

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

- 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-06-24 (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

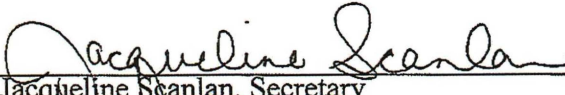
This petition contains amendments in Chapters 2, 3, 5, and 7 related to requirements in the UDO. There are 23 amendments identified.

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 24-05 is a true and complete copy of Plan Commission Case Number ZO-06-24 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 # _____
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

Approval of case ZO-06-24 amends the Unified Development Ordinance (UDO), with amendments and updates related to Chapters 2, 3, 5, and 7 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 24-05. Ordinance 24-05 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-06-24 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-06-24 Memo

To: Bloomington Common Council
From: Jackie Scanlan, AICP Development Services Manager, Interim Director
Date: March 11, 2024
Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case # ZO-06-24 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 two corrections.

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, 24-05:

1. ZO-06-24 | Chapter 2: Zoning Districts; Chapter 3: Use Regulations; Chapter 5: Subdivision Standards; Chapter 7: Definitions

ZO-06-24 | Chapter 2: Zoning Districts; Chapter 3: Use Regulations; Chapter 5: Subdivision Standards; Chapter 7: Definitions

This petition deals with various chapters. There are 2 amendments from Chapter 2 which deal with clarifying how smaller building are regulated in the RM zoning district and some architectural requirements in areas of downtown. There are 7 amendments from Chapter 3, and they largely deal with clarifying existing regulations. One amendment is related to the larger outdoor storage regulation relocation. One amendment adds a maximum floorplate to the student housing or dormitory use in the MS zoning district. There are 3 amendments from Chapter 5 including new language for a Riparian Buffer easement. There are 11 amendments from Chapter 7 which do various things. One clarifies that vehicle sales or rental use does not inadvertently permit standalone parking lots, while another corrects an error on the residential rooming house definition. There are new and amended definitions related to tree protection included, as well. There are 23 amendments identified. These changes are important for various reasons. A number of the changes are clarifying process, and some amend the regulations to align with City goals.

(2) **Dimensional Standards**

The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

Table 02-6: RM District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling [4]
A	Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	[2] 15 feet	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	60%	
	Landscape area (minimum)	40%	
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

- [1] Or equal to the setback of the primary structure, whichever is greater.
- [2] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] The front building setback shall be determined by the standards of the base zoning district.

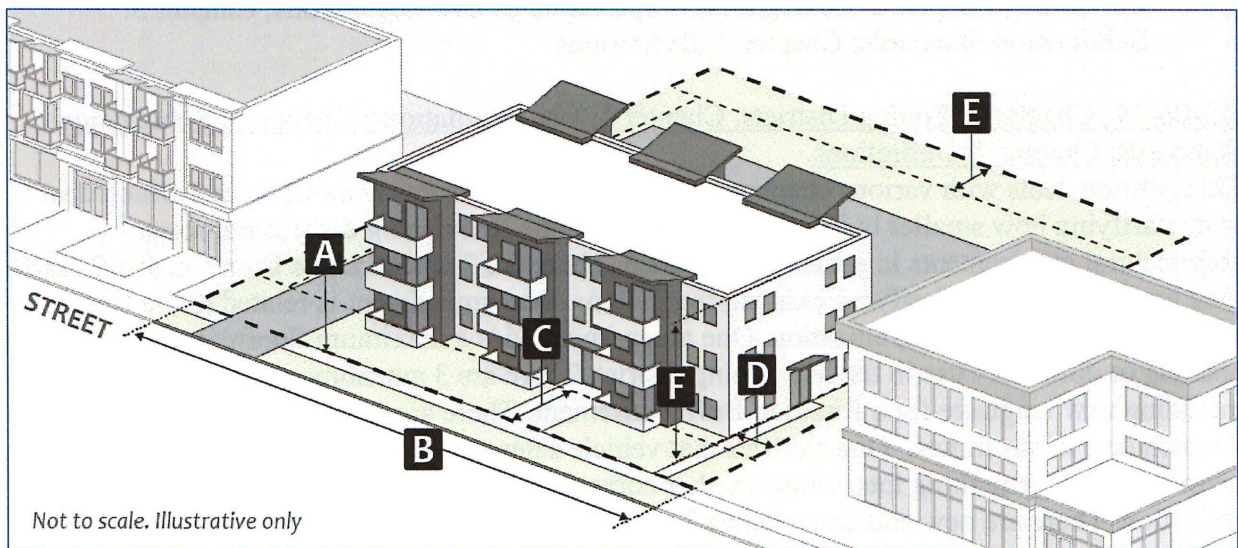


Figure 10: RM Dimensional Standards

(4) Primary Building Roof Design

(A) All primary buildings shall incorporate the roof shapes shown in the following table:

Table 02-24: Primary Building Roof Design

Character Area	Roof Shape Permitted
CS, DC	Flat roofs with parapets.
UV	Kirkwood Corridor: Flat roofs with parapets. Restaurant Row: Sloped or pitched gable and/or hip roofs.
DE	Sloped or pitched gable and/or hip roofs; except that primary buildings facing Rogers, Walnut, Third, or Washington Streets or College Avenue may incorporate flat roofs with parapets. Each section of a sloped or pitched roof with a roof ridge greater than 40 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof.
DG, ST	<u>DG: Flat roofs with a parapet, sloped, or pitched roofs are allowed.</u> Each section of a sloped or pitched roof with a roof ridge greater than 65 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof. <u>ST: Flat roofs with parapets.</u>

(B) Where roofs with parapets are permitted, the parapet height shall not exceed 15 percent of the supporting wall height.

(C) Where sloped roofs are permitted, the roof shall have at least an 8:12 pitch.

(5) Upper Floor Facade Stepbacks

All primary buildings shall comply with the following standards for upper floor stepbacks:

(A) The first three stories of building facade in the DC character area, and the first two stories in the DG and ST character areas shall comply with the build-to range in Section 20.02.010 (Dimension Standards).

(B) All portions of the building facade facing the street above three stories in the DC character area, and portions of the building facade facing the street above two stories in the DG and ST character areas, shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.

(2) Standardized Businesses

In the MD-CS and MD-UV character areas a standardized business shall require conditional use permit review in accordance with Section 20.06.050(b) (Conditional Use Permit), and shall comply with the following standards:

- (A) The proposed standardized business shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to:
 - i. Architecture;
 - ii. Scale;
 - iii. Facade; and
 - iv. Signage.
- (B) If the use is proposed for a site that contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade.
- (C) Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered.

(3) Allowed Use Table Modifications

The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified as follows.

(A) Courthouse Square Character Area

The following uses are prohibited in the Courthouse Square Character Area: Assisted living facility, vehicle fuel station, and medical clinic.

(B) Downtown Core Character Area

The following use is prohibited in the Downtown Core Character Area: Vehicle fuel station.

(C) University Village Character Area

- i. The following use is prohibited in the University Village Character Area: Vehicle fuel station.
- ii. The following uses are prohibited in the Restaurant Row area: Assisted living facility; financial institution; personal services (except in spaces of 700 square feet or less); community center; adult or child day-care center; hotel/motel; liquor or tobacco sales; club or lodge; medical clinic; park; pawn shop; pet grooming; public or private school; trade or business school; tattoo or piercing parlor; transportation terminal; utility substation and transmission facility; and veterinary clinic.

(D) Showers Technology Character Area

The following uses are prohibited in the Showers Technology Character Area: Assisted living facility; personal services; vehicle fuel station; liquor or tobacco sales; club or lodge; pawn shop; and place of worship.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
RESIDENTIAL USES																		
Household Living																		
Dwelling, single-family (detached)	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)		P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex				C*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex				C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily				C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work				C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development	C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home							P*											20.03.030(b)(8)
Manufactured home park							P*											20.03.030(b)(9)
Group Living																		
Assisted living facility				C	P	P			C	P	P		P	P	P			
Continuing care retirement facility				C	P	P			C	P	P		P	P	P			
Fraternity or sorority house								P*					P*					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Group care home/facility, FHAA large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Nursing or convalescent home				C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Opioid rehabilitation home, large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house					P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory					C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small						C			C	C	C		C	C	C			
Supportive housing, large										C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities																		
Gallery, museum, or library				C*	C	C			P	P	P		P	P				20.03.030(c)(1)

(C) **Design**

- i. Triplex and fourplex dwellings shall have a minimum of one exterior entrance and no more than two exterior entrances facing a public or private street.
- ii. The following design elements of the triplex or fourplex dwelling shall be similar in general size, shape, and design with the majority of existing structures on the same block face on which it is located:
 1. Roof pitch;
 2. Front porch width and depth;
 3. Front building setback; and
 4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).
- iii. In the R4 zoning district, no triplex dwelling structure shall contain more than nine bedrooms total, and no fourplex dwelling structure shall contain more than 12 bedrooms total.
- iv. Each individual dwelling unit shall have separate utility meters.

(5) **Dwelling, Multifamily**

(A) **Ground Floor Parking**

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

(B) **Size**

In the MN and R4 zoning districts, no more than eight multifamily or student housing or dormitory dwelling units shall be constructed on one single lot or parcel.

(C) **Building Floor Plate**

Buildings with more than 20 dwelling units cannot have a floor plate larger than 10,000 square feet. Buildings that utilize either the affordable housing or sustainable incentive shall be allowed a maximum of 15,000 square feet per qualified building. Buildings that utilize both the affordable housing and sustainable incentives shall be allowed a maximum of 30,000 square feet per qualified building.

(D) **Ground Floor Units**

- i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays, and the ME zoning district.
- ii. In the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building facade facing a public street.

(6) **Dwelling, Live/Work**

- (A) The residential unit shall be located above or behind the nonresidential areas of the structure.
- (B) The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
- (C) The resident owner or employee is responsible for the commercial or manufacturing activity performed.

1. The accessory structure is located, designed, and intended to serve only the needs of the park; and
2. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.

ii. **Maximum Number**

Each manufactured home or mobile home is allowed no more than one accessory structure in addition to a carport or garage.

iii. **Maximum Cumulative Area**

The total area of all accessory structures, including the area of detached or attached garages or carports, shall not exceed 10 percent of the dwelling site.

(D) **Infrastructure**

Infrastructure shall be installed in accordance with Indiana Code 16-41-27-1 et seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health requirements, and the requirements of this UDO.

(10) **Fraternity or Sorority House**

(11) **Group Care Home, FHAA (Small and Large) & Opioid Rehabilitation Home, (Small and Large)**

- (A) Group homes for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988 (FHAA), as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, may be established in any Residential zoning district or portion of a Mixed-Use zoning district or PD district that permits residential dwellings, provided that they meet the definition of "small" and "large" facilities in Chapter 20.07: Definitions) and are located in zoning districts where facilities of that size are allowed pursuant to Table 3-1, and subject to the licensing requirements of the state and the City of Bloomington.
- (B) In the MN and R4 zoning districts, group homes shall not be designed for or occupied by more than 20 residents living together.
- (C) No Group Care Home shall be located within 300 feet of any other Group Care Home.
- (D) No Opioid Rehabilitation Home shall be located within 300 feet of any other Opioid Rehabilitation Home.
- (E) Where minimum spacing is required by subsections (C) and (D) above, the distance shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

(12) **Residential Rooming House**

- (A) In the RM, RH, and MN Districts, the owner of the property must occupy the roominghouse as their primary residence. No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.
- (B) No bedroom occupied by a person other than the residential rooming house owner shall be rented for a period of less than 30 consecutive days.

- iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 8,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be 20,000 square feet per building.
- iv. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use shall be 14,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, ~~there shall be no maximum building floor plate per building in the MS zoning district~~ the maximum building floor shall be 40,000 square feet per building.

(D) Building Height

- i. In the RH zoning district, the maximum building height for a student housing or dormitory use shall be three stories, not to exceed 40 feet, except as necessary to accommodate additional height earned through the affordable housing incentive in Section 20.04.110(c).
- ii. In the MD-DC character area, the maximum building height for a student housing or dormitory use shall not exceed 40 feet.
- iii. In the MD-CS, MD-UV, MD-DE, MD-DG, and MD-ST Downtown Character Overlays, the maximum building height for a student housing or dormitory use shall not exceed 30 feet.

(c) Public, Institutional, and Civic Uses

(1) Art Gallery, Museum, or Library

In the R4 zoning district, art galleries, museums, and libraries shall be limited to 7,000 square feet gross floor area.

(2) Community Center

In the RM and RH zoning districts, community centers shall be a Permitted use when created through renovation of an existing building. If a community center requires new construction or a major addition to an existing structure (greater than 33 percent of the existing gross floor area), then the use shall be subject to a conditional use approval.

(18) Vehicle Wash

Where a car wash facility is located adjacent to a Residential zoning district, the following restrictions shall apply:

- (A) The hours of operation for automated car wash facilities shall be limited to between 7:00 a.m. and 10:00 p.m.
- (B) Automated audio warnings (e.g., beepers), instructions and other audio recordings associated with the car wash facility are not permitted.

(e) Employment Uses

(1) Storage, Outdoor

~~(A)~~ **Parking of Vehicles**

~~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.~~

~~(B)~~**(A) Screening**

Primary use outdoor storage yards shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

~~(C)~~**(B) Prohibited Storage Materials**

In all zoning districts, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

~~(D)~~ **Shipping Containers and Portable Storage Units**

~~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:~~

- ~~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.~~

(2) Storage, Self-Service

- (A) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.
- (B) Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.

- ii. Where multiple Home Occupations are conducted within an individual dwelling unit, the operations standards of this subsection shall be applied to the combined total of all Home Occupation activities, not to each Home Occupation individually.

(I) Residential Character

There shall not be any interior or exterior, structural or aesthetic alterations that change the residential character of the dwelling unit within which the Home Occupation operates.

~~(J)~~ **Location and Entrance**

- ~~i. The use of any attached or detached garage for a Home Occupation shall not interfere with the provision of any required off-street parking.~~

~~(K)~~~~(J)~~ **Outdoor Display and Storage**

Outdoor display of goods, materials, supplies, or equipment is prohibited.

~~(L)~~~~(K)~~ **Sales and Rentals Prohibited**

Direct sales and/or rentals of products from the property on which the Home Occupation is located is prohibited, except that incidental sales of products related to personal services provided through the Home Occupation are permitted. Mail and/or telephone sales activities are permitted.

~~(M)~~~~(L)~~ **Off-street Parking and Loading**

No additional driveway to serve the Home Occupation shall be permitted. A minimum of one off-street parking space shall be provided for home occupations that are located within an established Neighborhood Parking Zone District.

~~(N)~~~~(M)~~ **Hours of Operation**

Customer visits in association with the Home Occupation shall not occur before 8:00 a.m. or after 8:00 p.m.

~~(O)~~~~(N)~~ **Commercially Licensed Vehicles**

No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any Home Occupation.

~~(P)~~~~(O)~~ **Deliveries**

Deliveries to the property shall not be permitted, except those by typical residential delivery services at a frequency similar to homes that do not operate a Home Occupation.

(7) Outdoor Retail and Display

- (A) All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers, and such areas shall be limited to 15 percent of the gross floor area of the principal structure.
- (B) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.
- (C) In those zoning districts where Table 03-1 indicates that this is a temporary use:
 - i. The temporary retail activity or outdoor display shall be associated with an approved retail primary use on the property;

- (3) A facilities plan shall also be provided in accordance with the Administrative Manual.

(e) Standards for Specific Easement Types

Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply:

(1) Sanitary Sewer Easement

- (A) Shall allow the City Utilities Department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.
- (B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City Utilities Department in conjunction with the primary plat. Upon written permission from the City Utilities Department, encroachments may be permitted after the recording of the secondary plat.
- (C) Trees and structures including, but not limited to, buildings, fences, retaining walls, and light fixtures, shall not be located within sanitary sewer easements.
- (D) Grading activity shall be prohibited within sanitary sewer easements without written permission from the City Utilities Department.

(2) Waterline Easement

- (A) Shall allow the City Utilities Department exclusive access for installation, maintenance, repair, or removal of potable water facilities.
- (B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City Utilities Department in conjunction with the primary plat. Upon written permission from the City Utilities Department, encroachments may be permitted after the recording of the secondary plat.
- (C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within waterline easements.
- (D) Grading activity shall be prohibited within waterline easements without written permission from the City Utilities Department.

(3) Drainage Easement

- (A) Shall be required for any surface swales or other minor drainage improvements that are intended to serve the lots on which they are located.
- (B) Shall prohibit any alteration or structure within the easement that would hinder or redirect flow.
- (C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.
- (D) Shall be enforceable by the City Utilities Department and by owners of properties that are adversely affected by conditions within the easement.
- (E) Shall allow the City Utilities Department to enter upon the easement for the purpose of maintenance, to charge the costs of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

- (B) Allows the removal of dead or diseased trees that pose a safety risk as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.
- (C) All tree preservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than 200 feet, and each public sign shall be a maximum of one- and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.
- (D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(9) Conservancy Easement

- (A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area.
- (B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.
- (C) All conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than 200 feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.
- (D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(10) Riparian Buffer Easement

- (A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area except for disturbance as allowed in Section 20.04.030(f).
- (B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.
- (C) All riparian buffer easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than 200 feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.
- (D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

~~(10)(11)~~ **Other**

Other easements may be required by the Plan Commission to preserve features or functions unique to a given property and shall be defined on the recorded plat.

20.05.050 Subdivision Design Standards

(a) Purpose

This section is intended to establish and define the design standards that are required by the City for any subdivision of land.

(b) Applicability

This Section 20.05.050 applies to all site and infrastructure improvements associated with subdivisions. These requirements shall also apply to Planned Unit Developments associated with subdivision approval.

(c) Generally

- (1) In planning for the development of areas within the jurisdiction of the Plan Commission, the owner and petitioner shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the Comprehensive Plan.
- (2) The proposed development shall also be consistent with the property's zoning classification and shall result in a project that is harmonious with the environmental character of the property as well as the overall community of the City of Bloomington.
- (3) Existing buildings, structures, parking areas, or improvements that require a setback and are on lots involved in either a subdivision or an exempted adjustment of lot lines listed in 20.06.060(a)(2)(B) do not have to meet setback standards related to existing property lines that do not change. The setback standards of this UDO shall apply for all newly created lot line locations.

(4) No site feature that is necessary to meet a requirement of Chapter 4 may be removed as part of a subdivision so as to bring a property out of or further from compliance.

(d) Specific Standards for Subdivision Types

In addition to the standards in this Section 20.05.050 (Subdivision Design Standards), each subdivision type defined in 20.05.030 (Subdivision Types) shall comply with the specific standards summarized in Table 05-5: Subdivision Development Standards below.

Table 05-5: Subdivision Development Standards

	IS	CS	TD	CI
Applicable base zoning districts	All base zoning districts	All base zoning districts	R2, R3, R4, RM, RH, MS, MN, MM	MS, MN, MM, MC, ME, MI, MD, MH, and EM
Parent tract size (minimum)	None	5 acres	3 acres	None
Parent tract size (maximum)	3 acres	None	None	None

Building or Structure, Temporary

Any building or structure that is easily moved, without any foundation or footing, or intended to be used for a limited period of time. Temporary buildings or structures include, but are not limited to, tents, trailers, and other temporary structures that are not, and are not legally required to be, erected under the state, city, and county permit processes for permanent buildings.

Building permit

An official document or certification that is issued by the Monroe County Building Department, after issuance of a certificate of zoning compliance, and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

Building Supply Store

A business establishment that provides materials for sale that is commonly used for building construction purposes.

Build-to Line

An alignment establishing a certain distance from the front property line where a building must be constructed.

Build-to Range

The area measured from the property line parallel to the frontage to at least one of the primary structure's front building wall.

Business School

See "School, Trade or Business."

Caliper

A trunk diameter measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size and measured at 12 inches above the ground for larger sizes.

Canopy

A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and serving to provide shelter from the weather or trees.

Carport

A roofed accessory structure not more than fifty percent enclosed by walls for the purpose of providing shelter for one or more motor vehicles.

Cement Production

See "Gravel/sand/cement production."

Cementitious Siding

An exterior building finish that has the shape and appearance of horizontal lap wood siding and is made of a combination of cement, sand, cellulose (wood) fiber, and sometimes clay.

Cemetery or Mausoleum

Property used for interment of deceased persons. Cemeteries may include associated mausoleums, columbaria and chapels. The term does not include "mortuary" or "crematory," except where separately permitted, and does not include a pet cemetery.

Geographic Information System (GIS)

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

Glare

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

Government Service Facility ~~Amendment proposal removed. Original text to remain.~~

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

~~Grade (Surface), Average finished~~

~~The midpoint between the highest exposed finished grade and lowest exposed finished grade as measured at a minimum of 4 feet from the exterior building façade.~~

Grade, Finished

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

Grade, Natural

For floodplain management purposes, the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

Grade, Street

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

Grade, Unfinished

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

Gravel, Cement, or Sand Production

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

Greenhouse, Noncommercial

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

Grocery or Supermarket

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

Gross Floor Area

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

Ground Cover

Hotel or Motel

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

HPC

The City of Bloomington Historic Preservation Commission.

Hydrologic and Hydraulic Engineering Analysis

For the purposes of floodplain regulations, analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

IBC

Indiana Building Code.

IC

Indiana Code.

IDEM

Indiana Department of Environmental Management.

IESNA

Illuminating Engineering Society of North America.

Impervious Surface

Any surface artificially covered or hardened so as to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, gravel, or swimming pools.

Impervious Surface Coverage

The area of the lot covered by the following shall be included in the calculation of impervious surface coverage in all districts:

- 1) Primary buildings;
- 2) Accessory buildings, parking garages, carports, and utility and storage sheds;
- 3) Porches, stairways, elevated walkways, ground floor decks, paved areas, or areas otherwise covered with impervious surface; and
- 4) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Planning and Transportation Director.

Kennel

An establishment where any person engages in a business involving boarding, ~~breeding, buying,~~ keeping, letting for hire, ~~training for a fee, or selling~~ dogs, cats or other domestic animals.

Land Disturbing Activity

Any man-made change of the land surface including removing vegetative cover, removal of trees, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and landscape modifications.

Landscape Area

That portion of a site that is required to be planted with landscape. Areas on the top of buildings, walls, in planters, or other similar areas do not count as landscape area, for the purpose of minimum landscape area requirements.

Landscape

Any combination of vegetation, such as trees, shrubs, ground cover, thickets or grasses, that are planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage and wind control. Landscape may include structural features, such as fences, terraces, arbors, sculptures, fountains, and other appurtenances.

LEED Green Building Rating System

The most recent version of the leadership in energy and environmental design (LEED) commercial green building rating system, or other related LEED rating system, approved by the U.S. Green Building Council.

Length, Block

The distance as measured along the street centerline between intersecting streets.

Length, Cul-de-sac

The distance as measured along the street centerline between the intersecting street and the center point of the cul-de-sac bulb.

Letter of Final Determination (LFD)

A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC)

A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

1. Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
2. Conditional Letter of Map Revision Based on Fill (CLOMR-F) means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
3. Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a building or land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

Permeable Parking Pavers

A pavement system with traditional strength characteristics, but that allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water that allow for passage of runoff and air. Gravel or crushed stone is not considered a "permeable parking paver."

Personal Services

Establishments primarily engaged in providing services involving the care of a person or of the care or repair of his or her personal goods or apparel. Personal services usually includes but is not limited to: laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, and similar uses. This definition does not include "Commercial Laundry."

Personal Service, Small

A facility with not more than 7,500 square feet of gross floor area.

Personal Service, Large

A facility with more than 7,500 square feet of gross floor area.

Pet Grooming

A facility where animals are trained for a fee, bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals, unless as an incidental use.

Petitioner

The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf, and who thereby has the property owner's authority to make representations and decisions before city officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

Petitioner's Representative

A person legally empowered in writing by the petitioner to act on the petitioner's behalf, and who thereby has the petitioner's authority to make representations and decisions before city officials regarding the use and/or development of the subject real property.

Physical Map Revision (PMR)

An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Place of Worship

A structure and outdoor or indoor facilities used for public worship and accessory educational, cultural, and social activities.

Recycling Drop-Off, Self-Serve

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

Regular Program

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

Regulatory Flood

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

Regulatory Flood Elevation

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

Repetitive Loss

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

Rescue Station

See "Police/fire/rescue station."

Residential Care Home

See "Group home/residential care home."

Residential Rooming House

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

Rest Home

See "Nursing or Convalescent Home."

Restaurant

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops.

Retail Sales

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales ~~or other use~~ listed separately in Table 3-12.

Retail Sales, Small

A facility or establishment with up to 5,000 square feet of gross floor area.

Retail Sales, Medium

A facility or establishment with between 5,001 and 10,000 square feet of gross floor area.

Retail Sales, Large

A facility or establishment with between 10,001 and 60,000 square feet of gross floor area.

Retail Sales, Big Box

A facility or establishment with more than 60,000 square feet of gross floor area.

Retention Facilities

Facilities dedicated to the permanent on-site maintenance of stormwater.

Right-of-way

A strip of land reserved for, occupied, or intended to be occupied by transportation facilities, public utilities, or other special public uses that may include sidewalks, bicycle or pedestrian pathways, streets, alleys, or other public thoroughfares, or buffers adjacent to same. Right-of-way may be held in the form of easement or fee.

Riparian Buffer

Wooded or vegetated areas along creeks, streams, rivers, or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than ten feet in width from the top of banks.

Riverine

For the purposes of floodplain regulations, means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road

See "Street."

Rules of Procedure

The rules which govern how a decision-making body conducts meetings and reaches its conclusions.

Salvage or Scrap Yard

A facility, usually outdoors, where waste or scrap materials are bought, sold, exchanged, collected, salvaged, stored, baled, packed, disassembled, or handled, including, but not limited to, motor vehicles or parts thereof, used lumber, household garbage, inoperable machinery or appliances, scrap iron and other metals, paper, plastics, glass, rags or tires. Where such materials are a by-product of a permitted use, such activity shall be considered "outdoor storage," as defined and permitted separately in this UDO.

Sand Production

See "Gravel, Cement, or Sand Production."

Trailer

See "Dwelling, Mobile Home" and "Dwelling, Manufactured Home."

Transportation Plan

The official thoroughfare plan for Bloomington, Indiana entitled "Transportation Plan" adopted as a part of the Comprehensive Plan, and on file in the Office of City Clerk, City Engineer, or Planning and Transportation Department, which are by this reference made a part of this code, showing location, alignment, functional classification, width of roadway, and minimum developed cross-sections of existing and proposed thoroughfares.

Transportation Terminal

Any premises for the transient housing or parking of motor driven trucks or buses and the loading and unloading of passengers or materials.

Tree plot

The area within the right-of-way typically located between the street and the sidewalk/pedestrian path that is used for the planting of street trees.

Tree Protection BarrierFencing

Temporary fencing used to protect existing trees, including roots and crowns, from damage or loss during project construction. The tree protection barrierfencing shall surround the tree dripline and delineate the area where land disturbing activity may not occur.

Tree Protection Zone (TPZ)

A zone of protected space surrounding a tree or group of trees extending from the topmost branch or leader downward to 36 inches below the surrounding ground surface level and includes the critical root zone.

Tree, Canopy

A deciduous tree that normally achieves an overall height at maturity of at least forty feet, and whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Tree, Heritage

A tree that is unique and important to the community because of its species, age, size, location, or historic significance.

Tree, Interior

A tree used for the interior of a site rather than in the "tree plot" and that is not restricted by its characteristics. These trees include canopy, ornamental and evergreen trees.

Tree, Ornamental

A small to medium sized tree cultivated for its aesthetic characteristics rather than for its use.

Tree, Street

Trees suitable for planting along public streets and highways, and in locations where low-maintenance, hardy specimens with high canopies and little detritus are required.

Trellis

A structure of light bars of wood or metal crossing each other at intervals, having latticed open space in between, typically used as a framework for climbing vegetation.

Vehicle

See "Motor vehicle."

Vehicle Fleet Operations

A central facility for the dispatch, distribution, storage, staging, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services. This use does not include a "Transportation Terminal."

Vehicle Fleet Operations, Small

A facility or establishment designed to accommodate up to 25 vehicles.

Vehicle Fleet Operations, Large

A facility or establishment designed to accommodate more than 25 vehicles.

Vehicle Fuel Station

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. When a primary use of land, accessory use may include convenience food and beverage sales.

Vehicle Impound Storage

A lot or part of a lot used only for the temporary storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. This use does not include "Salvage or Scrap Yard," except where separately permitted.

Vehicle Parking Garage

A structure or portion of a structure composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade, with those levels being either open or enclosed. This use does not include a primary use surface parking lot.

Vehicle Repair, Major

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, framework, welding, and major painting. This use does not include "Vehicle Fuel Station or Vehicle Wash"

Vehicle Repair, Minor

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. This definition does not include engine degreasing or major repairs such as vehicle bodywork, painting, or repair of engines or transmissions or "Vehicle Fuel Station or Vehicle Wash"

Vehicle Sales or Rental

An establishment that specializes in the sale, ~~display,~~^{or} lease, rental, ~~or storage~~ of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Page	Chapter	Citation	Current Language	Proposed Language	Synopsis
23	2	20.02.010(l)(2) Table 02-6	Single-family, Duplex, Triplex, or Fourplex: R4 district standards apply Each section of a sloped or pitched roof with a roof ridge greater than 65 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof.	Add footnote [4] The front building setback shall be determined by the standards of the base zoning district. DG: Flat with a parapet, sloped, or pitched roofs are allowed. Each section of a sloped or pitched roof with a roof ridge greater than 65 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof. ST: Flat roofs with parapets	Adds footnote clarifying that the front setback will be of the base zoning district and not the R4 district. Adds language stating what roof types are allowed in these two overlay districts, this language is included in other overlay districts but was not stated for the DG and ST districts.
61	2	20.02.050(a)(4)(A) Table 02-24		The following uses are prohibited in the Restaurant Row area: Assisted living facility; financial institution; personal services (except in spaces of 700 square feet or less); community center; adult or child day-care center....	
81	3	20.03.010(e)(3)(C)(ii)	Group care facility, FHAA large	Group care facility home , FHAA large	Including exemption for personal services on Restaurant Row Changes use title to match definitions
83	3	20.03.020 Table 03-1	In the MN and R4 zoning districts, no more than eight multifamily dwelling units shall be constructed on one single lot or parcel.	In the MN and R4 zoning districts, no more than eight multifamily or student housing or dormitory dwelling units shall be constructed on one single lot or parcel.	Clarifies that the dwelling unit limitation also applies to student housing
90	3	20.030.030(b)(5)(B)		(A) In the RM, RH, and MN Districts, the owner of the property must occupy the roominghouse as their primary residence. No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.	Modifies the use specific standard that restricts the number of bedrooms and owner occupancy requirement to just the residential districts.
93	3	20.03.030(b)(12)(A)	(A) No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.		
95	3	20.03.030(b)(13)(C)(iv)	i. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use shall be 14,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, there shall be no maximum building floor plate per building in the MS zoning district	i. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use shall be 14,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, there shall be no maximum building floor plate per building in the MS zoning district the maximum building floor plate shall be 40,000 square feet per building.	Revised the language to remove the no maximum floor plate limitation and impose a 40,000 square foot limitation in situations where both incentives are used.
103	3	20.03.030(e)(1)(A)	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.	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.	Deletes this section from the use specific standards and moves it to the Parking Standards This section is being moved to a new section in Chapter 4
103	3	20.03.030(e)(1)(D)	"Shipping Containers and Portable Storage Units"	Delete entire section	
113	3	20.03.030(g)(6)(J)	i. The use of any attached or detached garage for a Home Occupation shall not interfere with the provision of any required off-street parking.	i. The use of any attached or detached garage for a Home Occupation shall not interfere with the provision of any required off-street parking.	Removes unnecessary notation

265	5 20.05.040(e)(3)(B)	(A) Shall prohibit any alteration within the easement that would hinder or redirect flow.	(A) Shall prohibit any alteration or structure within the easement that would hinder or redirect flow. Riparian Buffer: (A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area except for disturbance as allowed in Section 20.04.030(f). (B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department. (C) All riparian buffer easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than 200 feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage. (D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.	Adds language including structures
267	5 20.05.040(e)	New language for Riparian Buffer easement	(4) No site feature that is necessary to meet a requirement of Chapter 4 may be removed as part of a subdivision so as to bring a property out of or further from compliance.	Creates new easement exclusively for riparian buffers
268	5 20.05.050(c)	New language		Adds new language governing the review parameters for a subdivision request.
407	7 20.07.010	Build-to Range: The area measured from the property line parallel to the frontage to the primary structure's front building wall. Government Service Facility- A facility owned, operated, or occupied by any level of government to provide a governmental service, but not including offices for the provision of governmental services or facilities for any government operation separately defined in this UDO.	The area measured from the property line parallel to the frontage to the at least one of the primary structure's front building wall. Government Service Facility- A facility owned, operated, or occupied by any level of government to provide a governmental service, but not including offices for the provision of governmental services or facilities for any government operation separately defined in this UDO.	Clarifies that at least one primary structure on a lot has to be within the build-to-range Removes language prohibiting office uses, although allowed as a separate use, office use is customary with a government facility.
425	7 20.07.010			
428	7 20.07.100	Impervious Surface Coverage: 3) Porches, stairways, elevated walkways, paved areas, or areas otherwise covered with impervious surface; and	Impervious Surface Coverage: 3) Porches, stairways, elevated walkways, ground floor decks , paved areas, or areas otherwise covered with impervious surface; and	Adds decks to the list
430	7 20.07.010	Kennel- An establishment where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats or other domestic animals.	An establishment where any person engages in a business involving boarding, breeding, buying, keeping, or letting for hire training for a fee, or selling dogs, cats or other domestic animals.	Modifies definition to remove the buying and selling aspect and training aspect
441	7 20.07.010	Pet Grooming- A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.	A facility where animals are trained for a fee , bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals, unless as an incidental use.	Clarifies that overnight boarding and training are allowed to a limited extent as allowed in the use specific standards.

445	7 20.07.010	Residential Rooming House: A building that the owner of the property occupies as their primary residence, in which, lodging, with or without meals, is provided for compensation, including but not limited to; a building designed as a single-family dwelling, that is occupied by a group of persons, usually for periods of 30 days or longer, that do not meet the definition of "Family," where the use does not meet the definition of "Bed and Breakfast," "Fraternity or Sorority House," "Student Housing or Dormitory," "Residential Care Facility," or "Hotel or Motel."	A building that the owner of the property occupies as their primary residence, in which, lodging, with or without meals, is provided for compensation, including but not limited to; a building designed as a single-family dwelling, that is occupied by a group of persons, usually for periods of 30 days or longer, that do not meet the definition of "Family," where the use does not meet the definition of "Bed and Breakfast," "Fraternity or Sorority House," "Student Housing or Dormitory," "Residential Care Facility," or "Hotel or Motel."	Removes a portion of the definition since the owner occupied aspect is regulated separately in the Use Specific Standards
446	7 20.07.010	Retail Sales- Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales or other use listed separately in Table 3-2.	Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales or other use listed separately in Table 3-2; 3-1.	Removes confusing language and incorrect citation
455	7 20.07.010	new term	Free drip line- an imaginary line trending downward from the outermost circumference of the tree canopy/crown to the ground.	New term
457	7 20.07.010	Tree Protection Fencing- Temporary fencing used to protect existing trees from damage or loss during project construction. The tree protection fencing shall surround the tree dripline and delineate the area where land disturbing activity may not occur.	Tree Protection Fencing Barrier- Temporary fencing used to protect existing trees, including roots and crown, from damage or loss during project construction. The tree protection fencing barrier shall surround the tree dripline and delineate the area where land disturbing activity may not occur.	Modifies definition to use the preferred term of "barrier".
457	7 20.07.010	new term	Tree Protection Zone (TPZ)- means a zone of protected space surrounding a tree or group of trees extending from the topmost branch or leader downward to 36 inches below the surrounding ground surface level and includes the critical root zone.	New definition
460	7 20.07.010	Vehicle Sales or Rental: An establishment that specializes in the sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use	An establishment that specializes in the sale, display, lease, or rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use	Removes the word storage and display from the definition as that can be interpreted to allow a surface parking lot which is not allowed

*** Amendment Form ***

Ordinance #: 2024-05
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 2024-05 as "Attachment A" (ZO-06-24) shall be amended as follows (only affected portions of the proposal are shown below):

1.

20.03.030(b) Residential Uses

(12) Residential Rooming House

In the RM, RH, and MN Districts, the owner of the property must occupy the **rooming house** ~~roominghouse~~ as their primary residence. No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.

2.

20.07.010 Defined Words

Build-to Range

The area measured from the property line parallel to the frontage to at least one of the primary structure's front building walls.

Government Service Facility

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

Residential Rooming House

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

Tree Protection Zone (TPZ)

A zone of protected space surrounding a tree **or of** group of trees extending from the topmost branch or leader downward to 36 inches below the surrounding ground surface level and includes the critical root zone.

Vehicle Sales or Rental

An establishment that specializes in the sale, lease, **or** rental, of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Synopsis

This amendment would retain the existing definition of “Government Service Facility” and would insert the word “or” into the definition of “Vehicle Sales or Rental” to accurately reflect the recommendations of the Plan Commission for UDO text changes, which were inadvertently omitted from Attachment A to Ordinance 2024-05. It also makes various other grammatical corrections.

04/10/24 Regular Session Action:

Adopted 8-0 (Ruff absent)