



# City of Bloomington Common Council

## Legislative Packet

Containing legislation and materials related to:

Wednesday, 03 April 2024

Regular Session at 6:30pm



# CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:  
REGULAR SESSION  
WEDNESDAY | 6:30 PM  
03 April 2024

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

<https://bloomington.zoom.us/j/81044621132?pwd=Vcm6WMnq7T9KSDbOjy3NUHiLKnjmRZ.1>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES:**
  - A. February 19, 2003 – Regular Session
  - B. March 5, 2003 – Regular Session
  - C. March 26, 2003 – Regular Session
  - D. April 16, 2003 – Regular Session
- IV. **REPORTS** (*A maximum of twenty minutes is set aside for each part of this section.*)
  - A. Councilmembers
  - B. The Mayor and City Offices
  - C. Council Committees
  - D. Public\*
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
  - A. Resolution 2024-07 – Establishing the Goal of Reducing Traffic Deaths and Serious Injuries on the City’s Roadways to Zero in the City by the Year 2039
  - B. Resolution 2024-05 – A Resolution Authorizing the 2024 Outdoor Dining Program in the Downtown Corridor
  - C. Resolution 2024-08 – A Resolution Calling for a Cessation of Hostilities and for Delivery of Humanitarian Aid to Civilians in Gaza
- VII. Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals 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. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail [council@bloomington.in.gov](mailto:council@bloomington.in.gov).

Revised: 29 March 2024

## **VII. LEGISLATION FOR FIRST READINGS**

- A. Ordinance 2024-03 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20
- B. Ordinance 2024-04 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20 Table of Contents and 20.04
- C. Ordinance 2024-05 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.02; 20.03; 20.05; 20.07
- D. Ordinance 2024-06 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.06

## **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. Individuals 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. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail [council@bloomington.in.gov](mailto:council@bloomington.in.gov).

**Revised: 29 March 2024**



**City of Bloomington  
Office of the City Clerk**

**Minutes for Approval**

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19 February 2003 | 05 March 2003  
26 March 2003 | 16 April 2003



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the February 19, 2003 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I  
hereunto set my signature as  
Clerk of the City of Bloomington  
on the date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date: \_\_\_\_\_

The attached copy of the minutes for the February 19, 2003 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Isabel Piedmont-Smith  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, February 19, 2003 at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
February 19, 2003

Roll Call: Banach, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer  
Absent: Diekhoff

ROLL CALL

Council President Gaal gave the Agenda Summation.

AGENDA SUMMATION

The minutes of January 6, 2003 and January 15, 2003 were approved by a voice vote.

APPROVAL OF MINUTES

David Sabbagh moved a proclamation to support Business Expo. The motion was seconded, Sabbagh read the entire proclamation and the motion passed with a voice vote.

MESSAGES FROM  
COUNCILMEMBERS

It was moved and seconded to confirm Jeannine Butler's appointment to the Historic Preservation Commission by the Mayor. The confirmation was approved by a voice vote.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 03-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-2. It was moved and seconded that Appropriation Ordinance 03-02 be adopted.

LEGISLATION FOR SECOND  
READING

Appropriation Ordinance 03-02 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds through the Mayor's Office for the Establishment of the Corporation for Capital Improvements and Attractions)

Amendment #1 to Appropriation Ordinance 03-02 received a roll call vote of Ayes: 2 (Banach, Ruff), Nays: 6 and therefore failed.

Amendment #1  
Inserting a final "whereas" clause to make the allocation conditional on the distribution of appointments being two from the Council, two from the Mayor, two from Indiana University, and one from the County.

It was moved and seconded to table Appropriation Ordinance 03-02 until March 5, 2003. The motion received a roll call vote of Ayes: 1 (Banach), Nays: 7 and the motion to table failed.

Motion to table Appropriation Ordinance 03-02 for two weeks.

Appropriation Ordinance 03-02 received a roll call vote of Ayes: 8, Nays: 0.

Final vote on Appropriation Ordinance 03-02

It was moved and seconded that Resolution 03-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Resolution 03-03 be adopted.

Resolution 03-03 Approving the Enlargement of the Tapp Road Economic Development and Tax Allocation Area

Resolution 03-03 received a roll call vote of Ayes: 7, Nays: 1 (Ruff).

It was moved and seconded that Ordinance 03-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Ordinance 03-02 be adopted.

Ordinance 03-02 To Amend the Bloomington Zoning Maps from RS 3.4/PRO 6 To PUD And To Amend the Preliminary Plan for the Rolling Ridge Planned Unit Development (PUD) – Re: 1107 and 1113 S. Weimer Road (Michael and Patricia Pauly, Petitioners)

Ordinance 03-02 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 03-03 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grant Funds to Police Agencies for Additional Enforcement of DUI Laws)

Appropriation Ordinance 03-03

Ordinance 03-05 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Allowing 2-Way Traffic on the North Side of the Courthouse Square and Altering the Parking on 6<sup>th</sup> Street Between Morton and Walnut Streets)

Ordinance 03-05

It was moved and seconded to suspend the rules to consider an item not on the agenda: To move the Regular Session Meeting from March 19, 2003 to Wednesday, March 26, 2003. The motion received a roll call vote of Ayes: 8, Nays: 0, and therefore the meeting scheduled during spring break was cancelled.

Motion to Suspend the Rules

The meeting was adjourned at 10:00 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the March 05, 2003 meeting of the Bloomington City Council is a full, true, and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date: \_\_\_\_\_

The attached copy of the minutes for the March 05, 2003 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Isabel Piedmont-Smith  
President, Common Council  
City of Bloomington, Indiana



In the Council Chambers of the Showers City Hall on Wednesday, March 5, 2003 at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 5, 2003

Roll Call: Banach, Diekhoff, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Councilmember Cole talked about the state of health care and the cost of health care insurance in our country. According to reports, about 47 million people are without health insurance each year. If our country is wealthy enough to spend billions of dollars developing military materials and supporting personnel, then certainly providing health insurance to every citizen is within our grasp. She said that attaching it to employment is not the best idea because of those who work independently or small businesses that would find it prohibitive. She asked everyone to remember that so many people without health insurance means that people are living their lives in degraded states of health. She said she believes that good health care is a right. We are the only industrialized country in the world that does not provide health insurance for its citizenry.

MESSAGES FROM  
COUNCILMEMBERS

Councilmember Ruff responded to the criticism that his resolution opposing the war in Iraq has generated. He emphasized that it would seem that those who criticized it saying that we should be supporting our troops, had not read the resolution, since it said whereas we support our troops in performing their duties, and in performing their duties we do not want them to be put in harm's way. He felt strongly that one could have both positions: strongly supporting the armed forces and at the same time be opposed to a bad public policy decision.

Councilmember Mayer thanked the Street Department. Although there is no snow now, they have done a great job in clearing all of the snow from our streets. Now that the weather is modulating, and there is freezing and thawing, chuckholes are appearing. He reminded folks that if they have street problems, they should call the Council Office or the Street Department.

Councilmember Sabbagh said that Myles Brand's real legacy to this community was that he engaged Bloomington in a discussion about IU and the city. He recognized that IU-Bloomington was an important economic asset to the city. He joined economic development groups in the city, he recognized that IU-Bloomington and Bloomington must go forward together or both would fail. Sabbagh said that for him, that was Brand's legacy. Sabbagh said he hoped that the next President of IU will be as engaging and as insistent. He thanked Myles for that legacy.

Councilmember Rollo said that one month ago today, Bloomington passed an anti-war resolution making it the 67<sup>th</sup> city with such legislation. As of this afternoon there were now 130 cities with similar legislation, including Los Angeles, Detroit, Atlanta, Philadelphia, Chicago, Denver Seattle Des Moines, Baltimore, Cleveland, Dayton and Milwaukee. Many more cities have similar campaigns underway. He said that far from being a meaningless resolution as described in a letter to the editor in the Herald-Times today, Bloomington is a part of the broad democratic movement. War still looms large, despite opposition from many of our strong international allies. He said what we have learned in the last month is that there is no more evidence of weapons of mass destruction than in the past. Should we not be asking that our country be protected first? Might we not ask that Homeland Security do all it can to protect our own shores and ports of our country first rather than a military operation on the other side of the world.

Shouldn't the cost of such a war be considered that will inevitably come at the expense of domestic needs such as health care, social security education and environmental protection? This has come at a time of record deficits, budget cuts and a shaken economy. Simply as a matter of budget priorities, city councils around the country need to weigh in on this war. He objected to letters to the editor that accused the council of undermining support to the troops with the anti-war legislation, and he took particular exception to these claims, especially since members of his family have served in the military during wartime. He added that these claims had been made despite the fact that the legislation clearly stated support for the troops and for their safety. Councilmember Gaal reported on the newly redesigned City Council website that is more informative and easier to use. He thanked Council Assistant Rachel Atz for all of her work in making this happen.

There were no appointments to be made.

It was moved and seconded that Appropriation Ordinance 03-03 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Appropriation Ordinance 03-03 be adopted.

Appropriation Ordinance 03-03 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 03-06 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Resolution 03-06 be adopted.

It was moved and seconded to adopt Amendment #1.

Amendment #1 received a roll call vote of Ayes: 9, Nays: 0.

Resolution 03-06 as amended received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 03-05 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 03-05 be adopted.

Ordinance 03-05 received a roll call vote of Ayes: 9, Nays: 0.

MESSAGES FROM COUNCILMEMBERS (cont'd)

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Appropriation Ordinance 03-03 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grant Funds to Police Agencies for Additional Enforcement of DUI Laws)

Resolution 03-06 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2003

Amendment #1  
Housing and Neighborhood Development recently learned that it will receive \$3,000 less from the Department of Housing and Urban Development or a total of \$1,044,000.. This is \$3,000 was taken from the Housing and Neighborhood Development Neighborhood Storm Sewer Program. The maximum allowable allocation for Social Services is 15% of the total grant and the maximum allowable allocation for Administration is 20%, each has been adjusted accordingly.

Resolution 03-06 as amended

Ordinance 03-05 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Allowing 2-Way Traffic on the North Side of the Courthouse Square and Altering the Parking on 6<sup>th</sup> Street Between Morton and Walnut Streets)

It was moved and seconded that Resolution 03-05 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 03-05 be adopted.

Resolution 03-05 To Adopt a Written Fiscal Plan and to Establish a Policy for the Provision of City Services to an Annexed Area (Northwest Area)

Resolution 03-05 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded to suspend the rules. This motion required a 2/3 majority to pass.

Motion to Suspend the rules.

Motion received a roll call vote of Ayes: 5 (Ruff, Diekhoff, Rollo, Sabbagh, Mayer), Nays: 4 (Banach, Cole, Gaal, Pizzo) and failed.

It was moved and seconded that Appropriation Ordinance 03-01 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 0-0-7. It was moved and seconded that Appropriation Ordinance 03-01 be adopted.

Appropriation Ordinance 03-01 To Specially Appropriate from the Telecommunications Non-reverting Fund (Infrastructure) Expenditures Not Otherwise Appropriated (Appropriating Funds to Connect Fiber Optic Cable with and Lease Space in the Telecom Hotel)

Appropriation Ordinance 03-01 received a roll call vote of Ayes: 7, Nays: 2 (Cole, Ruff).

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Deputy Clerk Wanzer read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 03-03 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Northwest Area)

Ordinance 03-03

Ordinance 03-04 To Amend the Bloomington Zoning Maps from RE1 to PUD and to Amend the Preliminary Plan for the Canada Farm Planned Unit Development (PUD) – Re: 3902 & 3942 South Sare Road (Wininger Stolberg Group, Petitioners)

Ordinance 03-04

Ordinance 03-06 To Amend Title 6 Entitled “Health and Sanitation” In Order to Repeal and Reenact Chapter 6.12 Entitled “Smoking in Public Places and Places of Employment”

Ordinance 03-06

The meeting was adjourned at 10:50 p.m.

PUBLIC INPUT  
ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF MONROE        )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the March 26, 2003 meeting of the Bloomington City Council is a full, true, and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date: \_\_\_\_\_

The attached copy of the minutes for the March 26, 2003 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Isabel Piedmont-Smith  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, March 26, 2003 at 7:40 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 26, 2003

Roll Call: Banach, Cole, Ruff, Diekhoff, Gaal, Pizzo, Rollo, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

It was moved and seconded to declare March 2003 as Accessibility Awareness Month.

COUNCIL COMMENTS

The motion was approved by a voice vote.

There were no appointments to boards and commissions.

BOARD AND COMMISSION  
APPOINTMENTS

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Ordinance 03-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 7-0-2. It was moved and seconded that Ordinance 03-04 be adopted.

Ordinance 03-04 To Amend the Bloomington Zoning Maps from RE1 to PUD and to Amend the Preliminary Plan for the Canada Farm Planned Unit Development (PUD) – Re: 3902 & 3942 South Sare Road (Wininger Stolberg Group, Petitioners)

Ordinance 03-04 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Ruff).

Ordinance 03-06 To Amend Title 6 Entitled “Health and Sanitation” In Order to Repeal and Reenact Chapter 6.12 Entitled “Smoking in Public Places and Places of Employment”

It was moved and seconded that Ordinance 03-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 5 – 2 – 2. with the following amendment recommendations:

Am 01:	Do Pass	1 – 7 – 1
Am 3a:	Do Pass	1 – 2 – 6
Am 02:	Do Pass	7 – 1 – 1

It was moved and seconded that public comment be limited to three minutes per person with no turns for second comments. The motion was passed with a roll call vote of Ayes: 9, Nays: 0.

Motion to limit debate.

It was moved and seconded to adopt Amendment 5a to Ordinance 03-06.

Amendment 5a to Ordinance 03-06  
This amendment concerns businesses which are prohibited by the state from admitting patrons or employees who are less than 18 years of age and have lawfully designated smoking areas under the existing ordinance. The amendment would exempt those lawfully designated smoking areas from the smoking regulations for a period not to exceed five years beyond the effective date of the ordinance. During those five years, these businesses would lose their designated smoking areas if they ceased to operate for at least six months, changed location, changed ownership, or changed their name after the effective date of the ordinance.

Amendment 5a to Ordinance 03-06 received a roll call vote of Ayes: 2 (Banach, Ruff), Nays: 7, and therefore was defeated.

It was moved and seconded to recess.

Motion to Recess

The motion received a roll call vote of Ayes: 2 (Cole, Rollo), Nays: 7 and thus failed.

It was moved and seconded to adopt Amendment 10 to Ordinance 03-06

Amendment 10 to Ordinance 03-06  
This amendment concerns private clubs as well as businesses which are prohibited by the state from admitting patrons or employees who are less than 18 years of age and have lawfully designated smoking areas under the existing ordinance. The amendment would exempt these entities from the smoking regulations until January 1, 2005 in order to provide them with an opportunity to develop and implement business plans that account for the smoking prohibition.

Amendment 10 to Ordinance 03-06 received a roll call vote of Ayes: 5 (Banach, Cole, Ruff, Diekhoff & Sabbagh), Nays: 4 (Gaal, Pizzo, Rollo & Mayer), and therefore was passed.

It was moved and seconded to adopt Amendment 2 to Ordinance 03-06.

Amendment 2 to Ordinance 03-06  
This amendment would delay the effective date of the ordinance until August 1, 2003 in order to give business owners an opportunity to educate employees and patrons of the change. Additionally, with the pending new academic year at I.U., it is appropriate to introduce the measure to all new visitors to our city.

Amendment 2 to Ordinance 03-06 received a roll call vote of Ayes: 8, Nays: 1 (Pizzo), and therefore was passed.

It was moved and seconded to direct staff to reconcile last two amendments.

Motion to Reconcile

The motion received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded to adopt Amendment 8 to Ordinance 03-06.

Amendment 8 to Ordinance 03-06  
This amendment would prohibit smoking in all city facilities including all city vehicles rather than only city vehicles with more than one occupant.

Amendment 8 to Ordinance 03-06 received a roll call vote of Ayes: 5 (Cole, Ruff, Pizzo, Rollo, and Sabbagh), Nays: 4 (Banach, Diekhoff, Gaal & Mayer), and therefore was passed.

It was moved and seconded to adopt Amendment 9 to Ordinance 03-06. Amendment 9 to Ordinance 03-06 received a roll call vote of Ayes: 0, Nays: 9 and thus failed.

Amendment 9 to Ordinance 03-06  
This amendment recognizes that fire stations are the temporary homes for firefighters working 24-hour shifts, and designates a specific area within fire stations where smoking is permitted under specific conditions.

Ordinance 03-06 as amended received a roll call vote of Ayes: 8, Nays: 1 (Banach).

Ordinance 03-06 as amended

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 03-09 To Establish the Wireless Enhanced 911 Non-reverting Fund

Ordinance 03-09

Ordinance 03-10 An Ordinance Concerning the Refunding By the City of Bloomington of Its Waterworks Refunding Revenue Bonds of 1993 and Its Waterworks Revenue Bonds of 1995; Authorizing the Issuance of Waterworks Refunding Revenue Bonds for Such Purpose; Providing for the Collection, Segregation and Distribution of the Revenues of the Waterworks and the Safeguarding of the Interests of the Owners of the

Ordinance 03-10

Waterworks Refunding Revenue Bonds Authorized Herein; Other  
Matters Connected Therewith; And Repealing Ordinances Inconsistent  
Herewith

The meeting was adjourned at 1:56 am on March 27, 2003.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

For approval



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the April 16, 2003 meeting of the Bloomington City Council is a full, true, and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date: \_\_\_\_\_

The attached copy of the minutes for the April 16, 2003 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Isabel Piedmont-Smith  
President, Common Council  
City of Bloomington, Indiana



In the Council Chambers of the Showers City Hall on Wednesday, April 16, 2003 at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 16, 2003

Roll Call: Banach, Diekhoff, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

There were no appointments to boards and commissions.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Ordinance 03-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation (as amended by Amendment 1a) of 8-0-1. It was moved and seconded that Ordinance 03-08 be adopted.

LEGISLATION FOR SECOND  
READING  
Ordinance 03-08 To Amend Title 16 of the Bloomington Municipal Code Entitled "Housing Inspection" (Repealing and Reenacting Chapter 16.04 (Property Maintenance Code) and Amending Portions of Chapter 16.12 (Housing Quality))

Amendment #1B to Ordinance 03-08 received a roll call vote of Ayes: 5 (Cole, Diekhoff, Gaal, Pizzo, Mayer) Nays: 4 (Banach, Ruff, Rollo, Sabbagh) and therefore was adopted.

Amendment #1B to Ordinance 03-08  
This amendment is sponsored by council members Gaal and Mayer and comes forward with the support of the Administration. It is a revised version of Am 1a, which required landlords to make the completed inventory and damage list available for review by the housing inspectors upon request. This version clarifies that the HAND department has the discretion either to require the landlord to provide a copy or merely make the form available for its review. Like Am 1a, it also authorizes the inspector to issue a \$25 citation in the event the landlord fails to comply with the request for the inventory and damage list and summary of rights and responsibilities forms.

Ordinance 03-08 as amended received a roll call vote of Ayes: 9, Nays: 0

Final Vote on Ordinance 03-08 as amended

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST  
READING

Ordinance 03-07 To Amend the Bloomington Zoning Maps from IL/IS to PUD and to Amend the Preliminary Plan for the Landmark Business Center Planned Unit Development (PUD) – Re: 350 S. Adams Street (Rogers Group, Petitioner)

Ordinance 03-07

Ordinance 03-11 Amending Ordinance 02-42 which Authorized the Issuance of the Sewage Refunding Revenue Bonds of 2003

Ordinance 03-11

The meeting was adjourned at 9:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



**CLERK NICOLE BOLDEN**

CITY OF BLOOMINGTON

401 N Morton St, Ste. 110  
Bloomington, IN 47404

OFFICE OF THE CITY CLERK

812.349.3408  
clerk@bloomington.in.gov

**To:** Members of the Common Council

**From:** Clerk Nicole Bolden

**Date:** 28 March 2024

**Re:** Interview Committee Recommendations for Board and Commissions

---

The council interview committees have made the following recommendations for appointment to the following boards and commissions:

**Interview Committee Team B Recommendations:**

- For the Bicycle and Pedestrian Safety Commission - to appoint Drew Yeager to seat C-3.
- For the Environmental Commission - to appoint Gabby Robles to seat C-1, Adam Martinez to seat C-5, and to appoint Nadia Cain to seat C-6.
- For the Dr. MLK Birthday Celebration Commission - to appoint Aniah Fountain to seat C-1.
- For the Traffic Commission - to reappoint Sarah Ryterband to seat C-3, reappoint Ryne Shadday to seat C-6, and appoint David Sabbagh to seat C-1.
- For the Commission on the Status of Women - to appoint Shayla George to seat C-2.

**Interview Committee Team C Recommendations:**

- For the Parking Commission - to reappoint Stephen Volan to seat C-1 and to appoint Jackson Murphy to seat C-5.

**Contact**

Clerk Nicole Bolden, 812-349-3408, [clerk@bloomington.in.gov](mailto:clerk@bloomington.in.gov)

Jennifer Crossley, Deputy City Clerk, 812-349-3838, [jennifer.crossley@bloomington.in.gov](mailto:jennifer.crossley@bloomington.in.gov)



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## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Stephen Lucas, Council Administrator/Attorney

**Date:** March 28, 2024

**Re:** Resolution 2024-07 - Establishing the Goal of Reducing Traffic Deaths and Serious Injuries on the City's Roadways to Zero in the City by the Year 2039

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### Synopsis

This resolution establishes the goal of zero traffic deaths and serious injuries on the City of Bloomington's roadways by the year 2039, outlines the City's intention to pursue a comprehensive approach to achieve this objective, and requires the adoption of a Safe Streets and Roads for All (SS4A) Action Plan.

### Relevant Materials

- Resolution 2024-07
- Staff Memo

### Summary

Resolution 2024-07 would express the city's goal of zero traffic deaths and serious injuries by 2039 and would express the city's intent to adopt a Safe Streets and Roads for All (SS4A) Action Plan to guide future decisions and investments. This resolution comes to the Council during Safety Week, which includes a week-long schedule of city events aimed at resident engagement, promoting safety awareness and encouraging collaboration.

Since 2023, the city staff has been engaged in SS4A planning efforts. More information about SS4A all is available at the SS4A website. These efforts are, at least in part, meant to enable the city to apply for SS4A Grant Program funding from the U.S. Department of Transportation (USDOT). Part of becoming eligible for this grant funding is having a position statement committing the city to a goal of reducing or eliminating traffic deaths and serious injuries on Bloomington's roadways. Another step in becoming eligible is the adoption of a SS4A Action Plan, which the administration hopes to accomplish later this year through subsequent legislation.

City staff anticipate that a future SS4A Action Plan will include the following components, as outlined by the USDOT:

- **Leadership commitment and goal setting** that includes a goal timeline for eliminating roadway fatalities and serious injuries.
- **Planning structure** through a committee, task force, or similar group charged with oversight of the Action Plan development, implementation, and monitoring.



**City of Bloomington Indiana**

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Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

- **Safety analysis** of the existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries.
- **Engagement and collaboration** with the public and relevant stakeholders, including the private sector and community groups.
- **Equity considerations** developed using inclusive and representative processes.
- **Policy and process assessments** of the current policies, plans, guidelines, and/or standards to identify opportunities to improve them.
- **Strategy and project selections** that identify a set of projects and strategies that will address the safety problems described in the Action Plan.
- **Progress and transparency methods** that measure progress over time after the Action Plan is developed.

**Contact**

Ryan Robling, Planning Services Manager, 812-349-3459, [roblingr@bloomington.in.gov](mailto:roblingr@bloomington.in.gov)

**RESOLUTION 2024-07**

**ESTABLISHING THE GOAL OF REDUCING TRAFFIC DEATHS AND SERIOUS INJURIES ON THE CITY'S ROADWAYS TO ZERO IN THE CITY BY THE YEAR 2039**

- WHEREAS, the life and health of all persons living and traveling within the City of Bloomington are our utmost priority, and no one should die or be seriously injured while traveling on our city streets; and
- WHEREAS, according to data from the National Highway Traffic Safety Administration, each year approximately 40,000 people are killed in traffic collisions in the United States and almost 1,000 within Indiana, and traffic crashes are among the leading causes of deaths in the United States<sup>1</sup>; and
- WHEREAS, 14 people in the City of Bloomington lost their lives to traffic deaths in the five year period between 2018 and 2022; and
- WHEREAS, the City of Bloomington's transportation infrastructure serves an increasing number of vulnerable road users such as pedestrians and cyclists; and
- WHEREAS, according to data provided by the Indiana State Police through the years 2018 and 2022, pedestrians were involved in 2.5 percent of collisions and account for 28.6 percent of traffic deaths in the City of Bloomington; and
- WHEREAS, according to data provided by the Indiana State Police through the years 2018 and 2022, bicyclists and scooter riders were involved in 1.9 percent of collisions and account for 7.1 percent of traffic deaths in the City of Bloomington; and
- WHEREAS, between 2018 and 2022, the serious injury rate for pedestrians involved in collisions was approximately 28.5 percent and the serious injury rate for bicyclists and scooter riders involved in collisions was approximately 22.3 percent; and
- WHEREAS, speed is recognized as a major determining factor of survival in a crash<sup>2</sup>; and
- WHEREAS, the City of Bloomington will work toward reducing vehicle speeds because the likelihood of a pedestrian surviving a crash is 10 percent when hit by a vehicle traveling at 40 mph, 50 percent when hit by a vehicle traveling at 30 mph, and 90 percent when hit by a vehicle traveling at 20 mph<sup>3</sup>; and
- WHEREAS, children, older adults, people of color, people with disabilities, people who are unhoused, and people with low income face a significantly disproportionate risk of traffic injuries and fatalities<sup>4</sup>; and
- WHEREAS, making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which reduces environmental pollution; and
- WHEREAS, the City of Bloomington has already adopted the 2018 Comprehensive Plan, the Transportation Plan, and Traffic Calming & Greenways Program, which seek to promote roadway safety for all users.

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<sup>1</sup> NHTSA: Overview of Motor Vehicle Crash Traffic Crashes in 2021. <https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813435>.

<sup>2</sup> Institute of Transportation Engineers; Road to Zero Coalition; and RTZ Safe System Working Group. Safe System. Institute of Transportation Engineers. Website: <http://ite.org/technical-resources/topics/safe-systems/>

<sup>3</sup> Ferrier K., Landmark national study urges safety over speed. Vision Zero Network website: [visionzeronetwork.org/safety-over-speed](https://visionzeronetwork.org/safety-over-speed). July 25, 2017.

<sup>4</sup> Fox J, Shahum L., Vision Zero Equity Strategies for Practitioners. Oakland, CA: Vision Zero Network; 2017. Website: [https://visionzeronetwork.org/wp-content/uploads/2017/11/VisionZero\\_Equity\\_FINAL.pdf](https://visionzeronetwork.org/wp-content/uploads/2017/11/VisionZero_Equity_FINAL.pdf)

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

SECTION 1. The City of Bloomington adopts the goal of zero traffic deaths and serious injuries by 2039, stating that no loss of life or serious injury is acceptable on our streets.

SECTION 2. The City of Bloomington desires a comprehensive and holistic approach to achieving this goal.

SECTION 3. The City of Bloomington shall adopt a Safe Streets and Roads for All (SS4A) Action Plan which will be used to guide future investments and infrastructure improvements in our roadways.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk,  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution establishes the goal of zero traffic deaths and serious injuries on the City of Bloomington’s roadways by the year 2039, outlines the City’s intention to pursue a comprehensive approach to achieve this objective, and requires the adoption of a Safe Streets and Roads for All (SS4A) Action Plan.

---

## MEMORANDUM

**To:** Members of the Common Council

**From:** Ryan Robling, Planning Services Manager, Planning and Transportation Department

**Date:** March 26, 2024

**Re:** Resolution 2024-07 – Establishing the goal of reducing traffic deaths and serious injuries on the city’s roadways to zero in the city by the year 2039

---

City staff from the Planning and Transportation Department have drafted this resolution in order to establish the goal of eliminating traffic deaths and serious injuries on Bloomington’s roadways by the year 2039. The resolution acknowledges the importance of preserving the safety and well-being of all roadway users. It recognizes the alarming number of traffic-related fatalities nationwide, totaling more than 40,000 annually. The resolution expresses a clear desire to address the safety concerns that led to the loss of fourteen lives to traffic incidents within the city between 2018 and 2022. It identifies speed as a critical factor affecting survival rates in collisions. Further, it recognizes the disparities in risk faced by demographic groups, such as children, older adults, and marginalized groups.

Additionally, the resolution calls for the adoption of a Safe Streets and Roads for All (SS4A) Action Plan, which will create a system and process to work toward the elimination of traffic deaths and serious injuries within the city. The Action Plan will encompass several essential components focused on enhancing roadway safety, including conducting a comprehensive safety analysis, fostering public engagement and collaboration, prioritizing equity considerations, and proposing actionable policy and process changes.

This resolution is being brought forward during Safety Week, during which City staff and consultants from Toole Design are conducting extensive public outreach. Over the next few months, City staff and its consultants will finalize a draft Action Plan which will be amended into the City’s Comprehensive, and Transportation Plans.

The anticipated fiscal impact of this resolution is minimal at this time. The creation of the SS4A Action Plan was previously funded and covered by the 2023 and 2024 Budgets.



## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Stephen Lucas, Council Administrator/Attorney

**Date:** March 28, 2024

**Re:** [Resolution 2024-05](#) - A Resolution Authorizing the 2024 Outdoor Dining Program in the Downtown Corridor

---

### Synopsis

[Resolution 2024-05](#) authorizes renewal of the Parklet Outdoor Dining Program in the Downtown. The Program as renewed in this resolution provides for the continued use of parklets from April 29, 2024, through October 31, 2024. As required by [Ordinance 22-01](#), passage of this resolution also explicitly adopts fees for the 2024 Program.

### Relevant Materials

- [Resolution 2024-05](#)
- Exhibit A: Program Guidelines
- Exhibit B: Beautification Guidelines
- Staff Memo from De de la Rosa, Assistant Director for Small Business Development, & Chaz Mottinger, Special Projects Manager

### Summary

In June of 2020, the Council approved [Ordinance 20-11](#), which suspended portions of the Bloomington municipal code in order to support the operation of businesses in the downtown area and assist in economic recovery from the COVID-19 public health emergency (background materials for [Ordinance 20-11](#) can be found in the June 10, 2020 [legislative packet](#)). The city took action through this ordinance to ease sign regulations, allow for expanded seating encroachment, and temporarily enable closing portions of Kirkwood Avenue to vehicular traffic. The Council extended provisions of [Ordinance 20-11](#) several times with [Resolution 20-15](#), [Resolution 20-19](#), and [Resolution 21-18](#).

In early 2022, city staff recommended that these measure be implemented in future seasons as an Expanded Outdoor Dining Program (Program) irrespective of the COVID-19 public health emergency. On January 19, 2022, the Council passed [Ordinance 22-01](#), which established and approved the expanded Program, including the use of parking spaces by restaurants and the temporary conversion of certain blocks of Kirkwood Avenue into pedestrian-only spaces (background materials for [Ordinance 22-01](#) can be found in the January 19, 2022 [legislative packet](#)). The ordinance temporarily suspended sections of Bloomington Municipal Code, including standards for encroachment ([BMC 12.06](#)), use of right-of-way ([BMC 12.08](#)), intoxicating beverages ([BMC 14.36.090](#)), loading zones ([BMC 15.32.100](#)), parking meter changes ([BMC 15.40.010](#) Schedule U), and signs ([BMC](#)





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[20.04.100](#)), all to implement the Program for the 2022 season. The Council previously adopted one extension of the Program through [Resolution 23-04](#) for the 2023 season.

[Resolution 2024-05](#) seeks to extend the Program for an additional one-year term, as provided for in Section 2 of [Ordinance 22-01](#). City staff recommends the Program be implemented during the 2024 season in accordance with the Program and Beautification Guidelines, which are attached to the resolution as Exhibits A and B. This recommendation is based on a number of factors, including economic benefits to the local business community, stakeholder and public input on past implementations of the Program, and increased pedestrian use and sustainability. Notably, the 2024 Program would not include a partial closure of Kirkwood Avenue. This is due to a number of [construction projects](#) that are anticipated for the coming months, which were explained in a [February 14, 2024 report](#) given to the Council by Assistant Director for Small Business Development, De de la Rosa.

In brief, this resolution would:

1. Approve the Program as set forth in Exhibit A: Program Guidelines and Exhibit B: Beautification Guidelines;
2. Set April 29, 2024 – November 1, 2024 as the timeframe for operation of the Program; and
3. Approve the permitting fee and fee schedule for operation of the 2024 Program.

**Contact**

De de la Rosa, Assistant Director - Small Business Development, 812-349-3418,

[de.delarosa@bloomington.in.gov](mailto:de.delarosa@bloomington.in.gov)

Chaz Mottinger, Special Projects Manager, 812-349-3418,

[chaz.mottinger@bloomington.in.gov](mailto:chaz.mottinger@bloomington.in.gov)

Larry Allen, City Attorney, 812-349-3426, [allenl@bloomington.in.gov](mailto:allenl@bloomington.in.gov)

**RESOLUTION 2024-05**

**A RESOLUTION AUTHORIZING THE 2024 OUTDOOR DINING PROGRAM IN THE DOWNTOWN CORRIDOR**

WHEREAS, the Common Council approved an Outdoor Dining Program in Ordinance 22-01, which extended the ability for local restaurants to utilize parklets and enhanced pedestrian and seating space (“Program”); and

WHEREAS, Section 2 of Ordinance 22-01 reserved the right of the Common Council to extend the Program for additional one-year terms through authorizing resolutions; and

WHEREAS, the City desires to continue the Program as applied to parklets in the downtown corridor through 2024 as detailed by the program guidelines that are attached to this ordinance as Exhibit A; and

WHEREAS, the Common Council therefore wishes to extend the Program through proactive measures to assist the Bloomington business community and enhance the city's vibrancy and economic growth;

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

SECTION 1. The Common Council hereby approves the Program as set forth by the Program Guidelines attached to this resolution as Exhibit A.

SECTION 2. The Program shall operate from April 29, 2024, until November 1, 2024, unless earlier terminated under SECTION 7 of Ordinance 22-01.

SECTION 3. As required by Section 5 of Ordinance 22-01, the Common Council approves the following fees for the Program:

Program	Fee	Condition
Application Fee	\$50	Required of all applicants
Parklet	\$250 per space	Cost may be split between businesses sharing parklet space(s)

SECTION 4. If any section, sentence, or provision of this resolution, Ordinance 22-01, 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 section, sentence, provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

#### SYNOPSIS

Resolution 2024-05 authorizes renewal of the Parklet Outdoor Dining Program in the Downtown. The Program as renewed in this resolution provides for the continued use of parklets from April 29, 2024, through October 31, 2024. As required by Ordinance 22-01, passage of this resolution also explicitly adopts fees for the 2024 Program.

## EXHIBIT A: 2024 Outdoor Dining Program Guidelines

### Costs:

- All extended outdoor dining will be subject to the \$50 permitting fee to the Engineering Department.
- All fees are due in full by April 26.
- Businesses are responsible for any direct costs associated with utilizing a parklet.
- Cost to businesses will be \$250 per parking space plus the permitting fee for the 2024 season, payable to Parking Services. A two-space parklet will cost \$500 plus the permitting fee, 3 spaces will cost \$750 plus the permitting fee.
- Each participating business must submit a certificate of insurance to the Economic and Sustainable Development Department establishing proof of a comprehensive general liability policy naming the City of Bloomington as additional insured to the extent of at least \$500,000 bodily injury and \$100,000 property damage, which shall be in effect during the term of this authorization.
- Businesses that share a parklet may split the cost.

### Logistics:

- Eligibility:
  - Eligibility is limited to any food service establishment adjacent to metered parking in downtown Bloomington.
  - All participating businesses must agree to cease alcohol sales in parklets by midnight.
  - Eligible businesses must complete the application and payment process as outlined in this memo.
- Application process:
  - Application form will go live on the City's webpage on April 4, 2024.
  - Applications are due by April 15, 2024. Businesses may submit applications in advance of the deadline.
  - Fees are payable by check or card to Parking Services by April 26, 2024.
- Implementation:
  - The Parking Services division in the Department of Public Works will install and remove the orange jersey barriers at the beginning and end of the 2024 season.
  - City staff will fill the jersey barriers with water on the installation day. Participating businesses will be required to top off the barriers with water as needed, and the barriers must remain sufficiently full for safety purposes.
  - If the weather in April and early May 2024, is not conducive to outdoor dining, City staff may exercise discretion on the exact dates the parklets are installed.
  - If a parklet is removed, either by request of the business or by determination of City staff, it may not be reinstalled in the same calendar year. Any fees paid by the business will not be refunded
- Requirements for participating businesses:
  - Participating businesses are required to provide their own furniture, decorations, etc.
  - Participating businesses are required to invest in the beautification of parklet spaces through decor that meets safety standards (see Exhibit B)
  - Participating businesses must meet all requirements for their extended outdoor seating, including the Americans with Disabilities Act (ADA), Indiana Alcohol Tobacco Commission (ATC), Monroe County Health Department, safety, and insurance requirements.
  - Tents and heaters are not allowed for use in the Parklet Program.
  - Participating businesses must comply with Indiana Fire Code regulations.
  - Businesses must remove all seating, furniture, decorations, and any other property from the parklet before the end of the program on November 4, 2024, when the water-filled barriers are set to come down or face fines in accordance with Title 12 of the Bloomington Municipal Code.

## EXHIBIT B: Beautification Guidelines

Several options are available to parklet program participants for beautification. Examples of parklet beautification may include, but are not limited to, the adornment of art, accessibility alterations, or cosmetic improvements, all per guidelines listed in this “Exhibit B: Beautification Guidelines.” Given the potential costs for professional parklet beautification, it is crucial to employ cost-friendly and easy-to-implement solutions, as businesses will bear the costs.

### Beautification Options:

- Additional seating platforms
  - Outside of their uses associated with outdoor dining, parklet installations may include wooden or metal benches, platforms, ramps, or additional forms of seating to compensate for increased customer capacity and general community interactions.
- Adornment of art
  - Parklet program participants are encouraged to use a variety of art sources to beautify parklets.
    - E.g., collaboration with local artists and the utilization of murals
- Parklet greenery
- Additional lighting
- Further cosmetic and logistical improvements
  - More options for cosmetic improvements include the use of budget-friendly space dividers, outdoor rugs/flooring, temporary installations of menu/special boards, spaces dedicated for bike parking, and the inclusion of interactive features
- Businesses should work with City staff to determine appropriate beautification options for the parklets.



**To:** Members of the Common Council

**Cc:** Kerry Thomson, Mayor; Gretchen Knapp, Deputy Mayor; Adam Wason, Director, Public Works; Jane Kupersmith, Director, Economic & Sustainable Development; Michelle Wahl, Parking Services Director, Public Works; Andrew Cibor, Director, Engineering; Tim Clapp, Fire Marshal; Larry Allen, City Attorney; Mike Stewart, Transportation Technician, Engineering; Michael Shermis, Special Projects Coordinator, Community and Family Resources; Ash Kulak, Deputy Administrator / Deputy Attorney for Common Council; Stephen Lucas, Council Attorney

**From:** De de la Rosa, Assistant Director for Small Business Development, and Chaz Mottinger, Special Projects Manager, Economic and Sustainable Development

**Date:** March 28, 2024

**Re:** **Resolution 2024-05 - Expanded Outdoor Dining Program: Parklets in 2024**

### **Executive Summary**

In response to the COVID-19 pandemic, the City of Bloomington Common Council approved Ordinance 20-11, An Ordinance Recommending that Portions of the Bloomington Municipal Code be Temporarily Suspended Due to the Ongoing Public Health Emergency, which suspended portions of the municipal code to support the operation of businesses in downtown Bloomington. The Common Council extended this ordinance and approved the expansion of outdoor seating through the end of 2021. In Ordinance 22-01: An Ordinance Establishing and Approving the Expanded Outdoor Dining Program in the Downtown Corridor, the Common Council approved the Expanded Outdoor Dining Program (“the Program”), which extended the ability for local restaurants to utilize parklets and enhanced pedestrian seating space on Kirkwood Avenue. Council reserved the right to extend the Program and the terms of Ordinance 22-01 by authorizing resolution. Currently, the Indiana Alcohol and Tobacco Commission continues to allow operations in this capacity.

Due to the increased economic benefits of the Program, City Staff recommends that the City Council pass Resolution 2024-05 to continue the Program as set out in Ordinance 22-01 with certain changes. The overview below outlines how the City can continue to support this seasonal program in 2024 with modifications.

## **Overview**

Based on stakeholder input, staff recommends reimplementing the parklet program from April 29, 2024, to November 4, 2024. The Kirkwood conversion program from 2023 will not be considered in 2024 due to the Clear Creek Reconstruction project, which requires that parts of Kirkwood Avenue be used for traffic detours as improvements are made to the underground stormwater system.

Resolution 2024-05 allows the continuation of the expanded outdoor dining program to generate increased economic vibrancy and cultural connectivity in our pedestrian-friendly community. The 2024 expanded outdoor dining program requires participating businesses to pay fees of \$250 for each parklet as outlined in Exhibit A: Program Guidelines — see exhibit for logistical details of the outdoor dining programs.

Businesses may request a temporary parklet during Indiana University graduation weekend. The parklet must be installed by May 2, 2024, and removed no later than May 10, 2024. Businesses requesting a parklet only during graduation weekend must still meet all the program requirements below. The fees for graduation weekend remain \$250 for each parklet, with a \$50 application fee payable to the City of Bloomington Engineering Department.

### Timeline:

- Council vote on Resolution 2024-05: April 3, 2024
- Applications available to businesses: April 4, 2024
- Deadline for submitting applications: April 15, 2024
- Final staff determination of the number and location of parklets: April 26, 2024
- Implementation of outdoor dining program (*weather permitting*): April 29 –30, 2024
- Take down of graduation weekend parklets only: May 6-10, 2024
- End of seasonal outdoor dining program: Nov. 4, 2024

## **Fiscal Impact Analysis**

The financial impact of the Program is modeled on last year's participation while incorporating proposed 2024 Program changes. Staff estimates that meters would ordinarily operate for 158 days during the 2024 Program.

In 2023, 6 businesses used 11 parking spaces and generated \$12,800 in revenue. During the 2023 Kirkwood conversion, which used 2.5 blocks consisting of 50 parking spaces, 6 businesses participated and generated \$19,050 in revenue. The total 2023 revenue from participating businesses was \$31,850.

For 2024, an estimate of 12 businesses using 2 parking spaces would amount to 24 parking spaces utilized for the entirety of the season. At least 2–3 parking spaces will be used for the

temporary program during graduation weekend. Thus, this year's estimated revenue is \$6,000 (24 spaces x \$250 per parking space), not including the temporary weekend.

Meters generate a maximum of \$13 a day from each parking space. Assuming maximum usage, the opportunity cost for parking meters would be \$31,408 from parklets, as well as additional income from the graduation weekend parking space closures.

Parking Services data shows that in 2023, parking revenue was not significantly impacted, as parking was simply pushed into nearby areas. Given these findings, Parking Services is able to support the 2024 Program as an economic initiative for local businesses.

The estimated overall fiscal impact of the City's partnership with participating businesses totals \$25,408 for the 2024 Expanded Outdoor Dining Program. This amount represents the estimated public investment to promote economic vibrancy in our downtown community via the 2024 parklet program. Investment in this program helps drive visitors downtown during months where Bloomington businesses normally see reduced revenues—turning Bloomington's downtown corridor into a magnet during its beloved "townie summer," while also helping stabilize our local economy.

### **Conclusion**

The Program and accompanying recommendations promote cultural vibrancy and economic benefits while balancing the need to retain parking downtown. Recalling that the program was initiated as a temporary measure, Resolution 2024-05 strives to create predictability for the future while continuing to gather feedback and improve implementation through this seasonal program.



## **Exhibit A: 2024 Outdoor Dining Program Guidelines**

### **Costs:**

- All extended outdoor dining will be subject to the \$50 permitting fee to the Engineering Department.
- All fees are due in full by April 15.
- Businesses are responsible for any direct costs associated with utilizing a parklet.
- Cost to businesses will be \$250 per parking space plus the permitting fee for the 2024 season, payable to Parking Services. A two-space parklet will cost \$500 plus the permitting fee, 3 spaces will cost \$750 plus the permitting fee.
- Each participating business must submit a certificate of insurance to the Economic and Sustainable Development Department establishing proof of a comprehensive general liability policy naming the City of Bloomington as additional insured to the extent of at least \$500,000 bodily injury and \$100,000 property damage, which shall be in effect during the term of this authorization.
- Businesses that share a parklet may split the cost.

### **Logistics:**

- Eligibility:
  - Eligibility is limited to any food service establishment adjacent to metered parking in downtown Bloomington.
  - All participating businesses must agree to cease alcohol sales in parklets by midnight.
  - Eligible businesses must complete the application and payment process as outlined in this memo.
- Application process:
  - Application form will go live on the City's webpage on April 4, 2024.
  - Applications are due by April 15, 2024. Businesses may submit applications in advance of the deadline.
  - Fees are payable by check or card to Parking Services by April 26, 2024.
- Implementation:
  - The Parking Services division in the Department of Public Works will install and remove the orange jersey barriers at the beginning and end of the 2024 season.
  - City staff will fill the jersey barriers with water on the installation day. Participating businesses will be required to top off the barriers with water as needed, and the barriers must remain sufficiently full for safety purposes.
  - If the weather in April and early May 2024, is not conducive to outdoor dining, City staff may exercise discretion on the exact dates the parklets are installed.
  - If a parklet is removed, either by request of the business or by determination of City staff, it may not be reinstated in the same calendar year. Any fees paid by the business will not be refunded

- Requirements for participating businesses:
  - Participating businesses are required to provide their own furniture, decorations, etc.
  - Participating businesses are required to invest in the beautification of parklet spaces through decor that meets safety standards (see Exhibit B)
  - Participating businesses must meet all requirements for their extended outdoor seating, including the Americans with Disabilities Act (ADA), Indiana Alcohol Tobacco Commission (ATC), Monroe County Health Department, safety, and insurance requirements.
  - Tents and heaters are not allowed for use in the Parklet Program.
  - Participating businesses must comply with Indiana Fire Code regulations.
  - Businesses must remove all seating, furniture, decorations, and any other property from the parklet before the end of the program on November 4, 2024, when the water-filled barriers are set to come down or face fines in accordance with Title 12 of the Bloomington Municipal Code.

### **Exhibit B: Beautification Guidelines**

Several options are available to parklet program participants for beautification. Examples of parklet beautification may include, but are not limited to, the adornment of art, accessibility alterations, or cosmetic improvements, all per guidelines listed in this “Exhibit B: Beautification Guidelines.” Given the potential costs for professional parklet beautification, employing cost-friendly and easy-to-implement solutions is crucial, as businesses will bear the costs.

### **Beautification Options:**

- Additional seating platforms
  - Outside of their uses associated with outdoor dining, parklet installations may include wooden or metal benches, platforms, ramps, or additional forms of seating to compensate for increased customer capacity and general community interactions.
- Adornment of art
  - Parklet program participants are encouraged to use a variety of art sources to beautify parklets.
    - E.g., collaboration with local artists and the utilization of murals
- Parklet greenery
- Additional lighting
- Further cosmetic and logistical improvements
  - More options for cosmetic improvements include the use of budget-friendly space dividers, outdoor rugs/flooring, temporary installations of menu/special boards, spaces dedicated for bike parking, and the inclusion of interactive features
- Businesses should work with City staff to determine appropriate beautification options for the parklets.



## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Stephen Lucas, Council Administrator/Attorney

**Date:** March 28, 2024

**Re:** [Resolution 2024-08](#) - A Resolution Calling for a Cessation of Hostilities and for Delivery of Humanitarian Aid to Civilians in Gaza

---

### Synopsis

This resolution is sponsored by Councilmembers Piedmont-Smith and Rollo. It calls for national leaders to work toward a cessation of hostilities directed at innocent civilians in Gaza, a multilateral ceasefire to allow for the provision of humanitarian aid backed by significant financial support, the release of all hostages, and a lasting solution to the conflict between Palestinians and the State of Israel.

### Relevant Materials

- [Resolution 2024-08](#)
- Memo from Councilmembers Piedmont-Smith and Rollo

### Summary

Councilmembers Piedmont-Smith and Rollo are sponsoring this resolution, which calls on national leaders to work toward a multilateral ceasefire in Gaza. Similar types of resolutions have been passed by other cities across the United States, including Chicago, Illinois; Seattle, Washington; St. Louis, Missouri; Ann Arbor, Michigan; among many others. A [U.S. Municipal Ceasefire Resolution Tracker map](#) shows the localities that have passed or proposed local items of legislation calling for a ceasefire.

The resolution directs the City Clerk to send a copy of the legislation, once signed, to Indiana's Congressional delegation and to President Biden. The sponsors do not anticipate any fiscal impact to the City as a result of this resolution.

### Contact

Councilmember Isabel Piedmont-Smith, [piedmoni@bloomington.in.gov](mailto:piedmoni@bloomington.in.gov), (812) 349-3409

Councilmember Dave Rollo, [rollod@bloomington.in.gov](mailto:rollod@bloomington.in.gov), (812) 349-3409

## RESOLUTION 2024-08

### A RESOLUTION CALLING FOR A CESSATION OF HOSTILITIES AND FOR DELIVERY OF HUMANITARIAN AID TO CIVILIANS IN GAZA

WHEREAS, the Common Council of Bloomington, Indiana condemns all forms of antisemitism, Islamophobia, racism, and bigotry in Bloomington, and we welcome people from all backgrounds and beliefs in our city; and

WHEREAS, we oppose all forms of antisemitism, Islamophobia, racism, and bigotry in all communities and advocate for the dignity and safety of all people; and

WHEREAS, we condemn the October 7, 2023 attack by Hamas on innocent Israeli civilians and the taking of hostages by Hamas during that attack; and

WHEREAS, we decry the widespread killing of innocent civilians in Gaza since the October 7, 2023 attack and note that, as of March 24, 2024, more than 32,226 Palestinians (civilians and combatants) have been killed<sup>1</sup>, with about two-thirds comprising women and children<sup>2</sup>; and

WHEREAS, we oppose all violence that leads to the loss of innocent civilian lives and ongoing human suffering in both Palestine and Israel; and

WHEREAS, hundreds of thousands of civilians in Gaza lack access to food, water, medicine and other basic necessities of life, with the World Health Organization reporting widespread child malnutrition, lack of potable water, and rampant levels of disease<sup>3</sup> as well as imminent famine<sup>4</sup>;

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

SECTION 1. The City of Bloomington Common Council hereby urges our national leaders to work urgently and diligently toward:

1. A cessation of hostilities directed to innocent civilians, especially children;
2. A multilateral ceasefire in Gaza to allow humanitarian aid to the civilian population;
3. Significant financial support for said humanitarian aid;
4. The immediate release of all hostages; and
5. A lasting, peaceful solution to the conflict between Palestinians and the State of Israel.

SECTION 2. The Clerk shall send a copy of this resolution, duly adopted, to the Indiana Congressional delegation and to the President of the United States.

---

<sup>1</sup> Rebecca Hall, "Middle East Crisis Live: Latest Updates Israel-Gaza War," *The Guardian*, March 24, 2024, <https://www.theguardian.com/world/live/2024/mar/24/middle-east-crisis-live-latest-updates-israel-gaza>. Regarding the death toll figures from the Gaza health ministry, *see also* Aya Batrawy, "Gaza's Death Toll Now Exceeds 30,000. Here's Why It's an Incomplete Count," *npr.org*, February 29, 2024, <https://www.npr.org/2024/02/29/1234159514/gaza-death-toll-30000-palestinians-israel-hamas-war>.

<sup>2</sup> Wafaa Shurafa, Kareem Chehayeb, & Melanie Lidman, "Palestinians Say Israeli Troops Fired at People Seeking Food. Israel Says Scene Was Deadly Stampede," *The Associated Press*, updated February 29, 2024, <https://apnews.com/article/israel-hamas-war-news-02-29-2024-f9b5a62a80d8b83eac4946d3c85af58b>.

<sup>3</sup> Joint News Release, "Children's Lives Threatened by Rising Malnutrition in the Gaza Strip," *World Health Organization*, February 19, 2024, <https://www.who.int/news/item/19-02-2024-children-s-lives-threatened-by-rising-malnutrition-in-the-gaza-strip>.

<sup>4</sup> Statement, "Famine in Gaza is Imminent, with Immediate and Long-Term Health Consequences," *World Health Organization*, March 18, 2024, <https://www.who.int/news/item/18-03-2024-famine-in-gaza-is-imminent--with-immediate-and-long-term-health-consequences>.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution is sponsored by Councilmembers Piedmont-Smith and Rollo. It calls for national leaders to work toward a cessation of hostilities directed at innocent civilians in Gaza, a multilateral ceasefire to allow for the provision of humanitarian aid backed by significant financial support, the release of all hostages, and a lasting, peaceful solution to the conflict between Palestinians and the State of Israel.

*Note: The title of the resolution was revised after distribution in the Legislative Packet on March 28, 2024 but before introduction of the resolution.*

From: Isabel Piedmont-Smith, City Council District 1  
Dave Rollo, City Council District 4

To: City Council colleagues

Re: Resolution 2024-08, Calling for a cessation of hostilities and delivery of humanitarian aid to civilians in Gaza

Date: March 28, 2024

We are bringing forward this resolution to add our voice to those of over 100 other municipalities around the United States demanding that humanitarian aid reach the civilian population of Gaza, which is facing famine, a lack of potable water, and a lack of medical care to the point of extreme crisis. We focus purposefully on the humanitarian catastrophe and not on the military and political causes of the disaster, nor on long-term solutions to the conflict between Hamas and the State of Israel. In order for humanitarian aid to reach the civilians in dire need, a cessation of hostilities must take place. Aid cannot reach needy families while bombs are falling, roads are destroyed, and fuel is lacking. Air drops and a temporary floating pier are insufficient and unsafe. A ceasefire is needed.

We recognize that there are humanitarian disasters unfolding in many parts of the world. The difference with Gaza is that our taxpayer dollars as American residents are being used to send weapons to one of the warring parties. Also, we have received a petition with hundreds of local signatories as well as direct contact by many in Bloomington asking for us as local elected officials to make a statement against the humanitarian catastrophe on their behalf. We also note that some community members are opposed to the Common Council taking any action on this topic at all. After many conversations with Bloomington residents both in favor of and against a resolution, we decided to move ahead due to what we feel is a moral imperative to speak out about the man-made humanitarian catastrophe.

The Common Council of the City of Bloomington has long embraced diversity, upheld the humanity and rights of all people, and spoken out against racism, xenophobia, and bigotry. We condemn antisemitism and want Jews to feel safe in our city. We condemn Islamophobia and want Muslims to feel safe in our city. We do not presume to know how to resolve the complicated, nuanced, long-standing conflict between the State of Israel and the Palestinian people. What we intend is to speak out against the intolerable cruelty of children dying of hunger, women subjected to surgery without anesthetic, and Gazans of all ages stricken by preventable disease due to unsafe drinking water. The world must come to the aid of the civilian people of Gaza. It is our duty to demand that President Biden and our Congressional delegation do whatever they can to pressure all parties to cease the violence in order to save innocent lives.

We encourage you to support Resolution 2024-08.



**MEMO FROM COUNCIL OFFICE:**

**To:** Members of the Common Council

**From:** Ash Kulak, Deputy Administrator / Deputy Attorney

**Date:** March 28, 2024

**Re: Ordinance 2024-03 through Ordinance 2024-06** – 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 11, 2024, the Plan Commission considered four proposals brought forward by city planning staff to make various changes to the UDO. The proposals were all certified on March 21, 2024. 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
Ordinance 2024-03 - Technical Corrections	ZO-04-24	7-0-0	March 21, 2024	June 19, 2024
Ordinance 2024-04 – Table of Contents Chapter 4: Development Standards & Incentives	ZO-05-24	7-0-0	March 21, 2024	June 19, 2024
Ordinance 2024-05 – Chapter 2: Zoning Districts Chapter 3: Use Regulations Chapter 5: Subdivision Standards Chapter 7: Definitions	ZO-06-24	7-0-0	March 21, 2024	June 19, 2024
Ordinance 2024-06 - Chapter 6: Administration & Procedures	ZO-07-24	7-0-0	March 21, 2024	June 19, 2024

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

**Relevant Materials**

- Ordinance 2024-03 through Ordinance 2024-06
- Certification forms from Plan Commission for each ordinance
- Attachment A & staff memo, including redline amendments showing changes proposed by each ordinance
- Tables summarizing changes for each ordinance



## City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

### Contact

Jacqueline Scanlan, Development Services Manager, Planning & Transportation, 812-349-3423, [scanlanj@bloomington.in.gov](mailto: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 at the following link: <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 at the following link: <https://bloomington.in.gov/planning/comprehensive-plan>.

A summary of the changes that each ordinance proposes is as follows:

- Ordinance 2024-03 makes administrative, technical corrections to the UDO, including reference corrections, removal of unnecessary wording, correcting for duties of the Engineering Department, and syncing references across the UDO.
- Ordinance 2024-04 includes changes to the Table of Contents, as well as Chapter 4 of the UDO regarding design standards and incentives. Most of these changes add more information to increase accuracy and clarify existing standards.
- Ordinance 2024-05 addresses changes to Chapters 2, 3, 5, and 7 of the UDO, regarding zoning districts, use regulations, subdivision standards, and definitions. City staff has noted that several changes in this ordinance exist to amend code to align with City goals.
- Ordinance 2024-06 makes several changes to Chapter 6 of the UDO regarding administration and procedures. The changes identified were made to clarify existing processes.

For more information on the specific details regarding the proposed changes, please consult the staff memoranda (with tables of the proposed changes) for each ordinance.





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 ([IC 36-7-4-201](#)) 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 code ([IC 36-7-4-603](#)) and local code (BMC [20.06.070\(d\)\(4\)](#)) 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 (Ind. 2005) (interpreting [IC 36-7-4-603](#)).



[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 Commission 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 2024-03**  
**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 20-06 and Ordinance 20-07; and

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

WHEREAS, on March 11, 2024, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 21, 2024; and

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

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

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-04-24 (hereinafter “Attachment A”)
  - (B) Any Council amendments thereto (“Attachment B”)

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington


#### SYNOPSIS

This petition contains corrections or clarifications in the UDO, including reference corrections, removal of unnecessary wording, correcting for duties of the Engineering Department, and syncing references across the UDO. There are 46 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 24-03 is a true and complete copy of Plan Commission Case Number ZO-04-24 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 11, 2024.

Date: March 21, 2024

  
 \_\_\_\_\_  
 Jacqueline Scanlan, Secretary  
 Plan Commission

Received by the Common Council Office this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

Signature of Controller

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

Yes \_\_\_\_\_ No \_\_\_\_\_ XX

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

Approval of case ZO-04-24 amends the 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-04-24 Memo

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

---

The Plan Commission heard case ZO-04-24 on March 11, 2024 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0.

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code. The last UDO Update process was completed in the April of 2023, with the final text amendment Ordinance becoming effective in August 2023. That update was the end of 2023’s annual update, with changes related to maximum parking and chicken flocks. This update is part of our regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance 24-03:

- 1. ZO-04-24 | Technical Corrections

ZO-04-24 | Technical Corrections

This petition contains corrections or clarifications to the UDO. These range from reference corrections to removal of unnecessary wording to correcting for duties of the Engineering Department to syncing references across the UDO. There are 46 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.

(2) **Dimensional Standards**

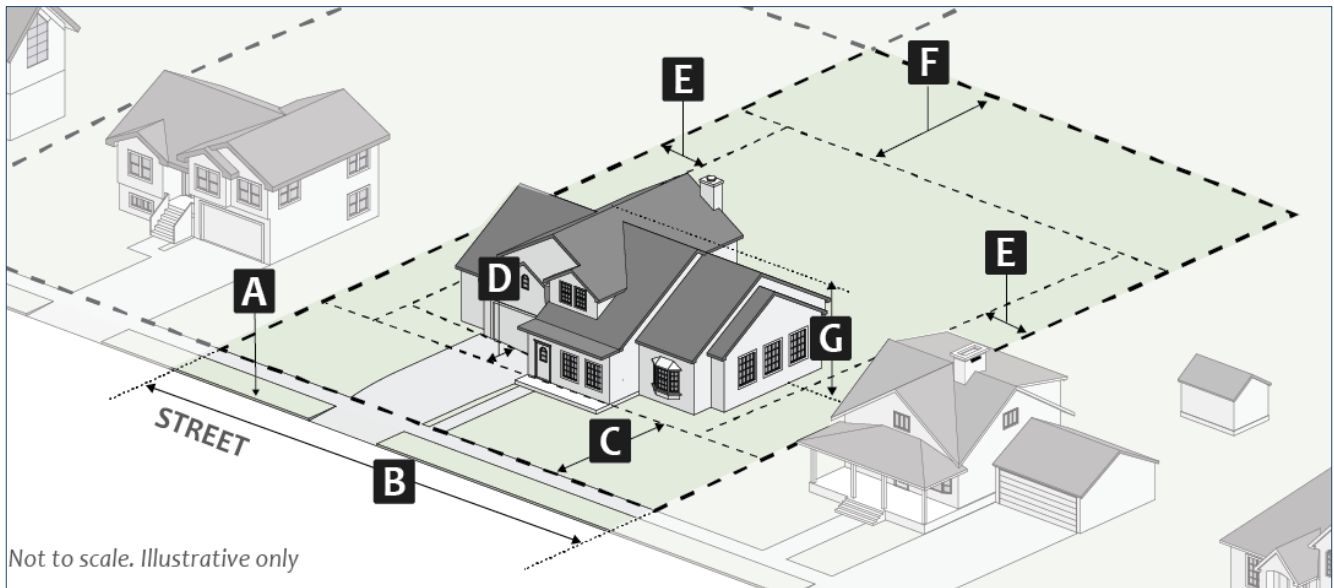
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-2: R1 District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	20,000 square feet (0.459 acres) [1]
<b>B</b>	Lot width	100 feet [1]
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet
<b>D</b>	Attached front-loading garage or carport	25 feet [2]
<b>E</b>	Side	First floor: 8 feet [1] Each story above the ground floor: 10 feet [1]
<b>F</b>	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	30%
<b>G</b>	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

**Notes:**

- [1] See Section 20.04.110 (Incentives) for alternative standards.
- [2] Or equal to the setback of the primary structure, whichever is greater.



**Figure 2: R1 District Dimensional Standards**

(2) **Dimensional Standards**

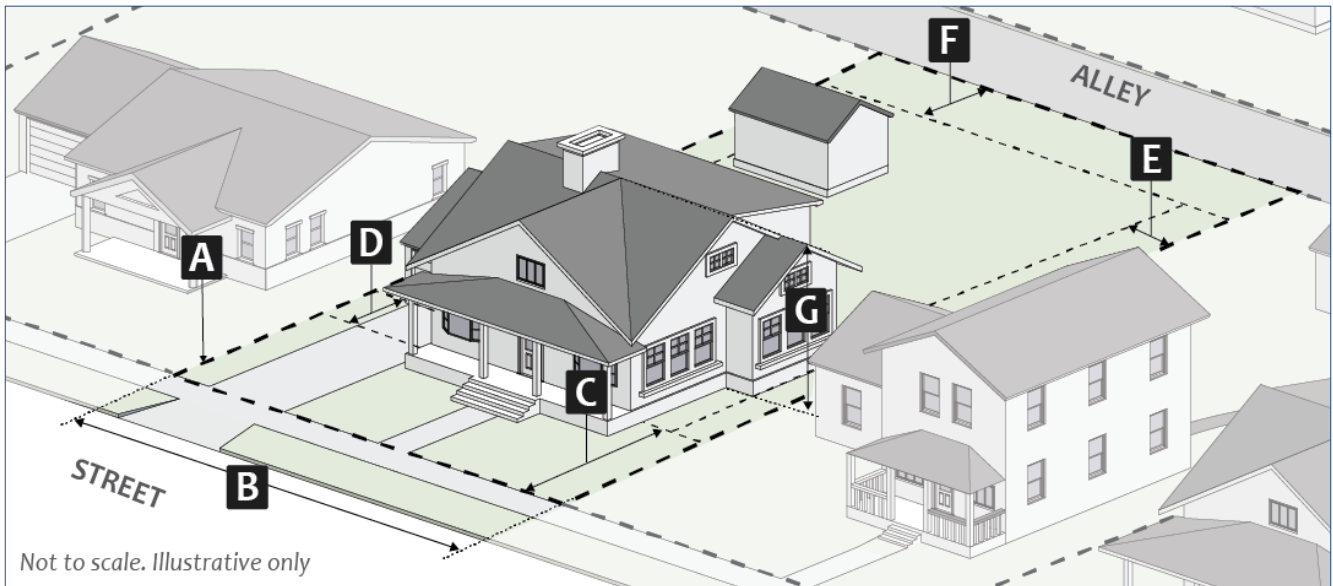
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-3: R2 District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	7,200 square feet (0.165 acres)[1]
<b>B</b>	Lot width	60 feet [1]
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
<b>D</b>	Attached front-loading garage or carport	25 feet [2]
<b>E</b>	Side	First Floor: 8 feet [3] Each story above the ground floor: 10 feet [1] [3]
<b>F</b>	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	40%
<b>G</b>	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

**Notes:**

- [1] See Section 20.04.110 (Incentives) for alternative standards.
- [2] Or equal to the setback of the primary structure, whichever is greater.
- [3] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.



**Figure 4: R2 District Dimensional Standards**



(2) **Dimensional Standards**

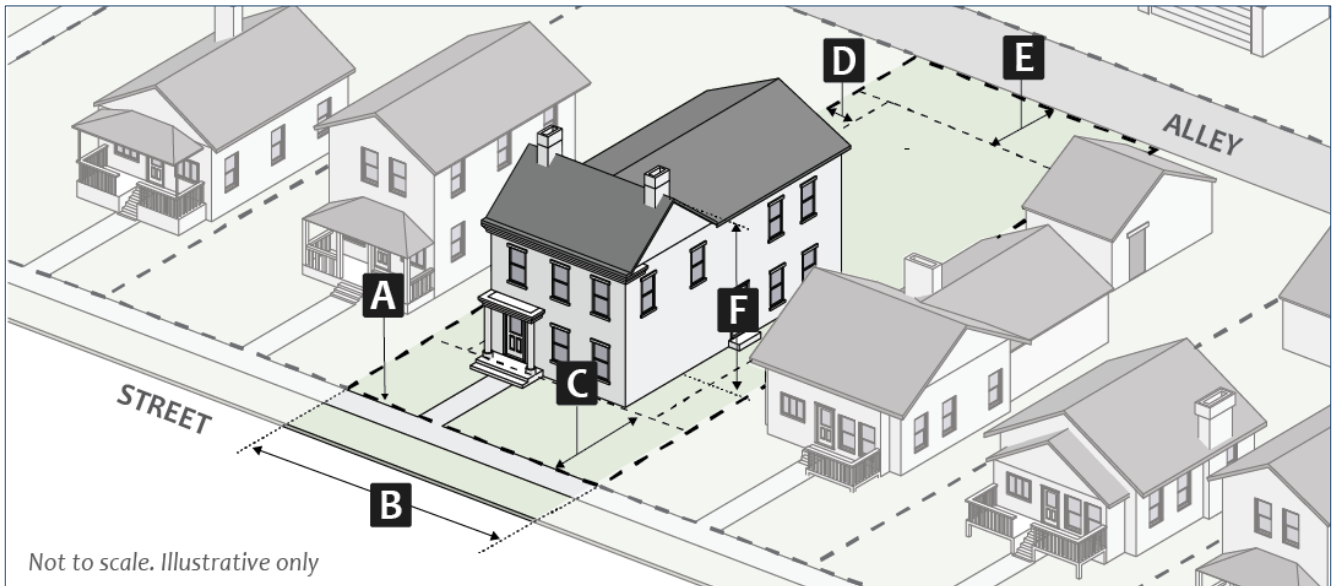
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-4: R3 District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	5,000 square feet (0.115 acres) [1]
<b>B</b>	Lot width	50 feet [1]
Building Setbacks (Minimum)		
<b>C</b>	Front build-to line	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
<b>D</b>	Side	First floor: 6 feet [2] Each story above the ground floor: 10 feet [1] [2]
<b>E</b>	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	45%
<b>F</b>	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

**Notes:**

- [1] See Section 20.04.110 (Incentives) for alternative standards.
- [2] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.



**Figure 6: R3 Dimensional Standards**

(2) **Dimensional Standards**

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

**Table 02-5: R4 District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	4,000 square feet (0.092 acres)
<b>B</b>	Lot width	35 feet
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
<b>D</b>	Side	5 feet
<b>E</b>	Rear	25 feet
Other Standards		
	Impervious surface coverage (maximum)	50%
<b>F</b>	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

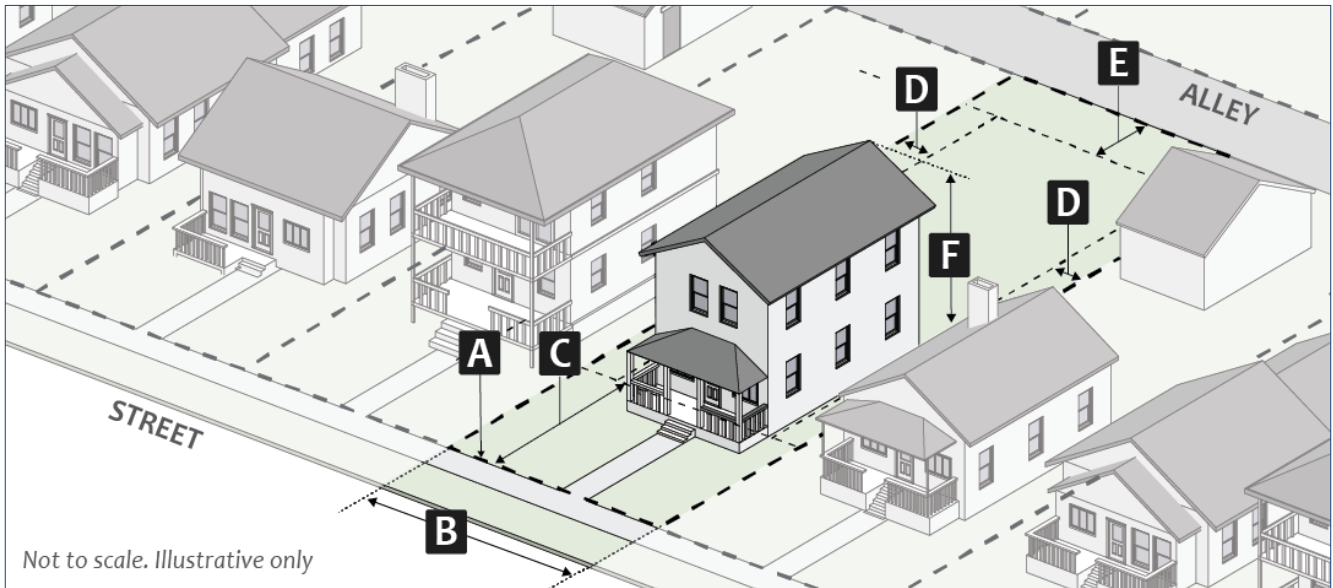


Figure 8: R4 Dimensional Standards

(2) **Dimensional Standards**

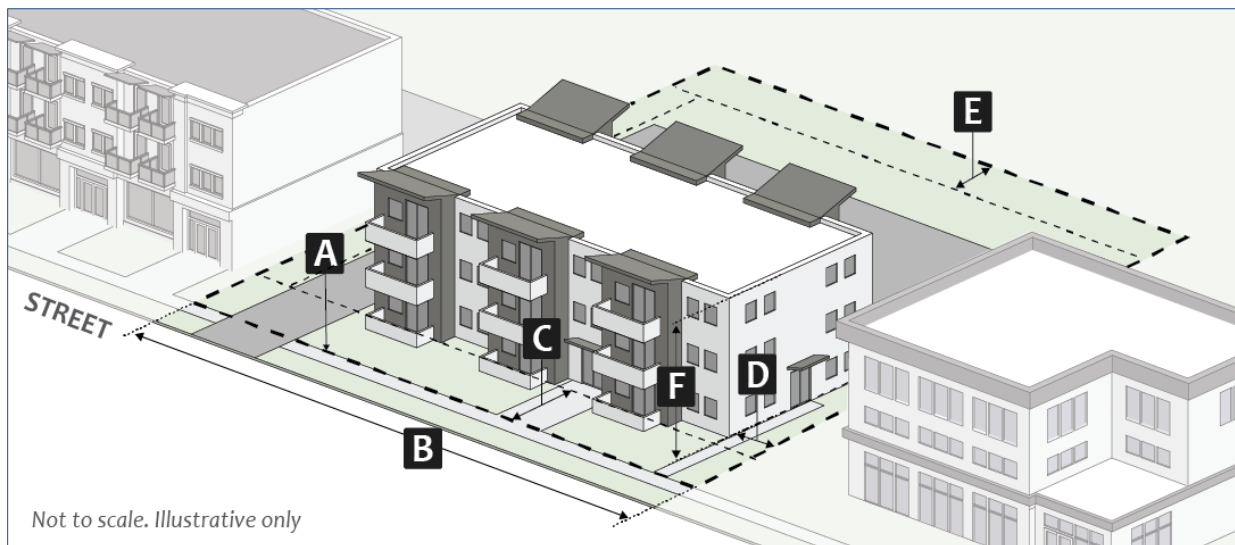
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-6: RM District Dimensional Standards**

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

**Notes:**

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



**Figure 10: RM Dimensional Standards**

(2) **Dimensional Standards**

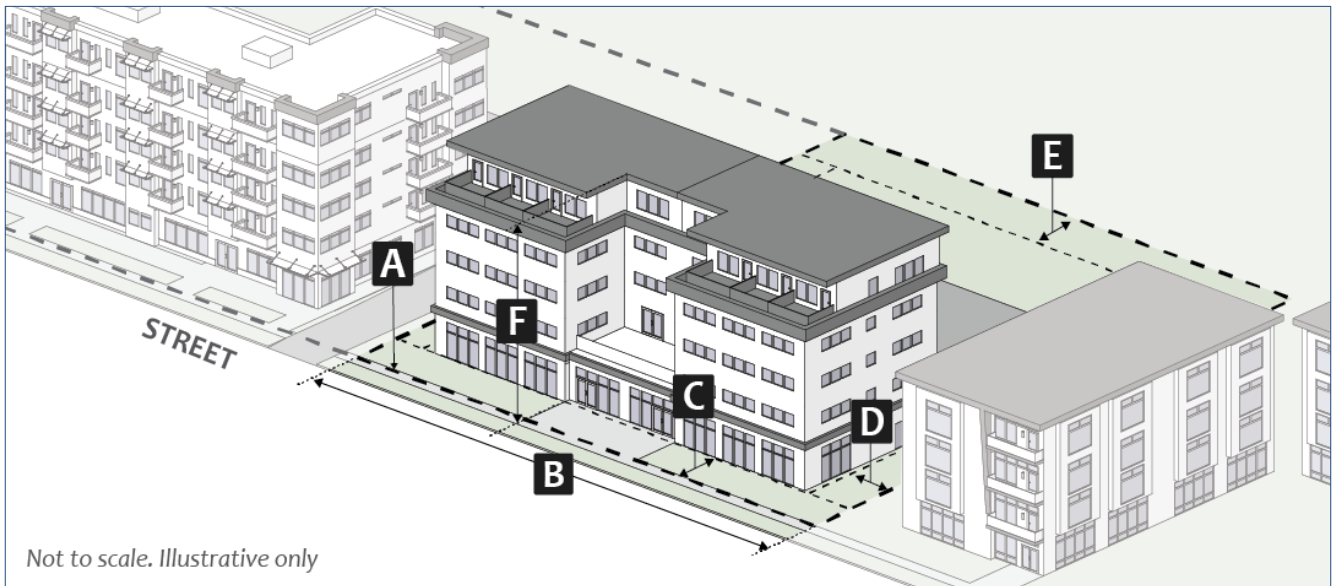
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240(Dimensional Standards) also apply.

**Table 02-7: RH District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling
<b>A</b>	Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
<b>B</b>	Lot width	50 feet	
Building Setbacks (Minimum)			
<b>C</b>	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
<b>D</b>	Side	10 feet [2]	
<b>E</b>	Rear	[2] 15 feet	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	65%	
	Landscape area (minimum)	35%	
<b>F</b>	Primary structure height (maximum)	5 stories, not to exceed 63 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

**Notes:**

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

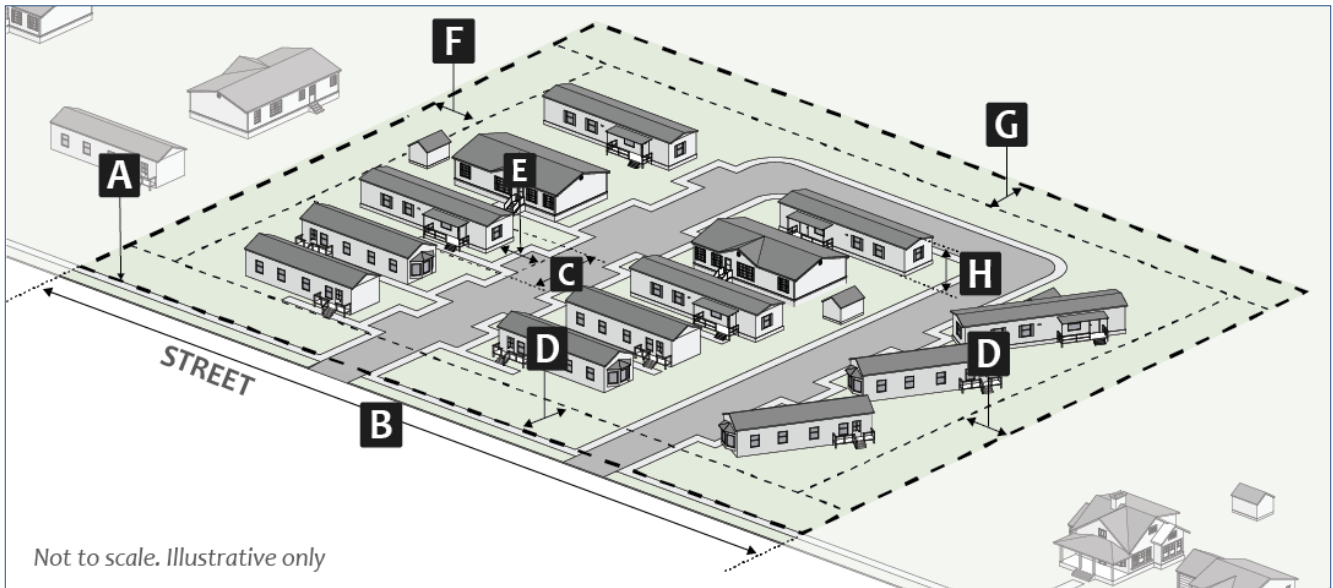


(2) **Dimensional Standards**

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

**Table 02-8: RMH District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		Entire Development	Dwelling Site
<b>A</b>	Lot area	43,560 square feet (1.0 acres)	3,000 square feet
<b>B</b>	Lot width	200 feet	<b>C</b> 40 feet
Setbacks for Development as A Whole (Minimum)			
<b>D</b>	Front	25 feet	<b>E</b> 10 feet
<b>F</b>	Side	20 feet	Primary Structure: 7 feet Accessory Structure: 2 feet
<b>G</b>	Rear	20 feet	
Other Standards			
	Impervious surface coverage (maximum)	None	65%
	Primary structure height (maximum)	None	<b>H</b> 20 feet
	Accessory structure height (maximum)	None	20 feet



**Figure 14: RMH Dimensional Standards**

(2) **Dimensional Standards**

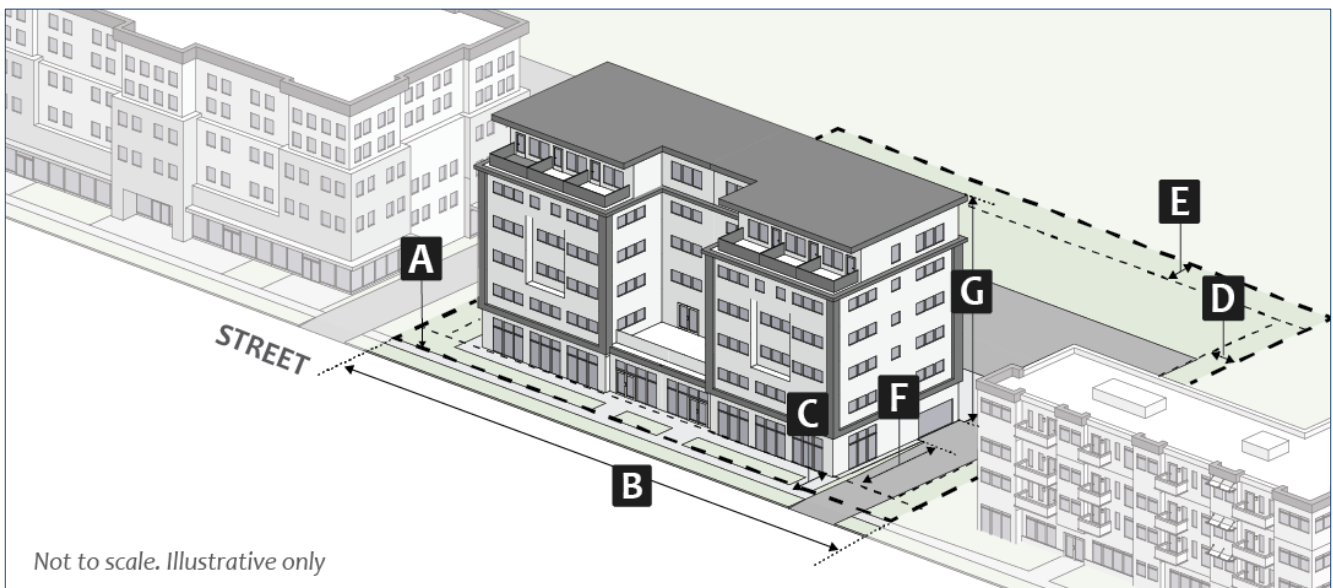
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-9: MS District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	5,000 square feet (0.115 acres)
<b>B</b>	Lot width	50 feet
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet
<b>D</b>	Side	15 feet [1]
<b>E</b>	Rear	15 feet [1]
Other Standards		
<b>F</b>	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	70%
	Landscape area (minimum)	30%
<b>G</b>	Primary structure height (maximum) [2]	6 stories, not to exceed 75 feet [1] [2]
	Accessory structure height (maximum)	20 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.



**Figure 16: MS Dimensional Standards**

(2) **Dimensional Standards**

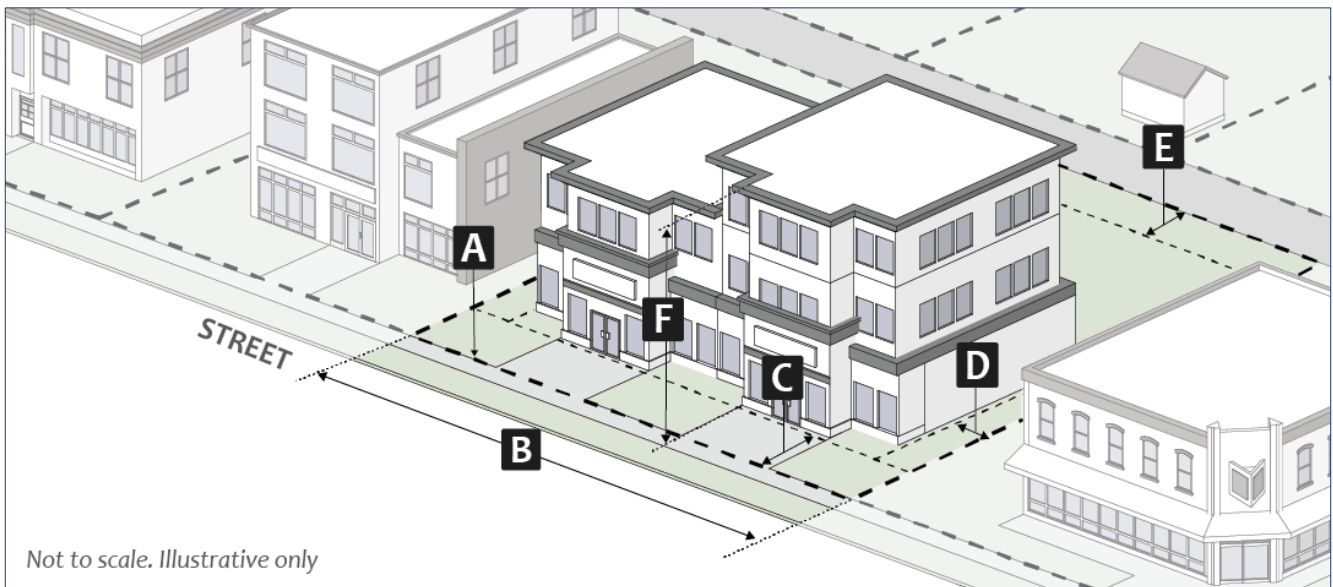
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-10: MN District Dimensional Standards**

<b>Lot Dimensions (Minimum, only for lots created after the effective date)</b>		
<b>A</b>	Lot area	5,000 square feet (0.115 acres)
<b>B</b>	Lot width	50 feet
<b>Building Setbacks (Minimum)</b>		
<b>C</b>	Front build-to range	15 to 25 feet
	Front building facade at build-to range (minimum)	70%
<b>D</b>	Side	7 feet [1]
<b>E</b>	Rear	10 feet [1]
<b>Other Standards</b>		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
	Area of any individual commercial tenant (maximum)	5,000 square feet gross floor area
<b>F</b>	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3]
	Accessory structure height (maximum)	20 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.



(2) **Dimensional Standards**

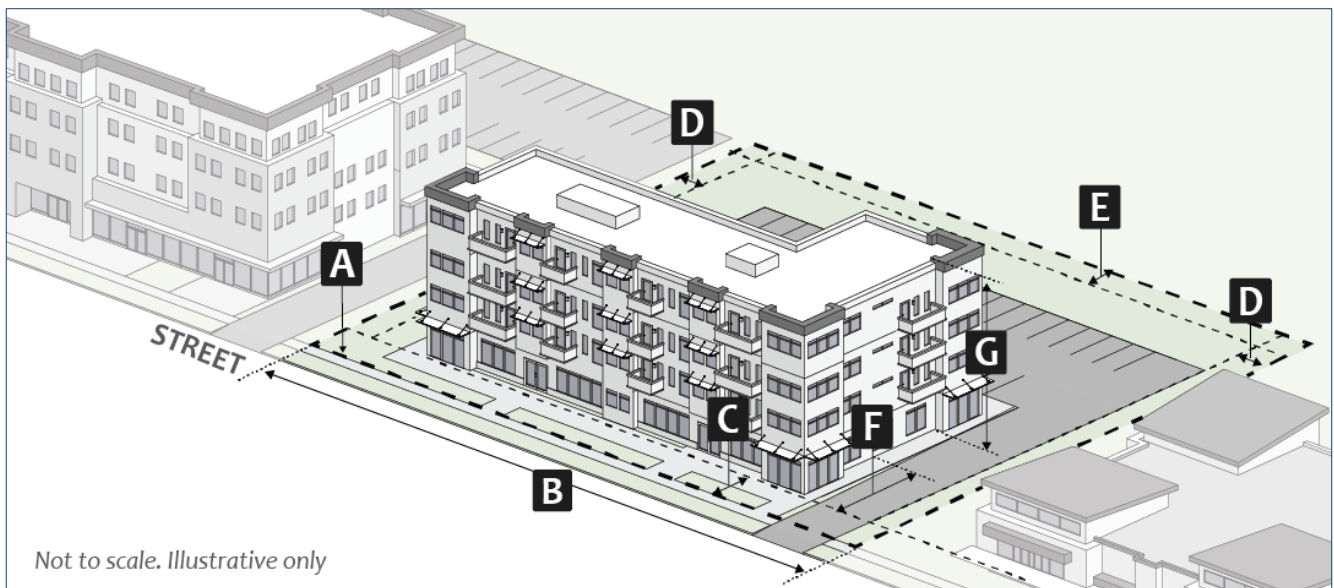
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-11: MM District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	5,000 square feet (0.115 acres)
<b>B</b>	Lot width	50 feet
Building Setbacks (Minimum)		
<b>C</b>	Front build-to range	15 to 25 feet
	Front building facade at build-to range (minimum)	70%
<b>D</b>	Side	7 feet [1]
<b>E</b>	Rear	7 feet [1]
Other Standards		
<b>F</b>	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
<b>G</b>	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.



**Figure 20: MM Dimensional Standards**



(2) **Dimensional Standards**

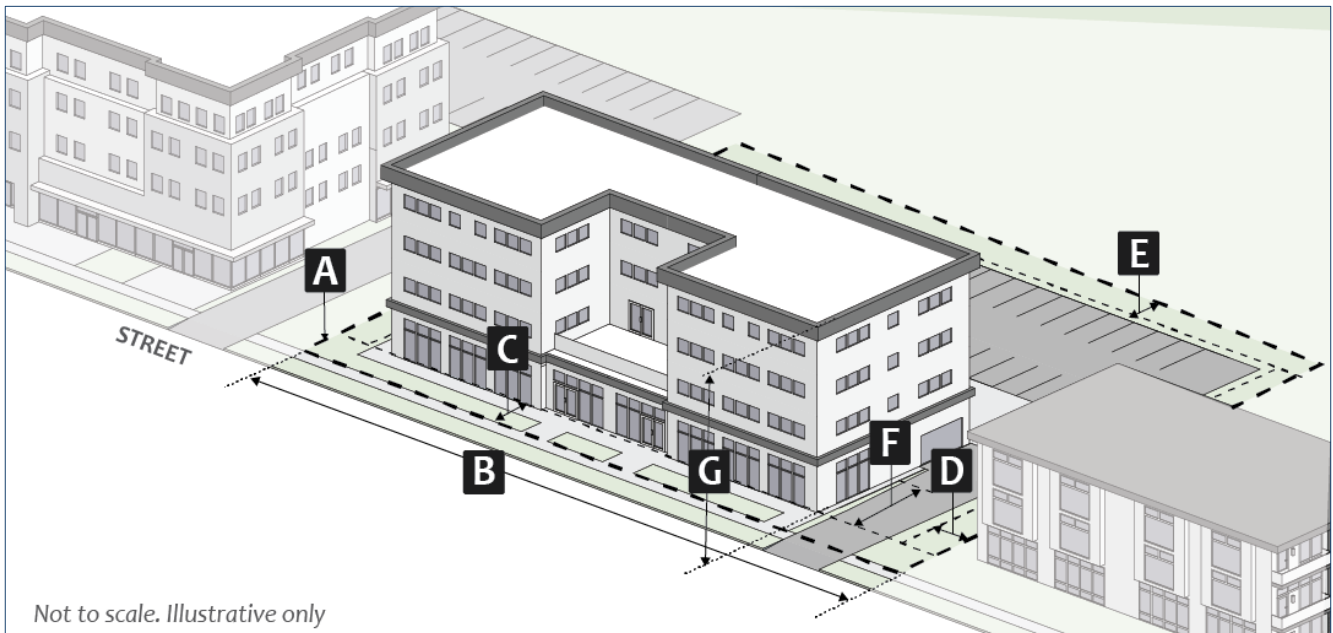
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-12: MC District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	5,000 square feet (0.115 acres)
<b>B</b>	Lot width	50 feet
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet
<b>D</b>	Side	7 feet [1]
<b>E</b>	Rear	7 feet [1]
Other Standards		
<b>F</b>	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
<b>G</b>	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.



**Figure 22: MC Dimensional Standards**

(2) **Dimensional Standards**

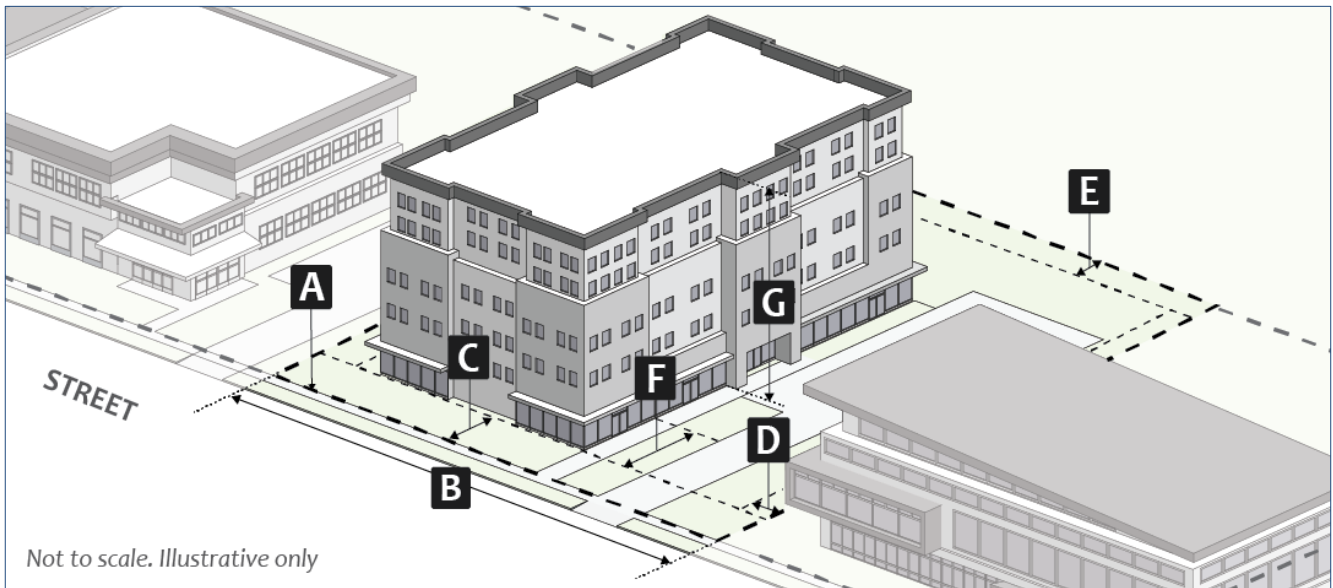
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-13: ME District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	5,000 square feet (0.115 acres)
<b>B</b>	Lot width	50 feet
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet
<b>D</b>	Side	10 feet [1]
<b>E</b>	Rear	10 feet [1]
Other Standards		
<b>F</b>	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	70%
	Landscape area (minimum)	30%
<b>G</b>	Primary structure height (maximum)	5 stories, not to exceed 63 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.



**Figure 24: ME Dimensional Standards**

(2) **Dimensional Standards**

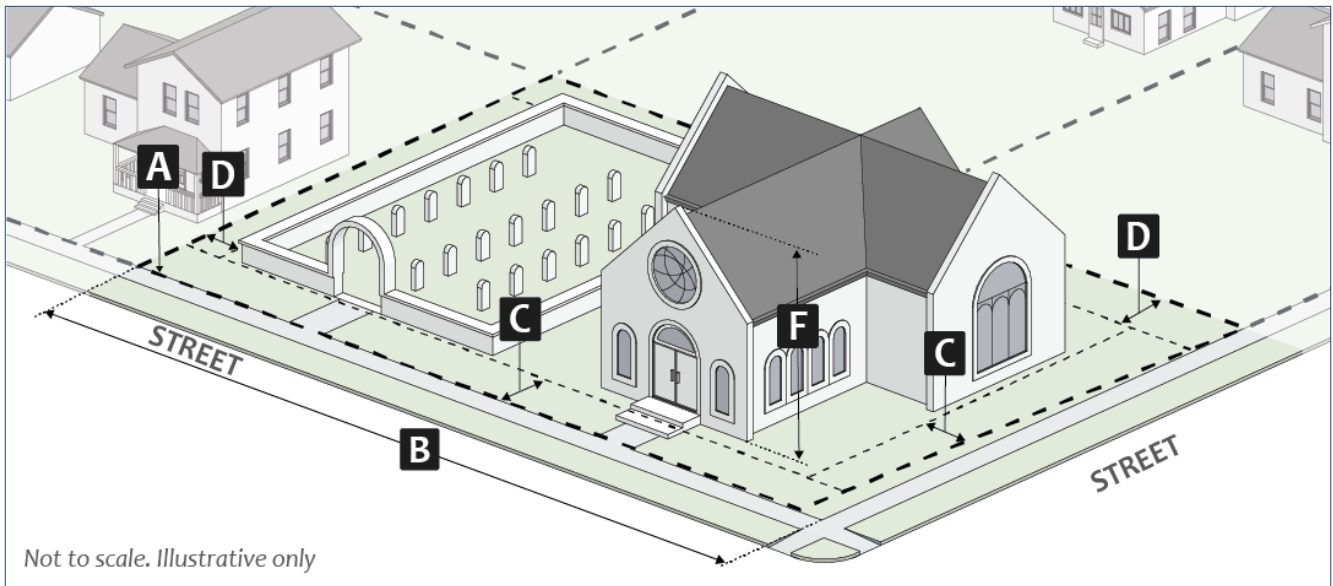
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-14: MI District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	5,000 square feet (0.115 acres)
<b>B</b>	Lot width	50 feet
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet
<b>D</b>	Side	10 feet [1]
	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
<b>F</b>	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.



**Figure 26: MI Dimensional Standards**

**(B) Dimensional Standards**

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

**Table 02-15: MD-CS Dimensional Standards**

Building Setbacks		
<b>A</b>	Build-to range	0 to 5 feet
<b>B</b>	Building facade 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%
<b>C</b>	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 20.04.0240 (Dimensional Standards) also apply.

Table 02-16: MD-DC Dimensional Standards		
Building Setbacks		
<b>A</b>	Build-to range	0-5 feet
<b>B</b>	Building facade 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%
<b>C</b>	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).

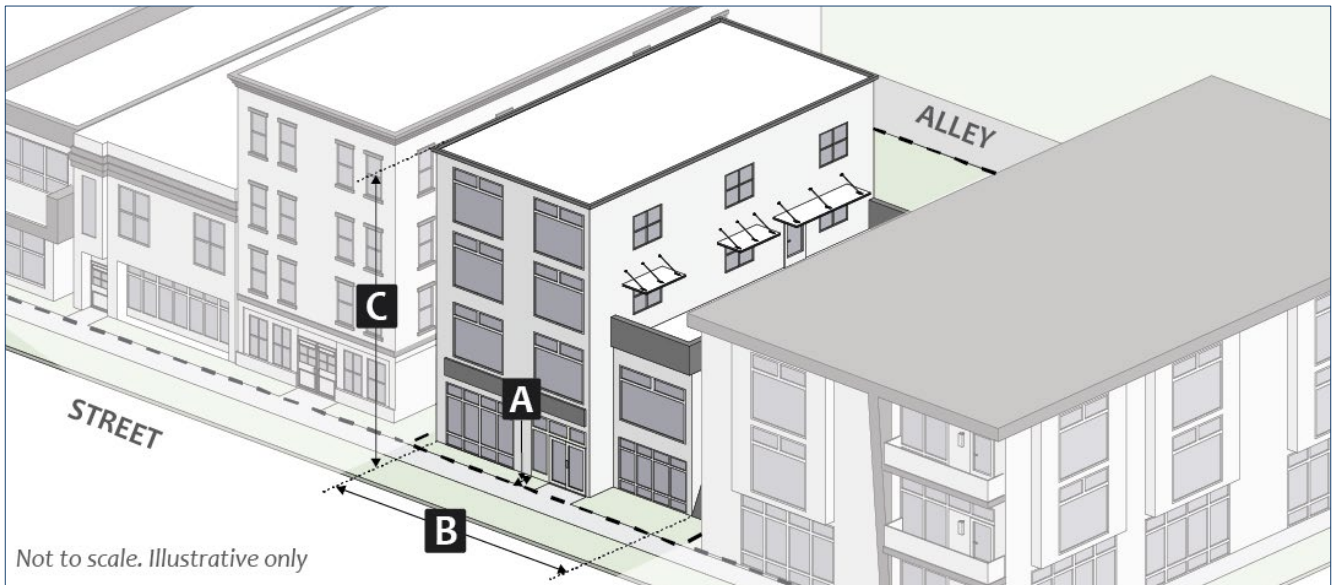


Figure 30: MD-DC Downtown Character Overlay Dimensional Standards

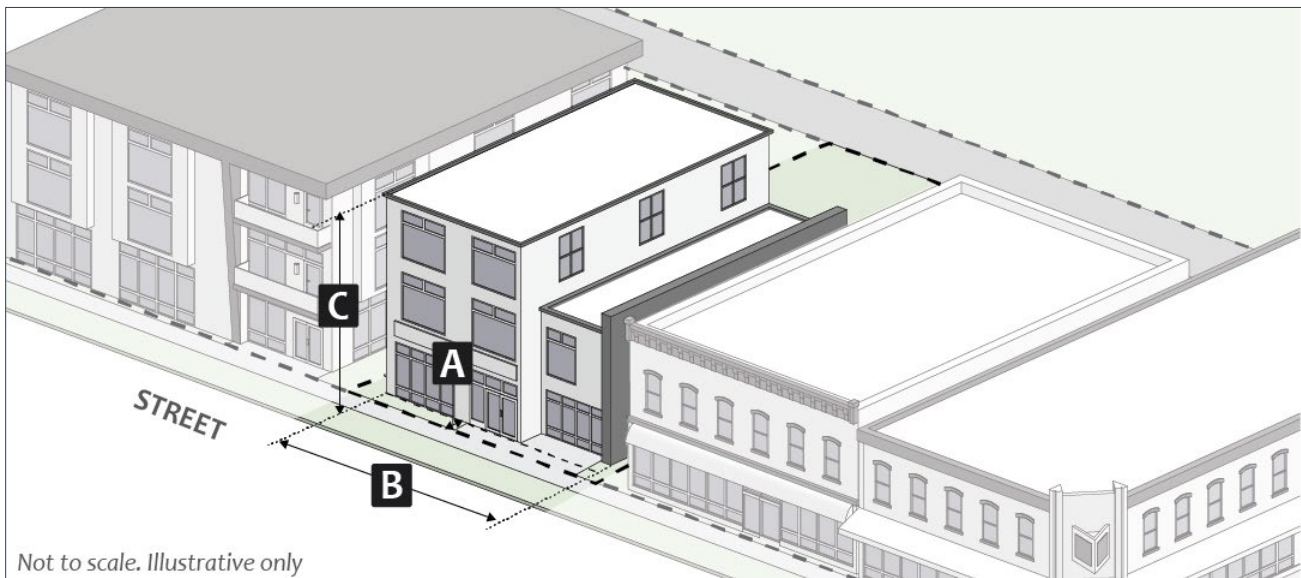
**(B) Dimensional Standards**

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

<b>Table 02-17: MD-UV Dimensional Standards</b>				
<b>Building Setbacks</b>				
<b>A</b>	Build-to range	0 to 15 feet		
<b>B</b>	Building facade at build-to percentage (minimum)	70%		
	Side (minimum)	None [1]		
	Rear (minimum)	None [1]		
<b>Other Standards</b>		<b>General</b>	<b>Kirkwood Corridor</b>	<b>Restaurant Row</b>
	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%
<b>C</b>	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).



**Figure 32: MD-UV Downtown Character Overlay Dimensional Standards**

**(B) Dimensional Standards**

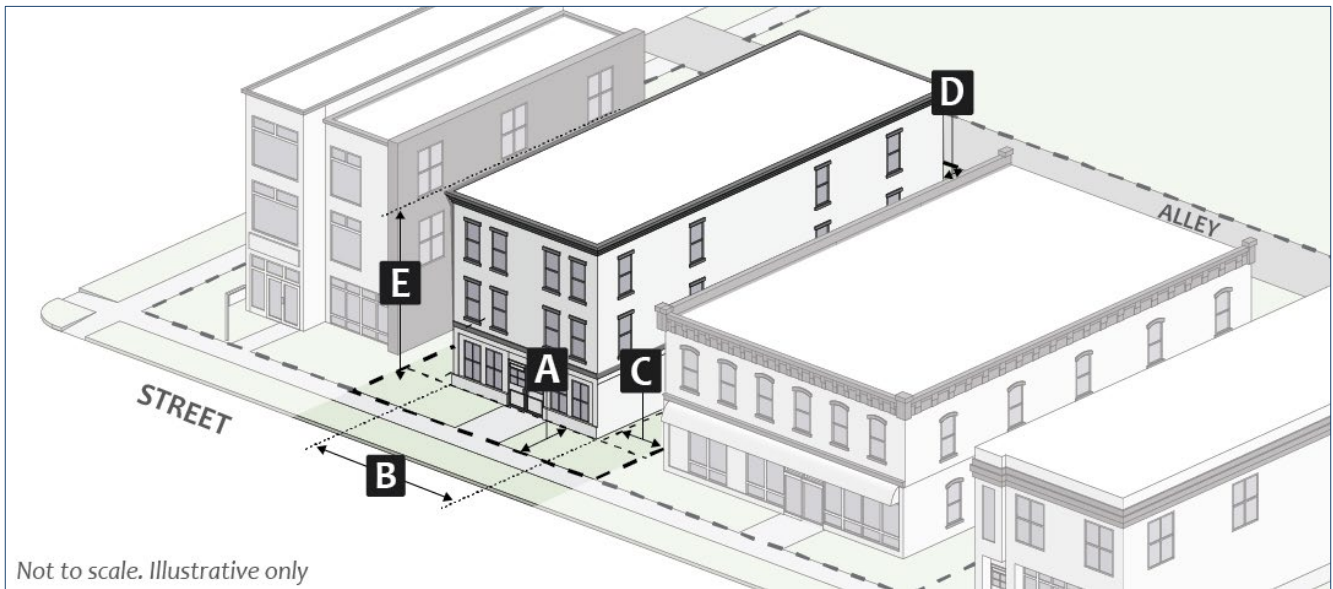
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-18: MD-DE Dimensional Standards**

Building Setbacks		
<b>A</b>	Build-to range	0 to 15 feet
<b>B</b>	Building facade build-to percentage (minimum)	70%
<b>C</b>	Side (minimum)	7 feet [1]
<b>D</b>	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%
<b>E</b>	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**

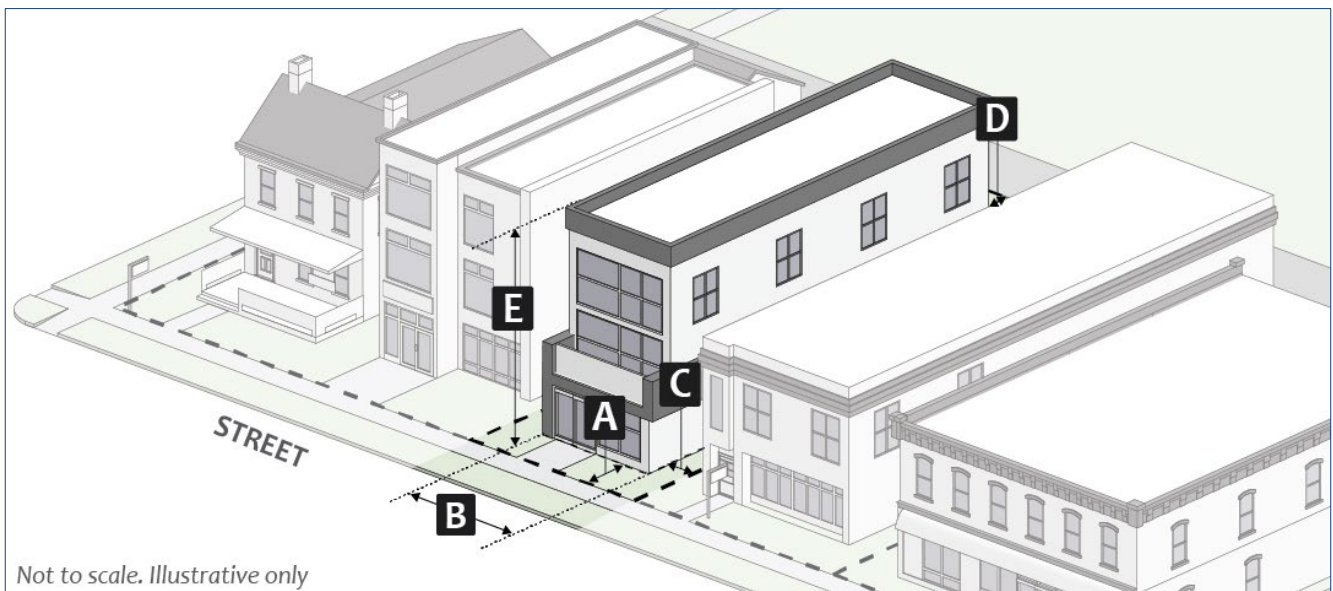
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-19: MD-DG Dimensional Standards**

Building Setbacks		
<b>A</b>	Build-to range	0 to 15 feet
<b>B</b>	Building facade build-to percentage (minimum)	70%
<b>C</b>	Side (minimum)	5 feet [1]
<b>D</b>	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%
<b>E</b>	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**

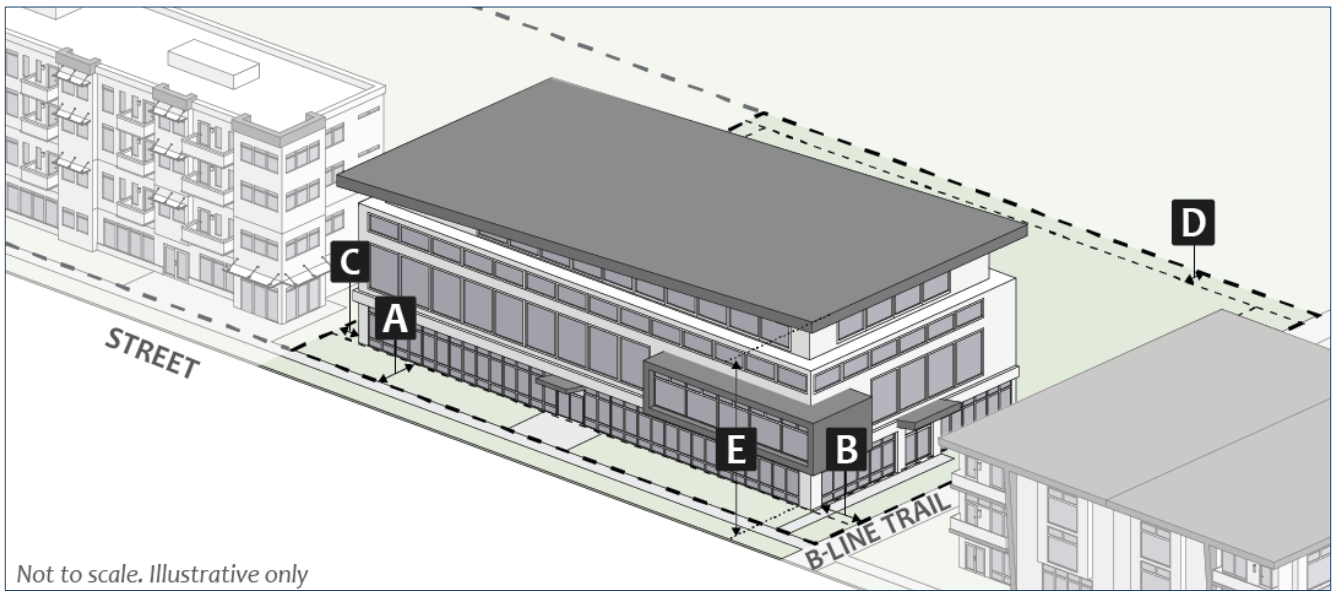
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-20: MD-ST Dimensional Standards**

Building Setbacks		
<b>A</b>	Front (maximum)	15 feet
<b>B</b>	Adjacent to B-Line (minimum)	15 feet
<b>C</b>	Side building setback (minimum)	5 feet [1]
<b>D</b>	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)	85%
	Landscape area (minimum)	15%
<b>E</b>	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**

(2) **Dimensional Standards**

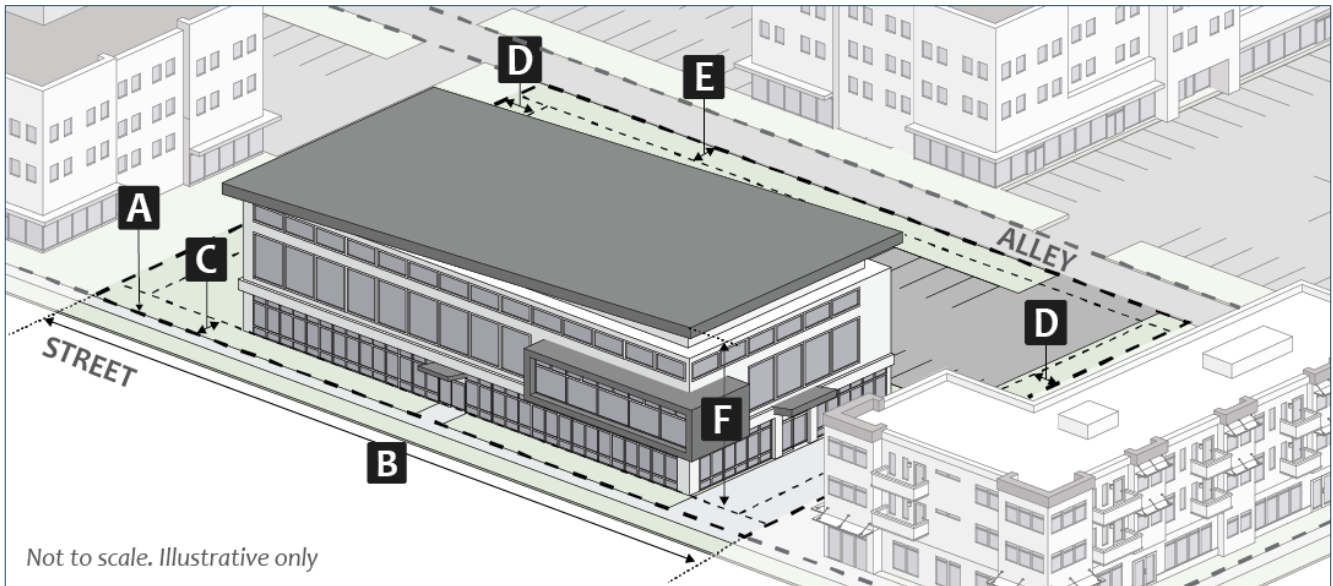
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-21: MH District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	10,890 square feet (0.250 acres)
<b>B</b>	Lot width	65 feet
Building Setbacks (Minimum)		
<b>C</b>	Front	25 feet
<b>D</b>	Side	10 feet [1]
<b>E</b>	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
<b>F</b>	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3]
	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.



**Figure 40: MH Dimensional Standards**

(2) **Dimensional Standards**

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

<b>Table 02-22: EM District Dimensional Standards</b>		
<b>Lot Dimensions (Minimum, only for lots created after the effective date)</b>		
<b>A</b>	Lot area	None
<b>B</b>	Lot width	100 feet
<b>Building Setbacks (Minimum)</b>		
<b>C</b>	Front	25 feet
<b>D</b>	Side	20 feet [1]
<b>E</b>	Rear	20 feet [1]
<b>Other Standards</b>		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	70%
	Landscape area (minimum)	30%
<b>F</b>	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1]
	Accessory structure height (maximum)	35 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).

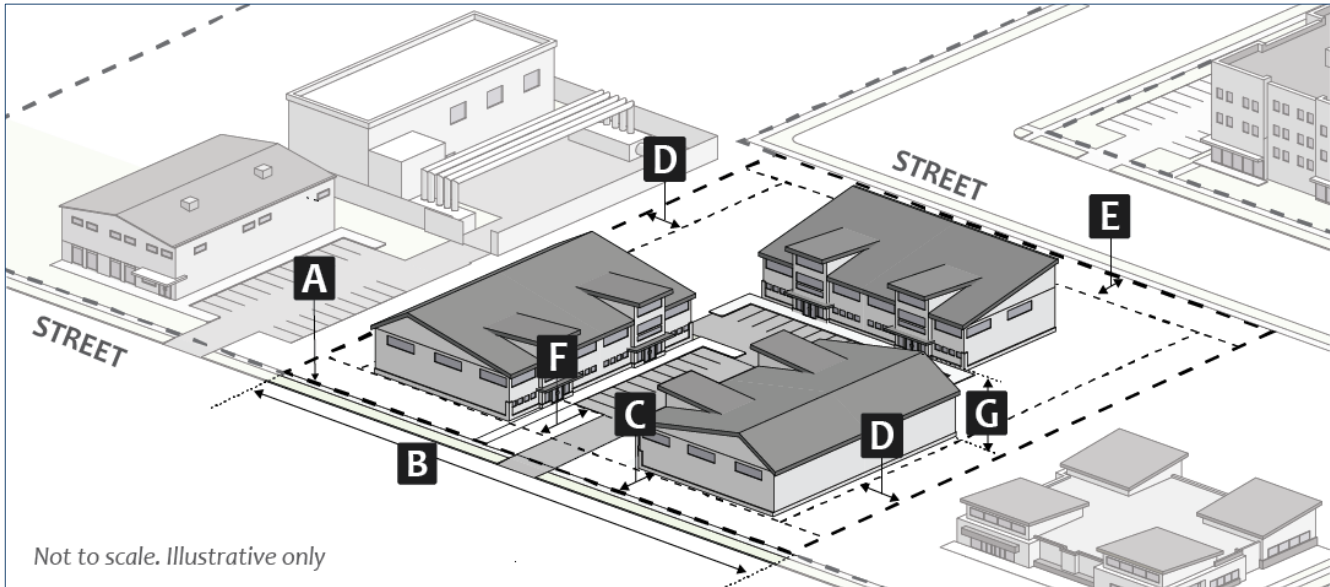


Figure 42: EM Dimensional Standards

(2) **Dimensional Standards**

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

**Table 02-23: PO District Dimensional Standards**

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	None
<b>B</b>	Lot width	None
Building Setbacks (Minimum)		
<b>C</b>	Front setback	15 feet
<b>D</b>	Side setback	5 feet
<b>E</b>	Rear setback	5 feet
Other Standards		
	Front parking setback (minimum)	15 feet
	Impervious surface coverage (maximum)	None
<b>F</b>	Primary structure height (maximum)	20 feet
	Accessory structure height (maximum)	20 feet

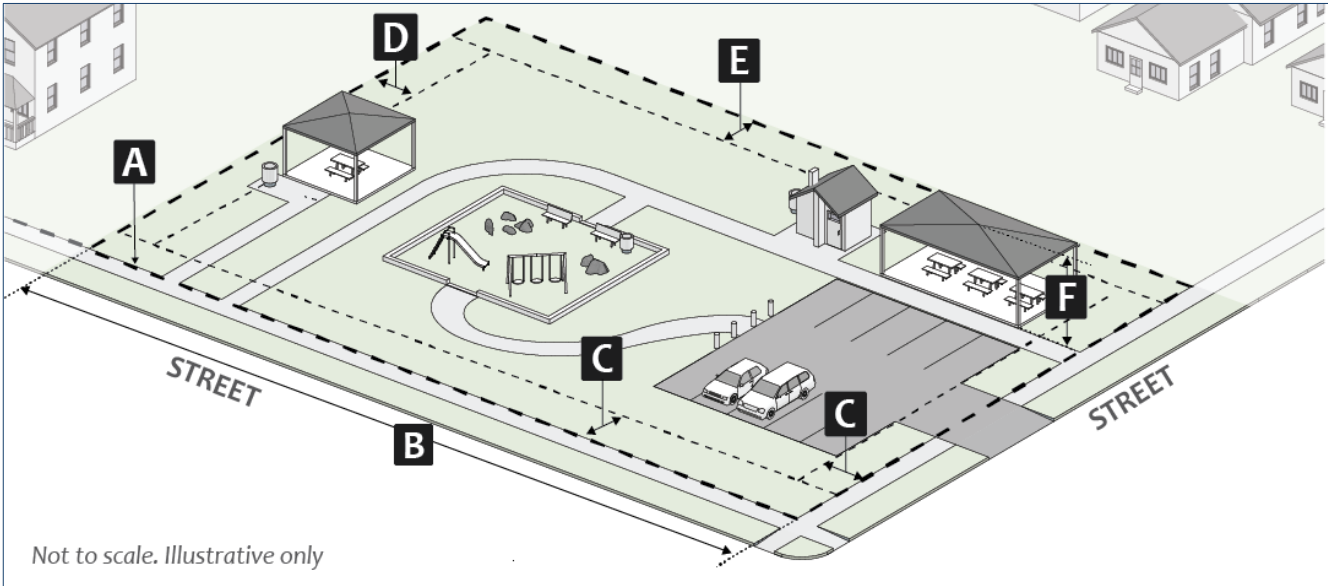


Figure 44: PO Dimensional Standards

(3) **Additional PO District Standards**

- (A) All land uses, structures, and development in the PO district shall comply with all other provisions of this UDO unless specifically exempted in this UDO or through subsection (B) below.
- (B) In the event of a conflict between the provisions of this UDO and the provisions of an adopted City management plan, rule, or regulation applicable to that park or open space land or facility, the provisions of this UDO shall apply.

unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street, or the B-Line Trail.

- ii. Ground floor dwelling units with a front building wall facing a street shall be raised 2 to 5 feet above the sidewalk level.
- iii. Each dwelling unit shall have direct access to a covered balcony, patio, or porch with an average depth of at least 5 feet located adjacent to or overlooking a common open space, right-of-way, or B-Line Trail.
- iv. Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street.

**(B) Restaurant**

- i. In the RM and RH zoning districts, the restaurant shall contain no more than 5,000 gross square feet of floor area.

**(7) Access and Connectivity**

**(A) Driveways and Access**

**i. Alley Access:**

A driveway accessing the street shall be prohibited if the side or rear setback is adjacent via a platted alley.

**ii. Surface Material:**

Except for single-family, duplex, triplex, and fourplex uses, entrances and drives shall be constructed solely of permeable pavers.

**(8) Parking and Loading**

**(A) Minimum Vehicle Parking Requirement:**

Minimum vehicle parking requirements shall not apply to developments in the TRO.

**(B) Maximum Vehicle Parking Allowance:**

**i. ~~Household~~Housing Living Uses:**

Maximum vehicle parking allowance listed in Table 04-10: Maximum Vehicle Parking Allowance, shall apply to developments in the TRO except multifamily uses, which shall be limited to a maximum of 0.5 spaces per bedroom.

**ii. All Other Uses:**

The maximum vehicle parking allowance, listed in Table 04-10: Maximum Vehicle Parking Allowance, shall be reduced by 50% in the TRO.

**(C) Surface Material:**

Except for single-family, duplex, triplex, and fourplex residences and parking structures all vehicle parking shall be constructed solely of permeable pavers.

- ii. The temporary retail activity shall be of the same nature as the permanent retail activity conducted on the property;
- iii. A temporary use permit shall be required and good for a maximum of 45 consecutive days;
- iv. A temporary use permit shall only be issued to the operator of the associated permanent retail use; and
- v. No property shall be issued more than one such temporary use permit in a calendar year.

**(8) Outdoor Trash and Recyclables Receptacles**

- (A) Outdoor trash and recyclables receptacles, dumpsters, compactors and similar containers shall be placed on a paved slab.
- (B) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be effectively screened on all sides pursuant to Section 20.04.080(m) (Screening).
- (C) 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.

**(9) Swimming Pools**

- (A) Swimming pools are subject to the Indiana Administrative Code (~~675 IAC 14-4.4-38675 IAC 20:~~ Swimming Pool Code), the standards of this UDO, and the standards of the Bloomington Municipal Code (BMC Section 14.36.160).
- (B) Pool and pool equipment shall be located no closer than 35 feet to the front property line and five feet from side and rear property lines.

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**(h) Temporary Uses**

All temporary uses shown in Table 03-1: Allowed Use Table, shall comply with the following standards.

**(1) Generally**

**(A) Permit Required**

All temporary uses shall require a Temporary Use Permit pursuant to Section 20.06.050(k) (Temporary Use Permit), unless otherwise specified in this UDO. Uses not specifically authorized in Table 03-1: Allowed Use Table, shall be prohibited.

**(B) Off-street Parking**

Parking for temporary uses shall not result in parking for any other existing use on the property falling below the minimum off-street parking required by Section 20.04.060 (Parking and Loading), and shall not block any driveways or drive aisles required for access to any other existing use on the property.

**(C) Public Rights-of-way**

Temporary uses shall be arranged so that vehicles do not block a public right-of-way.

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**(d) Siltation and Erosion Prevention**

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**(1) Applicability**

- (A) This subsection applies to any land development or land-disturbing activities that include one or more of the following conditions:
- i. That disturbs a ground surface of 2,5001,000 square feet or more;
  - ii. That involves excavation or filling of dirt, sand, or clean fill, including but not limited to single-family development;
  - iii. That involves street, highway, or bridge construction, enlargement, relocation or reconstruction; or
  - iv. That involves the laying, repairing, replacing, or enlarging of an underground pipe, facility, or any utility.
- (B) All municipal government departments, including the City Utilities Department, shall comply with this section.

**(2) Compliance with Other Regulations Also Required**

Compliance with the requirements set out in this section 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 (Article 15), regarding stormwater runoff; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management (IDEM); 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) Erosion and Pollutant Control Requirements**

**(A) Current Preferred Practices**

All sites undergoing land disturbing activities, regardless of size, shall prevent the erosion of sediment or any other contaminant off site or conveyed into any bodies of water, either by wind or water. All land disturbing activities shall be protected by current preferred practices (CPP) including, but not limited to silt or erosion-control fences, filter socks, straw bales, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.

**(B) Environmental Features**

For land-disturbing activities that occur adjacent to environmentally sensitive areas including but not limited to steep slopes, sinkholes, floodplain, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, shall be required, as determined by the Planning and Transportation Director.

**(C) Waste and Material Disposal**

Waste and unused building materials (e.g., garbage, debris, cleaning wastes, concrete waste, wastewater, toxic materials or hazardous materials) shall be properly disposed of in facilities labeled and designed for the containment of those materials while minimizing air, soil, and water pollution to the maximum degree practicable.

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

#### (B) Residential Construction.

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



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

- a. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
  - b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
  - c. Doors and windows do not qualify as openings;
  - d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
  - e. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. ~~(optional)~~
2. The floor of such enclosed area must be at or above grade on at least one side.
- vi. A residential structure may be constructed on **fill** in accordance with the following
1. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
  2. Fill shall extend 5 feet beyond the foundation of the structure before sloping below the BFE;
  3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
  4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;
  5. Fill shall be composed of clean granular or earthen material. ~~(optional)~~

- vii. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
    - a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
    - b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
    - c. Doors and windows do not qualify as openings;
    - d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
    - e. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. ~~(optional)~~
  2. The floor of such enclosed area must be at or above grade on at least one side.
- viii. A nonresidential structure may be **constructed on fill** in accordance with the following:
1. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
  2. Shall extend 5 feet beyond the foundation of the structure before sloping below the BFE;
  3. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
  4. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;

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

#### **(D) Manufactured Homes and Recreational Vehicles.**

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

#### **(E) Accessory Structures**

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

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

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

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

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

**(G) Above Ground Gas or Liquid Storage Tanks.**

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

**(5) Standards for Subdivision and Other New Developments**

- (A) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- (B) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (C) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- (D) In all areas of special flood hazard where base flood elevation data area not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.
- (E) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders). ~~(optional)~~
- (F) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds. ~~(optional)~~

**(6) Standards for Critical Facilities**

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

**(B) Street Classification**

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

**(C) Distance Calculations**

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

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

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

**ii. All Other Uses**

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

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

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

**ii. All Other Uses**

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

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

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 ~~Engineering 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 or 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 ~~City 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).

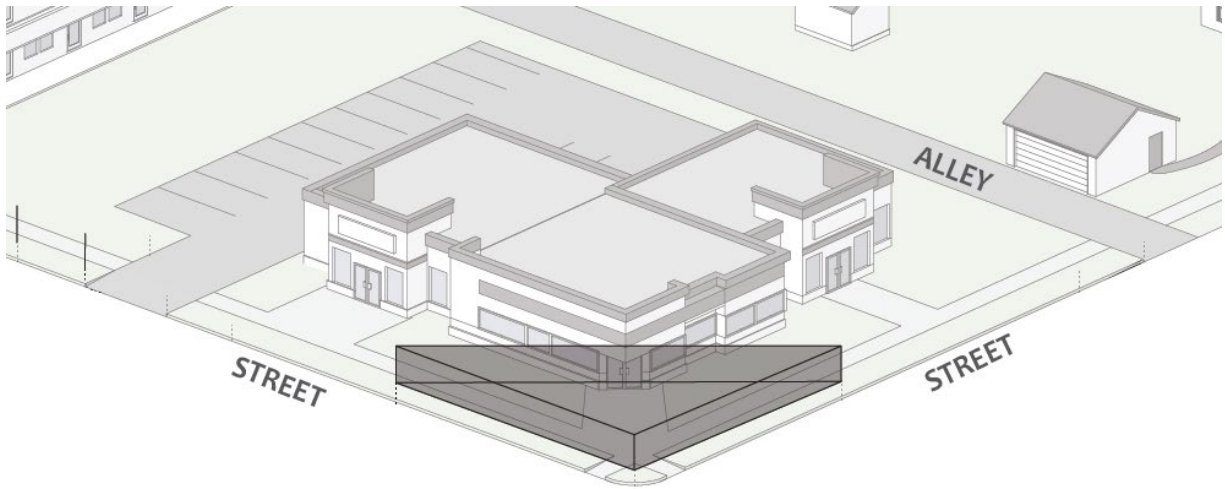
**(4) Connectivity**

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

**(5) Vision Clearance Triangle**

**(A) Applicability**

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



**Figure 50: Vision Clearance Triangle**

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

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

**(C) Vertical Clear Area**

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



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**(d) Pedestrian and Bicycle Circulation**

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**(1) Purpose**

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

**(2) Applicability**

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

**(3) Inspection and Acceptance**

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

**(4) Pedestrian Network Required**

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

**(5) Type of Pedestrian Facility**

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

**(6) Width**

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

**(I) Minimum Bicycle Parking Required**

**(1) Applicability**

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

**(2) Required Bicycle Parking Spaces**

**(A) Generally**

- i. Each development subject to this Section 20.04.03(I) shall provide a minimum of six bicycle parking spaces or the number of bicycle parking spaces required in Table 04-13: Minimum Bicycle Parking Requirements, whichever is more.
- ii. The minimum number of bicycle parking spaces required in Table 04-13: Minimum Bicycle Parking Requirements shall be based on the total number of vehicle parking spaces provided on site or in a permitted off site location to serve the principal uses.

**Table 04-13: Minimum Bicycle Parking Requirements**

(Percentage of vehicle parking spaces provided on site or in a permitted off site location to serve the principal uses)

Use	All Other Zoning Districts	MD Zoning District
Residential Uses	10%, or one space per 5 bedrooms, whichever is more	20%, or one space per 5 bedrooms, whichever is more
Public, Institutional, and Civic Uses	5%	15%
Commercial Uses	5%	10%
Employment Uses	2%	5%

**(B) Mixed-Use Developments**

Developments with both nonresidential and residential uses shall provide the cumulative required number of bicycle parking spaces as calculated for the respective nonresidential and residential requirements in Table 04-13: Minimum Bicycle Parking Requirements.

**(C) Cottage Development**

A minimum of one class-2 bicycle parking space is required per dwelling unit. Secure garages may count toward this requirement, but a minimum of four class-2 bicycle parking spaces shall be provided.

**(D) Building Expansions or Changes in Use**

Building expansions or changes in use that require additional vehicle parking spaces pursuant to Section 20.04.060(b) shall also require additional bicycle parking spaces based on the percentages in Table 04-13: Minimum Bicycle Parking Requirements, as applied to the building expansion area or the additional parking required by the change in use.

**(E) When No On-Site Vehicle Spaces are Provided**

Where no vehicle parking spaces are provided on site, one bicycle parking space shall be required for every 5,000 square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

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

**(D) Exterior Facades**

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

- i. Awning or canopy that extends at least 24 inches from the building face;
- ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings 25 feet or less in height may utilize a minimum of two feet of difference;
- iii. A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation facing a street;
- iv. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade and extend from the ground to the top of the building.

**(E) Patterns**

All facades of a primary building visible from any roadway shall contain the following color and texture changes:

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

**(F) Eaves and Roofs**

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

**(G) 360-Degree Architecture**

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

**(H) Primary Pedestrian Entry**

- i. One primary pedestrian entrance shall be provided for every facade facing a street.
- ii. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.
- iii. The pedestrian entry shall contain at least three of the following architectural details:
  1. Pilasters, change in building mass, or a distinct facade module projection;

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

**(C) Minimum Coverage**

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

**(D) Foundations**

All buildings shall be placed on permanent foundations.

**(E) Roofs**

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

**(F) Rain Gutters and Downspouts**

Rain gutters and downspouts are required.

**(G) Uniform Architecture**

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

**(H) Patterns**

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

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

**(C) Through Lots**

On through lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

- i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A).
- ii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a local street or secondary collector street, shall meet the building setback.
- iii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least 10 feet from the property line.
- iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.
- v. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.

**(4) Fence and Wall Design**

**(A) Prohibitions**

Except in the EM zoning district, the following shall be prohibited from use as a component of a fence or wall:

- i. Barbed wire;
- ii. Security wire;
- iii. Sharpened top spikes;
- iv. Electrified wires; and
- v. Other similar elements or materials.

**(B) Orientation**

Fences and walls shall present the nonstructural face outward towards adjacent parcels and any adjacent public right-of-way.

**(C) Vision Clearance**

Fences and walls shall meet all vision clearance standards in Section 20.04.050(c)(~~54~~) (Vision Clearance Triangle).

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**(d) Multifamily Residential Lighting**

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A parcel occupied by a multifamily dwelling shall not be illuminated by more than 6,000 lumens per primary structure, including a maximum of 2,000 lumens per building entryway of any combination of motion detector activated lighting and bulbs rated at no more than 1,000 lumens.

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**(e) Mixed-Use and Nonresidential Lighting**

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**(1) Adjacent to Residential Districts**

Mixed-use and nonresidential uses bordered by any R1, R2, R3, R4, or ~~RMHMM~~ zoning district shall be allowed a total light output of not more than 40,000 lumens per acre. Provided, regardless of parcel size, the allowance shall be sufficient to provide a maximum of 2,500 lumens per entryway with motion detector activated lighting counted as one-half lumens.

**(2) Use-Specific Conditions****(A) Canopies, Pavilions, or Drive-Through Bays****i. Illuminance**

The canopy, pavilion, or drive-through bay shall be designed to achieve no greater than the minimal illuminance level of a service station pump island as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments).

**ii. Shielding**

All light fixtures mounted on or recessed into the lower surface of canopies, pavilions, or drive-through bays shall be full cutoff, fully shielded and use flat lenses. Such fixtures shall be recessed so the fixture does not extend below the lower horizontal surface of the canopy, pavilion, or drive-through bay.

**(B) Outdoor Recreational Facilities****i. Illuminance**

All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6: Sports and Recreational Area Lighting).

**ii. Light Trespass**

All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed two footcandles at a point one meter beyond the property line.

**iii. Restriction**

Field lighting for all outdoor recreational facilities shall be turned off within 30 minutes after the completion of the last event of the night.

## 20.04.100 Signs

### (a) Purpose

The intent of these sign standards is to:

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

### (b) Applicability

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

### (c) Permit Requirements

#### (1) Generally

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

#### (2) Signs not Requiring a Permit

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

##### (A) Public Signs

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

##### (B) Small Signs

Any sign of not more than one and one-half square feet in area. [Such signs are exempt from signage regulations except 20.04.100\(f\).](#)

##### (C) Temporary Signs

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

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).
- v. [Activities that require a grading permit but do not require any site improvements.](#)

**(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:

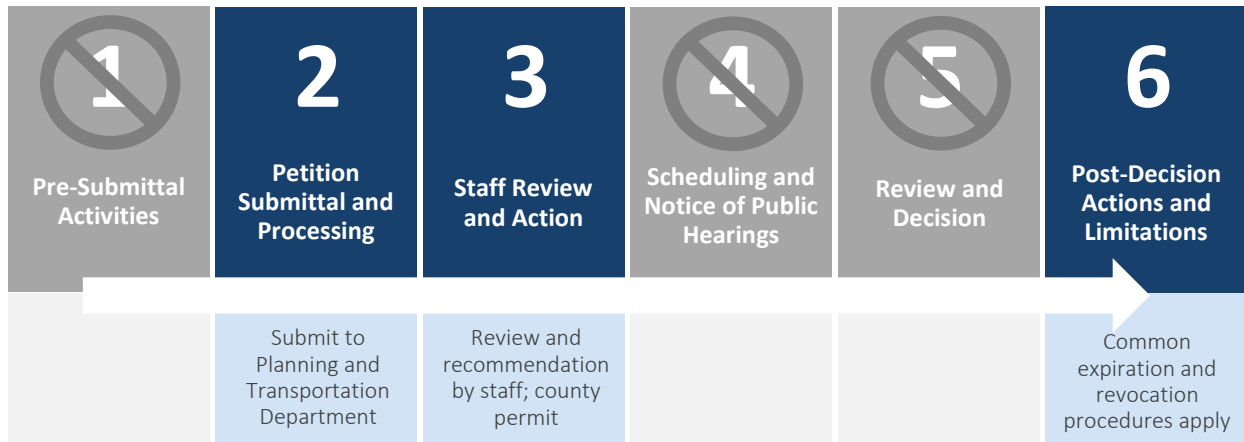
1. A change in use that involves or requires site improvements;
2. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in Section 20.06.090(f)(2) (Limited Compliance), and falls below the thresholds for major site plan review in Section 20.06.050(a)(2)(C)ii).
3. Development that contains 20,000 square feet or less of new non-residential gross floor area;
4. Development that contains 50 dwelling units or less;  
[\(empty 5 removed and auto-renumbered below\)](#)
5. The alteration of any vehicular parking area;
6. Petitions for a grading permit where site improvements are required; or
7. 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 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):



Figure 06.05-8: Summary of Certificate of Occupancy Procedure



**(A) Petition Submittal and Processing**

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

**(B) Staff Review and Action**

**i. Temporary Certificate of Occupancy:**

1. For a recommendation for a temporary Certificate of Occupancy to be issued each of the following shall be successfully completed:
  - [a] Installation of required public and internal sidewalk improvements;
  - [b] Installation of required parking areas surfaced and striped, including installation of upright ADA signage; and
  - [c] Safe ingress and egress from all principal buildings.
2. All recommendations for a temporary Certificate of Occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, [City of Bloomington Engineering Department](#), and City Utilities Department, if applicable.
3. A recommendation for a final Certificate of Occupancy shall be obtained within six weeks of the date of the recommendation for the temporary Certificate of Occupancy. Due to weather or other circumstances, this period may be extended for a period of up to six months at the discretion of the Planning and Transportation Director or designee.

**ii. Final Certificate of Occupancy**

1. For a recommendation for a final Certificate of Occupancy to be issued, the installation of all required site, lighting, landscaping, and elevations as approved by the Certificate of Zoning Compliance(s) shall be successfully completed.

2. All recommendations for a final Certificate of Occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, [City of Bloomington Engineering Department](#), and City Utilities Department, if applicable.

**(C) Post-Decision Actions and Limitations**

Post-decision actions and limitations shall be pursuant to Monroe County standards and procedures.

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**(h) Certificate of Final Acceptance**

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**(1) Purpose**

The Certificate of Final Acceptance procedure is intended to provide a mechanism for the City to ensure that public facility improvements and installations conform to the standards of this UDO.

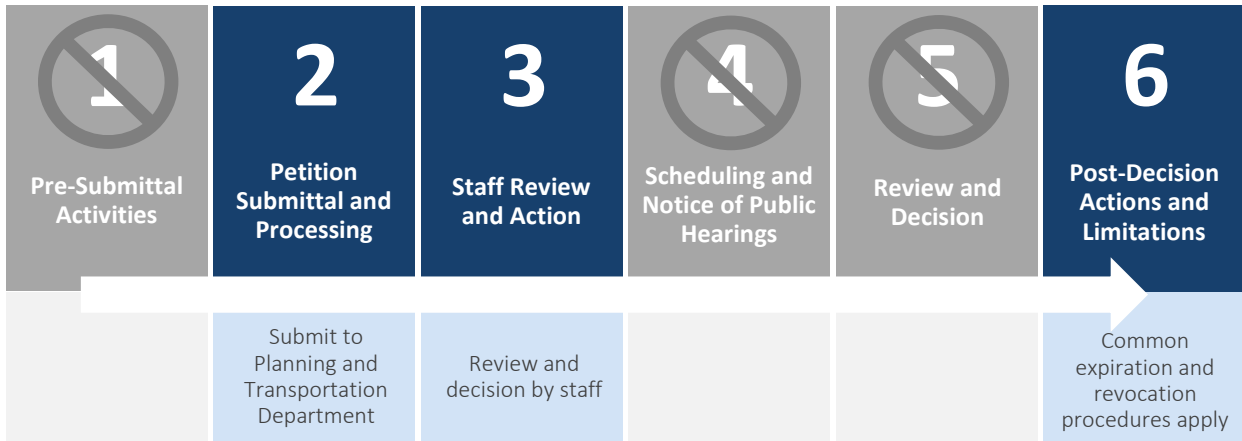
**(2) Applicability**

A Certificate of Final Acceptance shall be required for any project for which a performance bond has been submitted and upon the completion of any required public facility improvements and installations.

**(3) Certificate of Final Acceptance Review Process**

Figure 06.05-9 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to Certificate of Final Acceptance review. Additions or modifications to the common review procedures are noted below.

**Figure 06.05-9: Summary of Certificate of Final Acceptance Procedure**



**(A) Petition Submittal and Processing**

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

**(B) Staff Review and Action**

**i. Inspection**

The Planning and Transportation Department and Engineering Department staff shall inspect the improvements for compliance with this UDO and any other applicable City Planning and Transportation Department and City Engineering Department requirements.

**ii. Recommendation**

The City ~~Planning and Transportation~~Engineering Department shall recommend that the performance bond be released, extended, reduced, or declared in default based on the results of the inspection of improvements, and the City Engineer ~~Planning and Transportation Director~~ shall act on the recommended release, extension, reduction, or default of the performance bond after acceptance of the improvements by the Board of Public Works.

**iii. Improvements**

The Board of Public Works will consider acceptance of public improvements that meet the following conditions:

1. The completed public improvements shall comply with this UDO; have been constructed in accordance with City Engineering ~~Planning and Transportation~~ Department standards and specifications; and have been installed in accordance with the approved plans; and
2. All inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the City Engineering~~Planning and Transportation~~ Department.

**(C) Post-Decision Actions and Limitations**

The City Planning and Transportation Department and City Engineering Department shall maintain records of all petitions, plans, and permits filed for a Certificate of Final Acceptance.

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**(i) Certificate of Nonconforming Use**

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**(1) Purpose and Applicability**

A person who owns or operates a nonconforming use that has not been deemed abandoned pursuant to Section 20.06.090(c)(3) (Abandonment of a Nonconforming Use ), may request a Certificate of Nonconforming Use to protect the lawful nonconforming status.

**(2) Certificate of Nonconforming Use Review Process**

Figure 06.05-11 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to certificate of nonconforming use review. Additions or modifications to the common review procedures are noted below.

**i. Effect of Approval**

1. After compliance with this UDO and upon approval of the secondary plat, the Planning and Transportation Director shall sign and seal the plat at the appropriate locations.
2. The staff shall then notify the petitioner of the Planning and Transportation Director's actions.
3. The petitioner shall then file the secondary plat for recording in the Office of the Monroe County Recorder, as required by law.
4. Within 30 days after recording the secondary plat, the petitioner shall provide the City Planning and Transportation Department with a copy of the recorded plat in a form acceptable to the city.

**ii. Expiration of Secondary Plat**

1. If the secondary plat, or a phase thereof, has not been recorded within a maximum period of six months from the date of approval by the Plan Commission or Plat Committee, the secondary plat 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 ).
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, 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 and Engineering Departments 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~~Engineering Department shall review the estimate upon receipt of a complete petition and supportive documents. The City ~~Planning and Transportation~~Engineering 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~~Engineering Department requirements;
- [b] Provide bond satisfactory to the city or to the county;
- [c] Run to and be in favor of the city or the county;
- [d] Specify the time for the completion of the improvements and installations (both on site and off site);
- [e] Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three years;
- [f] Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection [e] above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved. The maintenance bond shall be in the amount of five percent of the original performance bond, or \$10,000.00, whichever is greater, or as determined by the ~~City Transportation and Traffic~~Engineer; and
- [g] Be in a form approved by the City Legal Department.

4. **Report**

The City ~~Engineering Planning and Transportation~~Department shall recommend approval or rejection of the performance bond to the Board of Public Works.

5. **Record**

The City Planning and Transportation ~~and Engineering~~ Departments shall maintain records of all petitions, plans, and permits filed for a performance bond.

6. **Time Limit**

The completion of public facility improvements and installations shall be within two years of the approval of the project. The approval date of the project is the date of the Plan Commission or Plat Committee hearing at which the Secondary Plat was approved or the date the Planning and Transportation Director signed the Secondary Plat (if the Plat was delegated to staff approval.)

7. **Extension of Completion Time**

Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the City Planning and Transportation Department may approve the petitioner's written request for an extension of time for up to one additional year, granted at six month intervals and conditioned in every case upon extension or renewal of the bond accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.

8. **Nonperformance**

Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the City Planning and Transportation Department, the city may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

9. **Expiration**

The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the certificate of final acceptance is approved by the City ~~Planning and Transportation~~Engineering Department, and the maintenance bond has been accepted.

10. **Performance Bond Reductions**

[a] Annual partial releases of performance sureties held by the city shall be approved by the City ~~Planning and Transportation~~Engineering Department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the City Engineer ~~Planning and Transportation Director~~ or his or her designee, and the developer or his or her designee.

[b] The following standards shall apply to any request for a bond reduction:

- i. No more than three reductions shall be permitted within any 24-month period.

**(B) Floodplain Variance**

- i. The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures established in this UDO, may grant variances from the standards in Section 20.04.040(e) (Provisions for Flood Hazard Reduction), only when a new structure is to be located on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- ii. Variances may be granted for the reconstruction, restoration, repair, or rehabilitation of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. Upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- iii. No variance for a residential use within a floodway that requires a permit for construction in a floodway from the Indiana Department of Natural Resources pursuant to the provisions of IC 14-28-1 or a project that is subject to ~~20.04.040(e)(2)(C) Error! Reference source not found. (Error! Reference source not found.)~~, may be granted.

**(3) Variance Review Process**

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

**Figure 06.08-1: Summary of Variance 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.

- [a] The neighborhood transition standards substantially reduce or eliminate the building height incentive that would otherwise be allowed through the affordable housing incentive; and.
- [b] The development impact to abutting and adjacent properties is minimized through building placement, design, and massing.

3. **Determinate Sidewalk Variance Approval Criteria**

While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:

- [a] That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or
- [b] That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or
- [c] The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or
- [d] The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or
- [e] Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

ii. **Floodplain Variance**

1. **Review Considerations**

In reviewing floodplain variance requests, the Board of Zoning Appeals or the Hearing Officer shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the following:

- [a] The danger of life and property due to flooding or erosion damage.
- [b] The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- [c] The importance of the services provided by the proposed facility to the community.
- [d] The necessity of the facility to a waterfront location, where applicable.
- [e] The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- [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.



## ZO-04-24 Technical Changes

Page	Chapter	Citation	Current Language	Proposed Language	Synopsis
15,17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57	2	20.02	The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.	The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.	Fixes incorrect citation in the summary table.
70	2	20.02.050(b)(8)(B)(i)	Housing Living Uses	<b>Household Housing</b> Living Uses	Corrects title of section to match the correct subheading
114	3	20.03.030(g)(9)(A)	(A) Swimming pools are subject to the Indiana Administrative Code (675 IAC 20: Swimming Pool Code), the standards of this UDO, and the standards of the Bloomington Municipal Code (BMC Section 14.36.160).	(A) Swimming pools are subject to the Indiana Administrative Code ( <del>675 IAC-20: 675 IAC 14-4.4-38</del> Swimming Pool Code), the standards of this UDO, and the standards of the Bloomington Municipal Code (BMC Section 14.36.160).	Fixes incorrect citation.
129	4	20.04.030(d)(1)(A)(f)	i. That disturbs a ground surface of 1,000 square feet or more;	i. That disturbs a ground surface of <del>1,000</del> <b>2,500</b> square feet or more;	synchs this disturbance area standard with grading permit thresholds
154	4	20.04.040(e)(4)(A)(vii)	i. Reconstruction or repairs made to a repetitive loss structure; and (optional)	i. Reconstruction or repairs made to a repetitive loss structure; and <del>(optional)</del>	Removes unnecessary word.
154	4	20.04.040(e)(4)(A)(viii)	i. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance. (optional)	i. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance. <del>(optional)</del>	Removes unnecessary word.
154	4	20.04.040(e)(4)(B)(ii)	i. In <b>Zone A and Zone AE</b> , new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of 20.04.040(e)(4)(B)(vi) must be met.	i. In Zone A and Zone AE, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4) <del>(E)</del> <b>(B)</b> (v). Should fill be used to elevate a structure, the standards of 20.04.040(e)(4)(B)(vi) must be met.	incorrect citation
155	4	20.04.040(e)(4)(B)(v)(1)(e)	a. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. (optional)	a. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. <del>(optional)</del>	Removes unnecessary word.
155	4	20.04.040(e)(4)(B)(vi)(5)	1. Fill shall be composed of clean granular or earthen material. (optional)	1. Fill shall be composed of clean granular or earthen material. <del>(optional)</del>	Removes unnecessary word.
157	4	20.04.040(e)(4)(C)(vii)(1)(e)	Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. (optional)	Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device. <del>(optional)</del>	Removes unnecessary word.
158	4	20.04.040(e)(4)(C)(viii)(5)	1. Shall be composed of clean granular or earthen material. (optional)	1. Shall be composed of clean granular or earthen material. <del>(optional)</del>	Removes unnecessary word.
158	4	20.04.040(e)(4)(D)(i)(3)	3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings. (optional)	3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings. <del>(optional)</del>	Removes unnecessary word.
159	4	20.04.040(e)(4)(E)(viii)	i. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(C)(iii); and	i. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(C) <del>(iii)</del> <b>(vii)</b> ; and	Fixes incorrect citation
160	4	20.04.040(e)(5)(E)	All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders). (optional)	All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders). <del>(optional)</del>	Removes unnecessary word.
160	4	20.04.040(e)(5)(F)	(B) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds. (optional)	(B) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds. <del>(optional)</del>	Removes unnecessary word.
162	4	20.04.050(c)(2)(C)(ii)	...Transportation and Traffic Engineer.	... <del>Transportation and Traffic</del> <b>City</b> Engineer.	Correcting title.
163	4	20.04.050(c)(3)(A)(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.	The <del>City Planning and Transportation Engineering</del> <b>City Planning and Transportation Engineering</b> 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.	Correcting a reference that should be the Engineering Department.
163	4	20.04.050(c)(3)(B)(ii)(3)	24 feet if from a mixed-use multifamily residential use onto any type of street	24 feet if from a mixed-use <del>or</del> multifamily residential use onto any type of street	Adds missing word
163	4	20.04.050(c)(3)(C)(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 constraints.	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 <del>City Transportation and Traffic</del> <b>City</b> Engineer due to site constraints.	Correcting title.

164	4	20.04.050(c)(5)(A)(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.	Vision clearance triangles for intersections may be reduced upon a determination by the City <b>Engineering Planning and Transportation</b> 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.	Correcting a reference that should be the Engineering Department.
164	4	20.04.050(c)(5)(B)	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.	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 <b>Engineering Planning and Transportation</b> Department.	Correcting a reference that should be the Engineering Department.
165	4	20.04.050(d)(2)	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.	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 or local) 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.	Clarifies wording to match nomenclature of Transportation Plan
185	4	20.04.060(l) Table 04-13	(Percentage of vehicle parking spaces provided on site)	(Percentage of vehicle parking spaces provided on site <b>or in a permitted off site location to serve the principal uses</b> )	Syncs language to match preceding section.
192	4	20.04.070(d)(2)(C)(ii)(3)	Metal panel or siding (minimum 26 gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners(except corrugated); or	Metal panel or siding (minimum 26 <del>gauge</del> <b>gauge</b> ) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners(except corrugated); or	Misspelled word
194	4	20.04.070(d)(3)(B)(xi)	Metal panel or siding (minimum 26 gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners(except corrugated); or	Metal panel or siding (minimum 26 <del>gauge</del> <b>gauge</b> ) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners(except corrugated); or	Misspelled word
228	4	20.04.080(n)(4)(C)	Fences and walls shall meet all vision clearance standards in Section 20.04.050(c)(4) (Vision Clearance Triangle).	Fences and walls shall meet all vision clearance standards in Section 20.04.050(c)( <del>4</del> ) <b>(5)</b> (Vision Clearance Triangle).	Fixes incorrect citation
232	4	20.04.090(e)(1)	Mixed-use and nonresidential uses bordered by any R1, R2, R3, R4, or RHM zoning district shall be allowed a total light output of not more than 40,000 lumens per acre. Provided, regardless of parcel size, the allowance shall be sufficient to provide a maximum of 2,500 lumens per entryway with motion detector activated lighting counted as one-half lumens.	Mixed-use and nonresidential uses bordered by any R1, R2, R3, R4, or <del>RHM</del> <b>RMH</b> zoning district shall be allowed a total light output of not more than 40,000 lumens per acre. Provided, regardless of parcel size, the allowance shall be sufficient to provide a maximum of 2,500 lumens per entryway with motion detector activated lighting counted as one-half lumens.	fixes incorrect zoning district notation
234	4	20.04.100(c)(2)(B)	Any sign of not more than one and one-half square feet in area.	Any sign of not more than one and one-half square feet in area. <b>Such signs are exempt from signage regulations except 20.04.100(f).</b>	Revises language to state that signs less than 1.5 square feet are not regulated beyond prohibited sign locations, as is current policy.
310	6	20.06.050(a)(2)(C)(i)	#5 (blank)	Delete	Blank section created from removing previous language that just needs to be deleted
334	6	20.06.050(g)(3)(B)(i)(2)	All recommendations for a temporary Certificate of Occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, and City Utilities Department, if applicable.	All recommendations for a temporary Certificate of Occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, <b>City of Bloomington Engineering Department</b> , and City Utilities Department, if applicable.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
335	6	20.06.050(g)(3)(B)(ii)(2)	2All recommendations for a final Certificate of Occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, and City Utilities Department, if applicable	2. All recommendations for a final Certificate of Occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing, <b>City of Bloomington Engineering Department</b> , and Neighborhood Development Department, and City Utilities Department, if applicable	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
336	6	20.06.050(h)(3)(B)(i)	The Planning and Transportation Department staff shall inspect the improvements for compliance with this UDO and any other applicable City Planning and Transportation Department requirements.	The Planning and Transportation Department <b>and Engineering Department</b> staff shall inspect the improvements for compliance with this UDO and any other applicable City Planning and Transportation Department <b>and City Engineering Department</b> requirements.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.

336	6	20.06.050(h)(3)(B)(ii)	The City Planning and Transportation Department shall recommend that the performance bond be released, extended, reduced, or declared in default based on the results of the inspection of improvements, and the Planning and Transportation Director shall act on the recommended release, extension, reduction, or default of the performance bond after acceptance of the improvements by the Board of Public Works.	The City <del>Engineering Planning and Transportation</del> Department shall recommend that the performance bond be released, extended, reduced, or declared in default based on the results of the inspection of improvements, and the <del>Planning and Transportation Director</del> <b>City Engineer</b> shall act on the recommended release, extension, reduction, or default of the performance bond after acceptance of the improvements by the Board of Public Works.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
336	6	20.06.050(h)(3)(B)(iii)(1)	The completed public improvements shall comply with this UDO; have been constructed in accordance with City Planning and Transportation Department standards and specifications; and have been installed in accordance with the approved plans; and	The completed public improvements shall comply with this UDO; have been constructed in accordance with City <del>Engineering Planning and Transportation</del> Department standards and specifications; and have been installed in accordance with the approved plans; and	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
336	6	20.06.050(h)(3)(B)(iii)(2)	All inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the City Planning and Transportation Department.	All inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the City <del>Engineering Planning and Transportation</del> Department.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
336	6	20.06.050(h)(3)(C)	The City Planning and Transportation Department shall maintain records of all petitions, plans, and permits filed for a Certificate of Final Acceptance.	The City Planning and Transportation <del>Department and City Engineering</del> Department shall maintain records of all petitions, plans, and permits filed for a Certificate of Final Acceptance.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
350	6	20.06.060(c)(3)(E)(iii)(1)	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.	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 <del>and Engineering</del> Departments requirements shall be completed.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
351	6	20.06.060(c)(3)(E)(iii)(3)	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:	The City <del>Engineering Planning and Transportation</del> Department shall review the estimate upon receipt of a complete petition and supportive documents. The City <del>Engineering Planning and Transportation</del> Department shall verify that the performance bond or letter of credit shall:	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
351	6	20.06.060(c)(3)(E)(iii)(3)[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;	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 <del>Planning and Transportation</del> <b>Engineering</b> Department requirements;	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
351	6	20.06.060(c)(3)(E)(iii)(3)[f]	Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection [e] above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved. The maintenance bond shall be in the amount of five percent of the original performance bond, or \$10,000.00, whichever is greater, or as determined by the Transportation and Traffic Engineer; and	Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection [e] above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved. The maintenance bond shall be in the amount of five percent of the original performance bond, or \$10,000.00, whichever is greater, or as determined by the City <del>Transportation and Traffic</del> <b>Engineering</b> Engineer; and	Correcting title.
351	6	20.06.060(c)(3)(E)(iii)(4)	The City Planning and Transportation Department shall recommend approval or rejection of the performance bond to the Board of Public Works.	The City <del>Engineering Planning and Transportation</del> Department shall recommend approval or rejection of the performance bond to the Board of Public Works.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
352	6	20.06.060(c)(3)(E)(iii)(5)	The City Planning and Transportation Department shall maintain records of all petitions, plans, and permits filed for a performance bond.	The City Planning and Transportation <del>and Engineering</del> Departments shall maintain records of all petitions, plans, and permits filed for a performance bond.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
352	6	20.06.060(c)(3)(E)(iii)(6)	The completion of public facility improvements and installations shall be within two years of the approval of the project.	The completion of public facility improvements and installations shall be within two years of the approval of the project. <b>The approval date of the project is the date of the Plan Commission or Plat Committee hearing at which the Secondary Plat was approved or the date the Planning and Transportation Director signed the Secondary Plat (if the Plat was delegated to staff approval.)</b>	Clarifying when approval of a plat takes place in different instances.
352	6	20.06.060(c)(3)(E)(iii)(9)	The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the certificate of final acceptance is approved by the City Planning and Transportation Department, and the maintenance bond has been accepted.	The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the certificate of final acceptance is approved by the City <del>Engineering Planning and Transportation</del> Department, and the maintenance bond has been accepted.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
352	6	20.06.060(c)(3)(E)(iii)(10)[a]	Annual partial releases of performance sureties held by the city shall be approved by the City Planning and Transportation Department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the Planning and Transportation Director or his or her designee, and the developer or his or her designee.	Annual partial releases of performance sureties held by the city shall be approved by the City <del>Engineering Planning and Transportation</del> Department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the <del>Planning and Transportation Director</del> <b>City Engineer</b> or his or her designee, and the developer or his or her designee.	Adding Engineering reference that wasn't needed when the UDO was written because it was not a separate department.
375	6	20.06.080(b)(2)(B)(iii)	Reference source not found	20.04.040(e)(2)(C)	Updated broken floodplain reference

377	6	20.06.080(b)(3)(E)(i)(3)(d)	[a] The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or	[a] The location of the lot or tract is such that a complete pedestrian network is present on the other <b>side</b> of the street on the same block; or	Adds missing word
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**ORDINANCE 2024-04**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Amendments and Updates Set Forth in BMC 20 Table of Contents and 20.04**

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

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

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

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

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

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

WHEREAS, on March 11, 2024, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 21, 2024; and

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

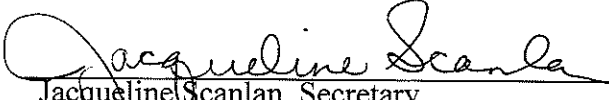
#### SYNOPSIS

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

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

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 24-04 is a true and complete copy of Plan Commission Case Number ZO-05-24 which was given a recommendation of approval, as amended, by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 11, 2024.

Date: March 21, 2024

  
 Jacqueline Scanlan, Secretary  
 Plan Commission

Received by the Common Council Office this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
 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 XX

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

Approval of case ZO-05-24 amends the Unified Development Ordinance (UDO), with amendments and updates to use-specific 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-05-24 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Development Services Manager, Interim Director

**Date:** March 21, 2024

**Re:** Text Amendments to Unified Development Ordinance

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

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

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

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

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

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

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



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**(e) Setbacks**

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**(1) Measurement**

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

**(2) Single-Family Attached and Multifamily Dwellings**

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

**(3) Exceptions to Setback Requirements**

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

Communication facilities	Communication facilities are exempt from height restrictions, subject to the limitations of 20.03.030(f)(1) (Communication Facility).
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No building or structure or part of a building or structure shall exceed the maximum building height within any zoning district unless authorized in Table 04-7, or elsewhere in this UDO.

---

**(g) Building Floor Plate**

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

---

**(h) Minor Modification**

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

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## 20.04.030 Environment

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**(a) Purpose**

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

---

**(b) Applicability**

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

---

**(c) Steep Slopes**

**(1) Applicability**

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

**(2) Slope Measurement**

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

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

(5) **Poorly Drained Sites**

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

(6) **Dry Hydrants**

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

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(f) **Riparian Buffers**

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(1) **Applicability**

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

(2) **Adjacent Properties**

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

(3) **Easements**

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

(4) **Graduated Buffer Zones**

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

- (A) **Streamside Zone (Zone 1).**  
The primary function of the streamside zone is to ensure stream-bank stabilization.
  - (B) **Intermediate Zone (Zone 2)**  
The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.
  - (C) **Fringe Zone (Zone 3).**  
The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.
- (5) **Streamside Zone Design**  
The streamside zone (Zone 1) shall be designed as follows:
- (A) **Location**  
Immediately adjacent to the stream channel.
  - (B) **Buffer Width**  
The width of this zone shall be a minimum of 25 feet on each side of the stream, measured from the centerline of the stream.
  - (C) **Vegetation Requirements**  
All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resource's conservation service current preferred practices for each plant type.
  - (D) **Disturbance Activities**  
Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:
    - i. Utility installation; if no alternative location is available;
    - ii. Street crossings, where necessary to achieve connectivity;
    - iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;
    - iv. Connector path and multi-use trail constructed with a permeable surface.
- (6) **Intermediate Zone Design**  
The intermediate zone (Zone 2) shall be designed as follows:
- (A) **Location**  
Immediately outside the streamside zone (Zone 1).
  - (B) **Buffer Width**  
The required width shall be a minimum 25 feet on each side, measured perpendicularly from the outer boundary of Zone 1.

**(C) Vegetation Requirements**

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

**(D) Disturbance Activities**

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

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

**(7) Fringe Zone Design**

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

**(A) Location**

Immediately outside the intermediate zone (Zone 2).

**(B) Buffer Width**

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

**(C) Vegetation Requirements**

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

**(D) Disturbance Activities**

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

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

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

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## (h) Wetlands

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



(4) **Smaller Parcels**

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

(5) **Overlapping Preservation Areas**

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

(6) **Conservancy or Tree Preservation Easement**

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

(7) **Tree Protection During Construction**

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

and  
unmoved

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(j) **Lake Watershed Areas**

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(1) **Applicability**

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

(2) **Exception**

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

(3) **Geotechnical Report**

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

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## 20.04.050 Access and Connectivity

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### (a) Purpose

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

---

### (b) Applicability

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

---

### (c) Driveways and Access

#### (1) Number of Drives

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

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

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

##### (B) All Other Uses

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

#### (2) Location and Separation of Drives

##### (A) Generally

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

**(B) Street Classification**

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

**(C) Distance Calculations**

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

**(D) Arterial or Collector Streets**

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

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

**ii. All Other Uses**

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

**(E) Local Streets**

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

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

**ii. All Other Uses**

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

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

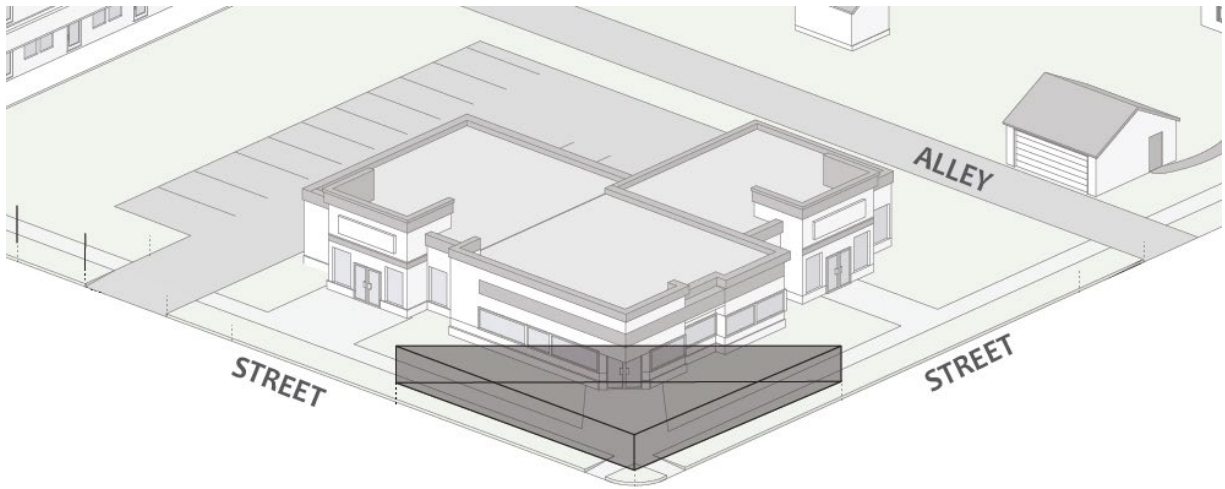
**(4) Connectivity**

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

**(5) Vision Clearance Triangle**

**(A) Applicability**

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



**Figure 50: Vision Clearance Triangle**

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

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

**(C) Vertical Clear Area**

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

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**(d) Pedestrian and Bicycle Circulation**

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**(1) Purpose**

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

**(2) Applicability**

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

**(3) Inspection and Acceptance**

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

**(4) Pedestrian Network Required**

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

**(5) Type of Pedestrian Facility**

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

**(6) Width**

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

**(7) Placement**

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

**(8) Minimum Tree Plot Width**

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

**(9) Administrative Adjustment**

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

**(10) Paths, Sidewalks, and Trails****(A) Construction Standards**

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

**(B) Additional Facility Amenities**

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

**(C) Sidewalks****i. Material and Width**

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

**ii. External Sidewalks**

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

**iii. Internal Sidewalks**

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

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

**(B) Shared Parking Agreement**

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

**(2) Proximity to Transit**

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

**(3) Affordable and Senior Housing**

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

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

**(4) On-Street Parking**

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

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

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

**(7) Surface Material**

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

**(8) Electric Vehicle Charging**

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

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



**(F) Existing Public Bicycle Parking Spaces**

Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change in use, and are located within ~~50~~<sup>100</sup> feet of the primary entrance to the primary building may be used to satisfy up to ~~six~~<sup>two</sup> required bicycle parking spaces.

**(G) Bicycle Parking Reduction**

Subject to the approval of the Planning and Transportation Department, the number of bicycle parking spaces may be reduced if:

- i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or
- ii. Existing bicycle parking facilities are located within the public right-of-way and within ~~50~~<sup>100</sup> feet of the building's main entrance, provided that no more than six bicycle parking spaces in the right-of-way can be counted toward the development requirements.~~a minimum of four bicycle parking spaces are provided on-site.~~

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**(m) Bicycle Parking Location and Design**

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**(1) Location****(A) Rights-of-way**

Bicycle parking spaces shall not be located fully or partially within a public right-of-way without prior approval of the City.

**(B) Access and Pedestrian Obstruction**

All required bicycle parking spaces shall be located so that a minimum three-foot clear pedestrian passage space is provided to all sides of a standard six-foot bicycle parked in each required space, and so that there is at least 54 inches of clearance remaining for ADA compliance on pedestrian pathways.

**(C) Design and Proximity**

Required bicycle parking spaces shall be designed to allow bicycles to be secured with a lock to a fixed object and shall be located within 50 feet of the main entrance of each primary building on site.

**(D) Collocation**

Bicycle parking facilities may be located in a non-required vehicular automobile parking space so long as it is not a parking space required to comply with the Americans with Disabilities Act and the location meets the other provisions of this section.

**(E) Distribution**

Buildings with twelve bedrooms or more shall provide a minimum of two Class II bicycle parking spaces per residential building. These spaces shall count toward fulfilling the total site requirement for bicycle parking.

**(2) Design****(A) Generally**

- i. Bicycle parking location and design shall comply with City of Bloomington standards in the Administrative Manual.
- ii. Bicycle parking shall accommodate two points of contact that are separated horizontally.
- iii. Bicycle parking shall be accessible from the pedestrian/bicycle way without the need to lift the bicycle over a curb.
- iv. Bicycle parking shall be located no farther than the closest motor vehicle parking space, excluding accessible vehicle parking spaces.

**(B) Type**

- i. All bicycle parking requirements shall be met using either long-term Class I or short-term Class II bicycle security facilities.
- ii. For multifamily residential uses, developments with 25 or more dwelling units shall provide:
  1. A minimum of one-half of the total required bicycle parking spaces as covered, short-term Class II bicycle parking facilities; and
  2. A minimum of one-quarter of the total required bicycle parking spaces as long-term Class I facilities.
- iii. For nonresidential and mixed-use developments with more than 20,000 square feet of gross floor area, all required bicycle parking facilities shall be Class II covered spaces.

**(C) Surface**

Bicycle parking areas shall be placed on a paved surface composed of concrete, asphalt, brick pavers, or the like. Bark mulch, crushed stone, stone, rock, dirt, sand or grass shall not be permitted as a surface for bicycle parking areas.

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**(n) Use of Parking Areas**

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**(1) Exclusive Use**

- (A) Unless a shared parking agreement has been established in accordance with Section 20.04.060(g)(1), required vehicle and bicycle parking spaces shall be designed, maintained and used exclusively for the tenants, occupants, and customers of the buildings or uses on the site.
- (B) Excess or unused parking vehicle or bicycle parking spaces or loading spaces may not be rented or leased to the general public or to those who are not tenants, occupants and customers of the buildings or uses where the parking is located unless:
  - i. Otherwise allowed pursuant to 20.04.060(g)(1); or
  - ii. A vehicle parking garage is listed as a permitted or conditional use in the zoning district where the parking lot or parking garage is located pursuant to Table 03-1: Allowed Use Table.

**(2) Storage of Vehicles or Equipment**

Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot. In addition, all outdoor parking of vehicles in all zoning districts shall comply with the following standards:

- i. Vehicles and trailers shall not be stored or parked on an unimproved surface.
- ii. Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.
- iii. Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

**(3) Motor Vehicle Repair**

- (A) Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration, and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use.
- (B) Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.
- (C) A maximum of three wrecked or inoperable vehicles awaiting repair may be stored on site at one time. No such vehicle shall be stored on site in excess of 30 days.

**(4) Vehicles and Trailers**

Except for uses where auto repair is authorized, the parking of vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited for periods in excess of 30 days, unless such vehicle or trailer is completely enclosed within a building or within an approved Salvage or Scrap Yard.

**(5) Storage, Occupancy, or Similar Uses**

Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.

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**(o) On-street Parking Standards for Private Streets**

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The following standards related to on-street parking apply to all developments where the City has approved the use of private streets that have not been dedicated to the City.

**(1) No Parking Signs**

Any side of a street where parking is not permitted shall be clearly delineated with yellow curbs or no parking signs noting such restrictions.

**(2) Bump-outs**

- (A) Bump-outs may be required at street intersections where on-street parking is used. Where required, bump-outs shall use a six-inch standing curb, unless the City determines that a curb and gutter is required based on considerations of public safety, utility design, or site constraints.
- (B) Bump-outs shall be designed to extend a minimum of eight feet from the curb line and may not reduce the travel lane widths below the standards of the Transportation Plan. The City may allow alternative bump-out widths based on considerations of public safety, utility design, or site constraints.
- (C) Curbing may include cuts for water runoff collection into approved swale or the like to improve water quality.

- (D) Bump-outs shall be installed at angles greater than 90 degrees away from the street curb to facilitate street maintenance and shall use designs approved by the Transportation and Traffic Engineer based on considerations of pedestrian and traffic safety and efficient maintenance.

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(p) **Outdoor Storage**~~**On-street Parking Standards for Private Streets**~~

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~~The following standards related to on-street parking apply to all developments where the City has approved the use of private streets that have not been dedicated to the City.~~

(1) **No Parking Signs**

~~In all zoning districts, except for the M1 zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited. Shipping containers, cargo containers, and portable on-demand storage units may not be used for long-term storage, and may only be located on a lot or parcel:~~

~~(A) To provide storage for construction projects during the period of an approved construction project on the same lot or parcel; or~~

~~(B) During the process of being loaded or unloaded, the duration of which may not exceed 72 consecutive hours. Any side of a street where parking is not permitted shall be clearly delineated with yellow curbs or no parking signs noting such restrictions.~~

~~(2) **Bump-outs**~~

~~(A) Bump-outs may be required at street intersections where on-street parking is used. Where required, bump-outs shall use a six-inch standing curb, unless the City determines that a curb and gutter is required based on considerations of public safety, utility design, or site constraints.~~

~~(B) Bump-outs shall be designed to extend a minimum of eight feet from the curb line and may not reduce the travel lane widths below the standards of the Transportation Plan. The City may allow alternative bump-out widths based on considerations of public safety, utility design, or site constraints.~~

~~(C) Curbing may include cuts for water runoff collection into approved swale or the like to improve water quality.~~

~~(D) Bump-outs shall be installed at angles greater than 90 degrees away from the street curb to facilitate street maintenance and shall use designs approved by the Transportation and Traffic Engineer based on considerations of pedestrian and traffic safety and efficient maintenance.~~

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## 20.04.070 Site and Building Design

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(a) **Purpose**

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The intent of this Section 20.04.070, is to establish site and building design standards that foster high-quality, attractive, and sustainable development that is compatible with the Bloomington's principles and policies. The standards are further intended to:

- (1) Protect and enhance the character and quality of Bloomington's neighborhoods;
- (2) Protect and enhance the long-term market value of property within Bloomington;

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

**(D) Exterior Facades**

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

- i. Awning or canopy that extends at least 24 inches from the building face;
- ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings 25 feet or less in height may utilize a minimum of two feet of difference;
- iii. A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation facing a street;
- iv. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade and extend from the ground to the top of the building.

**(E) Patterns**

All facades of a primary building visible from any roadway shall contain the following color and texture changes:

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

**(F) Eaves and Roofs**

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

**(G) 360-Degree Architecture**

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

**(H) Primary Pedestrian Entry**

- i. One primary pedestrian entrance shall be provided for every facade facing a street.
- ii. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.
- iii. The pedestrian entry shall contain at least three of the following architectural details:
  1. Pilasters, change in building mass, or a distinct facade module projection;

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

**(C) Minimum Coverage**

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

**(D) Foundations**

All buildings shall be placed on permanent foundations.

**(E) Roofs**

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

**(F) Rain Gutters and Downspouts**

Rain gutters and downspouts are required.

**(G) Uniform Architecture**

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

**(H) Patterns**

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

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

**(I) Primary Pedestrian Entry**

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

- i. One primary pedestrian entrance shall be provided for every facade facing a street.
- ii. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.
- iii. The pedestrian entry shall contain at least three of the following architectural details:
  1. Pilasters, change in building mass, or a distinct facade module projection;
  2. Public art display;
  3. Prominent building address, building name, and enhanced exterior light fixtures such as wall sconces or light coves;;
  4. Raised corniced entryway parapet; or
  5. Recessed or framed sheltered element of at least 3 feet in depth to protect pedestrians from weather;
  6. Integral planters or wing walls that incorporate landscaping or seating.

**(J) Exterior Facades**

In the case of new construction of multifamily units in the RM and RH zoning districts, all facades of a primary building shall incorporate three or more of the following design elements in each module to avoid blank, uninterrupted walls, except that buildings less than 40 feet in width shall incorporate a minimum of two of the design elements. A module can be a maximum of 40 feet in width.

- i. Awning or canopy that extends at least 24 inches from the building wall to which it is attached;
- ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings 25 feet or less in height may utilize a minimum of two feet of difference;
- iii. A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation facing a street for nonresidential uses
- iv. A regular pattern of transparent glass constituting a minimum of 30 percent of the total wall/façade area of the first-floor façade/elevation facing a street for residential uses;
- v. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building façade;
- vi. Projecting porches, balconies, or entry stoops at relevant elevations..

**(K) Anti-monotony Standards**

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

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

(C) **Vehicular and Pedestrian Movement**

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

(D) **Vision Clearance**

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

(E) **Green Infrastructure**

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

(F) **Installation Prior to Occupancy**

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

(2) **Plant Material Standards**

(A) **Live Plantings**

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

(B) **Species Identification**

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

(C) **Prohibited Plant Species**

Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements. Unless specifically approved by the City Urban Forester or Senior Environmental Planner, the use of columnar trees is not allowed.

(D) **Species Diversity**

- i. On sites that require an aggregate total of 20 or more new trees, any given genus of tree shall be limited to a maximum of 20 percent of the total number of newly planted trees on site.
- ii. Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with perennial forb species, graminoids, or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any substituted plants used toward parking lot perimeter requirements shall be species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(b) (Landscaping).

(E) **New Planting Sizes**

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



i. **Deciduous Trees**

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

ii. **Evergreen Trees**

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

iii. **Shrubs**

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

(F) **Substitution**

i. **Public Art**

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

ii. **Existing Vegetation**

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

[a] **Deciduous Trees**

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

[b] **Evergreen Trees**

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

[c] **Shrubs**

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

(G) **Ground Cover**

- ~~i. Turf grass and other vegetative ground cover shall be used for all landscaped areas, except that parking lot bumpouts, islands, endcaps smaller than 324 square feet, and areas within 12 inches of a building foundation may use decorative mulch or stone. Except in the PO zoning district, turf grass and other vegetative ground cover shall be used for all landscaped areas, except as listed below. Crushed rock or gravel is not allowed as ground cover.~~

1. Parking lot bumpouts, islands, and endcaps smaller than 324 square feet may use decorative mulch.
2. Areas within 24 inches of a building foundation and underneath staircases may use decorative mulch or stone.
3. For single-family, duplex, triplex, and fourplex uses, gravel, mulch, and decorative stone may only be used in defined landscape beds with raised borders.

ii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch or stone shall not be used as groundcover except one foot beyond the dripline of shrubbery and shall be no more than six feet in diameter surrounding trees.

~~iii.~~ Approved stormwater detention and retention facilities may utilize decorative mulch or stone on a one-time basis at time of installation as allowed or required by City of Bloomington Utilities. Landscaping stone or riprap or other non-vegetative material may be incorporated in stormwater treatment alternatives, such as swales or culvert outfalls, as approved by City of Bloomington Utilities.

### (3) **Tree Protection**

- (A) Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction by a Tree Protection Barrier. The Tree Protection Barrier shall be installed at the Tree Protection Zone and be at least 4 feet tall, highly visible, sturdy, and have warning signs on or near it for the duration of the construction activity.
- (B) Construction activities shall be prohibited within the tree protection zone, a three-foot minimum radius surrounding the dripline of the tree.
- (C) No equipment or supply storage, equipment movement, rest or picnicking area, or any land disturbing activities shall be allowed in the tree protection zone.

### (4) **Alternatives Authorized**

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

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

**Table 04-18: Prohibited Plant Species**

+ = Indiana State-listed noxious weeds (IC 15-16-7)

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

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

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

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

**(f) Street Trees**

**(1) Number**

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

**(2) Type**

Street tree species shall be subject to approval by the City's Urban Forester based on hardiness, seasonal appearance, [species diversity](#), [carbon sequestration](#), and contribution to shading and cooling.

**(3) Location**

**(A) Freeway/Expressway**

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

**(B) Arterial, Collector, Local or Private Street**

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

(2) **General Standards**

(A) **Responsibility**

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

(B) **Location**

All required buffer yard areas shall be provided entirely on the subject property. The required buffer yards shall be installed despite the presence of alleys, streams or other features that may separate the two properties.

(C) **Plant Material**

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

~~(D)~~ **Groundcover**

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

~~(E)~~(D) **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)~~(E) **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.

~~(G)~~(F) **Prohibited Uses**

Buildings, parking areas, swimming pools, or drive aisles are not allowed within buffer yards.

(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 width [1]	10 feet	15 feet	20 feet
Deciduous trees	1 tree every <del>2030</del> linear feet	1 tree every <del>205</del> linear feet	1 tree every 20 linear feet
Evergreen trees	<del>No requirement</del> 1 tree every 20 linear feet	2 trees every <del>205</del> linear feet	<del>(see below)</del> 3 trees every 20 linear feet
<u>Small or medium trees</u>	<u>2 trees every 20 linear feet</u>	<u>3 trees every 20 linear feet</u>	<u>5 trees every 20 linear feet</u>
Other	No requirement	No requirement	Any one of the following: 1 evergreen tree every 10 linear feet; or Or if site constraints hinder the density required, one of the options below may be used: A 6-foot opaque fence; or A stone/brick wall; or A 5-foot tall undulating berm planted with shrubs

**Notes:**

[1] The buffer yard setback is measured from the property line along the boundary between the subject and adjoining properties.

**(4) Buffer Yard Requirements**

Buffer yards shall be required by the developing use pursuant to Error! Reference source not found..

**Table 04-20: Required Buffer Yards**

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

**Notes:**

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

**(h) Parking Lot Landscaping**

**(1) Parking Lot Perimeter Treatment**

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

**(B) Minimum Area**

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

**(C) Minimum Planting**

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

**(D) Stormwater Filtration**

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

**(E) Placement**

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

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**(i) Multifamily Development Landscaping**

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**(1) Interior Plantings**

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

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

**(2) Parking Lot Landscaping**

See Section 20.04.080(h).

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**(j) MD District Landscaping**

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**(1) Interior Plantings**

Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with the following:

- (A) A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.

**(3) Planting Requirements**

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

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**(m) Screening**

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**(1) Roof-Mounted Mechanical Equipment**

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

**(2) Ground-Mounted Mechanical Equipment**

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

- (A) Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (including, but not limited to subpanels, transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
- (B) In cases when ground-mounted mechanical equipment outside of the right-of-way is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria, except that ground-mounted equipment within 10 feet of an improved platted alley does not require screening:
  - i. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
  - ii. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.

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

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

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

(A) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.

(B) Refuse areas shall not be located within the front setback and shall be a minimum of five feet from side and rear property lines, except for:

i. Side and rear locations adjacent to alleyways;

ii. Side and rear locations adjacent to the R1, R2, R3, and R4 zoning districts shall have a minimum 25-foot setback from the respective property lines.

(C) In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by:

i. A solid wall or fence a minimum of six feet in height, or high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Such enclosures shall match the general design and materials of the primary structure (but excluding unfinished CMU block). At least one side of such fence or wall shall incorporate a movable gate for access.

ii. The use of chain-link fencing for loading, service, or refuse area screening, including the access gate, shall be prohibited.

**(4) Design**

(A) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on an impervious surface.

(B) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

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**(n) Fences and Walls**

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**(1) Applicability**

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

(A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3); however they shall not be less than six feet in height.

(B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3).



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

**(G) Swimming Pool and Fountain Lighting**

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

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**(c) General Standards**

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**(1) Conformance with Applicable Codes**

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

**(2) Initial Lumens**

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

**(3) Prohibitions**

**(A) Laser Source Light**

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

**(B) Searchlights**

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

**(C) Towers**

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

**(4) Light Trespass**

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

**(4) Off-premise Signs**

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

**(5) Vehicle Signs**

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

**(6) Intermittent Lights**

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

**(7) Pole Signs**

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

**(8) Temporary Signs**

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

**(9) Projecting Signs**

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

**(10) Electronic Reader Board Signs**

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

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**(f) Prohibited Sign Locations**

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

**(1) Public Easement**

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

**(2) Public Right-of-Way**

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

**(3) Roofs**

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

**(4) Vision Clearance Triangle**

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

**(5) Miscellaneous**

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

**(g) General Design Standards**

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

**(1) Freestanding Signs**

All freestanding signs shall comply with the following standards:

**(A) Setback**

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

**(B) Mounting**

All freestanding signs shall be permanently affixed to the ground.

**(C) Base**

Sign bases shall conform to the following standards:

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

**(D) Cap**

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

**(E) Landscaping**

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

**(F) Illumination**

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

**(2) Changeable Copy**

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

**(3) Electronic Reader Boards**

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

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

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

**(4) Wall Signs**

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

**(h) Waiver of Right to Damages**

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

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

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

**(2) Single-Family and Condominium Subdivision**

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

**(A) Freestanding Sign Area**

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

- (B) **Freestanding Sign Height**  
The maximum height shall not exceed six feet in height.
  - (C) **Changeable Copy**  
Changeable copy shall be prohibited as part of a freestanding sign.
  - (D) **Number**  
The permitted subdivision sign may be replaced with two signs of a maximum 16 square feet in area per sign if a sign is placed on each side of the entrance.
  - (E) **Wall Signage**  
No wall signage is permitted.
- (3) **Multifamily**
- (A) Multifamily developments containing between three and 14 dwelling units shall be permitted one wall sign not to exceed 24 square feet per development.
  - (B) Multifamily developments containing at least 15 dwelling units shall be permitted:
    - 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 freestanding signs; and
  - (C) On lots with 30 feet or more of street frontage, one freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.
- (7) **Illumination**  
Signs within residential districts shall not be internally illuminated nor contain an electronic reader board.
- (8) **Window Signs**  
Window signs are not permitted for residential uses.

- (G) Display of temporary signs shall be permitted for a maximum of three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

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## (k) MN District Sign Standards

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### (1) Applicability

This sign standards section applies to the MN zoning districts.

### (2) Wall Signs

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

#### (A) Allowance

##### i. Individual Nonresidential Uses

The cumulative square footage of all wall signs shall not exceed one square foot per lineal foot of primary structure that faces a public or private street.

##### ii. Multi-tenant Centers

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

##### iii. Limits

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

#### (B) Location

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

#### (C) Maximum Projection

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

### (3) Projecting Signs

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

### (4) Freestanding Signs

The following standards apply to permanent freestanding signs:

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

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

## 20.04.110 Incentives

### (a) Applicability

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

### (b) General Standards

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

#### (1) Neighborhood Transition Standards

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

#### (2) Waiver of Fees

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

#### (3) Administration

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

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

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**(c) Outdoor Lighting**

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

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**(d) Signs**

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

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**(e) Noise**

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



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

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

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

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

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

218	4	20.04.080(f)(2)	Street tree species shall be subject to approval by the City's Urban Forester based on hardiness, seasonal appearance, and contribution to shading and cooling.	Street tree species shall be subject to approval by the City's Urban Forester based on hardiness, seasonal appearance, <b>species diversity</b> , <b>carbon sequestration</b> , and contribution to shading and cooling.	Adds additional criteria for selection of street trees
220	4	20.04.080(g)(2)(D)	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.	Delete entire section	Revises location of this standard to the General section of the Landscaping section regarding Groundcover
221	4	20.04.080(g)(3) Table 04-19	Type 1- 1 tree every 30 linear feet; Type 2- 1 tree every 25 linear feet; Type 3- 1 tree every 20 linear feet	Proposing additional trees. See Redline	modifies language and requirements for required plantings within buffer yards to add additional landscaping requirement for small or medium trees
223	4	20.04.080(h)(2)(C)	Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street tree totals, required parking lot perimeter area tree totals, or required interior plantings tree totals.	Each landscape bumpout, island, or endcap shall contain at least one large canopy tree <b>and four shrubs or native grasses</b> . Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees <b>and eight shrubs or native grasses</b> shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street tree totals, required parking lot perimeter area tree totals, or required interior plantings tree totals.	Adds additional requirement for shrubs or grasses within interior bumpouts, islands, or endcaps.
225	4	20.04.080(m)(2)(B)	In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria, except that ground-mounted equipment within 10 feet of an improved platted alley does not require screening:	In cases when ground-mounted mechanical equipment <b>outside of the right-of-way</b> is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria, except that ground-mounted equipment within 10 feet of an improved platted alley does not require screening:	Clarifying where screening is required.
225-226	4	20.04.080(m)(2)(B)	new section	iii. If a piece of ground mounted equipment can not be screened from view, then options for public art shall be explored for the equipment with the City Economic and Sustainable Development Department. If art can be installed, it shall be.	Adds new language allowing additional screening options for ground mounted equipment
226	4	20.04.080(m)(3)(C)(ii)	The use of chain-link fencing for loading, service, or refuse area screening shall be prohibited.	The use of chain-link fencing for loading, service, or refuse area screening, <b>including the access gate</b> , shall be prohibited.	Clarifies that chain link fences are not allowed for access gate
230	4	20.04.090(c)(4)(A)	(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line.	(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. <b>Properties bordered by R1, R2, R3, R4 or RMH are allowed no more than 0.5 footcandle at a point one meter beyond the property line adjacent to those districts.</b>	Reduces the amount of light trespass allowed adjacent to the lower density and Manufactured/Mobile Home Park districts
236	4	20.04.100(e)(4)	Signs advertising goods, products, services, events or activities not located, sold or offered on the premises on which the sign is located, except for signs as provided in Section 20.04.100(c)(2)(B), Section 20.04.100(c)(2)(C), Section 20.04.100(k)(9), and Section 20.04.100(l)(7).	Signs advertising goods, products, services, events or activities not located, sold or offered on the premises <b>or tenant space</b> on which the sign is located, except for signs as provided in Section 20.04.100(c)(2)(B), Section 20.04.100(c)(2)(C), Section 20.04.100(k)(9), and Section 20.04.100(l)(7).	Clarifies that a sign must also be on the tenant space for the good, product, or service that it is advertising
236	4	20.04.100(e)(8)	Any temporary sign not specifically permitted in Section 20.04.100(i)(9), Section 20.04.100(j)(8), Section 20.04.100(k)(6), and Section 20.04.100(l)(6) or specifically exempted in Section 20.04.100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, feather flags, and banners.	Any temporary sign not specifically permitted in Section 20.04.100(i)(9), Section 20.04.100(j)(8), Section 20.04.100(k)(6), and Section 20.04.100(l)(6) or specifically exempted in Section 20.04.100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, <b>and feather flags. and banners.</b>	Removes banners from prohibited temporary sign types as this is misleading since this one sign type is intended to be allowed with a temporary sign permit
237	4	20.04.100(f)(5)	On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.	On any traffic control signs, highway construction signs, fences, <b>railings</b> , utility poles, street signs, trees or other natural objects.	Adds "railings" as prohibited sign locations
237	4	20.04.100(g)(1)(F)	Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting).	Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting) <b>and also may not exceed one footcandle at a distance of 6' from the sign face.</b>	Adds additional language regarding limits of brightness for freestanding signs

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

**ORDINANCE 2024-05**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Amendments and Updates Set Forth in BMC 20.02; 20.03; 20.05; 20.07**

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

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

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

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

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

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

WHEREAS, on March 11, 2024, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 21, 2024; and

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

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

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-06-24 (hereinafter “Attachment A”)
  - (B) Any Council amendments thereto (“Attachment B”)

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

#### SYNOPSIS

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



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

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 24-05 is a true and complete copy of Plan Commission Case Number ZO-06-24 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 11, 2024.

Date: March 21, 2024

  
 \_\_\_\_\_  
 Jacqueline Scanlan, Secretary  
 Plan Commission

Received by the Common Council Office this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
 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 XX

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

Approval of case ZO-06-24 amends the Unified Development Ordinance (UDO), with amendments and updates related to Chapters 2, 3, 5, and 7 by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

## Case # ZO-06-24 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Development Services Manager, Interim Director

**Date:** March 11, 2024

**Re:** Text Amendments to Unified Development Ordinance

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The Plan Commission heard case # ZO-06-24 on March 11, 2024 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0, as amended. The Plan Commission made two corrections.

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

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

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance, 24-05:

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

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

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

(2) **Dimensional Standards**

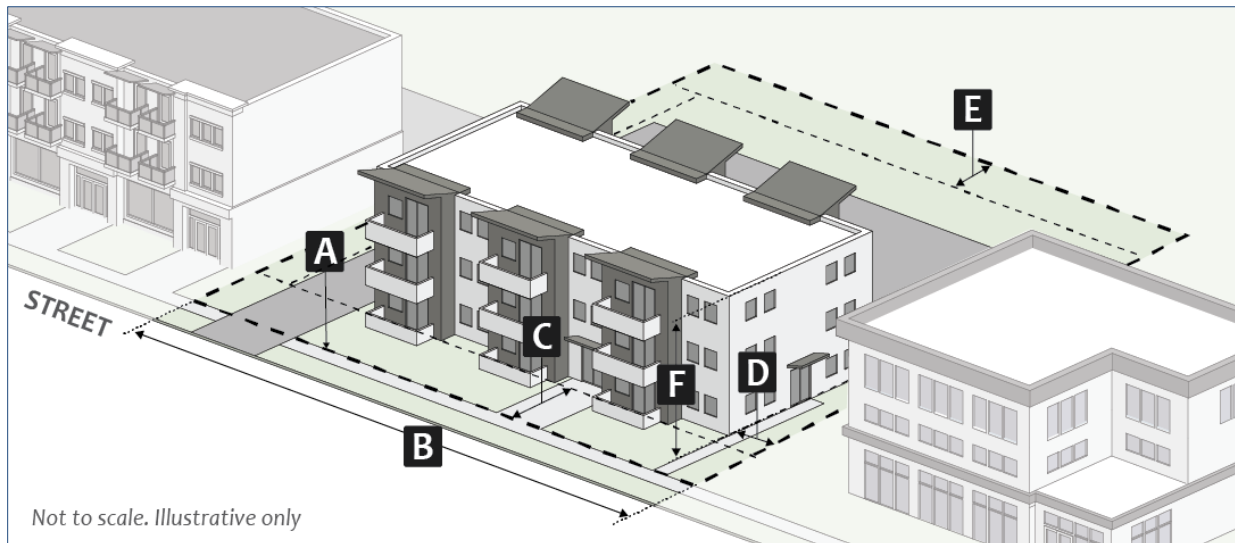
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.0240 (Dimensional Standards) also apply.

**Table 02-6: RM District Dimensional Standards**

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

**Notes:**

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



**Figure 10: RM Dimensional Standards**

**(4) Primary Building Roof Design**

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

**Table 02-24: Primary Building Roof Design**

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

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

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

**(5) Upper Floor Facade Stepbacks**

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

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

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

**(2) Standardized Businesses**

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

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

**(3) Allowed Use Table Modifications**

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

**(A) Courthouse Square Character Area**

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

**(B) Downtown Core Character Area**

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

**(C) University Village Character Area**

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

**(D) Showers Technology Character Area**

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

## 20.03.020 Allowed Use Table

**Table 03-1: Allowed Use Table**

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

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

**(C) Design**

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

**(5) Dwelling, Multifamily**

**(A) Ground Floor Parking**

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

**(B) Size**

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

**(C) Building Floor Plate**

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

**(D) Ground Floor Units**

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

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

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

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

**ii. Maximum Number**

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

**iii. Maximum Cumulative Area**

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

**(D) Infrastructure**

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

**(10) Fraternity or Sorority House**

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

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

**(12) Residential Rooming House**

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



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

**(D) Building Height**

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

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**(c) Public, Institutional, and Civic Uses**

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**(1) Art Gallery, Museum, or Library**

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

**(2) Community Center**

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

**(18) Vehicle Wash**

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

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

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**(e) Employment Uses**

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**(1) Storage, Outdoor**

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

~~All outdoor parking of vehicles in all zoning districts shall comply with the following standards:~~

- ~~i. Vehicles and trailers shall not be stored or parked on an unimproved surface.~~
- ~~ii. Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.~~
- ~~iii. Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.~~

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

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

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

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

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

~~Shipping containers, cargo containers, and portable on-demand storage units may not be used for long-term storage, and may only be located on a lot or parcel:~~

- ~~i. To provide storage for construction projects during the period of an approved construction project on the same lot or parcel; or~~
- ~~ii. During the process of being loaded or unloaded, the duration of which may not exceed 72 consecutive hours.~~

**(2) Storage, Self-Service**

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

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

**(I) Residential Character**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(7) Outdoor Retail and Display**

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

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

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**(e) Standards for Specific Easement Types**

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

**(1) Sanitary Sewer Easement**

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

**(2) Waterline Easement**

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

**(3) Drainage Easement**

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

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

#### (9) **Conservancy Easement**

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

#### **(10) Riparian Buffer Easement**

(A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area except for disturbance as allowed in Section 20.04.030(f).

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) All riparian buffer easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than 200 feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

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

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

## 20.05.050 Subdivision Design Standards

### (a) Purpose

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

### (b) Applicability

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

### (c) Generally

- (1) In planning for the development of areas within the jurisdiction of the Plan Commission, the owner and petitioner shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the Comprehensive Plan.
- (2) The proposed development shall also be consistent with the property's zoning classification and shall result in a project that is harmonious with the environmental character of the property as well as the overall community of the City of Bloomington.
- (3) Existing buildings, structures, parking areas, or improvements that require a setback and are on lots involved in either a subdivision or an exempted adjustment of lot lines listed in 20.06.060(a)(2)(B) do not have to meet setback standards related to existing property lines that do not change. The setback standards of this UDO shall apply for all newly created lot line locations.
- (4) No site feature that is necessary to meet a requirement of Chapter 4 may be removed as part of a subdivision so as to bring a property out of or further from compliance.

### (d) Specific Standards for Subdivision Types

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

**Table 05-5: Subdivision Development Standards**

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

### **Building or Structure, Temporary**

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

### **Building permit**

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

### **Building Supply Store**

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

### **Build-to Line**

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

### **Build-to Range**

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

### **Business School**

See "School, Trade or Business."

### **Caliper**

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

### **Canopy**

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

### **Carport**

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

### **Cement Production**

See "Gravel/sand/cement production."

### **Cementitious Siding**

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

### **Cemetery or Mausoleum**

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

### **Geographic Information System (GIS)**

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

### **Glare**

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

### **Government Service Facility**

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 (Surface), Average finished**

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

### **Grade, Finished**

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

### **Grade, Natural**

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

### **Grade, Street**

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

### **Grade, Unfinished**

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

### **Gravel, Cement, or Sand Production**

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

### **Greenhouse, Noncommercial**

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

### **Grocery or Supermarket**

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

### **Gross Floor Area**

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

### **Ground Cover**



### **Hotel or Motel**

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

### **HPC**

The City of Bloomington Historic Preservation Commission.

### **Hydrologic and Hydraulic Engineering Analysis**

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

### **IBC**

Indiana Building Code.

### **IC**

Indiana Code.

### **IDEM**

Indiana Department of Environmental Management.

### **IESNA**

Illuminating Engineering Society of North America.

### **Impervious Surface**

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

### **Impervious Surface Coverage**

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

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

### **Kennel**

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

### **Land Disturbing Activity**

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

### **Landscape Area**

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

### **Landscape**

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

### **LEED Green Building Rating System**

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

### **Length, Block**

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

### **Length, Cul-de-sac**

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

### **Letter of Final Determination (LFD)**

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

### **Letter of Map Change (LOMC)**

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

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

### **Permeable Parking Pavers**

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

### **Personal Services**

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

#### **Personal Service, Small**

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

#### **Personal Service, Large**

A facility with more than 7.500 square feet of gross floor area.

### **Pet Grooming**

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

### **Petitioner**

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

### **Petitioner's Representative**

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

### **Physical Map Revision (PMR)**

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

### **Place of Worship**

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

### **Recycling Drop-Off, Self-Serve**

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

### **Regular Program**

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

### **Regulatory Flood**

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

### **Regulatory Flood Elevation**

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

### **Repetitive Loss**

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

### **Rescue Station**

See "Police/fire/rescue station."

### **Residential Care Home**

See "Group home/residential care home."

### **Residential Rooming House**

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

### **Rest Home**

See "Nursing or Convalescent Home."

### **Restaurant**

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

### **Retail Sales**

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

#### **Retail Sales, Small**

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

#### **Retail Sales, Medium**

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

#### **Retail Sales, Large**

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

#### **Retail Sales, Big Box**

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

### **Retention Facilities**

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

### **Right-of-way**

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

### **Riparian Buffer**

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

### **Riverine**

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

### **Road**

See "Street."

### **Rules of Procedure**

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

### **Salvage or Scrap Yard**

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

### **Sand Production**

See "Gravel, Cement, or Sand Production."

### **Trailer**

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

### **Transportation Plan**

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

### **Transportation Terminal**

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

### **Tree plot**

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

### **Tree Protection Barrier Fencing**

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

### **Tree Protection Zone (TPZ)**

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

### **Tree, Canopy**

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

### **Tree, Heritage**

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

### **Tree, Interior**

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

### **Tree, Ornamental**

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

### **Tree, Street**

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

### **Trellis**

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

## Vehicle

See "Motor vehicle."

## Vehicle Fleet Operations

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

### Vehicle Fleet Operations, Small

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

### Vehicle Fleet Operations, Large

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

## Vehicle Fuel Station

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

## Vehicle Impound Storage

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

## Vehicle Parking Garage

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

## Vehicle Repair, Major

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

## Vehicle Repair, Minor

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

## Vehicle Sales or Rental

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

ZO-06-24 Chapters 2, 3, 5, and 7 Changes

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



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

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

**ORDINANCE 2024-06**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Amendments and Updates Set Forth in BMC 20.06**

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

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

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

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

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

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

WHEREAS, on March 11, 2024, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 21, 2024; and

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

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

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-07-24 (hereinafter “Attachment A”)
  - (B) Any Council amendments thereto (“Attachment B”)

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

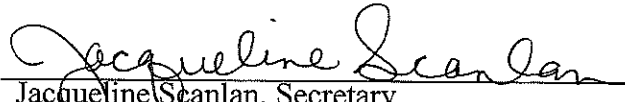
#### SYNOPSIS

This petition contains amendments in Chapter 6 related to processes and procedures in the UDO. There are 17 amendments identified.

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

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

Date: March 21, 2024

  
 \_\_\_\_\_  
 Jacqueline Scanlan, Secretary  
 Plan Commission

Received by the Common Council Office this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

Signature of Controller

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

Yes \_\_\_\_\_ No XX

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

Approval of case ZO-07-24 amends the Unified Development Ordinance (UDO), with amendments and updates to processes and procedures, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

## Case # ZO-07-24 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Development Services Manager, Interim Director

**Date:** March 21, 2024

**Re:** Text Amendments to Unified Development Ordinance

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The Plan Commission heard case #ZO-07-24 on March 11, 2024 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0.

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

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

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance 24-06.

1. ZO-07-24 | Chapter 6: Administration & Procedures

ZO-07-24 | Chapter 6: Administration & Procedures

This petition deals with processes and procedures. The amendments cover a variety of topics. There are amendments that attempt to make clearer the requirements for a limited compliance site plan and those that clarify when site plans expire. The amendments increase the pool of interested parties for petitions, and also clarify what waivers from the Transportation Plan can be requested in a subdivision. They also include clarifying the secondary platting process, as well as which bodies can approve minor modifications. There are 17 amendments identified. These amendments are needed to provide clarity on existing processes, and also to clarify which entities are exempt from permit and petition payments.

- (A) Primary plats;
- (B) Secondary plats;
- (C) Requests for vacation of plats or parts of plats.

**(2) Procedures**

The Plat Committee shall review and hear petitions pursuant to procedures adopted by the Plan Commission by rule.

## 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
<b>Development Permits and Procedures</b>														
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)												
<b>Subdivision Procedures</b>														
Primary Plat	20.06.060(b)	✓	✓	✓	✓	✓		R	D*/A	D*				
Secondary Plat	20.06.060(c)					✗		R / D	D/A	D				

- (B) The Planning and Transportation Director may waive certain submittal requirements in order to reduce the burden on the petitioner and to tailor the requirements to the information necessary to review a particular petition. The Planning and Transportation Director may waive such requirements upon finding that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. Any such waivers shall be authorized in writing and retained in the project file.

**(3) Payment of Fees**

- (A) City staff shall maintain an official fee schedule for any petition, permit, or process included in this Chapter 20.06: (Administration & Procedures). Such fees shall be approved by the Plan Commission and, where applicable, the Common Council. The official fee schedule shall be available to the public in the Planning and Transportation Department Office.
- (B) Fees shall be paid at the Planning and Transportation Department office at the time of petition submittal. When the Planning and Transportation Department has received a complete submittal, the staff shall calculate the total amount of the application fee and any other applicable fees. All payments shall be made to the City of Bloomington.
- (C) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any petition, subdivision request, or permit.
- (D) No application fees shall be required for any petition or permit by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption or unit of government.
- (E) The Plan Commission may waive the application fee for any proposal that is actively being promoted by a unit of local government or quasi-public organization or that involves a local subsidy.
- (F) No refunds shall be permitted after a Plan Commission or Plat Committee hearing on the petition has been held, regardless of whether or not the Plan Commission or Plat Committee has taken action on the petition.

**(4) Completeness of Petition**

- (A) On receiving a petition, the Planning and Transportation Director shall determine whether the petition is complete. A complete petition is one that contains all information and materials required by the Administrative Manual and this UDO for submittal of the particular petition, and that has sufficient detail and readability to evaluate the petition for compliance with applicable review standards of this UDO.
- (B) No petition shall be considered complete until all pre-submittal requirements of Section 20.06.040(b) have been satisfied and all required fees have been paid.
- (C) Upon determining that the petition is incomplete, the Planning and Transportation Director or designee, shall notify the petitioner of the submittal deficiencies. The petitioner may correct the deficiencies and resubmit the petition for a determination of completeness until the Planning and Transportation Director determines the petition is complete.
- (D) No development petition shall be reviewed for compliance with this UDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.



~~1. All persons owning land adjacent and contiguous to the property included in the petition or proposal. All persons owning land within 300 linear feet from the subject parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, shall be interested parties.~~

~~1.2.~~

- [a] Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous.
- [b] Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner.
- [c] Owners of property adjacent and contiguous to parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.

~~2. All persons owning land abutting the aforementioned immediately adjacent property owners in subsection (1) above (i.e., "two properties deep").~~

~~3. All persons owning land within 300 linear feet from the subject parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, shall be interested parties.~~

- ii. In order to determine the names and addresses of property owners to whom notice shall be sent, staff shall consult either the current Plat Book and computerized ownership records located in the Office of the Auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name of each adjacent property owner and address.
- iii. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record.

#### (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 10 days prior to the initial scheduled public hearing before the Plan Commission, Board of Zoning Appeals, Plat Committee, or Hearing Officer.

(C) **Plat Committee Decision**

A Plat Committee decision may be appealed to the Plan Commission pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within 10 days of the Plat Committee's decision.

(D) **Time of Expiration during Appeals**

If an appeal by writ of certiorari is taken from a decision, the time during which such appeal is pending shall not be counted in determining whether the permit or approval has expired under subsection (A) through (C).

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## 20.06.050 Development Permits and Procedures

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(a) **Site Plan Review**

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(1) **Purpose**

The site plan review procedure is intended to ensure that potential impacts of development are considered before submittal of a petition for construction or issuance of a building permit and to:

- (A) Promote well-planned and well-designed use of property;
- (B) Promote a high character of community development;
- (C) Review site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience, and welfare;
- (D) Promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate stormwater management;
- (E) Determine compliance with the standards of this UDO;
- (F) Protect environmental quality; and
- (G) Ensure that the statutory requirements established in the Indiana Code for development plan review and approval are met.

(2) **Applicability**

(A) **Activities Subject to Site Plan Review**

Site plan review is required prior to the issuance of a building permit and/or construction of physical site improvements. Site plan review is required for all development and changes in use subject to this UDO, including the following, unless exempted by subsection B below:

- 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, group living, 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).
- v. [Activities that require a grading permit but do not require any site improvements.](#)

**(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 20.06.050(a)(2)(C)ii).
3. Development that contains 20,000 square feet or less of new non-residential gross floor area;
4. Development that contains 50 dwelling units or less;  
[\(empty 5 removed and auto-renumbered below\)](#)
5. The alteration of any vehicular parking area;
6. Petitions for a grading permit where site improvements are required; or
7. 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 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):

**(E) Review and Decision**

**i. Generally**

The Plan Commission shall review the major site plan 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)(B) (General Compliance Criteria).

**ii. Commitments**

The Plan Commission 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 site plan pursuant to Section 20.06.040(d)(8) (Commitments).

**iii. Additional Review for Drainage and Floodplain**

Any projects that are determined by the Planning and Transportation Department to be located within an identified floodway, flood fringe, or within the floodplain shall also meet the criteria in Section 20.04.040 (Floodplain).

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

**i. Notification of Findings**

The Plan Commission shall make written findings concerning each decision to approve or disapprove a major site plan, and such findings shall be made available to the petitioner.

**ii. Expiration of Approval**

Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Grading Permit has been approved related to the site plan. Or, in the case where no Grading Permit is required, a Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval.

**iii. Modification or Amendment of Approval**

An approved major site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

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**(b) Conditional Use Permit**

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**(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.

**i. Effect of Approval of a Conditional Use**

The granting of a conditional use authorizes the use and establishes the terms of use. Conditional uses are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits and approvals shall be obtained before any grading, construction, or use commences.

**ii. Duration**

A conditional use permit granted by the Board of Zoning Appeals or the Hearing Officer shall expire:

1. Two years after the date granted by the Board of Zoning Appeals or Hearing Officer, unless:
  - [a] A building permit has been obtained and construction of the structure or structures has commenced; or
  - [b] An occupancy permit has been obtained and the use has commenced; or
2. At the date of termination established by the Board of Zoning Appeals or Hearing Officer as a condition or commitment if different from (1) above.

**iii. Modification or Amendment of Approval**

1. Any modification or intensification of a conditional use that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals or Hearing Officer at the time the conditional use was granted shall require a new conditional use approval.
2. The Planning and Transportation Director shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the Planning and Transportation Director with all the necessary information to render this determination.
3. In the case where the Planning and Transportation Director determines a new conditional use permit is required, a petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) and this Section 20.06.050(b) (Conditional Use Permit).
4. The Hearing Officer may hear requests for amendments to a conditional use, if authorized by the Plan Commission.

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**(c) Demolition Delay Permit**

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**(1) Purpose**

The demolition delay permit procedure is intended to ensure that potentially historic structures are protected from demolition or alteration. ~~no certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.~~

(2) **Applicability**

This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code. No certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.

(3) **Demolition Delay Permit Review Process**

Figure 06.05-4 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to demolition delay permit review. Additions or modifications to the common review procedures are noted below.

**Figure 06.05-4: Summary of Demolition Delay Permit Procedure**



(A) **Pre-Submittal Activities**

A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) **Petition Submittal and Processing**

- i. The demolition delay permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing)
- ii. If a petition for demolition or partial demolition that is subject to the demolition delay procedures of this UDO is withdrawn by the petitioner, the demolition delay period shall be terminated and no certificate of zoning compliance for the withdrawn petition shall be issued.

- 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, except that waivers related to sidewalks and tree plots in the Transportation Plan may be requested.

**(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.

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**(c) Secondary Plat**

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**(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.

**(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, Plat Committee, or Common Council, the decision making body~~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.

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**(b) Variance**

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**(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.

**(2) Applicability**

**(A) Development Standards Variance**

- i. The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures established in this UDO, may grant variances from the development standards applicable to the zoning district in which the subject property is located.
- ii. It is not within the jurisdiction of the Board of Zoning Appeals or Hearing Officer to grant development standards variances of Chapter 20.05: Subdivision Standards.



**(B) Floodplain Variance**

- i. The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures established in this UDO, may grant variances from the standards in Section 20.04.040(e) (Provisions for Flood Hazard Reduction), only when a new structure is to be located on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- ii. Variances may be granted for the reconstruction, restoration, repair, or rehabilitation of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. Upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- iii. No variance for a residential use within a floodway that requires a permit for construction in a floodway from the Indiana Department of Natural Resources pursuant to the provisions of IC 14-28-1 or a project that is subject to 20.04.040(e)(2)(C) ~~Error! Reference source not found. (Error! Reference source not found.)~~, may be granted.

**(3) Variance Review Process**

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

**Figure 06.08-1: Summary of Variance 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.

- (2) A lawful nonconforming lot of record may be used and developed or redeveloped without compliance with the lot area and lot width standards of this UDO as long as all use restrictions and other development standards of this UDO are met.

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**(f) Nonconforming Site Features**

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A lawful nonconforming site feature may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required. No increase in the degree of nonconformity with any site feature is permitted except as expressly provided in this section.

**(1) Full Compliance**

A lawful nonconforming site shall be brought into compliance with this UDO with any petition for new building construction or in connection with demolition of existing and construction of new buildings.

**(2) Limited Compliance**

**(A) Applicability**

A lawful nonconforming site or structure shall be brought into compliance with the standards in paragraph (B) below when any of the following occur on the site:

**i. Nonresidential and Mixed-Use**

1. Any change in use, expansion, enlargement, or relocation of any use;
2. Reestablishment of a prior conforming use that has been discontinued for a period of 12 months or longer; or
3. Expansions, alterations, or modifications that increase the gross floor area of the building by more than 10 cumulative percent, including previous additions approved under any UDO effective since February 12, 2007.

**ii. Multifamily and Group Living**

1. Any expansions, alterations, or modifications to an existing building, with the exception of accessory structures less than 580 square feet, provided that the accessory structure does not increase the degree of nonconformity regarding required maximum impervious surface coverage or required number of parking spaces;
2. Any change in use, or any expansion, enlargement, or relocation of any use; or
3. Any addition of ~~bedrooms or~~ dwelling units.

**iii. Single-Family Detached, Duplex, Triplex, and Fourplexes**

A lawful nonconforming use or site feature on a lot where the primary use is a single-family detached, duplex, triplex, or fourplex dwelling may continue except as provided below:

1. Enlargement or modification of an existing driveway shall be subject to Section 20.04.050(c)(3)(C) (Surface Material); and
2. Changes to nonconforming uses and structures containing nonconforming uses involving occupancy of unrelated adults are subject to Section 20.06.090(c)(4) (Residential Occupancy).

**(B) Required Compliance**

A lawful nonconforming site or structure that meets or exceeds the thresholds established in paragraph (A) above shall comply with the following standards:

**i. Building Setbacks and Height**

Existing buildings shall not be subject to current setback or height standards and shall remain lawful nonconforming unless completely demolished and replaced, in which case full compliance with this UDO shall be required.

**ii. ~~Parking Setback and Maximum Number of Spaces/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. All parking spaces over the maximum number of spaces allowed must be removed. If all setbacks cannot be met through the removal of excess parking spaces, then priority shall be given to the parking spaces located in the front setback. If on a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street. Any parking spaces or asphalt that encroaches into public right-of-way or adjacent property not owned by the petitioner must be removed.~~

**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 curb ramps 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 ).

**xi. Lighting**

All lighting shall be brought into compliance with Section 20.04.090 (Outdoor Lighting).

**xii. Entrances and Drives**

All entrances and drives shall be brought into compliance with Section 20.04.050(c) (Driveways and Access), with the exception of driveway location requirements.

**xiii. Minimum Landscape Area**

If a site can be brought closer to compliance with the Minimum Landscape Area standards through the removal of excess asphalt, gravel, parking, or other impervious surfaces necessary to achieve the minimum amount of landscape area requirement, then such impervious area shall be removed and landscape area and vegetation installed.

**xiv. Fencing**

Any fence or wall that contains prohibited components must remove the prohibited components only.

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**(g) Nonconforming Signs**

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**(1) Generally**

- (A) Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area, except as expressly provided in this Section 20.06.090(g).
- (B) Ordinary maintenance is permitted and shall include replacement of supports with different materials or design from the previous supports but shall not include any increase in the dimensions or numbers of supports.

Page	Chapter	Citation	Current Language	Proposed Language	Synopsis
314	6	20.06.050(a)(4)(F)(ii)	Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval).	Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). <b>A site plan approval will be considered expired if no Grading Permit has been approved related to the site plan. Or, in the case where no Grading Permit is required, a Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval.</b>	Adds additional language clarifying that a Certificate of Zoning Compliance must be approved within the one-year approval period
310	6	20.06.050(a)(2)(B)	New language	v. Activities that require a grading permit but do not require any site improvements	Adds new language to reflect current policy
391	6	20.06.090(f)(2)(A)(ii)(3)	Any addition of bedrooms or dwelling units.	Any addition of <del>bedrooms</del> or dwelling units.	Revises language to reflect changes made in the 2023 updates where the addition of bedrooms was no longer considered an expansion
392	6	20.06.090(f)(2)(B)	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.	<b>Parking Setback and Maximum number of spaces: 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.</b> All parking spaces over the maximum number of spaces allowed must be removed. If all setbacks cannot be met through the removal of excess parking spaces, then priority shall be given to the parking spaces located in the front setback. If on a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street. Any parking spaces or asphalt that encroaches into public right-of-way or adjacent property not owned by the petitioner must be removed.	Revising the language to provide better clarity
393	6	20.06.090(f)(2)(B)	New language	<b>xiii. Minimum Landscape Area: If a site can be brought closer to compliance with the Minimum Landscape Area standards through the removal of excess asphalt, gravel, parking, or other impervious surfaces necessary to achieve the minimum amount of landscape area requirement, then such impervious area shall be removed and landscape area and vegetation installed.</b>	New language to help guide the limited compliance review process to require excess areas of impervious surface coverage to be removed if possible.
318	6	20.06.050(c)(1)	The demolition delay permit procedure is intended to ensure that no certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.	The demolition delay permit procedure is intended to ensure that <b>potentially historic structures are protected from demolition or alteration.</b> <del>no certificate of zoning compliance authorizing release of a permit allowing the demolition; substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.</del>	Revised language to more accurately describe the purpose of the ordinance. Removes language that specifies which structures are protected and places that in the Applicability section instead.

319	6	20.06.050(c)(2)	This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.	This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code. <b>No certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.</b>	Moves language that determines what structures are regulated to the Applicability section rather than the general purpose section
391	6	20.06.090(f)(2)(A)(ii)	Multifamily	<b>Multifamily and Group Living</b>	Adds the subheading of Group Living to the applicability section for limited compliance
309	6	20.06.050(a)(2)(A)(iii)	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	i. Expansions, alterations, or modifications of existing structures or sites for commercial, public, institutional, civic, employment, utilities and communication, <b>group living</b> , and multifamily residential uses of property within the city that result in increased occupancy or intensity of use; and	Adds "Group Living" to list of uses included for site plan review. This subheading was accidentally omitted.
292	6	20.06.040(c)(3)(D)	No application fees shall be required for any petition by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption.	No application fees shall be required for any petition <b>or permit</b> by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption <b>or unit of government.</b>	Adds language not requiring permit fee for 501(c)(3) organizations or government agencies.
374	6	20.06.080(a)(4)(B)(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).	Where the concurrently reviewed petition requires review and approval by the Plan Commission, <b>Plat Committee</b> , or Common Council, the <b>decision making body commission or council</b> , as applicable, shall review and decide the minor modification petition based on the criteria in Section 20.06.080(a)(5).	Revises Boards and Commission list
347	6	20.06.060(b)(3)(F)(iii)	The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Transportation Plan.	The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Transportation Plan, <b>except that waivers related to sidewalks and tree plots in the Transportation Plan may be requested.</b>	modifies language to specifically allow Transportation Plan waivers Subdivisions
304	6	20.06.040(e)(2)(D)(i)(1)	All persons owning land adjacent and contiguous to the property included in the petition or proposal. [a] Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous. [b] Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner. [c] Owners of property adjacent and contiguous to parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.	<del>All persons owning land adjacent and contiguous to the property included in the petition or proposal. All persons owning land within 300 linear feet from the subject parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to one eighth of a mile into the adjacent county shall be interested parties. [a] Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous. [b] Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner. [c] Owners of property adjacent and contiguous to parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.</del>	Clarifies that all "interested parties for notice in a petition is all property owners within 300 feet.
304	6	20.06.040(e)(2)(D)(i)(2)	All persons owning land abutting the aforementioned immediately adjacent property owners in subsection (1) above (i.e., "two properties deep").	<del>All persons owning land abutting the aforementioned immediately adjacent property owners in subsection (1) above (i.e., "two properties deep").</del>	Removes the "two properties deep" language to require public notice to all property owners within 300 feet. This helps increase public notification and decreases chance of errors in determining interested parties to be notified.

304	6	20.06.040(e)(2)(D)(i)(3)	All persons owning land within 300 linear feet from the subject parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one eighth of a mile into the adjacent county, whichever is less, shall be interested parties.	<del>All persons owning land within 300 linear feet from the subject parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one eighth of a mile into the adjacent county, whichever is less, shall be interested parties.</del>	Moves the 300 feet regulation to the section with the caveats in section 1.
393	6	20.06.090(f)(2)(B)	New language	<b>xiii. Fencing: Any fence or wall that contains prohibited components must remove the prohibited components only.</b>	Adds language that requires fences or walls that contain prohibited materials (barbed wire, security wire, electrified wire, etc) to have to be removed as part of Limited Compliance.
289	6	20.06.030 Table 06-1	Secondary plats must go to DRC	Remove "check mark" that indicates secondary plats must go to DRC	Removes requirement that secondary plats have to go to DRC
375	6	20.06.080(b)(2)(B)(iii)	Reference source not found	20.04.040(e)(2)(C)	Updated broken floodplain reference