under the term "setback" and "build-to range."
- (B) For private streets, setbacks shall be measured from the edge of the curb, easement, or right-of-way, whichever distance is greater.
- (C) Where existing right-of-way is wider than that proposed on the Transportation Plan, the setback shall be measured from the existing right-of-way.
- (D) For lots of record with no street frontage, a minimum building setback of 10 feet is required from the property line where access is gained. All other lot lines shall be considered side lot lines for the purposes of setbacks.
- (E) The minimum front building facade at the build-to range percentage shall be determined by calculating the width of the principal building that is within the build-to range divided by the total width of the lot at the street frontage.

(2) Single-Family Attached and Multifamily Dwellings

- (A) Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.
- (B) For purposes of setback calculations for side-by-side single-family attached or multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit (end units) shall observe the required side setback for the district.

(3) Exceptions to Setback Requirements

- (A) The setback exceptions established in Table 04-6 shall not authorize the encroachment of any development across property lines or into a public right-of-way.
- (B) Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

Communication facilities

Communication facilities are exempt from height restrictions, subject to the limitations of 20.03.030(f)(1) (Communication Facility).

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

(g) Building Floor Plate

- (1) The area of the lot covered by the primary building shall be included in the calculation of building floor plate in all districts.
- (2) The area of a lot covered by accessory buildings, parking garages, carports, and utility and storage sheds shall not be included in this calculation.

(h) Minor Modification

Minor modifications to some of the dimensional standards in this section may be available through the Minor Modification process in Section 20.06.080(a) (Minor Modification), which may be approved by staff during the petition process without the need to apply for a variance, provided that the criteria in Section 20.06.080(a) are met.

20.04.030 Environment

(a) Purpose

The Bloomington area is characterized by a wide variety of environmental features that affect the way land is developed. These features include karst geology (sinkholes, caves, springs, etc.), wetland areas, steep slopes, mature tree stands, and water resources such as lakes, streams and other surface watercourses. It is prudent and necessary that every area that becomes the subject of a petition for development be routinely scrutinized for the presence of environmental features in order to protect and enhance these environmental features and help mitigate the climate and extinction emergencies as well as the public health, ecology, and welfare.

(b) Applicability

Compliance with this Section 20.04.030 (Environment) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.030(c) through 20.04.030(j).

(c) Steep Slopes

(1) Applicability

This section shall apply to all land-disturbing activities on properties that contain naturally occurring steep or excessive slopes.

(2) Slope Measurement

For the purposes of this section, the percent slope shall be calculated by dividing the number of feet of elevation change between the top and toe of the slope in question by the horizontal distance of the slope in question, then multiply by 100 to acquire a percent figure.

- (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).
- (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 plastic mesh be used on site for any type of ~~permanent~~ landscaping or erosion control.
- (M) **Single-Family Lots**
Single-family lots that remain inactive for 15 days or more shall be established with temporary vegetation.

(5) Poorly Drained Sites

Development proposed for sites that are adjacent to a floodplain area, located in an area with converging drainage flows, located in an area characterized by documented drainage problems, or located in an area with closed, depressed contour lines as shown on the City's GIS maps shall be subject to a higher level of drainage plan review. Site plans for these areas shall submit documentation that finished floor elevations of structures shall be at least two feet above areas that would be flooded during a one hundred-year storm event.

(6) Dry Hydrants

Any development that incorporates a retention pond with a standing pool of water of at least 10,000 cubic feet in volume shall provide a dry hydrant that meets the specifications of the National Fire Protection Association (NFPA) Standard on Water Supplies for Suburban and Rural Fire Fighting, NFPA 1142 Chapter 9 (2001 Edition), or any subsequent amendment thereto.

(f) Riparian Buffers

(1) Applicability

- (A) This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, ~~platted~~ lots of record of less than one-half acre in size shall not be subject to 20.04.030(f)(6) (~~Intermediate Zone~~) nor 20.04.030(f)(7) (~~Fringe Zone~~) of this section.
- (B) Any new, non-single-family development that is exempt from providing riparian buffer zones as outlined in 20.04.030(f)(1), shall provide at least a 25-foot wide streamside buffer zone in compliance with the design standards of 20.04.030(f)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design:
- i. Use of 100 percent native vegetation;
 - ii. Use of permeable pavement for ~~at least 50~~100 percent of all the on-site parking areas;
 - iii. Biofiltration swales; ~~or~~
~~Culverts outfalls; or~~
 - iv. 50 percent vegetated roof.

(2) Adjacent Properties

Where intermittent or perennial streams are present on adjacent properties, and where required buffer zones for such streams would extend onto the subject property, the buffer zones required by this subsection (f) shall be established.

(3) Easements

All riparian buffer zones required to be preserved subject to this subsection (f) shall be placed within riparian buffer easements pursuant to the standards of Section 20.05.040 (Easements).

(4) Graduated Buffer Zones

All intermittent or perennial streams shall be protected by a riparian buffer composed of three distinct zones. These zones shall be defined as:

(A) **Streamside Zone (Zone 1).**

The primary function of the streamside zone is to ensure stream-bank stabilization.

(B) **Intermediate Zone (Zone 2)**

The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.

(C) **Fringe Zone (Zone 3).**

The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.

(5) **Streamside Zone Design**

The streamside zone (Zone 1) shall be designed as follows:

(A) **Location**

Immediately adjacent to the stream channel.

(B) **Buffer Width**

The width of this zone shall be a minimum of 25 feet on each side of the stream, measured from the centerline of the stream.

(C) **Vegetation Requirements**

All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resource's conservation service current preferred practices for each plant type.

(D) **Disturbance Activities**

Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:

- i. Utility installation; if no alternative location is available;
- ii. Street crossings, where necessary to achieve connectivity;
- iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;
- iv. Connector path and multi-use trail constructed with a permeable surface.

(6) **Intermediate Zone Design**

The intermediate zone (Zone 2) shall be designed as follows:

(A) **Location**

Immediately outside the streamside zone (Zone 1).

(B) **Buffer Width**

The required width shall be a minimum 25 feet on each side, measured perpendicularly from the outer boundary of Zone 1.

(C) Vegetation Requirements

Vegetative cover within this zone shall consist of undisturbed, existing vegetation, supplemented by native, groundcover and edge vegetation except that invasive and non-native plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Appropriate species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resource's conservation service current preferred practices for each plant type.

(D) Disturbance Activities

Only the following land-disturbing activities may be allowed within this zone, subject to approval of the Planning and Transportation Department:

- i. All activities allowed in Zone 1 (streamside zone); and
- ii. Stormwater management facilities.

(7) Fringe Zone Design

The fringe zone (Zone 3) shall be designed as follows:

(A) Location

Immediately outside the intermediate zone (Zone 2).

(B) Buffer Width

The required width shall be a minimum of 25 feet measured perpendicular from the outer boundary of Zone 2.

(C) Vegetation Requirements

The vegetative cover for the outer zone shall be native grasses, sedges, and forbs that perform phytofiltration, except that invasive and non-native plants may be removed with permission from the Planning and Transportation Department. In addition, woody plants may be utilized where appropriate. Appropriate species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices specifications of the natural resource's conservation service for each plant type.

(D) Disturbance Activities

Only the following land-disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:

- i. All activities allowed within Zones 1 and 2.
- ii. Streets, as needed to achieve connectivity where no reasonable alternative route can be identified and where a need for new streets has been established, as required by adopted City regulations and Common Council policy.

- (B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.
 - (C) For all individual karst features, the KCE shall encompass the entire feature and all of the area within 25 feet horizontally from the last closed contour line of the feature. The last closed contour line shall be as shown on the City's geographic information system (GIS) using a contour interval of two feet. When the City has reason to doubt the accuracy of the GIS data, the City shall use field verification to determine the location of the last closed contour.
 - (D) For all compound karst features, the KCE shall encompass the entire outer boundary of the compound karst feature as defined in 20.04.030(g)(3) above and all of the area within 25 feet horizontally from the outer boundary of the compound karst feature.
- (5) **Setback**
No structures shall be located within 10 feet of a Karst Conservancy Easement.
 - (6) **Stormwater Discharge**
Stormwater discharge into a karst feature shall not be increased over, or substantially reduced below its pre-development rate.
 - (7) **Stormwater Detention**
Karst Conservancy Easements shall not be used for stormwater detention. Drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature.
 - (8) **Disturbance**
No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within the sinkhole nor within 25 feet of the last closed contour of the sinkhole.
 - (9) **Spring or Cave Entrances**
Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.

(h) Wetlands

- (1) **Applicability**
This section shall apply to all land-disturbing activities on properties containing wetlands~~s-resources~~.
- (2) **Adjacent Properties**
Where wetlands~~s-resources~~ are present on adjacent properties, and where required buffer areas for such wetlands~~s-resources~~ would extend onto the subject property, the buffer zones required by this subsection (h) shall be established.
- (3) **Compliance with Other Regulations Also Required**
In addition to the standards of this UDO, all determined and delineated jurisdictional wetlands subject to disturbance shall be governed by Indiana Department of Natural Resources (DNR), Indiana Department of Environmental Management (IDEM), and Army Corps of Engineers regulations.
- (4) **Disturbance**
No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within 25 feet of a ~~delineated~~-wetland.

(4) Smaller Parcels

For parcels of land less than two acres, the preservation standards in Table 04-8: Minimum Required Vegetation Canopy, may be altered by the City Planning and Transportation Director to allow preservation of individual specimen trees or tree lines along property borders in lieu of the minimum required vegetation canopy.

(5) Overlapping Preservation Areas

Where acreage set aside to fulfill the conservation or buffer requirements found in 20.04.030(c), 20.04.030(e), 20.04.030(g), and 20.04.030(h) also meets the requirements for tree and forest preservation under 20.04.030(i)(2), such acreage shall be counted toward fulfillment of all applicable requirements.

(6) Conservancy or Tree Preservation Easement

Where contiguous areas of at least ~~one-half acre~~ 8,712 square feet (0.20 acres) of tree cover are required to be preserved, a conservancy and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated 10 feet beyond the driplines of the trees to be preserved.

(7) Tree Protection During Construction

~~All trees required to be protected by this Section 20.04.030(i) shall be protected from damage during construction activities by the installation of protective fencing located no closer to the trunk than 10 feet beyond the dripline of the closed-canopy wooded area required to be preserved, and no construction activity, storage, or disturbance of any sort shall occur within such fenced area. A tree protection zone shall be installed per Section 20.04.080(c)(3) and inspected by the Planning and Transportation Department prior to any land-disturbing activities. The tree protection zone and the tree protection barrier shall remain undamaged, moved, or removed during the entire duration of construction. If a petitioner believes the conditions of a tree protection zone cannot be established, they shall contact the Planning and Transportation Department and the Urban Forester in order to develop an individual plan for tree protection.~~

and
unmc d

(j) Lake Watershed Areas**(1) Applicability**

This section shall apply to all land-disturbing activities on properties located within the watersheds of Lake Monroe and Griffy Lake as delineated on the City's geographic information system (GIS).

(2) Exception

Single-family, duplex, triplex, fourplex, mobile home, and manufactured home dwellings on existing lots of record shall not be subject to the requirements of this section.

(3) Geotechnical Report

When required by the Planning and Transportation Director, based on potential development impacts, site plans, subdivision plats, and Planned Unit Development plans shall include a report prepared by a geotechnical consultant that addresses soil stabilization, erosion/siltation control and stormwater runoff quality. The geotechnical consultant who prepares the required report shall be a licensed professional engineer.

20.04.050 Access and Connectivity

(a) Purpose

The purpose of this section is to reduce vehicle miles traveled and related greenhouse gas emissions by encouraging walking, cycling, and transit by integrating sidewalks and bicycle routes in new development and redevelopment, and by providing for shorter and more direct routes between many destinations.

(b) Applicability

Compliance with this Section 20.04.050 (Access and Connectivity) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.050(c) through 20.04.050(e).

(c) Driveways and Access

(1) Number of Drives

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

For single-family, duplex, triplex, and fourplex residential uses, a maximum of one driveway access point shall be permitted, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards:

- i. The maximum circle drive width shall be 10 feet;
- ii. The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and
- iii. The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

(B) All Other Uses

No property shall be permitted to have more than two driveway access points per street frontage.

(2) Location and Separation of Drives

(A) Generally

- i. No entrance or drive shall be installed:
 - ~~1. Within 50 feet of any intersection.~~
 - 2.1. Closer to a street than the existing or proposed front building wall running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement, except as allowed in Section 20.04.050(c)(1)(A) for circular drives.
- ii. For nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Transportation Plan.
- iii. Multifamily dwelling developments may use garages with individual driveways accessing the street provided that the street being accessed is designated a local street and consistent with access management by the Transportation Plan or is a private street.

(B) Street Classification

The classification of all streets shall be as indicated on the Transportation Plan as contained in the Comprehensive Plan.

(C) Distance Calculations

- i. The distances applicable to the standards outlined in this Section 20.04.050 shall be determined as follows:
 1. By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive; or
 2. By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive. These measurements are taken along the right-of-way line.
- ii. If the parcel is not large enough to achieve the separation required below, then the drive shall be installed at a location farthest from the intersection subject to approval by the City Transportation and Traffic Engineer.
- ~~iii.~~ The width of an allowed driveway shall be measured along the typical driving path at its maximum width.

(D) Arterial or Collector Streets**i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses**

No entrance or drive along an arterial or collector street shall be installed within 50 feet of any intersecting street.

ii. All Other Uses

1. No entrance or drive along an arterial or collector street shall be installed:
 - [a] Within 150 feet of any intersecting street.
 - [b] Within 100 feet of another driveway entrance.
2. If the distance separation requirement cannot be met, then the entrance or drive shall be located equidistant from the two adjacent drives, or as approved by the City Engineer.

(E) Local Streets**i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses**

No entrance or drive along a local street shall be installed within 30 feet of any intersecting street.

ii. All Other Uses

1. No entrance or drive along a neighborhood street shall be installed:
 - [a] Within 100 feet of any intersecting street.
 - [b] Within 50 feet of another driveway entrance.
2. If the distance separation requirement cannot be met, then the entrance or drive shall be located equidistant from the two adjacent drives, or as approved by the City Engineer.

vii. Surface materials for single-family residential driveways shall be as required in Section 20.04.060(i)(7).

(4) **Connectivity**

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

(5) **Vision Clearance Triangle**

(A) **Applicability**

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

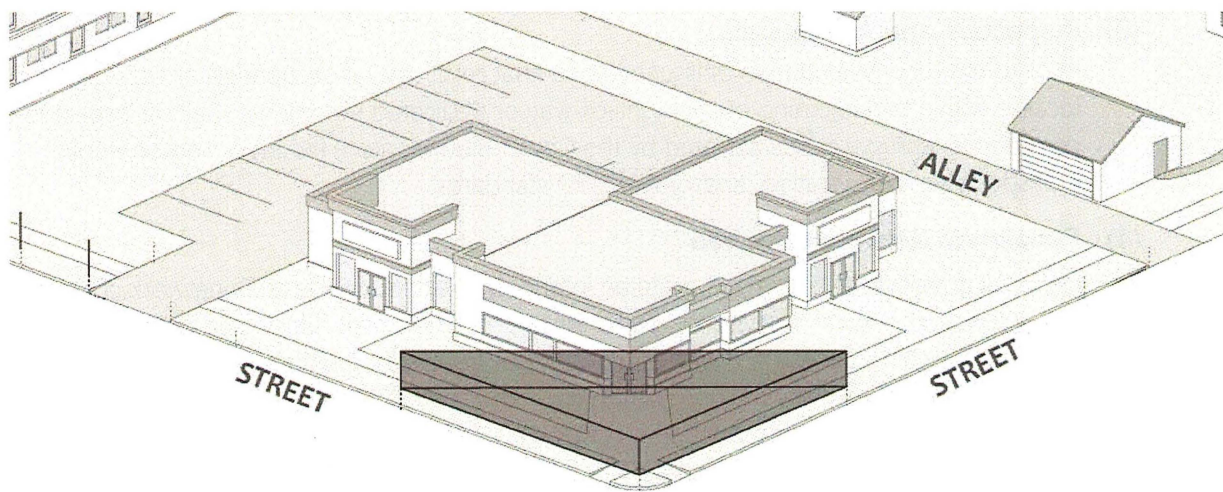


Figure 50: Vision Clearance Triangle

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

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

(C) **Vertical Clear Area**

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

(d) Pedestrian and Bicycle Circulation

(1) Purpose

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

(2) Applicability

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

(3) Inspection and Acceptance

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

(4) Pedestrian Network Required

- (A) All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network shall include pedestrian facilities along street frontages, multiuse trails where indicated on the Transportation Plan, and pedestrian connector paths between developments and public destinations (e.g., schools, parks, hospitals), nearby trails, other developments, and vacant land.
- (B) All concrete sidewalk and asphalt path improvements shall be constructed as per City Planning and Transportation Department and Engineering Department requirements.
- (C) All buildings shall have a sidewalk connection from the building entrance to the adjacent public street.

(5) Type of Pedestrian Facility

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

(6) Width

The minimum width of required pedestrian facilities shall be as indicated in the Transportation Plan unless specifically noted in Table 05-5: Subdivision Development Standards.

(7) Placement

To the extent possible, all required sidewalks shall be located one foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement.

(8) Minimum Tree Plot Width

All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated in the Transportation Plan. Except as specified elsewhere in this UDO, tree plots may not be less than five feet and shall be planted with ground covergrass. The Planning and Transportation Director may allow tree grates, tree boxes, or other appropriate streetscape treatments in areas that anticipate increased pedestrian traffic.

(9) Administrative Adjustment

When the petitioner can demonstrate the need to modify or alter certain design standards relating to pedestrian facilities as described below, those standards may be modified or altered by approval of the Planning and Transportation Director. In addition, these provisions may be adjusted to allow compliance with the standards of Section 20.04.050 (Access and Connectivity).

(10) Paths, Sidewalks, and Trails

(A) Construction Standards

All path, sidewalk, and trail improvements shall be constructed as per the City of Bloomington standards and/or AASHTO requirements.

(B) Additional Facility Amenities

Additional amenities shall be required in accordance with the design standards identified in the Transportation Plan.

(C) Sidewalks

i. Material and Width

Sidewalks shall be constructed of durable, smooth, and skid resistant material approved by the City and a minimum width of five feet.

ii. External Sidewalks

Sidewalks shall be located a minimum of one foot inside the public right-of-way or within a pedestrian easement along all abutting street frontages.

iii. Internal Sidewalks

Sidewalks shall be provided that link abutting streets to primary entrances of primary buildings on the site, link separate facilities within the site to each other, and provide access to adjoining transit stops. Internal sidewalks shall not be required for lots containing primary single-family, duplex, triplex, or fourplex dwelling uses.

- 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 or transit route stop 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.

- (C) Stormwater drainage plans for off-street parking lots shall be reviewed and approved by the City.
- (D) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent or less.
- (E) For all new parking lots containing 12 or more spaces, the following best management practices shall be used to improve stormwater infiltration and water quality:
 - i. Permeable pavement materials shall be installed. If such materials are the only practice employed from this list, then they shall cover at least 25 percent of the total parking lot area; or
 - ii. Treatments such as culvert outfalls, bioretention basins, or vegetated swales designed to the specifications of City of Bloomington Utilities shall be installed; or
 - iii. Other combinations of best management practices for stormwater infiltration and water quality subject to approval by the City of Bloomington Planning and Transportation and Utilities Departments.

(7) Surface Material

- (A) Except for dwelling, single family (detached), dwelling, single-family (attached), dwelling, duplex, dwelling, triplex, and dwelling, fourplex single family-residences or as stated in subsection (6) above, or an exception is provided elsewhere in this UDO, all areas used for parking shall be hard surface of concrete, asphalt, brick pavers, or other approved material. Where crushed stone parking surfaces are approved, they shall be contained within a raised, permanent border.
- (B) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with concrete, except that the driveway apron for a single-family, duplex, triplex, or fourplex use on a local street may use asphalt or concrete.
- (C) Areas using permeable parking pavers shall not count towards impervious surface calculations.
- (D) Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, and display areas for vehicle sales and rental uses, all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.
- (E) All driving lanes and parking aisles in parking lots shall be curbed, unless an alternative design allowing for adequate stormwater management is approved.

(8) Electric Vehicle Charging

Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 25 parking spaces provided on site. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:

- (A) Located on the same lot as the principal use;
- (B) Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and
- (C) Outfitted with a standard electric vehicle charging station.

(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 outside of the right-of-way 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
 - ii. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.

~~iii. If a piece of ground mounted equipment can not be screened from view, then options for public art shall be explored for the equipment with the City Economic and Sustainable Development Department. If art can be installed, it shall be. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.~~

(C) Screening of ground-mounted solar energy equipment is not required.

(3) Loading, Service, and Refuse Areas

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

(4) Design

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

(n) Fences and Walls

(1) Applicability

Unless otherwise provided below, this Section 20.04.080(n) shall apply to all new development.

- (A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3); however they shall not be less than six feet in height.
- (B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3).

- ii. Full shielding is not required for a light fixture with a bulb rated at more than 260 lumens and less than 1,000 lumens when the bulbs are installed inside frosted glass or other translucent covers and shielded on top.
- iii. The total lumens of bulbs specified in subsections 20.04.090(b)(3)(F)i and 20.04.090(b)(3)(F)ii above, when not motion detector activated, shall not exceed 2,000 lumens per building, or 1,000 lumens per exterior entryway, whichever is less.

(G) Swimming Pool and Fountain Lighting

Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it shall conform to all other provisions of this section.

(c) General Standards

(1) Conformance with Applicable Codes

All outdoor illuminating devices shall be installed in conformance with the provisions of this UDO and all applicable building and electrical codes.

(2) Initial Lumens

For the purposes of this chapter "lumens" means "initial lumens." The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.

(3) Prohibitions

(A) Laser Source Light

The use of laser, strobe, and/or flashing source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

(B) Searchlights

The operation of searchlights is prohibited except when used by civil authorities for purposes of public safety.

(C) Towers

Tower lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).

(4) Light Trespass

- (A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. Properties bordered by R1, R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adjacent to those districts.
- (B) Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five feet, using any orientation of the light meter. The maximum reading shall be used.

(4) Off-premise Signs

Signs advertising goods, products, services, events or activities not located, sold or offered on the premises **or tenant space** on which the sign is located, except for signs as provided in Section 20.04.100(c)(2)(B), Section 20.04.100(c)(2)(C), Section 20.04.100(k)(9), and Section 20.04.100(l)(7).

(5) Vehicle Signs

Vehicles, vans, trailers or trucks that are parked continuously in the same general location to be used to display signs. This does not prohibit vehicle or trailer owners from having vehicles or trailers with signs, provided the vehicles or trailers are in use on a regular basis, are not continuously parked in one parking lot or parking space, and are not being used to serve in the same manner as an additional freestanding sign or temporary sign.

(6) Intermittent Lights

Signs that have intermittent blinking, flashing, or fluttering lights, including any device that has a changing light intensity, brightness of color, or gives such illusion, including but not limited to strobe lights.

(7) Pole Signs

Signs that are mounted on a freestanding pole or other support that is not part of or attached to a building or structure.

(8) Temporary Signs

Any temporary sign not specifically permitted in Section 20.04.100(i)(9), Section 20.04.100(j)(8), Section 20.04.100(k)(6), and Section 20.04.100(l)(6) or specifically exempted in Section 20.04.100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, **and** feather flags, **and banners**.

(9) Projecting Signs

Any sign that projects outward more than 12 inches from the facade of a building in, except as provided in Section 20.04.100(l).

(10) Electronic Reader Board Signs

Any electronic reader board sign not specifically permitted in Section 20.04.100(g)(3).

(f) Prohibited Sign Locations

Signs shall not be installed at any of the following locations:

(1) Public Easement

In any public easement, unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A), or is further authorized by the city.

(2) Public Right-of-Way

In any public right-of-way, unless the sign is authorized by Section 20.04.100(k)(9), or the sign is authorized by Section 20.04.100(l)(3), or the sign is authorized by Section 20.04.100(l)(7), or the sign is a public sign authorized by Section 20.04.100(c)(2)(A) and is further authorized by the city;

(3) Roofs

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

(4) Vision Clearance Triangle

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

(5) Miscellaneous

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

(g) General Design Standards

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

(1) Freestanding Signs

All freestanding signs shall comply with the following standards:

(A) Setback

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

(B) Mounting

All freestanding signs shall be permanently affixed to the ground.

(C) Base

Sign bases shall conform to the following standards:

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

(D) Cap

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

(E) Landscaping

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

(F) Illumination

Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting) and also may not exceed one footcandle at a distance of 6' from the sign face.

(2) Changeable Copy

Unless specified otherwise in this UDO, signs may incorporate areas for changeable copy, provided that any combination of the changeable copy area and any electronic reader board component area combined does not exceed 40 percent of the total sign area.

(3) Electronic Reader Boards

Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, ~~provided that~~ subject to the following:

(A) The electronic reader board portion may not exceed 30 square feet or 40 percent of the total area of any sign face (whichever is less).

(B) -Any combination of the electronic reader board area and any changeable copy area combined they does not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.

(4) Wall Signs

Wall signs shall be located on any exterior portion of the building that is occupied by the use or portion of a building that is occupied by the use if the building has multiple uses.

(h) Waiver of Right to Damages

- (1) The Plan Commission, the Board of Zoning Appeals, and the City Planning and Transportation Department are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code 22-13-2-1.5, Indiana Code 36-7-2-5.5, and Indiana Code 32-24, in connection with any petition for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.
- (2) Waivers may be requested from the following:
 - (A) The petitioner;
 - (B) The property owner;
 - (C) The sign owner; and
 - (D) Any other person with an interest in the site or the sign.
- (3) The owner and/or the petitioner shall be responsible for obtaining waivers from all persons listed in Section 20.04.100(h)(2).

(i) Residential District Sign Standards**(1) Applicability**

This section applies to the R1, R2, R3, R4, RM, RH, and RMH zoning districts.

(2) Single-Family and Condominium Subdivision

Each subdivision shall be permitted one freestanding sign per development entrance, subject to the following standards:

(A) Freestanding Sign Area

The maximum sign area shall not exceed 32 square feet per side.

- (B) **Freestanding Sign Height**
The maximum height shall not exceed six feet in height.
- (C) **Changeable Copy**
Changeable copy shall be prohibited as part of a freestanding sign.
- (D) **Number**
The permitted subdivision sign may be replaced with two signs of a maximum 16 square feet in area per sign if a sign is placed on each side of the entrance.
- (E) **Wall Signage**
No wall signage is permitted.
- (3) **Multifamily**
- (A) Multifamily developments containing between three and 14 dwelling units shall be permitted one wall sign not to exceed 24 square feet per development.
- (B) Multifamily developments containing at least 15 dwelling units shall be permitted:
- 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
 - One wall sign per building not to exceed 24 square feet each.
- (4) **Conforming Nonresidential Uses**
For any nonresidential use approved as a permitted use or conditional use, the provisions of Section 20.04.100(k) shall apply. These provisions may be modified by action of the Board of Zoning Appeals as part of a conditional use approval.
- (5) **Legal Nonconforming Multifamily Residential Uses**
Legal nonconforming multifamily residential uses in single family zoning districts with at least three units shall be permitted wall signage not to exceed 10 square feet in area but shall not be permitted any freestanding signs. This subsection supersedes Section 20.04.100(i)(3)(A).
- (6) **Legal Nonconforming Nonresidential Uses**
Legal nonconforming nonresidential uses shall be permitted:
- (A) Wall signage not to exceed 10 square feet in area and:
- (B) On lots with less than 30 feet of street frontage, no freestanding signs; and
- (C) On lots with 30 feet or more of street frontage, one freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.
- (7) **Illumination**
Signs within residential districts shall not be internally illuminated nor contain an electronic reader board.
- (8) **Window Signs**
Window signs are not permitted for residential uses.

- (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.

- vii. Signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

20.04.110 Incentives

(a) Applicability

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

(b) General Standards

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

(1) Neighborhood Transition Standards

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

(2) Waiver of Fees

- (A) When a petition qualifies for one or more of the incentives in this Section 20.04.110, filing fees for the Plan Commission and/or Board of Zoning Appeals shall be waived.
- (B) When a petition that qualifies for one or more of the incentives in this Section 20.04.110 has been approved by the decision-making body:
 - ~~i. Fees associated with right-of-way excavation permits for the project shall be waived; and~~
 - ~~ii. Sewer hook-on fees for the project may be waived or reduced by the utilities service board.~~

(3) Administration

- (A) A petition for these development incentives shall be included with a petition for development approval.
- (B) Projects that qualify for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.110: (Incentives), shall have the site plan portion of the petition processed as a minor (rather than major) site plan, except when the project is adjacent to a lot in the R1, R2, R3, or R4 zoning districts or contains more than 50 dwelling units.
- (C) Staff shall determine if the project is eligible to receive incentives and if it satisfies the criteria established in this Section 20.04.110.

- (4) Public sidewalks shall be maintained in compliance with Title 12 (Streets, Sidewalks, and Storm Sewers) of the Bloomington Municipal Code.

(c) Outdoor Lighting

All lighting fixtures that are required to be shielded shall be installed and maintained so that they maintain compliance with all standards for shielded fixtures as specified in this Section 20.04.090 (Outdoor Lighting).

(d) Signs

All signs and components thereof shall be kept in good repair and in safe, clean, neatly painted, and working condition.

(e) Noise

All activities shall comply with Chapter 14.09 (Noise Controls) of the Bloomington Municipal Code regarding permissible levels of noise ~~and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sound inward from property boundaries, rather than outward towards property boundaries. Amplified sounds at a level higher than 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines unless an approval has been issued for that purpose in connection with a special event.~~

ZO-05-24 Table of Contents and Chapter 4 Changes

Page	Chapter	Citation	Current Language	Proposed Language	Synopsis
iii		table of contents	20.04.060 Parking and Loading	20.04.060 Parking and Loading , Loading, and Storage	Modifies title of section to allow for new language regarding regulations for outdoor storage
iii		table of contents	New language	Add new section 20.04.060(p) Outdoor Storage	Adds new section for language regarding outdoor storage
124	4	20.04.020(e)(1)(D)	For lots of record with no street frontage, a minimum building setback of 10 feet is required from the property line where access is gained. The Bloomington area is characterized by a wide variety of environmental features that affect the way land is developed. These features include karst geology (sinkholes, caves, springs, etc.), wetland areas, steep slopes, mature tree stands, and water resources such as lakes, streams and other surface watercourses. It is prudent and necessary that every area that becomes the subject of a petition for development be routinely scrutinized for the presence of environmental features in order to protect and enhance these environmental features as well as the public health, ecology, and welfare.	For lots of record with no street frontage, a minimum building setback of 10 feet is required from the property line where access is gained. All other lot lines shall be considered side lot lines for the purposes of setbacks. The Bloomington area is characterized by a wide variety of environmental features that affect the way land is developed. These features include karst geology (sinkholes, caves, springs, etc.), wetland areas, steep slopes, mature tree stands, and water resources such as lakes, streams and other surface watercourses. It is prudent and necessary that every area that becomes the subject of a petition for development be routinely scrutinized for the presence of environmental features and to help mitigate the climate and extinction emergencies in order to protect and enhance these environmental features as well as the public health, ecology, and welfare.	Clarifies how each of the lot lines are regulated in the situation where a lot does not have frontage on a public street.
127	4	20.04.030(a)	Under no circumstances shall plastic netting or mesh be used on site for any type of permanent landscaping or erosion control.	Under no circumstances shall plastic netting or plastic mesh be used on site for any type of permanent -landscaping or erosion control.	Adds additional language to the Purpose statement of the Environmental section
130	4	20.04.030(d)(3)(L)	This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, platted lots of record of less than one-half acre in size shall not be subject to 20.04.030(f)(6) nor 20.04.030(f)(7) of this section.	This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, platted lots of record of less than one-half acre in size shall not be subject to 20.04.030(f)(6)(Intermediate Zone) nor 20.04.030(f)(7)(Fringe Zone) of this section.	Remove the wording of permanent to allow this prohibition to apply to temporary situations as well.
132	4	20.04.030(f)(1)(A)	(A) Any new, non-single-family development that is exempt from providing riparian buffer zones as outlined in 20.04.030(f)(1), shall provide at least a 25-foot wide streamside buffer zone in compliance with the design standards of 20.04.030(f)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design: i. Use of 100 percent native vegetation; ii. Use of permeable pavement for at least 50 percent of all the on-site parking areas; iii. Biofiltration swales; iv. Culverts outfalls; or v. 50 percent vegetated roof.	(A) Any new, non-single-family development that is exempt from providing riparian buffer zones as outlined in 20.04.030(f)(1), shall provide at least a 25-foot wide streamside buffer zone in compliance with the design standards of 20.04.030(f)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design: i. Use of 100 percent native vegetation; ii. Use of permeable pavement for at least 50 100 percent of all the on-site parking areas; iii. Biofiltration swales; iv. Culverts outfalls ; or v. 50 percent vegetated roof.	Amends language to allow this riparian buffer standard to apply to all lots less than one-half acre, platted or unplatted, reducing the distance of the buffer
132	4	20.04.030(f)(1)(B)	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resources conservation service for each plant type.	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and non native plants may be removed with permission from the Planning and Transportation Department . In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices specifications of the natural resources conservation service for each plant type.	Revises allowances within this section to increase the amount of permeable pavers and remove Culverts and outfalls from list.
133	4	20.04.030(f)(5)(C)	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resources conservation service for each plant type.	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department . In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices specifications of the natural resources conservation service for each plant type.	Requires planning staff to review the removal of any invasives. Also alters the reference for specifications.
134	4	20.04.030(f)(6)(C)	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resources conservation service for each plant type.	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department . In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices specifications of the natural resources conservation service for each plant type.	Requires planning staff to review the removal of any invasives. Also alters the reference for specifications.

134	4 20.04.030(f)(7)(C)	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resources conservation service for each plant type.	All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices specifications of the natural resources conservation service for each plant type.	Requires planning staff to review the removal of any invasives. Also alters the reference for specifications.
136	4 20.04.030(h)(1)	This section shall apply to all land-disturbing activities on properties containing wetland resources.	This section shall apply to all land-disturbing activities on properties containing wetlands resources .	Modifies naming
136	4 20.04.030(h)(2)	Where wetland resources are present on adjacent properties, and where required buffer areas for such wetland resources would extend onto the subject property, the buffer zones required by this subsection (h) shall be established.	Where wetlands resources are present on adjacent properties, and where required buffer areas for such wetlands resources would extend onto the subject property, the buffer zones required by this subsection (h) shall be established.	Modifies naming
136	4 20.04.030(h)(4)	No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within 25 feet of a delineated wetland.	No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within 25 feet of a delineated wetland.	modifies naming
138	4 20.04.030(i)(6)	Where contiguous areas of at least one-half acre of tree cover are required to be preserved, a conservancy and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated 10 feet beyond the driplines of the trees to be preserved.	Where contiguous areas of at least one-half acre 8,712 square feet (0.20 acres) of tree cover are required to be preserved, a conservancy and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated 10 feet beyond the driplines of the trees to be preserved.	Reduces the minimum threshold to place trees within a tree preservation easement
138	4 20.04.030(i)(7)	All trees required to be protected by this Section 20.04.030(i) shall be protected from damage during construction activities by the installation of protective fencing located no closer to the trunk than 10 feet beyond the dripline of the closed-canopy wooded area required to be preserved, and no construction activity, storage, or disturbance of any sort shall occur within such fenced area.	All trees required to be protected by this Section 20.04.030(i) shall be protected from damage during construction activities by the installation of protective fencing located no closer to the trunk than 10 feet beyond the dripline of the closed-canopy wooded area required to be preserved, and no construction activity, storage, or disturbance of any sort shall occur within such fenced area. A tree protection zone shall be installed per Section 20.04.080(c)(3) and inspected by the Planning and Transportation Department prior to any land-disturbing activities. The tree protection zone and the tree protection barrier shall remain undamaged, moved, or removed during the entire duration of construction. If a petitioner believes the conditions of a tree protection zone cannot be established, they shall contact the Planning and Transportation Department and the Urban Forester in order to develop an individual plan for tree protection.	Revising language within this section Removes unnecessary regulation, the required setbacks for drives along streets are outlined in later portions of this section
161	4 20.04.050(c)(2)(A)(i)(1)	1. Within 50 feet of any intersection.	1. Within 50 feet of any intersection.	
161	4 20.04.050(c)(2)(A)(i)(2)	1. Closer to a street than the existing or proposed front building wall running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement.	1. Closer to a street than the existing or proposed front building wall running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement, except as allowed in Section 20.04.050(c)(1)(A).	Clarifies that circle drives are allowed and exempt from this standard
162	4 20.04.050(c)(2)(C)(i)(2)	By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive.	By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive. These measurements are taken along the right-of-way line.	Clarifies where the distance calculations are measured from
162	4 20.04.050(c)(2)(C)	New language	iii. The width of an allowed driveway shall be measured along the typical driving path at its maximum width.	Adds language regarding how the width of a driveway is measured
164	4 20.04.050(c)(5)(A)(i)	A vision clearance triangle shall be maintained at every street intersection.	A vision clearance triangle shall be maintained at every street intersection. Vision clearance triangles may be required at other vehicular connections as determined by staff.	Adds language providing for vision clearance triangles in certain situations besides just street intersections if deemed necessary by staff

165	4	20.04.050(d)(2)	<p>Pedestrian facilities shall be required on both sides of all streets, with the exception of new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (neighborhood) streets with no adjacent pedestrian facilities, and additions to existing residential structures; and except that culs-de-sac less than 300 feet in length and providing access to less than 10 residential units shall be required to provide pedestrian facilities on one side of the street. All required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.</p> <p>All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated in the Transportation Plan. Except as specified elsewhere in this UDO, tree plots may not be less than five feet and shall be planted with grass. The Planning and Transportation Director may allow tree grates, tree boxes, or other appropriate streetscape treatments in areas that anticipate increased pedestrian traffic.</p>	<p>Pedestrian facilities shall be required on both sides of all streets, with the exception of new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (neighborhood) streets with no adjacent pedestrian facilities, and additions to existing residential structures; and except that culs-de-sac less than 300 feet in length and providing access to less than 10 residential units shall be required to provide pedestrian facilities on one side of the street. All required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.</p> <p>All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated in the Transportation Plan. Except as specified elsewhere in this UDO, tree plots may not be less than five feet and shall be planted with grass ground cover. The Planning and Transportation Director may allow tree grates, tree boxes, or other appropriate streetscape treatments in areas that anticipate increased pedestrian traffic.</p>	Removes language not requiring sidewalks on both sides of streets for situations where a cul-de-sac is allowed.
166	4	20.04.050(d)(8)	<p>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.</p>	<p>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 or transit route stop shall be reduced from those shown in Table 04-9: Minimum Vehicle Parking Requirements by 15 percent.</p>	Modifies language to allow flexibility for plantings within tree plots
179	4	20.04.060(g)(2)	<p>(A) Except for single family residences or as stated in subsection (6) above, or an exception is provided elsewhere in this UDO, all areas used for parking shall be hard surface of concrete, asphalt, brick pavers, or other approved material. Where crushed stone parking surfaces are approved, they shall be contained within a raised, permanent border.</p>	<p>(A) Except for single family dwelling, single-family (detached), dwelling, single-family (attached), dwelling, duplex, dwelling, triplex, and dwelling, fourplex residences or as stated in subsection (6) above, or an exception is provided elsewhere in this UDO, all areas used for parking shall be hard surface of concrete, asphalt, brick pavers, or other approved material. Where crushed stone parking surfaces are approved, they shall be contained within a raised, permanent border.</p>	Adjusts language to reflect practice of allowing reductions based on proximity to a road with BT service and not just the main transit station.
183	4	20.04.060(i)(7)(A)	<p>Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change in use, and are located within 100 feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.</p>	<p>Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change in use, and are located within 50 400 feet of the primary entrance to the primary building may be used to satisfy up to two six required bicycle parking spaces.</p>	Added duplex, triplex, and fourplexes to allowed uses for crushed stone driveways as these are all similar uses.
186	4	20.04.060(l)(2)(F)	<p>Subject to the approval of the Planning and Transportation Department, the number of bicycle parking spaces may be reduced if: i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or ii. Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on site.</p>	<p>Subject to the approval of the Planning and Transportation Department, the number of bicycle parking spaces may be reduced if: i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or ii. Existing bicycle parking facilities are located within the public right-of-way and within 50 400 feet of the building's main entrance, provided that no more than six bicycle parking spaces in the right-of-way can be counted toward the development requirements. a minimum of four bicycle parking spaces are provided on-site.</p>	revises the language to allow all bicycle parking to be located in the right-of-way for limited situations
186	4	20.04.060(l)(2)(G)	<p>Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.</p>	<p>Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot. In addition, all outdoor parking of vehicles in all zoning districts shall comply with the following standards: i. Vehicles and trailers shall not be stored or parked on an unimproved surface. ii. Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk. iii. Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.</p>	Revise the language to allow public parking spaces to count in certain situations.
187-188	4	20.04.060(n)(2)	<p>Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.</p>	<p>Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.</p>	Revises the location of some of the outdoor storage regulations

189	4 20.04.060	New Section " Outdoor Storage "		(p) In all zoning districts, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited. Shipping containers, cargo containers, and portable on-demand storage units may not be used for long-term storage, and may only be located on a lot or parcel, unless otherwise approved by the municipal code: i. To provide storage for construction projects during the period of an approved construction project on the same lot or parcel; or ii. During the process of being loaded or unloaded, the duration of which may not exceed 72 consecutive hours.	Moving existing Outdoor Storage regulations.
192	4 20.04.070(d)(2)(D)(iv)	Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade.		Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade and extend from the ground to the top of the building.	Clarifies that projections must extend from the ground to the top of the building
194	4 20.04.070(d)(3)(E)(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).		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, or standing-seam metal, or V-grain rib metal. Additions to attached or detached single-family dwelling units may use flat roofs (less than a 3:12 roof pitch).	Revises wording of "V-grain metal" to "V rib" to reflect typical name for this type of roofing material.
195	4 20.04.070(d)(3)(J)(i)	Awning or canopy		Awning or canopy that extends at least 24 inches from the building wall to which it is attached;	Syncs this language for this standard with other sections
200	4 20.04.080(c)(2)(A)	All plant material shall be living and healthy. Dead, diseased or artificial plants shall not be recognized as contributing to required landscape treatments.		All plant material shall be living and healthy. Dead, ailing , diseased or artificial plants shall not be recognized as contributing to required landscape treatments.	Added additional clarification for landscaping vitality.
200	4 20.04.080(c)(2)(C)	Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements.		Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements. Unless specifically approved by the City Urban Forester or Senior Environmental Planner, the use of columnar trees is not allowed.	Adds language prohibiting the use of columnar trees
201	4 20.04.080(c)(2)(F)(ii)	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		The City Planning and Transportation Department may permit the substitution of required on-site landscape excluding street tree requirements 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	Clarifies that this standard applies to on-site landscaping and not street trees.
201-202	4 20.04.080(c)(2)(G)(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.		Except in the PO zoning district, turf grass and other vegetative ground cover shall be used for all landscaped areas, except as listed below. Crushed rock or gravel is not allowed as ground cover. 1) that Parking lot bumpouts, islands, and endcaps smaller than 324 square feet may use decorative mulch. 2) Areas within 24 inches of a building foundation and underneath staircases may use decorative mulch or stone. 3) For Single Family, Duplex, Triplex, and Fourplex uses, gravel, mulch, and decorative stone may only be used in defined landscape beds with a raised border. iii. Approved stormwater detention and retention facilities may utilize decorative mulch or stone on a one-time basis at time of installation as allowed or required by City of Bloomington Utilities. Landscaping stone or riprap or other non-vegetative materials may be incorporated in stormwater treatment alternatives, such as swales and culvert outfalls as approved by City of Bloomington Utilities..	Revises allowances for use of mulch and adds additional allowance for stone
202	4 20.04.080(c)(2)(G)	New language		Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction: by a Tree Protection Barrier. The Tree Protection Barrier shall be installed at the Tree Protection Zone and be at least 4 feet tall, highly visible, sturdy, and have warning signs on or near it for the duration of the construction activity.	New language to allow mulch in limited amount within stormwater facilities.
202	4 20.08.080(c)(3)(A)	Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction.			Adds language outlining what is required to establish a tree protection barrier

218	4 20.04.080(f)(2)	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. 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.	Street tree species shall be subject to approval by the City's Urban Forester based on hardiness, seasonal appearance, species diversity , carbon sequestration , and contribution to shading and cooling.	Adds additional criteria for selection of street trees
220	4 20.04.080(g)(2)(D)		Delete entire section	Revises location of this standard to the General section of the Landscaping section regarding Groundcover modifies language and requirements for required plantings within buffer yards to add additional landscaping requirement for small or medium trees
221	4 20.04.080(g)(3) Table 04-19	Type 1- 1 tree every 30 linear feet; Type 2- 1 tree every 25 linear feet; Type 3- 1 tree every 20 linear feet 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.	Proposing additional trees. See Redline Each landscape bumpout, island, or endcap shall contain at least one large canopy tree and four shrubs or native grasses . 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 and eight shrubs or native grasses 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.	
223	4 20.04.080(h)(2)(C)	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:	In cases when ground-mounted mechanical equipment outside of the right-of-way 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:	Adds additional requirement for shrubs or grasses within interior bumpouts, islands, or endcaps.
225	4 20.04.080(m)(2)(B)		iii. If a piece of ground mounted equipment can not be screened from view, then options for public art shall be explored for the equipment with the City Economic and Sustainable Development Department. If art can be installed, it shall be.	Clarifying where screening is required.
225-226	4 20.04.080(m)(2)(B)	new section	The use of chain-link fencing for loading, service, or refuse area screening, including the access gate , shall be prohibited.	Adds new language allowing additional screening options for ground mounted equipment
226	4 20.04.080(m)(3)(C)(ii)	The use of chain-link fencing for loading, service, or refuse area screening shall be prohibited.		Clarifies that chain link fences are not allowed for access gate
230	4 20.04.090(c)(4)(A)	(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line.	(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. Properties bordered by R1, R2, R3, R4 or RMH are allowed no more than 0.5 footcandle at a point one meter beyond the property line adjacent to those districts.	Reduces the amount of light trespass allowed adjacent to the lower density and Manufactured/Mobile Home Park districts
236	4 20.04.100(e)(4)	Signs advertising goods, products, services, events or activities not located, sold or offered on the premises on which the sign is located, except for signs as provided in Section 20.04.100(c)(2)(B), Section 20.04.100(c)(2)(C), Section 20.04.100(k)(9), and Section 20.04.100(l)(7).	Signs advertising goods, products, services, events or activities not located, sold or offered on the premises or tenant space on which the sign is located, except for signs as provided in Section 20.04.100(c)(2)(B), Section 20.04.100(c)(2)(C), Section 20.04.100(k)(9), and Section 20.04.100(l)(7).	Clarifies that a sign must also be on the tenant space for the good, product, or service that it is advertising
236	4 20.04.100(e)(8)	Any temporary sign not specifically permitted in Section 20.04.100(i)(9), Section 20.04.100(j)(8), Section 20.04.100(k)(6), and Section 20.04.100(l)(6) or specifically exempted in Section 20.04.100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, feather flags, and banners.	Any temporary sign not specifically permitted in Section 20.04.100(i)(9), Section 20.04.100(j)(8), Section 20.04.100(k)(6), and Section 20.04.100(l)(6) or specifically exempted in Section 20.04.100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, and feather flags, and banners .	Removes banners from prohibited temporary sign types as this is misleading since this one sign type is intended to be allowed with a temporary sign permit
237	4 20.04.100(f)(5)	On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.	On any traffic control signs, highway construction signs, fences, railings , utility poles, street signs, trees or other natural objects.	Adds "railings" as prohibited sign locations
237	4 20.04.100(g)(1)(F)	Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting).	Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting) and also may not exceed one footcandle at a distance of 6' from the sign face.	Adds additional language regarding limits of brightness for freestanding signs

238	4 20.04.100(g)	New language	(4) Wall Signs- Wall signs shall be located on any exterior portion of the building that is occupied by the use or portion of a building that is occupied by the use if the building has multiple uses.	New language clarifying that wall signs can be on any portion of a tenant space.
238	4 20.04.100(g)(2)	Unless specified otherwise in this UDO, signs may incorporate areas for changeable copy, provided that the changeable copy area does not exceed 40 percent of the total sign area.	Unless specified otherwise in this UDO, signs may incorporate areas for changeable copy, provided that any combination of the changeable copy area and any electronic reader board component area combined does not exceed 40 percent of the total sign area.	Adds additional language including reader boards in the 40% maximum
238	4 20.04.100(g)(3)	Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, provided that they do not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.	Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, provided that subject to the following (A) The electronic reader board portion may not exceed 30 square feet or 40 percent of the total area of any sign face (whichever is less). (B) Any combination of the electronic reader board area and any changeable copy area combined they do does not exceed more than 40 percent of the total area of any sign face (C) Electronic reader boards are not allowed on freestanding signs that are larger than 65 square feet. (D) The and that information is displayed in increments of no less than 20 seconds.	Adds language including changeable copy in the 40% maximum
239	4 20.04.100(i)(7)	Signs within residential districts shall not be internally illuminated	Signs within residential districts shall not be internally illuminated nor contain an electronic reader board	Clarifies that electronic reader boards are also not allowed
244	4 20.04.100(k)(2)(A)(ii)	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.	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.	Revises allotment to match the allowance for a single tenant.
250	4 20.04.110(b)(2)(A)	i. Fees associated with right-of-way excavation permits for the project shall be waived; and All activities shall comply with Chapter 14.09 (Noise Controls) of the Bloomington Municipal Code regarding permissible levels of noise and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sound inward from property boundaries, rather than outward towards property boundaries. Amplified sounds at a level higher than 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines unless an approval has been issued for that purpose in connection with a special event.	i. Fees associated with right-of-way excavation permits for the project shall be waived; and All activities shall comply with Chapter 14.09 (Noise Controls) of the Bloomington Municipal Code regarding permissible levels of noise. and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sound inward from property boundaries, rather than outward towards property boundaries. Amplified sounds at a level higher than 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines unless an approval has been issued for that purpose in connection with a special event.	The language in Title 12 does not allow for these fees to be waived, so we can not waive the fees.
258	4 20.04.120(e)			Removes language since this regulated through the Noise Ordinance in Chapter 14.

***** Amendment Form *****

Ordinance #: 2024-04
Amendment #: Am 01
Submitted By: Cm. Piedmont-Smith
Date: April 10, 2024

Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 2024-04 as "Attachment A" (ZO-05-24) shall be amended as follows (only affected portions of the proposal are shown below):

1. **20.04.030(i) Tree and Forest Preservation**

(7) **Tree Protection During Construction**

A tree protection zone shall be installed per Section 20.04.080(c)(3) and inspected by the Planning and Transportation Department prior to any land-disturbing activities. The tree protection zone and the tree protection barrier shall remain undamaged, moved, or removed during the entire duration of construction. If a petitioner believes the conditions of a tree protection zone cannot be established, they shall contact the Planning and Transportation Department and the Urban ~~Forester~~ **Forester in** order to develop an individual plan for tree protection.

2. **20.04.060(i) Vehicle Parking Location and Design**

(7) **Surface Material**

(A) Except for dwelling, single-family (detached); ~~dwelling, single-family (attached); dwelling, duplex; dwelling, triplex;~~ **dwelling, single-family (attached); dwelling, duplex; dwelling, triplex;** and dwelling, fourplex residences or as stated in subsection (6) above, or an exception is provided elsewhere in this UDO, all areas used for parking shall be hard surface of concrete, asphalt, brick pavers, or other approved material. Where crushed stone parking surfaces are approved, they shall be contained within a raised, permanent border.

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

Buffer Yard Treatment	Buffer Type		
	Type 1	Type 2	Type 3
Minimum width [1]	10 feet	15 feet	20 feet
Other	No requirement	No requirement	Or if site constraints hinder the density required, one of the options below may be used: A 6-foot opaque fence; or A stone/brick wall; or A 5-foot tall undulating berm planted with shrubs

4. **20.04.100(g) Signs**

(F) **Illumination**

Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting) and also may not exceed one **footcandle** ~~footbandle~~ at a distance of 6' from the sign face.

5. **20.04.100(k) Signs**

ii. Multi-tenant Centers

The cumulative square footage of all wall signs for any individual use shall not exceed one square **foot 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.

Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith and corrects various typos in the ordinance.

4/10/24 Regular Session Action:

7-0 (Ruff absent, Flaherty out of room)

*** Amendment Form ***

Ordinance #: 2024-04
Amendment #: Am 02
Submitted By: Councilmember Hopi Stosberg
Date: April 10, 2024

Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 2024-04 as "Attachment A" (ZO-05-24) shall be amended as follows (only affected portions of the proposal are shown below):

1.

20.04.080(c) Landscaping, Buffering, and Fences

(G) Ground Cover

- i. Except in the PO zoning district, turf grass and other vegetative ground cover shall be used for all landscaped areas, except as listed below. Crushed rock or gravel is not allowed as ground cover.
 1. Parking lot bumpouts, islands, and endcaps smaller than 324 square feet may use **decorative** mulch.
 2. Areas within 24 inches of a building foundation and underneath staircases may use **decorative** mulch or **decorative** stone.
 3. For single-family, duplex, triplex, and fourplex uses, ~~gravel~~, mulch, and decorative stone may only be used in defined landscape beds with raised borders.

Synopsis

This amendment is sponsored by Councilmember Stosberg and makes changes to the mulch requirements at the request of staff.

4/10/24 Regular Session Action: Adopted 7-0 (Ruff absent, Rosenbarger out of room)

