



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 04 May 2022 at 6:30pm
Regular Session



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
04 MAY 2022

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/87226850734?pwd=dG5oUG1ZMk9TWllvN3hyL09lOU1vQT09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES

None

IV. REPORTS (*A maximum of twenty minutes is set aside for each part of this section.*)

A. Councilmembers

B. The Mayor and City Offices

a. Commission on the Status of Women – Capstone Project Report

C. Council Committees

D. Public*

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR FIRST READINGS

- A. Ordinance 22-07** – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for a Planned Unit Development - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner)

Note: This ordinance is being introduced this evening with the possibility that it will be considered by the Council later this same evening.

- B. Ordinance 22-08** – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20
- C. Ordinance 22-09** – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.03
- D. Ordinance 22-10** – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.04
- E. Ordinance 22-11** – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.05, 20.06, & 20.07

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.

VII. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

- A. Ordinance 22-07** – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for a Planned Unit Development - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner)

Note: The Petitioner has requested that the Council reject this ordinance, which the Council may do at this meeting (I.C. 36-4-6-13; I.C. 36-7-4-608).

- B. Resolution 22-09** – Resolution Proposing an Ordinance to Modify the Monroe County Local Income Tax Rate, Allocate the Additional Revenues to Economic Development and Cast Votes in Favor of the Ordinance

Committee recommendation (04/13/2022): Do Pass 3-0-4

Note: This item was discussed at a Committee of the Whole meeting on April 13, 2022. At the April 20, 2022 Regular Session, the Council deliberated on this item, held the statutorily-required legally-advertised public hearing on the resolution, and postponed further deliberation to a Special Session on April 27, 2022. At the April 27, 2022 Special Session, the Council deliberated further, heard additional comments from the public, and postponed final action on this item to tonight's meeting.

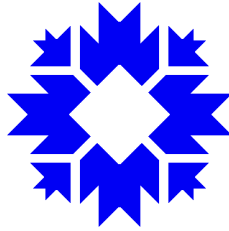
VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.



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

NOTICE

Wednesday, 04 May 2022

Regular Session

Starting at 6:30 pm

This meeting will be held in the Council Chambers (Suite #115, City Hall, 401 N. Morton St) and may also be accessed electronically via Zoom (see information below).

Join Zoom Meeting

<https://bloomington.zoom.us/j/87226850734?pwd=dG5oUG1ZMk9TWllvN3hyL09lOU1vQT09>

Meeting ID: 872 2685 0734

Passcode: 424560

One tap mobile

+19292056099,,87226850734# US (New York)

+13017158592,,87226850734# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 872 2685 0734

Find your local number: <https://bloomington.zoom.us/u/kdSPH0W2NF>

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for a Planned Unit Development - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner)

Synopsis

Ordinance 22-07 would amend the Preliminary Plan and District Ordinance for the Trinitas PUD to amend the list of permitted uses and to allow for the creation of lots for signage.

Relevant Materials

- Ordinance 22-07
- Certification by Plan Commission
- Petitioner’s Letter re: rejection
- Staff Memo from Eric Greulich
- Map of Surrounding Zoning
- Aerial Map of Site
- Petitioner’s Statement
- District Ordinance
- Preliminary Plan and Renderings

Certified by Plan Commission

Ordinance 22-07 was certified to the Council by the Plan Commission on March 23, 2022 with a 6-0 recommendation of approval for an amendment to the District Ordinance list of permitted uses but with a negative recommendation for an amendment to the District Ordinance and Preliminary Plan for the creation of new lots for signage.

Request for Rejection

The Petitioner (Trinitas) has submitted a letter requesting that the Council reject the ordinance. Given the negative recommendation from the Plan Commission regarding the creation of new lots for signage, and the position taken by Planning staff that video/podcast studio space already falls within the permitted uses for Area C contained in the existing District Ordinance, the Petitioner requested to withdraw the petition. Because the Plan Commission’s recommendation included both a favorable recommendation and a negative recommendation, a rejection of the ordinance by the Council would put Trinitas in the position most similar to the position it was in before the petition was filed.

Please know that, under local Plan Commission rules, an outright rejection of the ordinance or failure to act by the Council after a negative recommendation from the Plan Commission would prevent the petition from appearing on the Plan Commission docket for one year after the Plan Commission action.

State law allows the Council to consider adopting or rejecting this ordinance at any subsequent meeting within the ninety (90) day period after Plan Commission certification. While the Petitioner has requested that the Council reject the ordinance on May 4, a summary of the proposal is still provided below.



Summary

The Council's review of a PUD amendment is guided by state statute and local code. Council has wide discretion but must have a rational basis for its decision. Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt, reject, or fail to act on the proposal. It may also exercise powers set forth under Indiana Code 36-7-4-1500 (and following statutes), which include:

- imposing reasonable conditions;
- conditioning the issuance of a certificate of zoning compliance on the furnishing of a bond or certain guarantees; and
- allowing or requiring the owner of real property to make written commitments.

If the Council fails to act on the proposal within 90 days after certification, the recommendations of the Plan Commission would take effect as certified.

When considering Ordinance 22-07, IC 36-7-4-603 directs that the Council "shall pay reasonable regard" to the following:

- the Comprehensive Plan (available at: <https://bloomington.in.gov/planning/comprehensive-plan>);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

It is not necessary that Council find absolute conformity with each of the factors outlined above. Rather, Council is to take into consideration the entire constellation of criteria, balancing the statutory factors.

Further, BMC 20.06.070 says that the Plan Commission and Common Council shall only approve a petition for rezoning to a PUD district if they determine that the petition:

- Is consistent with the purpose of the UDO and the Planned Unit Development District; and
- The petitioner has demonstrated that the proposed rezoning is compatible with surrounding development or can be made compatible with surrounding development through commitments or conditions; and
- Any portion of the PUD zoning district to be occupied by multifamily, mixed-use, or industrial development shall provide a greater level of internal connectivity and connectivity to surrounding developments than would be required by this UDO if the project were not being developed in a PUD zoning district; and
- Each multifamily, mixed-use, or nonresidential principal structure in the PUD zoning district shall provide a greater level of design quality than would be required by this UDO if the project were not being developed in a PUD zoning district; and



- At least one of the following criteria are met:
 - The proposed PUD zoning district will include construction of a substantial open space, recreational, entertainment, or cultural amenity that will be open to and usable by the general public, and that would not otherwise be required by this UDO. Reconfiguration of open space required by this UDO does not satisfy these criteria;
 - The proposed PUD zoning district will protect a significant ecological, natural, historical, architectural, or archeological resource that was not already protected from development by this UDO or by state or federal law. Avoidance of designated floodplains or wetland areas, or the provision of additional buffers around such areas, does not satisfy these criteria; or
 - The proposed PUD zoning district provides affordable housing beyond the amounts that the petitioner would have been required to provide in order to earn a Tier 1 or Tier 2 affordable housing incentive under Section 20,04.110(c)(5) by either:
 - Income-restricting at least 10 percent more of the dwelling units at or below the income levels required to earn a Tier 1 or Tier 2 incentive, or
 - Income restricting the same number of dwelling units required to earn a Tier 1 or Tier 2 affordable housing incentive, but limiting incomes to at least 10 percent lower AMI level than would have been required to earn a Tier 1 or Tier 2 incentive 20.04.110(c)(5)

The findings of the Plan Commission on these criteria are outlined in the staff memo from Eric Greulich.

Finally, the BMC also provides that permitted uses in a PUD are subject to the discretion and approval of the Plan Commission and the Council. Permitted uses are determined in consideration of the Comprehensive Plan, existing zoning, land uses contiguous to the area being rezoned, and the development standards outlined in the UDO. If the terms of the PUD approved by the Common Council do not clearly address the availability of specific uses in all or part of the development, then the uses and use-specific standards that would otherwise be applicable to development of the same character and scale if it were zoned into one of the base zoning districts in BMC 20.02.020 through 20.02.040 as determined by the Planning and Transportation Director, shall apply.

Contact

Eric Greulich, Senior Zoning Planner, greulice@bloomington.in.gov, (812) 349-3526

ORDINANCE 22-07

TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY AMENDING THE DISTRICT ORDINANCE AND PRELIMINARY PLAN FOR A PLANNED UNIT DEVELOPMENT - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner)

WHEREAS, Ordinance 20-06, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Unified Development Ordinance", went into effect on April 18, 2020; and

WHEREAS, Ordinance 20-04, which established the Trinitas PUD, went into effect on March 5, 2020; and

WHEREAS, the Plan Commission has considered this case, PUD-03-22, and recommended that the petitioner, Trinitas, be granted an approval to amend the list of uses within the District Ordinance, but not be granted an amendment to the development standards and Preliminary Plan to allow for the proposed creation of lots for signage; and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the District Ordinance and Preliminary Plan shall be modified and approved for the PUD on the property located at 1550 N. Arlington Drive. The property is further described as follows:

Parcel 1

Tract 1 in Morris Subdivision, as per plat thereof, recorded in Plat Book HB 152, in the Office of the Recorder of Monroe County, Indiana, recorded May 12, 1999, more particularly described as follows:

A part of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows; commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.81 feet to the point of beginning;

Thence continuing North 00 degrees 49 minutes 30 seconds West 273.90 feet to a point on the Easterly right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 67 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way Northeasterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 49 seconds East 259.69 feet; thence North 15 degrees 03 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 201.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.21 feet; thence South 00 degrees 48 minutes 33 seconds East 1893.54 feet; thence South 89 degree 38 minutes 40 seconds West 321.37 feet to the beginning of a curve concave southeasterly having a radius of 300.00 feet to which a radial line North 86 degrees 53 minutes 22 seconds West; thence on said curve Southerly 16.16 feet through a central angle of 03 degrees 05 minutes 11 seconds; thence South 00 degrees 01 minutes 26 seconds West 366.64 feet; thence North 89 degrees 50 minutes 58 seconds West 59.82 feet thence North 00 degrees 01 minutes 26 seconds West 368.18 feet to the beginning of a curve concave southeasterly having a radius of 360.00 to which a radial line bears North 89 degrees 53 minutes 34 seconds West; thence on said curve Northerly 14.08 feet through a central angle of 02 degrees 14 minutes 34 seconds; thence North 89 degrees 38 minutes 40 seconds East 284.41 feet to the point of beginning, containing 19.83 acres, more or less.

Parcel 2

A part of the East half of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows;

Commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.81 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 273.90 feet to a point on the Easterly right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 67 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way Northeasterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 49 seconds East 259.69 feet; thence North 15 degrees 03 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 201.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.21 feet to the southwest corner of the plat of Chandlersville as shown by the plat recorded in Plat Cabinet B, Envelope 23 in the office of the Recorder of Monroe County, Indiana; thence on and along the south line of said plat South 89 degrees 46 minutes 58 seconds East 671.16 feet; thence leaving said south line South 00 degrees 41 minutes 01 second East 655.22 feet and the Point of Beginning;

Thence continuing South 00 degrees 41 minutes 01 second East 75.01; thence North 88 degrees 12 minutes 48 seconds East 456.89 to the west right-of-way line of Arlington Road; thence on said right-of-way line North 03 degrees 09 minutes 22 seconds West 75.04 feet; thence leaving said right-of-way South 88 degrees 12 minutes 48 seconds West 452.84 feet to the point of beginning, containing within said bounds 0.78 acres, more or less.

Parcel 3

A part of the East half of the west half of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows;

Commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.81 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 273.90 feet to a point on the Easterly right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 67 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way Northeasterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 49 seconds East 259.69 feet; thence North 15 degrees 03 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 201.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.21 feet to the southwest corner of the plat of Chandlersville as shown by the plat recorded in Plat Cabinet B, Envelope 23 in the office of the Recorder of Monroe County, Indiana and the Point of Beginning;

Thence on and along the south line of said plat South 89 degrees 46 minutes 58 seconds East 671.16 feet; thence leaving said south line South 00 degrees 41 minutes 01 second East 1306.78 feet to the north line of Lot 2 Arlington Park Phase 1 as shown by the plat recorded in Plat Cabinet C, Envelope 96, in said office of the Recorder; thence on and along said north line North 89 degrees 40 minutes 15 seconds West 668.32 feet; thence leaving said north line North 00 degrees 48 minutes 33 seconds West 1305.52 feet to the point of beginning, containing within said bounds 20.08 acres, more or less.

Subject to any and all easements, agreements, and restrictions of record.

SECTION 2. This District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 4. 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 _____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 22-07 would amend the Preliminary Plan and District Ordinance for the Trinitas PUD to amend the list of permitted uses and to allow for the creation of lots for signage.

****ORDINANCE CERTIFICATION****


In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 22-07 is a true and complete copy of Plan Commission Case Number PUD-03-22 which was given a recommendation of approval for an amendment to the District Ordinance list of permitted uses, but a negative recommendation for an amendment to the District Ordinance and Preliminary Plan for the creation of new lots for signage by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 14, 2022.

Date: March 23, 2022



 Scott Robinson, Secretary
 Plan Commission

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



 NICOLE BOLDEN, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

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

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

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.)



TRINITAS®

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phone: (765) 807-2700

Indianapolis Office
6300 Cornell Avenue
Indianapolis, IN 46220

April 22, 2022

City of Bloomington
City Council
401 N. Morton Street
Bloomington, IN 47404

RE: Trinitas PUD Amendment, "W. 17th Street."

Dear City Council,

Trinitas Development respectfully requests that the previously submitted petition for PUD Amendment, submitted March 23rd by City of Bloomington staff, be rejected. Through coordination with staff, we have determined that the best way to proceed is to pull the City Council petition which could delay the receiving occupancy permits.

Thank you for your time and consideration of this petition.

Sincerely,

Austin Tracey

Austin Tracey
Manager, Development Operations

Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Senior Zoning Planner
Subject: PUD-03-22
Date: March 23, 2022

Attached are the staff report, maps, petitioner’s statement, and exhibits which pertain to Plan Commission case PUD-03-22. The Plan Commission heard this petition at the March 14, 2022 hearing and voted 6-0 to send this petition to the Common Council with a positive recommendation for the requested amendment to the District Ordinance list of permitted uses and a negative recommendation to the requested amendment to the District Ordinance and Preliminary Plan to allow the creation of lots for signage.

The Plan Commission report for that hearing is included below.

REQUEST: The petitioner is requesting an amendment to the approved Preliminary Plan and District Ordinance for a Planned Unit Development.

BACKGROUND:

Area:	40.75 acres
Current Zoning:	Planned Unit Development
Comprehensive Plan Designation:	Neighborhood Residential
Existing Land Use:	Under Construction
Proposed Land Use:	Dwelling, Multi-Family/Single Family Residential
Surrounding Uses:	North – Dwelling, Single-Family West – State Road 37 / Interstate 69 East – Dwelling, Single-Family South – Office / Industrial Use

REPORT: The property is located north of West 17th Street at the north end of Arlington Park Drive. The property is north of offices and industrial development and a multifamily development that maintain frontage on 17th Street and is bounded by single family lots to the north and east and State Road 37/Interstate 69 to the west.

The site received approval of a preliminary plan and district ordinance under PUD-36-19 and final plan approval under PUD-12-20 to allow the development of 337 multi-family dwelling units with 825 bedrooms and 45 R4 (Residential Urban) zoned lots. The petition includes 125 on-street parking spaces, 82 spaces within an on-site garage, and 251 surface parking spaces for a total of 458 parking spaces. The petitioner is requesting an amendment to the District Ordinance list of permitted uses in Area C to add “video/podcast studio space” and an amendment to the District Ordinance and Preliminary Plan to allow for the creation of lots along the Arlington Road and 17th Street frontage for freestanding signs.

The petition involved 4 areas of development and land uses-

Area A- This area was approved for 45 R4-zoned lots. The lots will be dedicated to the City to help meet the diverse housing needs of the Community. The area will be fully graded with all roads and infrastructure installed before acceptance by the City.

Area B- This area will be developed with 114 units and 255 bedrooms in a mix of duplexes and townhomes.

Area C- This area will be developed with one, five-story building with 95 units and 240 bedrooms on 13.54 acres. There are proposed to be 12 one-bedroom units, 57 two-bedroom units, 41 three-bedroom units, and 3 four-bedroom units. There will be 50 parking spaces within the building for the 240 bedrooms, which equals 0.15 parking spaces per bedroom.

Area D- This area will be developed with 128 duplex units and 330 bedrooms on 11.13 acres. There are proposed to be 26 one-bedroom units, 38 two-bedroom units, 12 three-bedroom units, and 36 four-bedroom units. There will be 161 on-site parking spaces for the 330 bedrooms which equals 0.48 parking spaces per bedroom, there will also be 137 on-street parking spaces in this phase. These buildings will be one and two-stories in height.

The approved District Ordinance allowed for free-standing signs for the development at the entrance from Arlington Road and at the 17th Street entrance. However, due to right-of-way dedication requirements, the petition site does not have enough property frontage on the street frontages to dedicate the required amount of right-of-way and to create conforming lots. The petitioner is requesting to amend the approved District Ordinance to allow for the creation of two narrow sections of property that extend from the main property to the frontages on 17th Street and Arlington in order to place a sign at each entrance. The petitioner is proposing a 4' long, 437' long section of property connecting to Arlington Road from Parcel C and a 3' wide, 400' long section of property connecting to 17th Street from Parcel D. The proposed signs will be 6' tall and 30 square feet. The proposed strips of properties would not meet the minimum 50' lot width standard and would exceed the maximum 4:1 depth to width ratio. The proposed District Ordinance would allow for deviations from those two standards. No other changes to the District Ordinance or Preliminary Plan are proposed with the exception of the amendment to the list of approved uses within Area C.

PRELIMINARY PLAN AMENDMENT:

Development Standards: Parcel C was approved with the RH district standards and Parcel D was approved with the RM district standards. Both of these districts have a minimum lot width requirement of 50'. The petitioner is proposing to amend the district ordinance to allow a lot that is 3' wide on 17th Street and 10' wide on Arlington Road in order to create flag lots on which to locate signs. The UDO also restricts a property width to no more than 4 times the depth of the property. The proposed depth to width ratio along Arlington would be 168:1 and 770:1 along 17th Street.

Alternative Transportation: A sidepath connection along the Arlington Road frontage was not shown on previous site plans and the Department has requested the petitioner to amend the proposed site plan to include that element, however that has not been shown yet.

Section 20.06.040(d)(6)(B) General Compliance Criteria

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: The proposed amendment would allow a deviation from the base 50' minimum lot width standards of the UDO to allow two lots that are 3' and 10' wide. The other requested deviation would allow for a substantial increase in the allowable depth-to-width ratio allowed in the UDO. There are no other known regulations or Utility, Service, or Improvement standards that would be impacted by the creation of these lots. All other aspects of the approved District Ordinance and Preliminary Plan have been followed. The phasing shown is consistent with what was approved with the final plan and primary plat.

Section 20.06.070(E)(4) Approval Criteria for Rezoning to a Planned District (PUD)

- (A) Is consistent with the purpose of this UDO and the purpose of Section 20.02.050 (Planned Unit Development (PUD) District); and

ADOPTED FINDING: The general purpose of the PUD District is to encourage new and imaginative concepts in urban design and land development to promote and improve the health, safe, and general welfare of the residents of the City. The overall PUD was found to meet the purpose statements of the UDO. This particular amendment however, does conflict with the purpose statements of the UDO in terms of creating lots with sufficient frontage for development purposes. Creating lots that are only 3' wide and 10' wide creates unbuildable lots that serve no purpose other than for signage.

- (B) The petitioner has demonstrated that the proposed rezoning is compatible with surrounding development or can be made compatible with surrounding development through commitments or conditions; and

ADOPTED FINDING: No changes to the approved land uses are proposed with this amendment. No impact to those residences has been identified as a result of this petition.

- (C) Any portion of the PUD zoning district to be occupied by multifamily, mixed-use, or industrial development shall provide a greater level of internal connectivity and connectivity to surrounding developments than would be required by this UDO if the project were not being developed in a PUD zoning district; and

ADOPTED FINDING: No changes to the approved internal road network or connectivity within this PUD are proposed or approved.

- (D) Each multifamily, mixed-use, or nonresidential principal structure in the PUD zoning district shall provide a greater level of design quality than would be required by this UDO if the project were not being developed in a PUD zoning district; and

ADOPTED FINDING: This particular standard was evaluated with the initial PUD request. No changes to the approved development standards or architecture are proposed or approved with this amendment.

(E) At least one of the following criteria are met;

- (i) The proposed PUD zoning district will include construction of a substantial open space, recreational, entertainment, or cultural amenity that will be open to and usable by the general public, and that would not otherwise be required by this UDO. Reconfiguration of open space required by this UDO does not satisfy these criteria;
- (ii) The proposed PUD zoning district will protect a significant ecological, natural, historical, architectural, or archeological resource that was not already protected from development by this UDO or by state or federal law. Avoidance of designated floodplains or wetland areas, or the provision of additional buffers around such areas, does not satisfy these criteria; or
- (iii) The proposed PUD zoning district provides affordable housing beyond the amounts that the petitioner would have been required to provide in order to earn a Tier 1 or Tier 2 affordable housing incentive under Section 20.04.110(c)(5) by either:
 - (1) Income-restricting at least 10 percent more of the dwelling units at or below the income levels required to earn a Tier 1 or Tier 2 incentive, or
 - (2) Income restricting the same number of dwelling units required to earn a Tier 1 or Tier 2 affordable housing incentive, but limiting incomes to at least 10 percent lower AMI level than would have been required to earn a Tier 1 or Tier 2 incentive.20.04.110(c)(5)

ADOPTED FINDING: Compliance with section (i) was evaluated with the initial PUD request. The PUD was approved to set aside the required amount of preservation area and that was shown on the approved final plan. Section (iii) was also evaluated with the initial PUD request and the petitioner is dedicated 45 single family lots to the City to meet the diverse housing needs of the community. This will be done with the recording of the secondary plat. No changes to these aspects of the petition are proposed with this amendment.

20.06.040(d)(6)(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs)

- (i) **Consistency with Comprehensive Plan and Other Applicable Plans**
The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other adopted plans and policies.

PROPOSED FINDING: The request to allow the reduced lot frontages and depth to width ratio does not specifically tie into the Comprehensive Plan guidance as this is a requirement specific to the Unified Development Ordinance.

(ii) **Consistent with Intergovernmental Agreements**

The proposed use and development shall be consistent with any adopted intergovernmental agreements and shall comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this UDO.

ADOPTED FINDING: There are no known intergovernmental agreements effected or involved with this petition.

(iii) **Minimization or Mitigation of Adverse Impacts**

(1) The proposed use and development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.

ADOPTED FINDING: The PUD places all protected environmental features in the required easements and buffers. These were evaluated and approved with the preliminary plan and district ordinance.

(2) The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.

ADOPTED FINDING: All required natural features were evaluated and protected with the initial PUD petition. No changes to those standards are proposed. There are no scenic or historic features of significant importance on this property.

(3) The proposed use and development shall not result in significant adverse fiscal impacts on the city.

ADOPTED FINDING: There are no expected adverse fiscal impacts to the City. All new roads and infrastructure serving this development will be installed at the petitioner's expense. However, it appears that the desired ROW along Arlington Park Drive may be reduced below 50 feet, which is not desirable to the City for future maintenance of the road right-of-way.

(4) The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

ADOPTED FINDING: Appropriate buffers were shown on the approved final plan along the property boundaries to mitigate possible impacts to adjacent properties. The Department will continue to monitor any impacts to vehicular traffic in the area for possible negative impacts.

(iv) **Adequacy of Road Systems**

(1) Adequate road capacity must exist to serve the uses permitted under the proposed

development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

ADOPTED FINDING: This development was approved with 3 public access points to the adjacent public roads. There will be 2 access points on 17th Street to the south and an access point to Arlington Road to the east. This provides multiple ingress and egress points to the property. All of these access points were required to be set aside in dedicated right-of-way.

(2) The proposed use and development shall neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

ADOPTED FINDING: Access to this property will come from two public road connections on 17th Street, neither of which go through residential developments and one new public road connection to Arlington Road.

(v) **Provides Adequate Public Services and Facilities**

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project’s cumulative development to date and shall not depend upon subsequent phases for those improvements.

ADOPTED FINDING: This project was approved and is all under construction in one phase. The infrastructure for the single family lots is required to be installed prior to dedication to the City.

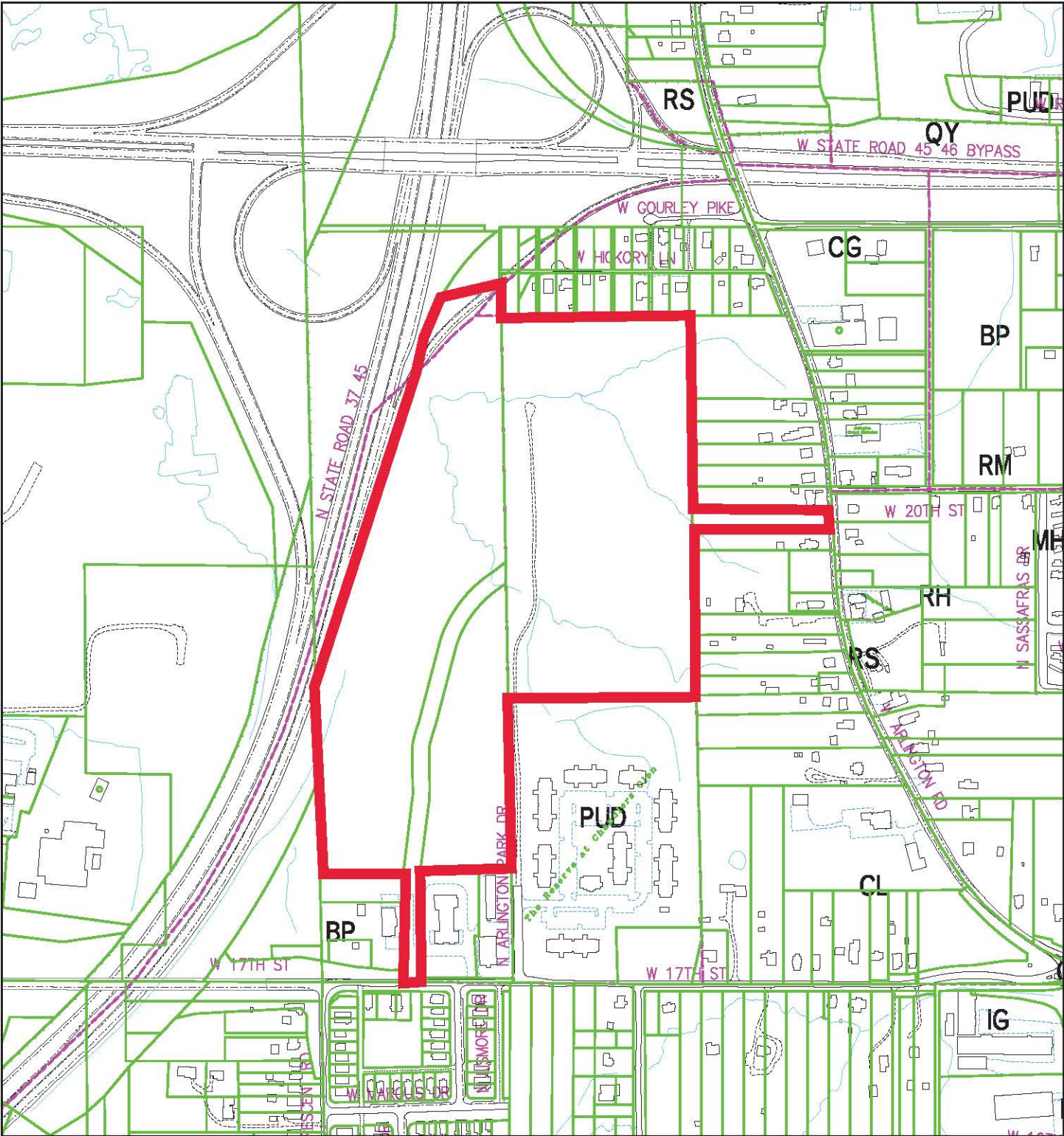
(vi) **Rational Phasing Plan**

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project’s cumulative development to date and shall not depend upon subsequent phases for those improvements.

ADOPTED FINDING: The development was approved to be completed in one phase.

CONCLUSION: The petitioner’s request would allow for the creation of lots that are extremely narrow in width, are unbuildable, and are extremely out of sync with standard UDO length/width ratios. This type of lot creation is not desired by the UDO and does not present ‘new and imaginative concepts’ or ‘create distinct developments with unique urban design’. The development will have frontage on public roads, including Arlington Park Drive, once the secondary plat is complete. Signage can be placed on the site of the development with frontage on those public roads. The proposed changes to the PUD would allow the creation of lots solely for the purpose of signage on road frontages that are not immediately adjacent to the development and does not seem to warrant the requested deviations just for what amounts to off-premise signage.

RECOMMENDATION: The Plan Commission voted 6-0 to forward this petition to the Common Council with a positive recommendation for the request to amend the list of approved uses and a negative recommendation for the request to amend the District Ordinance and Preliminary Plan to allow the creation of lots for signage.



PUD-36-19 Trinitas Development

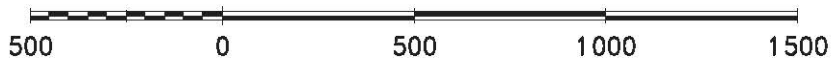
1550 N Arlington Park Drive

Plan Commission

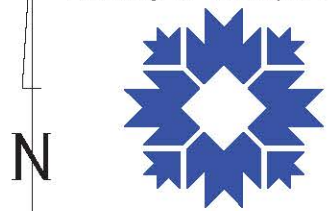
Site location, parcels, zoning

By: greulice

6 Dec 19



City of Bloomington
Planning & Transportation



N

Scale: 1" = 500'

For reference only; map information NOT warranted.



PUD-36-19 Trinitas Development

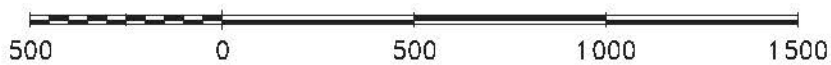
1550 N. Arlington Park Drive

Plan Commission

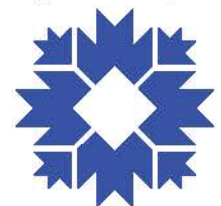
2016 Aerial Photograph

By: greulice

6 Dec 19



City of Bloomington
Planning & Transportation



Scale: 1" = 500'

For reference only; map information NOT warranted.



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December 6, 2021

Eric Grulich
Senior Zoning Planner
City of Bloomington
401 N. Morton Street
Bloomington, IN 47404

RE: Trinitas PUD Amendment, "W. 17th Street."

Dear Mr. Grulich,

Trinitas Development is pleased to submit the enclosed PUD Amendment submittal to be considered by the City of Bloomington. The District Ordinance and Plan for this development was approved by City Council as Ordinance 20-04 on March 5, 2020, and the final plan approved by the City of Bloomington Plan Commission on June 8, 2020. This residential development is proposed on the northwest side of Bloomington, just east of Interstate 69, north of 17th Street and west of Arlington Road. The development will feature a mixture of residential units including apartments, townhomes, duplexes, and single-family homes across four primary areas of development. A total of 337 units, 825 beds, and 458 parking spaces are planned onsite.

Trinitas is seeking amendment of the PUD regarding the minimum lot width standards as well as clarification on the retail amenity space in Area C. The amendment for lot width standards is to allow lots with a minimum of 1' in width. This amendment would allow monument sign locations for the property near 17th Street and Arlington Road that would allow the site to be more easily identified. The amendment to the language surrounding the retail amenity space in Area C would be to allow the potential for more uses, such as a video/podcast studio space. The submittal package includes revised plat text for the new lots, revised plat showing the new lots, signage exhibit highlighting where the lots are, schematic of potential monument sign, and potential retail space buildout. The proposed monument signs and retail space buildout are currently being designed and updated renderings will be provided ahead of the January 10th hearing.

We respectfully request to be placed on the January 10th, 2021, agenda for the City of Bloomington Plan Commission for consideration of this PUD amendment.

Sincerely,

Austin Tracey
Manager, Development Operations

DISTRICT ORDINANCE

W. 17th Street

A Planned Unit Development

Trinitas Development LLC

Adopted: March 4, 2020

Revision: December 12, 2021



*images in document are representative, not final

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Revisions

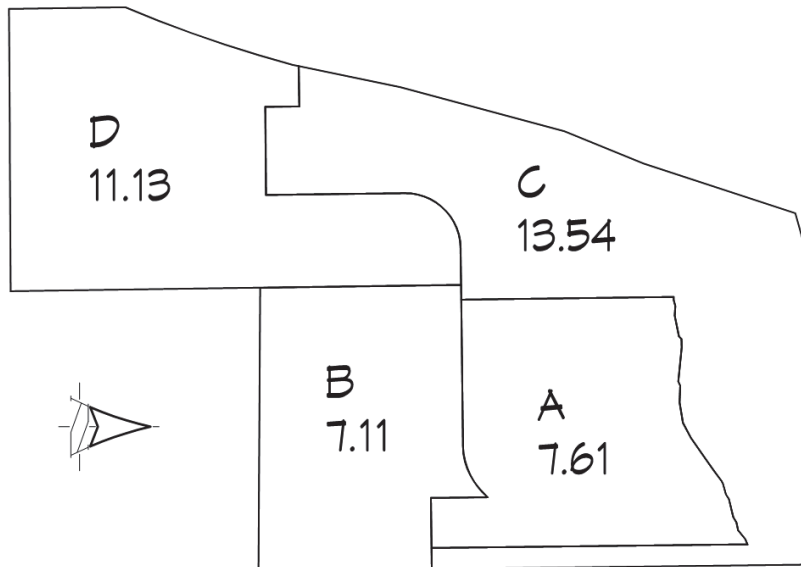
The minimum lot frontage along 17th Street and Arlington Road is to be 1 foot. See revised plat for proposed lots.

Commercial space in Area C redefined as “small commercial space providing coffee/tea, food/snacks, video/podcast studio space, or other commercial uses permitted by ordinance.”

Planned Unit Development

The W. 17th Street Project (the “Project”) is a proposed development on the northwest side of Bloomington, just east of Interstate 69, north of 17th Street, west of Arlington Road and located within the Crescent Bend Neighborhood. This proposed residential development will include a mixture of residential units including apartments, townhomes, duplexes and single-family homes. The site consists of 39.29 acres of land with an overall proposed density of 9.85 units per acre. The plan includes approximately 14.62 acres of green space intended to protect existing environmental features. There is one planned entrance off Arlington Road and two points of access off 17th Street. Currently, the property is zoned PUD and Business Park. A portion of the property was a part of a now expired PUD that included an affordable housing development along 17th Street. This former PUD established one point of access off 17th Street. Another portion of the property is currently zoned Business Park and has been developed over several years with smaller commercial buildings along 17th Street. This provides a second point of access off 17th Street.

SITE AREAS



The proposed development incorporates new urbanist design principles and draws on the existing UDO and Comprehensive Plan to set standards for the development. The desire for complete streets, a variety of housing types, a modified gridded street pattern and meaningful open space have been major drivers for design of the

Project. The site layout focuses on preserving existing environmental features such as trees and sloped areas and, most importantly, existing waterways. As environmental features were identified the design resulted in four (4) primary areas of development:

- A. Area A (Single-Family Lots) - The lots outlined in the northeastern portion of the site are purposefully designed with owner-occupied single-family homes in mind. Trinitas is proposing to convey 45 finished (buildable) lots to the City so that the City may decide how best to deliver homes that address Bloomington’s workforce housing needs. All infrastructure, including utilities, will be completed by Trinitas prior to conveyance of the lots to the City.
- B. Area B (Townhomes) - Townhomes are designated in the southeast section of the property. These townhomes will be for rent units located immediately south of the single-family area.
- C. Area C (4-story Multi-family and Amenity Building) - This area consists of one to two 4-story buildings that will feature for rent apartment units. This building(s) will also incorporate a Clubhouse featuring a business center, collaboration areas, fitness rooms, and provide other indoor and outdoor amenity space for residents. Another feature of this building(s) will be a small retail space thought to house coffee, tea and an assortment of snacks available to the public.
- D. Area D (Cottages) - Cottages, also referred to as duplexes, will be located in the southwest portion of the site and will be for rent units.

Trinitas anticipates completing the Project over a 24-month period once construction begins. The preliminary schedule shows Area C, Area D, along with the infrastructure and platting of Area A, and the connection to Arlington Road being completed as the first phase of construction.

Overall, Trinitas believes the Project will substantially improve the aesthetic and economic value of the area and add to the compact urban form within the urban service boundary of the City of Bloomington. The recently adopted Growth Policy Plan calls for neighborhood residential—qualifying densities ranging from 2-15 units per acre. The proposed density for the W. 17th Street Project is 9.85 units per acre on average across all areas of the development.

Overall Site Features

Project Data:

Gross Acreage – 39.29

Total Units (Areas B-D) - 387

Total Beds (Area B-D) – 825

1 Bedrooms – 109

2 Bedrooms – 326

3 Bedrooms – 210

4 Bedrooms - 180

Parking Spaces (Area B-D) – 458

Single-Family Lots (Area A) – 45

Land Use and Development Standards

The Project proposes four (4) areas of residential development as shown on the site plan in Exhibit A. Each of these areas has specific development standards identified from the Bloomington Unified Development Ordinance (UDO). When a standard is not specifically identified in this document, the referenced UDO District, is intended to govern.

Open Space and Environmental Conservation

The site plan incorporates 14.62 acres of undeveloped land. This land, accounting for 37% of the total site area, will remain as dedicated open space or within a Conservation Easement for the benefit of the City of Bloomington. The majority of this area is on the northern and northwestern portions of the site, however, there are undisturbed buffers that extend along the entire western boundary with “fingers” of undisturbed area in and through the central portion of the site.

A limited tree survey was completed focusing on a 50-foot wide strip within the proposed open space easement on the western property boundary. Based on results from this survey, a 30'-50' buffer to protect existing trees has been established along the majority of I-69 frontage.

Please note the existence of a 100-foot Duke Energy power easement located in the center of the site and traverses the entire property from north to south.

Access and Roadways

There will be two (2) entrances to the site located off W. 17th Street and one entrance accessible from/to Arlington Road. Information regarding the two (2) W. 17th Street access points is listed below.

W. 17th Street Eastern Access via N. Arlington Park Drive: A 50' roadway and utility easement was recorded with the Arlington Park (Glick Arlington Park LLC as owner), Phase I plat. This plat is recorded in plat cabinet C envelope 196 (see note 4). Trinitas is in discussions with Glick asking Glick to dedicate this Easement land to the City as public right-of-way.

W. 17th Street Western Access via 60-foot Roadway and Utility Easement: Parcel 1, Tract 1 of the Morris subdivision shows Morris owns a 60' wide strip of land from 17th street to the remainder of the property which has a Roadway and Utility Easement overlay. Since this Easement is to the benefit of the Morris tract, upon purchasing the land (Summer 2020) Trinitas will 1.) vacate the Easement, then 2.) dedicate this land to the City as public right-of-way via the platting process.

Roadways throughout the site are intended to be public where feasible and are designed to meet City standards. These roadways will be dedicated to the City at time of plat recordation.

A multi-use path is designed along the entire length of the main roadway running through the site connecting Arlington Road to W. 17th Street.

Transportation

Trinitas has received a proposal from Bloomington Transit (“BT”) to create a new bus route that would serve the proposed development. Trinitas intends to enter into an agreement with BT to provide bus transit services for the Project In lieu of operating its own, private shuttle service for daily weekday transportation to and from various points within the City. Trinitas’ residents will have the non-exclusive right to access and ride the service at no charge using a means of identification for free passage which shall be mutually agreed upon by BT and Trinitas.

The BT proposal for a new bus route includes a schedule to operate on a 40-minute frequency, Monday-Friday, on a year-round basis from approximately 7:00 am to 10:00 pm and will include multiple stops in the Downtown and IU Campus areas. Any agreement between Trinitas and BT is thought to include a 3-year base term for service. Additional terms are outlined in an email from Lew May to Jeff Kanable dated October 16, 2019 and is included in Exhibit B, Supportive Information. Final terms will be agreed upon approximately 12-months in advance of completion of the Project and are subject to approval by the BT Board of Directors and Trinitas Executive Committee.

Trinitas is planning to provide shuttle service for residents during the late evening, Monday through Friday (after 10 pm) and on weekends.

Pedestrian Access

The Project will be designed and built with the pedestrian in mind, encouraging residents to rely less heavily on personal automobiles. This is accomplished through a mix of well-connected multi-use paths and sidewalks throughout the site. A 10-foot multi-use path will run parallel to the main roadway from Arlington Road to W. 17th Street. Sidewalks allow pedestrians to easily walk throughout the site, to the bus stop, to the Clubhouse and amenity area or even to the recreational area and open spaces. Walking is just one (1) alternate transportation option residents of the Project will enjoy. Bicycle, scooter and other means of transportation also exist as a result of the interconnectivity of sidewalks and paths throughout the Project.

Trinitas explored the feasibility of adding a sidewalk along Arlington Road, however, Right-of-Way does not currently exist and topography and drainage ditches pose significant challenges to the implementation of this sidewalk. A sidewalk stub is currently provided should future Right-of-Way be established.

Occupancy

Occupancy shall be governed by

Occupancy for all other Areas shall be:

1. 1 and 2-bedroom unit occupancy is limited to 3 unrelated adult persons.
2. 3 and 4-bedroom unit occupancy is limited to 5 unrelated adult persons.

Parking requirements

Parking for the overall development, excluding the single-family lots in Area A, is .56 spaces on a per bedroom basis. A 15’ parking setback for the perimeter of the overall PUD area is provided. A breakdown of parking is shown below:

Public parking spaces: 125

Surface parking spaces: 251

Garage spaces: 82

Bicycle parking shall be provided based on one space per four bedrooms. This parking will be dispersed throughout the Project.

Sustainability Initiatives

The following sustainability/green initiatives will be implemented in designated areas of the development.

1. The parking for units within Areas B-D shall have a minimum of 2% or 8 spaces that are plug-in ready for electrical vehicle charging stations. Trinitas is currently planning for 12 total spaces to be covered with solar arrays on the roof of those structures. The intent is for solar power to generate the electricity to the electric vehicle charging stations. There will be wayfinding signage directing residents of their location.
2. Designated areas accessible to waste haulers and building occupants for the collection and storage of recyclable materials have been positioned in three separate areas of the site and are noted on the site plan.
3. To reduce water usage on-site, we will eliminate all irrigation and utilize native plantings.
4. The use of natural light in the clubhouse will be incorporated into the design to reduce interior light pollution.
5. Lighting controls and occupancy sensors within designated areas of the clubhouse will be utilized to reduce energy consumption.
6. Energy efficiency will be realized through the installation of energy star appliances throughout all buildings.
7. Water usage will be controlled throughout the clubhouse utilizing low flow plumbing fixtures.
8. Stormwater treatment and detention throughout the site will incorporate bio-filtration strips at the edge of some parking areas for stormwater to sheet flow off and into these areas for immediate treatment.
9. Utilization of low volatile organic compounds will be utilized during construction of the clubhouse, including items such as: paint, adhesives, sealants, flooring and insulation.
10. The development will purchase a minimum of 10% regional building materials (by cost) that are sourced and manufactured within 500 miles of the site.
11. The 4-story Multi-Family and Amenity Building will comply with Energy Standard for Buildings ASHRAE 90.1-2007.
12. The building envelope for the clubhouse will incorporate the following:
 - Window = 0.40 U Factor non-metal, 0.50 U Factor metal, 0.40 SHGC
 - Roof insulation value = R20
 - Wall Insulation value = R13 wood framed wall
13. Each ventilation system in the clubhouse that supplies outdoor air to occupied spaces will have particle filters or air cleaning devices that have a minimum efficiency reporting value (MERV) of 13 or higher, in accordance with ASHRAE Standards 52.2-2007.
14. Smoking will be prohibited in all public areas within the community during all times including but not limited to the clubhouse, fitness areas, pool area, courtyard area, and sports courts.

15. Trinitas will participate in consulting program offered by Duke Energy to identify efficiencies in design to maximize energy savings for four story building in Area C.
16. On site recycling.
17. Invasive species will be removed from conservancy areas.
18. High quality woods on the northern portion of the property will be protected in a conservancy easement, as well as, a 30'-50' easement along the majority of I-69 frontage.
19. Trinitas continues to explore the feasibility of implementing solar to portions of the 4-story building roof deck.

Services (including mechanical, utility and trash services)

Utility services boxes, telecommunication devices, cables, vents, flues, chillers, fans, trash receptacles, dumpsters and service bays located on private property shall be screened from view from the public street. No dumpsters will be located within the front setback area of any public street.

Sign Standards

One freestanding sign is proposed near one of the two entrances on 17th Street and one freestanding sign is proposed near the entrance on Arlington Road. Each of these signs has a maximum square footage of 36 square feet per side and a maximum height of six feet.

For the multifamily building in Area C, 200 total square feet of permanent wall signage is proposed.

Site Drainage Standards

All drainage standards shall be in accordance with the City of Bloomington Utility standards and engineering practices however, the following design considerations may be incorporated into the entire Project site for the BMP plan including stormwater retention/detention and stormwater quality:

1. The drainage area (contributing or effective) of the entire Project site is allowed to be served by one post-construction BMP or can be split into many throughout the site.
2. The maximum treatable ponding depth for stormwater quality areas may be up to 4 feet.

Architecture

Proposed structures are intended to reflect a contemporary residential development. Each of the areas as defined herein are intended to have flexibility and predictability in product type while also consisting of an overall theme that weaves together each of the Areas A-D. Representative images can be found within this document. More specific detail pertaining to each Area A-D can also be found within this document.

Structures in Areas A, B and D are intended to be one to three stories in height with front porches and rear patios. Area C proposes a four-story apartment building(s) over a parking garage. Exterior construction across each of the Areas will include high quality siding with some additional architectural accents such as shake and/or board and batten in addition to residential windows and doors.

The Project will follow the anti-monotony standards as specified herein. The community will be adequately landscaped with native plantings and buffer yard landscaping. Planting emphasis will be placed on the east and west property lines. Each dwelling unit shall feature landscaping which will consist of native plantings,

shrubby and perennials. Final landscape plans will be provided with each final Area plan and will be consistent with the UDO as adopted on the date the preliminary plan is approved.

Lot Standards and Uses

Area	Description	Acreage	Units	DUE
A	Single-family lots	7.61	45	N/A
B	Townhomes	7.11	162	92.75
C	Multi-family apartments	13.54	113	105.5
D	Duplexes or townhomes	11.13	112	108.5
Total		39.29	387	328.5

Anti-monotony Code

The following variations will be used to break up the monotony in the design such that no two structures sitting side by side are identical in at least 2 aspects as listed below at the time of building permit. Examples of proposed colors and exterior materials are found within the body of this document.

- A. Difference in roofline.
- B. Difference in overall building footprint.
- C. Difference in building color.
- D. Difference in exterior materials.
- E. Setback

Easements

Easements shall be per UDO standards.



Area A

Area A is a single family residential platted lot subdivision designed to the standards of the Residential Urban (R4) District of the Unified Development Ordinance of the City of Bloomington. This area is approximately 7.61 acres and is intended to include approximately 45 single family lots, which can be developed and owned individually. Specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the R4 District unless specified below. The finished lots in Area A are intended to be conveyed to the City of Bloomington for the purposes of providing workforce housing. Allowable uses in this area include single family, attached single family, and plexes.

Impervious Surface Coverage: 3.04 acres (40%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

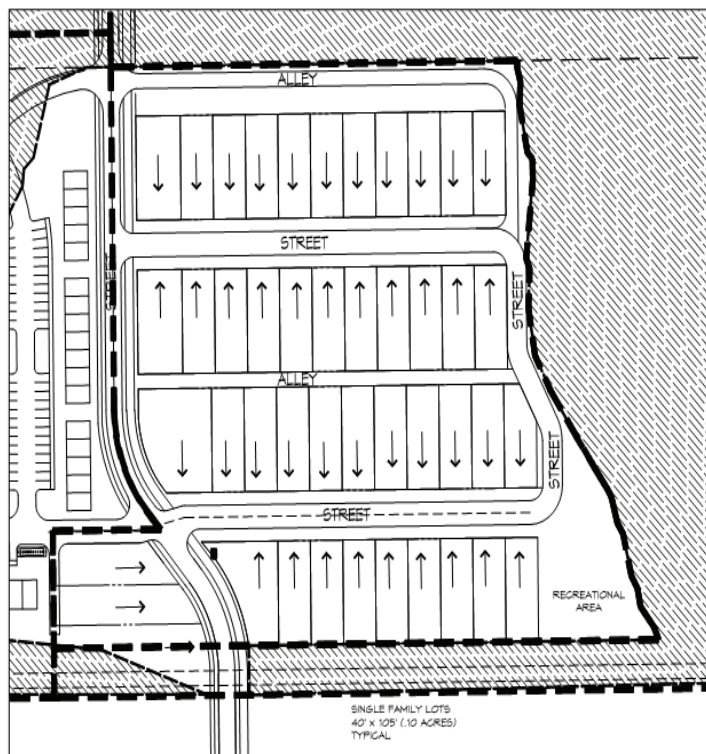
Setbacks from outer property lines: 15'

Individual Lot Setbacks:

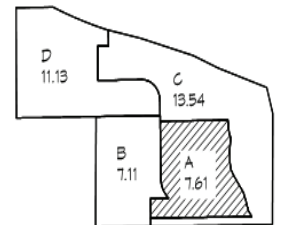
Front yard – 10'

Side yard – 5'

Rear yard – 5'



SITE AREAS



AREA A - SINGLE FAMILY
(45) LOTS
40'X105', .10 ACRE TYPICAL LOT
(5.91) UNITS PER ACRE

Area B

Area B is a townhome residential area. This area could be single family lots, paired homes, townhomes, zero lot line homes or condominiums as set forth in the standards of the Residential Multifamily (RM) of the Unified Development Ordinance. This area is approximately 7.11 acres and is intended to include approximately 162 townhome dwelling units, which could be individually owned in the future, but are currently planned as rental units. Specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the RM District unless specified below.

Impervious Surface Coverage: 2.63 acres (40%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

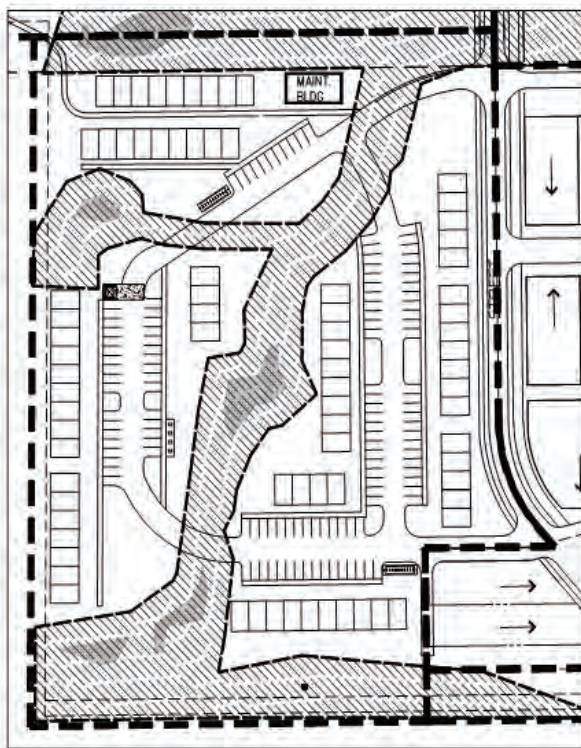
Density: 162 units, 22.78/acre

Setback from outer property line – 15'

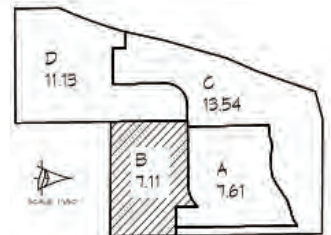
Permitted Uses – Single family detached, single family attached, rowhouses, townhomes (no more than 16 units in a building)

Building Materials: Fiber cement horizontal lap siding, fiber cement vertical board and batten, asphalt roof shingles, vinyl windows, limestone, brick, or masonry

**Dwelling Unit Equivalentents are calculated using the following breakdown: 4 bedroom unit (1.5 units), 3 bedroom unit (1.0 unit), 2 bedroom unit with <950 sq ft (.66 of a unit), 1 bedroom unit with <700 sq ft (.25 of a unit)*



SITE AREAS



AREA B - TOWNHOUSES
 (92.75) DUE UNITS, (255) BEDS
 (13.05) DUE UNITS PER ACRE
 (123) SURFACE PARKING SPACES

AREA B UNIT MIX -

1 BED	70	43.2%
2 BED	70	43.2%
3 BED	16	9.9%
4 BED	6	3.7%
TOTAL	162	100%

Area C

Area C is a multi-family residential area which could include limited commercial on the first floor. This area can be apartment or condominiums as set forth in the standards for Residential High-Density (RH) District of the Unified Development Ordinance. Allowable use will include up to 113 dwelling units and up to 1,700 square feet of commercial space allowing for coffee/tea sales, food/snack sales and other retail sales. This Area will allow for up to 65-feet in building height. Other specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the RH District unless specified below. This area is approximately 13.54 acres.

Impervious Surface Coverage: 1.56 acres (12%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

Density: 113 units, 8.35/acre

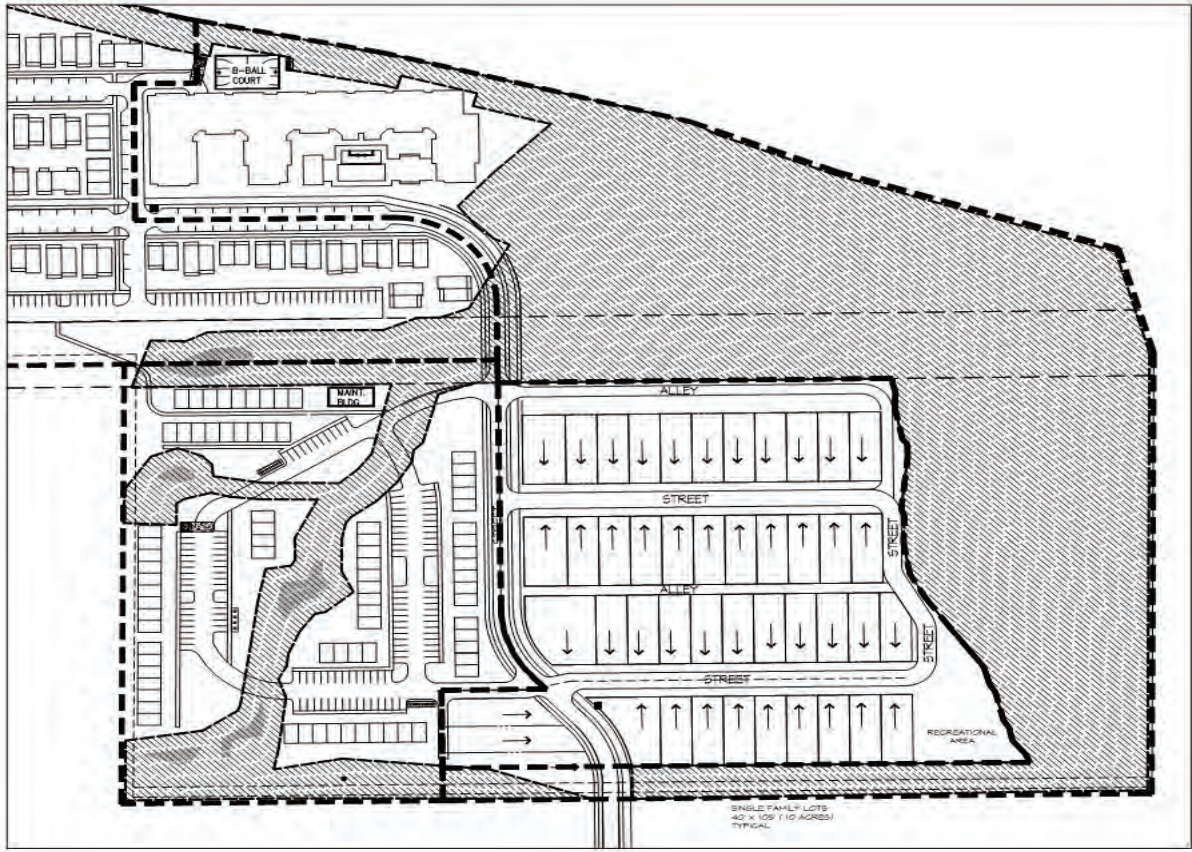
Setback from outer property line – 15'

Permitted Uses – Multifamily dwellings and the following commercial uses: antique sales, apparel and shoe sales, art gallery, artists studio, arts/craft/hobby store, barber/beauty shop, bicycle sales/service, bookstore, brewpub, business/professional office, community center, computer sales, convenience store (without gas), copy center, day care center, drugstore, fitness/training studio, florist, garden shop, gift shop/boutique, government office, grocery store/supermarket, hardware store, health spa, jewelry shop, library, medical clinic, museum, music/media sales, musical instrument sales, pet grooming, pet store, photography studio, police/fire/rescue station, recreation center, restaurant, restaurant (limited service), retail (low intensity), school, shoe repair, social services, sporting goods sales, veterinary clinic, video rental

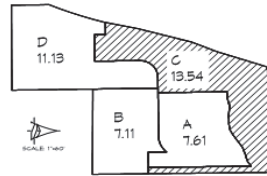
Building Materials: Fiber cement horizontal lap siding, fiber cement vertical board and batten, asphalt roof shingles, vinyl windows, limestone, brick, or masonry

**Dwelling Unit Equivalents are calculated using the following breakdown: 4 bedroom unit (1.5 units), 3 bedroom unit (1.0 unit), 2 bedroom unit with <950 sq ft (.66 of a unit), 1 bedroom unit with <700 sq ft (.25 of a unit)*

Area C Site Plan and Unit Breakdown included on next page.



SITE AREAS



AREA C - HIGHER DENSITY
MULTIFAMILY
(105.5) DUE UNITS, (261) BEDS
(7.74) DUE UNITS PER ACRE
(13) SURFACE PARKING SPACES
(82) GARAGE PARKING SPACES

AREA C UNIT MIX -

1 BED	12	10.6%
2 BED	51	50.4%
3 BED	41	36.3%
4 BED	3	2.7%
TOTAL	113	100%

Area D

Area D is a cottage or duplex residential area. This area could be apartments or condominiums (1-6 units per building) as set forth in the standards of the Residential Multifamily (RM) District of the Unified Development Ordinance of the City of Bloomington. This area is approximately 11.13 acres and is intended to include approximately 112 dwelling units which could be under single or individually ownership but are currently planned as rental units. Specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the RM District unless specified below.

Impervious Surface Coverage: 5.44 acres (49%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

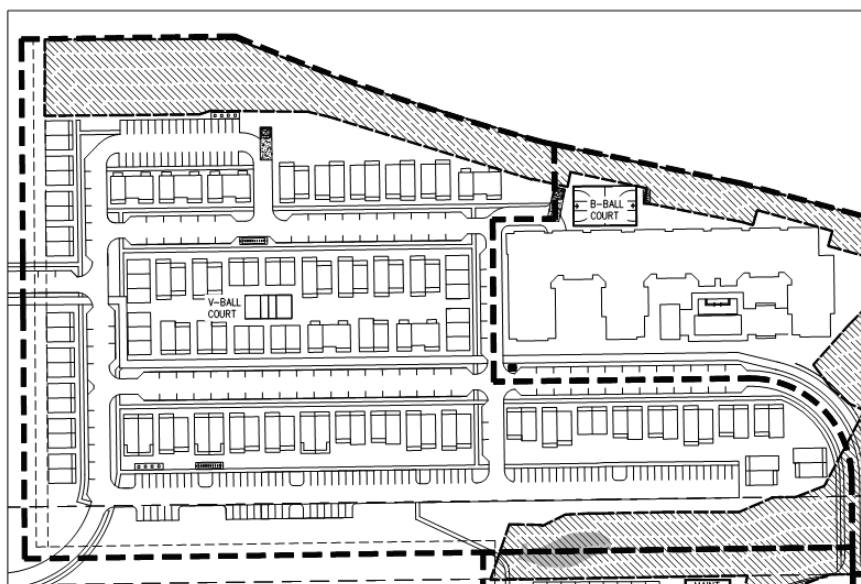
Density: 112 units, 10.06/acre

Setback from outer property line – 15'

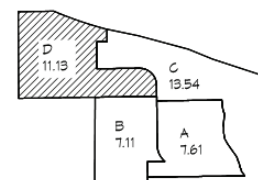
Permitted Uses – Single family attached dwelling

Building Materials: Fiber cement horizontal lap siding, fiber cement vertical board and batten, asphalt roof shingles, vinyl windows, limestone, brick, or masonry

**Dwelling Unit Equivalents are calculated using the following breakdown: 4 bedroom unit (1.5 units), 3 bedroom unit (1.0 unit), 2 bedroom unit with <950 sq ft (.66 of a unit), 1 bedroom unit with <700 sq ft (.25 of a unit)*



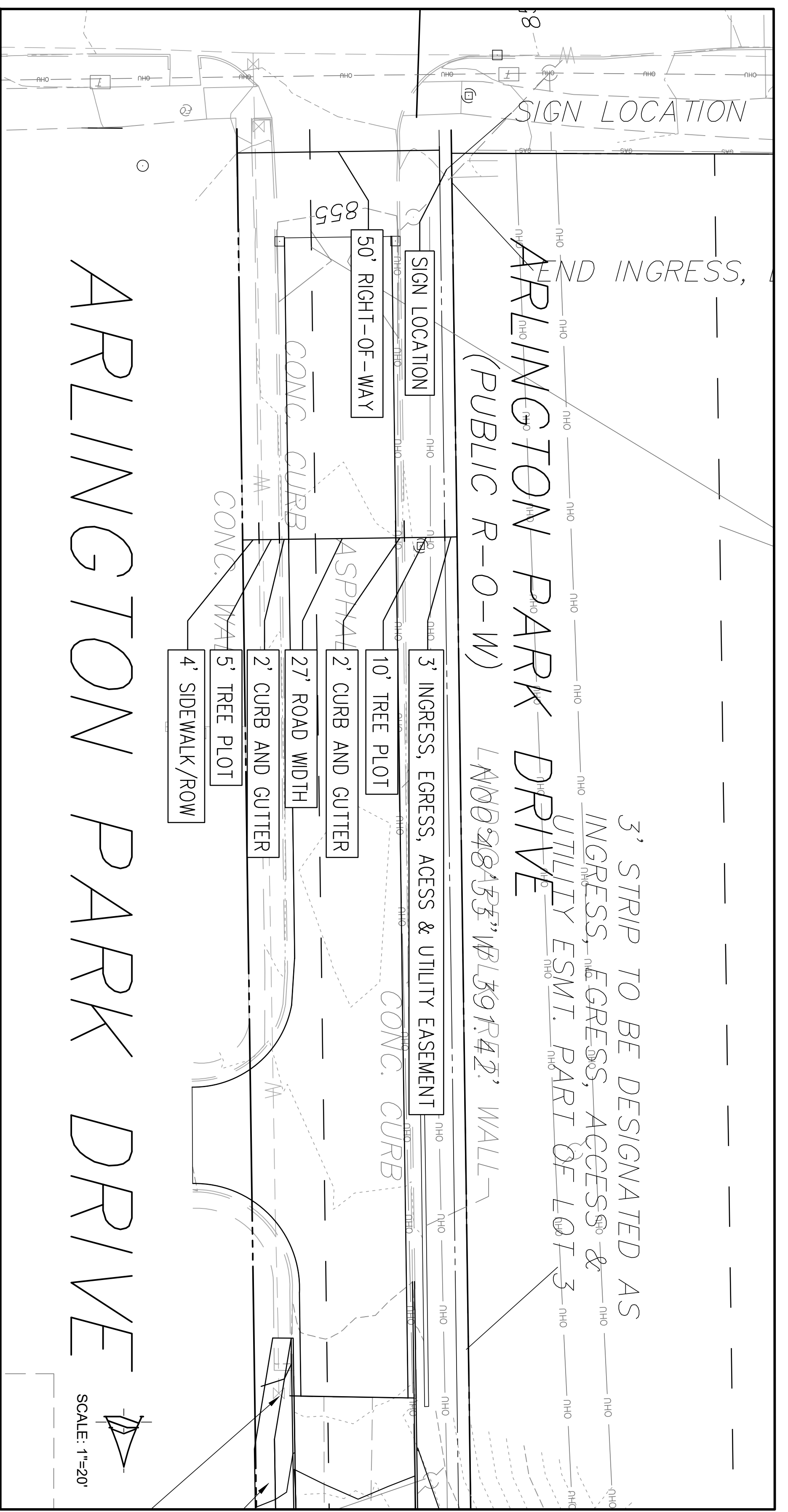
SITE AREAS



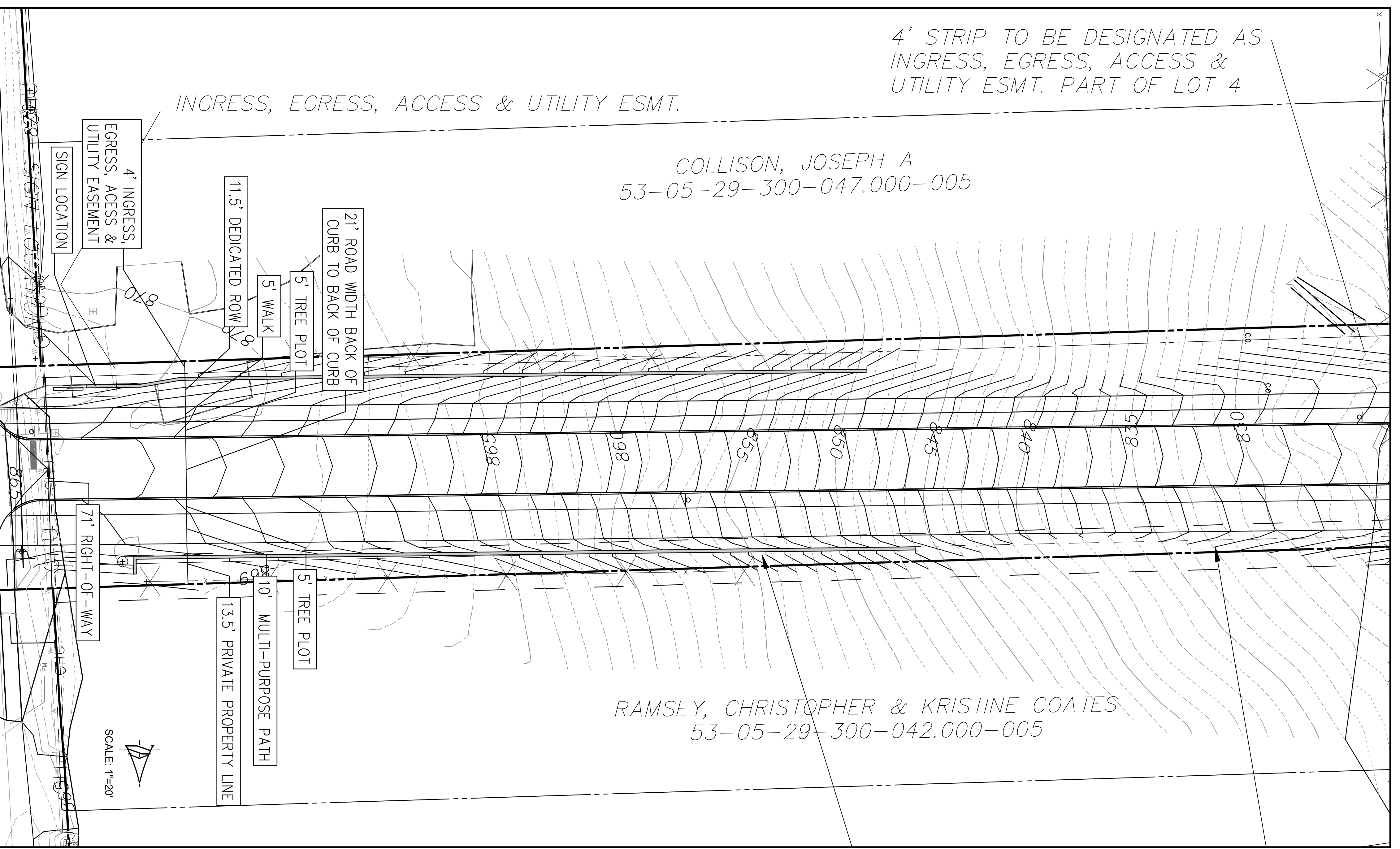
AREA D - COTTAGES (DUPLEXES)
 (12) TOWNHOUSES
 (106) COTTAGES
 (108.5) DUE UNITS, (309) BEDS
 (9.15) DUE UNITS PER ACRE
 (240) SURFACE PARKING SPACES

AREA D UNIT MIX -

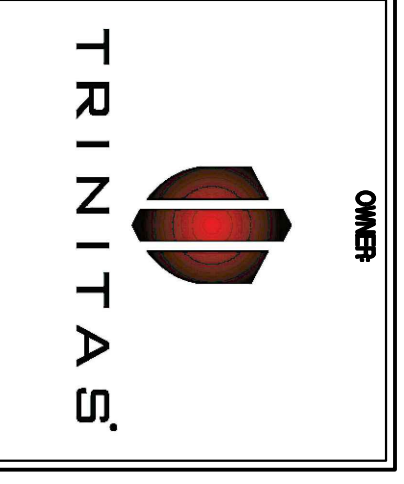
1 BED	26	23.2%
2 BED	38	33.9%
3 BED	12	10.7%
4 BED	36	32.2%
TOTAL	112	100%



ARLINGTON PARK DRIVE DIMENSIONING



MAIN ACCESS ROAD DIMENSIONING



ARCHITECTURE
CIVIL ENGINEERING
PLANNING
bloomington, indiana
(812) 339-2990 (Fax)

BYNUM FANYO & ASSOCIATES, INC.
528 north walnut street
(812) 332-8030

PROJECT:
**WEST 17TH STREET
PLANNED UNIT
DEVELOPMENT**
BLOOMINGTON, INDIANA

SCOPE DRAWINGS:
These drawings are prepared by the engineer or architect and are not to be construed as a contract. The engineer or architect is not responsible for the accuracy of the information provided by the client or other sources. The engineer or architect is not responsible for the accuracy of the information provided by the client or other sources.

REVISIONS:
PR 10 - ADDED SHEET C311 -
ARLINGTON PARK DRIVE
IMPROVEMENTS - 12-23-20

ISSUE DATE: 09/22/2020
DRAWN BY: DJB
CHECKED BY: JSF

DRAWING TITLE:
ENLARGED SITE
PLAN FOR
ARLINGTON
PARK DRIVE

CERTIFIED BY:

DRAWING NUMBER:
EXHIBIT

PROJECT NUMBER:
401334

W. 17TH STREET P.U.D.
SUBDIVISION

FINAL PLAT
BLOOMINGTON TOWNSHIP
SECTION 29, T 9 N, R 1 W.

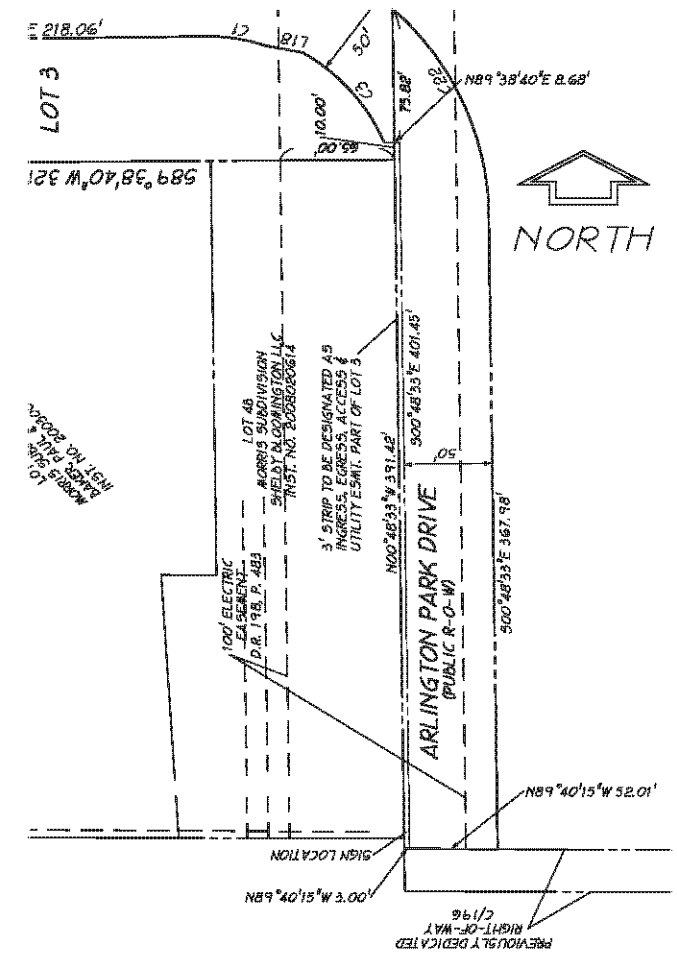
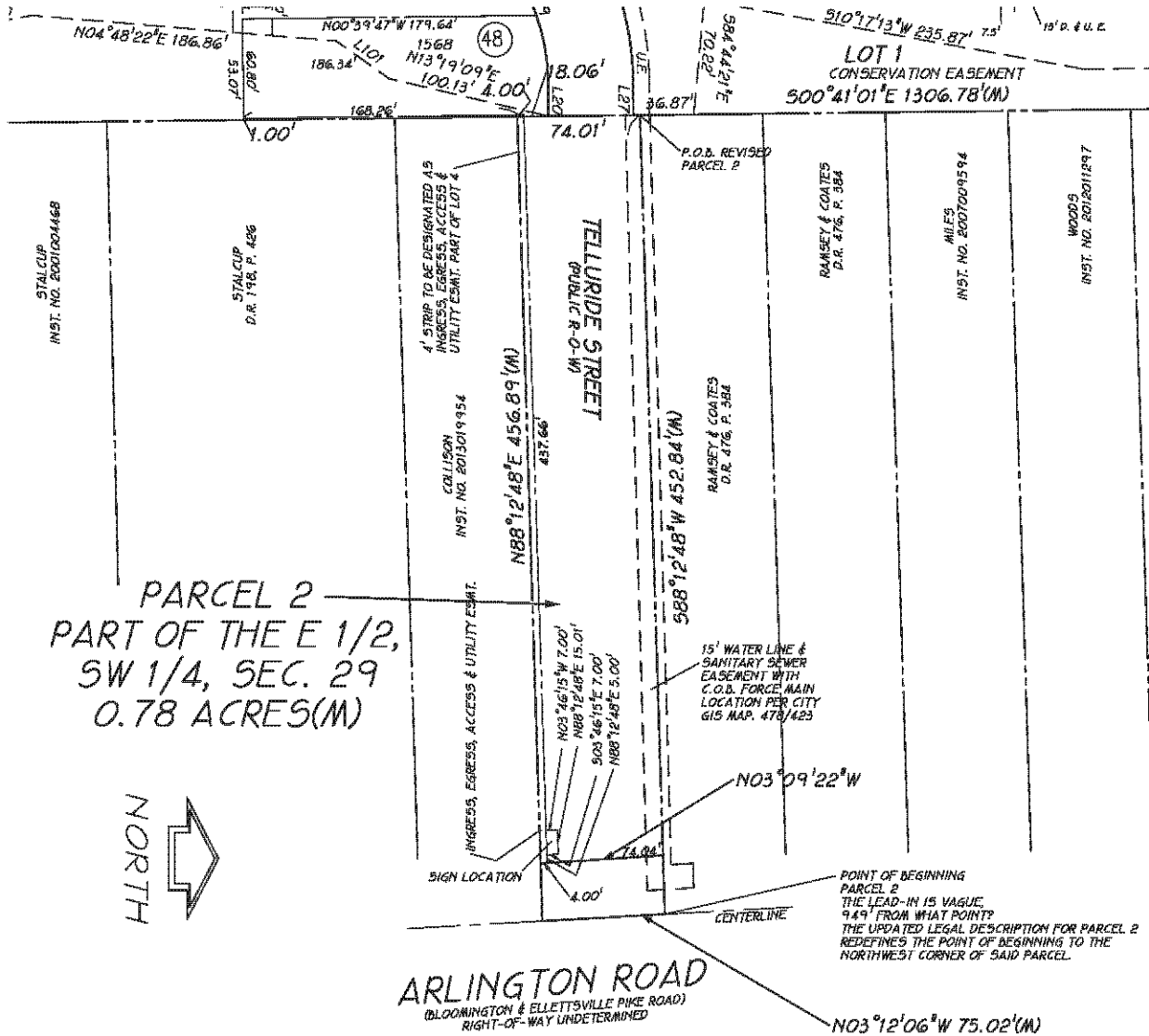
BASIS OF BEARING
SPCS IN WEST NAD 83



Scale 1" = 50 ft

LEGEND

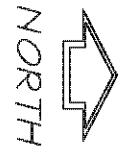
PROPERTY LINE	---
EASEMENT LINE	- - - -
FENCE	---X---X---
OVERHEAD UTILITIES	---(S)---
OVERHEAD ELECTRIC LINE	---(E)---
UNDERGROUND ELECTRIC LINE	---(UE)---
UNDERGROUND GAS LINE	---(GAS)---
UNDERGROUND TELEPHONE LINE	---(UT)---
WATER LINE	---(W)---
SANITARY SEWER LINE	---(S)---
DEED RECORD BOOK AND PAGE	XXX/XXX
5/8" BEAR WITH CAP SET	o 5
#46 NAIL SET	v 46
RECORD	R
REASURED	#
RIGHT-OF-WAY	ROW
LANDSCAPE AREA	L.S.
INGRESS AND EGRESS EASEMENT	I. & E.
DRAINAGE AND UTILITY EASEMENT	D. & U.



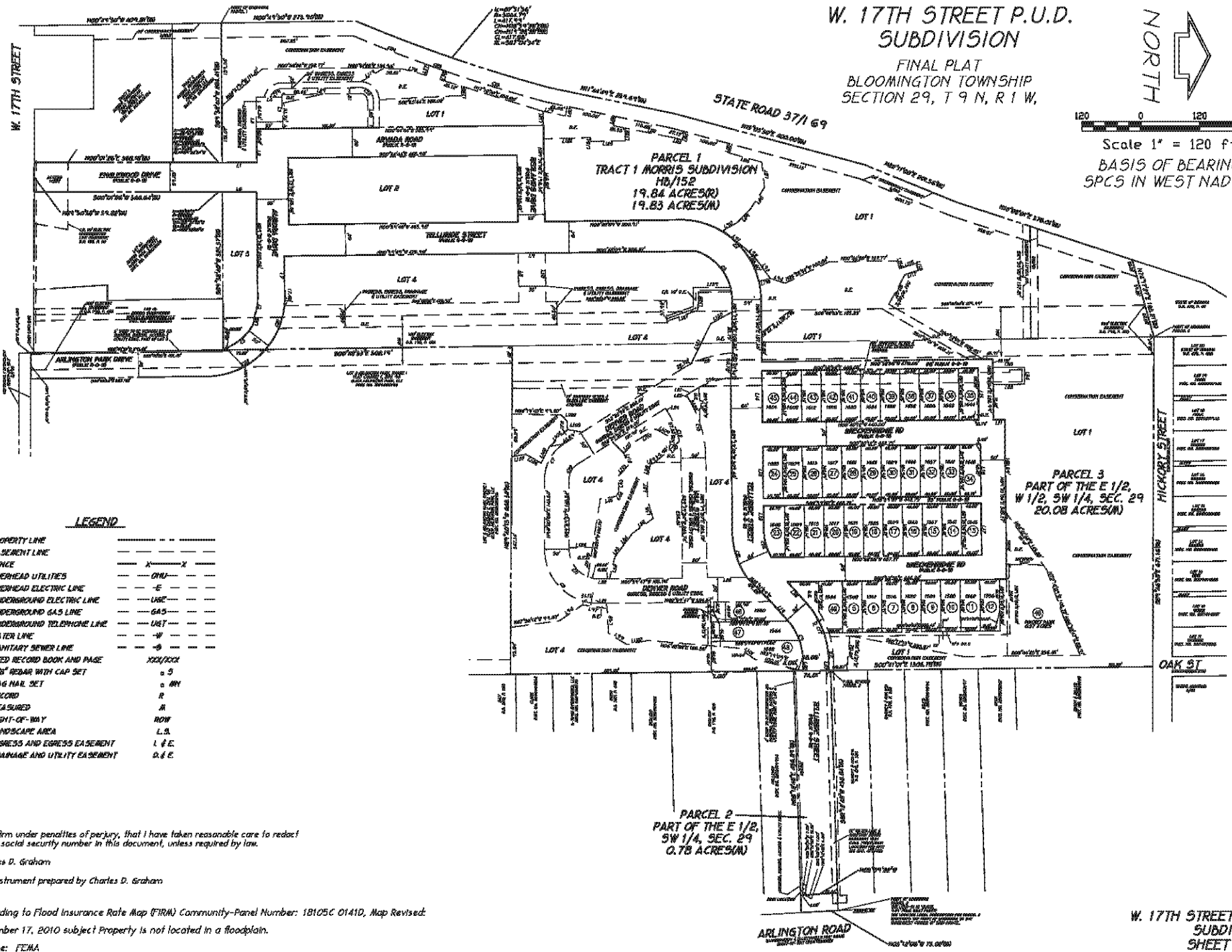
W. 17TH STREET P.U.D.
SUBDIVISION
SHEET 2 OF 4
JOB NO. 401334

W. 17TH STREET P.U.D. SUBDIVISION

FINAL PLAT
BLOOMINGTON TOWNSHIP
SECTION 29, T 9 N, R 1 W.



Scale 1" = 120 ft
BASIS OF BEARING
SPCS IN WEST NAD 83



LEGEND

PROPERTY LINE	---
EASEMENT LINE	- - - - -
FENCE	- X - X -
OVERHEAD UTILITIES	---OHL---
OVERHEAD ELECTRIC LINE	---E---
UNDERGROUND ELECTRIC LINE	---USE---
UNDERGROUND GAS LINE	---GAS---
UNDERGROUND TELEPHONE LINE	---UET---
WATER LINE	---W---
SANITARY SEWER LINE	---S---
DEED RECORD BOOK AND PAGE	XXX/XXX
3/8" REBAR WITH CAP SET	o 5
3/8" NAIL SET	o NY
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
LANDSCAPE AREA	L.S.
INGRESS AND EGRESS EASEMENT	I & E
DRAINAGE AND UTILITY EASEMENT	D & E

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

According to Flood Insurance Rate Map (FIRM) Community-Panel Number: 18105C 0141D, Map Revised: December 17, 2010 subject Property is not located in a floodplain.

Source: FEMA

PARCEL 2
PART OF THE E 1/2,
SW 1/4, SEC. 29
0.78 ACRES(M)

PARCEL 3
PART OF THE E 1/2,
W 1/2, SW 1/4, SEC. 29
20.08 ACRES(M)

W. 17TH STREET P.U.D.
SUBDIVISION
SHEET 1 OF 4
JOB NO. 401334

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	17°33'33"	105.00	38.19	N80°30'52"W	38.06
C2	36°38'40"	110.00	70.16	S42°19'06"E	68.90
C3	87°36'09"	164.00	280.75	N65°31'16"E	287.03
C4	72°25'24"	105.00	132.11	S53°18'33"W	123.57
C5	85°15'15"	255.00	110.93	S17°39'52"E	109.83
C6	57°58'59"	85.00	38.48	S61°14'47"E	38.91
C7	90°00'00"	110.00	178.79	N44°54'54"E	155.56
C8	41°18'11"	125.00	101.11	N68°40'21"E	98.17
C9	57°36'28"	35.00	35.19	S61°11'35"E	33.78
C10	90°00'00"	60.00	94.85	N44°54'54"E	84.85
C11	30°53'14"	185.00	99.79	S73°52'43"W	98.53
C12	30°53'14"	185.00	126.68	S73°52'43"W	125.16
C13	83°37'21"	173.00	75.26	N18°47'53"W	77.40
C14	83°38'53"	165.00	108.64	N19°31'42"E	101.01
C15	49°17'04"	116.00	59.43	N74°54'49"E	58.97
C16	41°18'11"	177.00	127.59	N68°40'21"E	124.85
C17	90°00'00"	85.00	39.87	S44°15'16"W	35.36
C18	70°54'38"	85.00	30.94	S36°12'00"E	29.00
C19	41°44'54"	160.01	116.57	S69°49'32"E	114.01
C20	00°33'56"	3074.79	30.30	N19°28'21"E	30.30
C21	03°06'05"	3074.79	166.44	N19°28'21"E	166.48
C22	04°08'53"	3074.79	219.92	N17°02'28"E	219.87

W. 17TH STREET P.U.D. SUBDIVISION

FINAL PLAT
BLOOMINGTON TOWNSHIP
SECTION 29, T 9 N, R 1 W,

LEGAL DESCRIPTION

Updated Parcel 1:

Tract 1 in Harris Subdivision, as per plat thereof, recorded in Plat Book 125, in the office of the Recorder of Monroe County, Indiana, recorded May 18, 1999, more particularly described as follows:

A part of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows: commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.21 feet to the point of beginning;

thence continuing North 00 degrees 49 minutes 30 seconds West 879.10 feet to a point on the Eastern right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 87 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 44 seconds East 254.81 feet; thence North 16 degrees 08 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 801.56 feet; thence North 18 degrees 02 minutes 01 seconds East 176.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.81 feet; thence South 60 degrees 48 minutes 33 seconds East 1891.54 feet; thence South 87 degrees 38 minutes 40 seconds West 320.37 feet to the beginning of a curve concave southeasterly having a radius of 300.00 feet to which a radial line bears North 83 degrees 53 minutes 20 seconds West; thence on said curve southeasterly 18.16 feet through a central angle of 05 degrees 05 minutes 11 seconds; thence South 03 degrees 01 minutes 08 seconds East 288.84 feet; thence North 39 degrees 30 minutes 20 seconds West 39.88 feet; thence North 00 degrees 01 minutes 26 seconds West 368.18 feet to the beginning of a curve concave southeasterly having a radius of 366.00 feet to which a radial line bears North 81 degrees 58 minutes 34 seconds West; thence on said curve Northwesterly 14.08 feet through a central angle of 08 degrees 14 minutes 34 seconds; thence North 87 degrees 28 minutes 40 seconds East 284.41 feet to the point of beginning, containing 19.88 acres, more or less.

Updated Parcel 2:

A part of the East half of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows:

Commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.21 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 879.10 feet to a point on the Eastern right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 87 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 44 seconds East 254.81 feet; thence North 16 degrees 08 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 801.56 feet; thence North 18 degrees 02 minutes 01 seconds East 176.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.81 feet to the southeast corner of the plat of Chandlerville as shown by the plat recorded in Plat Cabinet 3, Envelope 28 in the office of the Recorder of Monroe County, Indiana; thence on and along the south line of said plat South 89 degrees 45 minutes 58 seconds East 671.16 feet; thence leaving said south line South 00 degrees 41 minutes 01 seconds East 1506.78 feet to the north line of Lot 2 in Arlington Park Phase 1 as shown by the plat recorded in Plat Cabinet 3, Envelope 16, in said office of the Recorder; thence on and along said north line North 89 degrees 40 minutes 18 seconds West 888.52 feet; thence leaving said north line North 00 degrees 48 minutes 53 seconds West 1305.52 feet to the point of beginning, containing within and bounds 20.28 acres, more or less.

Updated Parcel 3:

A part of the East half of the west half of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows:

Commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.21 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 879.10 feet to a point on the Eastern right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 87 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 44 seconds East 254.81 feet; thence North 16 degrees 08 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 801.56 feet; thence North 18 degrees 02 minutes 01 seconds East 176.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.81 feet to the southeast corner of the plat of Chandlerville as shown by the plat recorded in Plat Cabinet 3, Envelope 28 in the office of the Recorder of Monroe County, Indiana and the Point of Beginning; thence on and along the south line of said plat South 89 degrees 45 minutes 58 seconds East 671.16 feet; thence leaving said south line South 00 degrees 41 minutes 01 seconds East 1506.78 feet to the north line of Lot 2 in Arlington Park Phase 1 as shown by the plat recorded in Plat Cabinet 3, Envelope 16, in said office of the Recorder; thence on and along said north line North 89 degrees 40 minutes 18 seconds West 888.52 feet; thence leaving said north line North 00 degrees 48 minutes 53 seconds West 1305.52 feet to the point of beginning, containing within and bounds 20.28 acres, more or less.

NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE
L1	N00°44'44"W	70.93	L89	S07°02'05"E	50.25
L2	S89°18'54"W	37.64	L88	S45°54'07"E	39.60
L3	S89°12'07"W	94.57	L87	S24°26'39"E	33.68
L4	N00°47'30"W	53.00	L86	N59°20'13"E	51.67
L5	N89°12'07"E	64.57	L85	N45°15'34"E	33.34
L6	N00°44'44"W	69.34	L84	N54°10'57"E	44.58
L7	N89°15'18"E	83.03	L83	N17°42'54"E	31.25
L8	N89°15'18"E	99.26	L82	N64°20'58"W	57.39
L9	N00°28'53"W	55.00	L81	N08°34'08"E	50.78
L10	S89°15'16"W	98.92	L80	N67°11'42"E	49.78
L11	N00°40'46"W	88.83	L79	N32°15'44"E	43.98
L12	S89°20'24"W	48.11	L78	N10°34'35"E	43.96
L13	S89°20'24"W	104.25	L77	N55°27'12"E	39.59
L14	S89°19'20"W	105.18	L76	N46°21'05"E	77.90
L15	N89°20'53"E	105.00	L75	N35°41'20"E	77.51
L16	N89°21'04"E	104.99	L74	S43°21'00"E	50.69
L17	N89°21'04"E	105.18	L73	S63°20'28"E	37.48
L18	S74°34'14"E	81.46	L72	S24°44'55"W	58.13
L19	N48°01'18"E	50.35	L71	S10°14'51"E	81.03
L20	N89°14'24"E	81.40	L70	N68°52'47"W	25.95
L21	N00°00'00"W	15.22	L69	S89°49'23"W	34.17
L22	N00°00'00"W	14.93	L68	S19°07'05"E	47.85
L23	N00°54'47"W	80.67	L67	S44°54'24"E	34.25
L24	S89°26'07"W	8.22	L66	N68°33'56"E	28.64
L25	S89°26'07"W	8.95	L65	S46°23'55"E	50.02
L26	N48°01'18"E	57.28	L64	N70°28'26"E	16.70
L27	N89°14'24"E	81.39	L63	N18°00'55"W	34.74
L28	S89°15'16"W	58.39	L62	N77°51'22"E	15.00
L29	S00°44'44"E	160.25	L61	S18°00'55"E	85.09
L30	S48°23'53"E	13.94	L60	N19°42'54"W	23.97
L31	N15°26'23"E	91.72	L59	N50°21'54"W	53.72
L32	N72°33'43"W	20.90	L58	N68°44'11"E	19.01
L33	S71°48'47"E	19.72	L57	S87°16'18"W	28.48
L34	N11°30'25"E	48.56	L56	N68°44'11"E	25.66
L35	N78°15'11"W	13.58	L55	S01°15'44"E	70.08
L36	S78°15'11"E	15.40	L54	S89°44'11"W	7.46
L37	N11°17'34"E	128.54	L53	S01°15'44"E	45.54
L38	N15°30'25"E	16.94	L52	N00°12'37"E	47.51
L39	N74°56'50"W	17.20	L51	N00°01'10"W	61.82
L40	S74°56'50"E	18.47	L50	N89°12'22"W	37.56
L41	N15°45'41"E	68.32	L49	N00°10'10"W	71.47
L42	N84°01'21"E	91.79	L48	S24°11'25"E	50.64
L43			L47	S64°04'09"E	94.47



LOCATION MAP

PROJECT LOCATION

Easements to be vacated per this plat:

- 60' Roadway and Utility Easement recorded in HB 152 in the office of the Recorder of Monroe County, IN, as granted in that certain Warranty Deed from James T. Morris and Donetta S. Morris, husband and wife, to James T. Morris, as Trustee under the James T. Morris Revocable Trust Agreement dated October 25, 1999, an undivided 50% interest and Donetta S. Morris, as Trustee under the Donetta S. Morris Revocable Trust Agreement dated October 25, 1999, an undivided 50%, dated February 11, 2000 and recorded February 15, 2000 as Document No. 2000002253.
- 20' x 15' Waterline and Sanitary Sewer Easement record in Deed book 472, Page 426 in the office of the Recorder of Monroe County, IN.

These easements are being vacated at the request of the property owners and with consent and approval of City of Bloomington Utilities.

I certify that I am a Registered Land Surveyor licensed under the laws of Indiana that this plat accurately represents a survey made by me on October 22, 2022 and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

Charles D. Graham
Charles D. Graham
Indiana L.S. 29500014
Byrum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030



W. 17TH STREET P.U.D.
SUBDIVISION
SHEET 3 OF 4
JOB NO. 401334

W. 17TH STREET P.U.D.
SUBDIVISION

FINAL PLAT
BLOOMINGTON TOWNSHIP
SECTION 29, T 9 N, R 1 W,

SOURCE OF TITLE: INST. NO. 2021000123

OWNER: W-17B 17 HOLDINGS LLC, a Delaware limited liability company

ZONING: PUD - PLANNED UNIT DEVELOPMENT

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platfiled real estate and their successors in title to reimburse against any pending or future assessment by the City of Bloomington, Indiana, of such platfiled real estate.

BY W-17B 17 HOLDINGS LLC, a Delaware limited liability company, the owners of the real estate shown and described herein, does hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as "W17D1 STREET PUD", an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

Front and side yard building setback lines are established as shown on the plat, between which lines and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground that are shown on the plat and marked "Easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed _____, 20____.

Signature _____
Name: Loren P. King
Title: Authorized Representative

STATE OF INDIANA }
COUNTY OF _____ } SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

County of Residence _____ Commission Expiration _____
Notary Public, Written _____ Notary Public, Printed _____

OWNER: GLICK ARLINGTON PARK, LLC
SOURCE OF TITLE: INST. NO. 2013020163

Glick Arlington Park, LLC, the owners of the real estate shown as Arlington Park Drive, does hereby dedicate to the City of Bloomington lay off, plat, and subdivide said real estate in accordance with the within plat.

Signed and Sealed _____, 20____.

Signature _____ Office: _____
Name: _____

STATE OF INDIANA }
COUNTY OF _____ } SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

County of Residence _____ Commission Expiration _____
Notary Public, Written _____ Notary Public, Printed _____

SINGLE FAMILY LOT ACRESAGES

35	14	34	11
4199.7675 sq. ft	4206.1066 sq. ft	4488.8995 sq. ft	4193.0081 sq. ft
0.0964 Acres	0.0966 Acres	0.1030 Acres	0.0963 Acres
36	15	33	10
4204.6332 sq. ft	4206.0282 sq. ft	4198.9306 sq. ft	4193.7525 sq. ft
0.0964 Acres	0.0966 Acres	0.0964 Acres	0.0960 Acres
37	16	32	9
4201.2233 sq. ft	4205.9487 sq. ft	4198.4207 sq. ft	4194.4982 sq. ft
0.0964 Acres	0.0966 Acres	0.0964 Acres	0.0960 Acres
38	17	31	8
4201.8126 sq. ft	4206.0118 sq. ft	4198.0554 sq. ft	4195.2432 sq. ft
0.0965 Acres	0.0966 Acres	0.0964 Acres	0.0960 Acres
39	18	30	7
4202.4029 sq. ft	4205.7879 sq. ft	4197.4016 sq. ft	4195.9883 sq. ft
0.0963 Acres	0.0966 Acres	0.0964 Acres	0.0960 Acres
40	19	29	6
4202.9922 sq. ft	4205.7078 sq. ft	4196.8922 sq. ft	4196.7339 sq. ft
0.0963 Acres	0.0963 Acres	0.0963 Acres	0.0960 Acres
41	20	28	5
4203.5826 sq. ft	4205.6271 sq. ft	4196.3821 sq. ft	4197.4241 sq. ft
0.0963 Acres	0.0963 Acres	0.0963 Acres	0.0964 Acres
42	21	27	4
4204.1718 sq. ft	4205.5470 sq. ft	4195.8723 sq. ft	7303.9484 sq. ft
0.0963 Acres	0.0963 Acres	0.0963 Acres	0.1677 Acres
43	22	26	48
4204.7622 sq. ft	4205.4661 sq. ft	4195.3627 sq. ft	11422.8090 sq. ft
0.0963 Acres	0.0963 Acres	0.0963 Acres	0.2629 Acres
44	23	25	47
4205.3526 sq. ft	4213.8995 sq. ft	4194.8536 sq. ft	6799.4571 sq. ft
0.0963 Acres	0.0967 Acres	0.0963 Acres	0.1561 Acres
45	12	24	46
4202.9478 sq. ft	4192.2636 sq. ft	4193.4158 sq. ft	5580.04 sq. ft
0.0966 Acres	0.0962 Acres	0.0963 Acres	0.1281 Acres
34	11	13	
4482.2895 sq. ft	4193.0081 sq. ft	4206.1890 sq. ft	
0.1030 Acres	0.0963 Acres	0.0966 Acres	

CERTIFICATE OF APPROVAL
OF PLANNING AND TRANSPORTATION

Under the authority of Indiana code 36-7-4.700 series, enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Bloomington, Indiana, this plat was given approval by the City of Bloomington, as follows:

Approved by the City Planning and Transportation at a meeting held _____, 20____.

(Scott Robinson, Director of Planning and Transportation)

EASEMENT LEGEND

UE = Utility Easement

(A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

(B) Prohibits the placement of any unauthorized obstructions within the easement area.

DE = Drainage Easement

(A) Shall be required for any surface swales or other minor improvements that are intended for maintenance by the lots on which they are located.

(B) Shall prohibit any alteration 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 cost 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.

PSSSE = Private Sanitary Sewer Easement

(A) Shall allow the Property owner or their assigns exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within the Sanitary Sewer Easement.

(C) Grading activity shall be prohibited within Sanitary Sewer Easements without written permission from the Property owner.

W.L.E. = 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 preliminary plat. Upon written permission from the city utilities department, encroachments may be permitted after the recording of the final 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.

(E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.0790(R) or is further authorized by the city.

Conservancy Easement

Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area.

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.

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.

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.

W. 17TH STREET P.U.D.
SUBDIVISION
SHEET 4 OF 4
JOB NO. 401334



ARCHITECTURE
 CIVIL ENGINEERING
 PLANNING
 SURVEYING
 BLOOMINGTON, INDIANA
 (617) 338-8900 (FAX)
BBB
 BLOOMINGTON, INDIANA
 (617) 338-8900

PROJECT:
**WEST 17TH STREET
 PLANNED UNIT
 DEVELOPMENT**
 BLOOMINGTON, INDIANA

SCOPE DRAWINGS:
 This drawing shall be the work of the party to be used in the project. It shall be the responsibility of the user to verify the accuracy of the information provided herein. The user shall be responsible for any errors or omissions in the information provided herein. The user shall be responsible for any errors or omissions in the information provided herein.

REVISIONS:

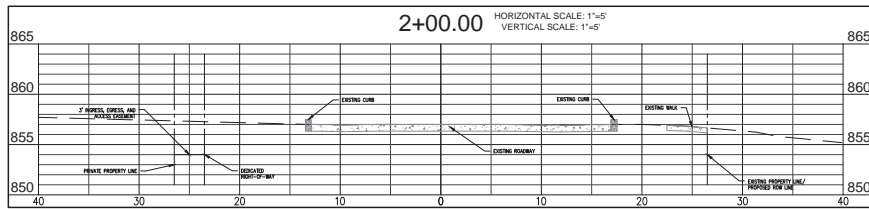
DATE DATE DRAWN BY CHECKED BY
 09/23/2020 DJB JSF

DRAWING TITLE:
 ARLINGTON PARK
 DRIVE
 CROSS-SECTIONS

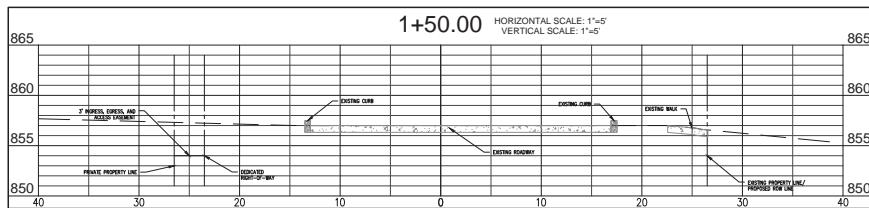


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EXHIBIT

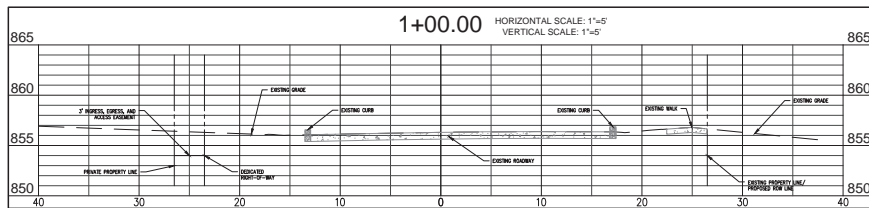
PROJECT NUMBER:
 401334



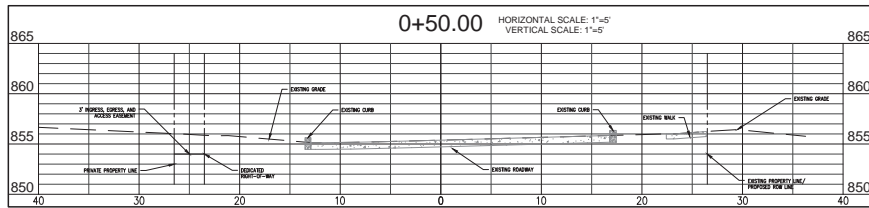
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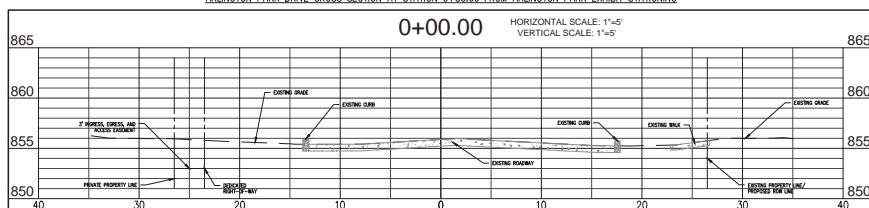
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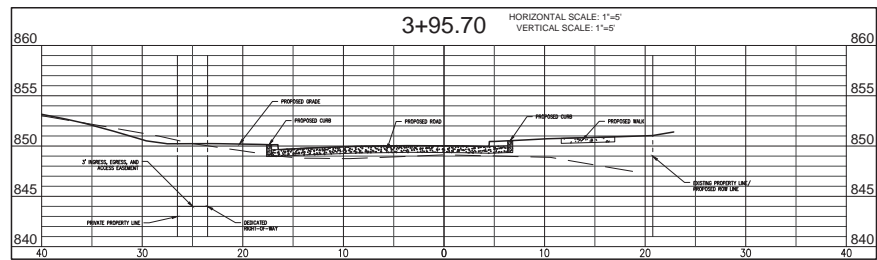
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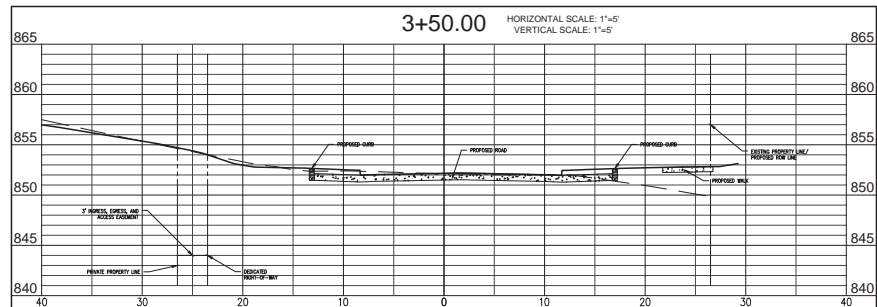
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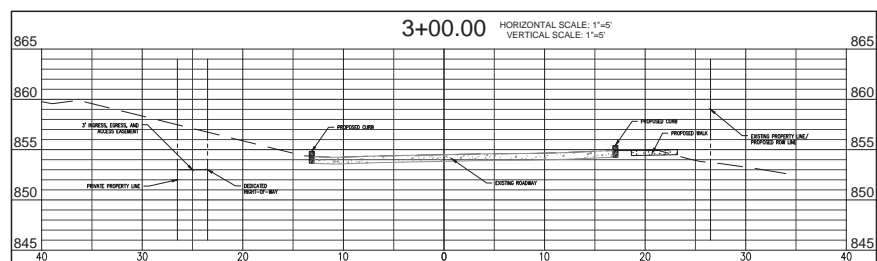
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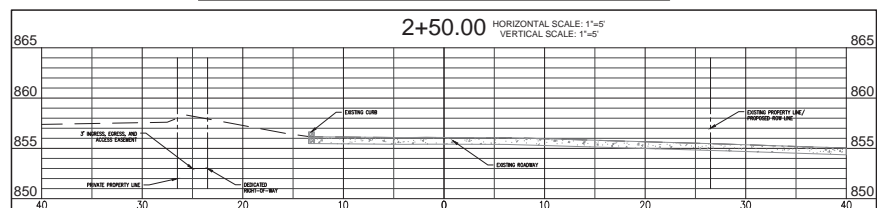
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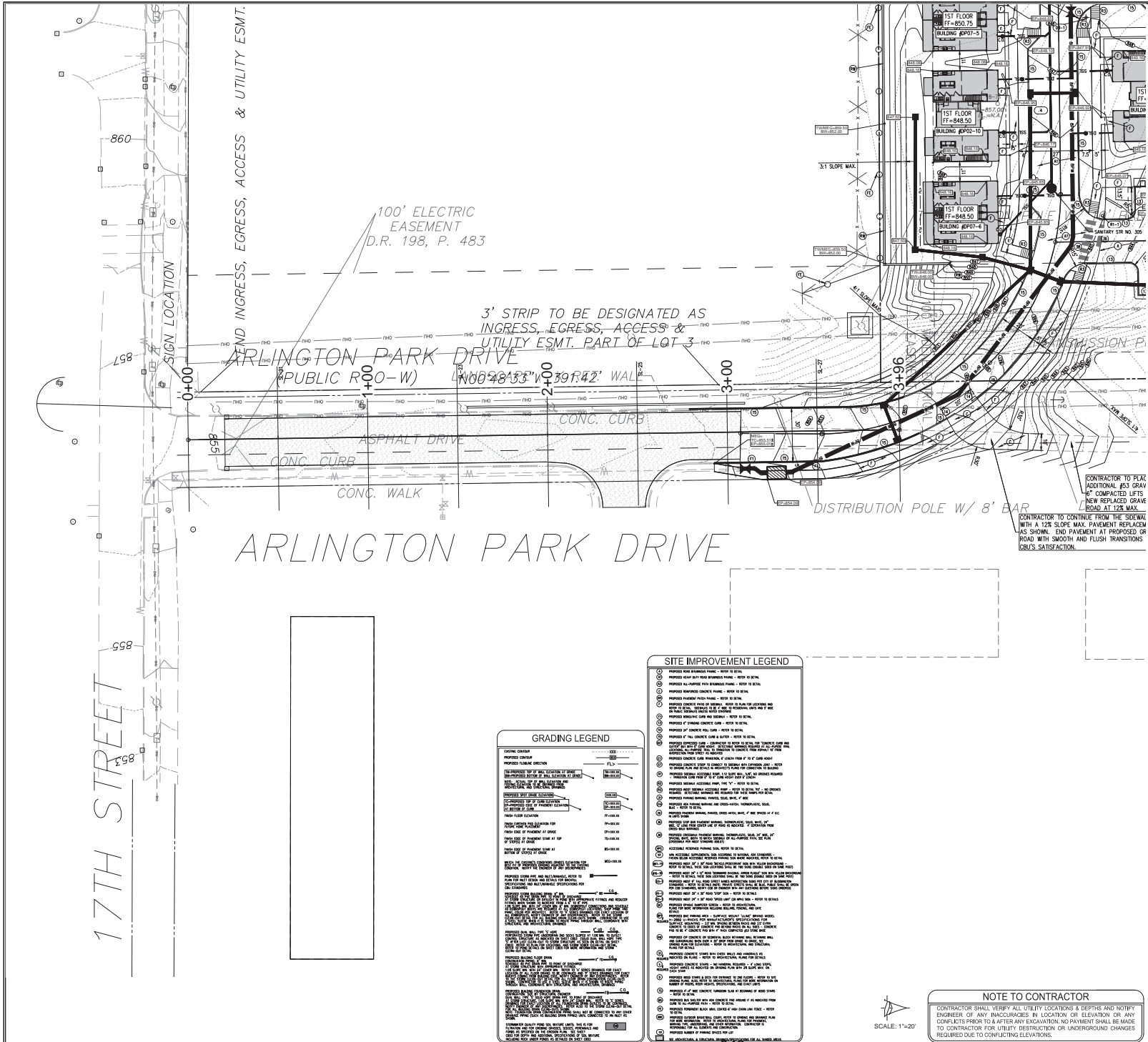
ARLINGTON PARK DRIVE CROSS SECTION AT STATION 3+50.00 FROM ARLINGTON PARK EXHIBIT STATIONING



ARLINGTON PARK DRIVE CROSS SECTION AT STATION 3+00.00 FROM ARLINGTON PARK EXHIBIT STATIONING



ARLINGTON PARK DRIVE CROSS SECTION AT STATION 2+50.00 FROM ARLINGTON PARK EXHIBIT STATIONING



EXISTING LEGEND

EXISTING FENCE	---
EXISTING WATER LINE	---
EXISTING OVERHEAD UTILITY LINES	---
EXISTING UNDERGROUND ELECTRIC LINES	---
EXISTING UNDERGROUND TELEPHONE LINES	---
EXISTING UNDERGROUND FIBER OPTIC LINES	---
EXISTING GAS LINE	---
EXISTING SANITARY FORCE MAIN	---
EXISTING ELEVATION CONTOUR LINE	---
EXISTING SANITARY SEWER AND MANHOLE	---
EXISTING STORM SEWER AND INLET	---
PROPERTY LINE	---
GEOTECHNICAL REPORT BORE HOLE LOCATION - SEE SEPARATE GEOTECHNICAL REPORT BY 'PS' FOR MORE INFORMATION	---
GEOTECHNICAL BORING KEY	---

UTILITY LEGEND

PROPOSED COMMERCIAL OR RESIDENTIAL DOMESTIC SERVICE LINE: USE THE 'X' COPES FOR 1" AND SMALLER DOMESTIC WATER SERVICE LINE AND APPROVED FININGS AND SIFT-AND-FITTING FOR DOMESTIC WATER SERVICE LINE LARGER THAN 1" 4" COVER WILL REFER TO THE 'Y' SIZES DRAWING FOR MORE INFORMATION ON THE FINAL SIZE OF SERVICE LINE SHALL BE CONNECTED TO ALL.

PROPOSED PUBLIC WATER MAIN: 4" MIN. AWWA C900 PVC AND FITTINGS REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PUBLIC WATER MAIN DESIGN REQUIREMENTS. 4" COVER MIN. PRIVATE WATER MAIN SHALL BE FULLY CONTRACTED AND TESTED AS SHOWN BEFORE ANY RELEASE WATER METERS FOR PUBLIC WATER TO BE INSTALLED. COORDINATE TO CONFORMANCE WITH CITY OF BLOOMINGTON WATER MAIN DESIGN REQUIREMENTS. REFER TO DETAIL.

PROPOSED PRIVATE WATER MAIN: 4" MIN. AWWA C900 PVC AND FITTINGS REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PRIVATE WATER MAIN DESIGN REQUIREMENTS. 4" COVER MIN. PRIVATE WATER MAIN SHALL BE FULLY CONTRACTED AND TESTED AS SHOWN BEFORE ANY RELEASE WATER METERS FOR PRIVATE WATER TO BE INSTALLED. COORDINATE TO CONFORMANCE WITH CITY OF BLOOMINGTON PRIVATE WATER MAIN DESIGN REQUIREMENTS. REFER TO DETAIL.

PROPOSED WATER MAIN RELEASE VALVE: REFER TO DETAIL.

PROPOSED WATER MAIN VALVE: REFER TO DETAIL.

PROPOSED WATER MAIN STRUCTURE: REFER TO DETAIL.

PROPOSED WATER MAIN RELEASE VALVE: REFER TO DETAIL.

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PROPOSED WATER MAIN STRUCTURE: REFER TO DETAIL.

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PROPOSED WATER MAIN RELEASE VALVE: REFER TO DETAIL.

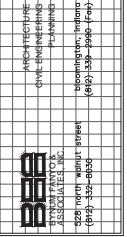
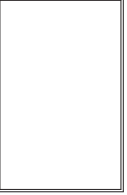
PROPOSED WATER MAIN VALVE: REFER TO DETAIL.

PROPOSED WATER MAIN STRUCTURE: REFER TO DETAIL.

PROPOSED WATER MAIN RELEASE VALVE: REFER TO DETAIL.

PROPOSED WATER MAIN VALVE: REFER TO DETAIL.

PROPOSED WATER MAIN STRUCTURE: REFER TO DETAIL.



PROJECT: WEST 17TH STREET PLANNED UNIT DEVELOPMENT BLOOMINGTON, INDIANA

SCOPE DRAWINGS: [Detailed description of drawing scope]

REVISIONS: [Table with revision details]

DATE DATE DRAWN BY CHECKED BY: 09/23/2020 DJB JSF

DRAWING TITLE: ARLINGTON PARK DRIVE EXHIBIT



DRAWING NUMBER: EXHIBIT PROJECT NUMBER: 401334

SITE IMPROVEMENT LEGEND

1	PROPOSED 6" DIA. 120' PERMANENT PAVEMENT - REFER TO DETAIL
2	PROPOSED 6" DIA. 120' PERMANENT PAVEMENT - REFER TO DETAIL
3	PROPOSED 6" DIA. 120' PERMANENT PAVEMENT - REFER TO DETAIL
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47	PROPOSED 6" DIA. 120' PERMANENT PAVEMENT - REFER TO DETAIL
48	PROPOSED 6" DIA. 120' PERMANENT PAVEMENT - REFER TO DETAIL
49	PROPOSED 6" DIA. 120' PERMANENT PAVEMENT - REFER TO DETAIL
50	PROPOSED 6" DIA. 120' PERMANENT PAVEMENT - REFER TO DETAIL

GRADING LEGEND

1	EXISTING ELEVATION
2	PROPOSED ELEVATION
3	PROPOSED ELEVATION
4	PROPOSED ELEVATION
5	PROPOSED ELEVATION
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49	PROPOSED ELEVATION
50	PROPOSED ELEVATION

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.





GRADING LEGEND

EXISTING CONTOUR	---	XXX
PROPOSED CONTOUR	---	XXX
PROPOSED FLOORLINE	---	FL
PROPOSED TOP OF WALL ELEVATION AT GRADE	---	WELL
PROPOSED TOP OF WALL ELEVATION AT GRADE (UNDERGROUND)	---	WELL-U
PROPOSED TOP OF CURB ELEVATION	---	CC
PROPOSED TOP OF CURB ELEVATION (UNDERGROUND)	---	CC-U
PROPOSED FINISH FLOOR ELEVATION	---	FF
PROPOSED FINISH FLOOR ELEVATION (UNDERGROUND)	---	FF-U
PROPOSED FINISH FLOOR ELEVATION	---	FF-XXX
PROPOSED FINISH FLOOR ELEVATION (UNDERGROUND)	---	FF-XXX-U
PROPOSED FINISH FLOOR ELEVATION	---	FF-XXX
PROPOSED FINISH FLOOR ELEVATION (UNDERGROUND)	---	FF-XXX-U
PROPOSED FINISH FLOOR ELEVATION	---	FF-XXX
PROPOSED FINISH FLOOR ELEVATION (UNDERGROUND)	---	FF-XXX-U

EXISTING LEGEND

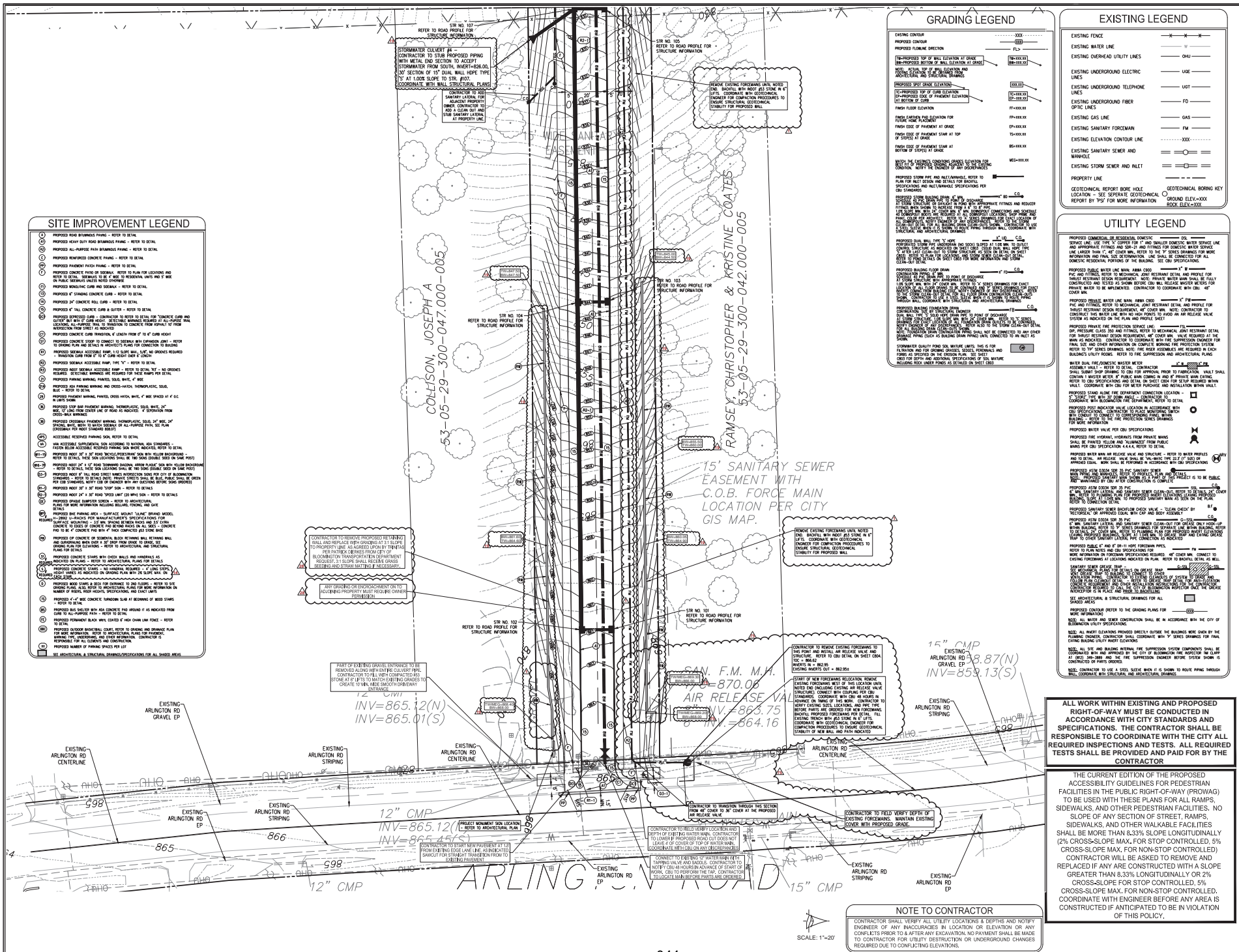
EXISTING FENCE	---	---
EXISTING WATER LINE	---	---
EXISTING OVERHEAD UTILITY LINES	---	---
EXISTING UNDERGROUND ELECTRIC LINES	---	---
EXISTING UNDERGROUND TELEPHONE LINES	---	---
EXISTING UNDERGROUND FIBER OPTIC LINES	---	---
EXISTING GAS LINE	---	---
EXISTING SANITARY FORCE MAIN	---	---
EXISTING SANITARY CONDUIT LINE	---	---
EXISTING SANITARY AND MANHOLE	---	---
EXISTING STORM SEWER AND INLET	---	---
PROPERTY LINE	---	---
GEOTECHNICAL REPORT BORE HOLE LOCATION - SEE SEPARATE GEOTECHNICAL REPORT BY PSI FOR MORE INFORMATION	---	---
GEOTECHNICAL BORING KEY	---	---
GROUND ELEVATION	---	---
GROUND ELEVATION	---	---

UTILITY LEGEND

PROPOSED COMMERCIAL OR RESIDENTIAL DOMESTIC SERVICE LINE - USE "Y" COPY FOR 1" AND SMALLER DOMESTIC WATER SERVICE LINE AND FITTING TO 3" AND FITTING FOR DOMESTIC WATER SERVICE LINE LARGER THAN 3". 4" COVER MIN. REFER TO THE "Y" CUES DRAWING FOR MORE INFORMATION. THE FINAL SIZE OF SERVICE LINE SHALL BE DETERMINED BY THE DESIGN PROFESSIONAL IN ACCORDANCE WITH THE CITY OF BLOOMINGTON STANDARDS.	---	---
PROPOSED PUBLIC WATER MAIN - MAIN AREA CSD-1. PVE AND FITTING REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PUBLIC WATER MAIN. PVE AND FITTING REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PUBLIC WATER MAIN. PVE AND FITTING REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PUBLIC WATER MAIN. PVE AND FITTING REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PUBLIC WATER MAIN.	---	---
PROPOSED PRIVATE FIRE PROTECTION SERVICE - 1" PVE AND FITTING REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PRIVATE FIRE PROTECTION SERVICE. 1" PVE AND FITTING REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PRIVATE FIRE PROTECTION SERVICE. 1" PVE AND FITTING REFER TO MECHANICAL JOINT RESTRAINT DETAIL AND PROFILE FOR PRIVATE FIRE PROTECTION SERVICE.	---	---
PROPOSED WATER MAIN AIR RELEASE VALVE AND STRUCTURE - REFER TO CITY STANDARDS FOR AIR RELEASE VALVE AND STRUCTURE DETAIL. AIR RELEASE VALVE AND STRUCTURE DETAIL. AIR RELEASE VALVE AND STRUCTURE DETAIL.	---	---
PROPOSED PUBLIC WATER MAIN AIR RELEASE VALVE AND STRUCTURE - REFER TO CITY STANDARDS FOR AIR RELEASE VALVE AND STRUCTURE DETAIL. AIR RELEASE VALVE AND STRUCTURE DETAIL. AIR RELEASE VALVE AND STRUCTURE DETAIL.	---	---
PROPOSED SANITARY SEWER AIR RELEASE VALVE AND STRUCTURE - REFER TO CITY STANDARDS FOR AIR RELEASE VALVE AND STRUCTURE DETAIL. AIR RELEASE VALVE AND STRUCTURE DETAIL. AIR RELEASE VALVE AND STRUCTURE DETAIL.	---	---
PROPOSED PUBLIC OF 12" OR 18" HIGH FORCE MAIN. REFER TO CITY STANDARDS FOR 12" OR 18" HIGH FORCE MAIN DETAIL. 12" OR 18" HIGH FORCE MAIN DETAIL. 12" OR 18" HIGH FORCE MAIN DETAIL.	---	---
PROPOSED 12" OR 18" HIGH FORCE MAIN. REFER TO CITY STANDARDS FOR 12" OR 18" HIGH FORCE MAIN DETAIL. 12" OR 18" HIGH FORCE MAIN DETAIL. 12" OR 18" HIGH FORCE MAIN DETAIL.	---	---

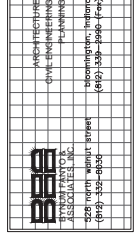
SITE IMPROVEMENT LEGEND

PROPOSED ROAD BIWAYSIDE PAVING - REFER TO DETAIL	---	---
PROPOSED ASPHALT DRIVE AND BIWAYSIDE PAVING - REFER TO DETAIL	---	---
PROPOSED REINFORCED CONCRETE PAVING - REFER TO DETAIL	---	---
PROPOSED CONCRETE PAVING WITH GRANULAR - REFER TO DETAIL	---	---
PROPOSED CONCRETE PAVING WITH GRANULAR - REFER TO DETAIL FOR LANDING AND RAMP SURFACES. REFER TO DETAIL FOR RAMP SURFACES. REFER TO DETAIL FOR RAMP SURFACES.	---	---
PROPOSED BROWSPAVEMENT CURBS AND SIDEWALK - REFER TO DETAIL	---	---
PROPOSED 4" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 6" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 8" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 10" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 12" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 14" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 16" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 18" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 20" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 22" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 24" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 26" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 28" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 30" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 32" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 34" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 36" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 38" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 40" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 42" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 44" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 46" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 48" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 50" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 52" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 54" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 56" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 58" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 60" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 62" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 64" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 66" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 68" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 70" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 72" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 74" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 76" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 78" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---
PROPOSED 80" STANDING CONCRETE CURBS - REFER TO DETAIL	---	---



NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEERS OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.



PROJECT: WEST 17TH STREET PLANNED UNIT DEVELOPMENT BLOOMINGTON, INDIANA



SCOPE CHANGES:

NO. 10 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20
NO. 11 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20
NO. 12 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20
NO. 13 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20

REVISIONS	DATE
NO. 10 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20
NO. 11 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20
NO. 12 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20
NO. 13 - BROWSPAVEMENT AND BIWAYSIDE PAVING	REVISED 10-19-20

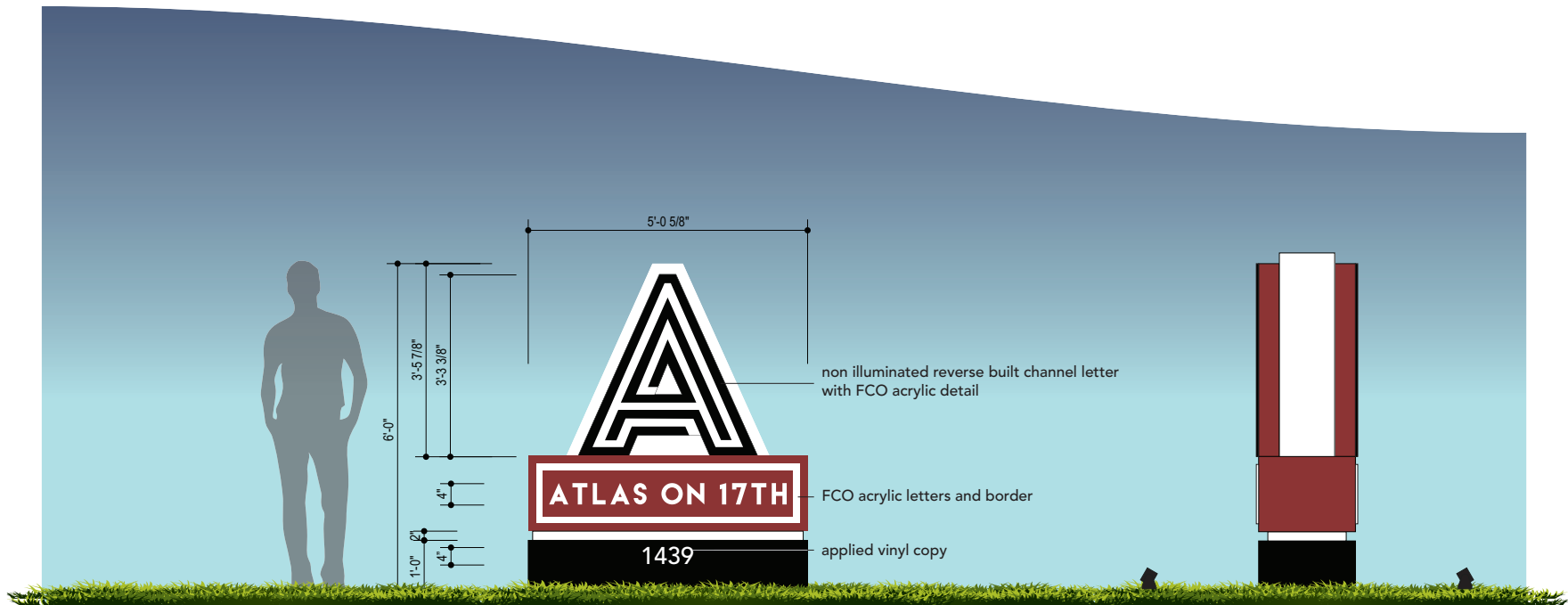
DATE	DESIGNED BY	CHECKED BY
09/23/2020	DJB	JSF
DRAWING TITLE: ENLARGED SITE PLAN		
CERTIFIED BY:		
60018283 STATE OF INDIANA		
DRAWING NUMBER: C310		
PROJECT NUMBER: 401334		

Monument ID Signs
Prepared for

ATLAS
ON
17TH

JANUARY 2022





1 elevation view
scale: 1/2"=1'-0"

www.eye4group.com

11820 Pendleton Pike
Indianapolis, IN 46236
317-804-4080

sales representative:

J.R. Knight
317-402-8200

designer:

SR

color specs:

quote#

work order#

date:

1/2/2022

version:

7

approval (initials):

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The illustrations and concepts of signage and related graphic design(s) presented within this packet are the property of Eye 4 Group, LLC, unless other arrangements have been made in advance, in writing.

Colors, Finishes and Materials

The colors that appear within this document are created electronically using the latest in computerized design software. You will be asked to approve the actual paint and vinyl samples prior to the start of fabrication and/or install.

Fabrication per UL/NEC 600

All electrical signage is fabricated per UL/NEC 600 standards. Customer (who is purchasing) is responsible for the electricians fees including parts/labor for hook up of the sign.

Site Survey and Verification

The proposed signage in this packet will most likely require a new sign/site survey prior to fabrication. Production will begin only after the permit is issued/approved by the municipality.



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NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	17°33'33"	105.00	38.19	N80°30'52"W	38.06
C2	36°38'40"	110.00	70.16	S42°19'06"E	68.90
C3	87°36'09"	164.00	280.75	N65°31'16"E	287.03
C4	72°25'24"	105.00	132.11	S53°18'33"W	123.57
C5	65°15'15"	255.00	110.93	S17°39'52"E	109.83
C6	57°38'59"	85.00	38.48	S61°14'27"E	38.91
C7	90°00'00"	110.00	178.79	N44°54'54"E	155.56
C8	41°18'11"	125.00	101.11	N68°40'21"E	88.17
C9	57°38'59"	35.00	35.19	S61°14'27"E	33.78
C10	90°00'00"	60.00	94.85	N44°54'54"E	84.85
C11	30°53'14"	185.00	99.79	S73°52'43"W	98.53
C12	30°53'14"	235.00	126.68	S73°52'43"W	125.16
C13	83°37'21"	173.00	75.26	N18°47'53"W	77.40
C14	83°38'53"	165.00	108.64	N19°34'42"E	101.01
C15	49°17'04"	116.00	59.43	N74°53'49"E	58.97
C16	41°18'11"	177.00	127.59	N68°40'21"E	124.85
C17	90°00'00"	85.00	39.87	S44°15'16"W	35.36
C18	70°54'38"	85.00	30.94	S36°12'00"E	29.00
C19	41°44'54"	160.01	116.57	S69°49'32"E	114.01
C20	00°33'56"	3074.79	30.30	N19°25'21"E	30.30
C21	03°06'05"	3074.79	166.44	N19°25'21"E	166.48
C22	04°08'53"	3074.79	219.92	N17°02'28"E	219.87

W. 17TH STREET P.U.D. SUBDIVISION

FINAL PLAT
BLOOMINGTON TOWNSHIP
SECTION 29, T 9 N, R 1 W,

LEGAL DESCRIPTION

Updated Parcel 1:

Tract 1 in Harris Subdivision, as per plat thereof, recorded in Plat book 125, in the office of the Recorder of Monroe County, Indiana, recorded May 18, 1999, more particularly described as follows:

A part of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows: commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.21 feet to the point of beginning;

thence continuing North 00 degrees 49 minutes 30 seconds West 879.40 feet to a point on the Eastern right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 87 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 36 seconds; thence North 11 degrees 44 minutes 44 seconds East 259.61 feet; thence North 16 degrees 08 minutes 30 seconds East 400.00 feet; thence North 28 degrees 11 minutes 00 seconds East 801.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.81 feet; thence South 60 degrees 48 minutes 33 seconds East 1893.54 feet; thence South 87 degrees 38 minutes 40 seconds West 320.37 feet to the beginning of a curve concave southeasterly having a radius of 300.00 feet to which a radial line North 85 degrees 53 minutes 20 seconds West; thence on said curve southerly 18.16 feet through a central angle of 05 degrees 05 minutes 11 seconds; thence South 08 degrees 01 minutes 08 seconds East 288.84 feet; thence North 39 degrees 30 minutes 30 seconds West 39.88 feet; thence North 00 degrees 04 minutes 26 seconds West 368.18 feet to the beginning of a curve concave southeasterly having a radius of 360.00 feet to which a radial line bears North 81 degrees 58 minutes 34 seconds West; thence on said curve Northwesterly 14.08 feet through a central angle of 08 degrees 14 minutes 34 seconds; thence North 87 degrees 28 minutes 40 seconds East 284.41 feet to the point of beginning, containing 19.89 acres, more or less.

Updated Parcel 2:

A part of the East half of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows:

Commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.21 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 879.40 feet to a point on the Eastern right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 87 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 36 seconds; thence North 11 degrees 44 minutes 44 seconds East 259.61 feet; thence North 16 degrees 08 minutes 30 seconds East 400.00 feet; thence North 28 degrees 11 minutes 00 seconds East 801.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.81 feet to the southeast corner of the plot of Chandlerville as shown by the plat recorded in Plat Cabinet 5, Envelope 83 in the office of the Recorder of Monroe County, Indiana; thence on and along the south line of said plat South 89 degrees 45 minutes 52 seconds East 671.16 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.81 feet to the southeast corner of the plot of Chandlerville as shown by the plat recorded in Plat Cabinet 5, Envelope 83 in the office of the Recorder of Monroe County, Indiana; thence on and along the south line of said plat South 89 degrees 45 minutes 52 seconds East 671.16 feet; thence leaving said south line South 00 degrees 41 minutes 01 seconds East 1506.78 feet to the north line of Lot 2 of Arlington Park Phase 1 as shown by the plat recorded in Plat Cabinet 5, Envelope 16, in said office of the Recorder; thence on and along said north line North 89 degrees 40 minutes 18 seconds West 888.52 feet; thence leaving said north line North 00 degrees 48 minutes 53 seconds West 1305.52 feet to the point of beginning, containing within and bounds 20.28 acres, more or less.

Updated Parcel 3:

A part of the East half of the west half of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows:

Commencing at the Southwest corner of the aforesaid Quarter section; thence on the West line of said Quarter section North 00 degrees 49 minutes 30 seconds West 409.21 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 879.40 feet to a point on the Eastern right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 87 degrees 04 minutes 34 seconds East; thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 36 seconds; thence North 11 degrees 44 minutes 44 seconds East 259.61 feet; thence North 16 degrees 08 minutes 30 seconds East 400.00 feet; thence North 28 degrees 11 minutes 00 seconds East 801.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.01 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.81 feet to the southeast corner of the plot of Chandlerville as shown by the plat recorded in Plat Cabinet 5, Envelope 83 in the office of the Recorder of Monroe County, Indiana and the Point of Beginning; thence on and along the south line of said plat South 89 degrees 45 minutes 52 seconds East 671.16 feet; thence leaving said south line South 00 degrees 41 minutes 01 seconds East 1506.78 feet to the north line of Lot 2 of Arlington Park Phase 1 as shown by the plat recorded in Plat Cabinet 5, Envelope 16, in said office of the Recorder; thence on and along said north line North 89 degrees 40 minutes 18 seconds West 888.52 feet; thence leaving said north line North 00 degrees 48 minutes 53 seconds West 1305.52 feet to the point of beginning, containing within and bounds 20.28 acres, more or less.



PROJECT LOCATION

LOCATION MAP

NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE
L1	N00°44'44"W	70.93	L89	S07°02'05"E	50.26
L2	S89°18'54"W	37.64	L88	S45°54'07"E	59.40
L3	S89°12'07"W	94.57	L87	S24°26'39"E	33.66
L4	N00°47'30"W	53.00	L86	N59°20'13"E	51.67
L5	N89°12'07"E	64.57	L85	N45°15'34"E	33.34
L6	N00°44'44"W	67.34	L84	N54°10'57"E	44.58
L7	N89°15'18"E	83.03	L83	N17°42'54"E	31.25
L8	N89°15'18"E	99.26	L82	N64°20'58"W	57.39
L9	N00°26'53"W	55.00	L81	N08°34'02"E	50.78
L10	S89°15'16"W	98.92	L80	N67°11'42"E	49.78
L11	N00°40'46"W	88.83	L79	N52°15'44"E	43.98
L12	S89°20'24"W	48.11	L78	N10°34'35"E	43.96
L13	S89°20'24"W	104.26	L77	N55°27'12"E	59.59
L14	S89°19'20"W	105.18	L76	N46°21'05"E	77.97
L15	N89°20'53"E	105.00	L75	N35°41'20"E	77.51
L16	N89°21'04"E	104.99	L74	S43°21'00"E	50.69
L17	N89°21'04"E	105.18	L73	S63°20'26"E	37.48
L18	S74°34'14"E	81.46	L72	S24°44'55"W	58.13
L19	N48°01'18"E	50.35	L71	S10°14'51"E	81.03
L20	N89°14'24"E	81.40	L70	N68°52'47"W	85.95
L21	N00°00'00"W	15.22	L69	S89°49'23"W	34.17
L22	N00°00'00"W	14.93	L68	S19°25'05"E	47.85
L23	N00°51'47"W	80.67	L67	S44°54'24"E	34.25
L24	S89°26'07"W	8.22	L66	N68°23'56"E	28.64
L25	S89°26'07"W	8.95	L65	S46°23'55"E	50.02
L26	N48°01'18"E	57.22	L64	N70°28'26"E	16.70
L27	N89°14'24"E	81.39	L63	N18°00'55"W	34.74
L28	S89°15'16"W	58.39	L62	N77°51'25"E	15.00
L29	S00°44'44"E	160.25	L61	S18°00'55"E	85.09
L30	S48°23'53"E	13.34	L60	N19°25'09"E	23.97
L31	N15°26'23"E	91.72	L59	N50°21'54"W	53.72
L32	N72°33'43"W	20.90	L58	N88°44'11"E	19.01
L33	S71°48'47"E	19.72	L57	S87°16'18"W	28.48
L34	N11°30'25"E	48.56	L56	N68°44'11"E	85.66
L35	N78°15'11"W	13.58	L55	S01°15'44"E	70.08
L36	S78°15'11"E	15.40	L54	S88°44'11"W	7.46
L37	N11°17'34"E	128.54	L53	S01°15'44"E	45.54
L38	N15°30'26"E	16.94	L52	N00°12'37"E	47.51
L39	N74°56'50"W	17.20	L51	N80°01'10"W	61.62
L40	S74°56'50"E	18.47	L50	N89°12'22"W	37.56
L41	N15°45'41"E	68.32	L49	N00°10'10"W	71.47
L42	N84°01'21"E	91.79	L48	S24°11'25"E	50.64
			L47	S44°04'09"E	94.47

Easements to be vacated per this plat:

- 60' Roadway and Utility Easement recorded in HB 152 in the office of the Recorder of Monroe County, IN, as granted in that certain Warranty Deed from James T. Morris and Donetta S. Morris, husband and wife, to James T. Morris, as Trustee under the James T. Morris Revocable Trust Agreement dated October 25, 1999, an undivided 50% interest and Donetta S. Morris, as Trustee under the Donetta S. Morris Revocable Trust Agreement dated October 25, 1999, an undivided 50%, dated February 11, 2000 and recorded February 15, 2000 as Document No. 2000002353.
- 20' x 15' Waterline and Sanitary Sewer Easement record in Deed book 472, Page 426 in the office of the Recorder of Monroe County, IN.

These easements are being vacated at the request of the property owners and with consent and approval of City of Bloomington Utilities.

I certify that I am a Registered Land Surveyor licensed under the laws of Indiana that this plat accurately represents a survey made by me on October 22, 2022, and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

Charles D. Graham
Charles D. Graham
Indiana L.S. 29500014
Byrum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030



**W. 17TH STREET P.U.D.
SUBDIVISION
FINAL PLAT
BLOOMINGTON TOWNSHIP
SECTION 29, T 9 N, R 1 W,**

SOURCE OF TITLE: INST. NO. 2021000123

OWNER: W-17 HOLDINGS LLC, a Delaware limited liability company

ZONING: PUD - PLANNED UNIT DEVELOPMENT

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platified real estate and their successors in title to reimburse against any pending or future assessment by the City of Bloomington, Indiana, of such platified real estate.

W-17 HOLDINGS LLC, a Delaware limited liability company, the owners of the real estate shown and described herein, does hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as **W17D1 STREET PUD**, an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

Front and side yard building setback lines are established as shown on the plat, between which lines and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed _____, 20____.

Signature _____
Name: Loren P. King
Title: Authorized Representative

STATE OF INDIANA }
COUNTY OF _____ } SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

County of Residence _____ Commission Expiration _____
Notary Public, Written _____ Notary Public, Printed _____

OWNER: GLICK ARLINGTON PARK, LLC
SOURCE OF TITLE: INST. NO. 2013020163

Glick Arlington Park, LLC, the owners of the real estate shown as Arlington Park Drive, does hereby dedicate to the City of Bloomington lay off, plat, and subdivide said real estate in accordance with the within plat.

Signed and Sealed _____, 20____.

Signature _____ Office: _____

STATE OF INDIANA }
COUNTY OF _____ } SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

County of Residence _____ Commission Expiration _____
Notary Public, Written _____ Notary Public, Printed _____

SINGLE FAMILY LOT ACRESAGES

35	14	34	11
4199.7675 sq. ft. 0.0964 Acres	4206.1086 sq. ft. 0.0966 Acres	4488.8995 sq. ft. .01030 Acres	4193.0081 sq. ft. 0.0963 Acres
36	13	33	10
4204.6332 sq. ft. 0.0964 Acres	4206.0282 sq. ft. 0.0966 Acres	4198.9306 sq. ft. 0.0964 Acres	4193.7525 sq. ft. 0.0960 Acres
37	16	32	9
4201.2233 sq. ft. 0.0964 Acres	4205.9487 sq. ft. 0.0966 Acres	4198.4207 sq. ft. 0.0964 Acres	4194.4982 sq. ft. 0.0963 Acres
38	17	31	8
4201.8126 sq. ft. 0.0965 Acres	4206.0118 sq. ft. 0.0966 Acres	4198.0554 sq. ft. 0.0964 Acres	4195.2432 sq. ft. 0.0963 Acres
39	18	30	7
4202.4029 sq. ft. 0.0963 Acres	4205.7879 sq. ft. 0.0966 Acres	4197.4016 sq. ft. 0.0964 Acres	4195.9883 sq. ft. 0.0963 Acres
40	19	29	6
4202.9922 sq. ft. 0.0963 Acres	4205.7078 sq. ft. 0.0963 Acres	4196.8922 sq. ft. 0.0963 Acres	4196.7339 sq. ft. 0.0963 Acres
41	20	28	5
4203.5826 sq. ft. 0.0963 Acres	4205.6271 sq. ft. 0.0963 Acres	4196.3821 sq. ft. 0.0963 Acres	4197.4241 sq. ft. 0.0964 Acres
42	21	27	49
4204.1718 sq. ft. 0.0963 Acres	4205.5470 sq. ft. 0.0963 Acres	4195.8723 sq. ft. 0.0963 Acres	7303.9484 sq. ft. 0.1677 Acres
43	22	26	48
4204.7622 sq. ft. 0.0963 Acres	4205.4681 sq. ft. 0.0963 Acres	4195.3627 sq. ft. 0.0963 Acres	11422.2090 sq. ft. 0.2629 Acres
44	23	25	47
4205.3526 sq. ft. 0.0963 Acres	4213.8995 sq. ft. 0.0967 Acres	4194.8536 sq. ft. 0.0963 Acres	6799.4571 sq. ft. 0.1561 Acres
45	12	24	46
4202.9478 sq. ft. 0.0966 Acres	4192.2636 sq. ft. 0.0962 Acres	4193.4158 sq. ft. 0.0963 Acres	5580.04 sq. ft. 0.1281 Acres
34	11	13	
4482.2895 sq. ft. .01030 Acres	4193.0081 sq. ft. 0.0963 Acres	4206.1890 sq. ft. 0.0966 Acres	

**CERTIFICATE OF APPROVAL
OF PLANNING AND TRANSPORTATION**

Under the authority of Indiana code 36-7-4.700 series, enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Bloomington, Indiana, this plat was given approval by the City of Bloomington, as follows:

Approved by the City Planning and Transportation at a meeting held _____, 20____.

(Scott Robinson, Director of Planning and Transportation)

EASEMENT LEGEND

- UE = Utility Easement**
 (A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.
 (B) Prohibits the placement of any unauthorized obstructions within the easement area.
- DE = Drainage Easement**
 (A) Shall be required for any surface swales or other minor improvements that are intended for maintenance by the lots on which they are located.
 (B) Shall prohibit any alteration 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 cost 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.
- PSSSE = Private Sanitary Sewer Easement**
 (A) Shall allow the Property owner or their assigns exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.
 (B) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within the Sanitary Sewer Easement.
 (C) Grading activity shall be prohibited within Sanitary Sewer Easements without written permission from the Property owner.
- W.L.E. = 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 preliminary plat. Upon written permission from the city utilities department, encroachments may be permitted after the recording of the final 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.
 (E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.0790(R) or is further authorized by the city.
- Conservancy Easement**
 Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area.
 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.
 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.
 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.

**W. 17TH STREET P.U.D.
SUBDIVISION
SHEET 4 OF 4
JOB NO. 401334**

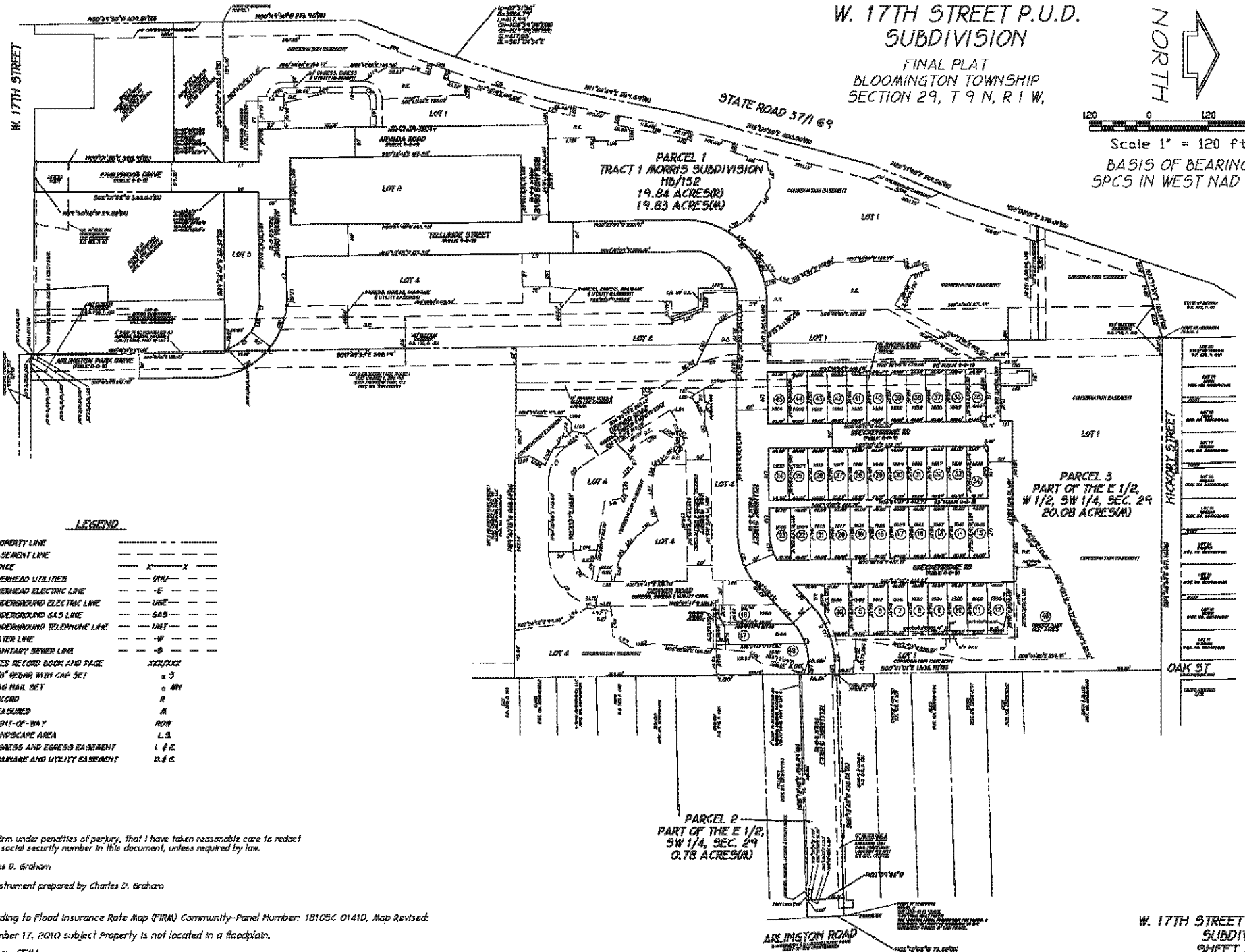
W. 17TH STREET P.U.D.
SUBDIVISION

FINAL PLAT
BLOOMINGTON TOWNSHIP
SECTION 29, T 9 N, R 1 W.



120 0 120 240

Scale 1" = 120 ft
BASIS OF BEARING
SPCS IN WEST NAD 83



LEGEND

PROPERTY LINE	---
EASEMENT LINE	- - - - -
FENCE	- X - X -
OVERHEAD UTILITIES	---OHL---
OVERHEAD ELECTRIC LINE	---E---
UNDERGROUND ELECTRIC LINE	---USE---
UNDERGROUND GAS LINE	---GAS---
UNDERGROUND TELEPHONE LINE	---UET---
WATER LINE	---W---
SANITARY SEWER LINE	---SS---
DEED RECORD BOOK AND PAGE	XXX/XXX
3/8" REBAR WITH CAP SET	o 5
3/8" NAR. SET	o NY
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
LANDSCAPE AREA	L.S.
INGRESS AND EGRESS EASEMENT	I & E
DRAINAGE AND UTILITY EASEMENT	D & E

I affirm under penalties of perjury, that I have taken reasonable care to correct each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

According to Flood Insurance Rate Map (FIRM) Community-Panel Number: 18105C 0141D, Map Revised: December 17, 2010 subject Property is not located in a floodplain.

Source: FEMA

PARCEL 2
PART OF THE E 1/2,
SW 1/4, SEC. 29
0.78 ACRES(S)

W. 17TH STREET P.U.D.
SUBDIVISION
SHEET 1 OF 4
JOB NO. 401334

DISTRICT ORDINANCE
W. 17th Street
A Planned Unit Development
Trinitas Development LLC
January 14, 2020



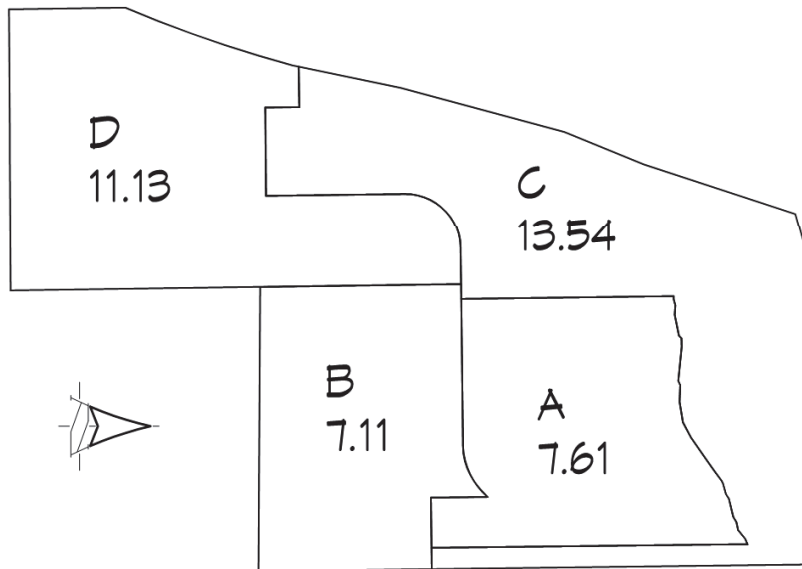
*images in document are representative, not final

W. 17th Street

Planned Unit Development

The W. 17th Street Project (the "Project") is a proposed development on the northwest side of Bloomington, just east of Interstate 69, north of 17th Street, west of Arlington Road and located within the Crescent Bend Neighborhood. This proposed residential development will include a mixture of residential units including apartments, townhomes, duplexes and single-family homes. The site consists of 39.29 acres of land with an overall proposed density of 9.85 units per acre. The plan includes approximately 14.62 acres of green space intended to protect existing environmental features. There is one planned entrance off Arlington Road and two points of access off 17th Street. Currently, the property is zoned PUD and Business Park. A portion of the property was a part of a now expired PUD that included an affordable housing development along 17th Street. This former PUD established one point of access off 17th Street. Another portion of the property is currently zoned Business Park and has been developed over several years with smaller commercial buildings along 17th Street. This provides a second point of access off 17th Street.

SITE AREAS



The proposed development incorporates new urbanist design principles and draws on the existing UDO and Comprehensive Plan to set standards for the development. The desire for complete streets, a variety of housing types, a modified gridded street pattern and meaningful open space have been major drivers for design of the Project. The site layout focuses on preserving existing environmental features such as trees and sloped areas and, most importantly, existing waterways. As environmental features were identified the design resulted in four (4) primary areas of development:

- A. Area A (Single-Family Lots) - The lots outlined in the northeastern portion of the site are purposefully designed with owner-occupied single-family homes in mind. Trinitas is proposing to convey 45 finished (buildable) lots to the City so that the City may decide how best to deliver homes that address Bloomington’s workforce housing needs. All infrastructure, including utilities, will be completed by Trinitas prior to conveyance of the lots to the City.
- B. Area B (Townhomes) - Townhomes are designated in the southeast section of the property. These townhomes will be for rent units located immediately south of the single-family area.
- C. Area C (4-story Multi-family and Amenity Building) - This area consists of one to two 4-story buildings that will feature for rent apartment units. This building(s) will also incorporate a Clubhouse featuring a business center, collaboration areas, fitness rooms, and provide other indoor and outdoor amenity space for residents. Another feature of this building(s) will be a small retail space thought to house coffee, tea and an assortment of snacks available to the public.
- D. Area D (Cottages) - Cottages, also referred to as duplexes, will be located in the southwest portion of the site and will be for rent units.

Trinitas anticipates completing the Project over a 24-month period once construction begins. The preliminary schedule shows Area C, Area D, along with the infrastructure and platting of Area A, and the connection to Arlington Road being completed as the first phase of construction.

Overall, Trinitas believes the Project will substantially improve the aesthetic and economic value of the area and add to the compact urban form within the urban service boundary of the City of Bloomington. The recently adopted Growth Policy Plan calls for neighborhood residential—qualifying densities ranging from 2-15 units per acre. The proposed density for the W. 17th Street Project is 9.85 units per acre on average across all areas of the development.

Overall Site Features

Project Data:

Gross Acreage – 39.29

Total Units (Areas B-D) - 387

Total Beds (Area B-D) – 825

1 Bedrooms – 109

2 Bedrooms – 326

3 Bedrooms – 210

4 Bedrooms - 180

Parking Spaces (Area B-D) – 458

Single-Family Lots (Area A) – 45

Land Use and Development Standards

The Project proposes four (4) areas of residential development as shown on the site plan in Exhibit A. Each of these areas has specific development standards identified from the Bloomington Unified Development Ordinance (UDO). When a standard is not specifically identified in this document, the referenced UDO District, is intended to govern.

Open Space and Environmental Conservation

The site plan incorporates 14.62 acres of undeveloped land. This land, accounting for 37% of the total site area, will remain as dedicated open space or within a Conservation Easement for the benefit of the City of Bloomington. The majority of this area is on the northern and northwestern portions of the site, however, there are undisturbed buffers that extend along the entire western boundary with “fingers” of undisturbed area in and through the central portion of the site.

A limited tree survey was completed focusing on a 50-foot wide strip within the proposed open space easement on the western property boundary. Based on results from this survey, a 30'-50' buffer to protect existing trees has been established along the majority of I-69 frontage.

Please note the existence of a 100-foot Duke Energy power easement located in the center of the site and traverses the entire property from north to south.

Access and Roadways

There will be two (2) entrances to the site located off W. 17th Street and one entrance accessible from/to Arlington Road. Information regarding the two (2) W. 17th Street access points is listed below.

W. 17th Street Eastern Access via N. Arlington Park Drive: A 50' roadway and utility easement was recorded with the Arlington Park (Glick Arlington Park LLC as owner), Phase I plat. This plat is recorded in plat cabinet C envelope 196 (see note 4). Trinitas is in discussions with Glick asking Glick to dedicate this Easement land to the City as public right-of-way.

W. 17th Street Western Access via 60-foot Roadway and Utility Easement: Parcel 1, Tract 1 of the Morris subdivision shows Morris owns a 60' wide strip of land from 17th street to the remainder of the property which has a Roadway and Utility Easement overlay. Since this Easement is to the benefit of the Morris tract, upon purchasing the land (Summer 2020) Trinitas will 1.) vacate the Easement, then 2.) dedicate this land to the City as public right-of-way via the platting process.

Roadways throughout the site are intended to be public where feasible and are designed to meet City standards. These roadways will be dedicated to the City at time of plat recordation.

A multi-use path is designed along the entire length of the main roadway running through the site connecting Arlington Road to W. 17th Street.

Transportation

Trinitas has received a proposal from Bloomington Transit (“BT”) to create a new bus route that would serve the proposed development. Trinitas intends to enter into an agreement with BT to provide bus transit

services for the Project In lieu of operating its own, private shuttle service for daily weekday transportation to and from various points within the City. Trinitas' residents will have the non-exclusive right to access and ride the service at no charge using a means of identification for free passage which shall be mutually agreed upon by BT and Trinitas.

The BT proposal for a new bus route includes a schedule to operate on a 40-minute frequency, Monday-Friday, on a year-round basis from approximately 7:00 am to 10:00 pm and will include multiple stops in the Downtown and IU Campus areas. Any agreement between Trinitas and BT is thought to include a 3-year base term for service. Additional terms are outlined in an email from Lew May to Jeff Kanable dated October 16, 2019 and is included in Exhibit B, Supportive Information. Final terms will be agreed upon approximately 12-months in advance of completion of the Project and are subject to approval by the BT Board of Directors and Trinitas Executive Committee.

Trinitas is planning to provide shuttle service for residents during the late evening, Monday through Friday (after 10 pm) and on weekends.

Pedestrian Access

The Project will be designed and built with the pedestrian in mind, encouraging residents to rely less heavily on personal automobiles. This is accomplished through a mix of well-connected multi-use paths and sidewalks throughout the site. A 10-foot multi-use path will run parallel to the main roadway from Arlington Road to W. 17th Street. Sidewalks allow pedestrians to easily walk throughout the site, to the bus stop, to the Clubhouse and amenity area or even to the recreational area and open spaces. Walking is just one (1) alternate transportation option residents of the Project will enjoy. Bicycle, scooter and other means of transportation also exist as a result of the interconnectivity of sidewalks and paths throughout the Project.

Trinitas explored the feasibility of adding a sidewalk along Arlington Road, however, Right-of-Way does not currently exist and topography and drainage ditches pose significant challenges to the implementation of this sidewalk. A sidewalk stub is currently provided should future Right-of-Way be established.

Occupancy

Occupancy shall be governed by

Occupancy for all other Areas shall be:

1. 1 and 2-bedroom unit occupancy is limited to 3 unrelated adult persons.
2. 3 and 4-bedroom unit occupancy is limited to 5 unrelated adult persons.

Parking requirements

Parking for the overall development, excluding the single-family lots in Area A, is .56 spaces on a per bedroom basis. A 15' parking setback for the perimeter of the overall PUD area is provided. A breakdown of parking is shown below:

Public parking spaces: 125

Surface parking spaces: 251

Garage spaces: 82

Bicycle parking shall be provided based on one space per four bedrooms. This parking will be dispersed throughout the Project.

Sustainability Initiatives

The following sustainability/green initiatives will be implemented in designated areas of the development.

1. The parking for units within Areas B-D shall have a minimum of 2% or 8 spaces that are plug-in ready for electrical vehicle charging stations. Trinitas is currently planning for 12 total spaces to be covered with solar arrays on the roof of those structures. The intent is for solar power to generate the electricity to the electric vehicle charging stations. There will be wayfinding signage directing residents of their location.
2. Designated areas accessible to waste haulers and building occupants for the collection and storage of recyclable materials have been positioned in three separate areas of the site and are noted on the site plan.
3. To reduce water usage on-site, we will eliminate all irrigation and utilize native plantings.
4. The use of natural light in the clubhouse will be incorporated into the design to reduce interior light pollution.
5. Lighting controls and occupancy sensors within designated areas of the clubhouse will be utilized to reduce energy consumption.
6. Energy efficiency will be realized through the installation of energy star appliances throughout all buildings.
7. Water usage will be controlled throughout the clubhouse utilizing low flow plumbing fixtures.
8. Stormwater treatment and detention throughout the site will incorporate bio-filtration strips at the edge of some parking areas for stormwater to sheet flow off and into these areas for immediate treatment.
9. Utilization of low volatile organic compounds will be utilized during construction of the clubhouse, including items such as: paint, adhesives, sealants, flooring and insulation.
10. The development will purchase a minimum of 10% regional building materials (by cost) that are sourced and manufactured within 500 miles of the site.
11. The 4-story Multi-Family and Amenity Building will comply with Energy Standard for Buildings ASHRAE 90.1-2007.
12. The building envelope for the clubhouse will incorporate the following:
 - Window = 0.40 U Factor non-metal, 0.50 U Factor metal, 0.40 SHGC
 - Roof insulation value = R20
 - Wall Insulation value = R13 wood framed wall
13. Each ventilation system in the clubhouse that supplies outdoor air to occupied spaces will have particle filters or air cleaning devices that have a minimum efficiency reporting value (MERV) of 13 or higher, in accordance with ASHRAE Standards 52.2-2007.
14. Smoking will be prohibited in all public areas within the community during all times including but not limited to the clubhouse, fitness areas, pool area, courtyard area, and sports courts.
15. Trinitas will participate in consulting program offered by Duke Energy to identify efficiencies in design to maximize energy savings for four story building in Area C.
16. On site recycling.
17. Invasive species will be removed from conservancy areas.

18. High quality woods on the northern portion of the property will be protected in a conservancy easement, as well as, a 30'-50' easement along the majority of I-69 frontage.
19. Trinitas continues to explore the feasibility of implementing solar to portions of the 4-story building roof deck.

Services (including mechanical, utility and trash services)

Utility services boxes, telecommunication devices, cables, vents, flues, chillers, fans, trash receptacles, dumpsters and service bays located on private property shall be screened from view from the public street. No dumpsters will be located within the front setback area of any public street.

Sign Standards

One freestanding sign is proposed near one of the two entrances on 17th Street and one freestanding sign is proposed near the entrance on Arlington Road. Each of these signs has a maximum square footage of 36 square feet per side and a maximum height of six feet.

For the multifamily building in Area C, 200 total square feet of permanent wall signage is proposed.

Site Drainage Standards

All drainage standards shall be in accordance with the City of Bloomington Utility standards and engineering practices however, the following design considerations may be incorporated into the entire Project site for the BMP plan including stormwater retention/detention and stormwater quality:

1. The drainage area (contributing or effective) of the entire Project site is allowed to be served by one post-construction BMP or can be split into many throughout the site.
2. The maximum treatable ponding depth for stormwater quality areas may be up to 4 feet.

Architecture

Proposed structures are intended to reflect a contemporary residential development. Each of the areas as defined herein are intended to have flexibility and predictability in product type while also consisting of an overall theme that weaves together each of the Areas A-D. Representative images can be found within this document. More specific detail pertaining to each Area A-D can also be found within this document.

Structures in Areas A, B and D are intended to be one to three stories in height with front porches and rear patios. Area C proposes a four-story apartment building(s) over a parking garage. Exterior construction across each of the Areas will include high quality siding with some additional architectural accents such as shake and/or board and batten in addition to residential windows and doors.

The Project will follow the anti-monotony standards as specified herein. The community will be adequately landscaped with native plantings and buffer yard landscaping. Planting emphasis will be placed on the east and west property lines. Each dwelling unit shall feature landscaping which will consist of native plantings, shrubbery and perennials. Final landscape plans will be provided with each final Area plan and will be consistent with the UDO as adopted on the date the preliminary plan is approved.

Lot Standards and Uses

Area	Description	Acreage	Units	DUE
A	Single-family lots	7.61	45	N/A
B	Townhomes	7.11	162	92.75
C	Multi-family apartments	13.54	113	105.5
D	Duplexes or townhomes	11.13	112	108.5
Total		39.29	387	328.5

Anti-monotony Code

The following variations will be used to break up the monotony in the design such that no two structures sitting side by side are identical in at least 2 aspects as listed below at the time of building permit. Examples of proposed colors and exterior materials are found within the body of this document.

- A. Difference in roofline.
- B. Difference in overall building footprint.
- C. Difference in building color.
- D. Difference in exterior materials.
- E. Setback

Easements

Easements shall be per UDO standards.



Area A

Area A is a single family residential platted lot subdivision designed to the standards of the Residential Urban (R4) District of the Unified Development Ordinance of the City of Bloomington. This area is approximately 7.61 acres and is intended to include approximately 45 single family lots, which can be developed and owned individually. Specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the R4 District unless specified below. The finished lots in Area A are intended to be conveyed to the City of Bloomington for the purposes of providing workforce housing. Allowable uses in this area include single family, attached single family, and plexes.

Impervious Surface Coverage: 3.04 acres (40%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

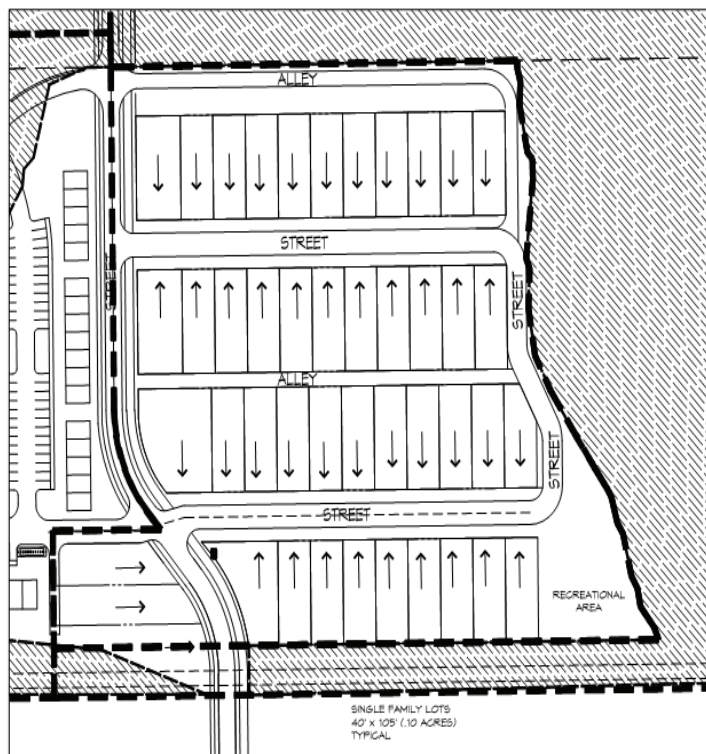
Setbacks from outer property lines: 15'

Individual Lot Setbacks:

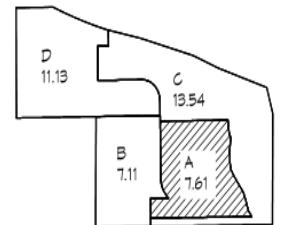
Front yard – 10'

Side yard – 5'

Rear yard – 5'



SITE AREAS



AREA A - SINGLE FAMILY
(45) LOTS
40'X105', .10 ACRE TYPICAL LOT
(5.91) UNITS PER ACRE

Area B

Area B is a townhome residential area. This area could be single family lots, paired homes, townhomes, zero lot line homes or condominiums as set forth in the standards of the Residential Multifamily (RM) of the Unified Development Ordinance. This area is approximately 7.11 acres and is intended to include approximately 162 townhome dwelling units, which could be individually owned in the future, but are currently planned as rental units. Specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the RM District unless specified below.

Impervious Surface Coverage: 2.63 acres (40%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

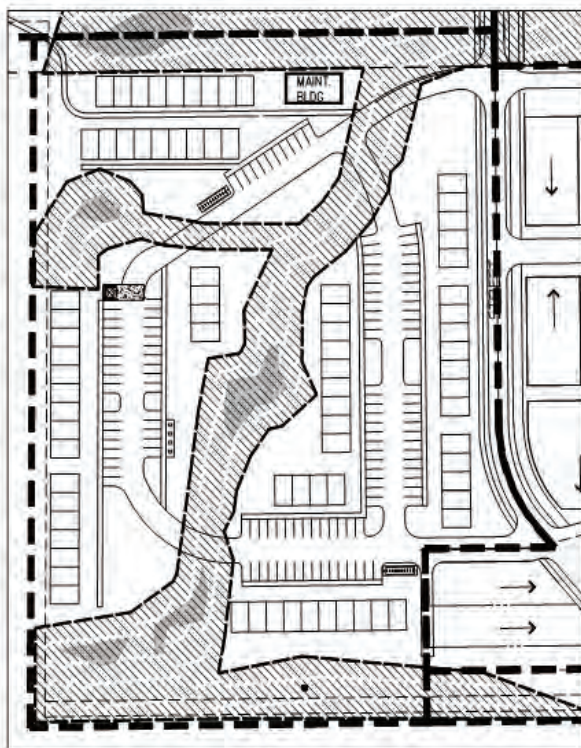
Density: 162 units, 22.78/acre

Setback from outer property line – 15'

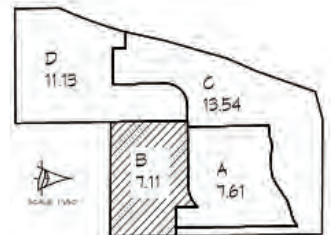
Permitted Uses – Single family detached, single family attached, rowhouses, townhomes (no more than 16 units in a building)

Building Materials: Fiber cement horizontal lap siding, fiber cement vertical board and batten, asphalt roof shingles, vinyl windows, limestone, brick, or masonry

**Dwelling Unit Equivalentents are calculated using the following breakdown: 4 bedroom unit (1.5 units), 3 bedroom unit (1.0 unit), 2 bedroom unit with <950 sq ft (.66 of a unit), 1 bedroom unit with <700 sq ft (.25 of a unit)*



SITE AREAS



AREA B - TOWNHOUSES
 (92.75) DUE UNITS, (255) BEDS
 (13.05) DUE UNITS PER ACRE
 (123) SURFACE PARKING SPACES

AREA B UNIT MIX -

1 BED	70	43.2%
2 BED	70	43.2%
3 BED	16	9.9%
4 BED	6	3.7%
TOTAL	162	100%

Area C

Area C is a multi-family residential area which could include limited commercial on the first floor. This area can be apartment or condominiums as set forth in the standards for Residential High-Density (RH) District of the Unified Development Ordinance. Allowable use will include up to 113 dwelling units and up to 1,700 square feet of commercial space allowing for coffee/tea sales, food/snack sales and other retail sales. This Area will allow for up to 65-feet in building height. Other specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the RH District unless specified below. This area is approximately 13.54 acres.

Impervious Surface Coverage: 1.56 acres (12%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

Density: 113 units, 8.35/acre

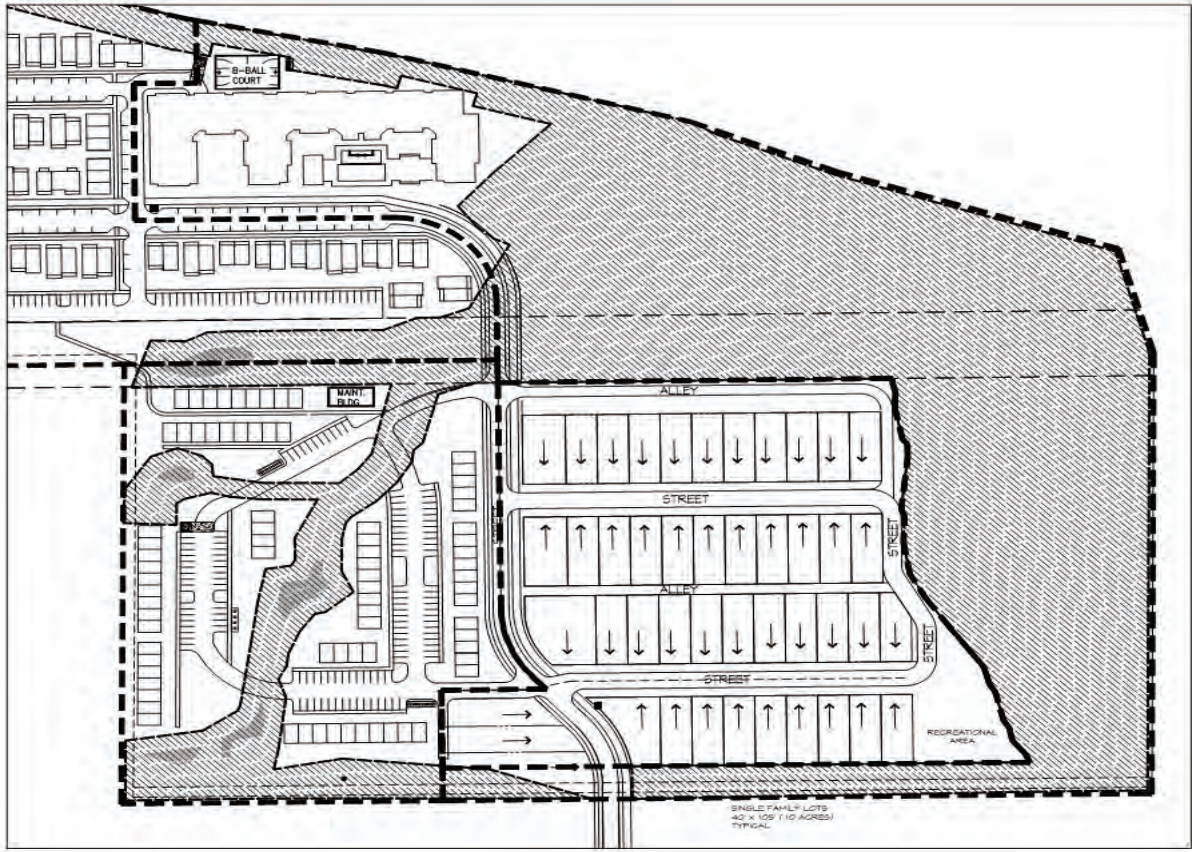
Setback from outer property line – 15'

Permitted Uses – Multifamily dwellings and the following commercial uses: antique sales, apparel and shoe sales, art gallery, artists studio, arts/craft/hobby store, barber/beauty shop, bicycle sales/service, bookstore, brewpub, business/professional office, community center, computer sales, convenience store (without gas), copy center, day care center, drugstore, fitness/training studio, florist, garden shop, gift shop/boutique, government office, grocery store/supermarket, hardware store, health spa, jewelry shop, library, medical clinic, museum, music/media sales, musical instrument sales, pet grooming, pet store, photography studio, police/fire/rescue station, recreation center, restaurant, restaurant (limited service), retail (low intensity), school, shoe repair, social services, sporting goods sales, veterinary clinic, video rental

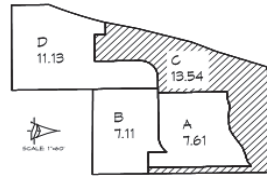
Building Materials: Fiber cement horizontal lap siding, fiber cement vertical board and batten, asphalt roof shingles, vinyl windows, limestone, brick, or masonry

**Dwelling Unit Equivalents are calculated using the following breakdown: 4 bedroom unit (1.5 units), 3 bedroom unit (1.0 unit), 2 bedroom unit with <950 sq ft (.66 of a unit), 1 bedroom unit with <700 sq ft (.25 of a unit)*

Area C Site Plan and Unit Breakdown included on next page.



SITE AREAS



AREA C - HIGHER DENSITY
MULTIFAMILY
(105.5) DUE UNITS, (261) BEDS
(7.74) DUE UNITS PER ACRE
(13) SURFACE PARKING SPACES
(82) GARAGE PARKING SPACES

AREA C UNIT MIX -

1 BED	12	10.6%
2 BED	51	50.4%
3 BED	41	36.3%
4 BED	3	2.7%
TOTAL	113	100%

Area D

Area D is a cottage or duplex residential area. This area could be apartments or condominiums (1-6 units per building) as set forth in the standards of the Residential Multifamily (RM) District of the Unified Development Ordinance of the City of Bloomington. This area is approximately 11.13 acres and is intended to include approximately 112 dwelling units which could be under single or individually ownership but are currently planned as rental units. Specific standards with respect to lot size, lot coverage and elements of design (building materials and setbacks) are those of the RM District unless specified below.

Impervious Surface Coverage: 5.44 acres (49%)

**permeable pavers may be used toward meeting impervious surface coverage requirements*

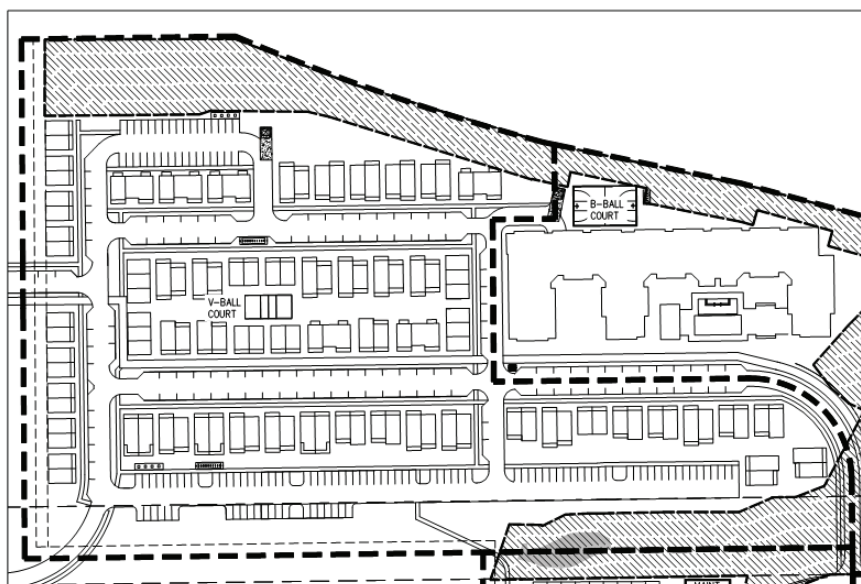
Density: 112 units, 10.06/acre

Setback from outer property line – 15'

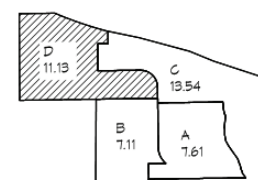
Permitted Uses – Single family attached dwelling

Building Materials: Fiber cement horizontal lap siding, fiber cement vertical board and batten, asphalt roof shingles, vinyl windows, limestone, brick, or masonry

**Dwelling Unit Equivalents are calculated using the following breakdown: 4 bedroom unit (1.5 units), 3 bedroom unit (1.0 unit), 2 bedroom unit with <950 sq ft (.66 of a unit), 1 bedroom unit with <700 sq ft (.25 of a unit)*



SITE AREAS



AREA D - COTTAGES (DUPLEXES)
 (12) TOWNHOUSES
 (106) COTTAGES
 (108.5) DUE UNITS, (309) BEDS
 (9.15) DUE UNITS PER ACRE
 (240) SURFACE PARKING SPACES

AREA D UNIT MIX -

1 BED	26	23.2%
2 BED	38	33.9%
3 BED	12	10.7%
4 BED	36	32.2%
TOTAL	112	100%



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-08 through **Ordinance 22-11** – Four proposals certified to the Council by the Plan Commission to amend the text of Title 20 of the Bloomington Municipal Code (BMC) entitled “Unified Development Ordinance” (UDO)

Background

On March 14, 2022, the Plan Commission considered four proposals brought forward by city planning staff to make various changes to the UDO (this Plan Commission meeting can be viewed online here: <https://catstv.net/m.php?q=10927>). The following table lists the four proposals and relevant information for each:

Council Ordinance #	Plan Com. Case #	Plan Com. Vote	Date certified to Council	90 days from certification
Ord 22-08 Technical Corrections	ZO-10-22	6-0	March 23, 2022	June 21, 2022
Ord 22-09 Ch. 3, Use Regulations	ZO-11-22	6-0	March 23, 2022	June 21, 2022
Ord 22-10 Ch. 4, Development Standards & Incentives	ZO-12-22	5-0-1	March 23, 2022	June 21, 2022
Ord 22-11 Ch. 5, Subdivision Standards; Ch. 6, Administration & Procedures; and Ch. 7, Definitions	ZO-13-22	6-0	March 23, 2022	June 21, 2022

This memo addresses relevant procedures and considerations applicable to these four ordinances. Planning staff have prepared individual memos that explain each of the proposals, along with red-line amendments that show the proposed changes to the UDO in context.

Relevant Materials

- Ordinance 22-08 through Ordinance 22-11
 - Draft Amendment 01 to Ordinance 22-10 – prepared by administration and in need of a Council sponsor
- Certification forms from Plan Commission for each ordinance
- Attachment A & staff memo, including red-line amendments showing changes proposed by each ordinance
- Table summarizing changes for each ordinance



Contacts

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robinsos@bloomington.in.gov

Jacqueline Scanlan, Development Services Manager, 812-349-3423,

scanlanj@bloomington.in.gov

Summary

The administration is proposing text amendments to the city's Unified Development Ordinance ("UDO") as part of an effort to bring regular maintenance updates forward. These proposed changes follow an overhaul of the UDO that began several years ago.

General information about the UDO, including the complete text of the current UDO, can be found here: <https://bloomington.in.gov/planning/udo>. For information about the Council's 2019 repeal and replacement of the UDO, please visit the following site:

<https://bloomington.in.gov/council/plan-schedule>. Finally, councilmembers and the public can find the city's Comprehensive Plan online here:

<https://bloomington.in.gov/planning/comprehensive-plan>.

Proposals to amend the text of the UDO are governed by state law under Indiana Code (IC) 36-7-4 in the "600 Series – Zoning Ordinance". As a threshold matter, state law provides that the purpose of the local planning and zoning laws are "to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds."

Further, in considering UDO text amendments, both state and local codes require the legislative body to pay reasonable regard to:

1. the Comprehensive Plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of sensitive environmental features (a local criteria)
5. the conservation of property values throughout the jurisdiction; and
6. responsible development and growth.



Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).

IC 36-7-4-607 provides the following procedure that applies to a proposal to amend or partially repeal the text of the UDO.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. All four proposals sent to the Council received a favorable recommendation by the Plan Commission (votes listed above). The Council must consider these recommendations before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification (deadlines listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

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

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-07 and Ordinance 20-08; and

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

WHEREAS, on March 14, 2022, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 23, 2022; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-10-22 (“Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

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

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-08 is a true and complete copy of Plan Commission Case Number ZO-10-22 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 14, 2022.

Scott Robinson

Date: March 23, 2022

Scott Robinson, Secretary
Plan Commission

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

N. Bolden

Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

Approval of case ZO-10-22 amends the 2021 Unified Development Ordinance (UDO), with technical corrections for scrivener's errors, punctuation, references, and/or citations, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-10-22 Memo

To: Bloomington Common Council

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

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-10-22 on March 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0.

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

The last UDO Update process was completed in the Spring of 2021, with the final text amendment Ordinance becoming effective in July 2021. That update was the culmination of the much larger effort to update the UDO and Zoning Map that began with the Comprehensive Plan update in 2018. This update is a smaller scale and regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below:

1. ZO-10-22 | Technical Corrections

ZO-10-22 | Technical Corrections

This petition contains corrections or clarifications to the UDO. These range from misplaced or missing references to incorrect numbers to terminology correction or clarification to missing text to syncing references across the UDO. There are 22 amendments identified, some appearing multiple times in the code. These amendments are needed to provide accurate and clear language for use of the code, as well as to sync the code with itself and adopted plans.

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Figure 10: RM Dimensional Standards

(m) **RH: Residential High-Density MultifamilyHigh-Density**

(1) **Purpose**

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



Figure 11: Illustrative Scale and Character

(2) **Dimensional Standards**

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

Table 02-11: MM District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front build-to range	15 to 25 feet
	Front building façade at build-to range (minimum)	70%
D	Side	7 feet [1] [6]
E	Rear	7 feet [1] [6]
Other Standards		
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum) [4]	60%
	Landscape area (minimum) [5]	40%
G	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3]
	Accessory structure height (maximum)	30 feet

Notes:

- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] ~~Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have an impervious surface coverage maximum of 85%.~~
- [5] ~~Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street, and west of Morton Street shall have a minimum landscape area of 15%.~~
- [6] ~~Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.~~

(B) Dimensional Standards

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

Table 02-15: MD-CS Dimensional Standards

Building Setbacks		
A	Build-to range	0 to 5 feet
B	Building façade at build-to range (minimum)	90%
	Front (maximum)	None
	Side (minimum)	None [1]
	Rear (minimum)	None [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure’s front building wall
	Side and Rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)
	Impervious surface coverage (maximum)	100%
C	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	25 feet

Notes:

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



Figure 28: MD-CS Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Building Setbacks		
A	Build-to range	0-5 feet
B	Building façade at build-to range (minimum)	70%
	Adjacent to B-Line (minimum)	10 feet
	Side (minimum)	None [1]
	Rear (minimum)	None [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Side and Rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)
	Impervious surface coverage (maximum)	100%
C	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	35 feet
	Accessory structure height (maximum)	25 feet

Notes:

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

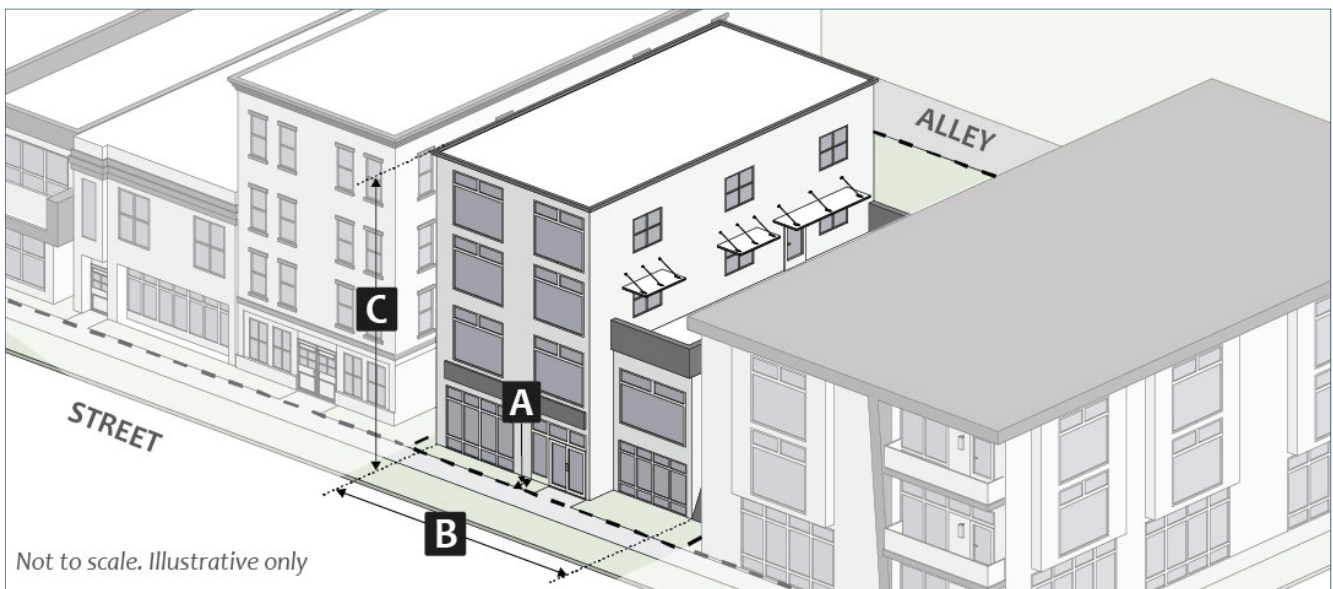


Figure 30: MD-DC Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

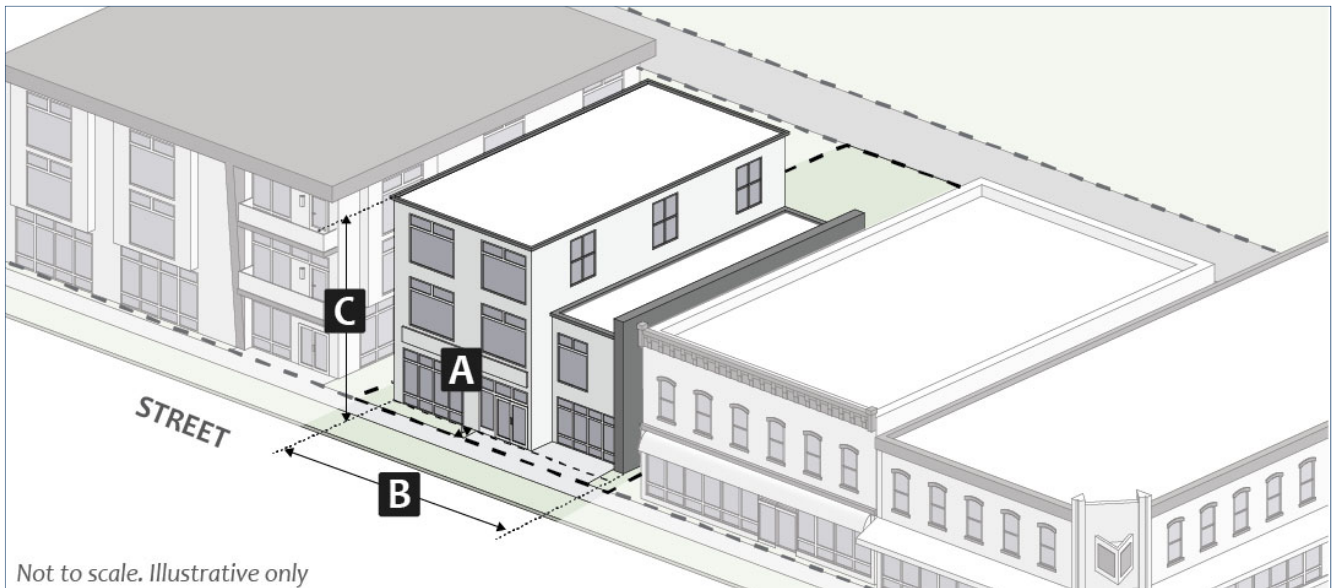
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-17: MD-UV Dimensional Standards

Building Setbacks				
A	Build-to range	0 to 15 feet		
B	Building façade at build-to percentage (minimum)	70%		
	Side (minimum)	None [1]		
	Rear (minimum)	None [1]		
Other Standards		General	Kirkwood Corridor	Restaurant Row
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall		
	Side and Rear parking setback	Requirements set per Section 20.04.080(h)(1)(A)(ii)		
	Impervious surface coverage (maximum)	85 %	100 %	85%
	Landscape area (minimum)	15%	n/a	15%
C	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]	3 stories, not to exceed 40 feet [1] [2] [3] [4]	3 stories, not to exceed 35 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet	25 feet	20 feet
	Accessory structure height (maximum)	25 feet		

Notes:

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



(B) Dimensional Standards

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

Table 02-18: MD-DE Dimensional Standards

Building Setbacks		
A	Build-to range	0 to 15 feet
B	Building façade build-to percentage (minimum)	70%
C	Side (minimum)	7 feet [1]
D	Rear (minimum)	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Side and Rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)
	Impervious surface coverage (maximum)	75%
	Landscape area (minimum)	25%
E	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	20 feet
	Accessory structure height (maximum)	25 feet

Notes:

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

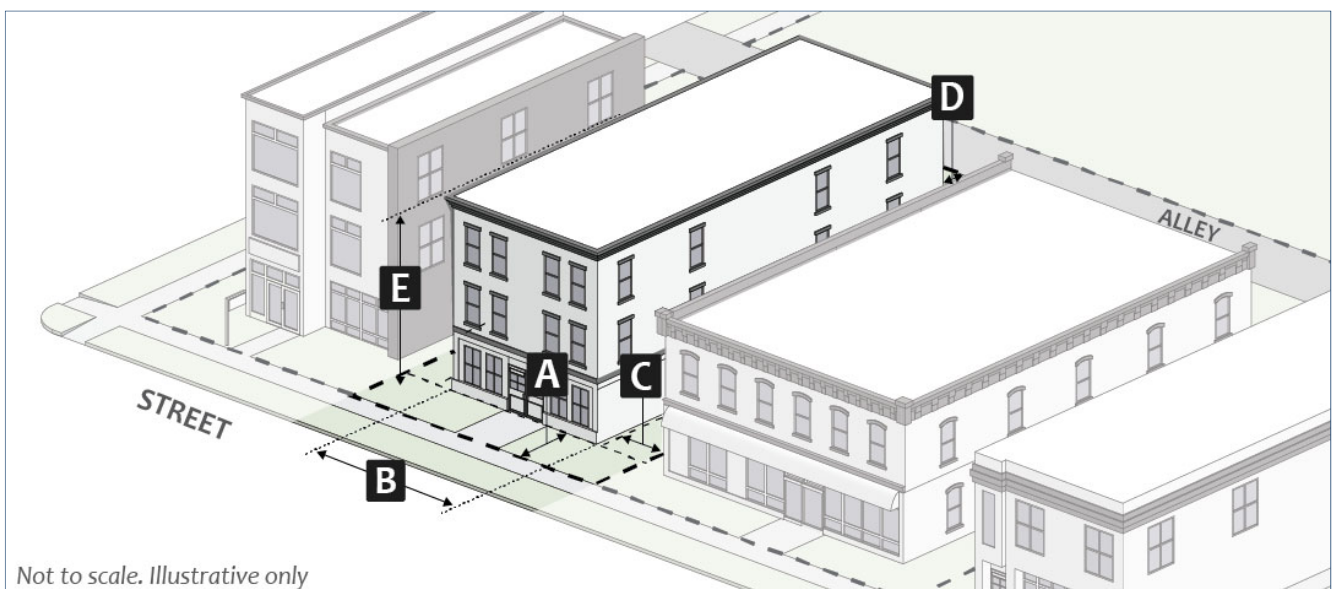


Figure 34: MD-DE Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-19: MD-DG Dimensional Standards

Building Setbacks		
A	Build-to range	0 to 15 feet
B	Building façade build-to percentage (minimum)	70%
C	Side (minimum)	5 feet [1]
D	Rear (minimum)	5 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure’s front building wall
	Side and Rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)
	Impervious surface coverage (maximum)	75%
	Landscape area (minimum)	25%
E	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	30 feet

Notes:

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

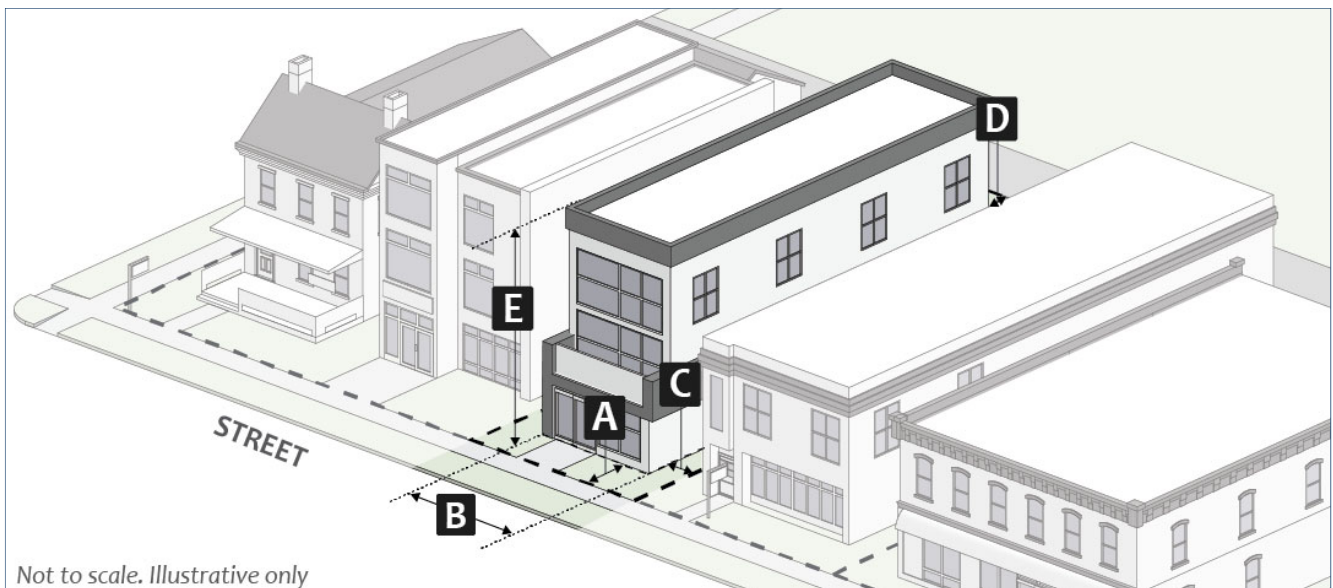


Figure 36: MD-DG Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-20: MD-ST Dimensional Standards

Building Setbacks		
A	Front (maximum)	15 feet
B	Adjacent to B-Line (minimum)	15 feet
C	Side building setback (minimum)	5 feet [1]
D	Rear building setback (minimum)	5 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Side and Rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)
	Impervious surface coverage (maximum)	75% 85%
	Landscape area (minimum)	25% 15%
E	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	30 feet

Notes:

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

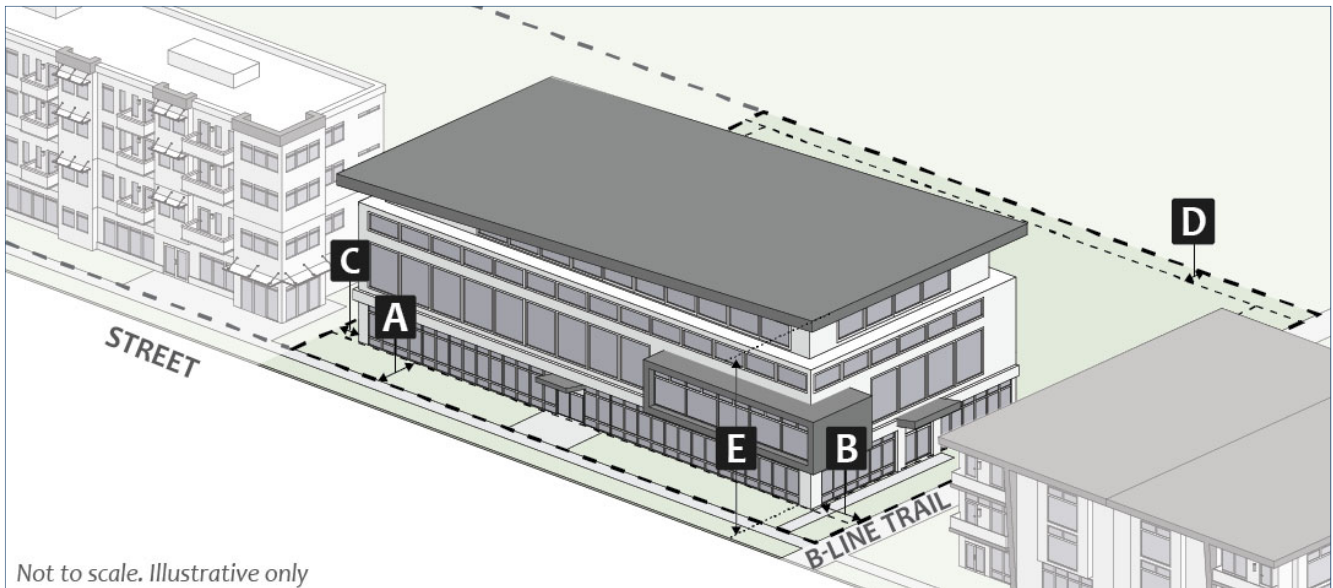


Figure 38: MD-ST Downtown Character Overlay Dimensional Standards

Table 02-28: Façade Materials

Downtown Character Overlays	Prohibited Façade Material Standards	
	Primary	Secondary
CS [1]	Wood, EIFS, smooth-faced or split-faced cement block, vinyl; metal, cementitious siding, and precast concrete	
DC	EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, and cementitious siding	EIFS, vinyl, and smooth or split-faced cement block
UV General DE, DG, ST	EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, metal, and precast concrete	EIFS, vinyl, and highly reflective materials
ST	EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, and precast concrete	EIFS, vinyl, and highly reflective materials
UV Kirkwood Corridor	EIFS, vinyl, wood, smooth or split-faced cement block, and cementitious siding	EIFS, vinyl, smooth or split-faced cement block, wood, and cementitious siding [2]
UV Restaurant Row	EIFS, vinyl, smooth or split-faced cement block, natural stone or masonry, and precast concrete	EIFS and vinyl

Notes:

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

(10) Design Guidelines

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

- (A) Site plan: Guidelines 3.1 and 3.2.
- (B) Architectural character: Guidelines 3.3 and 3.4.
- (C) Mass, scale and form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9.
- (D) Exterior building materials: Guidelines 3.10, 3.11 and 3.12.
- (E) Upper story windows: Guidelines 3.13 and 3.14.
- (F) Entries: Guidelines 3.15 and 3.16.
- (G) Pedestrian interest: Guidelines 3.17, 3.18 and 3.19.
- (H) Mechanical equipment and service utilities: Guidelines 3.20, 3.21, 3.22 and 3.23.
- (I) Parking structures: Guidelines 3.24 and 3.25.
- (J) Lighting: Guidelines 3.26, 3.27 and 3.28.

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

(12) Residential Rooming House

- (A) No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.
- (B) No bedroom occupied by a person other than the residential rooming house owner shall be rented for a period of less than 30 consecutive days.

(13) Student Housing or Dormitory

(A) Ground Floor Parking

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

(B) Location

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

- i. By at least ~~300~~ 900 feet, as measured between the closest points on the two lots containing the student housing or dormitory uses, and
- ii. By at least ~~300~~ 900 feet, as measured between the closest points of two or more residential or mixed use structures within one lot containing the student housing or dormitory use.

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

(C) Building Floor Plate

- i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be ~~2,500~~ 2,000 square feet per ~~lot~~ 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 MN zoning district shall be ~~5,000~~ 3,000 square feet per ~~lot~~ 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) has been earned, the maximum building floor plate of a student housing or dormitory use shall be 5,000 square feet per building.

- ii. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be ~~5,000-3,000~~ square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be ~~10,000-5,000~~ square feet per building ~~lot~~, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be 10,000 square feet per building.-
- iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be ~~10,000-5,000~~ square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be ~~20,000-8,000~~ square feet per building ~~lot~~, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be 20,000 square feet per building.-
- iv. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be ~~20,000~~ 10,000 square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, ~~there shall be no the~~ maximum building floor plate for a student housing or dormitory use use shall be 14,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). ~~in the MS zoning district. 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.-~~

(D) Building Height

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

(7) **Sexually Oriented Business**

(A) **Purpose**

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

(B) **Location**

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

- i. Place of Worship;
- ii. School, Public or Private (preschool, K-12);
- iii. Day care center, adult or child;
- iv. Park (including publicly owned multiuse trails);
- v. Library;

~~vi. Homeless Shelter;~~

~~vii-vi.~~ R1, R2, R3, R4, or RMH zoning district, including any portion of a Planned Unit Development designated for single-family residential use;

~~viii-vii.~~ RM or RH zoning district, including any portion of a Planned Unit Development designated for multifamily residential use; and

~~ix-viii.~~ Another Sexually Oriented Business.

(C) **PUDs**

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

(D) **Exterior Display**

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

(8) **Bed and Breakfast**

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

(B) In the R1, R2, R3, R4, and RM zoning districts, the maximum number of guest units for any bed and breakfast shall be three. In all other zoning districts, the maximum number of guest units for any bed and breakfast establishment shall be eight.

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MS	MN	MM	MC	ME	MI	MD	MH
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- Notes:**
- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
 - [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be 12 feet.
 - [3] See Section 20.04.110 (Incentives) for alternative standards.
 - [4] [Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street \(extending south of 2nd Street to 1st Street\), and west of Morton Street shall have an impervious surface coverage maximum of 85%.](#)
 - [5] [Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street \(extending south of 2nd Street to 1st Street, and west of Morton Street shall have a minimum landscape area of 15%.](#)
 - [6] [Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street \(extending south of 2nd Street to 1st Street\), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.](#)

Table 04-4: Downtown Character Overlay Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MD-CS	MD-DC	MD-UV	MD-DE	MD-DG	MD-ST
Lot Dimensions (Minimum)						
Lot area	None	None	None	None	None	None
Lot width	None	None	None	None	None	None
Building Setbacks						
Front build-to range	0 to 5 feet	0 to 5 feet	0 to 15 feet	0 to 15 feet	0 to 15 feet	None
Front building façade at build-to range (minimum)	90%	70%	70%	70%	70%	None
Front (maximum)	None	None	None	None	None	15 feet
Adjacent to B-Line (minimum)	None	10 feet	None	None	None	15 feet
Side (minimum) [1]	None	None	None	7 feet	5 feet	5 feet
Rear (minimum) [1]	None	None	None	10 feet	5 feet	5 feet
Other Standards						
Front parking setback (minimum)	20 feet behind the primary structure's front building wall					
Side and Rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)					
Impervious surface coverage (maximum)	100%	100%	General and Restaurant Row: 85% Kirkwood Corridor: 100%	75%	75%	75% , 85%
Landscape area (minimum)	None	None	General and Restaurant Row: 15% Kirkwood Corridor: None	25%	25%	25% , 15%

Table 04-6: Authorized Exceptions to Setback Requirements

DU = dwelling unit

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

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

(4) Through Lots

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

(f) Building Height

(1) Measurement

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

(A) Stories

Story height is measured between the floor of a story to the floor of the story above it. For single-story buildings and the uppermost story of a multistory building, the measurement shall be from the floor of the story to the ceiling.

(C) Vertical Clear Area

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

(d) Pedestrian and Bicycle Circulation

(1) Purpose

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

(2) Applicability

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

(3) Inspection and Acceptance

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

(4) Pedestrian Network Required

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

(5) Type of Pedestrian Facility

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

(6) Width

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

- (2) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for ~~persons with disabilities~~ the disabled.
- (3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.
- (4) Required accessible spaces shall count towards the number of maximum parking spaces permitted, unless the maximum allowed number of parking spaces is 25 spaces or less.

(g) Adjustments to Minimum Parking Requirements

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

(1) Shared Parking Facilities

(A) Generally

- i. When reviewing a shared parking proposal, the City Planning and Transportation Department shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to subsections (2) through (5) below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the City Planning and Transportation Department.
- ii. Where a minimum number of parking spaces are required by Table 04-9: Minimum Vehicle Parking Requirements, the owners of two or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request, the City Planning and Transportation Department may authorize the shared use of parking facilities subject to the following:
 - iii. In a shared parking arrangement, each property shall provide a minimum of 60 percent of the individual parking requirements provided in Table 04-9: Minimum Vehicle Parking Requirements. In no case shall the total combined parking spaces be less than 120 percent of the greater individual parking requirement.
 - iv. Any property using shared parking facilities shall be located within 600 feet of such parking facility, using established sidewalks and crosswalks where available.

(B) Shared Parking Agreement

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

(2) Proximity to Transit

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

(3) Affordable and Senior Housing

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

(D) **Tree Grates**

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

(E) **Vision Clearance**

(4)

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

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

(A) **Generally**

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

(B) **Alternatives**

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

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

(g) **Buffer Yards**

(1) **Purpose**

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

(2) **General Standards**

(A) **Responsibility**

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

20.06.030 Summary Table of Review Procedures

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

Table 06-1: Summary Table of Review Procedures

R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Development Permits and Procedures														
Site Plan Review, Minor	20.06.050(a)				✓			D	A					
Site Plan Review, Major	20.06.050(a)	✓	✓	✓	✓	✓	✓	R	D*					
Conditional Use Permit	20.06.050(b)	✓	✓	✓	✓			R			D*/A		D*	
Demolition Delay Permit	20.06.050(c)			✓	✓			R						D
Floodplain Development Permit	20.06.050(d)							D						
Grading Permit	20.06.050(e)							D						
Certificate of Zoning Compliance	20.06.050(f)							D						
Certificate of Occupancy	20.06.050(g)							D						
Certificate of Final Acceptance	20.06.050(h)							D						
Certificate of Nonconforming Use	20.06.050(i)							D						
Sign Permit	20.06.050(j)							D						
Temporary Use Permit	20.06.050(k)							D						
Easements	20.06.050(l)	See 20.06.050(l) (Easements)												
Subdivision Procedures														
Primary Plat	20.06.060(b)	✓	✓	✓	✓	✓		R	D*/A	D*				
Secondary Plat	20.06.060(c)					✓		R/D	D/A	D				
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D*/A	D*				
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓						R	R*				D*	
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*				D*	
Rezoning to Planned Unit Development (PUD)	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*				D*	
Zoning Text Amendment	20.06.070(d)	✓	✓		✓			R	R*				D*	

(b) Conditional Use Permit

(1) Purpose

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

(2) Applicability

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

(3) Conditional Use Permit Review Process

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

Figure 06.05-3: Summary of Conditional Use Permit Procedure



(A) Pre-Submittal Activities

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

1. The property shall have been designated historic at the local level, or have had a petition filed for such designation, at the time of petition for conditional use approval.
2. The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.
3. The proposed use shall enhance the ability to restore and/or preserve the property.
4. The granting of the conditional use approval shall be contingent upon any required certificate of appropriateness and upon the granting of a local historic designation or the presence of such designation being in place.

iv. Quarry Adaptive Re-Use

1. The petitioner shall provide documentation that limestone or other stone processing operations are no longer feasible due to environmental and/or physical site characteristics. Market economic conditions may be considered, but the purpose is to protect these natural resources from encroachment of other land uses that may inhibit or prevent quarry or stone processing activities.
2. The proposed adaptive re-use shall retain, to the greatest extent possible, the existing quarry features to preserve the region's quarry heritage.
3. Land use decisions shall be made in consideration of the dominant land use patterns that surround each site.
4. The proposed adaptive re-use shall be a less intense land use than quarry uses in regard to environmental regulatory standards and general nuisance in regard to noise, vibration, and dust.
5. An environmental mitigation plan shall be submitted with the conditional use petition. The environmental mitigation plan shall include, but not be limited to cleanup measures, water quality protection, and long-term monitoring standards. All environmental mitigation plans shall meet the standards of the City Utilities Department, as well as any applicable state and federal requirements.

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

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

vi. Commitments

1. The ~~Board of Zoning Appeals zoning board of appeals~~ or Hearing Officer may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a conditional use permit in accordance with Section 20.06.040(d)(8) (Commitments).
2. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the Hearing Officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

(A) Pre-Submittal Activities

- i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).
- ii. Petitions subject to review and decision by the Hearing Officer shall not require a Development Review Committee meeting.
- iii. For petitions subject to review and decision by the ~~Board of Zoning Appeals-zoning board of appeals~~, a Development Review Committee meeting may be required at the discretion of the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

(B) Petition Submittal and Processing

The variance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

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

(E) Review and Decision

The Hearing Officer or Board of Zoning Appeals shall review the variance petition and approve, approve with conditions or commitments, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the following approval criteria.

i. Development Standards Variance

Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

1. General Approval Criteria

- [a] The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
- [b] The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and
- [c] The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.

- [f] The compatibility of the proposed use with existing and anticipated development.
- [g] The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
- [h] The safety of access to the property in times of flood for ordinary and emergency vehicles.
- [i] The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
- [j] The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2. Review Criteria

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

- [a] A showing of good and sufficient cause;
- [b] A determination that failure to grant the variance would result in exceptional hardship;
- [c] A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
- [d] A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances;

iii. Commitments

1. The ~~Board of Zoning Appeals~~ ~~Zoning Board of Appeals~~ or the Hearing Officer may allow or require the owner of a parcel of real property to make a written and recorded zoning commitment concerning use and/or development of that parcel in connection with approval of a variance pursuant to Section 20.06.040(d)(8) (Commitments).
2. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe Office of the Monroe County Recorder before a certificate of zoning compliance is issued.
3. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the Hearing Officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

In landscaping, low-growing plants with a typical maximum mature height of about 12 inches. Ground cover is sometimes referred to as the "herbaceous layer," "regenerative layer," or "ground flora." They are typically chosen for practical purposes to cover soil where turf grass does not thrive or is not practical or in wooded settings covering the soil surface. Ground cover species do not include non-native turf grass.

Ground Floor

The level of a building that is situated at or most nearly at street grade.

Group Care Home, FHA, Small and Large

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for persons with disabilities, persons with mental health conditions, or persons with developmental disabilities ~~handicapped, mentally ill, or developmentally disabled persons~~. This use does not include "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large."

Group Home, FHA Small

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

Group Care Home, FHA Large

A facility designed for and occupied by nine or more residents living together.

Gym

See "Fitness Center."

Habitable Space

Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HAND

The City of Bloomington Department of Housing and Neighborhood Development.

Hardship

For purposes of floodplain regulations, the exceptional hardship that would result from a failure to grant the requested floodplain variance. The City Board of Zoning Appeals or the Hearing Officer requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a floodplain variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Health Club

See "Fitness Center."

Hearing Officer

A member of the staff, appointed by the Plan Commission, who hears and makes final decisions on certain variances and certain conditional uses, as specified in the Plan Commission rules of procedure. The Hearing Officer is established pursuant to Indiana Code 36-7-4-923.

Height, Building

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

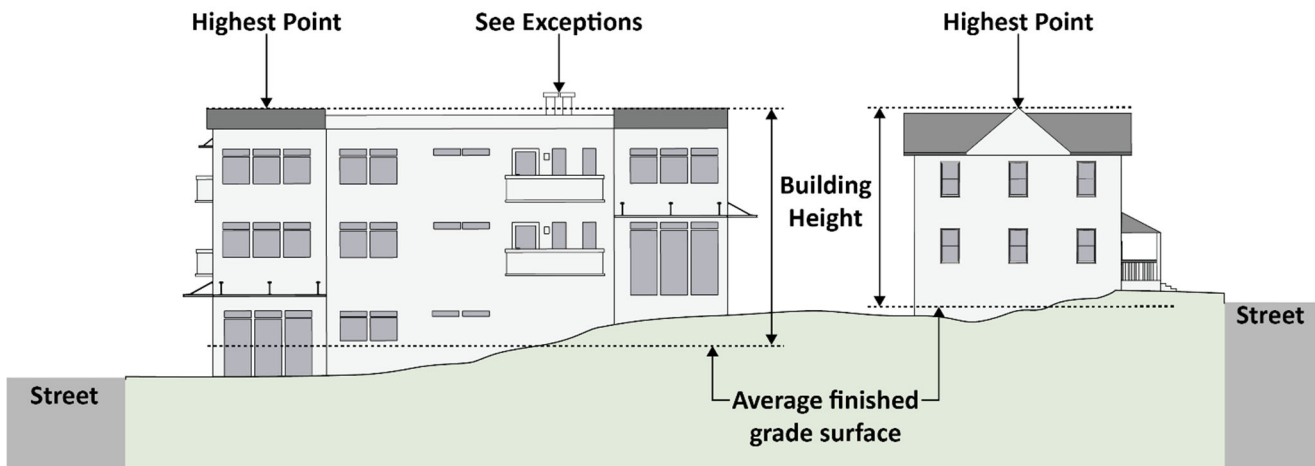


Figure 6: Building Height

Highest Adjacent Grade

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

Highly Erodible Soils

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

Home Occupation

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

Hospital

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

Hotel or Motel

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

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; ~~or~~ 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.

ZO-10-22						
Redline Page Number	Online UDO Page Number	Chapter	Citation	Current Language	Proposed Language	Synopsis
282, 284, 341, 343	274, 276, 333, 335	various	various	zoning board of appeals	Replace and use "Board of Zoning Appeals"	Syncs language with rest of UDO
i	i	0	Table of Contents	RH: Residential High Density	RH: Residential High-Density Multifamily	Fixes incorrect label
24	24	2	20.02.010(m)	RH: Residential High Density	RH: Residential High-Density Multifamily	Fixes incorrect label
33	33	2	20.02.020 Table 02-11	MM: Dimensional Standards	Syncing with proposed Table 04-3	Cross-reference for Chapter 4 Hospital Revitalization Plan language
41, 44, 46, 48, 50, 53	41, 43, 45, 47, 49, 51	2	20.02.020 Tables 02-15; 02-16; 02-17; 02-18; 02-19; 02-20	None	Add row for Side and Rear Parking Setback in Downtown. Requirements set per 20.04.080(h)(1)(A)(ii).	Syncing with Ch. 4 regulation in Landscaping section
53	51	2	20.02.020 Table 02-20	Maximum Impervious Surface coverage = 75% / Minimum Landscape Area = 25%	Change maximum impervious surface coverage to 85% and minimum landscape area to 15%.	Syncs with urban design envisioned in Plan
67	65	2	20.02.050 Table 02-28	Prohibited Facade Material Standards (Primary), Showers Technology Park - EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, metal, and precast concrete	Prohibited Facade Material Standards (Primary), Showers Technology Park - EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, metal , and precast concrete	Removes metal as a prohibited primary facade material, syncs with Plan
83	81	3	20.03.030(b)(13)(B)	However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, only the requirements of 20.03.030(b)(13)(A)(i) apply to each student housing or dormitory use in the RM, RH, MN, MM, MC, and MI zoning districts.	However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, only the requirements of 20.03.030(b)(13)(A)(B)(i) apply to each student housing or dormitory use in the RM, RH, MN, MM, MC, and MI zoning districts.	Fixes incorrect citation
83	81	3	20.03.030(b)(13)(C)(i)	In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,500 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,500 square feet per lot 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 MN zoning district shall be 5,000 square feet per lot building , pursuant to the measurement standards in Section 20.04.020(g).	Clarifies that the floorplate limitation applies to the size of each building, not the cumulative square footage
84	81	3	20.03.030(b)(13)(C)(ii)	In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 square feet per lot building , pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 square feet per lot building , pursuant to the measurement standards in Section 20.04.020(g).	Clarifies that the floorplate limitation applies to the size of each building, not the cumulative square footage
84	82	3	20.03.030(b)(13)(C)(iii)	In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot building , pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 square feet per lot building , pursuant to the measurement standards in Section 20.04.020(g).	Clarifies that the floorplate limitation applies to the size of each building, not the cumulative square footage
89; 390	86 ; 381	3 ; 7	20.03.030(d)(7) and Definitions	"homeless shelter"	Removing old term	Removing old term
111	108	4	20.04.020 Table 04-4	None	Add row for Side and Rear Parking Setback in Downtown. Requirements set per 20.04.080(h)(1)(A)(ii).	Syncing with Ch. 4 regulation in Landscaping section

115	112	4	20.04.020 Table 04-6	"Handicap Ramp"	"Accessible Ramp"	Modifying language to be reflect preferred terminology
141	138	4	20.04.050(d)(4)(B)	Pedestrian facility requirements	All concrete sidewalk and asphalt path improvements shall be constructed as per City Planning and Transportation Department and Engineering Department requirements.	Adding Engineering Department for pedestrian facility specifications.
154	150	4	20.04.060(f)	Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for the disabled	Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for the disabled- people with disabilities	Modifying language to be reflect preferred terminology
154	150	4	20.04.060(f)	All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces	All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.	Updating language to specifically reference State guidelines
188	181	4	20.04.080(f)(3)(E)(iii)	Locations for street trees within 50 feet of an intersection shall be approved by the City Planning and Transportation Department.	Locations for street trees within 50 feet of an intersection shall be approved by the City Planning and Transportation Engineering Department.	Name change to reflect creation of Engineering Department
257	249	6	20.06.030 Table 06-1	Table shows that staff can only review and make recommendation on secondary plat.	The table should be updated to show that Staff can approve the secondary plat	Updates table to reflect an amendment made last year.
388	380	7	20.07.010	Group Care Home, FHAA , Small and Large- A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons. This use does not include "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large."	A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for handicapped persons with disabilities, mentally-ill persons with mental health conditions, or developmentally disabled persons persons with developmental disabilities. This use does not include "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large."	Modifying language to be reflect preferred terminology
390	381	7	20.07.010	Home Occupation: An activity or occupation carried on within a dwelling by members of the family occupying the dwelling and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, unless this UDO states that the activity or occupation is not treated as a Home Occupation.	An activity or occupation carried on within a dwelling or approved residential accessory structure by members of the family occupying the dwelling and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, unless this UDO states that the activity or occupation is not treated as a Home Occupation.	Modifies definition of home occupation to allow clarify they can be done in accessory structure when appropriate.
407	398	7	20.07.010	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; or 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; or 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."	Fixes grammatical error

ORDINANCE 22-09
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Technical Corrections Set Forth in BMC 20.03

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-07 and Ordinance 20-08; and

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

WHEREAS, on March 14, 2022, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 23, 2022; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-11-22 (“Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains amendments related to use regulations in the UDO. These amendments add, remove, or edit existing text to clarify and amend standards. There are 8 amendments identified.

****ORDINANCE CERTIFICATION****

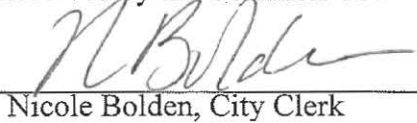
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-09 is a true and complete copy of Plan Commission Case Number ZO-11-22 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 14, 2022.



Scott Robinson, Secretary
Plan Commission

Date: March 23, 2022

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



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

Approval of case ZO-11-22 amends the 2021 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-11-22 Memo

To: Bloomington Common Council

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

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-11-22 on March 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0.

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

The last UDO Update process was completed in the Spring of 2021, with the final text amendment Ordinance becoming effective in July 2021. That update was the culmination of the much larger effort to update the UDO and Zoning Map that began with the Comprehensive Plan update in 2018. This update is a smaller scale and regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below:

1. ZO-11-22 | Chapter 3: Use Regulations

ZO-11-22 | Chapter 3: Use Regulations

This petition contains amendments related to uses allowed in the code. The amendments largely deal with adjusting building floor plate maximums for multifamily and student housing or dormitory uses. The amendments lower the by-right size for those uses in particular districts, as well as adjusting when the incentives for affordable housing and sustainable housing amend those size restrictions. The amendments increase the separation requirements for student housing or dormitory uses in a number of districts, which can be amended with incentive use. The amendments propose architectural requirements for parking garages. The amendments propose to allow interior connection from the primary residential use and an attached accessory dwelling unit. There are 8 amendments identified. The changes are necessary for various reasons. The bulk of the changes are needed in order to recalibrate the existing parameters from student housing or dormitory and some multifamily buildings in order to encourage more workforce, affordable, and sustainable development. The parking garage requirements will ensure that developers understand the design parameters before attempting the use, and allow the City to gain architectural design that is similar to non-parking garage design when such a use cannot be

wrapped by commercial or residential. The ADU change is intended to ease aging-in-place options.

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 façade facing a public street. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

(B) Size

In the MN and R4 zoning districts, no more than eight multifamily 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.

~~(C)~~ **(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 façade 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.
- (D) In the R4, RM, and RH zoning districts, the commercial activity area shall not exceed 50 percent of the gross floor area of the unit.
- (E) Signs are limited to not more than two internally illuminated wall or window signs not exceeding 10 square feet in total area.
- (F) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

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

(12) Residential Rooming House

- (A) No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.
- (B) No bedroom occupied by a person other than the residential rooming house owner shall be rented for a period of less than 30 consecutive days.

(13) Student Housing or Dormitory

(A) Ground Floor Parking

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

(B) Location

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

- i. By at least ~~300~~ 900 feet, as measured between the closest points on the two lots containing the student housing or dormitory uses, and
- ii. By at least ~~300~~ 900 feet, as measured between the closest points of two or more residential or mixed use structures within one lot containing the student housing or dormitory use.

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

(C) Building Floor Plate

- i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be ~~2,500~~ 2,000 square feet per ~~lot~~ 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 MN zoning district shall be ~~5,000~~ 3,000 square feet per ~~lot~~ 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) has been earned, the maximum building floor plate of a student housing or dormitory use shall be 5,000 square feet per building.

- ii. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be ~~5,000-3,000~~ square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be ~~10,000-5,000~~ square feet per building ~~lot~~, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be 10,000 square feet per building.-
- iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be ~~10,000-5,000~~ square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be ~~20,000-8,000~~ square feet per building ~~lot~~, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be 20,000 square feet per building.-
- iv. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be ~~20,000~~ 10,000 square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, ~~there shall be no the~~ maximum building floor plate for a student housing or dormitory use use shall be 14,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). in the MS zoning district. 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.-

(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.

(13) Equipment Sales and Rental

- (A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.
- (B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.
- (C) 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.

(14) Vehicle Fuel Station

- (A) In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units. For the purpose of this section, each hose shall count as one fuel dispenser unit.
- (B) In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.
- (C) In the MM, MD, MC, and ME zoning districts, all activities other than vehicle fueling shall be conducted within a completely enclosed building.
- (D) In the MM, MD, MC, and ME zoning districts, no outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (E) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (F) In the ME zoning district:
 - i. All structures including fuel canopies shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials;
 - ii. Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets; and
 - iii. At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

(15) Vehicle Impound Storage

Vehicle impound storage lots shall be screened with a solid fence or wall at between eight and 10 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.

(16) Vehicle Parking Garage

- A. In the MD-CS, MD-DC, MD-UV, MD-DG, and MD-ST Downtown Character Overlays, a freestanding primary use vehicle parking garage, or a parking garage that is attached to but not located within the building envelope of a structure containing another primary use shall require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).
- B. In all districts, if exterior facades of a parking garage structure are not covered with residential or commercial spaces, then the following design elements shall all be included:

- a. Exterior facades shall utilize a punched-out window design with a minimum of 2' solid space between openings and defined lentils and sills that utilize different finishing material than adjacent façade.
- b. The building shall be designed so that the presence of parked vehicles is not visible.
- c. A minimum of one pedestrian entrance with required entrance detailing is required per street frontage.
- a.d. A minimum of 25% of each facade facing a public street shall incorporate public art, planter boxes, or similar elements.

(17) Vehicle Repair, Major or Minor

- (A) All major overhaul, body and fender work, upholstery and welding, and spray painting shall be conducted within a completely enclosed building.
- (B) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (C) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

(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) 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) Prohibited Storage Materials

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

(5) **Dwelling, Accessory Unit**

(A) **Purpose**

These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

(B) **Generally**

- i. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.
- ii. Not more than one ADU may be located on one lot.
- iii. ADUs shall not contain more than two bedrooms.
- iv. No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date. [For purposes of this section, attached ADU's with internal access that were approved under this ordinance shall be considered one dwelling unit.](#)
- v. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department.

(C) **Utilities**

All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to the property and the primary dwelling on the lot uses a septic system, the ADU may use the septic system in compliance with Monroe County Health Department Standards.

(D) **Standards for Attached ADUs**

- i. The maximum square footage of any attached ADU shall be 840 square feet.
- ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.
- iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

(E) **Standards for Detached ADUs**

Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling within the applicable zoning district as found in Section 20.04.070(d)(3) (Residential).

- i. The maximum gross floor area of the detached ADU portion of any accessory structure shall be 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less.
- ii. The detached ADU shall not exceed 25 feet in height.

ZO-11-22					
Redline Page Number	Online UDO Page Number	Citation	Current Language	Proposed Language	Synopsis
79	77	20.03.030(b)(5)	None	Buildings with more than 20 dwelling units cannot have a floorplate larger than 10,000 square feet. Buildings that utilize either the affordable housing or sustainable incentives may be allowed a floorplate up to 15,000 square feet per qualified building. Utilizing both allows up to 30,000 square feet per building.	Adds maximum floor plate language to encourage smaller buildings for medium to large multifamily developments
83	81	20.03.030(b)(13)	300 foot separation for Student Housing or Dormitory Use in RM, RH, MN, MM, MC, and MI	Increase to 900 feet. No separation requirement with use of both incentives.	Adjusting separation of student housing or dormitory unless using both incentives.
83	81	20.03.030(b)(13)(C)(i)	In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,500 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,500 2,000 square feet per lot 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 MN zoning district shall be 5,000 3,000 square feet per lot 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 housing incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plan of a student housing and dormitory use shall be 5,000 square feet per building.	Reduces floor plate for student housing or dormitory.
84	81	20.03.030(b)(13)(C)(ii)	In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 3,000 square feet per lot building , pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 5,000 square feet per lot 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 housing incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plan of a student housing and dormitory use shall be 10,000 square feet per building.	Reduces floor plate for student housing or dormitory.
84	82	20.03.030(b)(13)(C)(iii)	In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000 5,000 square feet per lot building , pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 8,000 square feet per lot 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 housing incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plan of a student housing and dormitory use shall be 20,000 square feet per building.	Reduces floor plate for student housing or dormitory.
84	82	20.03.030(b)(13)(C)(iv)	In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020 (g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, there shall be no maximum building floor plate for a student housing or dormitory use in the MS zoning district.	iv. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 10,000 square feet per lot 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 per building shall be 14,000 square feet. If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable 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.	Adds appropriate section number, reduces maximum floor plate, and clarifies that the maximum floor plate applies to each individual building and not cumulative.

91-92	89	20.03.030(d)(16)	None	Amend existing to (A) and Add (B) new language for all districts, design of parking garage- In all districts, if exterior facades of a parking garage structure are not covered with residential or commercial spaces, then the following design elements must all be included: a.Exterior facades shall utilize a punched-out window design with a minimum of 2' solid space between openings and defined lintels and sills that utilize different finishing material than adjacent façade. b.The building shall be designed so that the presence of parked vehicles is not visible. c.A minimum of one pedestrian entrance with required entrance detailing is required per street frontage. a.d.A minimum of 25% of the facades facing a public street shall incorporate public art or planter boxes or the like as determined by Staff.	Adds specific architectural requirements for parking garage use
99	96	20.03.030(g)(5)(B)(iv)	No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date.	No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date. For purposes of this section, attached ADUs approved under this ordinance with internal access shall be considered one dwelling unit.	Addressing separation requirement for attached ADUs.

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

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-07 and Ordinance 20-08; and

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

WHEREAS, on March 14, 2022, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 23, 2022; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

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

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

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

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

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ___ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

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

****ORDINANCE CERTIFICATION****

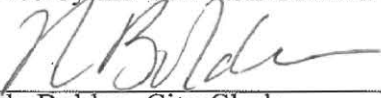
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-10 is a true and complete copy of Plan Commission Case Number ZO-12-22 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 1 Abstention by the Bloomington City Plan Commission at a public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



Date: March 23, 2022

Scott Robinson, Secretary
Plan Commission

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



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

Approval of case ZO-12-22 amends the 2021 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-12-22 Memo

To: Bloomington Common Council

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

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

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

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

The last UDO Update process was completed in the Spring of 2021, with the final text amendment Ordinance becoming effective in July 2021. That update was the culmination of the much larger effort to update the UDO and Zoning Map that began with the Comprehensive Plan update in 2018. This update is a smaller scale and regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below:

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

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

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

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

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

Notes:

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MS	MN	MM	MC	ME	MI	MD	MH
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- Notes:**
- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
 - [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be 12 feet.
 - [3] See Section 20.04.110 (Incentives) for alternative standards.
 - [4] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have an impervious surface coverage maximum of 85%.
 - [5] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street, and west of Morton Street shall have a minimum landscape area of 15%.
 - [6] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.

Table 04-4: Downtown Character Overlay Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MD-CS	MD-DC	MD-UV	MD-DE	MD-DG	MD-ST
Lot Dimensions (Minimum)						
Lot area	None	None	None	None	None	None
Lot width	None	None	None	None	None	None
Building Setbacks						
Front build-to range	0 to 5 feet	0 to 5 feet	0 to 15 feet	0 to 15 feet	0 to 15 feet	None
Front building façade at build-to range (minimum)	90%	70%	70%	70%	70%	None
Front (maximum)	None	None	None	None	None	15 feet
Adjacent to B-Line (minimum)	None	10 feet	None	None	None	15 feet
Side (minimum) [1]	None	None	None	7 feet	5 feet	5 feet
Rear (minimum) [1]	None	None	None	10 feet	5 feet	5 feet
Other Standards						
Front parking setback (minimum)	20 feet behind the primary structure's front building wall					
<u>Side and Rear parking setback (minimum)</u>	<u>Requirements set per Section 20.04.080(h)(1)(A)(ii)</u>					
Impervious surface coverage (maximum)	100%	100%	General and Restaurant Row: 85% Kirkwood Corridor: 100%	75%	75%	<u>75% 85%</u>
Landscape area (minimum)	None	None	General and Restaurant Row: 15% Kirkwood Corridor: None	25%	25%	<u>25% 15%</u>

(B) Overall Dimension

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

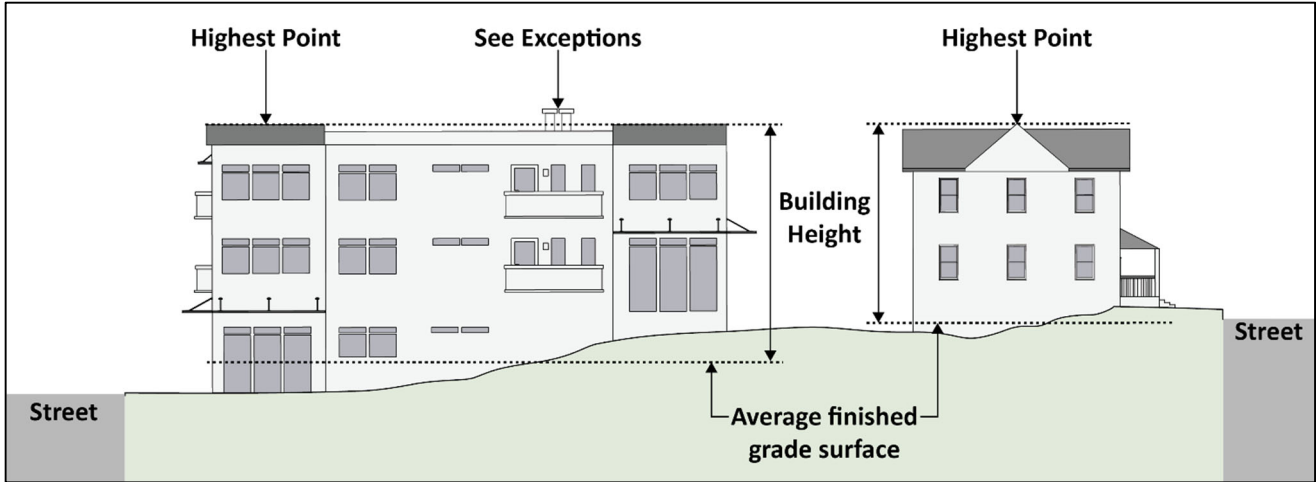


Figure 48: Building Height

(2) Exceptions to Height Requirements

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

Table 04-7: Authorized Exceptions to Height Requirements

DU = dwelling unit

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

[b] Within 50 feet of another driveway entrance.

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

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

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

(3) Driveway and Access Design

(A) Generally

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

(B) Driveway Pavement Widths

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

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

ii. All Other Uses

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

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

(C) Surface Material

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

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

(4) Connectivity

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

(4)(5) Vision Clearance Triangle

(A) Applicability

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

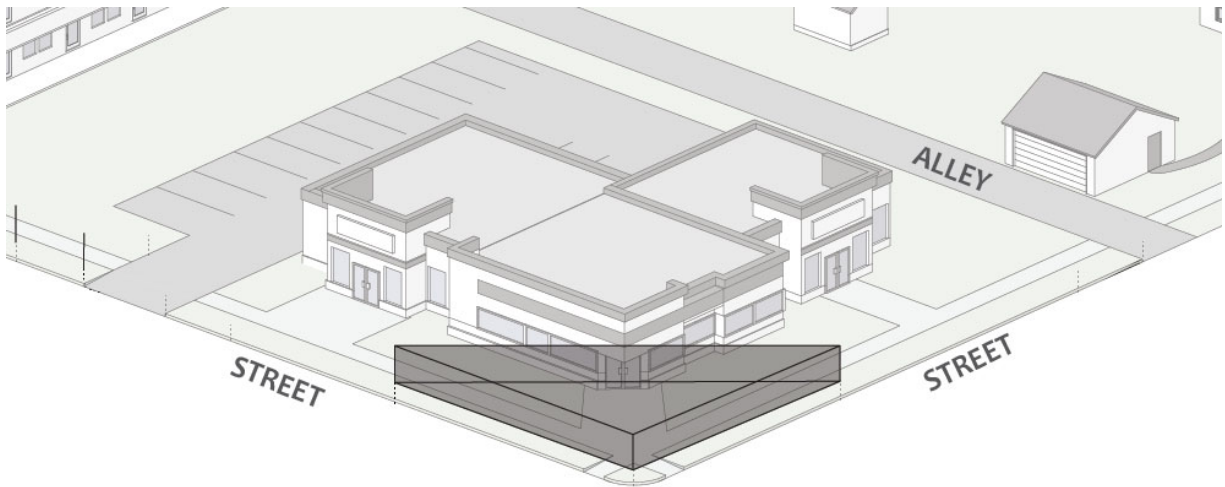


Figure 49: Vision Clearance Triangle

(B) Vision Clearance Triangle Leg Lengths

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

Table 04-9: Minimum Vehicle Parking Requirements

DU = dwelling unit

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

NOTES:

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

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

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

(e) Maximum Vehicle Parking Allowance

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

Table 04-10: Maximum Vehicle Parking Allowance

DU = dwelling unit sq. ft. = square feet

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

Table 04-10: Maximum Vehicle Parking Allowance

DU = dwelling unit sq. ft. = square feet

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

(3) Dimensions of Parking Spaces and Drive Aisles

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

- (A) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
- ~~(B) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that:

 - ~~i. Any raised curb in the overhang areas is no more than four inches in height; and~~
 - ~~ii. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.~~~~

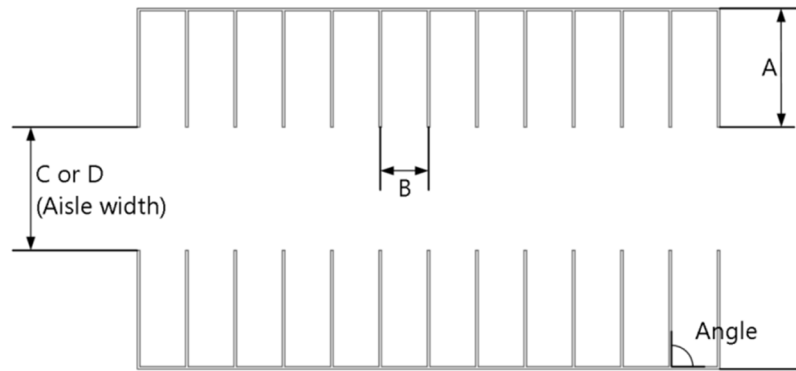


Figure 50: Illustrative Scale and Character

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

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

Notes:

[1] End spaces may be a minimum of 20 feet in length where no obstruction exists.

[2] Parking spaces for motorcycles may be provided and must be a minimum of 3 feet in width and 6 feet in depth.

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

(4) Stacked Parking

Stacked parking arrangements are permitted.

(G) Uniform Architecture

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

(H) Patterns

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

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

(I) Primary Pedestrian Entry

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

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

(J) Exterior Facades

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

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

(4) **Belt Courses**

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

(f) **Universal Design**

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

(g) **Solar Ready Building Design**

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

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

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

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species

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

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species

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

Table 04-15: Permitted Interior Tree Species

Bold text indicates evergreen species

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

(B) Location

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

(C) Plant Material

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

(D) Groundcover

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

(E) Planned Unit Development

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

(F) Credit Toward Other Requirements

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

(3) Buffer Yard Types

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

Table 04-19: Required Buffer Yard Types

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

Notes:

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

- (A) Outdoor ground-mounted mechanical equipment [which relates to power supply, watering, heating, ventilating, and similar purposes](#) (~~e.g. including, but not limited to~~, subpanels, [transformers](#), air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
 - (B) In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:
 - i. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
 - ii. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.
 - (C) Screening of ground-mounted solar energy equipment is not required.
- (3) Loading, Service, and Refuse Areas**
- (A) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
 - (B) Refuse areas shall not be located within the front setback and shall be a minimum of five feet from side and rear property lines, except for:
 - i. Side and rear locations adjacent to alleyways;
 - ii. Side and rear locations adjacent to the R1, R2, R3, and R4 zoning districts shall have a minimum 25-foot setback from the respective property lines.
 - (C) In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by:
 - i. A solid wall or fence a minimum of six feet in height, or high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Such enclosures shall match the general design and materials of the primary structure (but excluding unfinished CMU block). At least one side of such fence or wall shall incorporate a movable gate for access.
 - ii. The use of chain-link fencing for loading, service, or refuse area screening shall be prohibited.
- (4) Design**
- (A) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on an impervious surface.
 - (B) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(3) Roofs

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

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

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

(g) General Design Standards

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

(1) Freestanding Signs

All freestanding signs shall comply with the following standards:

(A) Setback

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

(B) Mounting

All freestanding signs shall be permanently affixed to the ground.

(C) Base

Sign bases shall conform to the following standards:

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

(D) Cap

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

(E) Landscaping

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

(D) Number

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

(E) Wall Signage

No wall signage is permitted.

(3) Multifamily

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

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

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

(4) Conforming Nonresidential Uses

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

(5) Legal Nonconforming Multifamily Residential Uses

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

(6) Legal Nonconforming Nonresidential Uses

Legal nonconforming nonresidential uses shall be permitted:

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

(7) Illumination

Signs within residential districts shall not be internally illuminated.

(8) Window Signs

Window signs are not permitted for residential uses.

(9) Temporary Signs

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

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

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

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

(1) Applicability

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

(2) Wall Signs

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

(A) Allowance

i. Individual Nonresidential Uses

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

ii. Multi-tenant Nonresidential Center

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

iii. Size Limits

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

(B) Maximum Projection

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

(C) Location

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

(D) Multi-tenant Nonresidential Centers

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

(3) Projecting Signs

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

(3)(4) Freestanding Signs

The following standards shall apply to all freestanding signs:

(A) Number

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

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

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

ii. Multi-tenant Nonresidential Centers

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

iii. Limits

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

(B) Location

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

(C) Maximum Projection

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

(3) Projecting Signs

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

(3)(4) Freestanding Signs

The following standards apply to permanent freestanding signs:

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

(4)(5) Permanent Display Cabinets

Permanent display cabinets shall be subject to the following standards:

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

(5)(6) Temporary Signs

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

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

ZO-12-22					
Redline Page Number	Online UDO Page Number	Citation	Current Language	Proposed Language	Synopsis
110-111	107	20.04.020 Table 04-3	none	[4] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street the Impervious surface coverage (maximum) shall be 85%. [5] Lots zoned MM north of 1st Street, south of 2nd Street, east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street the Landscape Area minimum shall be 15%.	Syncs the UDO with the Bloomington Hospital Site Reuse Master Plan (pages 62-63) with lot areas available for redevelopment
111	108	Table 04-4	Side and Rear Parking Setback for Downtown Character Overlays	Matching those standards to existing standards in 20.04.080(h0(1)(A)(ii))	Setbacks are currently only in landscape section
111	108	Table 04-4	MD-ST Impervious Surface Coverage/Landscape Area split 75%/25%	Change to 85%/15%	To reflect a more urban design as proposed various Plans
116	113	Table 04-7	DU=dwelling unit	delete DU=dwelling unit, add Solar Collector and reference 20.03.030(f)(2)	fix a typo and cross-reference solar collector use standards
139	136	20.04.050(c)(3)(B)(ii)	No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half of the below requirements):	No entrance or drive located in the front yard of a property shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half of the below requirements):	Clarifies location for restriction of driveway width
140	136	20.04.050(c)	None	Add new section (4) Connectivity - Where adjacent properties have street or access drive stubs to the shared property lines, these stubs shall be connected and extended.	Adds new language for connecting to adjacent street or driveway stubs
149	145	20.04.060(d) Table 04-9	Minimum parking requirements for duplexes, triplexes, fourplexes are required always	Add footnote [3] that minimum parking for duplexes, triplexes, fourplexes only applies in the R1, R2, R3, and R4 districts.	Clarifies that minimum parking only applies in certain districts. There is no minimum parking for multi-family in the mixed use and higher density residential districts
152	149	20.04.060(e) Table 04-10	No limit on parking for contractor's yard	one parking space per approved building occupancy	Provides a maximum parking requirement for contractor's yard, as it presents issues with change of use
157	153	20.04.060(i)(3)(B)	(A) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that: i. Any raised curb in the overhang areas is no more than four inches in height; and ii. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.	(A) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that: i. Any raised curb in the overhang areas is no more than four inches in height; and ii. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.	Removes unnecessary language which is better represented in the table
157	153	20.04.060(i)(3)	All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards	All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards and per Table 04-11	States that Table 04-11 contains the standards
169	165	20.04.070(d)(3)	None	Add architectural standards section from non-residential section (D, E, H)	Adds architectural standards for RM and RH district (new H, I, J)
172	167	20.04.070(g)	none	Add a new section (g) Solar Ready Buildings	adds a new standard that buildings will be built to solar ready standards
178-179	172	20.04.080 Table 04-14	Landscaping list	Revised species allowed for street trees	Per Urban Forester, there are some changes to the list of approved species for street trees
189	181	20.04.080(g)(2)(B)	All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by Section 20.04.020 (Dimensional Standards). The required buffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.	All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by Section 20.04.020 (Dimensional Standards). The required buffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.	Clarifies that buffer yards are not required for the portions of a property along a public street
194	187	20.04.080(m)(2)(A)	(A) Outdoor ground-mounted mechanical equipment (e.g., subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.	(A) Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (e.g., including but not limited to, subpanels, and transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.	Clarifies the type of equipment and fixtures classified as ground mounted mechanical equipment
205	198	20.04.100(g)(1)(A)	All freestanding signs shall be set back a minimum of two feet from the front property line or outside of the required clear zone of a public sidewalk, whichever is greater, unless specifically approved by the City's Transportation and Traffic Engineer	All freestanding signs shall be set back a minimum of two feet from the front property line proposed right-of-way line or outside of the required clear zone of a public sidewalk, whichever is greater, unless specifically approved by the City's Transportation and Traffic Engineer	Revises the setback language so that freestanding signs are not located in the proposed right-of-way
207	200	20.04.100(i)(6)(B)	(A) On lots with less than 30 feet of street frontage, no additional freestanding signs; and	(A) On lots with less than 30 feet of street frontage, no additional freestanding signs; and	Removes confusing text
207	200	20.04.100(i)(6)(C)	(A) On lots with 30 feet or more of street frontage, one additional freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.	(A) On lots with 30 feet or more of street frontage, one additional freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.	Removes confusing text
208	201	20.04.100(j)(2)(A)(iii)	No use shall be limited to less than 30 square feet of wall signage and no use shall be permitted to exceed 300 square feet of wall signage.	No use shall be limited to less than 30 square feet of wall signage. Uses with less than 200,000 square feet of building area and no use shall not be permitted to exceed 300 square feet of wall signage. Uses with 200,000 square feet of building area or more shall not be permitted to exceed 400 square feet of wall signage.	Adjusts maximum signage allowance to allow more signage for larger buildings. Reflects variances that were done for Bloomington High School South and Catalant that have significantly larger building square footage than normal
209	201	20.04.100(j)	None	Add new section (3) Projecting Signs- A 5 square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.	Adds language for small projecting signs
212	204	20.04.100(k)	None	Add new section (3) Projecting Signs- A 5 square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.	Adds language for small projecting signs

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

Ordinance #: 22-10
Amendment #: Am 01
Submitted By: Administration - in need of Council sponsor
Date: April 29, 2022
Proposed Amendment:

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

Synopsis and Reason for Amendment

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

The amendment proposes the following:

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

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

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

(C) Placement

Sandwich board signs shall meet the following placement criteria.

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

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.
- (D) Where the final approval authority determines that the project satisfies the criteria of this Section 20.04.110, the final approval authority may authorize the modifications to development standards otherwise applicable to the project to allow the use of the approved incentives, but may not modify the Neighborhood Transition Standards in Section 20.04.070(d)(5).
- (E) The city may withhold issuance of a Certificate of Zoning Compliance or recommendation for a Certificate of Occupancy until verification that the project satisfies the affordable housing and/or sustainable development standards approved as part of the development petition.

(c) Affordable Housing

(1) Purpose

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

(2) Eligibility

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

(A) Tier 1

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

(B) Tier 2

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

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

(3) **Nonresidential Projects**

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

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

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

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

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

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

(5) Affordable Housing Incentives

(A) Reduced Bulk Requirements

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

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

(B) Primary Structure Height

i. Eligibility

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

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

ii. Tier 1 Projects

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

iii. Tier 2 Projects

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

iv. Sustainable Development Bonus

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

(6) Other Standards

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

(A) Agreement Required

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

(B) Advertising Requirement

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

(B)(C) Location

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

(7) Payment-in-Lieu

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

(d) Sustainable Development

(1) Purpose

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

(2) Eligibility

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

(A) Option 1

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

i. Storm Water

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

ii. Light Colored Hardscaping

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

iii. Covered Parking

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

iv. Solar Energy, Cool or Vegetated Roof

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

1. Solar Energy

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

4.2 Cool Roof

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

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

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

2.3. Vegetated Roof

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

3.4. Combination Roof

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

v. ~~Solar Energy~~

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

vi-v. Building Efficiency

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

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

(B) Option 2

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

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

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

(3) Sustainable Development Incentives

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

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

(B) All Other Uses

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

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

20.04.120 Operation and Maintenance

(a) Siltation and Erosion

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

(b) Landscaping

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

Specifically:

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

ORDINANCE 22-11
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Technical Corrections Set Forth in BMC 20.05, 20.06, & 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 20-07 and Ordinance 20-08; and

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

WHEREAS, on March 14, 2022, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 23, 2022; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-13-22, (“Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains amendments to subdivision standards, administrative procedures, and definitions in the code. These amendments add, remove, or edit existing text to clarify and amend standards, procedures, and definitions. There are 12 amendments identified.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-11 is a true and complete copy of Plan Commission Case Number ZO-13-22 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 14, 2022.



Date: March 23, 2022

Scott Robinson, Secretary
Plan Commission

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



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

Approval of case ZO-13-22 amends the 2021 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-13-22 Memo

To: Bloomington Common Council

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

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-13-22 on March 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0.

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

The last UDO Update process was completed in the Spring of 2021, with the final text amendment Ordinance becoming effective in July 2021. That update was the culmination of the much larger effort to update the UDO and Zoning Map that began with the Comprehensive Plan update in 2018. This update is a smaller scale and regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below:

1. ZO-13-22 | Chapter 5: Subdivision Standards; Chapter 6: Administration & Procedures; Chapter 7: Definitions

ZO-13-22 | Chapter 5: Subdivision Standards; Chapter 6: Administration & Procedures; Chapter 7: Definitions

This petition clarifies protections for environmental features in non-platting situations; adds the Engineering Department to procedures for new street lighting; requires attendance at Development Review Committee for applicants; syncs our public notice requirements with those of the State; modifies and syncs the triggers for both minor and major site plans; modifies the triggers for grading permits; clarifies confusing language related to secondary plat expiration and minor modifications; and allows minor modifications to be done for certificates of zoning compliance. There are 12 amendments identified. These amendments are needed to provide clarity on environmental protection requirements. These amendments also correct and update an error from the UDO overhaul related to notice requirements for hearings. The amendments also clarify a number of other areas where the language in code was not quite clear, as well as extends the minor modification procedure to certificates of zoning compliance, which was originally intended.

20.05.040 Easements

(a) Applicability

All proposed plats submitted for approval under the provisions of this Chapter 20.05: (Subdivision Standards) shall comply with the standards in this Section 20.05.040.

(b) General Standards

- (1) All easements and corresponding utility location plans shall be approved prior to the approval of the plat.
- (2) All necessary easements shall be clearly identified on secondary plats and shall be recorded per processes as defined within Chapter 20.06: (Administration & Procedures), and shall include a definition consistent with Section 20.05.040(e).
- (3) All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.
- (4) Signs shall not be located within utility easements unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A) (Public Signs), and is further authorized by the city.
- (5) Each easement shall allocate sufficient areas for the utilities, infrastructure, amenities, or features that are the subject of the easement, including but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary.

(c) Environmental Features

The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat or set aside in easements on a deed where no plat is required or proposed, as identified in Section 20.04.030 (Environment).

- (1) All areas of excessive slope as defined in Section 20.04.030(c) (Steep Slopes).
- (2) All karst features and their required buffer zones as defined in Section 20.04.030(g) (Karst Geology).
- (3) All required riparian buffer areas as defined in Section 20.04.030(f) (Riparian Buffers).
- (4) All areas within regulatory floodways and floodway fringes as defined in Section 20.04.040 (Floodplain).
- (5) All delineated wetlands and required wetland buffer areas as defined in Section 20.04.030(h) (Wetlands).
- (6) All trees required to be preserved by Section 20.04.030(i) (Tree and Forest Preservation).

(d) Maintenance

- (1) For features required to be in an easement, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this UDO or in the development approval.
- (2) A grant of authority to the city to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility.

(B) City's Responsibilities

The petitioner shall be responsible for disseminating specifications for the installation of all public safety related street signs for streets, including, but not limited to speed limit signs, stop signs, yield signs and street name signs. The City's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these public signs required for any development. Site specific engineering work necessary to document compliance shall be prepared by a licensed engineer.

(C) Petitioner's Responsibilities

- i. The petitioner shall be required to install public signs prior to any street being opened to public. These public signs shall be installed in the location and to the height determined by the City Planning and Transportation Department.
- ii. The petitioner shall install a minimum of one street name public sign at each street intersection within the subdivision and on all perimeter intersections. At least one public sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from the sidewalk intersection (on the street side).
- iii. The petitioner shall install temporary street name public signs for any streets open to the public during construction. Such public signs shall meet the location requirements specified for street name public signs in (ii) above. Temporary street name public signs shall be removed when permanent street name public signs are installed.

(10) Street Lighting

(A) Street Lighting Plan

All subdivisions shall be required to have a street lighting plan approved by the City Engineering Department and submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company.

(B) Street Lighting Plan Approval

All certified street lighting plans shall be accepted by the City Board of Public Works prior to secondary plat signing. Street lighting plans shall include, but not be limited to, spacing of the fixtures, fixture type, fixture color, easements, light shielding, and the manufacturer. Full cutoff fixtures shall be used. The developer shall be responsible for installing all streetlights in accordance with the approved street lighting plan.

(C) Alternative Street Lighting Plans

Requests, including but not limited to the provision of specialized fixtures or use of privately-owned lights, may be considered by the City Board of Public Works as an alternative to conventional street lighting plans.

(b) Pre-Submittal Activities

(1) Pre-Submittal Meeting

(A) Purpose

The pre-submittal meeting is intended to provide an opportunity for the petitioner to meet with city staff to review the zoning classification of the site, the regulatory ordinances and materials, the procedures, and examine the proposed use and development of the property. The staff shall aid and advise the petitioner in preparing the petition and supporting documents as necessary. This meeting shall take place on or prior to the pre-submittal meeting deadline as listed on the schedule of meeting dates.

(B) Applicability

A pre-submittal meeting shall be required as indicated in Table 06-1: Summary Table of Review Procedures.

(C) Procedure

The petitioner shall submit a request for a pre-submittal meeting to Planning and Transportation Department staff.

(D) Effect

Any information or discussions held at the pre-submittal meeting shall not be binding on the city or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(2) Development Review Committee (DRC) Meeting

(A) Purpose

The Development Review Committee (DRC) meeting is intended to provide an opportunity for city staff from several departments to discuss details and potential impacts of the proposed project, and to establish points of contact. The staff shall advise the petitioner in preparing the petition and supporting documents as necessary. The petitioner ~~may attend the DRC meeting; however, it is not required.~~ or petitioner's representative is required to attend the DRC meeting.

(B) Applicability

A DRC meeting shall be required as indicated in Table 06-1: Summary Table of Review Procedures.

(C) Procedure

- i. The petitioner shall refer to the schedule of meeting dates in the Administrative Manual to determine the filing deadline for any given meeting of the DRC. Incomplete submittal information may result in the petition being postponed from the DRC agenda to allow the petitioner sufficient time to complete the submittal.
- ii. The staff shall inform the petitioner of the time, date, and place of the DRC meeting.

(E) **Notice to Adjacent Governmental Entities**

In a proceeding involving a petition for property that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the city to the planning agency of the governmental unit abutting such land.

(3) **Notice Format and Timeframes**

(A) **Published Notice**

Published notice shall be distributed in a newspaper in accordance with Indiana Code § 5-3-1: Publication Procedures, at least 21-10 days prior to the initial scheduled public hearing before the Plan Commission, ~~or Board of Zoning Appeals,~~ and at least 10 days prior to the scheduled public hearing before the Plat Committee, ~~or Hearing Officer.~~

(B) **Mailed Notice**

Mailed notices shall be postmarked and sent via first class mail to all interested parties at least 21-10 days before the date of the initial scheduled public hearing before the Plan Commission, Plat Committee, Hearing Officer, or Board of Zoning Appeals, ~~and at least 10 days before the date of the initial scheduled public hearing before the Plat Committee or Hearing Officer.~~

i. **Proof of Notice**

The Planning and Transportation Department shall retain proof of notice within the petition file pursuant to the Administrative Manual.

ii. **Verification of Proper Notice**

City staff shall verify proper noticing pursuant to the Administrative Manual and shall advise the decision-making body at its initial public hearing of any omissions or deficiencies in the proof of notice.

iii. **Inadequate Notice**

If adequate notice in accordance with this section is not given to the interested parties, and this fact is confirmed by staff prior to action by the decision-making body, such petition may be continued to a later date to allow proper notice to all interested parties.

(C) **Posted Notice**

i. Required posted notice shall include at least one sign per street frontage on the subject property at least 21 days prior to the scheduled public hearing before the Plan Commission or Board of Zoning Appeals and at least 10 days prior to the scheduled public hearing before the Plat Committee or Hearing Officer.

ii. The required sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

(4) **Minor Defects in Notice Shall Not Invalidate Proceedings**

(A) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(B) Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties.

- i. New building construction;
- ii. Newly established uses of land;
- iii. Expansions, alterations, or modifications of existing structures or sites for commercial, public, institutional, civic, employment, utilities and communication, and multifamily residential uses of property within the city that result in increased occupancy or intensity of use; and
- iv. Creation or expansion of any vehicular parking area.

(B) Activities Exempt from Site Plan Review

Site plan review is not required for the following activities, but such activities shall be subject to the standards of this UDO and building permit review:

- i. Construction of a single-family detached, duplex, triplex, or fourplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings; and
- ii. Construction or erection of accessory buildings, fences, hedges, or walls; and
- iii. Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances.
- iv. Projects that fall below the thresholds for minor site plan review in Section 20.06.050(a)(2)(C)i.

(C) Thresholds for Minor and Major Site Plan Review

Site plan review is conducted by the Planning and Transportation Director or the Plan Commission, based on the thresholds below:

i. Minor Site Plan Review

Minor site plan review is required for any of the following activities unless that activity is exempt from the site plan process under Section 20.06.050(a)(2)(B), or the project meets or exceeds the thresholds requiring major site plan review under Section 20.06.050(a)(2)(C)ii:

- 1. A change in use that involves or requires site improvements;
- 2. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in Section 20.06.090(f)(2) (Limited Compliance), and falls below the thresholds for major site plan review in Section 20.01.010(a)(1)(A)i.1;
- 3. Development that contains ~~15,000-20,000~~ square feet or less of new non-residential gross floor area;
- 4. Development that contains ~~30-50~~ dwelling units or less;
- 5. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by 10 to 25 percent; ~~or 2,000 to 10,000 square feet, whichever is more;~~
- ~~6. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by five to 10 percent;~~
- ~~7.6.~~ The alteration of any vehicular parking area;
- ~~8.7.~~ Petitions for a permit and/or certificate of zoning compliance for grading; or

~~9.8.~~ Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district or such project does not contain more than ~~50-75~~ dwelling units.

ii. **Major Site Plan Review**

Major site plan approval is required for any project that meets or exceeds the following criteria, unless otherwise exempted from site plan review under Section 20.06.050(a)(2)(B):

1. Development located within 500 feet, measured radially, from the centerline of State Road 37/[Interstate 69](#);
- ~~2. Development that contains more than 15,000 square feet of gross floor area;~~
- ~~3. Development that contains more than 50 dwelling units;~~
- ~~4. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in paragraphs (2) or (3) above;~~
- ~~5. Projects that qualify for affordable housing or sustainable development incentives on parcels located adjacent to one or more lots in an R1, R2, R3, or R4 district that contain more than 50 dwelling units;~~
- ~~6.2.~~ Any minor site plan determined by the Planning and Transportation Director to require major site plan review due to unusual size, complexity, or the creation of potential significant unanticipated impacts on the city or surrounding neighborhoods; or
- ~~3.~~ Any project that would individually qualify for minor site plan review but that, when considered collectively with prior minor site plan approvals for adjacent lots or sites under common or related ownership within the last three years, would have required major site plan review, if the Planning and Transportation Director concludes that the combined impact of any such adjacent projects creates impacts similar to those requiring major site plan review.

~~7.4.~~ [Anything that exceeds minor site plan review thresholds.](#)

(3) **Minor Site Plan Review Process**

Figure 06.05-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-1: Summary of Minor Site Plan Review Procedure

iv. **Revocation of Permits**

1. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this UDO, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
2. The Floodplain Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this UDO.

(e) **Grading Permit**

(1) **Purpose**

The grading permit procedure is intended to mitigate the environmental impact of site development and to protect the water quality of the City of Bloomington, Monroe County, and surrounding areas, and to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all grading activities.

(2) **Applicability**

No land-disturbing activity shall occur on platted or unplatted lands in any zoning district, unless a grading permit for such activity has been issued.

(A) **Exemptions**

- i. Land-disturbing activity covering an area less than ~~4,000~~ 2,500 square feet;
- ii. Land-disturbing activity on an individual single-family lot.
- iii. Projects with only new foundations for buildings or additions with a footprint of 5,000 square feet or less.

(B) **Additional Requirements**

Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5, and 327 IAC 15-13, regarding stormwater runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10 (Wastewater) of the Bloomington Municipal Code regarding stormwater runoff; and all applicable rules, regulations, standards and specifications of the City Utilities Department regarding stormwater management practices.

(3) **Grading Permit Review Process**

Figure 06.05-6 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to grading permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-6: Summary of Grading Permit Procedure

iii. For petitions subject to review and a decision by the Plan Commission, pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

(B) Petition Submittal and Processing

The primary plat petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

Within 30 days after receipt of a complete petition, the primary plat petition shall be scheduled for a public hearing before the Plan Commission or Plat Committee and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

The Plan Commission or Plat Committee shall review the primary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following standards:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.
- v. All subdivision proposals shall minimize development in the SFHA and/or limit intensity of development permitted in the SFHA.
- vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(F) Subdivision Waivers

Waivers from any standards within Chapter 5 shall be reviewed according to the following criteria:

- i. The granting of the subdivision waiver shall not be detrimental to the public safety, health, or general welfare, or injurious to other property; and
- ii. The conditions upon which the request for a Subdivision Waiver are based are unique to the property; and
- iii. The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Transportation Plan.

(F)(G) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Effect of Approval

- 1. All decisions of the Plan Commission or Plat Committee approving, denying, or placing conditions upon a primary plat must be in writing and signed by the president of the Plan Commission, the chair of the Plat Committee, or the Planning and Transportation Director.
- 2. The approval of a primary plat by the Plan Commission is strictly tentative, involving merely the general acceptability of the layout as submitted.

ii. Revisions to Primary Plat

Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the conditions required by the Plan Commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

iii. Expiration of Primary Plat

- 1. A secondary plat petition shall be filed no later than 12 months after the date of approval of the primary plat, otherwise the primary plat approval shall be considered void, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).
- 2. One extension of up to six months may be authorized by the Planning and Transportation Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning and Transportation Director, and the Planning and Transportation Director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the primary plat record.

(c) Secondary Plat

(1) Purpose

The secondary plat procedure provides a mechanism for the city to review a petition for the secondary platting of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

2. For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within 18 months of the previous phase. If a successive phase fails to meet the 18-month requirement, the approval of the phases that have not been recorded shall be null and void and, but only the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).

iii. Financial Bond Required

1. Purpose

In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the city, that all public facility improvements and installations required under the provisions of this UDO and Planning and Transportation Department requirements shall be completed.

2. Applicability

- [a] A performance agreement between the petitioner and the city, supported by a performance surety or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the City of Bloomington shall be bonded in accordance with Monroe County bonding policy.
- [b] The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.
- [c] The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the city. The time period and amount of the performance guarantee shall be determined by the Board of Public Works and shall comply with Indiana Code § 36-7-4-709(i).
- [d] The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.

3. Review

The City Planning and Transportation Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Planning and Transportation Department shall verify that the performance bond or letter of credit shall:

- [a] Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with this UDO and City Planning and Transportation Department requirements;

Table 06-2: Allowable Minor Modifications

UDO Standard	Allowable Modification (maximum percentage)
Subdivision Standards	
Parent tract size, minimum	10
Open space required, minimum	5
Block length, minimum or maximum	10
<u>Lot area, minimum</u>	<u>10</u>
Site Standards	
<u>Lot area, minimum</u>	<u>10</u>
<u>Lot coverage, maximum</u>	<u>10</u>
Lot Dimensional Standards	
Front building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Front parking setback, minimum	25
Front build-to range, minimum	25
Front building façade at build-to range, minimum	25
Side building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Rear building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Encroachment into setback pursuant to Table 04-6	10
Impervious surface coverage, maximum	5
Building Standards	
Primary structure height, maximum	10
Primary structure height, minimum	10
Student housing or dormitory building floor plate (maximum)	5
Accessory building height, maximum	10
Projection into height requirement pursuant to Table 04-7: Authorized Exceptions to Height Requirements	10
Development Standards	
Number of required vehicle or bicycle parking spaces, maximum or minimum	10
Minimum landscaped area	10
Fence or wall height, maximum	15

(4) Minor Modification Review Process

(A) Petition Submittal and Handling

A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), [certificate of zoning compliance](#), or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.

(B) Review and Decision

- i. Where the concurrently reviewed petition requires review and approval by the planning and transportation staff, the Planning and Transportation Director shall review the petition and shall approve, approve with conditions, or deny the modification based on the criteria in Section 20.06.080(a)(5).
- ii. Where the concurrently reviewed petition requires review and approval by the Plan Commission or Common Council, the commission or council, as applicable, shall review and decide the minor modification petition based on the criteria in Section 20.06.080(a)(5).

(C) Effect of Approval

Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the petition.

(D) Expiration of Minor Modification

A minor modification shall automatically expire if the associated development petition is denied or if approval of the concurrently reviewed petition expires, is revoked, or otherwise deemed invalid.

(5) Minor Modification Approval Criteria

A minor modification may be approved if the decision-making body finds that the modification:

- (A) Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
- (B) Is not necessitated by the petitioner's actions; and
- (C) Is of a technical nature and is required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

(b) Variance

(1) Purpose

The variance procedure provides a mechanism for the City to authorize variances from the development standards of this UDO when it is demonstrated that such a variance will not be contrary to the public interest or the spirit of this UDO, where, owing to special conditions, literal enforcement of this UDO will result in practical difficulties or unnecessary hardship.

ii. Parking Setback/Impervious Surface Coverage

If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess asphalt or parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback. If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.

iii. Parking

Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of Section 20.04.060 (Parking and Loading). Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than ten percent of the gross floor area may not increase the degree of nonconformity regarding the required number of parking spaces.

iv. Paving

Any substandard parking surfaces shall be brought into compliance with Section 20.04.060(i)(7) (Surface Material).

v. ADA-accessible Parking

All required ADA-accessible parking spaces must be installed in accordance with Section 20.04.060(f) (Accessible Parking). If no additional room for parking is available, the number of parking spaces provided may be decreased enough to provide adequate ADA-accessible aisles.

vi. Bicycle Parking

All required bicycle parking must be installed per Section 20.04.060(l) (Minimum Bicycle Parking Required) and Section 20.04.060(m) (Bicycle Parking Location and Design).

vii. Landscaping

If full compliance with Section 20.04.080 (General Landscaping) cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

viii. Pedestrian Facilities

Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (Pedestrian and Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that pedestrian facilities shall comply with the Americans with Disabilities Act.

ix. Signage

All signage must be brought into compliance with Section 20.04.100 (Signs) to the extent practicable, although freestanding signs may use existing setbacks where the sign is not located within a restricted vision clearance area.

x. Dumpster Enclosures

All outdoor waste collection facilities must be brought into compliance with Section 20.04.080(m) (Screening).

Funeral Home

See "Mortuary."

Garage

A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Garage, Detached

A detached accessory building in which the sole use is the storage of vehicles and other incidental personal possessions of the premises.

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

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.

Grade, Finished

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

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

In landscaping, low-growing plants with a typical maximum mature height of about 12 inches. Ground cover is sometimes referred to as the "herbaceous layer," "regenerative layer," or "ground flora." They are typically chosen for practical purposes to cover soil where turf grass does not thrive or is not practical or in wooded settings covering the soil surface. Ground cover species do not include non-native turf grass.

Ground Floor

The level of a building that is situated at or most nearly at street grade.

Group Care Home, FHAA, Small and Large

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for persons with disabilities, persons with mental health conditions, or persons with developmental disabilities ~~handicapped, mentally ill, or developmentally disabled persons~~. This use does not include "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large."

Group Home, FHAA Small

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

Group Care Home, FHAA Large

A facility designed for and occupied by nine or more residents living together.

Gym

See "Fitness Center."

Habitable Space

Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HAND

The City of Bloomington Department of Housing and Neighborhood Development.

Hardship

For purposes of floodplain regulations, the exceptional hardship that would result from a failure to grant the requested floodplain variance. The City Board of Zoning Appeals or the Hearing Officer requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a floodplain variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Health Club

See "Fitness Center."

Hearing Officer

A member of the staff, appointed by the Plan Commission, who hears and makes final decisions on certain variances and certain conditional uses, as specified in the Plan Commission rules of procedure. The Hearing Officer is established pursuant to Indiana Code 36-7-4-923.

School, Public or Private

A public or private institution that offers instruction in any of the branches of learning and study comparable to that taught in the public schools through high school level under the Indiana School Laws, including pre-school, pre-kindergarten, kindergarten, elementary school, and junior and senior high schools. This use does not include "School, Trade or Business," or "School, College or University."

School, Trade or Business

A private or public educational facility with a curriculum that is not comparable to that taught in the public schools through the high school level and focused upon skills required in business, trades, or the arts.

Searchlight

A powerful light equipped with a reflector to produce a bright beam intended to draw attention.

Seasonal Sales

Any business or use (primary or accessory) that may include but not be limited to retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, pumpkins, fireworks; and other similar businesses or uses. This definition does not include "Farm Produce Sales."

Secondary School

See "School, Public or Private."

Section 1316

For purposes of floodplain regulations, that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sediment

Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity or ice and has been deposited at another location.

Setback

The required distance between any structure or parking area and the lot lines of the lot or parcel on which they are located.

Setback, B-Line Trail

The line that defines the minimum distance that any area used for structures or vehicle parking spaces shall be separated from the B-Line trail right-of-way.

Setback, Front

The line that defines the depth of the required front yard measured from the front property line to a regulated structure. The front setback shall be measured from the proposed right-of-way as indicated on the ~~thoroughfare~~ Transportation Plan ~~except that the front setback adjacent to a street classified as~~ Neighborhood Residential in the Transportation Plan shall be measured from the existing right-of-way. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zoning district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.

Setback, Front Smallest

Street Lighting Plan

A site plan showing the location and type of streetlights to be installed including type of fixture and bulb type.

Street, Stub

A street intended to be extended in conjunction with the subdivision and development of adjacent unplatted land.

Structural Alterations

Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams, or girders; or any change in the footprint or increase in the size of living space. Structural alterations also include substantial roofing and siding work when repairs are made to the structure beneath.

Structure

Structure (Generally)

In all other contexts, anything constructed or erected that requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs, and other similar items.

Structure (Floodplain Regulations)

For purposes of floodplain regulations, a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Structure, Accessory

Structure, Accessory (Generally)

See "Building or Structure, Accessory."

Structure, Accessory (Floodplain Regulations)

For purposes of floodplain regulations, a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Structure, Historic

For purposes of floodplain regulations, any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Student Housing or Dormitory

A multiple-family dwelling designed primarily as housing for, or likely to be occupied by, unmarried undergraduate or post-graduate students, including but not limited to:

- 1) Multiple-family dwellings that contain any living units with four or more bedrooms; or
- 2) Multiple-family dwellings [with more than 10 dwelling units](#) where more than 33 percent of the living units contain three bedrooms; or
- 3) Residential buildings that do not meet the definition of a "Residential Rooming House" or "Hotel or Motel," in which any of the bedrooms require the use of a common hallway shared by more than three bedrooms, to access the nearest bathroom facilities or to access a cooking area containing a built-in sink, refrigerator, and stove or oven.

Urban Agriculture, Noncommercial

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Noncommercial urban agriculture may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. This definition includes gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens and other similar activities. Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Bloomington Municipal Code.

Use

The purposes for which land, a building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Abandonment of

The relinquishment of property or a cessation of the use of property for a continuous period of ~~six~~twelve months by the owner.

Use, Accessory

An activity that is conducted or located on the same zoning lot as the primary building or use served, except as may be specifically provided elsewhere in this UDO; is clearly and customarily incidental to, subordinate in purpose to, and serving the primary use; and is either in the same ownership as the primary use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the primary use.

Use, Change In

Includes, for any portion of a building, structure, or lot:

- 1) Any change from a residential use to a nonresidential use;
- 2) Any change from a nonresidential use to multifamily use;
- ~~3)~~ Any change from one residential land use to another;
- ~~3)4)~~ ~~Any increase in the number of dwelling units; and any increase in number of bedrooms for any unit;~~
- ~~4)5)~~ Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
- ~~5)6)~~ Any use which requires a conditional use approval;
- ~~6)7)~~ Any change from a single-tenant to a multi-tenant site or building;
- ~~7)8)~~ Any use that differs from the previous use of a building or land, as determined by subheadings in Table 03-1: Allowed Use Table, or where the new use differs substantially in the amount of required parking, traffic generation, number or frequency of customers/users, hours of operation, or other similar aspects of the use; and
- ~~8)9)~~ Any establishment of a new use after a previous use has been abandoned, as defined by this UDO.

Use, Conditional

See "Conditional use."

Use, Establishment of

The initiation of a new use on a property or the initiation of a use on a property where the previous use has been discontinued; or, reestablishment of a prior conforming use that has been discontinued for a period of twelve months or more.

ZO-13-22						
Redline Page Number	Online UDO Page Number	Chapter	Citation	Current Language	Proposed Language	Synopsis
232	224	5	20.05.040(c)	The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat, as identified in Section 20.04.030 (Environment).	The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat or set aside in easements on a deed in situations where no plat is required , as identified in Section 20.04.030 (Environment).	Clarifies that if an easement is required per Chapter 4, that the easement language and conditions surrounding it are adhered to per Chapter 5 standards
246	238	5	20.05.050(j)(10)(A)	All subdivisions shall be required to have a street lighting plan submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company	All subdivisions shall be required to have a street lighting plan approved by the City Engineering Department and submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company	Clarifies that the Engineering Department shall review and approve a street lighting plan
259	251	6	20.06.040(b)(2)(A)The petitioner may attend the DRC meeting; however, it is not required.The petitioner may attend or petitioner's representative is required to attend the DRC meeting.	Requires the petitioner or their representative to attend the DRC meeting
272	264	6	20.06.040(e)(3)(B)	Mailed notices shall be postmarked and sent via first class mail to all interested parties at least 21 days before the date of the initial scheduled public hearing before the Plan Commission or Board of Zoning Appeals and at least 10 days before the date of the initial scheduled public hearing before the Plat Committee or Hearing Officer	Mailed notices shall be postmarked and sent via first class mail to all interested parties at least 21 10 days before the date of the initial scheduled public hearing before the Plan Commission, Plat Committee , or Board of Zoning Appeals, or Hearing Officer. and at least 10 days before the date of the initial scheduled public hearing before the Plat Committee or Hearing Officer	Syncs public notice dates with State Code
277-278	269-270	6	20.06.050(a)(2)(C)(i)	Minor site plan thresholds	Amending thresholds for minor site plan	modifies trigger for minor site plan
278	270	6	20.06.050(a)(2)(C)(ii)	Major site plan thresholds	Amending thresholds for major site plan	Revises trigger for major site plan review
295	287	6	20.06.050(e)(2)(A)	Grading permit exemptions	Amending exemptions for grading permits	Modifies what the trigger is for a grading permit
312-313	304	6	20.06.060(b)	None	Add Section (F) with language for subdivision waivers. Use Section 20.09.210 from 2019 UDO.	Adds language and standards for subdivision waivers similar to previous UDO
316	307	6	20.06.060(c)(3)(E)(ii)(2)	For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within 18 months of the previous phase. If a successive phase fails to meet the 18-month requirement, the approval of the phases that have not been recorded shall be null and void and the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).	For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or Plat Committee, successive phases shall be recorded within 18 months of the previous phase. If a successive phase fails to meet the 18-month requirement, the approval of the phases that have not been recorded shall be null and void and , but only the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).	Clarifies that only the secondary plat (not the primary plat) must be reapproved if successive phases are not recorded within 18 months of a previous phase
337	329	6	20.06.080(a)(2)(B) Table 06-2	Lot Coverage, maximum	Lot Coverage, maximum	We do not regulate Lot Coverage specifically
337	329	6	20.06.080(a)(2)(B) Table 06-2	Lot Area, minimum	move to "Subdivision Standards" rather than "Site Standards"	Moves standard to the appropriate section since it is related to the creation of a new lot as part of a subdivision
339	331	6	20.06.080(a)(4)(A)	A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.	A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), certificate of zoning compliance , or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.	Adds that minor modification can be done as part of a certificate of zoning compliance so that these can be applicable to building permits which was part of the original intent.

357	349	6	20.06.090(f)(2)(B)(ii)	If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback. If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.	If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess asphalt or parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback. If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.	Clarifies that excess asphalt can be required to be removed even if it is not parking spaces
387-388	379	7	20.07.010	no definition for "ground cover"	Ground Cover- In landscaping, low-growing plants with a typical maximum mature height of about 12 inches. Ground cover is sometimes referred to as the "herbaceous layer," "regenerative layer," or "ground flora." They are typically chosen for practical purposes to cover soil where turf grass does not thrive or is not practical or in wooded settings covering the soil surface. Ground cover species do not include non-native turf grass.	Provides a definition for "ground cover"
409	400	7	20.07.100	Setback, Front: The line that defines the depth of the required front yard measured from the front property line to a regulated structure. The front setback shall be measured from the proposed right-of-way as indicated on the thoroughfare plan. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zoning district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.	Setback, Front: The line that defines the depth of the required front yard measured from the front property line to a regulated structure. The front setback shall be measured from the proposed right-of-way as indicated on the thoroughfare Transportation Plan except that the front setback adjacent to a street classified as Neighborhood Residential in the Transportation Plan shall be measured from the existing right-of-way. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zoning district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.	Updates code to reflect applications of this section to maintain current building setbacks in areas of the City with varying degrees of current substandard right-of-way.
415	406	7	20.07.100	Student housing or dormitory definition- 2) Multiple-family dwellings where more than 33 percent of the living units contain three bedrooms; or	Multiple-family dwellings with more than 10 dwelling units where more than 33 percent of the living units contain three bedrooms; or	revised definition of student housing or dormitory
419	410	7	20.07.010	Use, Abandonement-The relinquishment of property or a cessation of the use of property for a continuous period of six months by the owner.	Use, Abandonement-The relinquishment of property or a cessation of the use of property for a continuous period of six twelve months by the owner.	Syncs 12 month abandonment language with language in Chapter 6 for abandonment of a use
419	410	7	20.07.010	Any change from one residential land use to another, any increase in the number of dwelling units, and any increase in number of bedrooms for any unit;	-Any change from one residential land use to another -Any increase in the number of dwelling units, and or any increase in number of bedrooms for any unit;	Revises language to separate clauses and removes the addition of bedrooms as a trigger.

New Revenue Package Proposal

Memo from Mayor Hamilton

Appendix A

Appendix B

Appendix C

FAQS

Questions and responses from Council Meetings



TO: Members of the Common Council
FROM: Mayor John Hamilton
RE: New Revenue Package
DATE: March 16, 2022; Revised March 18, 2022

Introduction

The City of Bloomington faces a pivotal moment. Coming out of the pandemic we can meet that moment and lead our community forward. If we don't, we risk shortchanging programs and services on which our residents rely.

Since 2016, together we have made great progress in our City in providing excellent essential services and improving opportunities for our residents. We are the only city in Indiana with a nationally accredited police force and a top-ranked fire department (ISO 1). We have seen unprecedented private investment and public infrastructure progress. Our jobs and wage rates are increasing. We've made real progress toward more affordable housing and climate action.

For the 2023 City budget and beyond, the City needs additional revenue to appropriately fund continued progress, specifically for investments in:

- **Public safety**, including newly-negotiated Police salaries, future Fire Department salary negotiations, continued innovation of service delivery, and building replacements and upgrades
- **Climate change preparedness and mitigation** to enhance public transit and advance goals set in the Climate Action Plan (CAP)
- **Equity and quality of life for all**, including access to housing, good jobs, local food, the arts, and economic stability
- **Essential city services**, to maintain assets and assure ongoing excellence

This memo outlines a range and scope of critical investments needed to move Bloomington ahead – sustainably, inclusively, and efficiently. These investments embody the values of our community and help ensure that City government can address the challenges of our time. We offer this proposal for discussion and consideration by Council and look forward to working together to finalize it.

Local Revenue Options

Difficult times persist for many in our community, who are managing ongoing impacts of the pandemic and who face availability and cost pressures with housing, health care, child care, transportation, education, and other basic needs. The climate emergency has not abated during

the past two years and looms ever larger in our lives. City government has an essential role to play in helping address these challenges and opportunities locally, and it takes revenue to deliver services. The Administration first highlighted the need for new revenue in January 2020. Recent one-time federal pandemic recovery funding has been essential to bridging our gaps, but it is not ongoing, and we cannot rely on federal or state funding to meet key ongoing local challenges.

As discussed with Council during the 2022 budget cycle, the Administration is proposing an increase to the Monroe County Local Income Tax (LIT) rate and the issuance of two \$5 million general obligation (G.O.) bonds on a five-year cycle. This combination offers practical, complementary tools: a LIT increase supports annual funding for ongoing programs and initiatives, including personnel; G.O. bonds efficiently fund infrastructure improvements project by project.

We would use these tools to fund proposed investments that emerged from consultations with members of the City Council and city residents, other partners and local institutions, members of the Monroe County Council and Commissioners, Ellettsville Town Council, and other interested parties. The proposed investments also reflect the priorities and goals of Bloomington embodied in many plans and documents, including the Climate Action Plan, Transportation Plan, Parks Master Plan, Sustainability Action Plan, Comprehensive Plan, Housing Study, Plan to Advance Racial Equity, Wage Growth Taskforce, City Surveys, and more. We look forward to continued refinements of this proposal through discussions with all interested parties, and robust public feedback, in the coming weeks.

The Administration will continue rigorous efforts to reduce expenses and contain costs through innovation and reform. Recent examples include:

- Major solar installations that reduce energy costs: Parks saving \$50,000 annually
- Using smaller, quick response vehicles instead of large engines: Fire saving \$1,200,000 in vehicle replacement costs
- Sanitation system reform and automation:
 - Eliminates the need to fill one position: the total savings of leaving the position unfilled fluctuates yearly based on other variables such as landfill fees and recycling processing costs
 - From 2020 to 2021, workers compensation costs at the City decreased a total 28%
- Street crews adjusting work shifts to improve paving efficiencies
- Innovations in the leaf collection system: saving \$200,000 annually thus far

The list of needed investments demands additional revenue. Two questions pertain: what does it cost to do it? And what does it cost NOT to do it? Our needs are urgent and fundamental. Appropriate investments will continue Bloomington on a positive trajectory and offer true opportunity for all. Lack of investment would diminish our future and shortchange our residents. Indeed, not raising revenue would mean we could not meet negotiated salaries for our police

officers or planned investments in climate mitigation. It would mean significant reductions in existing programs and personnel resources.

On the question of whether we have the capacity to raise additional local revenue responsibly, the answer is yes: We are at present a very low-tax city. Indiana is a relatively low-tax state, and among Indiana's 20 largest cities (excluding Indianapolis/Marion County), Bloomington is in the lowest quartile of both property and local income tax rates. Considering combined rates, we are nearly at the very bottom (*See Appendix A.1*). We have the lowest LIT rate among our seven contiguous counties, and we sit in the bottom quartile statewide (*See Appendix A.2*).

We are also low comparatively when it comes to government expenditures, revealing the capacity for responsible growth. Looking at per-capita annual spending from city general funds, Bloomington ranks 14th among Indiana's 20 largest cities (excluding Indianapolis/Marion County). Our \$624 per capita annual spending is 16% below the median of \$742 (*See Appendix A.3*).

In addition, recent trends suggest that Bloomington wages have accelerated over the past several years, surpassing several comparable Indiana cities and growing more in line with national wage growth trends. We have caught up to the state average, and are one of only 11 counties in the state with average weekly wages above \$1,000 (*See Appendix A.4*).

Reviewing our per capita overall debt levels indicates significant capacity for additional debt investment. Looking at the public debt per capita of the 20 largest Class 2 cities in Indiana, Bloomington sits right in the middle, ranking 10th with a debt-per-capita of \$2,931. After issuing \$10,000,000 of additional G.O. bonds, the City will remain in 10th position, with an estimated per capita level of \$3,057. (*See Appendix A.5*).

Specifically, our capacity to issue general obligation bonds (G.O. bonds) is strong: G.O. bonds have a statutory limit of 2% of adjusted net assessed value. Using this calculation, the City has an overall G.O. bonding capacity of approximately \$28,000,000—which will grow over time with assessed value. Subtracting our outstanding debt of approximately \$10,000,000, we retain a G.O. bonding capacity of approximately \$18,000,000. With approval of the current G.O. bond proposal of \$5,000,000, the City would retain approximately 46% of its current capacity. (*See Appendix A.6*).

The Parks department has authority to issue separate debt, and has outstanding Parks G.O. bond debt of \$14,805,000 and total outstanding debt of \$18,130,000. There is no statutory limit on Parks G.O. debt. (*See Appendix A.7*).

Proposed LIT Annual Investments

See Appendix B: LIT Details for more detailed information about the proposed items to be funded with a LIT increase.

Public Safety - \$4,500,000

The City needs major additional annual investments in public safety in several areas:

- To support sworn police officer personnel costs, for retention and recruitment, following the direction of City Council and as included in our contingent four-year labor agreement with the Fraternal Order of Police (FOP)
- To continue investments in public safety reforms, including alternatives to 911 responses with non-sworn police and fire personnel, enhanced community-based public safety, and ongoing support for programs like the STRIDE Center
- To replace or upgrade essential buildings, some damaged by flood and some outdated, including a police HQ, a fire HQ, and four of five current fire stations. None of these costs are included in the 10-year Public Safety LIT capital plan

Climate Change Preparedness and Mitigation - \$6,345,000

Our community needs major investments to prepare for and mitigate the impacts of climate change, including many identified in the City's Climate Action Plan (CAP). Investments include major enhancements in public transit and direct investments in accomplishing goals of the CAP:

- Bloomington Transit (BT) enhancements:
 - New East-West Express Transit line, with 15-minute frequency weekday service (*See Appendix A.8*)
 - New Paratransit service city-wide, on-call, and Microtransit services, expanding beyond fixed bus routes (*See Appendix A.9*)
 - New Sunday routes for 7-day service (*See Appendix A.10*)
 - Improved service level, with maximum 30-minute frequency on all routes
 - New pilot programs for Park and Ride services, and
 - New subsidy programs to lower costs for regular BT riders
- Climate Action Plan (CAP) direct investments:
 - Energy and built environment
 - Local food & agriculture
 - Waste management
 - Additional support for increasing Bloomington's tree canopy
 - Funding for the Green Ribbon Panel to accelerate climate action

See the FAQs for more information about proposed expenditures to support Climate Action Plan implementation

Equity and Quality of Life for All - \$3,650,000

Investments are needed to advance equity and enhance the quality of life for *all* Bloomington residents. This includes:

- Improving housing affordability, for homebuyers and renters, as well as those experiencing homelessness
- Helping residents get better jobs through training, apprenticeships, and skills coaching
- Supporting access to local food for all
- Supporting a vibrant local arts community
- Expanded ADA accessibility measures
- Measures designed to lessen the LIT burden to low-income workers by providing them access to an economic equity fund

Essential City Services - \$2,500,000

The City also needs major ongoing investments to maintain the essential City services on which we all rely. Increased funding will be necessary to:

- Maintain physical facilities and physical assets
- Cover increases to major expenses like insurance, materials, and services
- Improve IT infrastructure and cybersecurity
- Attract and retain City staff and fund any new positions that may be needed as a result of our increased programs and services. Use financial and non-financial retention strategies to attract and retain a diverse, qualified workforce.

General Obligation Bond Funded Projects:

See Appendix C for a list of Parks and Public Works G.O. bond items, which may be modified based on input from the Council.

Bonds are for longer-term projects and capital investments that generate revenue to repay the bond obligations; they are less applicable for providing ongoing City services. The proposed G.O. bond projects generally parallel priorities listed above, specifically “climate change preparedness” and “equity and quality of life for all.” The following proposed projects follow up on commitments made to the City Council in the context of the 2022 budget discussions:

Parks Bond

- Covenanter protected bike lanes, from College Mall Rd. to Clarizz Blvd.
- Dunn Street multi-use path from the Bypass to Old SR 37
- Griffy Loop Trail dam crossing and community access
- W. 2nd St. Signals and protected bike lane (Walker St. to B-Line trail)
- Replace gas-powered equipment with electric equipment
- Cascades Phase 6 - path/connection to Miller Showers Park

- Replace missing sidewalk on Rogers St. by Switchyard Park

Public Works Bond

- Citywide LED conversion of street lights
- Energy efficiency retrofits for all City buildings
- City fleet vehicle hybrid/electrification fund
- GPS for city vehicle fleet
- High St. Signals and multi-use path from Arden Dr. to 3rd St.
- Create green waste yard at Lower Cascades Park
- Vehicle upgrades for sustainability (hybrid/electric vehicles)
- Citywide traffic signal retiming
- Downtown ADA Curb Ramps (W. Kirkwood and Indiana Ave. corridors)
- Sidewalk projects (TBD)

Acknowledging these many projects are more than proposed revenues can support, the Administration looks forward to receiving feedback and assistance from City Council prioritizing potential General Obligation Bond Funded Projects.

Conclusion and Next Steps

Bloomington is at a crossroads. After the pandemic, in the recovery, what will our path be? New revenue is essential to meet basic obligations and address critical challenges. With this proposal, we offer an ambitious and value-centered path forward. We want this proposal to encourage dialogue and expect it to be refined over the coming weeks. The administration plans to present this proposal formally to the City Council on April 6.

The Appendices to this memo offer details for the projects we have prioritized based on prior consultations, and for other potential projects. We will soon launch on our website a public poll and a feedback form specific to new revenue. In addition, we encourage residents to provide feedback via social media messaging or by email to mayor@bloomington.in.gov. As details are developed, we will share information on the City's web page dedicated to new revenue, at bloomington.in.gov/newrevenue.

Bloomington has long been a special place to live, work, and visit. New revenue is needed to keep it so. We strive to be a leader in the midwest and across the country in livability, inclusion, access to amenities, quality of public safety services, transit options, arts, cultural opportunities, and more. New revenue is needed to achieve this and to live our values. The pandemic taught us all crucial lessons about the need to nurture community, build resilience, and close stubborn gaps in equitable access to opportunity. Our shared future depends upon our actions today.

Appendix A - Revised March 18, 2022

Figure A.1: Combined Property & Local Income Tax

Bloomington's combined tax rate relative to the 20 largest cities in Indiana.

Source: Reedy Financial Group

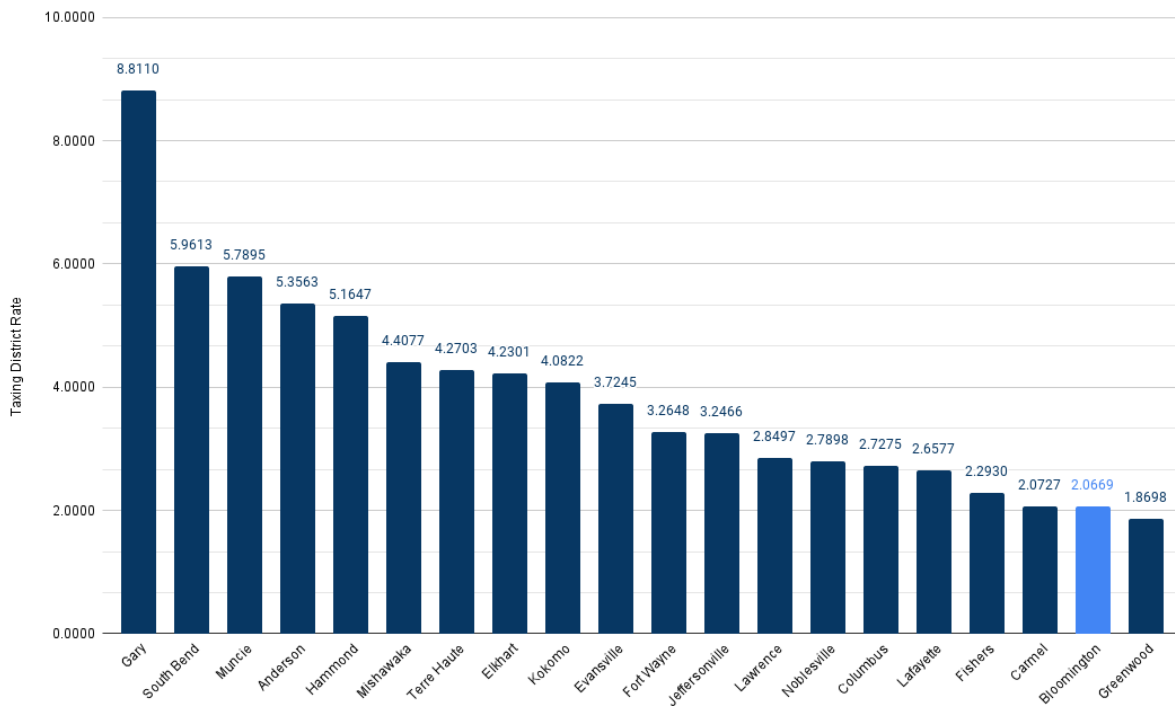


Figure A.2: County LIT Rates

Monroe County's LIT rate as compared to our six contiguous counties.

Source: Indiana Department of Revenue

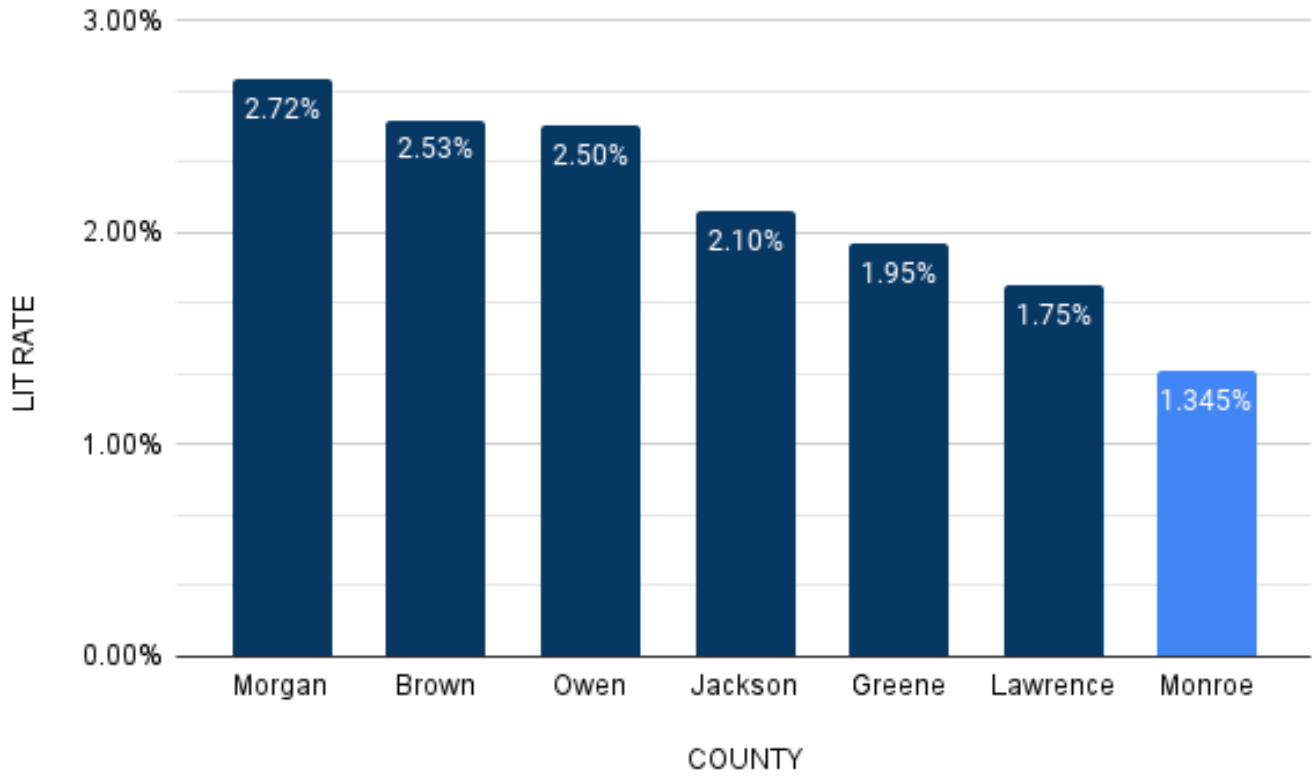


Figure A.3: Per-capita Annual Spending

The 20 largest Class 2 cities in Indiana, ranked by per-capita annual spending from the general fund.

Source #1: 2022 General Fund Budgets in Gateway

Source #2: 2020 Census Population Data

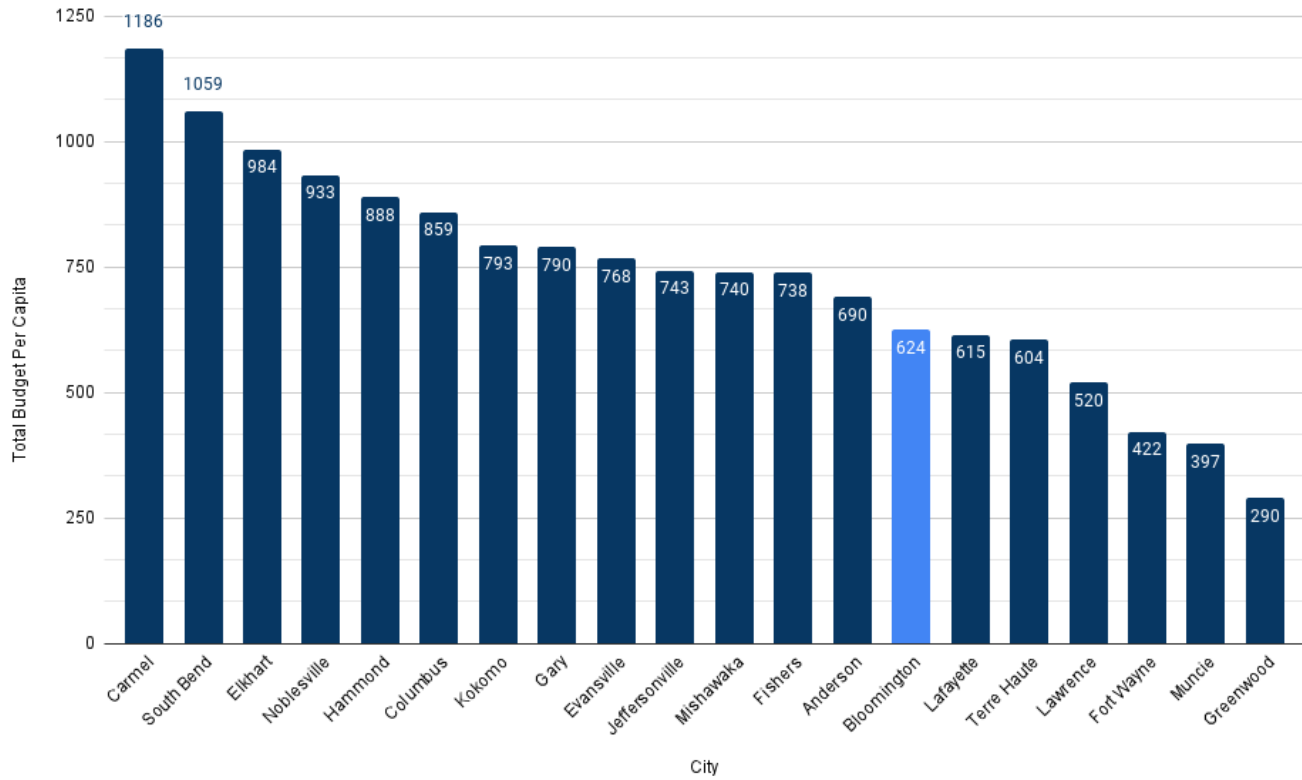


Figure A.4: Wage Growth

First-quarter wage growth in Bloomington, compared to the national and state averages and similarly-sized Indiana cities.

Source: Bureau of Labor Statistics

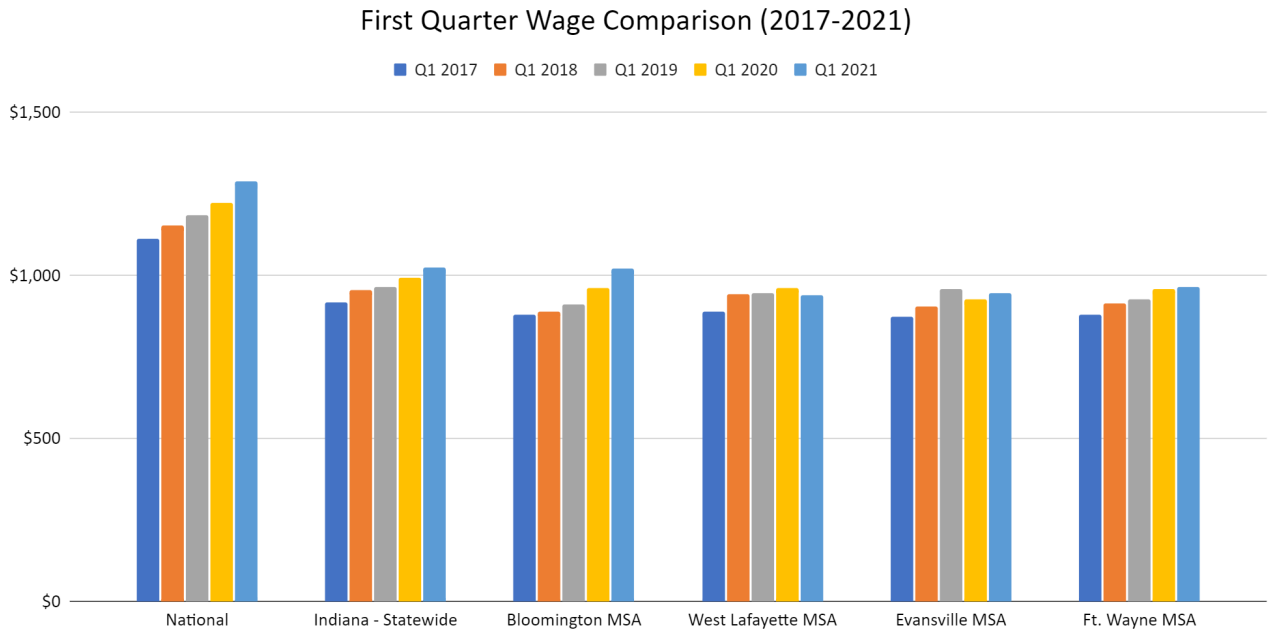


Figure A.5: Per-capita Annual Debt

The 20 largest Class 2 cities in Indiana, ranked by per-capita annual debt.

Source #1: Gateway 2021 Debt Management

Source #2: 2020 Census Population Data

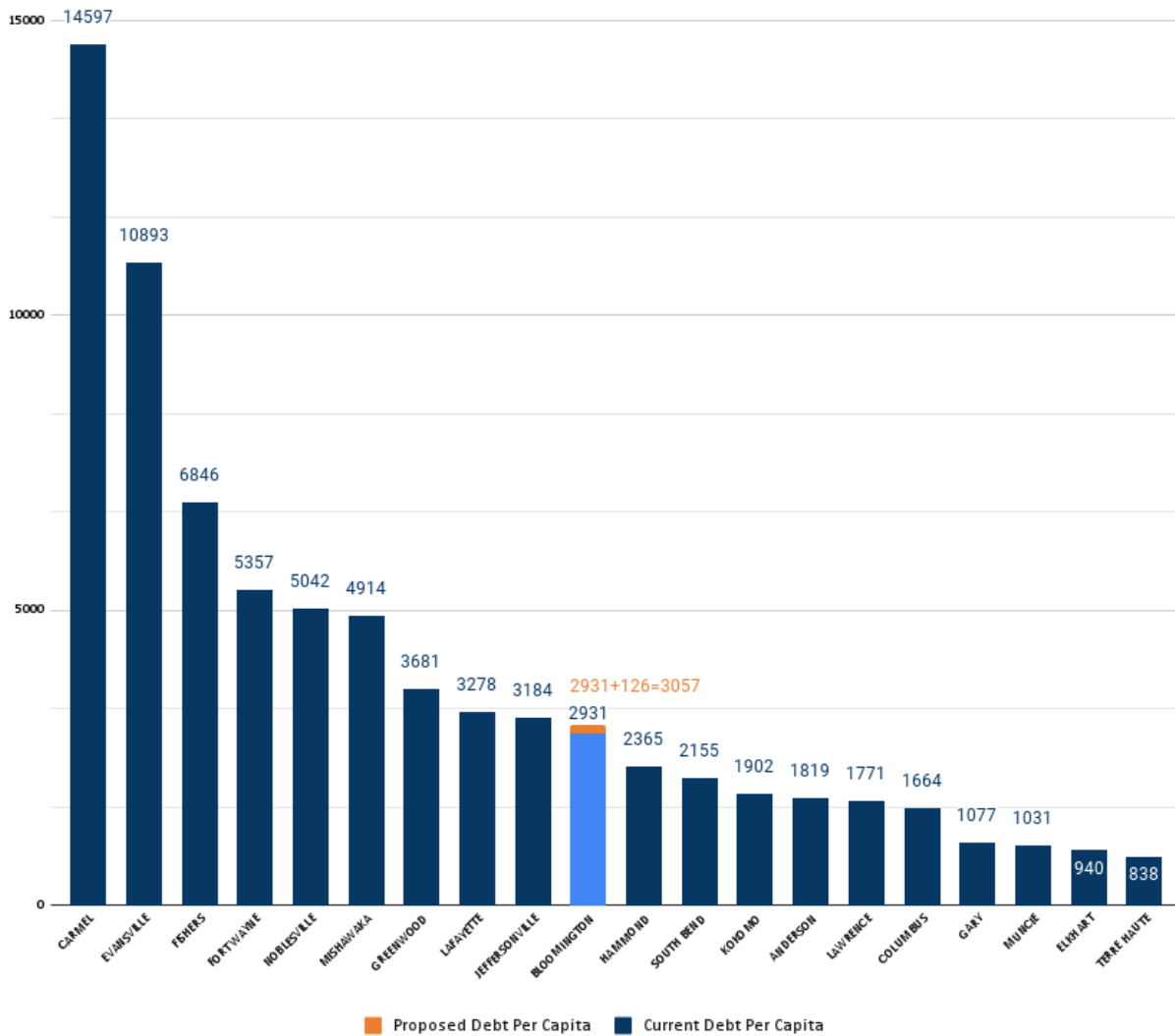


Figure A.6: City G.O. Bonding Capacity

The City's bonding capacity, with and without the issuance of another \$5,000,000 in G.O. bonds.

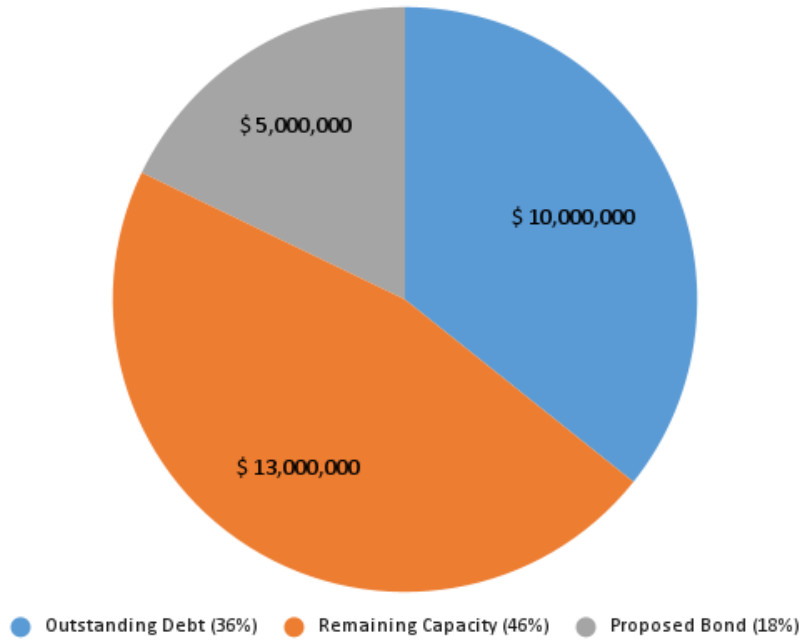
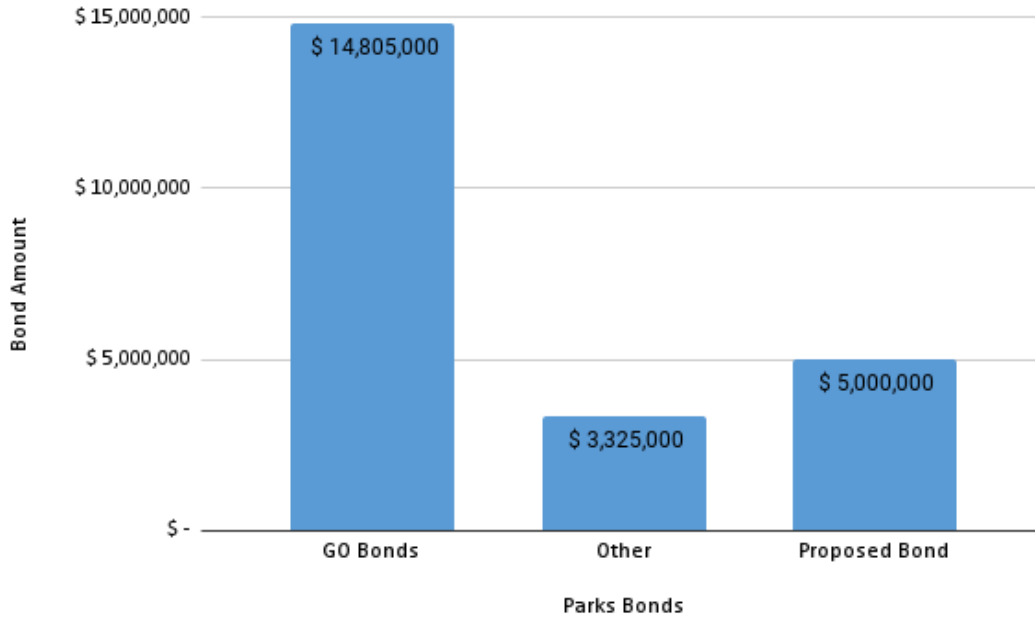


Figure A.7: Parks G.O. Bonding

Parks debt analysis: current and proposed G.O. bonds and other debt



**Figure A.8: Bloomington Transit New East-West Express Transit line
(Example Only)**

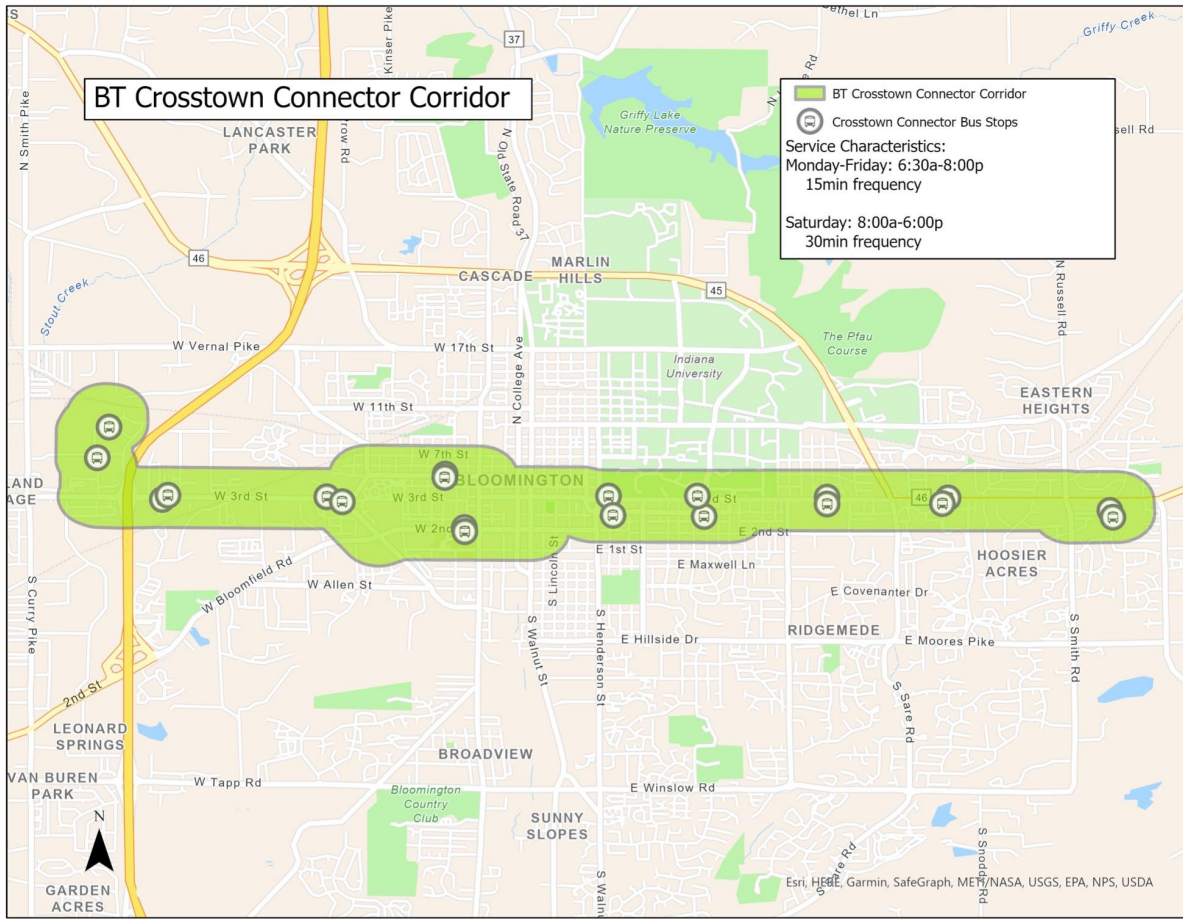


Figure A.9: Bloomington Transit New Paratransit and Microtransit Services
 (Example Only)

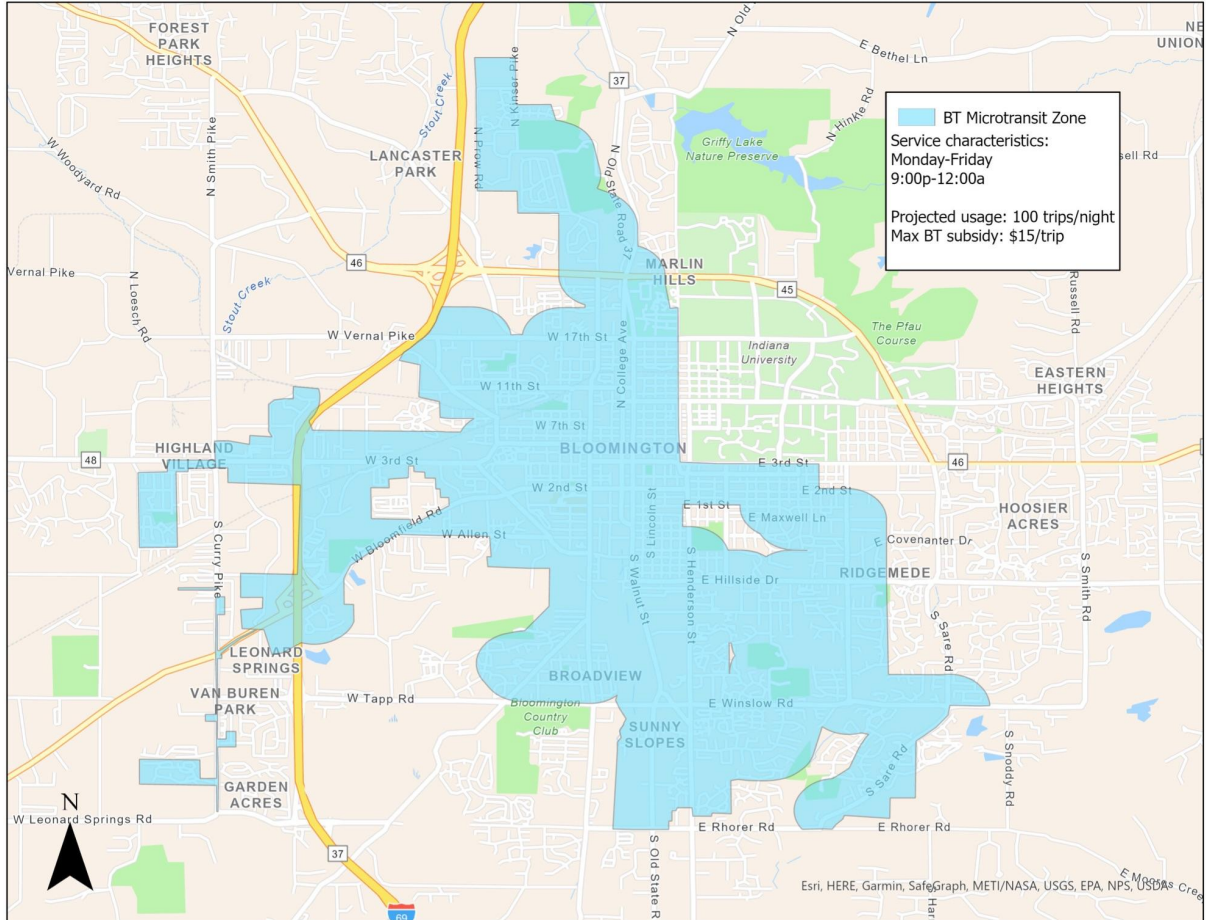
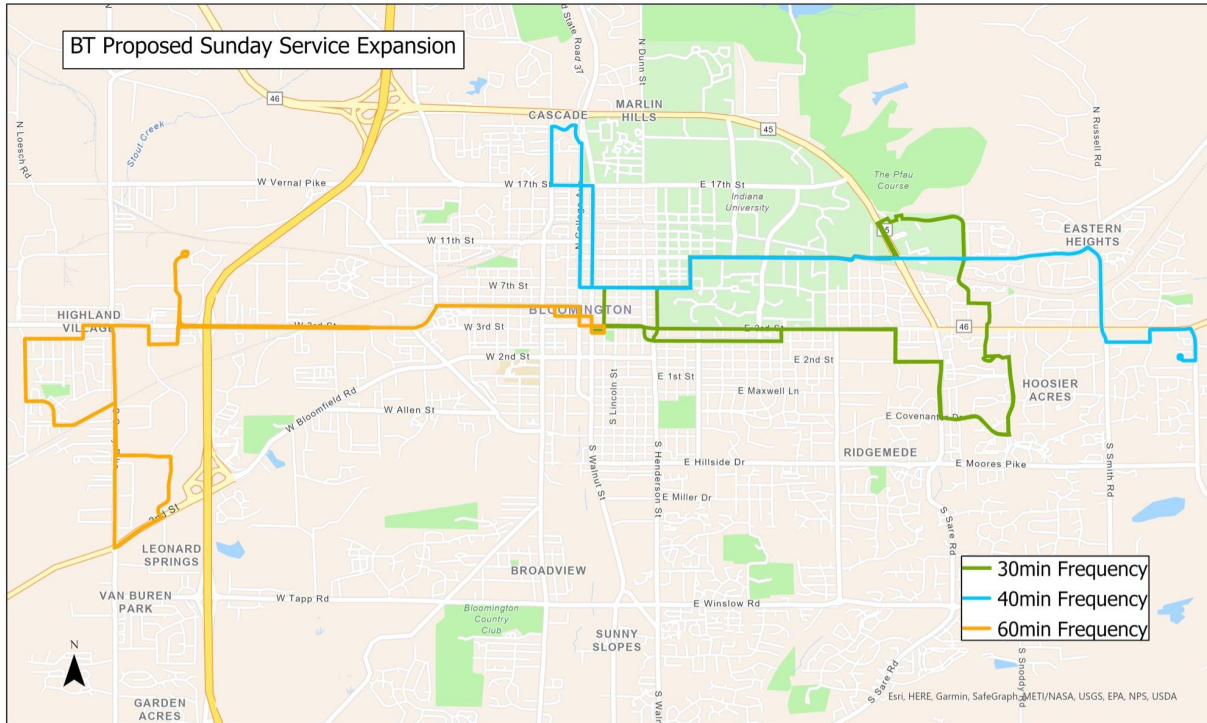


Figure A.10: Bloomington Transit Sunday Services
(Example Only)



Appendix B: LIT Details

Item	Annual Cost	Description
PUBLIC SAFETY	\$4,500,000	
Police - Sworn Officer Salaries	\$1,500,000	Fund the costs associated with the contingent Fraternal Order of Police (FOP) contract
Police - Nonsworn officer salaries and public safety programs	\$250,000	Expand the roles and increase the number of Police Social Workers and Community Service Specialists to respond to some non-emergency calls for service and those calls that do not require a law enforcement response. Provide ongoing support for the STRIDE center.
Fire - public safety programs	\$250,000	Tailor response options for 911 calls, health and wellness checks, etc. to divert more 911 calls to nonsworn personnel. Explore combining police/fire nonsworn.
Police & Fire headquarters	\$1,000,000	Consolidate public safety headquarter operations to replace current damaged and inadequate facilities and to benefit from efficiencies of scale.
Fire - new/upgraded stations (4, including new downtown)	\$1,500,000	Replace or repair damaged and aging facilities with new or upgraded facilities, in order to attract and retain employees and meet safety standards
CLIMATE CHANGE PREPAREDNESS AND MITIGATION	\$6,345,000	
Add Bloomington Transit (BT) Sunday service	\$300,000	Achieve 7-day service for greater consistency and reliability in an effort to boost ridership and reduce single occupancy vehicle use
Establish East-West Express Transit line	\$2,100,000	Major new service providing 15 minute frequency across a priority East/West corridor. This route addition would boost attractiveness and convenience for riders and reduce automobile use
Enhance In-house BT Para-Transit & Microtransit	\$1,400,000	Increase access/improve equity for people who can't ride fixed-route BT, qualify for paratransit, require special accommodations while enhancing convenience. and expand those services. City-wide service expansion.
Enhance BT weekday service to maximum 30-minute frequency	\$820,000	Improve convenience for all riders, boost ridership, reduce automobile use
Establish BT Park & Ride pilot program	\$125,000	Focus on workforce partners to develop pilot program in collaboration with the Transportation Demand Management program; explore a potential "Park and Ride" program for special event traffic management
Subsidize BT ridership	\$100,000	Improve access to public transportation with a focus on workforce and low-income riders

Appendix B: LIT Details

Item	Annual Cost	Description
Climate Action Plan (CAP) implementation	\$1,500,000	Multiple efforts toward climate change prevention and preparedness. See Proposed Climate Action Plan Investments in "New Revenue FAQs" for more detail
EQUITY AND QUALITY OF LIFE FOR ALL	\$3,650,000	
Housing funding, for ownership, rental, Housing Security	\$2,000,000	Improved access to housing equity through funding assistance for the Housing Security Group/homeless; low/mod income renters; low/mod homeowners; support missing housing types
Workforce and economic development	\$500,000	Funding for workforce development initiatives, including workforce re-entry, re-skilling and up-skilling, and entrepreneurship training, as well as operations and infrastructure funding for the Trades District Technology Center.
Economic equity fund	\$750,000	Direct support of low income working residents / families - possible Individual Development Accounts to match savings; focused on direct impact, possibly thru SSCAP, MCUM, Trustees, others
Public art and arts development	\$200,000	Funding for maintenance of existing arts spaces, execution of the recommendations of the City's Arts Feasibility Study and Public Arts Master Plan, and support for arts organizations.
Local food access and nutrition security	\$200,000	Funding to improve food access and nutrition insecurity. Funding support will focus on partnerships with food service providers to address gaps in local food access for low income and food insecure residents.
ESSENTIAL CITY SERVICES	\$2,500,000	
Personnel	\$1,000,000	Offer incentives to attract and retain talented City employees, such as pay adjustments, hiring bonuses, creation of new positions, tuition reimbursement, relocation allowance, longevity bonuses, and/or housing assistance.
Maintenance/Replacement of Assets	\$500,000	Maintain aging facilities and other physical assets and replace when required
Increases to major categories of expenses	\$500,000	Meet obligations for city property & liability Insurance, materials & supplies, repair & maintenance.
Lost Revenue Replacement	\$500,000	Replace shortfall resulting from decreased Cable Franchise Fees (cable fees lost to streaming) to fund essential IT infrastructure replacements, cybersecurity, and CATS
TOTAL	\$16,995,000	

Appendix C: GO Bond Details

Item	Minimum Estimate	Maximum Estimate	General Notes	Financial Notes	Other Potential Funding That Could be Leveraged	City Plan Addressed
PARKS GO BOND	\$8,500,000	\$9,140,000				
Replace gas powered equipment with electric equipment	\$25,000	\$25,000	Advance phased approach with large purchase. Parks has been replacing gas powered equipment with battery for several years a few pieces of equipment at a time as budget allows -- namely weed eaters and blowers. This amount of funding would allow us to purchase ahead several years and speed up the replacement of gas powered equipment and investigate new battery equipment applications in Parks.	Confident in estimate.	Advances planned GF spending	Climate Action Plan
Replace missing sidewalk on Rogers St. by Switchyard Park	\$200,000	\$200,000	This section of sidewalk was required to be replaced by code when Switchyard was built but was missed. It is currently in design through Parks and is being coordinated with Engineering. The current sidewalk dead ends and does not connect through on the east side of Rogers to The Warehouse.	Confident in estimate from consultant.	No other funds.	Condition of Parks zoning requirement
Covenanter Drive Protected Bicycle Lanes (College Mall to Clarizz Blvd)	\$2,400,000	\$2,880,000	Add protected bicycle lanes per the Transportation Plan's priority bicycle network recommendations. This project will likely include bus islands, bus stop improvements, and pedestrian ramp improvements.			Comp Plan (Goal 6.1, 6.2, 6.3, 6.4) Transportation Plan (Priority Bicycle Facilities Network, Phase 2); Transportation Plan Recommended Projects Climate Action Plan (Goal TL1, Strategy TL1-A, TL1-B, TL1-C, TL1-G,
N Dunn St Multiuse Path (45/46 Bypass to Old SR 37)	\$800,000	\$960,000	This project would be a ~1.3 mile multiuse path on one side of N Dunn St. The proposal is to fund design in order to have a shovel-ready project for the full 1.3 miles; however, it is possible to split the project into multiple phases and start with the southern portion and create a connection to the Griffy Nature Preserve trails system and the adjacent neighborhood. The census block group south of this area (the area between Walnut and Dunn, 17th and the Bypass) is among the highest population density areas of the City. This multiuse path would create a connection for residents to the Griffy Nature Preserve and trail system.	This request will only fund the project's design phase. The intention is to create a shovel-ready project and obtain other funding for construction.	State funding could become available in the near term. Recommend funding design and a match to leverage state funds.	Comp Plan (Goal 6.1, 6.3, 6.4; Goal 1.1, Policy 1.1.3) Transportation Plan (Recommended Projects) Climate Action Plan (Goal TL1, Strategy TL1-A, TL1-B, TL1-G)
Griffy Loop Trail dam crossing and community access	\$375,000	\$375,000	Needed to finish Griffy Loop Trail - dam Crossing. Shovel-Ready. The Dam Crossing was value engineered out of the project due to cost when it was approved in Fall 2021. There is currently a Department of Natural Resources (DNR) permit approved for this work.	Already estimated during prior bid process and removed due to value engineering	Applied for in Next Level grant, award notifications Spring 2022.	Parks Strategic Action Plan, Parks CIP
W. 2nd Street Modernization and Protected Bike Lanes (Walker St to B-Line)	\$1,500,000	\$1,500,000	This project will construct multimodal safety and mobility improvements on West 2nd Street from Walker Street to the B-Line Trail. Project improvements are expected to include sidewalks, bus stops, a two-way protected bicycle lane, pavement maintenance, and traffic signal replacements.	Local funding need to leverage programmed federal dollars	Local match to leverage ~\$3.1 M in MPO funding.	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, MPO TIP, Climate Action Plan, Hospital Sitei Redevelopment Master Plan, Sustainability Action Plan
Cascades Phase 6 - path/connection to Miller Showers Park	\$3,200,000	\$3,200,000	We propose starting with an Interdepartmental Scoping Exercise to determine the preferred multi-use path/trail route for a pedestrian connection between Miller Showers Park and the Cascades Phase 5 trail (currently being completed), then moving into design and construction of Phase 6 Trail to Miller Showers.	Large estimate, exact cost will depend on decisions made.	No other funds.	Transportation Plan; Parks Strategic Action Plan

Appendix C: GO Bond Details

Item	Minimum Estimate	Maximum Estimate	General Notes	Financial Notes	Other Potential Funding That Could be Leveraged	City Plan Addressed
PUBLIC WORKS GO BOND	\$7,692,500	\$15,375,000				
Citywide LED conversion of street lights	\$1,500,000	\$2,000,000	Select the 2,469 leased high pressure sodium vapor (HPS) cobra head fixtures to convert to (LED) roadway fixtures mounted on existing.	Head to head conversion approach is the most cost effective since poles and/or electrical systems are not installed -- saving \$725k		Sustainability Action Plan, goal # 8.1
Downtown ADA Curb Ramps (e.g., W Kirkwood and Indiana Ave)	\$500,000	\$1,000,000	Accessibility improvements in downtown areas (some locations are not great candidates for federal funding). We estimate ~\$7,000 to install ADA compliant ramps per intersection corner (typically 2 ADA ramps). In some cases it would be beneficial to install bump outs/curb extensions which would be ~\$15,000/corner. In addition to accessibility improvements appropriately located bump outs can improve pedestrian safety and help promote speed compliance. This project would be scalable based on the amount of funding allocated.	Project can be scaled between low and high estimates	These roads are not ideal for MPO funding due to historic districts	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, ADA Transition Plan, Climate Action Plan, Sustainability Action Plan
Sidewalk projects (TBD)	\$300,000	\$1,000,000	The need and demand for sidewalks currently outpaces available funding. Sidewalk projects would be selected and prioritized based on impacts as well as the ability to pair with other capital projects. Sidewalk construction costs vary dramatically based on context, but on average, sidewalk on one side of a street costs about \$1 million per half mile of new sidewalk. A half mile is about 7 city blocks or the distance from the B-Line Trail to the Sample Gates on Kirkwood Avenue.	Project can be scaled between low and high estimates	Could potentially supplement or pair with other capital projects (e.g., Council Sidewalk) and leverage outside funding sources (e.g., Community Development Block Grants).	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, ADA Transition Plan, Climate Action Plan, Sustainability Action Plan
Energy efficiency retrofits for all City buildings	\$1,000,000	\$3,000,000	First need to conduct a building energy audit on all primary City owned facilities, then implement recommendations of these audits.	Initial cost assumptions based on GESG 2016 audits	ARPA match; Duke Energy rebates	CAP Goal EB 2 (Phase 1)
City fleet vehicle hybrid/ electrification fund	\$1,200,000	\$2,200,000	Replacement of conventional with hybrid. This is scalable depending on investment: will start with prioritizing top 100 vehicles identified in replacement analysis that are over 10 years old and have the fastest return on investment from conversion to hybrid or electric. Approximately 25 vehicles can be replaced for \$1,000,000.	Cost is scalable depending on vehicle replacement frequency and type	ARPA match	SAP Goal 8.3, CAP TL2 (2020)
GPS for city fleet	\$250,000	\$250,000	The telematics component of a GPS program provides realtime data on vehicle usage citywide. Case studies have shown that across an entire organization our size that a 10-15% reduction in fuel usage is feasible from reduced driving and idling.			
High Street Multiuse Path and Intersection Modernizations (Arden Dr to 3rd St)	\$2,500,000	\$5,000,000	This project will construct multimodal safety and mobility improvements on High Street from Arden Drive to 3rd Street. Project improvements are expected to include sidewalk curb ramps, accessible bus stops, multiuse path, and intersection modernizations. Multiple intersection alternatives would be evaluated and considered through the project's early design phase. Upon completion, the project would result in a continuous bike and pedestrian facility from 3rd St to Rhorer Rd connecting parks, schools, trails, neighborhoods, etc.	Necessary local match to leverage federal funds.	Local match to leverage ~\$3.4 M in MPO funding.	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, MPO TIP, Climate Action Plan, Sustainability Action Plan

Appendix C: GO Bond Details

Item	Minimum Estimate	Maximum Estimate	General Notes	Financial Notes	Other Potential Funding That Could be Leveraged	City Plan Addressed
Create green waste yard at Lower Cascades Park	\$400,000	\$500,000	Already designed, shovel ready. We have had an initial discussion about this between Parks and Public Works (esp. Sanitation/Street): both departments generate a lot of green waste and a key disposal location in the community was recently closed. Additionally, City employees spend time and resources to haul green waste off-site. Design has already been completed to install this at Lower Cascades (south of the ball fields) but it was not completed due high bids.	Estimate should cover construction, still researching potential additional equipment costs		Climate Action Plan, Parks Strategic Action Plan, Parks CIP
Citywide traffic signal retiming	\$42,500	\$425,000	This is a part of continued efforts to enhance the safety and efficiency of the City's traffic signal system. This project wouldn't include changes to physical infrastructure but rather optimizes the physical infrastructure in place to be as smart/safe/efficient as possible. The project would start in FY2024 when its programmed federal Highway Safety Improvement Program funds become available.	We need a PO for \$425,000 of which \$382,500 will be reimbursed.	Local match to leverage \$382,000 in MPO funding.	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, MPO TIP, Climate Action Plan, Sustainability Action Plan
TOTAL	\$16,192,500	\$24,515,000				

New Revenue: Frequently Asked Questions

As of March 29, 2022. As details are developed, this document will be updated.

About the Local Income Tax

What is a Local Income Tax (LIT)?

The Local Income Tax (or LIT) is a tax on income, paid by individuals. It is a proportionate tax on adjusted gross income, assessed at a flat rate, meaning that the more income you earn, the more tax you pay. The LIT rate is set and imposed countywide.

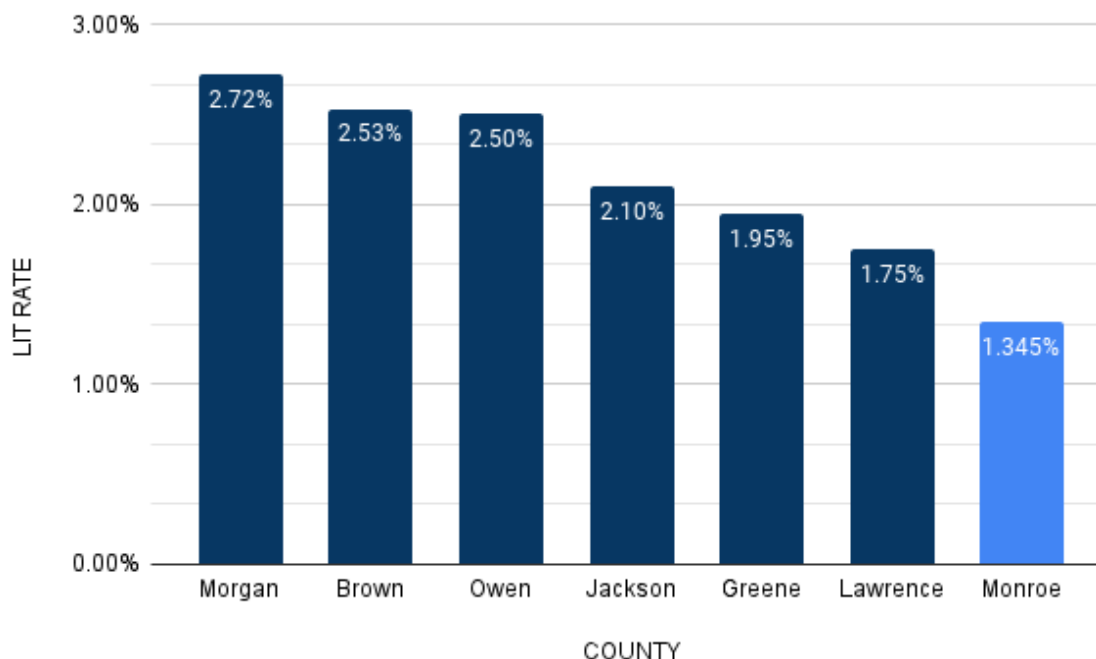
What is our current Local Income Tax rate?

The LIT rate for Monroe County is currently 1.345% of adjusted gross personal income for Monroe County residents.

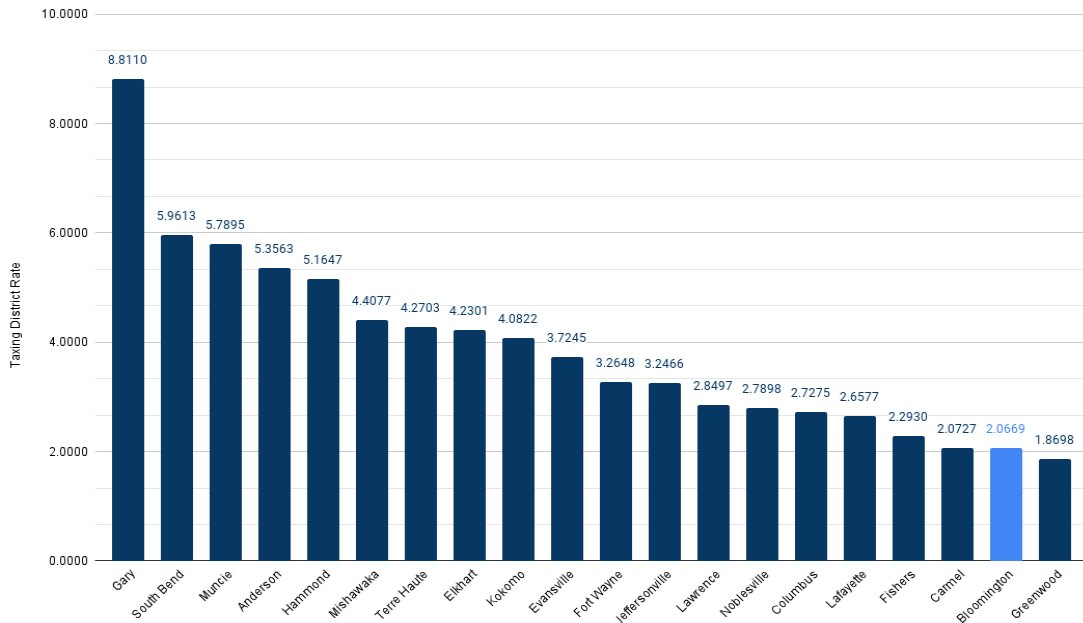
How does our tax rate compare to other communities?

Historically, Monroe County has among the lowest tax rates in the region, including the lowest local income tax rate of our seven contiguous counties. Monroe County's rate ranks 23rd from the lowest among the 92 counties in the state - in the bottom quartile.

Source: Indiana Department of Revenue



Note that among Indiana’s 20 largest cities (excluding the unique combined city/county of Indianapolis/Marion County), Bloomington is a very low-tax city. Specifically, we are in the lowest quartile of those cities both for property tax rates and local income tax rates.



Source: Reedy Financial Group

LIT Logistics and Implementation

How does the LIT change?

A new Monroe County tax may be proposed by the Bloomington City Council, the County Council, the Ellettsville Town Council, or the Stinesville Town Council. These Councils together form the “Local Income Tax Council” or LIT Council for Monroe County. The Councils can meet together to vote, or each council may vote on the proposed tax separately. The LIT Council has 100 votes in total, which are distributed among the member councils based on population. Because a majority of Monroe County’s population lives in Bloomington, Bloomington’s City Council has a majority share of the votes.

I’ve heard people argue this is “taxation without representation.” Is that true?

No. The County’s Tax Council (made up of the fiscal bodies of the County, Cities & Towns) is designated in each county with the authority to impose a local income tax. Every member of each county fiscal body, like every City Council member, has representation on the LIT Board and each gets to vote on a proposed tax, with proportional voting power. A total number of 100

votes is allocated based on the population of each of the fiscal bodies within that county, as follows:

- Each of 9 City Council members: 6.30 votes
- Each of 7 County Council members: 5.49 votes
- Each of 5 Ellettsville Council members: 0.95 votes
- Each of 3 Stinesville Council members: 0.05 votes

Any combination of affirmative votes adding to more than 50 (out of a total of 100 possible votes) determines the outcome of any LIT council vote on a proposal.

Are funds raised by the LIT put into a special fund or the general fund for the City, and why?

Funds resulting from a LIT increase would go into the general fund for the City, so there would be just one annual budget for the City. There are a few reasons for this:

- A LIT increase would be ongoing, as opposed to one-time monies, like federal America Rescue Plan Act (ARPA) funds.
- The revenue raised through this LIT increase wouldn't be only for one specific purpose, like revenue raised through a Public Safety (PS) LIT, but rather would be designed to meet several major pressing needs like climate change and public safety and cover increased expenses related to overall City operations.
- Our specific priorities may change over time, as our community evolves and our needs change.

The annual City budget process is public and requires approval by the City Council. This provides an annual opportunity to review and refine the way the LIT is spent.

Why doesn't the LIT proposal include a percentage increase?

The first step in this process is to identify necessary community projects and programs and how much those projects will cost annually. The resulting LIT rate is primarily just a function of the work done in step one--after the Council and the Mayor and the community have identified desired projects, we sort out the resulting LIT rate as step two of the process. That rate decision is ultimately what the Council formally acts upon – adopting a new rate through formal resolutions and votes. Basic parameters on the limits of a LIT rate are of course part of the conversation, but within those limits, the focus is first on deciding which projects should be funded, not on the rate itself.

State law outlines different options for a LIT, which have different impacts on City revenue. You'll note in the examples below there's a large revenue disparity between these different LIT approaches, which is another reason the focus has been on the needs, not the percentage.

Reflecting the healthy growth of our local economy, the following are estimates, **for illustration only**, of what a 1.0 percentage point increase in the LIT would produce annually for the City:

Economic Development LIT, using population method:	\$21.04 million
Economic Development LIT, using assessed value method:	\$16.83 million
Certified Shares LIT	\$12.56 million

What does the portion of LIT for property tax relief mean?

Indiana Code 6-3.6-5-4 allows a county to impose a LIT rate to be used as a credit against property taxes. This allows the County to use LIT funds for the purpose of offsetting property taxes for all residents: this operates essentially as an exemption/credit on a person's property taxes.

Why Raise the LIT?

Why doesn't the City just cut costs and tighten its belt instead of raising the LIT?

The City consistently reviews and implements ways to save money through innovation and critical assessment of programs and services provided. Programs and services that have proven necessary and helpful to residents continue; those that are not are improved upon or discontinued. Savings in the past several years include solar panel installations that lower energy costs; adding quick response vehicles to the Fire Department fleet reducing wear and tear on expensive large equipment like ladder trucks; more efficient deployment of Public Works crews in longer day-shifts; and revamping how leaves are collected and processed. The scope of services, programs, and projects that the City seeks to provide to its residents, however, is much larger in scope; savings cannot fund these needs without drastic and damaging reductions in personnel and essential services.

What would happen if the LIT didn't pass?

Bloomington would be faced with very significant challenges in the coming years meeting our current level of services and continuing to move forward on economic, social, and environmental justice endeavors. The City Council would not be able to ratify the agreed-upon FOP contract, as there are no funds available for the additional salary costs (approximately \$1.5 million annually.) Many other initiatives such as those outlined in the Climate Action Plan (CAP), affordable housing investments, or public transit improvements would also not have funding available.

Why is this being proposed now?

An increase is essential if we are to be proactive about rebuilding our community from this downturn in a way that better incorporates our goals for public safety and economic, racial, and climate justice. We also have to plan ahead, and one never knows if and when the state legislature might adjust a municipality's ability to accomplish new revenues. Mayor Hamilton proposed a 0.5% increase to the LIT in January of 2020, designed for climate change action and preparedness and equity. The onset of the COVID-19 pandemic made this not feasible at

the time. In the fall of 2020, Mayor Hamilton proposed a 0.25% increase to the LIT, focused on COVID response, climate action, and economic justice. This did not receive the necessary votes to be implemented.

We are very fortunate that federal funds arrived in time to allow continued services. Significant programs and initiatives have been operated with American Rescue Plan Act (ARPA) dollars to keep our community safe and operating, and to “Recover Forward” out of the recession toward a more equitable, sustainable future. Many of these essential efforts will not be able to continue without an increase in the LIT providing ongoing funding. As our community recovers from the COVID-19 pandemic, amid rising labor and materials costs, we will not have the resources we need to meet our stated goals as a community without this increase in the LIT.

The needs are urgent and the sooner the LIT is approved the sooner we will have resources available to address our community’s needs.

How will this revenue help Bloomington recover from the COVID pandemic?

City government has a responsibility to Bloomington’s future even as we seek immediately to repair the damage wrought by the COVID pandemic. The revenues generated by the proposed Local Income Tax are needed not only to compensate for the current downfall but to build the City back in a way that ensures long-term and widely distributed well-being and resiliency. Proposed investments will move us toward this stronger, more just, and more sustainable future by increasing access to jobs, housing, social services, transportation options, quality of life, retaining and attracting well-trained public safety professionals, and more.

LIT Impact

The LIT is a flat tax. Can we make the impact of the LIT more progressive (i.e. less burdensome on low-income residents)?

Unfortunately, the State of Indiana doesn’t allow municipalities to levy a wealth tax or a progressive income tax. The LIT proposal does include \$750,000 annually for an economic equity fund that would provide direct benefits to low-income working residents and families.

Is the tax just for City residents or would it apply to all residents of Monroe County?

According to state law, local income taxes are county-specific; so the LIT would apply to all Monroe County residents. Revenues are allocated to different local jurisdictions – cities, county, etc. – according to a state formula.

Do all Indiana counties have a tax like this?

All 92 Indiana counties have a Local Income Tax.

Locally, how many new taxes or raised taxes have been enacted since 2016?

Two. The public safety local income tax was adopted by the LIT Council in 2016 at a 0.25% rate to fund police, fire, and dispatch improvements that protect us all. The food and beverage tax, enacted by County Council in 2018, was a new 1% sales tax placed on retail sales of prepared food and beverages and will be used to fund a convention center expansion and other tourism-related projects.

About General Obligation Bonds

What is a General Obligation (G.O.) bond?

A general obligation bond (G.O. bond) is a municipal bond backed solely by the credit and taxing power of the issuing jurisdiction rather than the revenue from a given project. General obligation bonds are issued with the belief that a municipality will be able to repay its debt obligation through taxation or revenue from projects. No assets are used as collateral.

What are the benefits of using G.O. bonds to fund projects?

G.O. bonds allow cities to fund high-cost long-term capital infrastructure that allows repayment of longer periods of time. Typically bonds are issued with a repayment term of 5 to 30 years. G.O. bonds are backed by and repaid with local property taxes and are guaranteed by the State to receive first priority funding. Because of this repayment source, they generally receive a Governmental unit's highest bond rating and are therefore considered a safe investment. In addition, these G.O. bonds are generally exempt from state and local taxes.

What projects are best suited to being funded with a G.O. bond?

One-time capital investments are good projects for being funded with a G.O. bond, such as a multi-use trail or essential equipment replacements.

Proposed Climate Action Plan Investments

The proposed LIT increase provides \$1,500,000 annually in investments to implement the Climate Action Plan (CAP). What are examples of items that could be implemented?

The Climate Action Plan can be found here: <https://bton.in/ZC2Y5>

1. Transportation investments
 - a. City fleet vehicle electrification (*CAP TL 2-A: support and encourage electric vehicle adoption*)

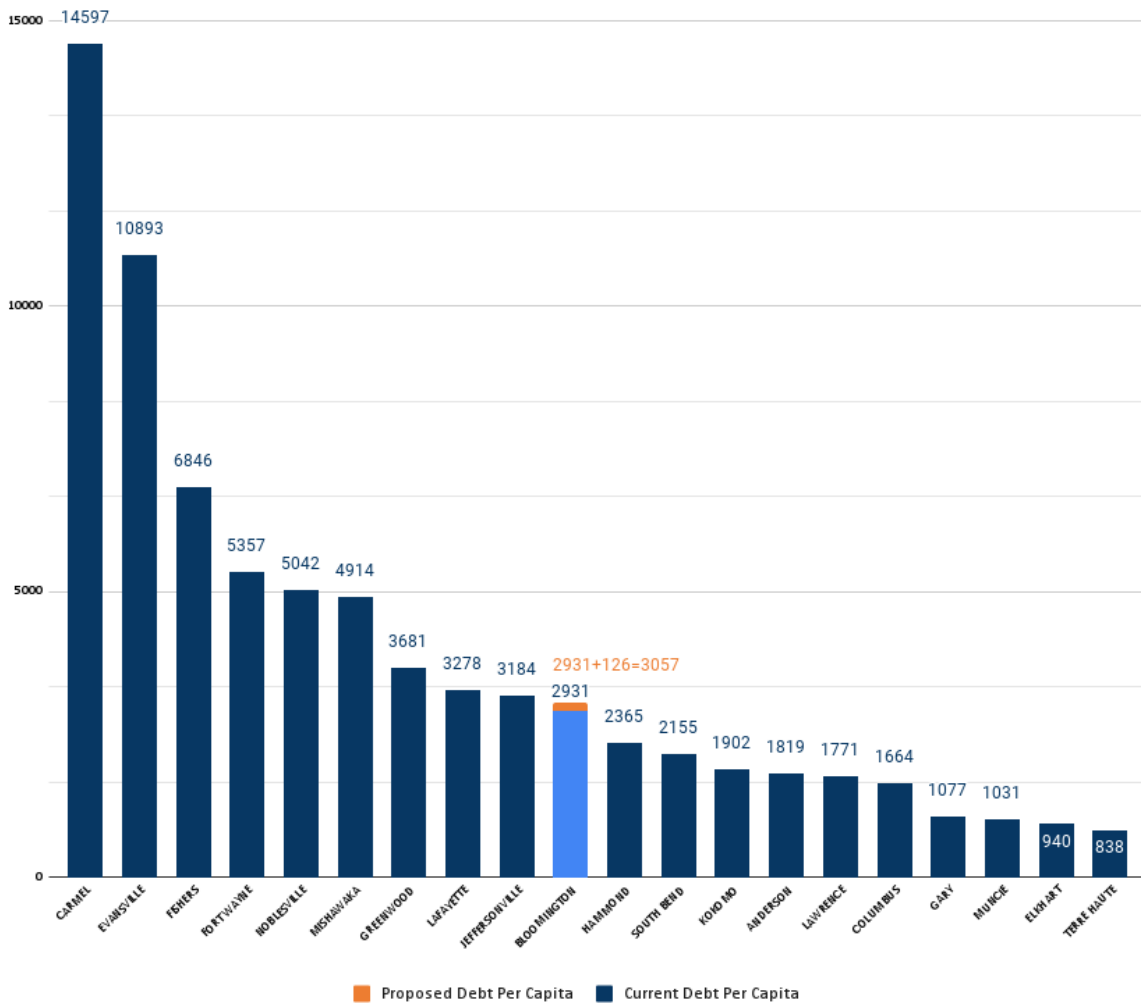
- b. Expanded micromobility options (example: electric bike share program) (*CAP TL 1-B*)
 - c. Transportation demand management (*CAP TL 1-A: reduce single-occupancy vehicle use*)
- 2. Energy and built environment investments:
 - a. Energy efficiency retrofits for all City buildings (*SAP 8.1: reduce non-renewable energy use from municipal operations*)
 - b. Bloomington Housing Authority solar conversion (*CAP EB1: increase distributed renewable energy*)
 - c. Continuing and expanding the Solar & Energy Efficiency Loan (SEEL) program for nonprofits and small businesses (*CAP EB5: increase financing options for energy efficiency and renewable energy*)
 - d. Continuing and expanding the Bloomington Green Home Improvement Program (BGHIP) for homeowners (*CAP EB5: promote equity in energy and resource costs and ownership*)
- 3. Local agriculture investments:
 - a. Local food purchasing incentive program (*CAP FA 3: increase and stabilize the local food market*)
 - b. School food garden program (*CAP FA 3: increase local food supply*)
 - c. Incentives for food processor businesses (*CAP FA 3: increase local food supply*)
 - d. Increased community gardens (*Sustainability Action Plan 4.2: increase food gardens within the community*)
- 4. Waste management investments:
 - a. Curbside composting program, parallel to trash and recycling services (*CAP WM1: increase organics diversion*)
 - b. Recycling services for apartment buildings and other multi-family units (4+) (*CAP WM 1: increase recyclables diversion*)
- 5. Additional tree canopy measures, such as shade trees in high heat areas and/or private tree planting incentives (*CAP G2: increase citywide tree canopy coverage*)
- 6. Funding for the Green Ribbon Panel to accelerate climate action (*CAP CE 2: attract, create, and support businesses that are committed to sustainability and climate goals*)

New Revenue Q&A from 4/13/22 Council Meeting

Public Works GO Bond

Information on other comparable cities bonding capacity (Sgambelluri)

Response from Underwood: There is no standard report across cities on this information. The best city-to-city comparison we have is per-capita annual debt (see graph below).



Benefit and cost comparison of LED vs. sodium lights, including information on annualized lifetime costs of LED lights compared to other lighting options and return on investment of City LED light installation (Rollo)

Response from Wason/Clemens: This three-year LED conversion project will target the 2,469 leased high pressure sodium vapor (HPS) cobra head fixtures to convert to more efficient LED roadway fixtures. The head-to-head conversion is the most cost effective approach because the approach does not require the installation of poles and/or an additional electrical system. The locations for street light conversion for this project will be selected in conjunction with Duke Energy based upon the oldest and highest energy consumption usage roadway fixtures along city arterial and collector streets during each year of the three-year term. Duke Energy crews will replace selected High Pressure Sodium fixtures with new LED fixtures.

The three-year term length provides a greater equipment and electricity cost return on investment compared to a 10-year term alternative. Given the three-year term, the City of Bloomington would pay a one-time upfront lump equipment sum of about \$1.2 million and then a monthly equipment cost of \$24,000 and monthly energy and maintenance costs of \$42,000 throughout the 36-month term length. Paying the \$1.2 million equipment cost upfront will save the City an estimated \$725,000 in just equipment costs for the project compared to spreading that equipment cost over a 10-year term length. The project also has significant long-term cost savings from reductions in electricity consumption since swapping the sodium vapor lights to LED may save more than 50% of energy usage, lowering the energy portion of the Duke Energy electricity bill for the street light accounts.

Between August 2020- July 2021, street light utility costs cost the City of Bloomington \$437,633. 2022 electricity rate increases of about 1.3% are expected to result in an additional \$5,877 in expenses for street light operation. The project's reductions in electricity consumption will reduce electricity expenditure and reduce operational annual carbon footprint by an estimated 565 metric tons of CO₂. Street and traffic lights generate an estimated 5.6% of total operational carbon emissions for the City of Bloomington. This project is expected to reduce carbon emissions associated with street light electricity consumption by 36%.

Timing of the state funding for the trails project (Sgambelluri)

Response from Robinson: The request is to fund the design of the N. Dunn Multi-Use Path. One of the challenges is to have a competitive grant proposal where a project is as close to "shovel ready" as possible. This helps to ensure the designs, right of way, necessary permitting, and reviews have been identified to avoid possible delays if funding is awarded. Indiana's Next Level Trails program, which just concluded Round 3 applications in December of 2021, is one funding source to consider. If additional rounds are announced by the Governor, the City could submit an application for funding toward construction. No additional information or announcements have been made about future rounds.

More information on how the city will approach "matching funds" and getting status of grant applications (Sims)

Response from Robinson: The City uses general funds, TIF funds, and prior bonds to “match” federal aid/grant for transportation projects. Generally, the “match” is 20% local and 80% federal that can be used for design, right of way, and/or construction. The federal funding is formulaic and appropriated to each state. Each state then allocates available funding to Metropolitan Planning Organizations (MPOs) within each state. Locally, the federal funding is administered through the Bloomington/Monroe County MPO. Approximately \$3.2 million in federal aid is available annually for transportation projects (excluding transit funding aid/grants). These funds are programmed 3-4 years in advance and are on a “use it or lose it” basis. This limits the ability to delay projects, further phase projects and/or change federal funding once the initial funding is approved by the MPO. Having a local match is essential to leverage this federal funding. The Infrastructure Investment and Jobs Act will increase available federal funding, however the specific details have not yet been determined at the State or local MPO level. Funding and various requirements associated with the funding are also yet to be determined. With that said, this bond request would position the City well to leverage additional future federal funds anticipated with the Infrastructure Investment and Jobs Act. These would be in addition to on-going ability for the City to leverage federal funds through the MPO. The City programmed approximately \$13 million in federal funds for fiscal years 2020-2023.

Cost savings analysis of electric vehicle replacements

Response from Wason/Clemens: The purchase of the City of Bloomington fleet’s first light duty electric vehicle was facilitated through a negotiated cost discount through the [Climate Mayor’s Electric Vehicle Purchasing Collaborative](#) in 2020. Bloomington’s membership in the Climate Mayors provided access to a one-stop resource assisting member cities with lower cost procurement options, the ability to look at the competitive bids in a transparent way, and to calculate the estimated savings from electrification over time. Through the use of these procurement discounts for light duty vehicles, the City purchased two electric Bolts in 2020 at a cost of \$33,000 each.

After completing this procurement process for the first two electric vehicles, ESD and Public Works, in conjunction with the Electrification Coalition, completed an analysis to identify near term opportunities for electric replacements from the existing fleet inventory. Given the high costs associated with fuel and associated savings from electrification, this is an immediate emissions savings opportunity with a high associated operational cost savings.

The focus of the electrification analysis was on opportunities for replacement of the 151 light duty vehicles in the fleet, which make up about 54% of the total vehicles maintained by the Fleet Division. This analysis considers total cost of ownership and analyzes the

cost of owning the vehicle over its entire expected useful life, as well as each vehicle's purchase price, operations, and maintenance costs. Vehicle replacement for this project would be staggered, starting with the vehicles that are already past their useful lifespan and have the highest identified cost savings from replacement.

For the first 20 vehicles identified for replacement in the analysis, the average savings over the first 10 years of ownership would be 29%. This rate of savings is due to the age of the existing vehicles, as well as the maintenance and fuel savings from procuring a bulk order of the replacement at a negotiated rate through purchasing collaborative. Replacement of the light duty sedans are the first priority, given the ratio of average cost per mile between conventional and electric, which is \$0.82 per mile for a conventional vehicle versus \$0.62 per electric alternative, a 21% cost savings. Vehicle fleet also comprises about 9% of City of Bloomington's local government operations emissions due to fuel use; this bond project would reduce total fuel consumption associated with fleet operations.

Cost savings analysis of energy efficiency retrofits

Response from Clemens: The focus of the energy efficiency retrofit bond project is to create a financing method to fund the capital improvements required to reduce electricity consumption across City facilities. Electricity and natural gas consumption related to buildings and facilities (excluding water and wastewater treatment) comprise about 14% of the City of Bloomington operational carbon footprint. The focus of the initial investments would be to fund unfunded capital needs identified in the investment grade audits completed in 2018. These investment grade audits evaluated current building and property performance, as well as providing a description of existing conditions, a commercial building energy consumption survey (CBECS) benchmarking comparison, and evaluation of conservation measures for part of the City's building inventory. Reducing overall energy consumption through this project will help reduce the remainder of the carbon impact of facility operations that is not offset through renewable energy production.

The findings of past retrofit analyses indicate that the City's real estate assets and their energy infrastructures have a high percentage of deferred maintenance, which needs to be holistically addressed in order to achieve energy efficiency gains. Between August 2020-July 2021, Parks and Recreation facilities consumed 1,628,027 kWh electricity in excess of solar production with a cost of \$160,227. This cost is expected to increase 7% in 2022 due a Duke Energy rate increase. Public Works facilities (not including street lights or traffic lights) also consumed 2,440,375 kWh at a cost of \$251,828 a year with an expected rate increase of an average of 7%. Due to rate increases, the City would have to reduce electricity use to maintain the cost of utilities year over year.

Utilization of the bond as a funding source reduces the time to realize the energy savings from the capital repairs and improvements over other funding methods. Analysis completed looked at modeled energy savings, operations and maintenance savings,

capital cost avoidance savings and specific facility improvements to reduce electricity use. Recommendations and proposed measures from the utility grade audit will be matched with existing utility rebates available to reduce the overall project cost over five years. Buildings will also be prioritized that have the greatest potential return on investment from a utility spend perspective. For those facilities that have not received an investment grade audit, those facilities will also be assessed after the completion of the first year of projects.

The project is expected to generate a positive return on net project cash flow and can be scaled depending on available funding by further targeting the phasing and facilities included. Bond funding allows for a faster realization of positive cash flow by reducing the lease payments that would be required as part of a guaranteed energy savings agreement. The match funding for this project will also allow for leveraging existing Duke Energy utility rebates which can cover a proportion of the project costs for HVAC, lighting, and other capital improvements.

Parks GO Bond

Information on cost savings of using battery powered equipment versus traditional types of equipment (Flaherty)

Response from McDevitt/Street:

Handheld Equipment Inventory

Parks currently has 10 pieces of handheld battery equipment, including weed eaters, trimmers, blowers, and a chainsaw. Along with the purchase of extra batteries and chargers, the purchase of this equipment in 2020 and 2021 totaled more than \$11,000. Records show our inventory of gas-powered equipment still consists of 20 weed eaters, 20 blowers, and 6 chainsaws (each in various stages of use), leaving ample room for further investment – while also recognizing some areas of operations are still more suited for gas-powered equipment. The \$25,000 bond funding request was intended to jump-start the efforts to replace handheld gas equipment.

Battery-Powered Mowers

Since the beginning of the bond process, Parks arranged a demo of Mean Green electric zero-turn mowers at Switchyard Park. After seeing the demo, we feel this technology has reached a level of reliability and performance where we are now ready to make a purchase. The potential amount approved in the bond could fund or partially fund (in conjunction with other available funding) the purchase of one or more battery mowers for use in a high-impact area, like Switchyard Park, Bryan Park, or along the B-Line Trail.

Using numbers from several data sources, including the [Mean Green Electric Mowers website](#), mowelectric.org, along with gas and electric prices, here is a conservative estimate of savings from the use of a battery-powered motor for five years. This

calculation does not factor in the increased value of the product (decreased noise, less emissions) for a park user, neighbor, or citizen. We expect operational savings to follow a similar pattern for handheld equipment, albeit on a smaller scale.

Gas Mower	Category of Spending	Electric Mower
\$13,000	Purchase Cost	\$28,000*
600**	Annual operating hours	600
\$3.50/gal	Fuel/electricity cost	\$0.12/kWh
1.5 gal	Fuel/electricity consumption per hour	2.8 kWh
\$2,000	Residual value at 3,000 hours	\$6,000
900 gal	Annual fuel/electric use	1,680 kWh
\$3,150	Annual fuel/electricity cost	\$201.60
\$1,375	Annual maintenance & repair costs	\$550
\$4,525	Annual operating cost	\$751.60
\$22,625	5-year life-cycle operating cost	\$3,758

*Would also take around \$500-\$1,000 to create charging station(s).

**Some Parks mowers record closer to 900 hours per year.

Five-year operational cost savings: \$18,867

Initial purchase price difference: (\$15,000)

Residual resale value difference: \$4,000

Five-year net savings: \$7,867

LIT

Must we take final action on April 20th? Are there restrictions on changing the rate of LIT, etc.? If this fails, is there a time constraint on hearing a new LIT? Do we have guidance on what “substantially similar” means in the case law on this? (Flaherty)

Response from Cate: Council does not need to take final action on April 20 on Resolution 22-09 and the LIT Ordinance it contains. Council must conduct the public hearing on the Resolution and proposed LIT Ordinance on April 20, as currently noticed and scheduled, but it may recess and reconvene to take final action on the Resolution and Ordinance. The Council would need to give its usual public notice of the later meeting.

Council may lower the LIT rate from what has been proposed without requiring a new notice and public hearing. If the Council amended the Ordinance to change either the method of distribution under ED-LIT, or the type of LIT, it should re-notice the public and other members of the LIT Council and conduct a new public hearing on the amended Ordinance. State code says that before a member of the LIT Council may propose or vote on a LIT ordinance, it must “hold a public hearing on the proposed ordinance....” IC

6-3.6-6-7. No case law exists on this provision to indicate when amendments may alter an ordinance enough to mean that the noticed public hearing is no longer on “the proposed ordinance.” An argument could be made that people know that amendments are a normal part of the legislative process and anticipate that such amendments could arise, and so they know they need to come to the public hearing if they want to support or oppose not only the original ordinance but any potential amendments. City Legal’s view is that re-noticing is appropriate and advisable when amendments change the type and/or allocation of the LIT revenue, in case people who would have commented on the amended version did not anticipate that need and to avoid possible challenges to the validity of an adopted LIT ordinance.

State code says that the LIT Council may not vote on a proposed ordinance if in the same year the county auditor already received and distributed to the LIT Council a proposed ordinance “whose passage would have substantially the same effect.” IC 6-3.6-3-10(c). The county auditor receives and distributes a proposed ordinance once it is passed by a member of the LIT Council (e.g., the City Council). IC 6-3.6-3-8(b), (c). Passage of the proposed ordinance requires at least 5 votes in the City Council.

What is the time scale/bond status for fire and police facilities expansions? Can we get more detail on the specific facilities that need improvement and the improvements they need? (Flaherty)

Response from Underwood: \$2.5 million is the yearly debt service for the properties (for approximately 20 years). These funds would both refurbish the old and acquire the new police and fire headquarters. Bonding would assume that we combine the two headquarters into a single public safety center.

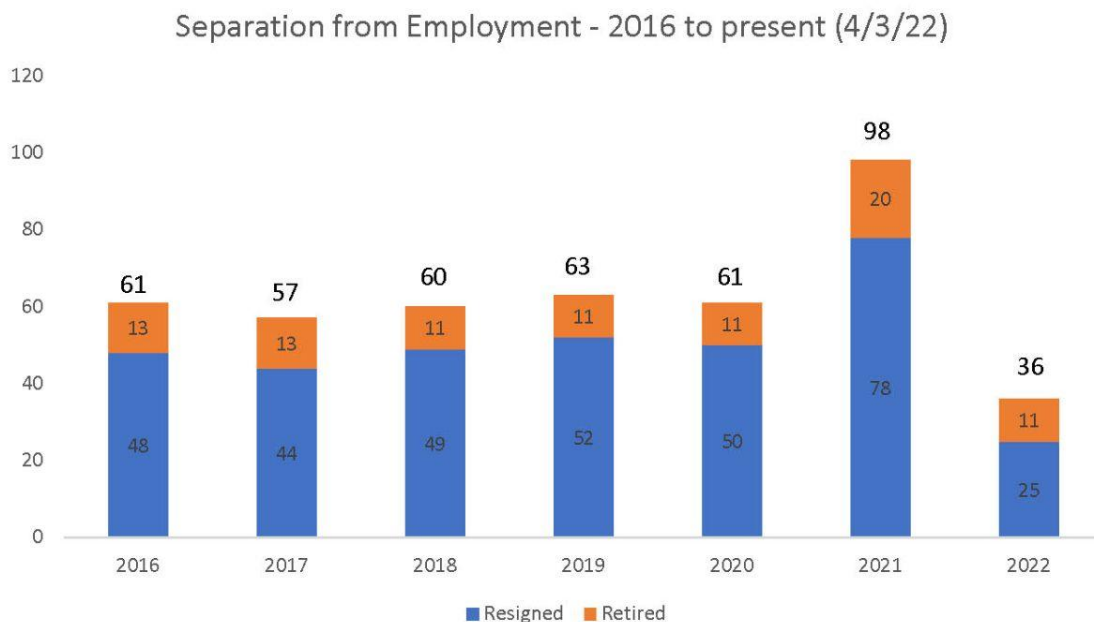
Response from Moore: An engineering study showed that three stations plus due to the flood the headquarters must be replaced. This is the beginning of a fifty-year plan for improvement of FD facilities. Emergency calls for service have increased significantly year over year but the facilities are failing. Our first priority is to build a new Station 1 to fully restore services to the downtown area and ensure the proper resources are in the proper location. This station was originally designated for a major remodel but after the flooding that completely destroyed the building’s systems and caused extensive water / mold damage it needs to be replaced. In order to avoid major impacts to our service delivery and our ISO rating we need to begin construction as soon as possible on the new station 1. Second priority is Headquarters (HQ) (to be combined with the Police) , which is currently occupying a temporary space that is not a feasible long-term solution. Our third priority is replacing Station 3, which at the time of the engineering study was past due for replacement by nearly a decade. Station 3 has major issues with the plumbing and electrical systems and is horribly inefficient for heating and cooling.

Response from Diekhoff: Our building is over 50 years old and flood-damaged. We just spent over \$100,000 to fix the damage. There is evidence of new water coming into the building. We cannot sustain these conditions financially and for health reasons. We are

also out of space and have no more room for expansion, especially as we continue to add non-sworn positions.

How many personnel have we lost since the beginning of this calendar year? (Sims)

Response from Shaw: As of April 3rd, thirty-six employees have separated from employment with the City. Eleven retired and 25 resigned. The chart shows separation from employment since 2016. In 2021, we had 98 total separations from employment compared to 61 in 2020. The “Percent Change from Prior Year” chart shows a significant increase in both resignations and retirements in 2021 over prior years. The current year-to-date pace of employment separations is on pace to exceed 2021 levels.



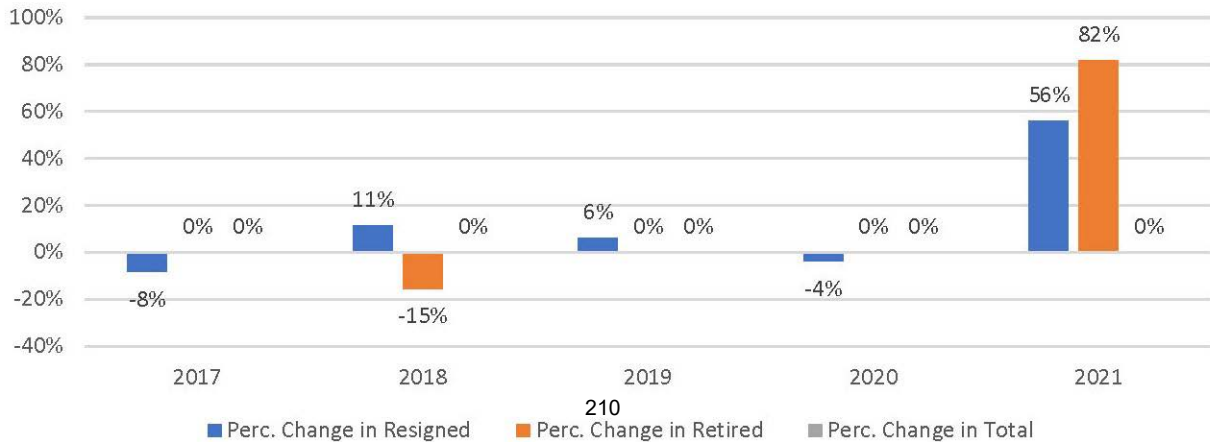
What is the status of the Green Ribbon Panel? (Sims)

Response from Clemens: The Mayor proposed the formation of the Green Ribbon Panel in January 2020, modeled on successful efforts in other cities, to be composed of government, nonprofit, educational, and private sector community and regional representatives working together to develop mutual goals and approaches to climate action. As part of the 2022 State of the City Address, the Mayor recommitted to this effort and pledged to reach out to assemble this panel by this summer. Participation from key community sectors of the community will be essential for aligning, empowering, and engaging the broader Bloomington community to address the climate crisis.

Planning work for the group is in process to set a governance and facilitation structure,

as well as determining a long-term funding plan. Initial work that is ongoing includes determining organizational commitments to participation and completing outreach to key stakeholders. Additionally, the Mayor has engaged in a review of other climate advisory committees functioning nationwide to identify and incorporate their best practices. Once participation is confirmed, another public announcement will be made about next steps for the group.

Percent Change from Prior Year



New Revenue Q&A from 4/20/22 Council Meeting

What is a breakdown of BT funding sources? I.e. fares (breakdown by IU and other), local, federal, state, other

Response from Connell: Note that the 2019 funding breakdown is included as it's more indicative of a regular, non-COVID-impacted year.

Bloomington Transit Funding Sources					
	2019			2021	
Revenues	Actual Revenues	Percent of Total Revenues		Actual Revenues	Percent of Total Revenues
Local*	2,435,343.00	23%		2,537,103.00	22%
Federal	4,070,884.00	38%		5,828,555.00	51%
State-PMTF	2,521,684.00	23%		2,212,843.00	19%
Fares-BT**	661,227.00	6%		211,776.00	2%
Fares-IU***	1,115,152.00	10%		699,309.00	6%
	<u>10,804,290.00</u>			<u>11,489,586.00</u>	

* Local includes taxes; IU service contract (bus wash); advertising; interest; IU building revenue; insurance reimb.; misc. revenue (sale of scrap, Miller and ATM commission, etc.)

**Fare Free until July 2021 due to pandemic

***Reduced IU contract in 2021 due to pandemic

Comparison of the LIT rates of the seven contiguous counties, with the property tax rebate taken into account.

Response from Hamilton/Underwood: This involves complex and time-consuming calculations that result in an imprecise comparison. We believe that the proper comparison is LIT rate to LIT rate, because it is up to each community to decide what they choose to spend their LIT revenue on. We believe it's regressive to rebate LIT revenue into property taxes and wouldn't support this as a LIT expenditure.

Could CRED money be used to build a public safety headquarters? What are the limitations of the CRED?

Response from Underwood/Cate: Building a public safety headquarters would appear to come within the authorized use of CRED funds under Indiana Code Section 36-7-13-12.1. We continue to look at all sources of funding, however, to maximize the use of those funds while maintaining prudent and adequate cash reserves. CRED money is part of that analysis. For reference, the balances in the two CRED funds are \$10,706,900 (Downtown) and \$6,338,090 (Thompson). It is important to keep in mind the need for a continued stream of funding to maintain a public safety headquarters, to avoid a repeat of the facilities problems encountered earlier by Fire and Police.

What will the \$1.75 million in Climate Action Plan investments fund?

Response from Clemens:

The Bloomington Climate Action Plan (CAP) was accepted unanimously by the Bloomington Common Council through Resolution 21-08 in April 2021 as an advisory document for the City of Bloomington. The CAP established a detailed comprehensive plan of specific goals, strategies, and actions that will be necessary to reduce community greenhouse gas emissions and build climate resilience in Bloomington. The achievement of this vision for climate action requires municipal commitment, as well as the comprehensive integration of the Climate Action Plan into City operations, functions, and services.

Given the scale of the challenge that climate change represents and its increasing effects on residents, infrastructure, and institutions, maintaining a long-term funding plan for climate initiatives is essential. The establishment of a consistent revenue stream through the LIT will ensure that the City of Bloomington can maintain an annual operating fund specific to climate initiatives while accelerating the impact of the public investment by leveraging other state and federal revenue streams that require a local match to access.

This funding will be dedicated toward long-term funding support for climate and sustainability programs, as well as funding on a project basis for community and local government operations climate and sustainability initiatives. After a review of the City of Bloomington budget and current funding gaps, the Climate Action Plan recommended that the City of Bloomington identify new revenue, as well as external funding opportunities to fund this long-term plan through 2030. This new revenue will be necessary to support municipal investment in the 470 detailed actions recommended across the Sustainability and Climate Action Plans, which require a combination of public and private investment to accomplish.

Specific allocations for the climate action investments will be proposed and appropriated yearly and change over time, given that the CAP is phased and yearly funding

prioritization will shift as projects are accomplished. All costs estimated in this Local Income Tax proposal for climate and sustainability are incremental to the current operating budget, since funding for existing sustainability and climate initiatives over the last two years has been supported through a combination of reallocation of municipal reversion funds and reserves, as well funding appropriated from pandemic related federal programs, such as American Rescue Plan funds, a federal funding opportunity with a time-limited appropriation period.

This estimated budget proposed in the Local Income Tax is \$1.75 million annually. The following table is illustrative of a range of potential year 1 investments of the LIT. However, further details of specific appropriations to Climate Action Plan categories will be provided after the determination of funding availability. The climate investment allocations illustrated in the table span multiple sectors of the Climate Action Plan, including the built environment, transportation, waste, climate economy, and ecosystem & greenspace sectors. This proposed funding would balance investments in city government buildings, fleets, and facilities, provide financial support to community programs, and incentivize private climate investment. All of the initial suggestions are illustrative and demonstrate a combination of expected reduced costs, improved quality of life, equity impacts, reduced emissions, improved air quality, economic development potential, and increased resilience co-benefits that could be achieved through the appropriation of funds.

Potential Climate Action Plan Year 1 LIT Investments					
Strategy	Climate Action Plan Goal	Description	Indicators of Success	Possible Leverage	City Operations/Community
Category totals provided as an illustrative range, specific allocations and cost breakdowns to be determined through annual appropriation process					
Built Environment & Energy Investments: \$750,000 - \$1,000,000					
City Buildings Energy Efficiency	SAP 8.1: reduce non-renewable energy use from municipal operations	Energy efficiency retrofits for all City buildings with deferred maintenance following guidance from investment grade energy efficiency audits and additional energy assessments, as needed. Funding will be matched with a combination of Duke Energy prescriptive rebates and financing programs, where available and appropriate. Operational savings from utility cost reduction will be reinvested in other building projects and increasing efficiency of leased buildings after energy efficiency projects are completed.	Improved building performance, reduced facility electricity costs, decreased emissions from electricity use	Duke Energy- Alumnia Efficiency as a Service Agreement/ Rebates	City Operations
Public Housing Solar	Goal EB1: Increase distributed renewable energy to 250,000 MWH of total generation annually by 2030.	Grant funding for solar conversion of public housing to reduce utility costs and increase solar production for very low income families and households. Utility savings will be reinvested in other programs or projects. Funding will cover electronics and racking equipment for solar. Once solar conversion is completed, future years of funding will cover other large scale community benefit solar projects.	Increased solar generation (kwh), reduced utility costs for public housing manager, \$ reinvested to community programs	Energy Efficiency and Conservation Block Grant (EECBG) Program, Solar Power Purchase Agreement (Duke)	Community
Nonprofits/ Small Business Energy Efficiency/ Solar	CAP EB5: increase financing options for energy efficiency and renewable energy	Continuing and expanding the Solar & Energy Efficiency Loan (SEEL) program for nonprofits and small businesses once American Rescue Plan funding expires. This will cover the cost of grants, rebates and grants for participating organizations and businesses.	# of organizations served, # of energy assessments completed, \$ of projects funded, \$ saving/ recipients, emissions reduced	Energy Efficiency and Conservation Block Grant (EECBG) Program, Communities LEAP (Local Energy Action Program) Pilot, Match funds from funding recipients, Grants for Energy Efficiency and Renewable Energy Improvements in Schools	Community
Residential Energy Efficiency/ Solar	CAP EB5: promote equity in energy and resource costs and ownership	Continue and expand the Bloomington Green Home Improvement Program (BGHIP) for homeowners to continue expanding financing access and rebates. Funding will support rebates for low-moderate income households participating in the program.	# of applicants, # of loans closed, \$ of funding leveraged, # of rebates provided	Public investment in interest rate buy down is leveraged by consumer investment in energy efficiency or solar project, Administration for Children and Families- Low Income Home Energy Assistance, Weatherization Assistance Program (WAP) Enhancement & Innovation	Community
Residential Income Qualified Solar Grants	CAP EB5: promote equity in energy and resource costs and ownership	Create a low income solar grant program for income qualified recipients that includes weatherization support and assistance.	# of applicants, \$ reduced utility costs, emissions reduced	Administration for Children and Families- Low Income Home Energy Assistance, Weatherization	Community

Transportation Investments: \$500,000 - \$750,000					
Electrify City Fleet	CAP TL 2-A: support and encourage electric vehicle adoption)	City of Bloomington Operations fleet electrification funding to cover cost differential between conventional fuel and hybrid/ electric vehicles and other gasoline powered equipment. Target is conversion to electric at time of replacement on accelerated schedule with the top 100 vehicles with best return on investment and lowest total cost of ownership prioritized. Cost savings over time of ownership will be reinvested in other projects and reallocated to other needs, as vehicles and equipment are replaced.	Reduced total cost of ownership: reduction in maintenance cost, increased length of ownership of vehicle asset, reduction in fuel costs, reduced emissions	Climate Mayors Purchasing Collaborative Procurement Discount	City Operations
TDM Mode Shift	TDM Plan, CAP TL 1-A: reduce single-occupancy vehicle use	The Transportation Demand Management (TDM) program currently is funded by a mix of general and ARPA funds. This new source of funds would replace current funding once those expire at the annual operating fund levels recommended in the Transportation Demand Management Plan to allow access to state and federal match funds.	# of employers assisted, # of employees/ community members reached, commute survey results, \$ leveraged	Surface Transportation Block Grant (STBG) program, Congestion Mitigation and Air Quality Improvement Program, Carbon Reduction Program	Community
Waste Investmen: \$100,000 - \$200,000					
Multi-family recycling incentive	CAP WM 1: increase recyclables diversion	Incentive for recycling services for apartment buildings and other multi-family units (4+), this funding covers incentives contingent on starting and maintaining commercial recycling service.	Tonnage of recycling diverted, # of apartment complexes served	State and Tribal Assistance Grants, Material Recycling, Indiana Community Recycling Grant Program	Community
Community composting incentive	CAP WM1: increase organics diversion	Small scale incentives for composting for residential and commercial customers. Incentives will accelerate residential and commercial customers to begin composting service and increase the number of community collection containers available in neighborhood locations.	# of new residential and commercial customers, tonnage of compost diverted	Indiana Community Recycling Grant Program	Community
Climate Economy Investment: \$50,000 - \$100,000					
Green Ribbon Panel	CAP CE 2: attract, create, and support businesses that are committed to sustainability and climate goals	Funding for the Green Ribbon Panel to accelerate climate action to cover cost of operations and staffing. Remainder of funding will cover public seed funding for a public-private Climate Investment Fund to accelerate climate action and implementation across multiple sectors.	# of participants, # of climate commitments from organizations	Possible public, private match funds for Climate Investment Fund	Community
Ecosystem & Greenspace Investment: \$50,000 - \$100,000					
Public/ private tree canopy	CAP G2: increase citywide tree canopy coverage	Funding for growth and maintenance of community tree canopy, such as financial support for purchase and planting of shade trees in high heat areas and/or private tree planting incentives to increase tree canopy in accordance with CAP goal to increase canopy by 3%. Funding can also be earmarked for a low-income pruning program and match funds for plantings in lower income neighborhoods with low tree canopy.	Carbon sequestered, # of trees planted, # of underserved areas served	Forestry carbon credits, possible fundraising	Community



**MEMO FROM COUNCIL OFFICE ON:
(Updated April 29, 2022)**

Resolution 22-09 – Resolution Proposing an Ordinance to Modify the Monroe County Local Income Tax Rate, Allocate the Additional Revenues to Economic Development and Cast Votes in Favor of the Ordinance

Synopsis

Resolution 22-09 proposes an ordinance to the Monroe County Local Income Tax Council that would impose an economic development tax rate (“EDIT”). The Monroe County Local Income Tax Council is the body that must approve modifications to the Local Income Tax, and it consists of four member-fiscal bodies: (1) the City of Bloomington Common Council; (2) the Monroe County Council; (3) the Town of Ellettsville Town Council; and (4) the Town of Stinesville Town Council. This Resolution would cast some percentage of the City of Bloomington’s votes on the Monroe County Local Income Tax Council in favor of the Ordinance modifying the Local Income Tax to impose an EDIT, depending on the votes of the individual members of the City of Bloomington Common Council.

Relevant Materials

- New Revenue Package Memo and supporting materials
- Resolution 22-09
- Memo from Mayor Hamilton
- Monroe County Income Tax Council Vote Allocation Notice from Auditor
- (new) Amendment 01 to Resolution 22-09

Summary

Monroe County Local Income Tax Council Membership

Resolution 22-09 proposes an ordinance to the Monroe County Local Income Tax Council (“Tax Council”) that would increase the local income tax rate and allocate the additional revenues for economic development purposes. The Bloomington Common Council is one member of the Tax Council, which also includes the Monroe County Council, the Ellettsville Town Council, and the Stinesville Town Council.

Local Income Tax Rates

Indiana Code § 6-3-6-1 and the provisions that follow it govern the procedures that the Tax Council and its members must follow to adopt, increase, decrease, or rescind a tax or tax rate. As detailed in the resolution, the local income tax currently includes the following components, for a total local income tax rate of 1.345%:



Local Income Tax Type		Existing Rate	
Property Tax Relief Rate (Indiana Code 6-3.6-5)		0.0518%	
Total Expenditure Rate (Indiana Code 6-3.6-6)		1.1982%	
Components of Total Expenditure Rate	Public Safety		0.1693%
	Public Safety Answering Point		0.0807%
	Economic Development		0.0000%
	Certified Shares		0.9482%
Special Purpose Rate (Juvenile Local Income Tax) (Indiana Code § 6-3.6-7-16)		0.095%	
Total:		1.345%	

Resolution 22-09 proposes an increase of .855% to the total expenditure rate, with the additional revenues to be allocated for economic development purposes.

Procedure for Proposing Ordinance Adjusting Local Income Tax Rates

For such a change to the local income tax rate to occur, a majority of the Tax Council (which is the adopting body for local income taxes in Monroe County under IC § 6-3.6-3-1) must vote in favor of an ordinance increasing the local income tax. Any member of the Tax Council may present an ordinance for passage by the Tax Council. To do so, the member must adopt a resolution to propose the ordinance to the Tax Council (see IC § 6-3.6-3-8). Resolution 22-09 is therefore a resolution of the Bloomington Common Council that contains within it a proposed Ordinance Modifying Local Income Tax Rates, which would be an ordinance of the Monroe County Tax Council.

Under IC § 6-3.6-3-6, the Monroe County Tax Council has 100 total votes divided among its 4 members. Each member is allocated a percentage of the total 100 votes that may be cast, based on population. Each year, the Auditor certifies to each member of the Tax Council the number of votes, rounded to the nearest one hundredth (0.01), each member has for that year. Per the Auditor, the votes on the Monroe County Tax Council are as follows:

Unit of Government	2010 Census Pop.	% of Total County Pop.	# of Local Income Tax Council Votes/Member
City of Bloomington (9 Common Council Members)	79,168	56.66%	6.30/Council Member
Town of Ellettsville (5 Town Council Members)	6,655	4.76%	.95/Council Member
Town of Stinesville (3 Town Council Members)	220	0.16%	.05/Council Member
Unincorporated County area (voted on by 7 members of Monroe County Council)	53,675	38.43%	5.49/Council member
Total Monroe County	139,718	100%	100.03



Due to a 2020 change in state law, the members of the Tax Council no longer cast their votes as a block on a proposal to increase a tax rate in the county. Instead, each individual who sits on the fiscal body of a county, city, or town that is a member of the Tax Council is allocated a certain number of votes, which is detailed in the far right column of the table above. Each of the nine members of the Bloomington Common Council has 6.3 votes of the Tax Council that can be cast individually.

Before a member of the Tax Council may vote to propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held. This notice must be published at least 10 days in advance of the hearing and must include the proposed ordinance. The public hearing on Resolution 22-09 will be held April 20, 2022. Therefore, while the Council may consider and deliberate on the resolution at the April 13th meeting, a vote on the resolution could occur no earlier than April 20th.

After a member of the Tax Council adopts a resolution proposing an ordinance, that member must distribute a copy of the proposed ordinance to the County Auditor. The Auditor shall then deliver copies of the proposed ordinance to all other members of the Tax Council within ten (10) days of receipt. Once a member of the Tax Council receives a proposed ordinance from the Auditor, the member shall vote on it within thirty (30) days after receipt.

Effective Date of Ordinance

Under state law, an ordinance that increases a local tax or a tax rate takes effect as follows:

- (1) An ordinance adopted after December 31 of the immediately preceding year and before September 1 of the current year takes effect on October 1 of the current year.
- (2) An ordinance adopted after August 31 and before November 1 of the current year takes effect on January 1 of the following year.
- (3) An ordinance adopted after October 31 of the current year and before January 1 of the following year takes effect on October 1 of the following year.

Therefore, for the proposed rate increase to take effect on October 1, 2022, the Tax Council would need to adopt an ordinance no later than August 31, 2022.



Permissible Uses of Revenue

IC § 6-3.6-10-2 details how the city may use revenues allocated for economic development, which includes the following purposes:

- (1) To pay all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project.
- (2) For the retirement of bonds for economic development projects.
- (3) For leases or for leases or bonds entered into or issued before the date the county economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this article at the time the lease was entered into or the bonds were issued.
- (4) The construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in [IC 6-1.1-18.5-9.8](#).
- (5) The retirement of bonds issued under any provision of Indiana law for a capital project.
- (6) The payment of lease rentals under any statute for a capital project.
- (7) Contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects.
- (8) Operating expenses of a governmental entity that plans or implements economic development projects.
- (9) Funding of a revolving fund established under [IC 5-1-14-14](#).
- (10) For a regional venture capital fund or a local venture capital fund.
- (11) *For any lawful purpose for which money in any of its other funds may be used.*

Notably, purpose (11) listed above provides for a broad range of uses for revenues allocated for economic development purposes.



Allocation of Revenue

IC § 6-3.6-6-9 provides two methods (copied from statute below) of allocating money designated for economic development purposes to the county, cities, and towns that receive a distribution from the local income tax - either based on property taxes imposed during the preceding calendar year (IC § 6-3.6-6-9(b)) or based on population (IC § 6-3.6-6-9(c)). The Tax Council may adopt an ordinance before August 2 of a year to provide for a distribution under the population-based method, which takes effect January 1 of the following year. The ordinance proposed by Resolution 22-09 would provide for a distribution under the population-based method, beginning on January 1, 2023 and continuing from that date forward.

Method 1 - Property Taxes (per IC § 6-3.6-6-9(b)):

Except as provided in subsections (c) and (d) and IC 6-3.6-11, and subject to adjustment as provided in IC 36-8-19-7.5, the amount of the certified distribution allocated to economic development purposes that the county and each city or town in a county is entitled to receive each month of each year equals the amount determined using the following formula:

STEP ONE: Determine the sum of:

- (A) the total property taxes being imposed by the county, city, or town during the calendar year preceding the distribution year; plus
- (B) for a county, the welfare allocation amount.

STEP TWO: Determine the quotient of:

- (A) The STEP ONE amount; divided by
- (B) the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year preceding the distribution year plus the welfare allocation amount.

STEP THREE: Determine the product of:

- (A) the amount of the certified distribution allocated to economic development purposes for that month; multiplied by
- (B) the STEP TWO amount.

Method 2 - Population (per IC § 6-3.6-6-9(c)(2)):

(2) The amount of the certified distribution allocated to economic development purposes that the county and each city and town in the county are entitled to receive during each month of each year equals the product of:

- (A) the amount of the certified distribution that is allocated to economic development purposes for the month; multiplied by
- (B) the quotient of:
 - (i) for a city or town, the population of the city or the town that is located in the county and for a county, the population of the part of the county that is not located in a city or town; divided by
 - (ii) the population of the entire county.



Capital Improvement Plan Required

Under IC § 6-3.6-6-9.5, the city executive may adopt a capital improvement plan specifying the uses of the additional revenue allocated for economic development purposes. If the city fails to adopt a capital improvement plan, it may not receive its amount of additional revenue to be allocated for economic development purposes. Until such a plan is adopted, the County Treasurer would retain the amounts that would otherwise go to the city.

The capital improvement plan required under Indiana Code § 6-3.6-6-9.5 must include the following components:

- (1) Identification and general description of each project that would be funded by other additional revenue allocated for economic development purposes.
- (2) The estimated total cost of the project.
- (3) Identification of all sources of funds expected to be used for each project.
- (4) The planning, development, and construction schedule of each project.

A capital improvement plan must also:

- (1) encompass a period of not less than two (2) years; and
- (2) incorporate projects the cost of which is at least seventy-five percent (75%) of the fractional amount of additional revenue allocated for economic development purposes that is expected to be received by the county, city, or town in that period.

The administration has not provided a capital improvement plan, but has instead pointed to the New Revenue Package Memo and related materials provided by the Mayor's Office as providing much of the substance that will be included in a capital improvement plan. The administration has indicated it would complete a full capital plan as required by statute before the new tax rate would take effect on October 1, 2022.

Contact

Jeff Underwood, Controller, 812-349-3416, underwoj@bloomington.in.gov

Beth Cate, Corporation Counsel, 812-349-3426, beth.cate@bloomington.in.gov

RESOLUTION 22-09

RESOLUTION PROPOSING AN ORDINANCE TO MODIFY THE MONROE COUNTY LOCAL INCOME TAX RATE, ALLOCATE THE ADDITIONAL REVENUES TO ECONOMIC DEVELOPMENT AND CAST VOTES IN FAVOR OF THE ORDINANCE

WHEREAS, pursuant to Indiana Code § 6-3.6-3-1(a), the Monroe County Local Income Tax Council having previously adopted a County Option Income Tax under Indiana Code 6-3.5-6, the Monroe County Local Income Tax Council continues to serve as the adopting body for the Local Income Tax with, pursuant to Indiana Code 6-3.6-3-1(b), the same membership; and

WHEREAS, in September 2016, after notice and a hearing and in support of public safety for all county residents, the Monroe County Local Income Tax Council adopted an ordinance that increased the local income tax expenditure rate by twenty-five hundredths percent (0.25%) (“2016 Increased Expenditure Rate”) from nine thousand four hundred eighty-two ten-thousandths percent (0.9482%) (“Previous Expenditure Rate”) to one and one thousand nine hundred eighty-two ten-thousandths percent (1.1982%) pursuant to Indiana Code § 6-3.6-6-2; and

WHEREAS, upon the passage of that 2016 ordinance, the total Local Income Tax Rate rose to one and three hundred forty-five thousandths percent (1.345%), with the Increased Expenditure Rate allocated between the Public Safety Answering Point (“PSAP”) (0.0725%) and other public safety purposes (0.1775%) pursuant to Indiana Code § 6-3.6-6-8 (“Public Safety Income Tax”), and the Previous Expenditure Rate remaining allocated to Certified Shares pursuant to Indiana Code § 6-3.6-6-10; and

WHEREAS, during preceding years, the Monroe County Local Income Tax Council adopted ordinances modifying the allocation between the PSAP and other public safety purposes and said modifications for the immediately preceding four years took effect as depicted in the following table; and

Local Income Tax Type	2019	2020	2021	2022
Public Safety Answering Point Rate	0.0816%	0.0654%	0.0594%	0.0807%
Public Safety Rate	0.01684%	0.1846%	0.1906%	0.1693%

WHEREAS, the resulting overall Local Income Tax allocation as of January 1, 2022 is depicted in the following table and, pursuant to Indiana Code § 6-3.6-6-4, continues in effect until rescinded or modified; and

Local Income Tax Type		Existing Rate	
Property Tax Relief Rate (Indiana Code 6-3.6-5)		0.0518%	
Total Expenditure Rate (Indiana Code 6-3.6-6)		1.1982%	
<i>Components of Total Expenditure Rate</i>	Public Safety		0.1693%
	Public Safety Answering Point		0.0807%
	Economic Development		0.0000%
	Certified Shares		0.9482%
Special Purpose Rate (Juvenile Local Income Tax) (Indiana Code § 6-3.6-7-16)		0.095%	
Total:		1.345%	

WHEREAS, Indiana Code 6-3.6 permits a Local Income Tax rate to be imposed for, among other things, economic development purposes (Economic Development Income Tax or “EDIT”); and

WHEREAS, the Bloomington Common Council is a member of the Monroe County Local Income Tax Council and is adopting this resolution in order to propose to the other members of the Monroe County Local Income Tax Council the following ordinance; and

WHEREAS, pursuant to Indiana Code § 6-3.6-3-7, before a member of the Monroe County Local Income Tax Council may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with the time and place where the public meeting will be held in accordance with Indiana Code 5-3-1 and include the proposed ordinance or resolution to propose an ordinance in that notice; and

WHEREAS, pursuant to Indiana Code § 6-3.6-3-7(d), the adopting body shall also provide a copy of the notice required by Indiana Code § 6-3.6-3-7(b) to all taxing units in the county at least ten (10) days before the public hearing; and

WHEREAS, the Bloomington Common Council has published notice in accordance with Indiana Code 5-3-1 and Indiana Code § 6-3.6-3-7 and has provided a copy of the notice to all taxing units in the county in accordance with Indiana Code § 6-3.6-3-7(d).

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

SECTION 1. A need now exists in Monroe County, Indiana, to impose an Economic Development Income Tax rate (“EDIT”) to serve economic development purposes throughout Monroe County. As a member of the Monroe County Local Income Tax Council, the Common Council of the City of Bloomington is adopting this resolution in order to propose the ordinance below to the other members of the Monroe County Local Income Tax Council.

**ORDINANCE MODIFYING LOCAL INCOME TAX RATES WITHIN
MONROE COUNTY**

BE IT ORDAINED BY THE LOCAL INCOME TAX COUNCIL OF MONROE COUNTY, INDIANA, THAT:

1. A need now exists in Monroe County, Indiana, to impose an Economic Development Income Tax rate (“EDIT”) under Indiana Code § 6-3.6-6-4 to serve economic development purposes throughout Monroe County. The proposed EDIT rate is eight hundred fifty-five thousandths percent (0.855%), resulting in the current total tax rate under Indiana Code 6-3.6-6 (“Expenditure Tax Rate”) of one and three hundred forty-five thousandths percent (1.345%) increasing so that the new total Expenditure Tax Rate is two and two tenths percent (2.200%).

2. For the avoidance of doubt, no change is intended or authorized by this Ordinance to: (1) the special purpose tax rate imposed by the Monroe County Council under Indiana Code § 6-3.6-7-16 (“Juvenile Local Income Tax”) (which is currently ninety-five thousandths percent (0.095%)); (2) the property tax rate under Indiana Code 6-3.6-5 (“Property Tax Relief Rate”) (which is currently five hundred eighteen ten-thousandths percent (0.0518%)); (3) the tax rate under Indiana Code § 6-3.6-6-10 (Certified Shares) (which is currently nine thousand four hundred eighty-two ten-thousandths percent (0.9482%)) or (4) the public safety tax rate (“Public Safety Tax”) (currently twenty-five hundredths percent (0.25%)) which is divided between the Public Safety Answering Point (0.0807%) and the General Public Safety rate (0.1693%).

3. As a result of the actions in this Ordinance, the Local Income Tax will be allocated as follows, beginning on October 1 , 2022:

Local Income Tax Type	2022 Rate (Current)	2022 Rate (Beginning Oct. 1)
Certified Shares (IC 6-3.6-3)	.9482%	.9482%
Public Safety:		
Public Safety Answering Point Rate	0.0807%	0.0807%
Public Safety Rate	0.1693%	0.1693%
Economic Development (IC 6-3.6-6)	0.0000%	0.855%
Property Tax Relief Rate (IC 6-3.6-5)	0.0518%	0.0518%
Special Purpose Rate (IC 6-3.6-5)	0.095%	0.095%
Total Tax Rate	1.345%	2.200%

4. Pursuant to Indiana Code 6-3.6-6-9, the Local Income Tax Council may direct that EDIT proceeds be distributed to each city, town, and county either based on the total property taxes imposed during the preceding calendar year (Indiana Code § 6-3.6-6-9(b)) or based on population (Indiana Code § 6-3.6-6-9(c)). The Monroe County Income Tax Council hereby directs that revenue associated with the EDIT rate shall be directed to eligible taxing units who are members of the Monroe County Local Income Tax Council based upon population, in accordance with Indiana Code § 6-3.6-6-9(c). Pursuant to Indiana Code § 6-3.6-6-9(c)(1), said population-based distribution shall be in place beginning January 1, 2023 and shall continue from that date forward. From October 1, 2022 through December 31, 2022, EDIT proceeds shall be allocated based on the proportional property taxes imposed by each city, town, or county during 2021, plus for Monroe County the welfare allocation amount, in accordance Indiana Code § 6-3.6-6-9(b).

5. For further avoidance of doubt, no other change to the Monroe County Local Income Tax Council ordinance last adopted is intended or authorized. In that regard, the ordinance affirms and clarifies that, pursuant to Indiana Code § 6-3.6-6-4, the Monroe County Local Income Tax Council continues to retain the right to change the allocation of taxes comprised within the expenditure rate. At this time in Monroe County, the components of the expenditure rate that may be affected by this allocation include the EDIT rate and the Total Tax Rate. Any future change to the allocation of these local income taxes must be done via an ordinance of the Monroe County Local Income Tax Council in a manner and with an effective date as set forth Indiana Code § 6-3.6-3-3, as may be amended by the Indiana General Assembly from time to time. Currently, the effective date for an ordinance increasing a tax rate adopted after December 31st of the immediately preceding year and before September 1st of the current year is October 1st of the current year.

6. This ordinance shall take effect upon passage and in accordance with Indiana Code 6-3.6-3 and Indiana Code § 6-3.6-6-9(c)(1).

7. The Monroe County Auditor shall record all votes taken on this ordinance and immediately send a certified copy of the results to the Indiana Department of Revenue and Department of Local Government Finance by certified mail.

8. Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this resolution, to the extent feasible, shall remain in full force and effect.

SECTION 2. BE IT FURTHER RESOLVED that by adopting this resolution, the City of Bloomington Common Council is casting the number of votes recorded below of its fifty-six and sixty-six hundredths (56.66) votes as a member of the Monroe County Local Income Tax Council in favor of the proposed ordinance. In accordance with Indiana Code § 6-3.6-3-6, Indiana Code § 6-3.6-6-8, and the Monroe County Auditor's 2022 Income Tax Council Voting Allocation, each member of the Bloomington Common Council may cast six and three tenths (6.30) votes in favor of or against this Resolution.

SECTION 3. BE IT FURTHER RESOLVED that a public hearing was held on this resolution and the proposed ordinance on April 20, 2022. Proper notice of the public hearing was provided pursuant to Indiana Code 5-3-1 and Indiana Code § 6-3.6-3-7.

SECTION 4. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

Duly adopted by the following vote of the members of said Common Council of the City of Bloomington, Monroe County, on this ____ day of _____, 2022.

<u>Name</u>	<u>(circle one)</u>			<u>Signature</u>
Susan Sandberg, President	Aye	Nay	Abstain	_____
Sue Sgambelluri, Vice President	Aye	Nay	Abstain	_____
Dave Rollo, Parliamentarian	Aye	Nay	Abstain	_____
Matt Flaherty	Aye	Nay	Abstain	_____
Isabel Piedmont-Smith	Aye	Nay	Abstain	_____
Kate Rosenbarger	Aye	Nay	Abstain	_____
Jim Sims	Aye	Nay	Abstain	_____
Ron Smith	Aye	Nay	Abstain	_____
Steve Volan	Aye	Nay	Abstain	_____

Total Number of Votes Cast in Favor of the Proposed Ordinance: _____

ATTEST:

 NICOLE BOLDEN, Clerk
 City of Bloomington

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

 NICOLE BOLDEN, Clerk
 City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

Resolution 22-09 proposes an ordinance to the Monroe County Local Income Tax Council that would impose an economic development tax rate (“EDIT”). The Monroe County Local Income Tax Council is the body that must approve modifications to the Local Income Tax, and it consists of four member-fiscal bodies: (1) the City of Bloomington Common Council; (2) the Monroe County Council; (3) the Town of Ellettsville Town Council; and (4) the Town of Stinesville Town Council. This Resolution would cast some percentage of the City of Bloomington’s votes on the Monroe County Local Income Tax Council in favor of the Ordinance modifying the Local Income Tax to impose an EDIT, depending on the votes of the individual members of the City of Bloomington Common Council.



TO: Members of the Common Council
FROM: Mayor John Hamilton
CC: Stephen Lucas, Council Administrator/Attorney
Beth Cate, Corporation Counsel, City of Bloomington
RE: Resolution 22-09 – Economic Development Income Tax
DATE: April 8, 2022

The Administration proposes an increase to the Monroe County Local Income Tax (“LIT”) rate, which is governed by the provisions of Indiana Code 6-3.6-1, et seq., to promote sustainable and equitable economic development and associated essential city services. Resolution 22-09 proposes that Monroe County adopt an Economic Development Local Income Tax (“ED-LIT”) allocated by population at a rate of 0.855% which brings the total rate to 2.2%.

A 0.855% increase in the LIT is projected to generate approximately \$18 million in new annual revenue for the City of Bloomington. The Administration proposes this increase to invest appropriately in four key areas:

- **Public Safety - \$4,500,000**
- **Climate Change Preparedness and Mitigation - \$6,595,000**
- **Equity and Quality of Life for All - \$3,900,000**
- **Essential City Services - \$3,000,000**

See *Appendix B: LIT Details* for more detailed information about the proposed items to be funded within each area.

A memo outlining the reasons for enacting a LIT increase, containing a previous version of Appendix B, was shared with City Council on March 16 (<https://bton.in/8UZMG>). A copy of my remarks about the LIT from the City Council meeting on April 6 are attached.

The Administration proposes to create a separate fund to receive the increased LIT revenues from which annual appropriations would be made. This will strengthen and institutionalize full transparency, reporting, and accountability for the uses and impact of the increased revenues. In addition, the capital improvement plan that is required by state law to guide the expenditures will be reviewed regularly with the Council and the public.

It is important to note that Indiana is a relatively low-tax state. Among Indiana’s 20 largest Class 2 cities, Bloomington is in the lowest quartile of both property and local income tax rates. Considering combined rates, we are nearly at the very bottom. We have the lowest LIT rate among our seven contiguous counties, and we sit in the bottom quartile statewide.

We are also low comparatively when it comes to government expenditures, revealing the capacity for responsible growth. Looking at per-capita annual spending from city general funds, Bloomington ranks 14th among Indiana’s 20 largest class 2 cities. Our \$624 per capita annual spending is 16% below the median of \$742.

The appendices and Frequently Asked Questions attached to this memo offer further details. A dedicated City web page for new revenue has been publicly available at bloomington.in.gov/newrevenue since March 16.

LIT BACKGROUND & PROCESS

In Indiana, local communities are permitted to adopt a local income tax, or “LIT,” in accordance with Indiana Code 6-3.6. Every county in Indiana has adopted a LIT, which is expressed as a percentage. A county’s LIT percentage is withheld from wage earners’ personal income based on the rate set in a taxpayer’s county of residence. Monroe County’s overall LIT rate is set at 1.345%, though LIT rates in Indiana currently range up to three percent (3.0%).

A county’s overall local income tax rate comprises a series of other rates. Most of the rates that comprise the overall LIT rate are adopted by the Monroe County Local Income Tax Council (“LIT Council”). Monroe County’s LIT Council comprises four member bodies: Bloomington’s City Council, the Monroe County Council, the Ellettsville Town Council, and the Stinesville Town Council. LIT Council votes are allocated individually to members of each of these four bodies in proportion to the population. For 2022, the relative vote share for each member of each LIT Council body is summarized in the table below:

Unit of Government	Number LIT Council Votes per Member
Bloomington City Council (9 Members)	6.30/Council Member
Monroe County Council (7 Members)	5.49/Council Member
Ellettsville Town Council (5 Members)	.95/Council Member
Stinesville Town Council (3 Members)	.05/Council Member

A combination of individual votes from the members of these bodies totaling at least 50 total votes is required for the LIT Council to pass a measure affecting LIT, such as a LIT increase. The majority of the LIT Council’s votes reside in the Bloomington City Council—56.66 votes, to be exact. This means that either 8 or 9 votes from Bloomington City Council members are sufficient on their own to pass a LIT increase. Fewer than 8 votes from the Bloomington City

Council would require positive votes from one or more members of the other three councils in the LIT Council.

In order to alter a local income tax rate, one of the members of the LIT Council must propose that the LIT Council adopt an ordinance. The member makes this proposal by adopting a resolution that proposes an ordinance. Resolution 22-09 is this type of resolution. The proposal and adoption process is set forth by state law and is a bit convoluted, but is familiar in Monroe County. Our LIT Council has adopted a resolution proposing a LIT ordinance every year since 2016 in order to adjust the relative portions and distributions of our LIT.

The effective date of an increase to a LIT rate depends on the date on which the LIT ordinance is adopted. A LIT ordinance increasing a tax rate adopted between November 1 and August 31 takes effect on October 1. A LIT ordinance increasing a tax rate adopted between September 1 and October 31 takes effect on January 1. Given the timing of this proposal, Resolution 22-09 would result in a new LIT rate taking effect on October 1, 2022.

Monroe County’s overall LIT rate is 1.345%. Of the other 91 counties in Indiana, 69 have adopted a LIT higher than Monroe County. Our current LIT rate structure, broken down by type of rate, is summarized in the table below:

Local Income Tax Type		Existing Rate	
Property Tax Relief Rate (Indiana Code 6-3.6-5)		0.0518%	
Total Expenditure Rate (Indiana Code 6-3.6-6)		1.1982%	
<i>Components of Total Expenditure Rate</i>	<i>Public Safety (General)</i>		0.1693%
	<i>Public Safety Answering Point</i>		0.0807%
	<i>Economic Development</i>		0.0000%
	<i>Certified Shares</i>		0.9482%
Special Purpose Rate (Juvenile Local Income Tax) (Indiana Code § 6-3.6-7-16)		0.095%	
Total:		1.345%	

Income tax revenue from the property tax relief rate may only be used by the Auditor to provide a property tax credit to reduce the property tax liability of taxpayers who own property in Monroe County.

The overall public safety local income tax rate, set at 0.25%, is broken down into two buckets—public safety answering point (PSAP) revenue and general public safety revenue. PSAP revenue may only be used by our Dispatch Department for expenses related to answering emergency calls and dispatching emergency responders. Each year, the LIT Council

sets the PSAP rate based on the rate required to fund Dispatch’s adopted budget. The remainder comprises the general public safety rate, and this portion flows to the public safety departments at the City of Bloomington, Monroe County, Ellettsville, and Stinesville.

The certified shares rate is more general. Revenue from certified shares flows to every local taxing unit in the County, with the exception of the two school corporations. Revenue in the form of certified shares is simply treated as additional revenue and may be used for any lawful purpose.

Lastly, Monroe County has imposed a special purpose rate for facilities that provide juvenile services. This rate is imposed exclusively by the County’s fiscal body. The City had no role in adopting the rate and does not receive any revenue from the tax.

As seen in the table above, Monroe County has not yet imposed an Economic Development Local Income Tax (ED-LIT) as part of its LIT rate. Resolution 22-09 proposes for the first time that Monroe County adopt an ED-LIT, at a rate of 0.855%. This would bring the total LIT rate to 2.2%.

Like public safety local income tax revenue, ED-LIT revenue is distributed to four entities: the City, County, Ellettsville, and Stinesville. ED-LIT revenue may be used for a variety of development purposes, including capital projects, bond or lease payments related to economic development projects, operating expenses of governmental entities that plan or implement economic development projects, and any lawful purpose for which money in any other fund may be used.

ED-LIT revenue may be distributed to the four recipients in two different ways: (1) based on each entity’s relative property tax levy or (2) based on each entity’s relative population. Resolution 22-09 proposes to distribute ED-LIT revenue based on relative population rather than relative property tax levy. However, because of the way the effective dates are structured in the ED-LIT statute, the population-based distribution will not be in effect until January 1, 2023. Thus, from October 1, 2022, through December 31, 2022, ED-LIT revenue would be distributed based on the proportional property tax levy.

When the ED-LIT is distributed by relative population, the distribution among the members of the LIT Council would be as follows:

Member % of Population	Estimated Distribution
City of Bloomington – 58.3%	\$18.00 million
Monroe County – 37.0%	\$11.40 million
Town of Ellettsville – 4.6%	\$1.43 million
Town of Stinesville – 0.1%	\$44,000

For the last quarter of 2022, when the ED-LIT would be distributed by relative property tax levy, the distribution would be as follows:

Member % of Adjusted Certified Property Tax Levy	Estimated Distribution (Annualized)
Monroe County – 50.77%	\$15.67 million
City of Bloomington – 46.62%	\$14.39 million
Town of Ellettsville – 2.6%	\$801,600
Town of Stinesville – .01%	\$4,400

As taxes are collected based on population, the most equitable allocation of the funds collected is also by population. The City favors population-based distribution because it allows for a lower LIT increase overall while producing the revenue required to fund critical public safety needs and essential City services and to achieve sustainable and equitable growth. A population-based distribution also provides significantly more funds for the towns while preserving substantial funding for the county.

Entities receiving ED-LIT revenue must adopt a capital improvement plan, and the plan must incorporate projects, the cost of which is at least 75% of the ED-LIT revenue the entity expects to receive. The capital improvement plan must be in place before the City receives any ED-LIT revenue, but it need not be adopted at the same time that Resolution 22-09 is considered by the LIT Council. The City’s capital improvement plan will incorporate the items in Appendix B and reflect Council and public input during the hearings on the Resolution. As noted above, the plan will be reviewed regularly with Council and the public (including as part of the annual budget process).

A capital improvement plan for ED-LIT typically covers multiple years—and must cover at least two years—and reflects anticipated funding for longer-term and ongoing activities to be supported by ED-LIT revenue. At the same time, the LIT increase proposed by Resolution 22-09 may be adjusted or eliminated in the future with sufficient votes from the LIT Council. The only funding commitments paid for by ED-LIT that may be made irrevocable for a necessary duration are bond debt service and lease payments.

The City appreciates the Council’s careful consideration of Ordinance 22-09, and we are happy to address any additional questions the Council may have regarding Resolution 22-09.



MAYOR HAMILTON'S LOCAL INCOME TAX REMARKS

at the City Council Meeting on April 6, 2022

Bloomington is at a pivot point. You've all heard me describe pressing needs confronting us—several times. I'll begin tonight with a different voice.

Mayor Tomi Allison made the following comments in a 1984 memo to City Council, which first established the Local Option Income Tax: "No government official wants to raise taxes which are unnecessary. But our first obligation is to provide basic services to our citizens. We must maintain the high quality of our police and fire services. We must maintain our streets, curbs, sidewalks, our equipment inventory, and our city facilities." This 1984 income tax of 0.5% was raised another 0.5% five years later, in a 1989 Council action, bringing the basic LIT to 1.0% some 30 years ago, where it stayed until 2016 when the Local Income Tax Council raised a 0.25% Public Safety LIT to support critical investments in that sector.

For three decades, together, we have provided those essential services. But in order to continue to do so, with several revenue sources declining, city services and facilities expanding, pressures on our employees, and our expenses increasing, we must have additional revenue to continue the excellence we have achieved and our residents expect.

In addition, beyond those essential services, I believe we owe current and future residents a similar obligation to invest in the future, to address challenges we see today and expect tomorrow. In particular, climate, and inclusion, to ensure we are addressing this changing planet and community responsibly and in ways that allow ALL our residents to thrive, future and present, and from whatever walk of life.

That's what tonight and the next two weeks of consideration are about—meeting basic needs and meeting fundamental obligations. Tonight I'll briefly share where we are and our recent progress together over the past few years. Then we will review the process that has led us this LIT proposal. And the next steps. I'll be happy to address questions during the presentation or thereafter, continuing the extensive dialogue we have engaged in over the past weeks and months.

BACKGROUND

Just to set the table: Since 2016, together, we have made great progress in our City in providing excellent essential services and improving opportunities for our residents.

Through your support of the Public Safety LIT in 2016, we have been able to equip and update our dispatch, police, and fire departments. Today, we are the only city in Indiana with a

nationally accredited police force and a top-ranked fire department (ISO 1). With declining crime rates and an unprecedented fifth year in a row with zero fire fatalities. (See *Figures A.1 and A.2*).

Through your support for affordable housing through the Housing Development Fund and zoning incentives, we have expanded our investments in affordable housing dramatically, resulting in 1,121 units of affordable housing over the past six years (See *Figure A.3*).

Through your support for the integrated Tax Increment Finance (TIF) district and the Redevelopment Commission, we have been able to create Switchyard Park, the Trades District, Hopewell, and support other key local infrastructure investments. Our jobs and wage rates are increasing (See *Figure A.4*). And we have seen unprecedented private investment and public infrastructure progress, over \$3 billion in recent years.

Through your support for our Parks department, through the years and through the Bicentennial, we have been able to earn two national gold medals and expand a department to the envy of most cities our size. Including, of course, our largest new parks project ever, Switchyard Park (See *Figure A.5*).

Through your support for three affiliated entities, we have seen strong growth in impact and quality at each: incremental rate adjustments at our Utilities department have accelerated water main replacements and improved the size and quality of our wastewater plants, as well as protecting the quality of our water and Lake Monroe (See *Figures A.6, A.7, and A.8*).

Bloomington Transit has attracted substantial federal support to replace buses, buying 28 new buses over the past six years, compared with only 10 in the previous six years (See *Figure A.9*).

And the Bloomington Housing Authority has dramatically accelerated the upgrades of more than 200 public housing units, doing in about five years what was previously scheduled to take more than 25 years (See *Figure A.10*).

Through your support for our solar contract and expanding our investments in sustainability, we have begun implementing our first-ever Climate Action Plan.

Overall, through the Council's consistent support for fiscal stewardship throughout all the years, we have been able to advance our community in these many ways, responsibly and proactively. The most recent investments of Recover Forward are one more example, allowing us during a pandemic and great recession to keep investing in our nonprofits and our people, our employers, and our basic services to weather the storms and do our job to help people thrive.

LOOKING FORWARD

Today is another step in being those good stewards and meeting those challenges and opportunities. Our fiscal condition at present is good, but not without future revenue.

Two years ago, in January 2020, we previewed critical investments needed and discussed a potential LIT. Then COVID hit. In 2021, we considered a LIT again amid a very challenging pandemic and recession. We dedicated local reserves and then federal money to Recover Forward. The federal support from the American Rescue Plan of last year was absolutely critical to sustain our good efforts. But as you know, that was just one-time support. Finally, during deliberations for the 2022 budget, as a Council, you indicated support for more public safety investments and more regular infrastructure investments.

Three weeks ago, our Administration shared a detailed outline of categories and programs for the LIT and the bonds. We specified four key areas for LIT investments. First, critical public safety investments, including staffing costs for both sworn and non-sworn personnel and major facility costs that are not covered in the ten-year PS-LIT capital plan.

Second, investments are needed to sustain other essential city services in the face of pressures on workforce costs, increasing operating and supply costs, growing general maintenance and replacement needs, as well as revenue reductions, in particular, affecting information technology needs, including cybersecurity.

Third, investments to prepare for and mitigate climate change and its effects locally. This includes major local investments in improved transit services, which should also help leverage significant federal funding and direct investments to implement the ambitious city-wide Climate Action Plan.

And fourth, we outlined key LIT investments needed to assure Bloomington is a place of diversity, equity, and inclusion, where all can thrive, including significant investments in affordable housing – both ownership and rental – and help people access jobs and careers, including in trades, for example, as infrastructure spending in coming years increases. We also establish an economic equity fund to help low-income working residents and ongoing investments to support our vital arts and local food sectors.

All of this reflects our community at a pivot point. How will we come out of the pandemic and recession? As President Biden has urged, will we Build Back Better? Will we keep up Bloomington's momentum?

Since sharing that outline and all of those details, we have been listening. To you directly, in a public Council work session, and through many, many individual conversations. We have heard from organizations and from individual public members, including through an online poll active

for weeks, with scores of people responding. And truly, since January 2020, countless conversations and communications.

And of course, it's worth noting that the proposal reflects extensive public input incorporated in documents like the Climate Action Plan itself and three city-wide scientific surveys, for example, reflecting the public's opinion that the City should seriously address affordable housing and our Comprehensive Plan and Transportation Plan both updated through long public processes in the past five years

Specifically, since mid-March, in reaction to our proposals, we heard feedback including:

- A 1% rate rise seems too much; lower if possible. Others strongly support a full 1%
- Some wanted even greater investment in basic city services beyond public safety
- Some wanted to reduce new investments in transit; others said they are essential and to increase
- Some wanted to eliminate or reduce jobs money; others view it as important
- Some wanted more, and some wanted less in the economic equity fund
- Several supported housing, some especially for homeownership
- Some wanted more Climate Action Plan direct investment. Some wanted less.
- Some expressed interest in knowing what leverage the LIT investments offered
- Some wanted assurance of transparency in explicitly tracking LIT expenditures over time
- The public voted allocations among all four categories, within a 20-30% range for each one.

We took all that feedback in, and before we share revisions to the proposal, I want to remind the Council of our local capacity to invest. As we have discussed, our county LIT is low now. Lowest among the seven contiguous counties (*See Figure A.11*). Low statewide. We haven't raised the basic LIT for 30 years. When you look at our overall tax rate – income and property – we are among the lowest of Indiana's large cities (*See Figure A.12*). We also have modest spending levels when we compare ourselves to those cities (*See Figure A.13*)

THE PROPOSAL

Again based on feedback, and as always focusing on meeting needs regarding the LIT, we will advance for your review a proposal based on the March 17 outline, adjusted as follows:

- A 0.855% increase in the LIT – lower than the full 1% that some have advocated but sufficient to meet our community's needs. This incorporates the Economic Development LIT proposal allocated by population.
- An increase in essential city services, of \$500k allocated to personnel, and major expenses increases
- An increase in Climate Action Plan investments of \$250k
- An increase of \$250k for the economic equity fund to help address any negative impacts

Also, based on your feedback, we will create a new fund into which the ED LIT revenue will go. It will be appropriated annually through the budget process and the program budgets, tracking through to each department and program.

These proposals will result in a local LIT rate of 2.2%, which will put us exactly in the middle of our immediate neighbor counties – three higher and three lower (*See Figure A.14*). Statewide it will put us in the second quartile of LIT rates. And by the way, it's important to note that the state recently adopted a reduction in the state income tax, planning a 0.33% point reduction over the coming years. That would bring the effective rate we are adding down nearly to 0.5%.

A 0.855% increase in the LIT, as proposed here, is projected to generate approximately \$18 million in new annual revenue for the City of Bloomington. Other governmental units would also receive additional projected annual revenue: specifically, the County would receive \$11.4 million, Ellettsville \$1.4 million, and the town of Stinesville about \$44 thousand annually.

These new funds will change our community's trajectory. They will allow us to address critical needs and meet fundamental obligations to our residents, present and future. As Mayor Allison said 38 years ago, we meet our "first obligation" of basic services, and we also advance our community into a much brighter future, more sustainable and more equitable.

This proposal will soon be in your hands. I know very well that all nine of you, like me, love this City and work diligently to advance our future. I also know that the ten of us may have different assessments of how best precisely to do that. I believe we share a great deal in values and in goals. Indeed we share a great deal in approaches and priorities. But we are not all of one mind. That's a democracy. I have done my best to provide a proposal that reflects the range of thinking on this Council and this community. On how best to move forward. It's up to us now to work together to find that common ground, reflecting the fact that none of us will find a final result matching exactly what we might want personally. Still, we can be confident that the solution will be a great step forward for all of Bloomington.

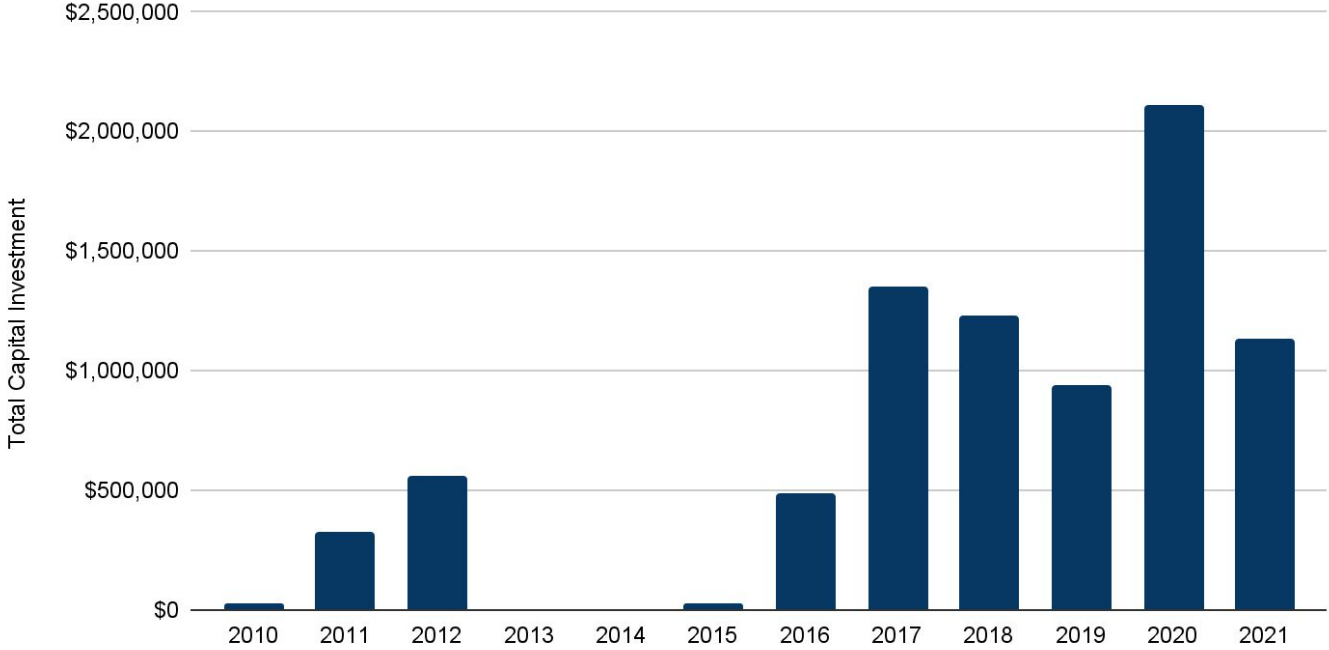
Local Income Tax Memo

Appendix A

BLOOMINGTON FIRE DEPARTMENT

Figure A.1

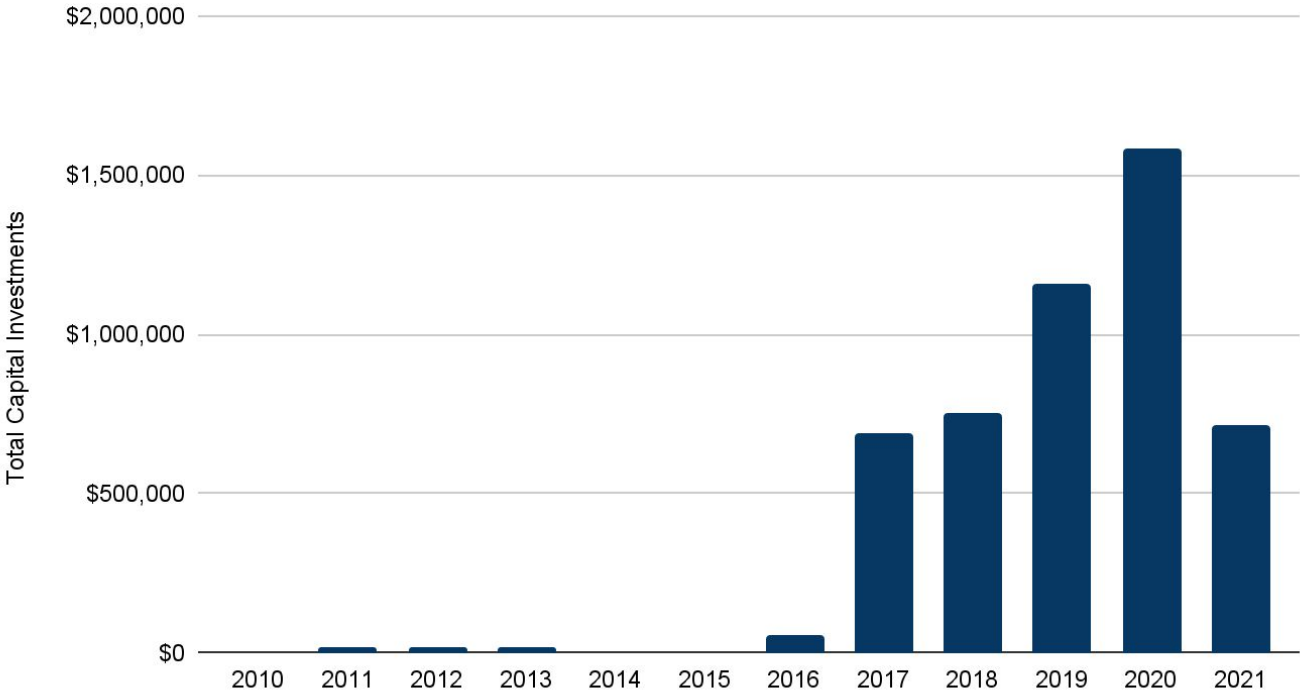
Total Capital Investment by Year



BLOOMINGTON POLICE DEPARTMENT

Figure A.2

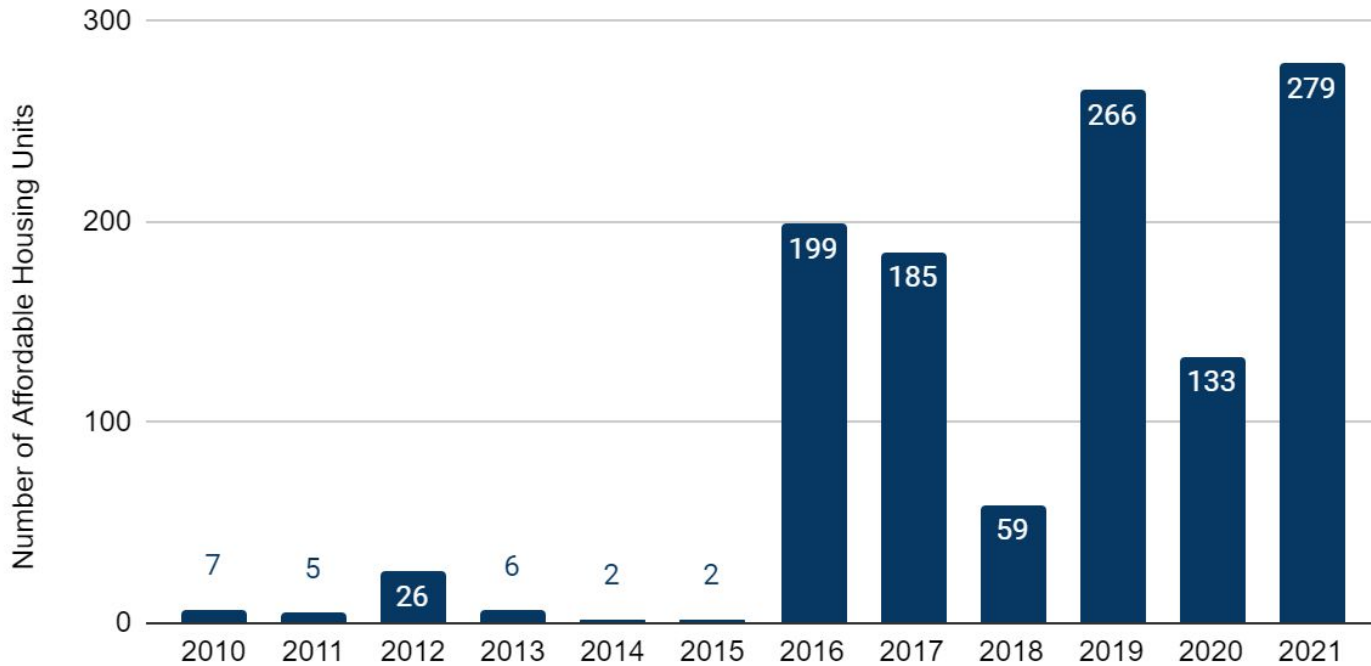
Total Capital Investments by Year



AFFORDABLE HOUSING

Figure A.3

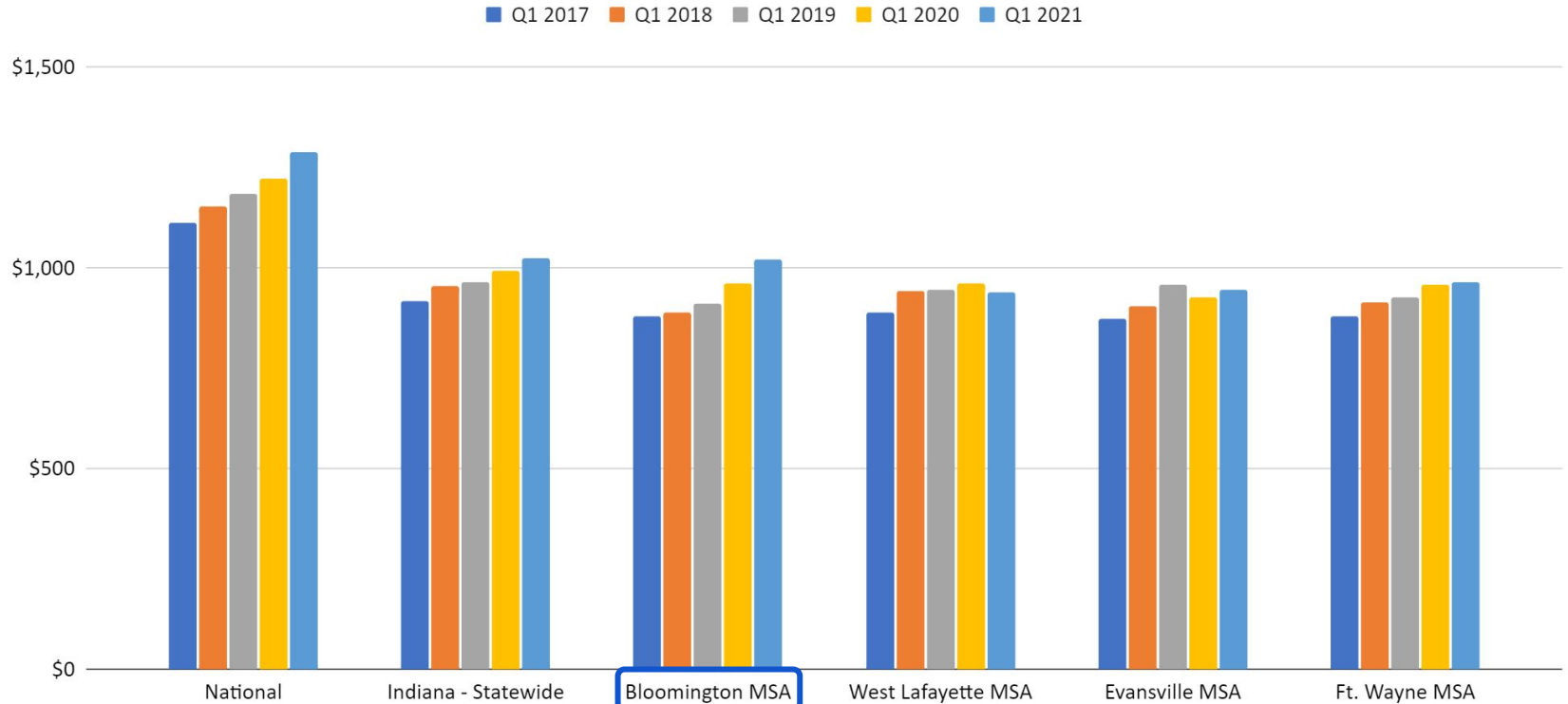
Number of Affordable Housing Units by Year



JOBS

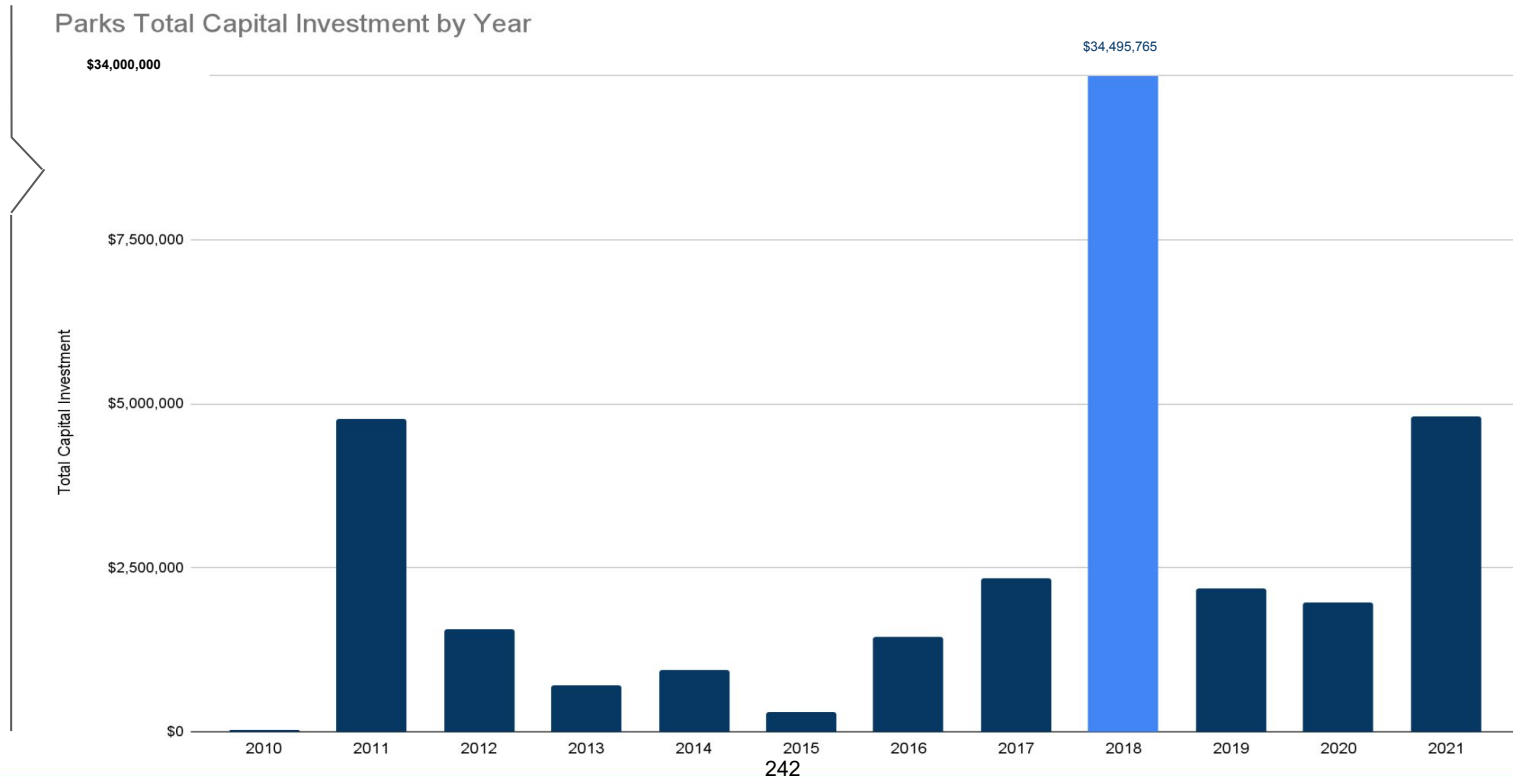
Figure A.4

First Quarter Wage Comparison (2017-2021)



PARKS AND RECREATION DEPARTMENT

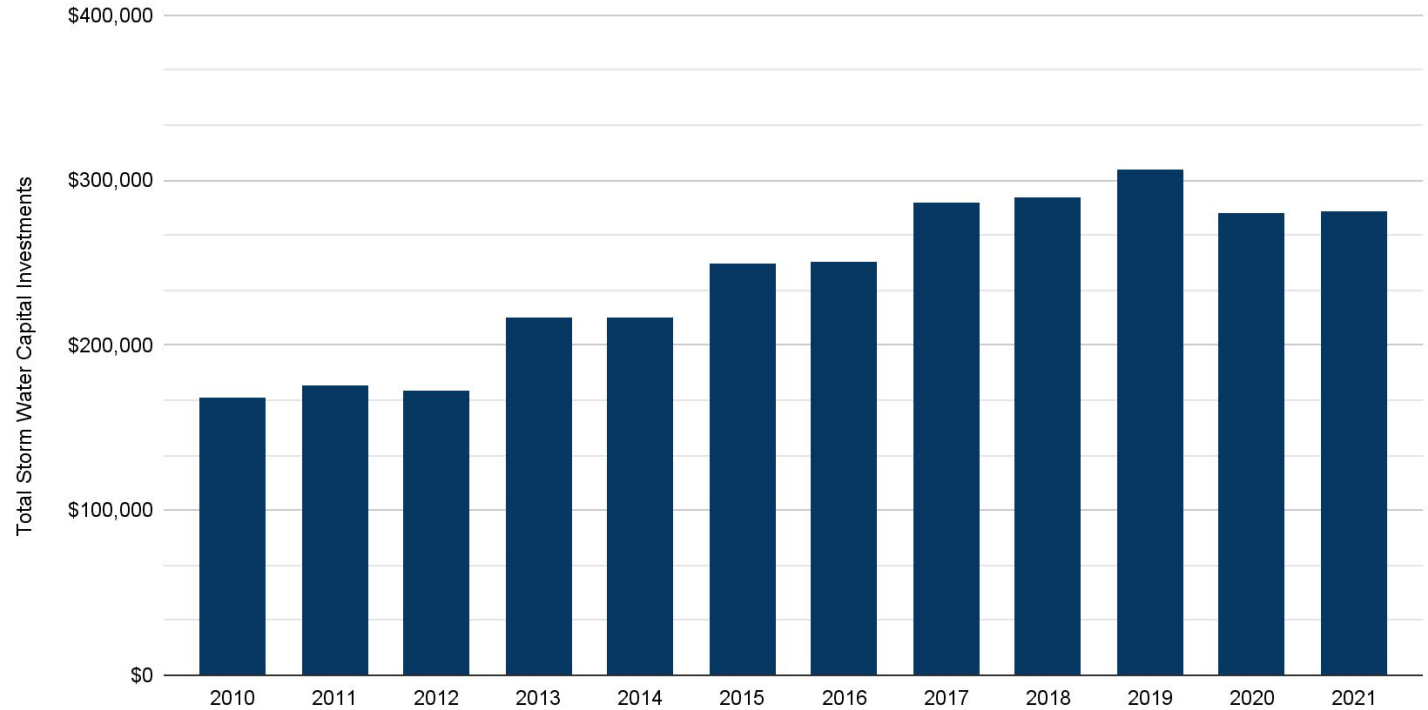
Figure A.5



STORMWATER UTILITY CAPITAL INVESTMENTS

Figure A.6

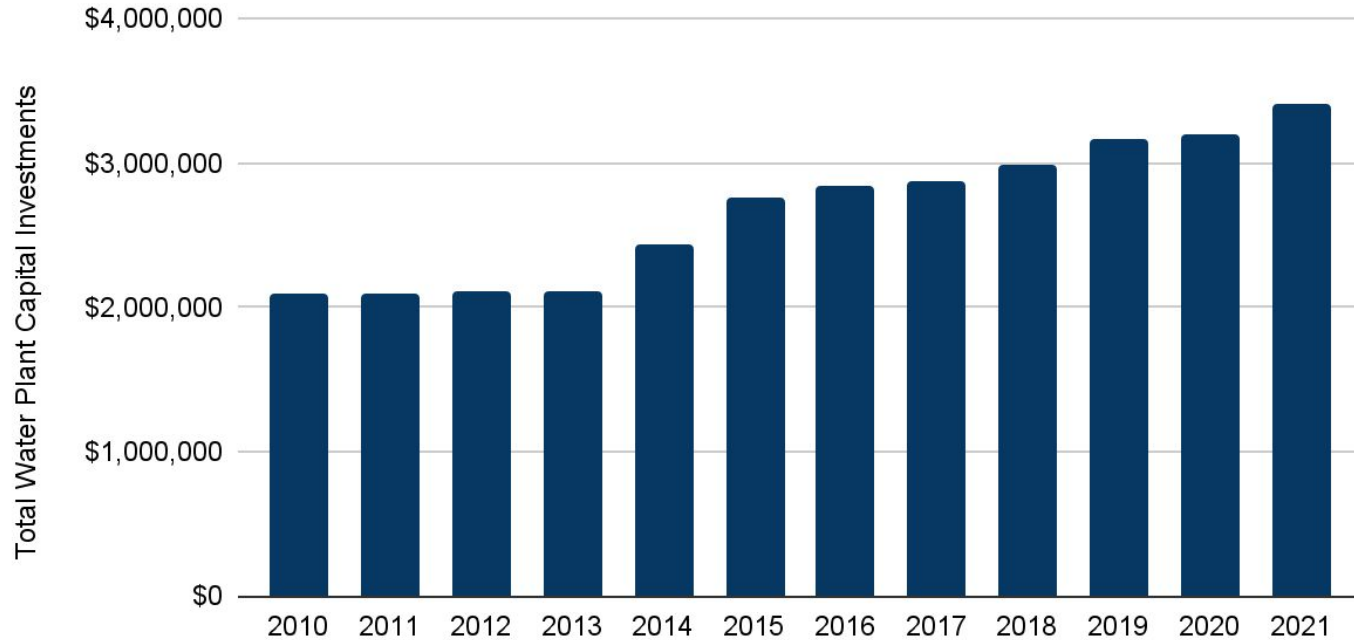
Total Storm Water Capital Investments by Year



WATER WORKS CAPITAL INVESTMENTS

Figure A.7

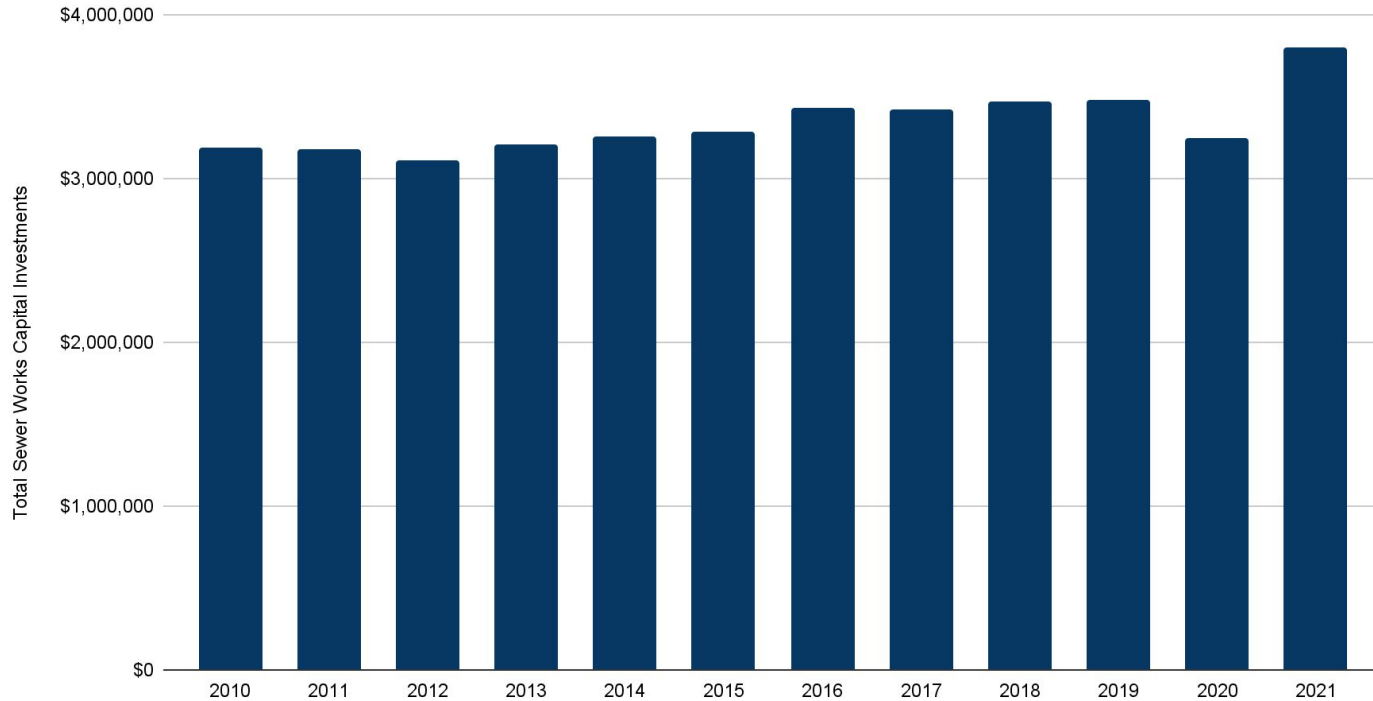
Water Works Capital Investments by Year



SEWER WORKS CAPITAL INVESTMENTS

Figure A.8

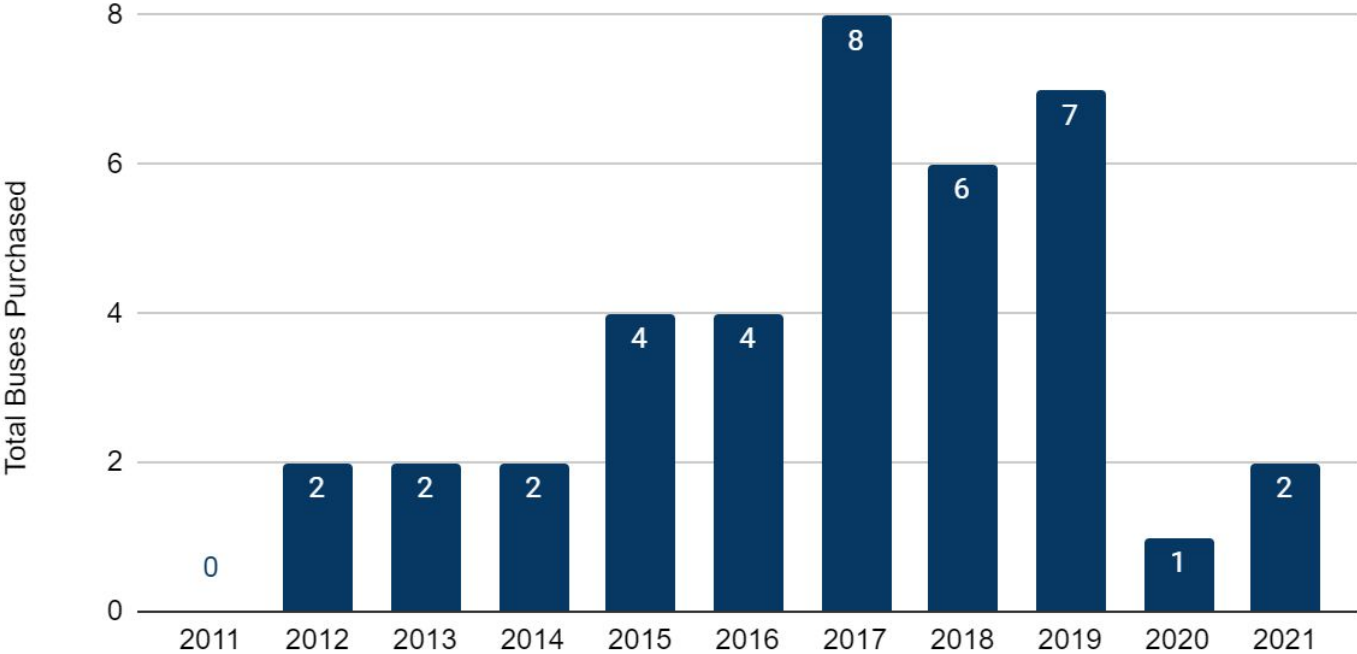
Total Sewer Works Capital Investments by Year



BLOOMINGTON TRANSIT

Figure A.9

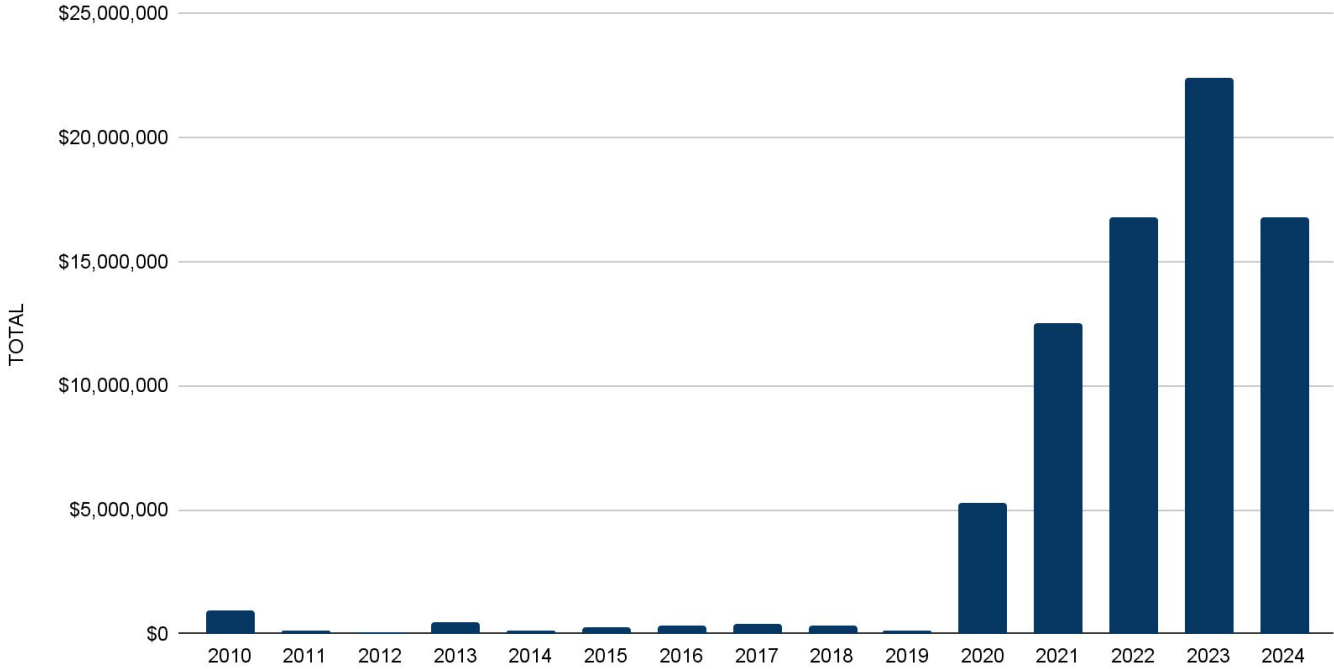
Total Buses Purchased by Year



BLOOMINGTON HOUSING AUTHORITY

Figure A.10

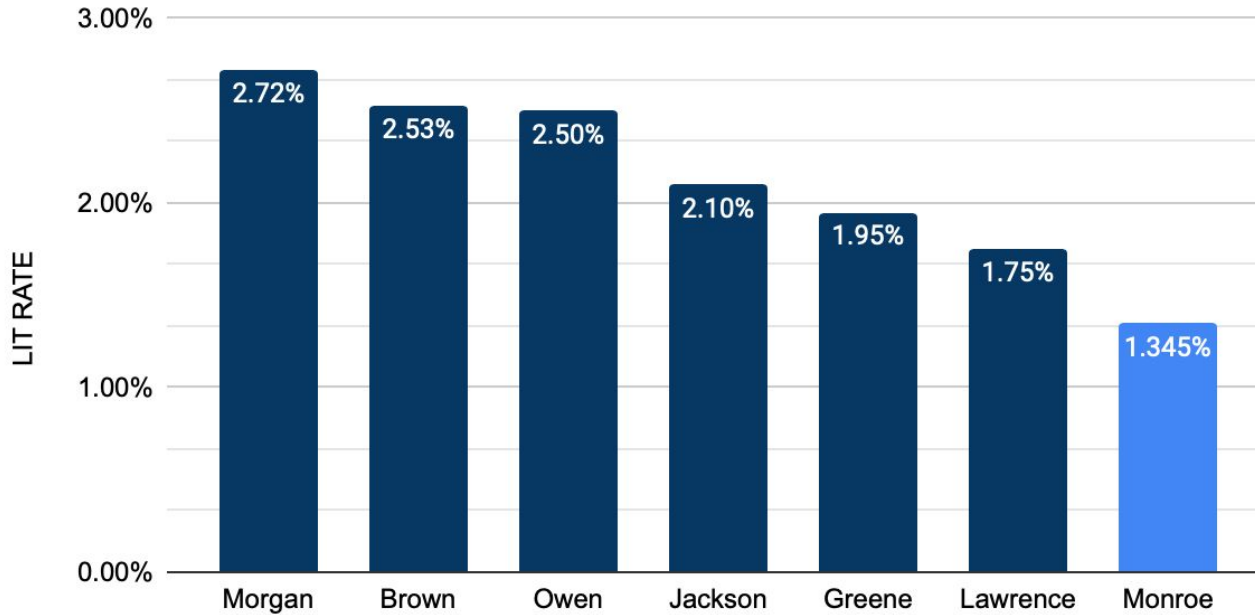
Investments in BHA Unit Renovation



CURRENT LIT FOR CONTIGUOUS COUNTIES

Figure A.11

CURRENT LIT RATES

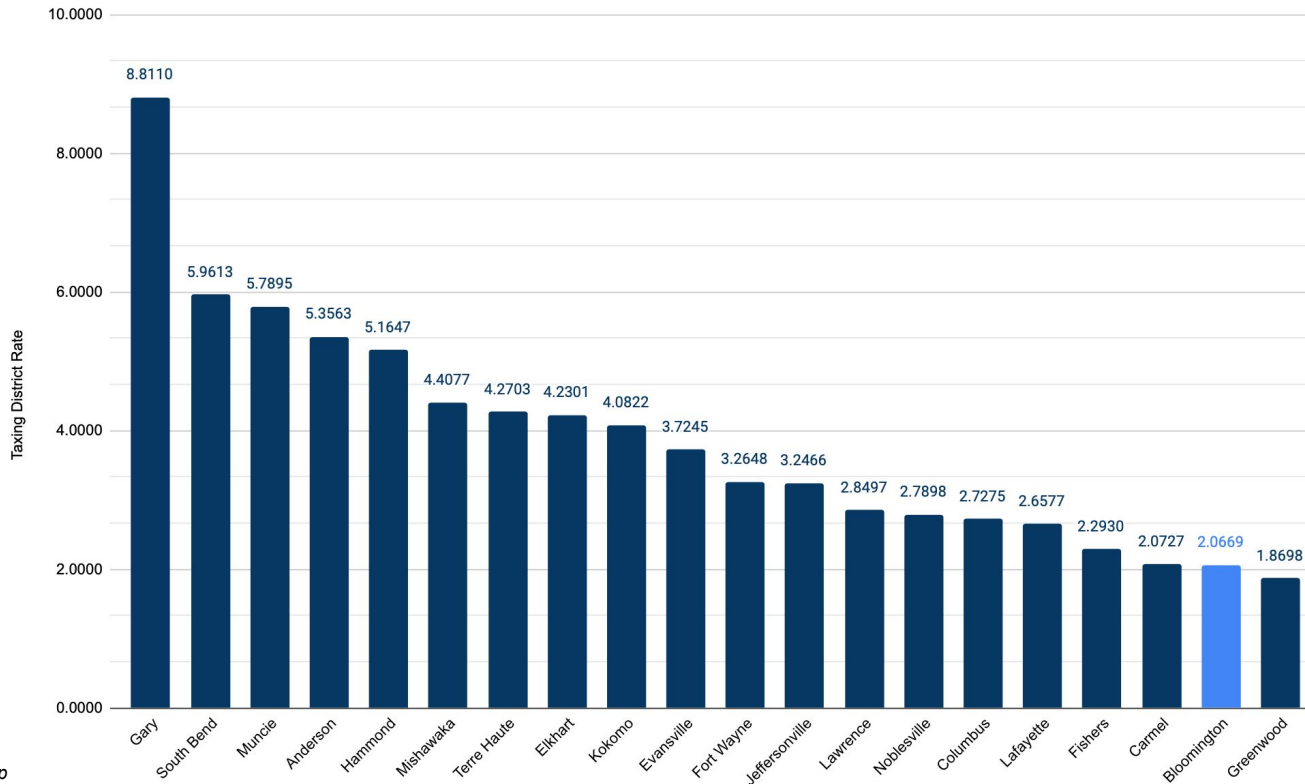


Source: Indiana Department of Revenue

CURRENT COMBINED PROPERTY & LOCAL INCOME TAX

BLOOMINGTON'S COMBINED TAX RATE RELATIVE TO THE 20 LARGEST CLASS 2 CITIES IN INDIANA.

Figure A.12

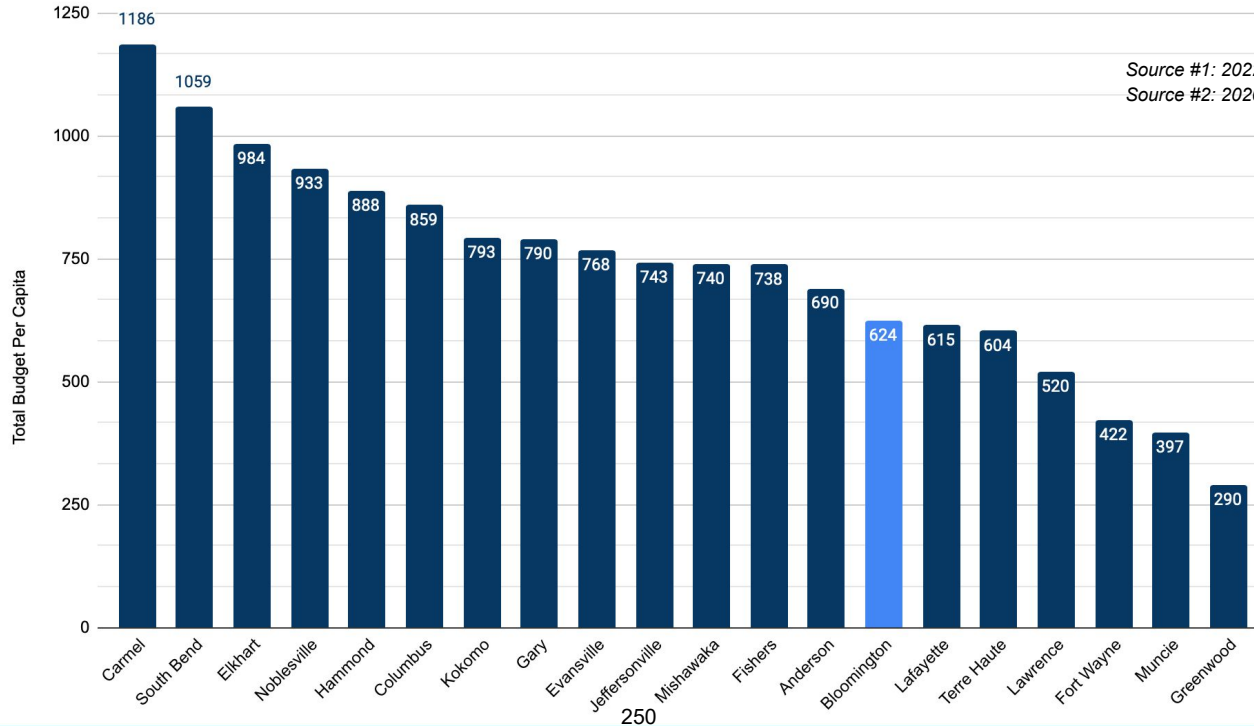


Source: Reedy Financial Group

PER CAPITA ANNUAL SPENDING

20 LARGEST CLASS 2 CITIES IN INDIANA, RANKED BY PER-CAPITA ANNUAL SPENDING FROM THE GENERAL FUND.

Figure A.13

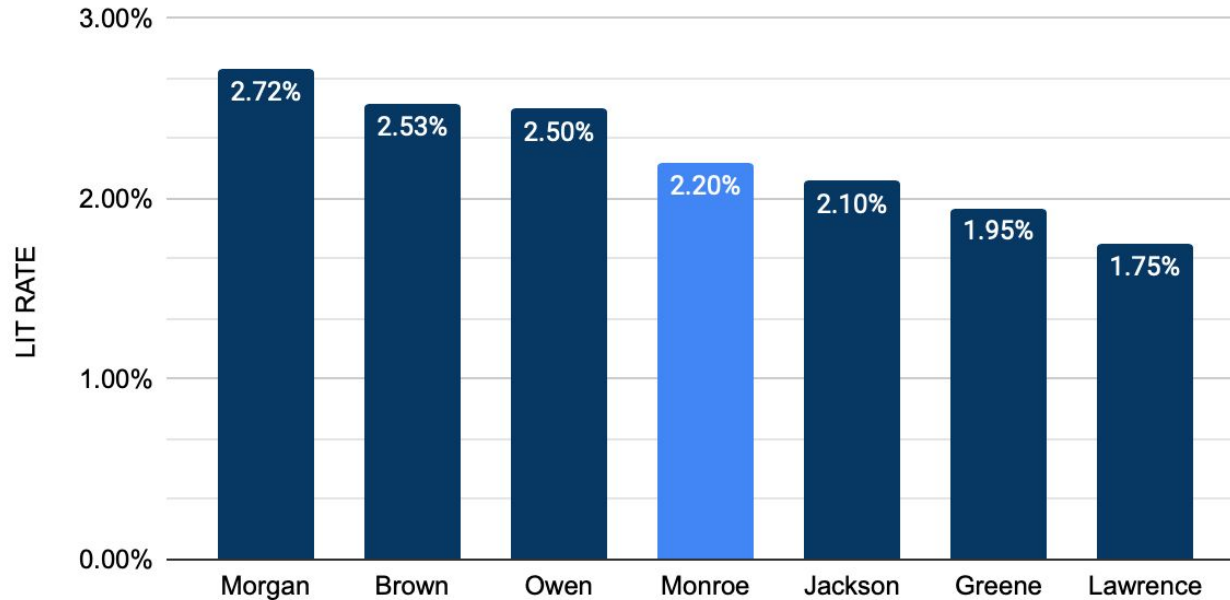


Source #1: 2022 General Fund Budgets in Gateway
Source #2: 2020 Census Population Data

PROPOSED LIT COMPARED TO CONTIGUOUS COUNTIES

Figure A.14

with proposed 0.855% point rate increase



Appendix B: LIT Details

Item	Annual Cost	Description
PUBLIC SAFETY	\$4,500,000	
Police - Sworn Officer Salaries	\$1,500,000	Fund the costs associated with the contingent Fraternal Order of Police (FOP) contract
Police - Nonsworn officer salaries and public safety programs	\$250,000	Expand the roles and increase the number of Police Social Workers and Community Service Specialists to respond to some non-emergency calls for service and those calls that do not require a law enforcement response. Provide ongoing support for the STRIDE center.
Fire - public safety programs	\$250,000	Tailor response options for 911 calls, health and wellness checks, etc. to divert more 911 calls to nonsworn personnel. Explore combining police/fire nonsworn.
Police & Fire headquarters	\$1,000,000	Consolidate public safety headquarter operations to replace current damaged and inadequate facilities and to benefit from efficiencies of scale.
Fire - new/upgraded stations (4, including new downtown)	\$1,500,000	Replace or repair damaged and aging facilities with new or upgraded facilities, in order to attract and retain employees and meet safety standards
CLIMATE CHANGE PREPAREDNESS AND MITIGATION	\$6,595,000	
Add Bloomington Transit (BT) Sunday service	\$300,000	Achieve 7-day service for greater consistency and reliability in an effort to boost ridership and reduce single occupancy vehicle use
Establish East-West Express Transit line	\$2,100,000	Major new service providing 15 minute frequency across a priority East/West corridor. This route addition would boost attractiveness and convenience for riders and reduce automobile use
Enhance In-house BT Para-Transit & Microtransit	\$1,400,000	Increase access/improve equity for people who can't ride fixed-route BT, qualify for paratransit, require special accommodations while enhancing convenience. and expand those services. City-wide service expansion.
Enhance BT weekday service to maximum 30-minute frequency	\$820,000	Improve convenience for all riders, boost ridership, reduce automobile use
Establish BT Park & Ride pilot program	\$125,000	Focus on workforce partners to develop pilot program in collaboration with the Transportation Demand Management program; explore a potential "Park and Ride" program for special event traffic management
Subsidize BT ridership	\$100,000	Improve access to public transportation with a focus on workforce and low-income riders

Appendix B: LIT Details

Item	Annual Cost	Description
Climate Action Plan (CAP) implementation	\$1,750,000	Multiple efforts toward climate change prevention and preparedness. See Proposed Climate Action Plan Investments in "New Revenue FAQs" for more detail
EQUITY AND QUALITY OF LIFE FOR ALL	\$3,900,000	
Housing funding, for ownership, rental, Housing Security	\$2,000,000	Improved access to housing equity through funding assistance for the Housing Security Group/homeless; low/mod income renters; low/mod homeowners; support missing housing types
Workforce and economic development	\$500,000	Funding for workforce development initiatives, including workforce re-entry, re-skilling and up-skilling, and entrepreneurship training, as well as operations and infrastructure funding for the Trades District Technology Center.
Economic equity fund	\$1,000,000	Direct support of low income working residents / families - possible Individual Development Accounts to match savings; focused on direct impact, possibly thru SSCAP, MCUM, Trustees, others
Public art and arts development	\$200,000	Funding for maintenance of existing arts spaces, execution of the recommendations of the City's Arts Feasibility Study and Public Arts Master Plan, and support for arts organizations.
Local food access and nutrition security	\$200,000	Funding to improve food access and nutrition insecurity. Funding support will focus on partnerships with food service providers to address gaps in local food access for low income and food insecure residents.
ESSENTIAL CITY SERVICES	\$3,000,000	
Personnel	\$1,250,000	Offer incentives to attract and retain talented City employees, such as pay adjustments, hiring bonuses, creation of new positions, tuition reimbursement, relocation allowance, longevity bonuses, and/or housing assistance.
Maintenance/Replacement of Assets	\$500,000	Maintain aging facilities and other physical assets and replace when required
Increases to major categories of expenses	\$750,000	Meet obligations for city property & liability Insurance, materials & supplies, repair & maintenance.
Lost Revenue Replacement	\$500,000	Replace shortfall resulting from decreased Cable Franchise Fees (cable fees lost to streaming) to fund essential IT infrastructure replacements, cybersecurity, and CATS
TOTAL	\$17,995,000	

New Revenue: Frequently Asked Questions

As of April 8, 2022. As details are developed, this document will be updated.

About the Local Income Tax

What is a Local Income Tax (LIT)?

The Local Income Tax (or LIT) is a tax on income, paid by individuals. It is a proportionate tax on state adjusted gross income, assessed at a flat rate, meaning that the more income you earn, the more tax you pay. The LIT rate is set and imposed countywide.

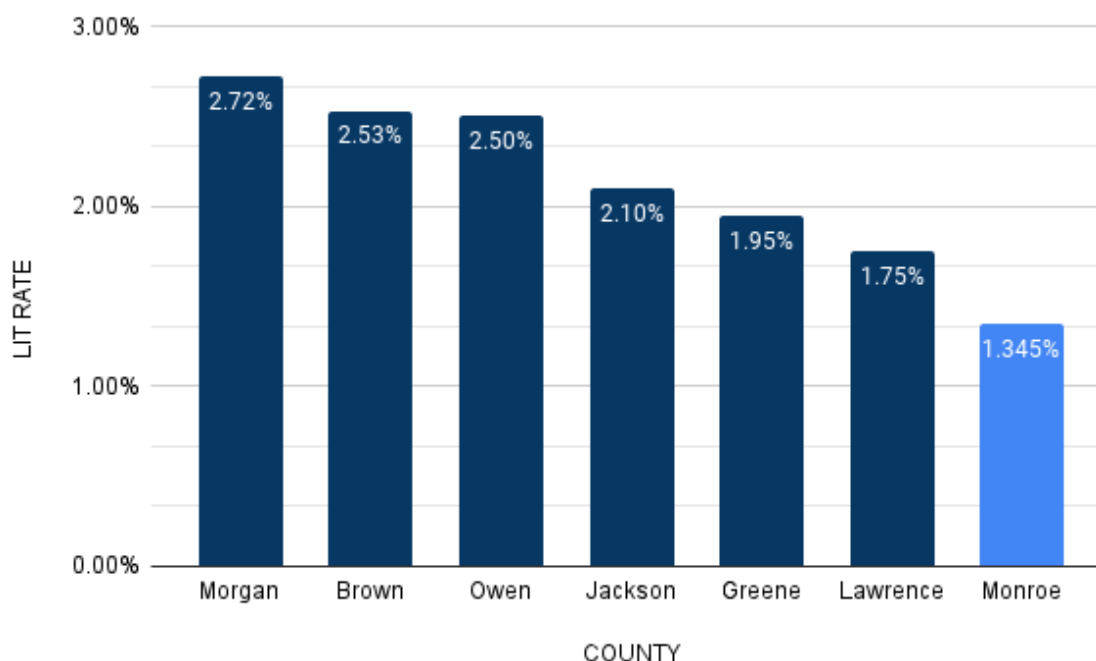
What is our current Local Income Tax rate?

The LIT rate for Monroe County is currently 1.345% of adjusted gross personal income for Monroe County residents.

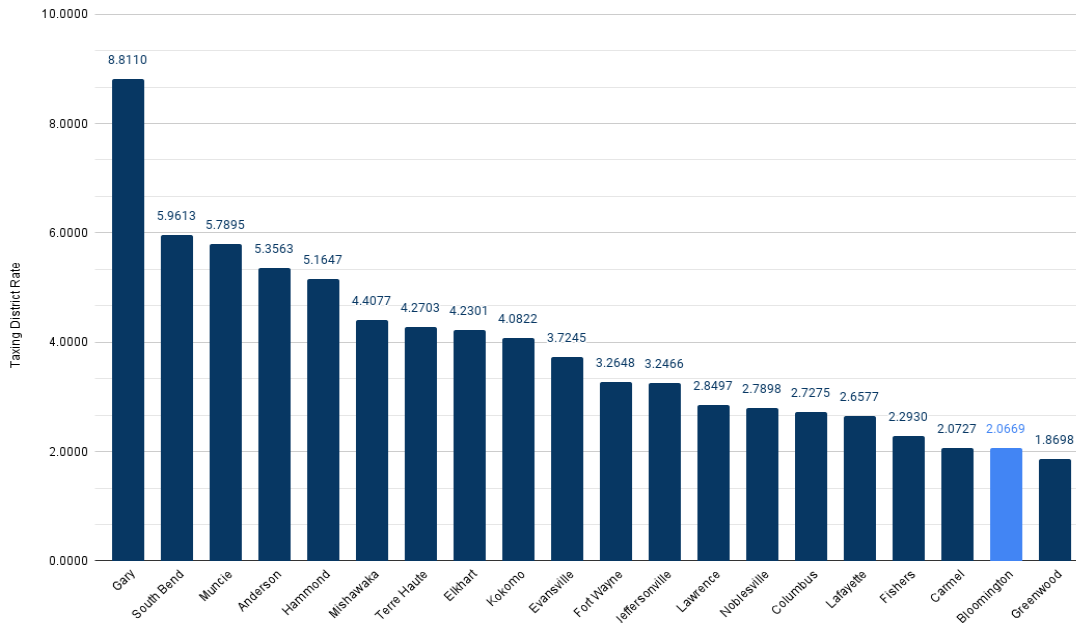
How does our tax rate compare to other communities?

Historically, Monroe County has among the lowest tax rates in the region, including the lowest local income tax rate of our seven contiguous counties. Monroe County's rate ranks 23rd from the lowest among the 92 counties in the state - in the bottom quartile.

Source: Indiana Department of Revenue



Note that among Indiana’s 20 largest class-2 cities (excluding the unique combined city/county of Indianapolis/Marion County), Bloomington is a very low-tax city. Specifically, we are in the lowest quartile of those cities both for property tax rates and local income tax rates.



Source: Reedy Financial Group

What is the proposed increase percentage for the Local Income Tax (LIT)?

The proposed rate increase is 0.855%, bringing the total tax to 2.20% of state adjusted gross personal income.

What is an Economic Development LIT?

The Economic Development Income Tax (ED LIT) was authorized by the Indiana General Assembly in 1987 to provide funding for local economic development projects that increase local employment opportunities and/or attract or retain businesses, and relevant operational and administrative expenses.

Are LIT funds distributed based on population or assessed value?

State law establishes different distribution metrics for different types of local income taxes. ED LIT funds can be allocated based on two different metrics, at the option of the Local Income Tax Council: (1) proportional property tax levy, plus, for Monroe County a welfare allocation amount, or (2) population. The City has proposed using the simpler and more sensible population-based allocation method.

Are there limitations on what an ED LIT can be spent on?

No, an ED LIT can be spent on any legal and permitted use of the City.

Under an ED LIT, how is the funding distributed?

With an ED LIT, the funding is distributed to the County government and all municipalities within the county, based upon the population of each taxing unit:

- City of Bloomington: 58.3%
- Monroe County: 37.0%
- Town of Ellettsville: 4.6%
- Town of Stinesville: 0.1%

How much revenue would the additional tax generate?

Reflecting the healthy growth of our local economy, the following are estimates of the annual revenue impact of a 0.855% point ED LIT increase:

- City of Bloomington: \$18.00 million
- Monroe County: \$11.40 million
- Town of Ellettsville: \$1.43 million
- Town of Stinesville: \$44,000

There are different components of LIT a community can raise: Economic Development (ED LIT), Certified Shares (CS LIT), and Public Safety (PS LIT). Why is an ED LIT being proposed, and why?

The City of Bloomington is proposing an increase in the economic development local income tax (ED LIT). This type of LIT is the most flexible in terms of what it can be used for, and it focuses the funds raised on County and municipal governments. The PS LIT is currently at the maximum allowable amount, but funds raised through an increase in the ED LIT could be used in part for public safety.

The City gets a higher percentage of ED LIT raised compared to CS LIT (58.3% vs. 37%), so an ED LIT allows for the City to raise the same amount of money without raising the LIT rate as much.

LIT Logistics and Implementation

How does the LIT change?

A new Monroe County tax may be proposed by the Bloomington City Council, the County Council, the Ellettsville Town Council, or the Stinesville Town Council. These Councils together form the “Local Income Tax Council” or LIT Council for Monroe County. The Councils can meet together to vote, or each council may vote on the proposed tax separately. The LIT Council has 100 votes in total, which are distributed among the member councils based on population.

Because a majority of Monroe County's population lives in Bloomington, Bloomington's City Council has a majority share of the votes.

Is this “taxation without representation?”

No. The County's Tax Council (made up of the fiscal bodies of the County, Cities & Towns) is designated in each county with the authority to impose a local income tax. Every member of each county fiscal body, like every City Council member, has representation on the LIT Board and each gets to vote on a proposed tax, with proportional voting power. A total number of 100 votes is allocated based on the population of each of the fiscal bodies within that county, as follows:

- Each of 9 City Council members: 6.30 votes
- Each of 7 County Council members: 5.49 votes
- Each of 5 Ellettsville Council members: 0.95 votes
- Each of 3 Stinesville Council members: 0.05 votes

Any combination of affirmative votes adding to more than 50 (out of a total of 100 possible votes) determines the outcome of any LIT council vote on a proposal.

Are funds raised by the LIT put into a special fund or the general fund for the City, and why?

In response to feedback received, funds resulting from a LIT increase would go into a special fund to increase transparency. The annual City budget process is public and requires approval by the City Council. This provides an annual opportunity explicitly to review and refine the way the new LIT proceeds are spent.

Why didn't the LIT proposal published on March 16 include a percentage increase?

The first step in this process is to identify necessary community projects and programs and how much those projects will cost annually. The resulting LIT rate is primarily just a function of the work done in step one--after the Council and the Mayor and the community have identified desired projects, we sort out the resulting LIT rate as step two of the process. That rate decision is ultimately what the Council formally acts upon – adopting a new rate through formal resolutions and votes. Basic parameters on the limits of a LIT rate are of course part of the conversation, but within those limits, the focus is first on deciding which projects should be funded, not on the rate itself.

As of April 6th, the proposed LIT increase is now identified at 0.855% as an Economic Development LIT using a population allocation method.

What does the portion of LIT for property tax relief mean?

Indiana Code 6-3.6-5-4 allows a county to impose a LIT rate to be used as a credit against property taxes. This allows the County to use LIT funds for the purpose of offsetting property

taxes for all residents: this operates essentially as an exemption/credit on a person's property taxes.

Could we sunset the LIT at a later date if it was no longer necessary?

Local income taxes can always be reduced or eliminated by the Local Income Tax Council.

How long have we been paying a LIT in Monroe County?

A County Option Income Tax (prior name of what is now called the LIT) was first established in 1984, at a rate of 0.5%. In 1989 that rate was increased to 1.0% (with a brief phase in period). That basic rate hasn't changed in 30 years. In 2014 a special new rate of 0.095% was added specifically to fund needed juvenile justice services, and in 2016 a special new rate of 0.25% was added specifically to fund public safety needs across the county.

Why Raise the LIT?

“These investments are crucially important to our community,” said Mayor John Hamilton. “We haven't had a general increase in our LIT for 30 years, during which time our needs have grown substantially and our challenges have mounted. We have more parks and sidewalks now. We have more residents and more employers. We face a climate emergency. Our residents need more affordable housing. New revenue will fund our continued recovery from the pandemic and recession, to assure Bloomington helps people thrive, whatever their station in life.”

Why doesn't the City just cut costs and tighten its belt instead of raising the LIT?

The City consistently reviews and implements ways to save money through innovation and critical assessment of programs and services provided. Programs and services that have proven necessary and helpful to residents continue; those that are not are improved upon or discontinued. Savings in the past several years include solar panel installations that lower energy costs; adding quick response vehicles to the Fire Department fleet reducing wear and tear on expensive large equipment like ladder trucks; more efficient deployment of Public Works crews in longer day-shifts; and revamping how leaves are collected and processed. The scope of services, programs, and projects that the City seeks to provide to its residents, however, is much larger in scope; savings cannot fund these needs without drastic and damaging reductions in personnel and essential services.

What would happen if the LIT didn't pass?

Bloomington would be faced with very significant challenges in the coming years meeting our current level of services and continuing to move forward on economic, social, and environmental justice endeavors. The City Council would not be able to ratify the agreed-upon FOP contract, as there are no funds available for the additional salary costs (approximately \$1.5 million annually.) Many other initiatives such as those outlined in the Climate Action Plan (CAP),

affordable housing investments, or public transit improvements would also not have funding available.

Why is this being proposed now?

An increase is essential if we are to be proactive about rebuilding our community from this downturn in a way that better incorporates our goals for public safety and economic, racial, and climate justice. We also have to plan ahead, and one never knows if and when the state legislature might adjust a municipality's ability to accomplish new revenues. Mayor Hamilton proposed a 0.5% increase to the LIT in January of 2020, designed for climate change action and preparedness and equity. The onset of the COVID-19 pandemic made this not feasible at the time. In the fall of 2020, Mayor Hamilton proposed a 0.25% increase to the LIT, focused on COVID response, climate action, and economic justice. This did not receive sufficient affirmative votes to be implemented.

As our community recovers from the COVID-19 pandemic, amid rising labor and materials costs, we will not have the resources we need to meet our stated goals as a community without this increase in the LIT. We are very fortunate that federal funds arrived in time to allow continued services. Significant programs and initiatives have been operated in 2021 and 2022 with American Rescue Plan Act (ARPA) dollars to keep our community safe and operating and to "Recover Forward" out of the recession toward a more equitable, sustainable future. Many of these essential efforts cannot continue without an increase in the LIT providing ongoing funding.

The needs are urgent and the sooner the LIT is approved the sooner we will have resources available to address our community's needs.

How will this revenue help Bloomington recover from the COVID pandemic?

City government has a responsibility to Bloomington's future even as we seek immediately to repair the damage wrought by the COVID pandemic. The revenues generated by the proposed Local Income Tax are needed not only to compensate for the current downfall but to build the City back in a way that ensures long-term and widely distributed well-being and resiliency. Proposed investments will move us toward this stronger, more just, and more sustainable future by increasing access to jobs, housing, social services, transportation options, quality of life, retaining and attracting well-trained public safety professionals, and more.

LIT Impact

The LIT is a flat tax. Can we make the impact of the LIT more progressive (i.e. less burdensome on low-income residents)?

The State of Indiana doesn't allow municipalities to levy a wealth tax or a progressive income tax. The LIT proposal does include \$1,000,000 annually for an economic equity fund that would provide direct benefits to low-income working residents and families.

Social security benefits—both retirement and disability—are not currently taxed by the State of Indiana or local governments such as ours.

Is the tax just for City residents or would it apply to all residents of Monroe County?

According to state law, local income taxes are county-wide; so the LIT would apply to all Monroe County residents. Revenues are allocated to different local jurisdictions – cities, counties, etc. – according to a state formula.

Do all Indiana counties have a tax like this?

All 92 Indiana counties have a Local Income Tax.

Locally, how many new taxes or raised taxes have been enacted since 2016?

Two. The public safety local income tax was adopted by the LIT Council in 2016 at a 0.25% rate to fund police, fire, and dispatch improvements that protect us all. The food and beverage tax, enacted by County Council in 2018, was a new 1% sales tax placed on retail sales of prepared food and beverages and will be used to fund a convention center expansion and other tourism-related projects county-wide.

About General Obligation Bonds

What is a General Obligation (G.O.) bond?

A general obligation bond (G.O. bond) is a municipal bond backed solely by the credit and taxing power of the issuing jurisdiction rather than the revenue from a given project. General obligation bonds are issued with the belief that a municipality will be able to repay its debt obligation through taxation or revenue from projects. No assets are used as collateral.

What are the benefits of using G.O. bonds to fund projects?

G.O. bonds allow cities to fund high-cost long-term capital infrastructure that allows repayment of longer periods of time. Typically bonds are issued with a repayment term of 5 to 30 years. G.O. bonds are backed by and repaid with local property taxes and are guaranteed by the State to receive first priority funding. Because of this repayment source, they generally receive a Governmental unit's highest bond rating and are therefore considered a safe investment. In addition, these G.O. bonds are generally exempt from state and local taxes.

What projects are best suited to being funded with a G.O. bond?

One-time capital investments are good projects for being funded with a G.O. bond, such as a multi-use trail or essential equipment replacements.

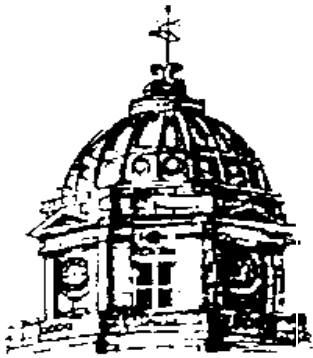
Proposed Climate Action Plan Investments

The proposed LIT increase provides \$1,750,000 annually in investments to implement the Climate Action Plan (CAP). What are examples of items that could be implemented?

The Climate Action Plan can be found here: <https://bton.in/ZC2Y5>

1. Transportation investments
 - a. City fleet vehicle electrification (*CAP TL 2-A: support and encourage electric vehicle adoption*)
 - b. Expanded micromobility options (example: electric bike share program) (*CAP TL 1-B*)
 - c. Transportation demand management (*CAP TL 1-A: reduce single-occupancy vehicle use*)
2. Energy and built environment investments:
 - a. Energy efficiency retrofits for all City buildings (*SAP 8.1: reduce non-renewable energy use from municipal operations*)
 - b. Bloomington Housing Authority solar conversion (*CAP EB1: increase distributed renewable energy*)
 - c. Continuing and expanding the Solar & Energy Efficiency Loan (SEEL) program for nonprofits and small businesses (*CAP EB5: increase financing options for energy efficiency and renewable energy*)
 - d. Continuing and expanding the Bloomington Green Home Improvement Program (BGHIP) for homeowners (*CAP EB5: promote equity in energy and resource costs and ownership*)
3. Local agriculture investments:
 - a. Local food purchasing incentive program (*CAP FA 3: increase and stabilize the local food market*)
 - b. School food garden program (*CAP FA 3: increase local food supply*)
 - c. Incentives for food processor businesses (*CAP FA 3: increase local food supply*)
 - d. Increased community gardens (*Sustainability Action Plan 4.2: increase food gardens within the community*)
4. Waste management investments:
 - a. Curbside composting program, parallel to trash and recycling services (*CAP WM1: increase organics diversion*)
 - b. Recycling services for apartment buildings and other multi-family units (4+) (*CAP WM 1: increase recyclables diversion*)

5. Additional tree canopy measures, such as shade trees in high heat areas and/or private tree planting incentives (*CAP G2: increase citywide tree canopy coverage*)
6. Funding for the Green Ribbon Panel to accelerate climate action (*CAP CE 2: attract, create, and support businesses that are committed to sustainability and climate goals*)



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INTERNAL MEMORANDUM

Intended Audience: All Monroe County Taxing Entities

Reference: 2022 Monroe County Income Tax Council Voting Allocation

Date: March 10, 2022

1. IC 6-3.6-3-1(b) defines who participates in a local income tax council's membership. (See attached codified law)
2. IC 6-3.6-3-6 defines the allocation of votes for each taxing entity. Item (c) states the distributing of voting shares mimic the same percentage as their percentage of the total county census in the taxing entity.
3. Total 2020 Official Census for Monroe County is 139,718.
4. This document provides the official Monroe County Income Tax Council Vote Allocation Notice with the voting allocation for all official Income Tax Council business. The population percentage for each taxing unit is converted to the total population percentage for the county for that unit and this assigns their numerical voting allocation. The entire county's population is divided by the numerical population for each unit, such that all units add up to 100%. The table below provides the official mathematical computation for each unit.

Unit of Government	2020 Census Population	Percentage of Total County Population	Number of Income Tax Votes Computed
City of Bloomington 9 City Council Members	79,168	56.66%	6.30/Council Member
Town of Ellettsville 5 Town Council Members	6,655	4.76%	.95/Council Member
Town of Stinesville 3 Town Council Members	220	0.16%	.05/Council Member
Unincorporated County area- voted on by the 7 Members of Monroe County Council	53,675	38.43%	5.49/Council Member
Total Monroe County	139,718	100%	100.03

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

Resolution #: 22-09
Amendment #: Am 01
Submitted By: Cm. Smith
Date: May 4, 2022

Proposed Amendment:

1. Resolution 22-09, Section 1 shall be amended by reducing the proposed Economic Development Income Tax rate from eight hundred fifty-five thousandths percent (0.855%) to sixty-nine hundredths percent (.69) and by reducing the new total Expenditure Tax Rate from two and two tenths percent (2.200%) to two and thirty-five thousandths percent (2.035%), as those figures appear in the first and third paragraphs of the proposed Ordinance Modifying Local Income Tax Rates Within Monroe County, such that the revised paragraphs shall read as follows:

1. A need now exists in Monroe County, Indiana, to impose an Economic Development Income Tax rate (“EDIT”) under Indiana Code § 6-3.6-6-4 to serve economic development purposes throughout Monroe County. The proposed EDIT rate is sixty-nine hundredths percent (0.69%), resulting in the current total tax rate under Indiana Code 6-3.6-6 (“Expenditure Tax Rate”) of one and three hundred forty-five thousandths percent (1.345%) increasing so that the new total Expenditure Tax Rate is two and thirty-five thousandths percent (2.035%).

...

3. As a result of the actions in this Ordinance, the Local Income Tax will be allocated as follows, beginning on October 1, 2022:

Local Income Tax Type	2022 Rate (Current)	2022 Rate (Beginning Oct. 1)
Certified Shares (IC 6-3.6-3)	.9482%	.9482%
Public Safety:		
Public Safety Answering Point Rate	0.0807%	0.0807%
Public Safety Rate	0.1693%	0.1693%
Economic Development (IC 6-3.6-6)	0.0000%	0.69%
Property Tax Relief Rate (IC 6-3.6-5)	0.0518%	0.0518%
Special Purpose Rate (IC 6-3.6-5)	0.095%	0.095%
Total Tax Rate	1.345%	2.035%

Synopsis and Reason for Amendment

This amendment is sponsored by Cm. Smith. It would reduce the proposed Economic Development Income Tax rate from .855% to .69% and would revise the total expenditure tax rate to reflect this reduction.

In the supporting materials and discussions that have accompanied this proposal, including memos provided by the Mayor and presentations given at Council meetings, the administration has listed several key areas of investment that it intends to fund based on projected new annual revenue for the city that would be generated by the new tax rate:

- Public Safety	\$4,500,000
- Climate Change Preparedness and Mitigation	\$6,595,000
- Equity and Quality of Life for All	\$3,900,000
- Essential City Services	\$3,000,000
Total	\$17,995,000

While the specific amounts and types of investments in these broad categories will be put into effect through mechanisms outside of this resolution, the intent of this amendment is to revise the proposed Economic Development Income Tax rate such that investments in the broad categories detailed by the administration may be made at the amounts listed below.

- Public Safety	\$4,350,000
- Climate Change Preparedness and Mitigation	
- Transit investments	\$3,850,000
- Climate Action Plan implementation	\$645,000
- Equity and Quality of Life for All	\$2,900,000
- Essential City Services	\$2,750,000
Total	14,495,000

05/04/22 Regular Session Action: *Pending*