



City of Bloomington Common Council

Legislative Packet

Containing legislative materials related to:

Wednesday, 30 July 2025

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
Wednesday | 6:30 PM
30 July 2025

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

<https://bloomington.zoom.us/j/88978901912?pwd=3fpAB4AL3ywYbQN421PeBD2oXnKeyb.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **MINUTES FOR APPROVAL**
 - May 21, 2025 – Regular Session
 - June 4, 2025 – Regular Session
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section).*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - a. Report from Bloomington Economic Development Corporation (BEDC)
 - b. Report and Hearing on Status of Union at Crescent Tax Abatement
 - C. Council Committees – Report from Committee on Council Processes
 - D. Public*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - Memo from Clerk Bolden
6. **LEGISLATION FOR FIRST READINGS**
 - A. Ordinance 2025-25 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment and Use Specific Standards- “Storage, self-service”
 - B. Ordinance 2025-26 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment- “Fraternity or sorority house”; “Artist Studio or workshop”; “Vehicle Fleet Operations, Large and Small”
 - C. Ordinance 2025-27 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment- “Vehicle Fuel Station”

*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 up to three minutes.

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.

Posted: July 25, 2025

- D. Ordinance 2025-28 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment- “Vehicle Wash”
- E. Ordinance 2025-29 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment and Definitions- “Tattoo or piercing parlor”
- F. Ordinance 2025-30 – To Vacate a Public Parcel Re: A 12-Foot Public Alley Adjacent to 909 E. University Street

7. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

- A. Ordinance 2025-23 – To Enact Title 10 of the Bloomington Municipal Code Entitled “Wastewater”
- B. Ordinance 2025-24 – To Enact Title 13 of the Bloomington Municipal Code Entitled “Stormwater”
- C. Appropriation Ordinance 2025-07 – To Transfer Appropriations in the General Fund to Various Departments and Various Funds to Align Budgets with the 2025 Salary Ordinance
- D. Resolution 2025-12 – To Initiate A Proposal to Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Preparation of a Proposal to Amend Chapter 20.04.110 (Incentives)

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

9. COUNCIL SCHEDULE

10. ADJOURNMENT

Bloomington City Council meetings can be watched on the following websites:

- Community Action Television Services (CATS) – <https://catvstv.net>
- YouTube – <https://youtube.com/@citybloomington>

Background materials and packets are available at <https://bloomington.in.gov/council>

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Posted: July 25, 2025

From: Council President, Hopi Stosberg

To: Council Colleagues

Date: July 25, 2025

RE: Meeting agenda for the Regular Session Meeting on July 30, 2025

Dear Colleagues,

I would like to suggest an alternate agenda for our regular session meeting on July 30, 2025. In order to do this, the majority of council members must agree to an alternate agenda. Per Bloomington Municipal Code 2.04.080:

*The council shall transact its business in the following order, but **it may by majority vote amend the normal order of business** and time limits set forth below:*

- 1) *Roll Call*
- 2) *Agenda summation*
- 3) *Approval of minutes*
- 4) *Reports (a maximum of twenty minutes is set aside for each part of this section)*
 - a) *Council members*
 - b) *The mayor and city offices*
 - c) *Council committees, and*
 - d) *Public**
- 5) *Appointments to boards and commissions*
- 6) *Legislation for first readings*
- 7) *Second readings and resolutions*
- 8) *Additional reports from the public* (a maximum of twenty-five minutes is set aside for this section of the agenda)*
- 9) *Council schedule*
- 10) *Adjournment*

**Members of the public may speak on matters of community concern not listed on the agenda at one of two reports from the public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed up to three minutes each.*

On July 16, 2025 we voted to hold a public hearing regarding the tax abatement for Union at Crescent during our regular session on July 30. Currently that public hearing is listed on the agenda under reports from the mayor and city offices. There is an expectation that this public hearing will exceed the 20 minutes generally allotted to that section. Though there may be a resolution in the future related to this issue, at this time there is not any final legislation attached to the hearing, so it does not belong under second readings and resolutions.

During the time for Agenda Summation, I suggest a motion be made to amend the agenda and add a new agenda item specifically for the tax abatement hearing. I recommend that the Report and

Hearing on the Status of Union at Crescent Tax Abatement be removed from section 4, Reports from the mayor and city offices, and be inserted into the agenda as item 8, after Second readings and resolutions and that the subsequent agenda items be renumbered appropriately. I also recommend that we institute a time limit with regard to presentations for this hearing, perhaps 20-30 minutes maximum for each party giving a presentation. The Economic and Sustainable Development Department and Union at Crescent representatives will each need presentation time to express and defend their positions on this matter. As with items of legislation and reports, a time for council member questions will occur after presentations. I suggest not putting time limits on council questions or their associated answers at this time.

I hope that council members agree that holding this hearing during its own dedicated agenda time is a wise path to follow and that a motion, second, and subsequent majority vote will occur at the start of the meeting on July 30. Please reach out if you have questions or concerns about this strategy. Thank you for your consideration.

Bloomington Common Council-Regular Session Minutes
Bloomington City Hall, 401 N. Morton Street, Bloomington, Indiana
Wednesday, May 21, 2025, 6:30pm

1. CALL TO ORDER [6:32pm]

Council President Stosberg called the meeting to order.

2. ROLL CALL (*indicates participation via Zoom) [6:32pm]

Members:

Isak Nti Asare	At-Large
Courtney Daily	District 5, Council Parliamentarian
Matt Flaherty (absent)	At-Large
Isabel Piedmont-Smith	District 1, Council Vice President
Dave Rollo	District 4
Kate Rosenbarger (absent)	District 2
Andy Ruff	At-Large
Hopi Stosberg	District 3, Council President
Sydney Zulich	District 6

City staff, officials, and guests present:

Sofia McDowell	Chief Deputy Clerk
Colleen Williamson	Deputy Clerk
Lisa Lehner	Council Attorney
Christine Chang	Council Legal Research Specialist
Kelly Murphy	Information Technology Services, Technology Support Manager
Sandra McGow	Commission on Aging Commissioner
Marissa Parr-Scott	Community and Family Resources, Special Projects Program Specialist
Jessica McClellan	City Controller
Eric Greulich	Planning and Transportation, Development Services Manager
David Hittle	Planning and Transportation, Director
Jackie Scanlan	Planning and Transportation, Assistant Director
Anna Holmes	Senior Assistant City Attorney

3. AGENDA SUMMATION [6:33pm]

Stosberg reported on the recent vote against voting centers by the Election board, and history of voting and the right to vote, and then summarized the agenda.

4. APPROVAL OF MINUTES [6:35pm]

There were no minutes for approval.

5. REPORTS [6:35pm]

5.1. Councilmembers

Asare spoke about the Lieutenant Governor’s recent visit to Ellettsville, and potential collaborations, and expressed gratitude that he visited Monroe County. Asare commented on the Jack Hopkins Social Services Fund committee, tax abatements, and his attendance at the Bloomington Economic Development Corporation (BEDC) meeting with participation from the Indiana University (IU) Health president.

Zulich reported on her meeting with Chris Smith, Public Works, to discuss improvements to street lighting. She commented on the Kirkwood Street closure and shuttles during the lunch and dinner hours.

Daily reminded everyone how wonderful and useful the Monroe County Public Library (MCPL) was. Community members could check out books, toys, baking goods, and more.

Piedmont-Smith said that while it was good that Lt. Governor Micah Beckwith visited Monroe County, it was clear that he was not listening. He was spouting unfounded assertions about United States history, transgender identities, tariff impacts, and public education. She expressed concern with his lack of listening at the town hall and his insults of county government.

Stosberg mentioned the rebranding initiative for the city including a survey the public could complete, the groundbreaking ceremony for the Convention Center site on June 03, and congratulated graduating students.

5.2. The Mayor and City Offices

Commission on Aging Commissioner Sandra McGow provided the commission’s 2024 Annual Report including the commission’s charge and focus and she highlighted efforts like dementia friendly training, Blue Zones Initiative, a senior resource guide, and the WTIU Conference on Aging. She described 2025 goals. Marisa Parr-Scott, staff liaison, gave additional details on the budget.

Stosberg extended the reports from the mayor and city offices to 7:15pm.

Commission on the Status of Women Commissioner Shayla George provided the commission’s 2024 Annual Report. She reported on the commission’s charge and focus, highlights from 2024 events like the Women’s History Month Luncheon, the Women’s Market, and the Young Women’s Leadership Summit. She described 2025 goals including subcommittee work. There was brief discussion on the commission’s community and civic engagement, dissemination of information, events, scholarships, and other opportunities.

5.3. Council Committees

Piedmont-Smith reported from the Committee on Council Processes, including two proposals. She read the values statement pertaining to boards and commissions and gave details and examples. Council discussed the proposals and actions council would need to have, like future resolutions to assign councilmembers as staff liaisons to boards and commissions. Piedmont-Smith then referenced the second request.

Piedmont-Smith moved and Daily seconded that council request from the mayor’s office, a) to provide an update based on its commitments nine months ago to create a team, timeline, and so on to identify areas for improvement and establish a set of priority outcomes on equity in city government, and b) to include and collaborate with the Council and community members on this process going forward.

There was brief council discussion regarding pay equity. The motion was amended to explicitly include pay equity. The motion was approved by voice vote.

5.4. Public

Sarah Owen, Community Engagement Coordinator, Exodus Refugee Immigration (Bloomington), gave an overview on the organization, recent initiatives by Immigration and Customs Enforcement, and upcoming events.

Steve Volan, Vote Center Study Committee, spoke about the 2-1 vote by the Election Board rejecting the proposed vote center study model instead of a precinct-based voting location.

Christopher Emge, Greater Bloomington Chamber of Commerce, mentioned upcoming events. He appreciated McGow's presentation and Volan's comment. He noted rain-soaked fields at Twin Lakes.

6. APPOINTMENTS TO BOARDS AND COMMISSIONS [7:49pm]

There were no appointments to boards and commissions.

7. LEGISLATION FOR FIRST READING [7:49pm]

7.1. Ordinance 2025-21

Authorizing and Approving a Payment in Lieu of Taxes ("PILOT") Agreement with Cambridge Square of Bloomington, LP

Daily moved and Rollo seconded that Ordinance 2025-21 be introduced and read by title and synopsis only. The motion was approved by voice vote. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis. Stosberg noted that Ordinance 2025-21 would be discussed, and voted on, on June 04, 2025.

7.2. Ordinance 2025-22

Authorizing and Approving a Payment in Lieu of Taxes ("PILOT") Agreement with Henderson Court Housing, LP Ordinance 2025-11

Daily moved and Rollo seconded that Ordinance 2025-22 be introduced and read by title and synopsis only. The motion was approved by voice vote. McDowell read the legislation by title and synopsis. Stosberg noted that Ordinance 2025-22 would be discussed, and voted on, on June 04, 2025.

8. LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:52pm]

8.1. Ordinance 2025-11

To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20

Daily moved and Piedmont-Smith seconded that Ordinance 2025-11 be introduced and read by title and synopsis only. The motion was approved by voice vote. McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-11.

Jackie Scanlan, Assistant Director, Planning and Transportation, summarized the annual updates to the Unified Development Ordinance (UDO). Council discussed the technical corrections.

The motion to adopt Ordinance 2025-11 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

8.2. Ordinance 2025-12

To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.02 and 20.04

Daily moved and Piedmont-Smith seconded that Ordinance 2025-12 be introduced and read by title and synopsis only. The motion was approved by voice vote. McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-12.

Scanlan presented Ordinance 2025-12 and highlighted the details of the petition which involved Chapters 2 and 4; Zoning Districts in the Development Standards and Incentives. She noted the Plan Commission's input and read through the proposed changes. There was discussion on measuring buffer widths of wider creeks like certain areas of Jackson Creek and Clear Creek, environmental concerns, and the Environmental

Commission’s input to buffer widths. Additional discussion included usage and over-usage of mulch or stone, flood hazard reduction, floodways, flood fringe, and the requirement by the state to adopt its floodplain model. It was concerning to allow structures in floodplains, but it was also difficult to leave areas of the city, that were in floodplains, entirely empty. There were restrictions and guidance on what and how to build structures or permeable parking lots. Stormwater and state requirements were also discussed.

Piedmont-Smith moved and Rollo seconded to adopt Amendment 01 to Ordinance 2025-12. Piedmont-Smith presented Amendment 01.

Amendment 01 Synopsis: This amendment corrects errors and clarifies language in Attachment “A” to Ordinance 2025-12. It adds footnote number “[3]” to the heading of the right-most column in Table 02-9. It also updates footnote number 1 in Table 04-2 and footnote number 4 in Table 04-3 to state that the front building setback shall be determined by “the standards for the base zoning district”. Finally, the fourth amendment clarifies the intention of the Plan Commission to retain the original language of Bloomington, Indiana – Unified Development Ordinance in Attachment “A”.

The motion to adopt Amendment 01 to Ordinance 2025-12 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Rollo liked the changes but expressed concerns including the omission of Clear Creek, the state bill that stripped cities and counties of things like erosion control, as well as the apparent loss of Home Rule.

The motion to adopt Ordinance 2025-12 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

8.3. Ordinance 2025-13

To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.03

Daily moved and Piedmont-Smith seconded that Ordinance 2025-13 be introduced and read by title and synopsis only. The motion was approved by voice vote. McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-13.

Scanlan presented Ordinance 2025-13 and noted the Plan Commission’s input. The legislation addressed Chapter 3, Use Regulations. She summarized the proposed changes and gave examples. There was discussion regarding the meters at plexes, state requirements, state building code, zoning code, and further discussions. Upon request, Scanlan gave additional details regarding the restriction of autonomous vehicle fleets and centers.

Piedmont-Smith moved and Rollo seconded to adopt Amendment 01 to Ordinance 2025-13. She presented Amendment 01.

Amendment 01 Synopsis: This amendment removes the word “exclusive” to clarify that any use of autonomous vehicle services in vehicle fleet operations is prohibited in the MM and MN zoning districts.

There was discussion on the restriction of autonomous vehicles within the two districts and Scanlan clarified that it was in small districts and would likely not be a problem. If it did become an issue, it could be revisited at a later time.

The motion to adopt Amendment 01 to Ordinance 2025-13 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

The motion to adopt Ordinance 2025-13 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

8.4. Ordinance 2025-14

To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.05, 20.06, and 20.07

Daily moved and Piedmont-Smith seconded that Ordinance 2025-14 be introduced and read by title and synopsis only. The motion was approved by voice vote. McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-14.

Scanlan presented Ordinance 2025-14 and noted the Plan Commission's input. The legislation addressed Chapter 5, Subdivision Standards, Chapter 6, Administration and Procedures, and Chapter 7, Definitions. She gave details on, and examples of, the proposed changes. There was discussion on fixing non-conforming setbacks. Scanlan clarified that it was for existing non-conforming setbacks. Council expressed gratitude to Planning staff for their work on the amendments to the UDO. Scanlan thanked council, especially Stosberg and Piedmont-Smith, for their attention to the details and providing feedback.

The motion to adopt Ordinance 2025-14 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

8.5. Appropriation Ordinance 2025-06

Ordinance to Appropriate Food and Beverage Tax Funds to the Monroe County Capital Improvement Board

Daily moved and Piedmont-Smith seconded that Ordinance 2025-14 be introduced and read by title and synopsis only. The motion was approved by voice vote. McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-14.

McClellan asked that council not pass Ordinance 2025-14 because it was not necessary to have the cash on hand at the time. The Food and Beverage Tax funds would be needed at a later date. Council briefly discussed purchase orders (PO) for Schmidt Associates as part of the construction portion of the project. She described funds FAB tax revenue and noted that an open PO for a parking garage was closed.

Kevin Keough offered comments on the fiscal impact statement, POs for Schmidt Associates and construction, and payments made by the city.

There was additional discussion on the open POs, transparency, attending to the Capital Improvement Board meetings, and research on current and future expenditures.

The motion to adopt Ordinance 2025-14 received a roll call vote of Ayes: 0, Nays: 7, Abstain: 0.

8.6. Resolution 2025-09

Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2025 and Related Matters

Daily moved and Zulich seconded that Resolution 2025-09 be introduced and read by title and synopsis only. The motion was approved by voice vote. McDowell read the legislation by title and synopsis.

Daily moved and Zulich seconded to adopt Resolution 2025-09.

Piedmont-Smith moved and Rollo seconded to postpone consideration of Resolution 2025-09 to the Regular Session on June 04, 2025. Piedmont-Smith clarified that the postponement was due to the legislation being released that afternoon as a packet addendum, resulting in the public not having enough time to review the funding recommendations.

The motion was approved by a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

9. ADDITIONAL PUBLIC COMMENT [9:20pm]

There was no additional public comment.

10.COUNCIL SCHEDULE [9:21pm]

Stosberg and Piedmont- Smith reviewed the upcoming council schedule.

11.ADJOURNMENT [9:23pm]

Stosberg adjourned the meeting.

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

APPROVE:

ATTEST:

Hopi Stosberg, COUNCIL PRESIDENT

City Clerk Nicole Bolden

Clerk’s Note: The above minutes summarize the motions passed and issues discussed rather than providing a verbatim account of every word spoken.

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Bloomington Common Council-Regular Session Minutes
Bloomington City Hall, 401 N. Morton Street, Bloomington, Indiana
Wednesday, June 04, 2025, 6:30pm

1. CALL TO ORDER [6:30pm]

Council President Stosberg called the meeting to order.

2. ROLL CALL (* indicates participation via Zoom) [6:30pm]

Members:

Isak Nti Asare	At-Large
Courtney Daily (arrived at 6:31pm)	District 5, Council Parliamentarian
Matt Flaherty	At-Large
Isabel Piedmont-Smith	District 1, Council Vice President
Dave Rollo*	District 4
Kate Rosenbarger	District 2
Andy Ruff	At-Large
Hopi Stosberg	District 3, Council President
Sydney Zulich	District 6

City staff, officials, and guests present:

Sofia McDowell	Chief Deputy Clerk
Colleen Williamson	Deputy Clerk
Lisa Lehner	Council Attorney
Christine Chang	Council Legal Research Specialist
Kelly Murphy	Information Technology Services, Technology Support Manager
Carrie Albright	Environmental Commission Chair
David Hittle	Planning and Transportation, Director
Andrea de la Rosa	Economic and Sustainable Development, Assistant Director of Small Business Development
Jane Kupersmith	Economic and Sustainable Development, Director
Audrey Brittingham	City Attorney
Julius Mitchell	Office of the Mayor, Legislative Affairs Specialist
Jessica McClellan	City Controller
Janine Betsey	Director of Tax Credit Development, Gene B. Glick Company

3. AGENDA SUMMATION [6:31pm]

Stosberg highlighted summer events including Pride Month, Stonewall Riots in New York City (NYC) which sparked the Lesbian, Gay, Bisexual, Transgender, and Queer + (LGBTQ+) movement, World Refugee Day, and Juneteenth celebrations. She then summarized the agenda.

4. APPROVAL OF MINUTES [6:31pm]

There were no minutes for approval.

5. REPORTS [6:33pm]

5.1. Councilmembers

Flaherty suggested rotating which councilmember begins.

Piedmont-Smith spoke about Wear Orange, gun violence, common sense gun control, and noted her upcoming constituent meeting. She discussed changes to recycling in the Waste Reduction District. Asare reported on his experience at the Global Entrepreneurship Congress in Indianapolis. He spoke about being a cancer survivor and the upcoming National Cancer Survivor Day. He gave reasons in support of being a public servant and offered an apology to Flaherty and Rosenbarger for their focus on incremental progress. He appreciated serving on council and working with councilmembers.

Rosenbarger discussed bringing back legislation amending the Unified Development Ordinance (UDO) that did not have enough votes in favor of introduction, for incremental progress. She discussed at-risk affordable housing units such as Seminary Point Apartments and provided details including not providing regular maintenance and upkeep. Monroe County owned the property and planned to demolish the building.

Zulich wished everyone a Happy Pride and spoke about its history. She noted that the Stonewall uprisings were a product of police raids on gay bars in New York City. She spoke about the intersectionality of LGBTQ+ rights, feminism, anti-racism, and more. She urged everyone to celebrate Pride and to also fight for it.

Daily wished everyone a Happy Pride. She empathized with the Jewish community due to a recent anti-Semitic attack and discussed how the presidential administration was encouraging mistreatment of marginalized groups. She urged the community to stand together. She recognized Wear Orange and commented on gun violence.

Rollo thanked councilmembers for their acknowledgement of Pride Month as well as gun violence. He noted his and Ruff's upcoming constituent meeting.

Stosberg announced her upcoming constituent meeting.

5.2. The Mayor and City Offices

Carrie Albright, Chair, Environmental Commission, presented the Environmental Commission (EC) Report including updates on 2024 priorities and 2025 goals. Council discussed challenges the EC faced, the EC Planning Committee and its site inspections and memos, and Open Door Law rules.

Stosberg extended the time for mayor and city office reports for five minutes.

Stosberg extended the time for mayor and city office reports for an additional fifteen minutes.

David Hittle, Director, Planning and Transportation department presented potential updates to the Unified Development Ordinance (UDO) including parking, lot sizes, plexes, and more. He noted there had been two resolutions brought forward by Flaherty and Rosenbarger that had not advanced despite having valuable ideas and a consensus with the administration and staff. He provided details on potential amendments and the public input process.

Stosberg extended the time for mayor and city office reports for ten minutes until 7:50pm.

There was additional discussion on the Summit Planned Unit Development, development review by the EC, environmental review by staff, engaging renters throughout the public input processes, working with the Housing and Neighborhood Development (HAND) department, and how some feedback was skewed towards homeowners who tended to be wealthier. Further discussion on the two resolutions noted there had been ample public input, and extensive meetings with the sponsors and the mayor, deputy mayor, and staff. Other amendments to the UDO had not undertaken that process but had been adopted without issue. There was concern that adopted city plans, like the Comprehensive Plan and the Climate Action Plan, were not being considered when developing policy. Staff believed more public input was still needed and council urged that it happen by the end of the year.

Stosberg extended the time for mayor and city office reports until 8:15pm.

Andrea de la Rosa, Assistant Director for Small Business Development, Economic and Sustainable Development (ESD) department, presented the annual tax abatement report. She summarized the tax abatement program and economic impacts. She discussed current tax abatement projects, including the level of compliance and staff recommendations. Jane Kupersmith, Director, ESD, gave an update on current and proposed payment in lieu of taxes (PILOT) projects. Following the report, council discussion included details on economic impacts, staff discussion with developers and council when analyzing a proposed tax abatement, the grace period for becoming compliant, obligations, ongoing review, and affordable housing units and occupancy rates.

Stosberg extended the time for mayor and city office reports until 8:25pm.

Additional discussion involved legal aspects for tax abatements, state code, memoranda of understanding (MOU), details on certain projects, and if occupancy and living wage requirements were included in the MOUs. Staff stated that those requirements would be included in MOUs moving forward.

5.3. Council Committees

Rosenbarger provided the Sidewalk Committee recommendations for its budget of \$500,000. She gave details on proposed projects and reasons in support of the recommendations. There was discussion on resident-led, traffic-calming projects, funds that reverted to the Alternative Transportation Fund, prioritization of projects, and council's purview on building of sidewalks. The idea was to use city plans, like Safe Streets 4 All, with the goal of having sidewalk connectivity drive the prioritization of projects. It was also useful to collaborate with city departments to maximize usage of funds.

Zulich moved and Asare seconded to approve the report and funding recommendations from the Sidewalk Committee. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Asare summarized on the Jack Hopkins Social Services Funding committee recommendations and the process the committee undertook. He highlighted some improvements such as the use of a rubric, limiting agency presentations to only those committee members had questions for, and potential process changes for better efficiency for future committees.

Daily moved and Zulich seconded that the Uniform Conflict of Interest Disclosure Statements of Nordia McNish and Eddy Riou, Jr. and their participation in the Committee be approved and accepted. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There was council discussion on the rubric that had been used.

5.4. Public

Christopher Emge, Greater Bloomington Chamber of Commerce, offered comments on city permitting.

Julius Mitchell, introduced himself to council as the new Legislative Affairs Specialist, in the Office of the Mayor.

Jennifer Crossley, Monroe County Council President, commented on the need for more collaboration between city and county elected officials, the Convention Center groundbreaking, and affordable housing.

6. APPOINTMENTS TO BOARDS AND COMMISSIONS [9:01pm]

On behalf of Interview Committee Team B, Daily moved and Piedmont-Smith seconded to recommend Barbara McKinney to seat C-1, Stephen Volan to seat C-2, and Brian Drummy to seat C-3 for appointment to the Transportation Commission:

There was discussion on the candidates since the Parking Commission, Traffic Commission, and the Bicycle Pedestrian Safety Commission were condensed into the Transportation Commission as well as requirements of seats like being affiliated to the Monroe County Community School Corporation (MCCSC).

The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

6.1. Ordinance 2025-22

Authorizing and Approving a Payment in Lieu of Taxes ("PILOT") Agreement with Henderson Court Housing, LP

Daily moved and Piedmont-Smith seconded that Ordinance 2025-22 be introduced and read by title and synopsis only. The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-22.

Kupersmith provided an overview of Ordinance 2025-22 and highlighted state code, incentives, and tax revenue through a PILOT. The community benefit like affordable housing units must outweigh the cost of reduced tax revenue. She gave a brief summary of the Henderson Court Properties, the proposed agreement details, and the impact on local tax distribution to other units. Council discussed revenue loss for units like MCCSC, especially with the decrease of revenue from the state. It was noted that there were no plans to replace the revenue by the city to other taxing units, aside from creating more affordable housing. Janine Betsey, Gene B. Glick Company, explained that the tax savings would fund an annual service/care coordinator at the property and gave examples of that work. Without the PILOT, the scope of the improvements to the property would be limited and the service/care coordinator position would not be funded. In the city, the Glick Company had a good track record with their properties and councilmembers expressed support for the legislation.

The motion to adopt Ordinance 2025-22 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

6.2. Ordinance 2025-21

Authorizing and Approving a Payment in Lieu of Taxes ("PILOT") Agreement with Cambridge Square of Bloomington, LP

Daily moved and Piedmont-Smith seconded that Ordinance 2025-21 be introduced and read by title and synopsis only. The motion was approved by a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Stosberg). McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-21. Stosberg recused herself and passed the gavel to Piedmont-Smith.

Kupersmith presented Ordinance 2025-21 and gave an overview of the property, residency requirements, the proposed agreement details, and the term of the PILOT. Council discussion included the duration of the affordable housing requirement, Section 8, and the Gene B. Glick's commitment to keeping affordable housing in perpetuity.

Randy Cassady spoke in favor of the Gene B. Glick Company and their affordable housing properties.

The motion to adopt Ordinance 2025-21 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Stosberg).

Piedmont-Smith passed the gavel back to Stosberg.

6.3. **Resolution 2025-09**

Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2025 and Related Matters

Daily moved and Piedmont-Smith seconded that Resolution 2025-09 be introduced and read by title and synopsis only. The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Resolution 2025-09.

Asare moved and Zulich seconded to adopt Amendment 01 to Resolution 2025-09. Piedmont-Smith presented Amendment 01 which corrected a typo listed in the Bloomington Cooperative Living’s purpose for the funding. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There was discussion about the requirement for funding agreements to be submitted via Microsoft Word.

The motion to adopt Resolution 2025-09 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

7. **ADDITIONAL PUBLIC COMMENT [10:02pm]**

There was no additional public comment.

8. **COUNCIL SCHEDULE [10:03pm]**

Stosberg noted that evening was the last meeting before council recess.

9. **ADJOURNMENT [10:03pm]**

Stosberg adjourned the meeting.

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

APPROVE:

ATTEST:

Hopi Stosberg, COUNCIL PRESIDENT

City Clerk Nicole Bolden

Clerk’s Note: The above memorandum summarizes the motions passed and issues discussed rather than providing a verbatim account of every word spoken.

Bloomington City Council meetings can be watched on the following websites:

- Community Action Television Services (CATS) – <https://catvstv.net>
- YouTube – <https://youtube.com/@citybloomington>

Background materials and packets are available at <https://bloomington.in.gov/council>



City of Bloomington Indiana

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MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator / Attorney

Date: July 25, 2025

Re: Hearing on Status of Union at Crescent Tax Abatement

Summary

During its July 16, 2025 meeting, the Council reviewed the Annual Tax Abatement Report from the Economic and Sustainable Development (ESD) Department, along with the Compliance with Statement of Benefits (CF-1) forms submitted by Union at Crescent, LP. Following its review, the Council preliminarily determined that Union at Crescent has not substantially complied with its Statement of Benefits (SB-1) as required under Resolution 17-30 and Resolution 17-31, and that the failure to substantially comply was not due to factors beyond its control. ESD staff recommended this determination, indicating that Union at Crescent, LP had failed to comply with its SB-1 commitment to allocate at least 70% of the units to households with incomes at or below 60% of the Area Median Income (Affordable Housing). Consequently, the Council scheduled a public hearing for further consideration.

A public hearing will be held during the Council's regular meeting on July 30, 2025 to further consider compliance with the commitments in the SB-1. The determination would be based on information received during the hearing from Union at Crescent as the property owner, the ESD staff, the Legal Department, and any other interested parties.

Relevant Materials

- 2024 Economic Development Commission Abatement and Annual Activity Report
- Staff Memo Re: 2024 Economic Development Commission Abatement and Annual Activity Report
- Union at Crescent, LP - Compliance with Statement of Benefits Real Estate Improvements (CF-1) Form
- City of Bloomington Tax Abatement Program: General Standards
- Resolution 17-30 (SB-1 attached) and Resolution 17-31
- Union at Crescent Memorandum of Understanding (MOU)
- Union at Crescent Letter from Annex Group
- Union at Crescent 2024 Housing Data



Indiana Law

The hearing is governed by [IC 6-1.1-12.1-5.9](#). My understanding is that the Annex Group will appear at the hearing on behalf of Union at Crescent. It is relevant that the Annex Group explain its relationship to Union at Crescent and to demonstrate its authority to appear and to present information on behalf of Union at Crescent.

At the hearing, the Council must determine the following:

1. Whether Union at Crescent, LP has made reasonable efforts to substantially comply with the SB-1; and
2. Whether any failure to substantially comply was caused by factors beyond the control of Union at Crescent, LP.

The SB-1 form (attached to [Resolution 17-30](#) and [Resolution 17-31](#)) was filed by the Union Development of Bloomington, GP, LLC as property owner of the subject property located on N. Crescent Rd.¹ The SB-1 was the basis of the tax abatement originally granted and states that “the property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of the Area Median Income (AMI), and 30% of the units will be Market Rate. “According to the report previously submitted by the ESD staff, only 64% of the house units are currently occupied by households with incomes below 60% of the AMI. Council must determine if Union at Crescent made reasonable efforts to substantially comply this SB-1 commitment and whether any noncompliance was caused by factors beyond its control.

Memorandum of Understanding

[Resolution 17-30](#) authorized the City to enter into a Memorandum of Understanding regarding the tax abatement. A Memorandum of Understanding (MOU) referring to [Res. 17-30](#) and [Res. 17-31](#) was executed on October 3, 2017 between the City and Mecca Companies, Inc.² It includes additional terms regarding compliance and termination of this tax abatement. My understanding is that the City’s Legal Department participated in its negotiation and execution.

The MOU also addresses the annual compliance reporting and the potential termination of the tax abatement. The MOU states that “the City will follow any applicable process as described in Section 4.4(a). Para. 4.4 (a) (3) of the MOU states that “If the Common Council determines that Mecca is not substantially compliant with its Commitments³..., the

¹ Our research indicates that the Monroe County real property records reflect that the property owner is Union at Crescent, LP. It’s unclear when the property was transferred but apparently after the SB-1 filing.

² Para. 5.12 of the MOU acknowledges that Mecca would not be the owner of the Project and had the right to assign and its obligations to another party. My understanding is that Mecca is no longer involved, but the City did not receive any notice of a change of address pursuant to para. 5.7 of the MOU. The MOU refers to Mecca as if it submitted the SB-1, referring to “its Application for Designation” as an ERA and Statement of Benefits. The relationship among these parties is unclear. Information has been requested.

³ “Commitment” is defined to include the Affordable Units in Recital G of the MOU, explained below.



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Common Council shall adopt a resolution terminating the ERA and associated property tax abatements.”[emphasis added]

Recital G of the MOU (p. 2) states that “for the years 1 through 30 of the Project, Mecca has committed that at least 70% of the units will be allocated to households with incomes at or below 60% of the Area Median Income (“Affordable Units”).”

Para. 4.3 of the MOU identifies “Factors Beyond the Control of Mecca”, a paragraph which is difficult to decipher. Factors beyond the control of Mecca shall only include:

- factors not reasonably foreseeable at the time of the Application and submission of Statement of Benefits;
- which are not caused by any act of Mecca; and
- which materially and adversely affect the ability of Mecca to substantially comply with this Agreement.
- Where there has been a factor beyond the control of Mecca that substantially prohibits its compliance with the MOU, then that compliance shall not be required.

The application of para. 4.3 might be limited to the MOU.⁴

Local Guidelines

In addition to [IC 6-1.1-12.1-5.9](#) and the MOU, the *City of Bloomington Tax Abatement Program: General Standards (Tax Abatement General Standards)* (the “Guidelines”) provides guidance regarding tax abatements. It identifies specific factors within the control of the property owner that may contribute to noncompliance. One factor within the control is “Failure to comply with any terms set forth in the Memorandum of Agreement”.

Statutory Requirements

[IC 6-1.1-12.1-5.9](#) outlines the procedural requirements the Council must follow after making a preliminary determination of noncompliance. Specifically, the statute requires that a public hearing be held within 30 days of the date on which notice of the hearing was mailed to the property owner.

1. Timing of the Public Hearing:

The Council provided the required notice of the hearing to Union at Crescent, LP on July 17, 2025. Accordingly, the hearing must be held on or before August 16, 2025, to comply with statutory requirements. This timeline permits the Council to conduct the hearing during its regular meetings scheduled for July 30 with the opportunity to continue the hearing and/or its deliberation to August 6, 2025

2. Final Determination and Termination Resolution:

If the Council determines that Union at Crescent has not made reasonable efforts to comply with the Statement of Benefits and that the failure to comply was not caused by factors beyond the owner’s control during the hearing, the Council is required

⁴ Para. 4.3 begins “As used in this Agreement”, one to question if this definition applies in the context of the Indiana Code.



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under [IC 6-1.1-12.1-5.9](#) and by the MOU to adopt a resolution terminating the tax deduction.

Conclusion

Legal research and review are ongoing.

Contact

Lisa Lehner, Council Administrator / Attorney,
lisa.lehner@bloomington.in.gov , (812)349-3562

To: City of Bloomington Common Council
From: Andrea de la Rosa, Asst. Director of Small Business Development; Jane Kupersmith, Director of Economic & Sustainable Development

Cc: Gretchen Knapp, Deputy Mayor
Lisa Lenher, City Council Administrator/Attorney
Margie Rice, Corporation Counsel
Audrey Brittingham, City Attorney

Date: July 30, 2025
Re: Union at Crescent 2024 Tax Abatement Compliance Review

STAFF REPORT

Project Name: Union at Crescent

Developer: The Annex Group

Project Description: A five-story, 146-unit mixed-income residential development located on Crescent Road, approved with a commitment to “allocate” no fewer than 102 affordable housing units for households earning 60% Area Median Income (AMI) or below.

Background

The Union at Crescent project was approved through a tax abatement agreement that outlined specific commitments related to affordability, capital investment, and job creation, as detailed in Resolution 17-30. The initial real estate improvements have now been completed, and property management responsibilities have been handed back to The Annex Group. The abatement was activated via form 322-RE in 2020 (pay 21).

The property has been found compliant with the tax abatement through 23 pay 24. Housing data submitted as part of HAND’s compliance process indicated that occupancy rates were low (72 units in September 2024 and 43 units in May 2025).

Current Status

The property owner states that the property has faced significant challenges, including ongoing trespassing, biohazard situations, and disturbances from individuals seeking shelter. These issues have affected leasing efforts, necessitating ongoing intervention and remediation. In response, the Annex Group has taken the following actions:

- Engaged Pro 24/7 Security for on-site presence and compassionate intervention
- Contracted a professional cleaning service to address biohazards
- Committed over \$500,000 in property improvements
- Set a target of November 2025 to fully restore all 102 affordable units for occupancy

2024 Compliance Findings

The Union at Crescent is currently in its fifth year of the tax abatement term. Staff has reviewed the 2024 compliance report in coordination with the City’s Housing and Neighborhood Development (HAND) Department.

Compliance Review Summary:

Affordable Housing: Noncompliant – 102 of 146 units as affordable, only 74 of those units were occupied at the time of the 2024 reporting period. Staff requested an additional report on May 16, 2025. The second report indicated lower occupancy levels than the original September 2024 report with only 43 units filled. Although the affordability designation remains in place, a portion of the units have been impacted by ongoing safety and operational challenges—including trespassing, biohazard conditions, and disruptions from individuals seeking shelter—which have delayed leasing efforts and likely contributed to the low occupancy rate.

Given that the property's tax abatement was granted to support the active provision of affordable housing, the underutilization of affordable units has led staff to determine that the project is noncompliant for the current year.

<u>Capital Investment:</u>	In compliance
<u>Job Creation:</u>	Substantially compliant
<u>Salary Threshold:</u>	In compliance
<u>Assessed Value:</u>	\$8.7 million (88% of the \$9.9 million projection listed on the SB-1)

Conclusion

While the developer has taken steps to address site challenges and improve conditions, the low occupancy of affordable units does not meet the city's objective in issuing the tax abatement, resulting in a noncompliance finding for the 2024 reporting year.

Union @ Crescent

Abatement Compliance Hearing

Common Council
(July 30, 2025)

Jane Kupersmith

Director of Economic & Sustainable Development

jane.kupersmith@bloomington.in.gov

Residential

Union at Crescent *N. Crescent Road / Resolution 17-30*



Residential

Union at Crescent

N. Crescent Road / Resolution 17-30

Property Description: A 146-unit, 5-story, multi-family, mixed affordable and market rate housing development within four attached buildings.

Public Benefits:

- No fewer than 102 units allocated to households with incomes at or below 60% of the AMI

Development Status:

- Original real estate improvements are complete.
- 43 units occupied with an average AMI of 19% as of May 2025
- No vacancy reported in AH units in 2023 report
- Ownership has changed to The Annex Group
- Letter states that Annex Group is in process of implementing a turnaround strategy
- Improvements will be complete by Sept/Oct of 2025
- Goal of at least 102 affordable units restored by Oct/Nov 2025

Staff Recommendation: Noncompliant with tax abatement commitments.

Residential

Union at Crescent

N. Crescent Road / Resolution 17-30

Abatement Type:		Real Property (Affordable Housing)	
Abatement Length, Rate:		10-year, 100% (Year 5 of Abatement)	
	Commitment (SB-1)	Compliance (CF-1)	Staff Evaluation
New RE Investment:	\$17,245,233	\$24,473,938	Compliant
New Employment:	5	4	Substantially Compliant
New Salaries:	\$135,200 (\$13/hr)	\$260,320 (\$31/hr)	Compliant
Assessed Value:	\$9,927,900	\$8,737,100	N/A
Housing Units <60%AMI	102	102 (64% Occupancy or 72 units as of Sept. 2024)	Noncompliant

Name	Union at Crescent 2023p24	Union at Crescent 2024p25	Union at Crescent 2025p26
Abatement Length, Rate	4	5	6
Current Abatement Deduction	\$5,651,000	\$5,291,600	\$7,839,300
New Real Property Investment SB1	\$17,245,233	\$17,245,233	\$17,245,233
New Employment SB1	5	5	4
New Salaries SB1	\$13/hr/\$27,040 per	\$13/hr/\$27,040 per	\$13/hr/\$27,040 per
New Assessed Values SB1	\$9,927,900	\$9,927,900	\$9,927,900
New Real Property Investment CF1	\$24,473,938	\$24,473,938	\$24,473,938
New Employment CF1	5	5	4
Retained Jobs CF1	0	0	0
New Salaries CF1	\$15/hr	\$223,006	\$260,320
Retained Salaries CF1	\$0	\$0	\$0
Current Land Assessment	\$785,600	\$652,400	\$544,100
Current Assessed Value (Improvements)	\$5,291,600	\$7,839,300	\$8,193,000
Current Gross Assessed Value	\$6,077,200	\$8,491,700	\$8,737,100
Former Land Assessment	\$800,000	\$785,600	\$785,600
Former Assessed Value (Improvements)	\$5,291,600	\$5,291,600	\$5,291,600
Former Gross Assessed Value	\$6,077,200	\$6,077,200	\$6,077,200

Union at Crescent 1200 N Crescent Road, Bloomington, IN Unit Breakdown- 146 total units/ 117 designated AH units				Required Affordable Housing Units:		70% (102) at 60% below the median income		
				Flex (MR or AH):		10% (15)		
				Market Rate:		20% (29)		
YEAR	Affordable Housing Units Occupied	Affordable Housing Occupied Units under 60% AMI	Average # of occupants per Household	Earned Average Annual Income	Earned Average % of Area Median Income.	Average Lease Rent Rate	Average Tenant Paid Utilities	Total rent plus utilities
September 2022	141 (120.5%)	124 (106%)	2 (335 total occupants)	\$ 10,183.25	21.88%	N/A	N/A	\$ 821.22
September 2023	127 (108.5%)	119 (102%)	2 (245 total occupants)	\$ 13,484.52	28.35%	N/A	N/A	\$ 729.90
September 2024	72 (64%)	72 (64%)	2 (113 total occupants)	\$ 14,409.96	20.31%	\$ 446.20	\$ 108.53	\$ 554.73
May 2025	43 (37%)	43 (37%)	2 (71 total occupants)	\$ 13,039.20	19.00%	\$ 881.30	\$ 130.98	\$ 987.56

THANK YOU.

Questions?

Jane Kupersmith

Director of Economic & Sustainable Development
jane.kupersmith@bloomington.in.gov

Andrea “De” de la Rosa

Assistant Director, Small Business Development
de.delarosa@bloomington.in.gov

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AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2022

	Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Baseline income	Tenant Rent Portion	Utility Allowance	Rental Assistance Amount	Total rent
A103	1	50%	50%	1	\$ 1.00	0.00%	\$ 7,642.48	\$ -	\$ 85.00	\$ 635.00	\$ 635.00
A110	2	50%	50%	3	\$ 1.00	0.00%	\$ -	\$ 3.00	\$ 110.00	\$ 755.00	\$ 758.00
A002	1	50%	50%	1	\$ 9,516.00	20.45%	\$ 9,399.96	\$ 138.00	\$ 107.00	\$ 497.00	\$ 635.00
A101	1	50%	50%	1	\$ 13,692.00	29.42%	\$ 9,399.96	\$ 197.00	\$ 85.00	\$ 438.00	\$ 635.00
B405	2	50%	50%	2	\$ 18,936.00	40.68%	\$ 18,914.74	\$ 356.00	\$ 110.00	\$ 402.00	\$ 758.00
A001	1	50%	50%	1	\$ 19,260.00	41.38%	\$ 13,027.00	\$ 383.00	\$ 107.00	\$ 262.00	\$ 645.00
C302	1	50%	50%	1	\$ 20,608.00	44.28%	\$ 20,608.00	\$ 489.00	\$ 85.00	\$ 210.00	\$ 699.00
A102	1	50%	50%	1	\$ 24,953.74	53.61%	\$ 7,748.00	\$ 635.00	\$ 72.00	\$ -	\$ 635.00
A103	1	50%	50%	2	\$ 28,672.63	61.60%	\$ 15,600.00	\$ 626.00	\$ 72.00	\$ -	\$ 626.00
A203	1	50%	50%	1	\$ 35,801.48	76.92%	\$ 15,600.00	\$ 635.00	\$ 72.00	\$ -	\$ 635.00
B118	1	60%	60%	1	\$ 0.01	0.00%	\$ 29,120.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B220	1	60%	60%	1	\$ 0.01	0.00%	\$ 20,800.00	\$ -	\$ 107.00	\$ 657.00	\$ 657.00
B008	1	60%	60%	1	\$ 1.00	0.00%	\$ 7,066.05	\$ 10.00	\$ 85.00	\$ 647.00	\$ 657.00
B118	1	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 85.00	\$ 880.00	\$ 880.00
B212	1	60%	60%	1	\$ 1.00	0.00%	\$ 0.01	\$ -	\$ 85.00	\$ 775.00	\$ 775.00
B302	1	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 85.00	\$ 700.00	\$ 700.00
B316	1	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 85.00	\$ 775.00	\$ 775.00
B316	1	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 85.00	\$ 775.00	\$ 775.00
A107	2	60%	60%	3	\$ 1.00	0.00%	\$ 1.00	\$ 1,055.00	\$ 96.00	\$ -	\$ 1,055.00
A207	2	60%	60%	3	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
A308	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 844.00	\$ 844.00
B005	2	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B005	2	60%	60%	3	\$ 1.00	0.00%	\$ 2,160.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B119	2	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 874.00	\$ 874.00
B123	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B126	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B205	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B210	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B210	2	60%	60%	4	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B219	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B304	2	60%	60%	2	\$ 1.00	0.00%	\$ -	\$ -	\$ 110.00	\$ 796.00	\$ 796.00
B404	2	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B410	2	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B410	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B411	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B418	2	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2022

	Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Baseline income	Tenant Rent Portion	Utility Allowance	Rental Assistance Amount	Total rent
B418	2	60%	60%	4	\$ 1.00	0.00%	\$ 1.00	\$ 990.00	\$ 96.00	\$ -	\$ 990.00
B419	2	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B009	1	60%	60%	1	\$ 720.00	1.55%	\$ 900.00	\$ -	\$ 85.00	\$ 617.00	\$ 617.00
A108	2	60%	60%	2	\$ 720.00	1.55%	\$ 720.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B203	2	60%	60%	3	\$ 1,400.00	3.01%	\$ 2,588.00	\$ -	\$ 139.00	\$ 871.00	\$ 871.00
B112	1	60%	60%	1	\$ 2,160.00	4.64%	\$ 9,636.00	\$ 137.00	\$ 85.00	\$ 530.00	\$ 667.00
B325	2	60%	60%	3	\$ 2,400.00	5.16%	\$ 2,400.00	\$ -	\$ 110.00	\$ 990.00	\$ 990.00
B003	2	60%	60%	4	\$ 2,548.00	5.47%	\$ 2,548.00	\$ 875.00	\$ 139.00	\$ -	\$ 875.00
B318	2	60%	60%	2	\$ 2,748.00	5.90%	\$ 2,748.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B422	2	60%	60%	2	\$ 2,748.00	5.90%	\$ 3,456.00	\$ -	\$ 139.00	\$ 850.00	\$ 850.00
B308	1	60%	60%	1	\$ 3,189.60	6.85%	\$ 9,696.00	\$ 143.00	\$ 85.00	\$ 627.00	\$ 770.00
A209	2	60%	60%	2	\$ 3,600.00	7.73%	\$ 33,245.11	\$ 213.00	\$ 110.00	\$ 700.00	\$ 913.00
B211	2	60%	60%	4	\$ 3,984.00	8.56%	\$ 26,494.60	\$ 511.00	\$ 110.00	\$ 416.00	\$ 927.00
B301	1	60%	60%	1	\$ 5,905.77	12.69%	\$ 14,383.00	\$ 53.00	\$ 85.00	\$ 672.00	\$ 725.00
B309	1	60%	60%	1	\$ 7,249.58	15.58%	\$ 11,347.00	\$ 259.00	\$ 85.00	\$ 516.00	\$ 775.00
B110	2	60%	60%	2	\$ 7,428.00	15.96%	\$ 7,334.40	\$ 850.00	\$ 96.00	\$ -	\$ 850.00
B102	1	60%	60%	1	\$ 7,508.00	16.13%	\$ 17,008.88	\$ 210.00	\$ 85.00	\$ 515.00	\$ 725.00
B108	1	60%	60%	1	\$ 7,508.00	16.13%	\$ 17,008.88	\$ 210.00	\$ 85.00	\$ 515.00	\$ 725.00
B011	2	60%	60%	1	\$ 7,508.00	16.13%	\$ 17,008.88	\$ 210.00	\$ 110.00	\$ 934.00	\$ 1,144.00
A107	2	60%	60%	2	\$ 7,748.00	16.65%	\$ 17,880.54	\$ 912.00	\$ 85.00	\$ -	\$ 912.00
B222	2	60%	60%	5	\$ 8,654.00	18.59%	\$ 8,654.00	\$ -	\$ 85.00	\$ 796.00	\$ 796.00
B222	2	60%	60%	2	\$ 9,100.00	19.55%	\$ 9,154.32	\$ 76.00	\$ 110.00	\$ 774.00	\$ 850.00
A310	2	60%	60%	2	\$ 9,139.00	19.64%	\$ 15,982.00	\$ 217.00	\$ 110.00	\$ 695.00	\$ 912.00
B120	2	60%	60%	1	\$ 9,518.15	20.45%	\$ 9,518.15	\$ 850.00	\$ 96.00	\$ -	\$ 850.00
A303	1	60%	60%	1	\$ 9,528.00	20.47%	\$ 9,396.00	\$ 234.00	\$ 107.00	\$ 497.00	\$ 731.00
B324	1	60%	60%	1	\$ 9,528.00	20.47%	\$ 9,528.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B104	2	60%	60%	1	\$ 9,636.01	20.70%	\$ 9,637.20	\$ 223.00	\$ 110.00	\$ 704.00	\$ 927.00
B312	1	60%	60%	1	\$ 9,768.00	20.99%	\$ 9,753.26	\$ 127.00	\$ 107.00	\$ 530.00	\$ 657.00
B224	1	60%	60%	1	\$ 9,880.00	21.23%	\$ 9,880.00	\$ 700.00	\$ 72.00	\$ -	\$ 700.00
A108	2	60%	60%	3	\$ 10,000.00	21.49%	\$ 10,000.00	\$ 927.00	\$ 85.00	\$ -	\$ 927.00
B402	1	60%	60%	1	\$ 10,092.00	21.68%	\$ 10,092.00	\$ 143.00	\$ 85.00	\$ 632.00	\$ 775.00
A307	2	60%	60%	3	\$ 10,092.00	21.68%	\$ 10,092.00	\$ 900.00	\$ 96.00	\$ -	\$ 900.00
B104	2	60%	60%	2	\$ 10,092.00	21.68%	\$ 9,396.00	\$ 821.00	\$ 96.00	\$ -	\$ 821.00
B101	1	60%	60%	1	\$ 10,284.00	22.10%	\$ 1,391.46	\$ -	\$ 85.00	\$ 610.00	\$ 610.00
B103	2	60%	60%	1	\$ 10,284.00	22.10%	\$ 1,391.46	\$ -	\$ 110.00	\$ 610.00	\$ 610.00
B103	2	60%	60%	1	\$ 10,284.00	22.10%	\$ 1,391.46	\$ -	\$ 110.00	\$ 610.00	\$ 610.00

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2022

	Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Baseline income	Tenant Rent Portion	Utility Allowance	Rental Assistance Amount	Total rent
B220	1	60%	60%	1	\$ 10,332.00	22.20%	\$ 9,740.40	\$ 236.00	\$ 85.00	\$ 494.00	\$ 730.00
A302	1	60%	60%	1	\$ 10,338.00	22.21%	\$ 9,768.00	\$ 205.00	\$ 85.00	\$ 566.00	\$ 771.00
B209	1	60%	60%	1	\$ 10,338.00	22.21%	\$ 10,338.00	\$ 148.00	\$ 85.00	\$ 627.00	\$ 775.00
B311	2	60%	60%	2	\$ 10,340.40	22.22%	\$ 10,340.40	\$ 151.00	\$ 110.00	\$ 783.00	\$ 934.00
A202	1	60%	60%	1	\$ 10,342.80	22.22%	\$ 10,342.80	\$ 145.00	\$ 85.00	\$ 630.00	\$ 775.00
B121	1	60%	60%	1	\$ 10,452.00	22.46%	\$ 9,864.00	\$ 207.00	\$ 85.00	\$ 563.00	\$ 770.00
B317	1	60%	60%	1	\$ 10,740.00	23.08%	\$ 10,740.00	\$ 176.00	\$ 107.00	\$ 599.00	\$ 775.00
B201	1	60%	60%	2	\$ 10,860.00	23.33%	\$ 10,860.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B320	1	60%	60%	1	\$ 10,867.68	23.35%	\$ 10,687.68	\$ 189.00	\$ 72.00	\$ 691.00	\$ 880.00
B408	1	60%	60%	1	\$ 10,968.00	23.57%	\$ 9,518.15	\$ 143.00	\$ 85.00	\$ 514.00	\$ 657.00
B208	1	60%	60%	1	\$ 11,143.82	23.94%	\$ 9,720.00	\$ 129.00	\$ 85.00	\$ 528.00	\$ 657.00
B222	2	60%	60%	1	\$ 11,234.00	24.14%	\$ 11,234.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
B223	1	60%	60%	1	\$ 11,598.72	24.92%	\$ 10,080.00	\$ 880.00	\$ 72.00	\$ -	\$ 880.00
A301	1	60%	60%	1	\$ 12,409.80	26.66%	\$ 15,330.00	\$ 379.00	\$ 85.00	\$ 396.00	\$ 775.00
B323	1	60%	60%	1	\$ 12,423.30	26.69%	\$ 15,588.00	\$ 273.00	\$ 85.00	\$ 502.00	\$ 775.00
B202	1	60%	60%	1	\$ 12,480.00	26.81%	\$ 12,480.00	\$ -	\$ 85.00	\$ 775.00	\$ 775.00
B012	1	60%	60%	1	\$ 12,537.60	26.94%	\$ 12,537.60	\$ 204.00	\$ 85.00	\$ 571.00	\$ 775.00
B302	1	60%	60%	1	\$ 12,584.00	27.04%	\$ 12,584.00	\$ 775.00	\$ 68.00	\$ -	\$ 775.00
B117	1	60%	60%	1	\$ 12,798.00	27.50%	\$ 12,798.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B325	2	60%	60%	4	\$ 12,896.00	27.71%	\$ 12,896.00	\$ 850.00	\$ 96.00	\$ -	\$ 850.00
B218	2	60%	60%	3	\$ 12,996.00	27.92%	\$ 31,200.00	\$ 2.00	\$ 110.00	\$ 794.00	\$ 796.00
B303	2	60%	60%	3	\$ 13,510.38	29.03%	\$ 4,800.00	\$ -	\$ 110.00	\$ 850.00	\$ 850.00
B318	2	60%	60%	1	\$ 13,678.25	29.39%	\$ 28,600.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B208	1	60%	60%	1	\$ 13,788.00	29.62%	\$ 13,788.00	\$ 310.00	\$ 107.00	\$ 465.00	\$ 775.00
B109	1	60%	60%	1	\$ 13,818.00	29.69%	\$ 13,818.00	\$ 239.00	\$ 85.00	\$ 536.00	\$ 775.00
A207	2	60%	60%	2	\$ 14,208.00	30.53%	\$ 14,208.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
A208	2	60%	60%	2	\$ 14,208.00	30.53%	\$ 14,208.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B401	1	60%	60%	1	\$ 14,820.00	31.84%	\$ 14,820.00	\$ 775.00	\$ 68.00	\$ -	\$ 775.00
B105	2	60%	60%	2	\$ 15,840.00	34.03%	\$ 15,840.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
A210	2	60%	60%	1	\$ 16,200.00	34.81%	\$ 11,752.00	\$ 927.00	\$ 96.00	\$ -	\$ 927.00
B111	2	60%	60%	1	\$ 16,764.00	36.02%	\$ 16,764.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B408	1	60%	60%	1	\$ 17,173.00	36.90%	\$ 17,173.00	\$ 394.00	\$ 85.00	\$ 381.00	\$ 775.00
B002	1	60%	60%	1	\$ 18,611.85	39.99%	\$ 16,392.00	\$ 880.00	\$ 72.00	\$ -	\$ 880.00
B002	1	60%	60%	1	\$ 18,933.00	40.68%	\$ 24,400.00	\$ 366.00	\$ 85.00	\$ 291.00	\$ 657.00
B319	2	60%	60%	5	\$ 19,013.00	40.85%	\$ 2,874.49	\$ 288.00	\$ 139.00	\$ 562.00	\$ 850.00
B126	2	60%	60%	2	\$ 19,056.00	40.94%	\$ 9,396.00	\$ 138.00	\$ 110.00	\$ 710.00	\$ 848.00

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2022

	Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Baseline income	Tenant Rent Portion	Utility Allowance	Rental Assistance Amount	Total rent
B201	1	60%	60%	1	\$ 19,088.16	41.01%	\$ 19,088.16	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B001	1	60%	60%	1	\$ 19,170.33	41.19%	\$ 19,170.33	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B010	2	60%	60%	2	\$ 19,296.00	41.46%	\$ 19,296.00	\$ 453.00	\$ 139.00	\$ 474.00	\$ 927.00
B012	1	60%	60%	1	\$ 20,982.00	45.08%	\$ 20,982.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B112	1	60%	60%	1	\$ 21,007.57	45.14%	\$ 19,791.31	\$ 379.00	\$ 85.00	\$ 278.00	\$ 657.00
B410	2	60%	60%	1	\$ 21,600.03	46.41%	\$ 21,600.03	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B419	2	60%	60%	1	\$ 22,127.64	47.54%	\$ 22,127.64	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B321	1	60%	60%	1	\$ 23,555.65	50.61%	\$ 26,584.34	\$ 880.00	\$ 72.00	\$ -	\$ 880.00
B225	2	60%	60%	1	\$ 23,874.00	51.29%	\$ 23,874.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
A109	2	60%	60%	1	\$ 24,960.00	53.63%	\$ 24,960.00	\$ 927.00	\$ 96.00	\$ -	\$ 927.00
B125	1	60%	60%	2	\$ 26,328.03	56.57%	\$ 26,323.03	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B425	2	60%	60%	1	\$ 26,966.62	57.94%	\$ 26,966.62	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B122	1	60%	60%	1	\$ 27,040.00	58.10%	\$ 27,040.00	\$ 775.00	\$ 68.00	\$ -	\$ 775.00
B124	1	60%	60%	1	\$ 27,040.00	58.10%	\$ 27,040.00	\$ 39.00	\$ 85.00	\$ 736.00	\$ 775.00
B203	2	60%	60%	3	\$ 27,300.00	58.66%	\$ 17,481.45	\$ 321.00	\$ 139.00	\$ 529.00	\$ 850.00
B322	2	60%	60%	4	\$ 27,666.00	59.44%	\$ 27,666.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B209	1	60%	60%	2	\$ 28,787.46	61.85%	\$ -	\$ 140.00	\$ 85.00	\$ 517.00	\$ 657.00
B305	2	60%	60%	1	\$ 29,120.00	62.57%	\$ 29,120.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
B310	2	60%	60%	1	\$ 29,120.00	62.57%	\$ 29,120.00	\$ 934.00	\$ 96.00	\$ -	\$ 934.00
A103	1	60%	60%	1	\$ 30,000.00	64.46%	\$ 30,000.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
A201	1	60%	60%	1	\$ 30,000.00	64.46%	\$ 30,000.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B216	1	60%	60%	1	\$ 31,416.84	67.50%	\$ 31,416.84	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
A309	2	60%	60%	2	\$ 32,288.00	69.37%	\$ 27,802.00	\$ 577.00	\$ 110.00	\$ 336.00	\$ 913.00
B324	1	60%	60%	1	\$ 32,569.68	69.98%	\$ 20,993.00	\$ 500.00	\$ 85.00	\$ 275.00	\$ 775.00
A109	2	60%	60%	2	\$ 33,117.37	71.15%	\$ 22,117.37	\$ 927.00	\$ 85.00	\$ -	\$ 927.00
B221	1	60%	60%	1	\$ 33,280.00	71.50%	\$ 33,280.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B212	1	60%	60%	1	\$ 35,360.00	75.97%	\$ 18,555.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
B004	2	60%	60%	2	\$ 35,360.00	75.97%	\$ 35,360.00	\$ 511.00	\$ 110.00	\$ 544.00	\$ 1,055.00
B204	2	60%	60%	4	\$ 36,302.97	78.00%	\$ 36,302.97	\$ 850.00	\$ 85.00	\$ -	\$ 850.00
A207	2	60%	60%	3	\$ 38,000.00	81.64%	\$ 38,000.00	\$ 927.00	\$ 85.00	\$ -	\$ 927.00
B403	2	60%	60%	4	\$ 43,742.40	93.98%	\$ 22,183.00	\$ 794.00	\$ 110.00	\$ 140.00	\$ 934.00
B222	2	60%	60%	3	\$ 55,332.16	118.88%	\$ 32,165.54	\$ 548.00	\$ 110.00	\$ 507.00	\$ 1,055.00
C306	2	60%	60%	3	\$ 57,221.67	122.94%	\$ 37,752.00	\$ 927.00	\$ 96.00	\$ -	\$ 927.00
B409	1	70%	70%	1	\$ 1.00	0.00%	\$ 1.00	\$ 775.00	\$ 72.00	\$ -	\$ 775.00
C107	2	70%	70%	2	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 110.00	\$ 934.00	\$ 934.00
C103	2	70%	70%	2	\$ 10,676.56	22.94%	\$ 9,528.00	\$ 149.00	\$ 110.00	\$ 719.00	\$ 868.00

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2022

	Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Baseline income	Tenant Rent Portion	Utility Allowance	Rental Assistance Amount	Total rent
A304	3	70%	70%	3	\$ 14,995.92	32.22%	\$ 7,464.00	\$ -	\$ 133.00	\$ 1,099.00	\$ 1,099.00
A204	3	70%	70%	3	\$ 26,332.00	56.58%	\$ 9,096.00	\$ 156.00	\$ 133.00	\$ 956.00	\$ 1,112.00
B408	1	70%	70%	2	\$ 27,560.00	59.21%	\$ 27,560.00	\$ 810.00	\$ 68.00	\$ -	\$ 810.00
C003	2	70%	70%	2	\$ 28,944.56	62.19%	\$ 28,944.56	\$ 990.00	\$ 85.00	\$ -	\$ 990.00
B409	1	70%	70%	1	\$ 29,000.40	62.31%	\$ 36,103.34	\$ 810.00	\$ 72.00	\$ -	\$ 810.00
C106	2	70%	70%	3	\$ 38,717.64	83.19%	\$ 41,018.29	\$ 990.00	\$ 96.00	\$ -	\$ 990.00
A104	3	70%	70%	5	\$ 55,451.25	119.14%	\$ 30,106.82	\$ 842.00	\$ 133.00	\$ 270.00	\$ 1,112.00

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2023

Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Household Income Move In	Tenant Rent Portion	Rental Assistance Amount	Total Rent	Rental Assist Type	Rental Assist Source	Notes
1.00	50%	50%	1	\$ 1.00	0.00%	\$ 7,642.48	\$ 1.00	\$ 635.00	\$ 636.00	Tenant Based	Section 8 Tenant Based	
2.00	50%	50%	3	\$ 1.00	0.00%	\$ -	\$ 3.00	\$ 755.00	\$ 758.00	N/A	N/A	
1.00	50%	50%	1	\$ 10,968.00	22.42%	\$ 10,968.00	\$ 155.00	\$ 573.00	\$ 728.00	Tenant Based	Section 8 Tenant Based	
1.00	50%	50%	1	\$ 11,230.92	22.96%	\$ 11,230.92	\$ 728.00	\$ -	\$ 728.00	N/A	N/A	
1.00	50%	50%	1	\$ 14,130.12	28.89%	\$ 9,399.96	\$ 197.00	\$ 438.00	\$ 635.00	Tenant Based	Section 8 Tenant Based	
1.00	50%	50%	1	\$ 19,260.00	39.37%	\$ 13,027.00	\$ 383.00	\$ 262.00	\$ 645.00	Tenant Based	Section 8 Tenant Based	
1.00	50%	50%	1	\$ 21,550.80	44.05%	\$ 21,550.80	\$ 728.00	\$ -	\$ 728.00	N/A	N/A	
1.00	50%	50%	1	\$ 24,953.74	51.01%	\$ 7,748.00	\$ 635.00	\$ -	\$ 635.00	N/A	N/A	
2.00	50%	50%	3	\$ 34,261.63	70.04%	\$ 34,261.63	\$ 1.00	\$ 934.00	\$ 935.00	N/A	N/A	
1.00	50%	50%	1	\$ 36,841.48	75.31%	\$ 15,600.00	\$ 735.00	\$ -	\$ 735.00	N/A	N/A	
1.00	60%	60%	1	\$ -	0.00%	\$ -	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
1.00	60%	60%	1	\$ -	0.00%	\$ -	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
1.00	60%	60%	1	\$ -	0.00%	\$ -	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
2.00	60%	60%	2	\$ -	0.00%	\$ -	\$ 799.00	\$ -	\$ 799.00	N/A	N/A	
2.00	60%	60%	1	\$ -	0.00%	\$ -	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
1.00	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ 1.00	\$ 880.00	\$ 881.00	N/A	N/A	
1.00	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ 1.00	\$ 700.00	\$ 701.00	N/A	N/A	
1.00	60%	60%	1	\$ 1.00	0.00%	\$ 17,173.00	\$ 394.00	\$ 381.00	\$ 775.00	N/A	N/A	
1.00	60%	60%	1	\$ 1.00	0.00%	\$ 27,040.00	\$ 1.00	\$ 775.00	\$ 776.00	N/A	N/A	
1.00	60%	60%	1	\$ 1.00	0.00%	\$ 7,066.05	\$ 10.00	\$ 647.00	\$ 657.00	N/A	N/A	
1.00	60%	60%	1	\$ 1.00	0.00%	\$ 0.01	\$ -	\$ 775.00	\$ 775.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
2.00	60%	60%	3	\$ 1.00	0.00%	\$ 1.00	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
2.00	60%	60%	4	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 934.00	\$ 934.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	3	\$ 1.00	0.00%	\$ 31,200.00	\$ 2.00	\$ 794.00	\$ 796.00	N/A	N/A	
2.00	60%	60%	2	\$ 1.00	0.00%	\$ -	\$ -	\$ 796.00	\$ 796.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	2	\$ 1.00	0.00%	\$ 24,960.00	\$ 1.00	\$ 920.00	\$ 921.00	N/A	N/A	
2.00	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 844.00	\$ 844.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
2.00	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 934.00	\$ 934.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 934.00	\$ 934.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
2.00	60%	60%	1	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
2.00	60%	60%	2	\$ 1.00	0.00%	\$ 1.00	\$ 934.00	\$ 935.00	\$ 935.00	N/A	N/A	
2.00	60%	60%	4	\$ 1.00	0.00%	\$ 1.00	\$ 990.00	\$ -	\$ 990.00	N/A	N/A	
1.00	60%	60%	1	\$ 100.00	0.20%	\$ 1.00	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	
2.00	60%	60%	2	\$ 1,404.00	2.87%	\$ 1,404.00	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2023

Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Household Income Move In	Tenant Rent Portion	Rental Assistance Amount	Total Rent	Rental Assist Type	Rental Assist Source	Notes
2.00	60%	60%	3	\$ 2,400.00	4.91%	\$ 2,400.00	\$ -	\$ 990.00	\$ 990.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	2	\$ 3,120.00	6.38%	\$ 15,982.00	\$ 1.00	\$ 912.00	\$ 913.00	N/A	N/A	
1.00	60%	60%	1	\$ 3,189.60	6.52%	\$ 9,696.00	\$ 143.00	\$ 627.00	\$ 770.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	3	\$ 3,380.00	6.91%	\$ 2,160.00	\$ 1.00	\$ 934.00	\$ 935.00	N/A	N/A	
2.00	60%	60%	2	\$ 3,600.00	7.36%	\$ 33,245.11	\$ 213.00	\$ 700.00	\$ 913.00	N/A	N/A	
2.00	60%	60%	4	\$ 3,984.00	8.14%	\$ 26,494.60	\$ 511.00	\$ 416.00	\$ 927.00	N/A	N/A	
2.00	60%	60%	3	\$ 4,473.00	9.14%	\$ 4,473.00	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
2.00	60%	60%	1	\$ 6,081.00	12.43%	\$ 1.00	\$ 1.00	\$ 874.00	\$ 875.00	N/A	N/A	
1.00	60%	60%	1	\$ 6,155.10	12.58%	\$ 14,383.00	\$ 31.00	\$ 694.00	\$ 725.00	N/A	N/A	
1.00	60%	60%	1	\$ 6,552.00	13.39%	\$ 6,552.00	\$ 747.00	\$ -	\$ 747.00	N/A	N/A	
1.00	60%	60%	1	\$ 6,864.00	14.03%	\$ 9,720.00	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
2.00	60%	60%	2	\$ 7,428.00	15.18%	\$ 7,334.40	\$ 850.00	\$ -	\$ 850.00	N/A	N/A	
2.00	60%	60%	2	\$ 7,917.00	16.18%	\$ 15,840.00	\$ 393.00	\$ 541.00	\$ 934.00	N/A	N/A	
2.00	60%	60%	2	\$ 9,100.00	18.60%	\$ 9,154.32	\$ 76.00	\$ 774.00	\$ 850.00	N/A	N/A	
1.00	60%	60%	1	\$ 9,528.00	19.48%	\$ 9,528.00	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	
2.00	60%	60%	1	\$ 9,636.01	19.70%	\$ 9,637.20	\$ 223.00	\$ 704.00	\$ 927.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 9,768.00	19.97%	\$ 9,636.00	\$ 137.00	\$ 530.00	\$ 667.00	N/A	N/A	
1.00	60%	60%	1	\$ 9,799.92	20.03%	\$ 9,799.92	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
2.00	60%	60%	1	\$ 9,871.20	20.18%	\$ 9,871.20	\$ 1,034.00	\$ -	\$ 1,034.00	N/A	N/A	
1.00	60%	60%	1	\$ 10,092.00	20.63%	\$ 10,092.00	\$ 143.00	\$ 632.00	\$ 775.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	2	\$ 10,092.00	20.63%	\$ 9,396.00	\$ 821.00	\$ -	\$ 821.00	N/A	N/A	
1.00	60%	60%	1	\$ 10,200.00	20.85%	\$ 10,200.00	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
2.00	60%	60%	2	\$ 10,340.40	21.14%	\$ 10,340.40	\$ 151.00	\$ 783.00	\$ 934.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	3	\$ 10,400.00	21.26%	\$ 28,600.00	\$ 53.00	\$ 770.00	\$ 823.00	N/A	N/A	
1.00	60%	60%	1	\$ 10,452.00	21.37%	\$ 9,864.00	\$ 207.00	\$ 563.00	\$ 770.00	N/A	N/A	
1.00	60%	60%	1	\$ 10,968.00	22.42%	\$ 9,518.15	\$ 143.00	\$ 514.00	\$ 657.00	N/A	N/A	
2.00	60%	60%	2	\$ 10,968.00	22.42%	\$ 10,968.00	\$ 112.00	\$ 943.00	\$ 1,055.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	3	\$ 10,968.00	22.42%	\$ 10,092.00	\$ 900.00	\$ -	\$ 900.00	N/A	N/A	
2.00	60%	60%	1	\$ 10,968.00	22.42%	\$ 10,968.00	\$ 165.00	\$ 869.00	\$ 1,034.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	1	\$ 10,968.00	22.42%	\$ 10,968.00	\$ 215.00	\$ 819.00	\$ 1,034.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 11,208.00	22.91%	\$ 9,740.40	\$ 149.00	\$ 581.00	\$ 730.00	N/A	N/A	
1.00	60%	60%	1	\$ 11,208.00	22.91%	\$ 10,342.80	\$ 145.00	\$ 630.00	\$ 775.00	N/A	N/A	
1.00	60%	60%	1	\$ 11,452.00	23.41%	\$ 10,338.00	\$ 149.00	\$ 626.00	\$ 775.00	N/A	N/A	
1.00	60%	60%	2	\$ 11,642.40	23.80%	\$ 9,720.00	\$ 1.00	\$ -	\$ 1.00	N/A	N/A	
1.00	60%	60%	1	\$ 11,938.23	24.40%	\$ 10,080.00	\$ 171.00	\$ 602.00	\$ 773.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	2	\$ 12,000.00	24.53%	\$ 12,000.00	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2023

Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Household Income Move In	Tenant Rent Portion	Rental Assistance Amount	Total Rent	Rental Assist Type	Rental Assist Source	Notes
1.00	60%	60%	1	\$ 12,423.30	25.40%	\$ 15,588.00	\$ 273.00	\$ 502.00	\$ 775.00	N/A	N/A	
1.00	60%	60%	1	\$ 12,480.00	25.51%	\$ 12,480.00	\$ -	\$ 775.00	\$ 775.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 12,537.60	25.63%	\$ 12,537.60	\$ 204.00	\$ 571.00	\$ 775.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	3	\$ 13,510.38	27.62%	\$ 4,800.00	\$ -	\$ 850.00	\$ 850.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 13,818.00	28.25%	\$ 13,818.00	\$ 239.00	\$ 536.00	\$ 775.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 14,196.00	29.02%	\$ 14,196.00	\$ 888.00	\$ -	\$ 888.00	N/A	N/A	
1.00	60%	60%	1	\$ 14,340.00	29.31%	\$ 12,798.00	\$ 228.00	\$ 547.00	\$ 775.00	N/A	N/A	
1.00	60%	60%	1	\$ 15,664.80	32.02%	\$ 10,687.68	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
2.00	60%	60%	1	\$ 16,200.00	33.12%	\$ 11,752.00	\$ 927.00	\$ -	\$ 927.00	N/A	N/A	
2.00	60%	60%	2	\$ 16,376.36	33.48%	\$ 16,376.36	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
2.00	60%	60%	2	\$ 16,696.68	34.13%	\$ 720.00	\$ 149.00	\$ 785.00	\$ 934.00	Tenant Based	Section 8 Tenant Based	
2.00	60%	60%	2	\$ 16,800.00	34.34%	\$ 1.00	\$ 1.00	\$ 934.00	\$ 935.00	N/A	N/A	
2.00	60%	60%	1	\$ 18,224.40	37.25%	\$ 16,764.00	\$ 306.00	\$ 628.00	\$ 934.00	N/A	N/A	
2.00	60%	60%	2	\$ 18,741.00	38.31%	\$ 23,874.00	\$ 151.00	\$ 783.00	\$ 934.00	N/A	N/A	
2.00	60%	60%	2	\$ 19,056.00	38.95%	\$ 9,396.00	\$ 138.00	\$ 710.00	\$ 848.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 19,164.00	39.18%	\$ 19,170.33	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	
2.00	60%	60%	1	\$ 19,263.20	39.38%	\$ 17,008.88	\$ 934.00	\$ 515.00	\$ 1,449.00	N/A	N/A	
1.00	60%	60%	1	\$ 19,439.16	39.74%	\$ 24,400.00	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
1.00	60%	60%	1	\$ 20,140.03	41.17%	\$ 16,392.00	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
2.00	60%	60%	1	\$ 21,600.03	44.16%	\$ 21,600.03	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
2.00	60%	60%	1	\$ 22,127.64	45.23%	\$ 22,127.64	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
1.00	60%	60%	1	\$ 23,438.80	47.91%	\$ 19,791.31	\$ 379.00	\$ 278.00	\$ 657.00	N/A	N/A	
1.00	60%	60%	2	\$ 23,444.80	47.93%	\$ -	\$ 140.00	\$ 517.00	\$ 657.00	N/A	N/A	
2.00	60%	60%	3	\$ 25,301.18	51.72%	\$ 25,301.18	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
1.00	60%	60%	1	\$ 26,944.84	55.08%	\$ 11,347.00	\$ 259.00	\$ 516.00	\$ 775.00	N/A	N/A	
2.00	60%	60%	1	\$ 26,966.62	55.13%	\$ 26,966.62	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
1.00	60%	60%	1	\$ 27,040.00	55.28%	\$ 900.00	\$ 1.00	\$ 617.00	\$ 618.00	N/A	N/A	
2.00	60%	60%	4	\$ 27,666.00	56.56%	\$ 27,666.00	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
1.00	60%	60%	2	\$ 29,260.40	59.82%	\$ 29,260.40	\$ 880.00	\$ -	\$ 880.00	N/A	N/A	
1.00	60%	60%	1	\$ 29,877.96	61.08%	\$ 26,584.34	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	
1.00	60%	60%	1	\$ 31,416.84	64.22%	\$ 31,416.84	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	
2.00	60%	60%	5	\$ 31,610.80	64.62%	\$ 31,610.80	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
2.00	60%	60%	2	\$ 32,288.00	66.00%	\$ 27,802.00	\$ 577.00	\$ 336.00	\$ 913.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 32,569.68	66.58%	\$ 20,993.00	\$ 500.00	\$ 275.00	\$ 775.00	N/A	N/A	
2.00	60%	60%	4	\$ 32,634.42	66.71%	\$ 32,634.42	\$ 1,034.00	\$ -	\$ 1,034.00	N/A	N/A	
1.00	60%	60%	1	\$ 33,280.00	68.03%	\$ 33,280.00	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	

AFFORDABLE HOUSING COMPLIANCE DATA- Union at Crescent 2023

Unit Bedroom Number	Rent Level	Income Level	Household Size	Current Income	% Area Median Income.	Household Income Move In	Tenant Rent Portion	Rental Assistance Amount	Total Rent	Rental Assist Type	Rental Assist Source	Notes
2.00	60%	60%	2	\$ 33,280.00	68.03%	\$ 33,280.00	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
2.00	60%	60%	1	\$ 33,280.00	68.03%	\$ 33,280.00	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
2.00	60%	60%	1	\$ 35,000.00	71.55%	\$ 35,000.00	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
2.00	60%	60%	1	\$ 35,000.00	71.55%	\$ 35,000.00	\$ 1,055.00	\$ -	\$ 1,055.00	N/A	N/A	
1.00	60%	60%	1	\$ 35,360.00	72.28%	\$ 18,555.00	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	
2.00	60%	60%	2	\$ 35,360.00	72.28%	\$ 35,360.00	\$ 511.00	\$ 544.00	\$ 1,055.00	Tenant Based	Section 8 Tenant Based	
1.00	60%	60%	1	\$ 36,416.12	74.44%	\$ 15,330.00	\$ 775.00	\$ -	\$ 775.00	N/A	N/A	
2.00	60%	60%	2	\$ 37,600.00	76.86%	\$ 37,600.00	\$ 934.00	\$ -	\$ 934.00	N/A	N/A	
2.00	60%	60%	4	\$ 43,742.40	89.42%	\$ 22,183.00	\$ 794.00	\$ 140.00	\$ 934.00	N/A	N/A	
2.00	60%	60%	3	\$ 55,332.16	113.11%	\$ 32,165.54	\$ 548.00	\$ 507.00	\$ 1,055.00	Tenant Based	Section 8 Tenant Based	
1.00	70%	70%	1	\$ -	0.00%	\$ -	\$ -	\$ 1,034.00	\$ 1,034.00	Tenant Based	Section 8 Tenant Based	
2.00	70%	70%	2	\$ 1.00	0.00%	\$ 1.00	\$ -	\$ 934.00	\$ 934.00	Tenant Based	Section 8 Tenant Based	
2.00	70%	70%	2	\$ 11,202.00	22.90%	\$ 9,528.00	\$ 112.00	\$ 756.00	\$ 868.00	N/A	N/A	
3.00	70%	70%	3	\$ 14,995.92	30.66%	\$ 7,464.00	\$ -	\$ 1,099.00	\$ 1,099.00	N/A	N/A	
3.00	70%	70%	3	\$ 17,034.40	34.82%	\$ 9,096.00	\$ 126.00	\$ 986.00	\$ 1,112.00	N/A	N/A	
1.00	70%	70%	1	\$ 29,000.40	59.28%	\$ 36,103.34	\$ 810.00	\$ -	\$ 810.00	N/A	N/A	
2.00	70%	70%	3	\$ 38,717.64	79.15%	\$ 41,018.29	\$ 990.00	\$ -	\$ 990.00	N/A	N/A	
3.00	70%	70%	5	\$ 49,142.64	100.46%	\$ 30,106.82	\$ 1,082.00	\$ 30.00	\$ 1,112.00	Tenant Based	Section 8 Tenant Based	

AFFORDABLE HOUSING COMPLIANCE REPORT

OWNER:Union at Crescent GP, LLC

PROPERTY ADDRESS1200 N Crescent Road, Bloomington, IN

DATE MAILED:via email 9/25/24

MAX. LOW HOME RENT RATE*

MAX. HIGH HOME RENT RATE*

* Maximum rent, based upon the number of bedrooms, with Landlord paying all utilities. If tenants pay for any utilities, contact Matt Swinney to verify proper deductions. Deductible utilities include: heating; cooking; other electric/lighting; air conditioning; water heating; water; sewer; and, trash collection.

Total number of units in project:

Total number of HOME units:

Number of Low HOME rent units:

Number of High HOME rent units:

Fixed or floating:

146

10

2

8

Fixed

Unit #	# of bedrooms	Low or High HOME rent unit	Tenant name	# in Hshld	Annual Income	Date income determined	% Area Median Income.	Current Lease Date	Current lease rent rate1	Tenant paid utilities2	Total rent plus utilities	Allowable rent & utillies3	Comments
A108	2	N/A		2	\$ -	10/10/2023	0.00%	10/10/2023	\$ -	\$ 148.00	\$ 148.00	N/A	
B110	2	N/A		2	\$ 10,749.00	9/30/2023	16.98%	9/30/2023	\$ 821.00	\$ 103.00	\$ 924.00	N/A	
B311	2	N/A		2	\$ 9,100.00	11/13/2023	12.59%	11/13/2023	\$ 87.00	\$ 103.00	\$ 190.00	N/A	
A203	1	N/A		1	\$ 36,841.48	12/23/2023	58.20%	12/23/2023	\$ 735.00	\$ 72.00	\$ 807.00	N/A	
B001	1	N/A		1	\$ 10,338.00	11/15/2022	17.29%	11/15/2022	\$ 205.00	\$ 95.00	\$ 300.00	N/A	
B126	2	N/A		2	\$ -	6/1/2024	0.00%	6/1/2024	\$ -	\$ 118.00	\$ 118.00	N/A	
A101	1	N/A		1	\$ 8,784.00	1/13/2024	13.88%	1/13/2024	\$ 164.00	\$ 114.00	\$ 278.00	N/A	
B221	1	N/A		2	\$ 23,467.96	10/30/2023	32.46%	10/30/2023	\$ 140.00	\$ 114.00	\$ 254.00	N/A	
A110	2	N/A		2	\$ 32,927.00	4/15/2024	38.78%	4/15/2024	\$ 693.00	\$ 118.00	\$ 811.00	N/A	
A310	2	N/A		2	\$ 3,120.00	2/28/2024	4.32%	2/28/2024	\$ -	\$ 96.00	\$ 96.00	N/A	
B208	1	N/A		1	\$ -	3/1/2024	0.00%	3/1/2024	\$ -	\$ 95.00	\$ 95.00	N/A	
B201	1	N/A		1	\$ -	12/15/2023	0.00%	12/15/2023	\$ -	\$ 114.00	\$ 114.00	N/A	
B411	2	N/A		2	\$ 2,748.00	12/30/2022	4.02%	12/30/2022	\$ -	\$ 70.00	\$ 70.00	N/A	
B004	2	Low		3	\$ -	11/24/2023	0.00%	11/24/2023	\$ 758.00	\$ 148.00	\$ 906.00	N/A	
C307	2	N/A		2	\$ 33,280.00	9/28/2023	46.03%	9/28/2023	\$ 1,055.00	\$ 103.00	\$ 1,158.00	N/A	
B121	1	N/A		1	\$ 34,181.94	5/31/2024	54.00%	5/31/2024	\$ 775.00	\$ 77.00	\$ 852.00	N/A	
A002	1	N/A		1	\$ 10,968.00	5/15/2023	17.33%	5/15/2023	\$ 155.00	\$ 114.00	\$ 269.00	N/A	
B212	1	N/A		2	\$ 29,260.40	8/18/2024	31.61%	8/18/2024	\$ 930.00	\$ 172.00	\$ 1,102.00	N/A	
A107	2	N/A		2	\$ 16,696.68	12/15/2023	23.09%	12/15/2023	\$ 149.00	\$ 148.00	\$ 297.00	N/A	
B219	2	N/A		2	\$ 11,202.00	9/1/2023	15.49%	9/1/2023	\$ 112.00	\$ 148.00	\$ 260.00	N/A	
B122	1	N/A		1	\$ 23,468.80	10/31/2023	37.08%	10/31/2023	\$ 379.00	\$ 114.00	\$ 493.00	N/A	
B422	2	N/A		44	\$ 43,742.40	9/1/2023	48.44%	9/1/2023	\$ 794.00	\$ 148.00	\$ 942.00	N/A	
B003	2	Low		2	\$ 21,816.00	12/4/2023	30.17%	12/4/2023	\$ 758.00	\$ 148.00	\$ 906.00	N/A	
B222	2	N/A		1	\$ 37,798.80	4/26/2024	59.71%	4/26/2024	\$ 999.00	\$ 103.00	\$ 1,102.00	N/A	
B102	1	N/A		1	\$ -	11/20/2023	0.00%	11/20/2023	\$ 10.00	\$ 114.00	\$ 124.00	N/A	
B202	1	N/A		1	\$ 10,452.00	12/15/2023	16.51%	12/15/2023	\$ 207.00	\$ 114.00	\$ 321.00	N/A	
B301	1	N/A		1	\$ -	9/1/2024	0.00%	9/1/2024	\$ -	\$ 95.00	\$ 95.00	N/A	
B123	2	N/A		1	\$ 6,081.00	4/15/2023	10.17%	4/15/2023	\$ 81.00	\$ 118.00	\$ 199.00	N/A	
C306	2	N/A		3	\$ 46,261.28	4/23/2024	56.90%	4/23/2024	\$ 990.00	\$ 103.00	\$ 1,093.00	N/A	
B119	2	N/A		1	\$ 9,871.20	9/1/2023	16.59%	9/1/2023	\$ 1,034.00	\$ 96.00	\$ 1,130.00	N/A	
B224	1	N/A		2	\$ 11,316.00	5/3/2024	15.65%	5/3/2024	\$ 859.00	\$ 77.00	\$ 936.00	N/A	
B322	2	N/A		2	\$ -	12/31/2023	0.00%	12/31/2023	\$ -	\$ 148.00	\$ 148.00	N/A	
A202	1	N/A		1	\$ 38,257.44	5/7/2024	54.97%	5/7/2024	\$ 635.00	\$ 77.00	\$ 712.00	N/A	
B103	2	High		1	\$ 20,884.80	1/27/2024	32.99%	1/27/2024	\$ 1,055.00	\$ 148.00	\$ 1,203.00	N/A	
B403	2	High		1	\$ -	1/1/2024	0.00%	1/1/2024	\$ 1,099.00	\$ 148.00	\$ 1,247.00	N/A	
B424	1	N/A		1	\$ -	11/15/2023	0.00%	11/15/2023	\$ 394.00	\$ 114.00	\$ 508.00	N/A	
A301	1	N/A		1	\$ 20,688.00	7/26/2024	27.83%	7/26/2024	\$ 778.00	\$ 103.00	\$ 881.00	N/A	
B112	1	N/A		2	\$ -	5/31/2024	0.00%	5/31/2024	\$ 775.00	\$ 77.00	\$ 852.00	N/A	

A207	2	N/A		3	\$ 3,764.80	2/1/2024	4.63%	2/1/2024	\$ -	\$ 118.00	\$ 118.00	N/A	
B417	1	N/A		1	\$ 11,208.00	5/15/2024	17.71%	5/15/2024	\$ 899.00	\$ 77.00	\$ 976.00	N/A	
A103	1	N/A		1	\$ 11,208.00	10/15/2023	17.71%	10/15/2023	\$ 145.00	\$ 72.00	\$ 217.00	N/A	
C207	2	N/A		1	\$ 23,927.64	3/24/2024	37.80%	3/24/2024	\$ 934.00	\$ 103.00	\$ 1,037.00	N/A	
C103	2	N/A		2	\$ -	4/15/2024	0.00%	4/15/2024	\$ -	\$ 118.00	\$ 118.00	N/A	
B423	1	N/A		1	\$ 9,799.92	6/15/2023	16.39%	6/15/2023	\$ 880.00	\$ 77.00	\$ 957.00	N/A	
B305	2	N/A		1	\$ 10,968.00	9/14/2024	15.76%	9/14/2024	\$ 165.00	\$ 118.00	\$ 283.00	N/A	
B416	1	N/A		1	\$ 10,968.00	11/1/2023	17.33%	11/1/2023	\$ 273.00	\$ 114.00	\$ 387.00	N/A	
B205	2	High		2	\$ 11,856.00	6/1/2024	14.91%	6/1/2024	\$ 1,099.00	\$ 118.00	\$ 1,217.00	N/A	
B419	2	N/A		2	\$ 10,968.00	9/1/2023	16.06%	9/1/2023	\$ 112.00	\$ 96.00	\$ 208.00	N/A	
B405	2	N/A		2	\$ 22,838.40	2/22/2024	31.59%	2/22/2024	\$ 799.00	\$ 103.00	\$ 902.00	N/A	
A109	2	N/A		3	\$ 33,840.92	7/1/2024	35.44%	7/1/2024	\$ 984.00	\$ 103.00	\$ 1,087.00	N/A	
B401	1	N/A		1	\$ 14,196.00	10/1/2023	23.74%	10/1/2023	\$ 888.00	\$ 72.00	\$ 960.00	N/A	
B319	2	N/A		1	\$ 11,316.18	5/15/2024	17.88%	5/15/2024	\$ 1,099.00	\$ 77.00	\$ 1,176.00	N/A	
B117	1	N/A		1	\$ -	3/1/2024	0.00%	3/1/2024	\$ 155.00	\$ 95.00	\$ 250.00	N/A	
A302	1	N/A		1	\$ -	12/22/2023	0.00%	12/22/2023	\$ -	\$ 114.00	\$ 114.00	N/A	
B111	2	N/A		1	\$ 7,917.00	3/15/2024	10.95%	3/15/2024	\$ 393.00	\$ 96.00	\$ 489.00	N/A	
C107	2	N/A		2	\$ 16,800.00	4/1/2024	21.13%	4/1/2024	\$ -	\$ -	\$ -	N/A	
A303	1	N/A		1	\$ 36,420.33	12/23/2023	57.54%	12/23/2023	\$ 775.00	\$ 72.00	\$ 847.00	N/A	
B404	2	High		3	\$ 3,000.00	12/21/2023	3.69%	12/21/2023	\$ 1,055.00	\$ 148.00	\$ 1,203.00	N/A	
B324	1	N/A		1	\$ -	3/1/2023	0.00%	3/1/2023	\$ -	\$ 114.00	\$ 114.00	N/A	
B218	2	N/A		1	\$ 10,968.00	8/31/2024	15.76%	8/31/2024	\$ 215.00	\$ 118.00	\$ 333.00	N/A	
B118	1	N/A		1	\$ 11,642.40	10/16/2023	18.39%	10/16/2023	\$ 165.00	\$ 114.00	\$ 279.00	N/A	
B420	1	N/A		1	\$ 32,569.68	12/30/2023	51.45%	12/30/2023	\$ 500.00	\$ 114.00	\$ 614.00	N/A	
B011	2	N/A		3	\$ 3,380.00	12/1/2023	4.16%	12/1/2023	\$ -	\$ 148.00	\$ 148.00	N/A	
C208	3	N/A		3	\$ 7,200.00	9/30/2023	8.86%	9/30/2023	\$ -	\$ 129.00	\$ 129.00	N/A	
B217	1	N/A		1	\$ -	2/1/2024	0.00%	2/1/2024	\$ -	\$ 114.00	\$ 114.00	N/A	
B318	2	N/A		2	\$ 31,259.80	5/15/2024	39.32%	5/15/2024	\$ 523.00	\$ 144.00	\$ 667.00	N/A	
B120	2	N/A		1	\$ 18,806.40	7/15/2024	27.02.%	7/15/2024	\$ 306.00	\$ 148.00	\$ 454.00	N/A	
B002	1	N/A		1	\$ 19,170.33	9/30/2023	30.28%	9/30/2023	\$ 775.00	\$ 72.00	\$ 847.00	N/A	
A102	1	N/A		1	\$ 14,130.14	12/23/2023	22.32%	12/23/2023	\$ 197.00	\$ 114.00	\$ 311.00	N/A	
B412	1	N/A		1	\$ 29,877.96	11/20/2023	47.20%	11/20/2023	\$ 775.00	\$ 77.00	\$ 852.00	N/A	
B104	2	High	VACANT	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B204	2	High	VACANT	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B303	2	High	VACANT	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B304	2	High	VACANT	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
A001	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
A104	3	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
A208	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
A209	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
A307	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
A308	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
A309	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B005	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B008	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B010	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B101	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B105	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B124	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B125	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B209	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B211	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B220	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B223	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	

B225	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B309	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B310	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B312	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B313	3	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B316	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B320	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B321	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B323	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B325	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B408	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B409	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B418	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B425	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
C003	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
C106	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
C203	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
C206	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
C302	1	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
C303	2	N/A	Vacant	0	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	N/A	
B109	1	N/A		1	\$ 27,040.00	12/31/2023	42.72%	12/31/2023	\$ -	\$ 114.00	\$ 114.00	N/A	
C102	1	N/A		1	\$ 10,968.00	12/15/2023	17.33%	12/15/2023	\$ 143.00	\$ 114.00	\$ 257.00	N/A	
B216	1	N/A		1	\$ 7,080.00	7/2/2024	9.53%	7/2/2024	\$ 880.00	\$ 77.00	\$ 957.00	N/A	
B402	1	N/A		1	\$ 26,944.84	12/15/2023	42.57%	12/15/2023	\$ 259.00	\$ 114.00	\$ 373.00	N/A	



I certify the above information is true and correct.

Owner or property manager signature:

⌚Including any owner-paid utilities

⌚If tenant pays utilities, contact Matt Swinney to get the utility allowance. If utilities are included in rent, enter "Incl."

⌚HUD published limits for High or Low HOME rent as applicable with OWNER paying all utilities.

Date: 9/25/2024

AFFORDABLE HOUSING COMPLIANCE REPORT

OWNER: Union at Crescent GP, LLC
PROPERTY ADDRESS 1200 N. Crescent Road, Bloomington, IN
DATE MAILED: via email 5/16/2025
MAX. LOW HOME RENT RATE*
MAX. HIGH HOME RENT RATE*

Total number of units in project: 146
Total number of HOME units: 10
Number of Low HOME rent units: 2
Number of High HOME rent units: 8
Fixed or floating: Fixed

* Maximum rent, based upon the number of bedrooms, with Landlord paying all utilities. If tenants pay for any utilities, contact Matt Swinney to verify proper deductions. Deductible utilities include: heating; cooking; other electric/lighting; air conditioning; water heating; water; sewer; and, trash collection.

Unit #	# of bedrooms	Low or High HOME rent unit	Tenant name	# in Hshld	Annual Income	Date income determined	% Area Median Income.	Current Lease Date	Current lease rent rate1	Tenant paid utilities2	Total rent plus utilities	Allowabl e rent & utilities3	Comments
A108	2	NA		1.00	12,022	10/10/2024	15.12	10/10/2024	888	118	1006	1341	
B110	2			1.00	10,749	9/30/2024	25.74	9/30/2023	871	80	951	1341	
B311	2			2.00	9,100	11/13/2023	12.59	11/13/2023	861	190	1051	1219	2024 AR in progress
B126	2			1.00	-	6/1/2023	0	6/1/2023	934	148	1082	1219	2024 AR in process
A101	1	NA		1.00	8,784	1/13/2024	13.88	1/13/2024	775	114	889	847	S8 Voucher pays \$611. 2025 AR in progress
C303	2			5.00	600	2/27/2025	0.56	2/27/2025	1130	68	1198	1341	
A110	2			2.00	32,927	4/15/2024	38.78	4/15/2024	1055	1181	1173	1432	2025 AR in progress
A310	2			2.00	9,952	2/28/2025	20.86	2/28/2024	912	118	1030	1341	
B208	1			1.00	240	3/1/2025	0.34	3/1/2025	775	95	870	1118	
B104	2	High		1.00	14,206	2/10/2025	34.02	2/10/2025	915	80	995	1484	
B004	2	Low		3.00	-	11/24/2023	0	11/24/2023	758	118	876	1117	2024 AR in progress
A107	2	NA		2.00	27,939	12/14/2024	35.14	12/14/2024	934	118	1052	1341	
B122	1			1.00	24,144	10/31/2024	34.69	10/31/2024	707	95	802	1118	
B422	2			4.00	43,742	9/1/2023	48.44	9/1/2023	934	148	1082	1219	2024 AR in progress
B102	1			1.00	-	11/20/2024	0	11/20/2024	657	95	752	1118	
B301	1			1.00	-	9/1/2023	0	9/1/2023	1034	72	1106	1120	2024 AR in progress
B123	2			1.00	6,081	4/14/2025	14.56	4/14/2024	874	80	954	1341	
A001	1	NA		1.00	2,436	5/1/2025	3.21	5/1/2025	866	65	931	1016	
C306	2			3.00	46,261	4/23/2024	56.9	4/23/2024	990	103	1093	1219	2025 AR in progress
B119	2			1.00	11,604	9/1/2024	16.67	9/1/2024	1103	211	1314	1341	

B224	1			2.00	11,316	5/3/2025	23.72	5/3/2024	859	77	936	1017	2025 AR in progress
A202	1			1.00	38,257	5/7/2024	54.97	5/7/2024	635	77	712	931	2025 AR in progress
B403	2	High		1.00	-	1/1/2025	0	1/1/2025	1099	80	1179	1393	
A301	1			1.00	20,688	7/26/2024	27.84	7/26/2024	778	103	881	995	
B112	1			1.00	-	5/31/2024	0	5/31/2024	775	77	852	1017	2025 AR in process
A207	2	NA		3.00	1,993	2/1/2025	2.23	2/1/2025	1055	118	1173	1341	
B417	1			1.00	11,208	5/15/2024	17.71	5/15/2024	899	65	964	1017	2025 AR in progress
C003	2			3.00	11,905	5/1/2025	12.2	5/1/2025	1261	118	1379	1464	
C103	2			2.00	-	4/15/2024	0	4/15/2024	934	118	1052	1432	2025 AR in progress
B205	2	High		2.00	11,856	6/1/2024	14.19	6/1/2024	1099	80	1179	1484	
B405	2			2.00	22,838	2/22/2024	31.59	2/22/2024	799	103	902	1219	2025 AR in progress
A109	2			3.00	33,841	7/1/2024	35.44	7/1/2024	984	103	1087	1432	
B401	1			1.00	-	10/1/2024	0	10/1/2024	888	95	983	1118	
B319	2			1.00	11,316	5/15/2024	17.88	5/15/2024	1099	77	1176	1219	2025 AR in progress
B117	1			2.00	-	3/1/2024	0	3/1/2024	955	95	1050	1017	2025 AR in process
A302	1			1.00	-	12/22/2024	0	12/22/2024	635	94	729	931	
A303	1			1.00	42,569	12/23/2024	101.94	12/23/2023	775	172	947	1118	
B324	1			1.00	7,152	2/29/2024	11.3	2/29/2024	700	65	765	1017	2025 AR in progress
B011	2			3.00	3,380	12/1/2023	4.16	12/1/2023	934	148	1082	1219	2024 AR in process
B120	2			1.00	18,806	7/15/2024	27.02	7/15/2024	934	148	1082	1341	
A102	1	NA		1.00	14,130	12/23/2023	22.32	12/23/2023	552	114	666	847	S8 Voucher pays \$438. 2024 AR in progress
B109	1			1.00	27,040	12/31/2023	42.72	12/31/2023	617	114	731	1017	2024 AR in process
C102	1			1.00	11,604	12/15/2024	16.67	12/15/2024	657	94	751	1118	
B003	2	Low	VACANT	0.00									
B103	2	High	VACANT	0.00									
B204	2	High	VACANT	0.00									
B303	2	High	VACANT	0.00									
B404	2	High	VACANT	0.00									

A002	1	NA	VACANT	0.00									
A103	1	NA	VACANT	0.00									
A104	3	NA	VACANT	0.00									
A203	1		VACANT	0.00									
A208	2		VACANT	0.00									
A209	2		VACANT	0.00									
A307	3		VACANT	0.00									
A308	2		VACANT	0.00									
A309	2		VACANT	0.00									
B001	1		VACANT	0.00									
B002	1		VACANT	0.00									
B005	2		VACANT	0.00									
B008	1		VACANT	0.00									
B010	2		VACANT	0.00									
B012	1		VACANT	0.00									
B101	1		VACANT	0.00									
B105	2		VACANT	0.00									
B111	2		VACANT	0.00									
B118	1		VACANT	0.00									
B121	1		VACANT	0.00									
B124	1		VACANT	0.00									
B125	1		VACANT	0.00									
B201	1		VACANT	0.00									
B202	1		VACANT	0.00									
B203	2		VACANT	0.00									
B209	1		VACANT	0.00									
B210	2		VACANT	0.00									
B211	2		VACANT	0.00									

B216	1		VACANT	0.00									
B217	1		VACANT	0.00									
B218	2		VACANT	0.00									
B219	2		VACANT	0.00									
B220	1		VACANT	0.00									
B221	1		VACANT	0.00									
B222	2		VACANT	0.00									
B223	1		VACANT	0.00									
B225	2		VACANT	0.00									
B302	1		VACANT	0.00									
B303	2		VACANT	0.00									
B304	2		VACANT	0.00									
B305	2		VACANT	0.00									
B309	1		VACANT	0.00									
B310	2		VACANT	0.00									
B313	3		VACANT	0.00									
B316	1		VACANT	0.00									
B320	1		VACANT	0.00									
B321	1		VACANT	0.00									
B322	2		VACANT	0.00									
B323	1		VACANT	0.00									
B325	2		VACANT	0.00									
B402	1		VACANT	0.00									
B408	1		VACANT	0.00									
B409	1		VACANT	0.00									
B412	1		VACANT	0.00									
B416	1		VACANT	0.00									
B418	2		VACANT	0.00									

B419	2		VACANT	0.00									
B420	1		VACANT	0.00									
B423	1		VACANT	0.00									
B424	1		VACANT	0.00									
B425	2		VACANT	0.00									
C106	2		VACANT	0.00									
C107	2		VACANT	0.00									
C203	2		VACANT	0.00									
C206	2		VACANT	0.00									
C207	2		VACANT	0.00									
C208	3		VACANT	0.00									
C302	1		VACANT	0.00									
C307	2		VACANT	0.00									
117													

I certify the above information is true and correct.

Owner or property manager signature: Anita VanMeter

Date: 5/16/2025

1Including any owner-paid utilities
2If tenant pays utilities, contact Matt Swinney to get the utility allowance. If utilities are included in rent, enter "Incl."
3HUD published limits for High or Low HOME rent as applicable with OWNER paying all utilities.



COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R6 / 4-23)

Prescribed by the Department of Local Government Finance

20 25 PAY 20 26

FORM CF-1 / Real Property

INSTRUCTIONS:

1. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
2. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
3. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))
4. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential, the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

SECTION 1 TAXPAYER INFORMATION		
Name of Taxpayer Union at Crescent, LP		County Monroe
Address of Taxpayer (number and street, city, state, and ZIP code) 409 Massachusetts Avenue, Suite 300, Indianapolis, IN, 46204		DLGF Taxing District Number 0005 Bloomington City
Name of Contact Person Qing Reeder	Telephone Number (317) 219-8228	Email Address qreeder@theannexgrp.com
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body City of Bloomington	Resolution Number 17-30	Estimated Start Date (month, day, year) 4/1/2018
Location of Property 1100 N Crescent Rd, Bloomington, IN, 47404 (53-05-32-200-006.001-005)		Actual Start Date (month, day, year) 10/25/2018
Description of Real Property Improvements A 146 unit multifamily housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income. 30% will be market rate.		Estimated Completion Date (month, day, year) 4/1/2019
		Actual Completion Date (month, day, year) 9/30/2020
SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	0	4
Salaries	0.00	\$260,320
Number of Employees Retained	0	
Salaries	0.00	
Number of Additional Employees	5	
Salaries	\$13.00/hour	
SECTION 4 COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values Before Project	\$ 360,000.00	\$ 20,000
Plus: Values of Proposed Project	\$ 17,245,233	\$ 9,907,900
Less: Values of Any Property Being Replaced	\$ 0.00	\$
Net Values Upon Completion of Project	\$ 17,245,233	\$ 9,927,900
ACTUAL	COST	ASSESSED VALUE
Values Before Project	\$ 360,000.00	\$ 20,000
Plus: Values of Proposed Project	\$ 24,473,938	\$ 8,717,100
Less: Values of Any Property Being Replaced	\$	\$
Net Values Upon Completion of Project	\$ 27,833,938	\$ 8,737,100
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		
SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative 	Title General Manager	Date Signed (month, day, year) 05/13/2025

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)

INSTRUCTIONS: (IC 6-1.1-12.1-5.3 and IC 6-1.1-12.1-5.9)

1. Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination, including the date, time, and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property), and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:			
<input type="checkbox"/>	The Property Owner IS in Substantial Compliance		
<input type="checkbox"/>	The Property Owner IS NOT in Substantial Compliance		
<input type="checkbox"/>	Other (specify) _____		
Reasons for the Determination (attach additional sheets if necessary)			
Signature of Authorized Member			Date Signed (month, day, year)
Attested By		Designating Body	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)			
Time of Hearing	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date of Hearing (month, day, year)	Location of Hearing

HEARING RESULTS (to be completed after the hearing)

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied (see Instruction 4 above)
Reasons for the Determination (attach additional sheets if necessary)	
Signature of Authorized Member	
Date Signed (month, day, year)	
Attested By	Designating Body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the clerk of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.



APPLICATION FOR DEDUCTION FROM ASSESSED VALUATION OF STRUCTURES IN ECONOMIC REVITALIZATION AREAS (ERA)

State Form 18379 (R14 / 6-16)

Prescribed by the Department of Local Government Finance

2020 PAY 2021

FORM 322 / RE

INSTRUCTIONS:

1. This form is to be filed in person or by mail with the County Auditor of the county in which the property is located.
2. To obtain this deduction, a Form 322 / RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation (or new assessment) is made, or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of assessment, he can apply between January 1 and May 10 of a subsequent year for the remainder of the abatement term. (See also IC 6-1.1-12.1-11.3 concerning the failure to file a timely application.)
3. A copy of the Form 11, the approved Form SB-1 / Real Property, the resolution adopted by the designating body, and the Form CF-1 / Real Property must be attached to this application.
4. The Form CF-1 / Real Property must be updated annually and provided to the County Auditor and the designating body for each assessment year in which the deduction is applicable.
5. Please see IC 6-1.1-12.1 for further instructions.
6. Taxpayer completes Sections I, II and III below.
7. If property located in an economic revitalization area is also located in an allocation area as defined in IC 36-7-14-39 or IC 36-7-15.1-26, an application for the property tax deduction may not be approved unless the Commission that designated the allocation area adopts a resolution approving the application (IC 6-1.1-12.1-2(k)).
8. Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities (IC 6-1.1-12.1-3):
 - a. Private or commercial golf course
 - b. Country club
 - c. Massage parlor
 - d. Tennis club
 - e. Skating facility, including roller skating, skateboarding or ice skating
 - f. Racquet sport facility (including handball or racquet ball court)
 - g. Hot tub facility
 - h. Suntan facility
 - i. Racetrack
 - j. Any facility, the primary purpose of which is (a) retail food and beverage service; (b) automobile sales or service; or (c) other retail; (unless the facility is located in an economic development-target area established under IC 6-1.1-12.1-7).
 - k. Residential, unless the facility is a multi-family facility that contains at least 20% of the units available for use by low and moderate income individuals, or unless the facility is located in an economic development target area established under IC 6-1.1-12.1-7, or the area is designated as a residentially distressed area which is required to meet conditions as cited in IC 6-1.1-12.1-2(c)(1 & 2).
 - l. Package liquor store [see IC 6-1.1-12.1-3(e)(12)]

SECTION I - DESCRIPTION OF PROPERTY			
The owner hereby applies to the County Auditor for a deduction pursuant to IC 6-1.1-12.1-5 beginning with the assessment date January 1, 2020.			
County MONROE	Township BLOOMINGTON	DLGF taxing district number 0005 BLOOMINGTON CITY BLOOMINGTON TWP	Key number
Name of owner UNION AT CRESCENT, LP		Legal description from Form 11 013-10220-00 PT NW NW 32-9-1W 8.00A Plat 63	
Property address (number and street, city, state, and ZIP code) 1100 N. CRESCENT ROAD, BLOOMINGTON, INDIANA 47404			Date of Form 11 (month, day, year) EFFECTIVE 01/01/2020
Type of structure MULTI BUILDING RESIDENTIAL APARTMENT COMPLEX			Use of structure RESIDENTIAL
Governing body that approved ERA designation BLOOMINGTON COMMON COUNCIL		Date ERA designation approved (month, day, year) SEPTEMBER 19, 2017	Resolution number 17-31
SECTION II - VERIFICATION OF OWNER OR REPRESENTATIVE			
Signature of owner or representative (I hereby certify that the representations on this application are true.) 			Date signed (month, day, year) 07/20/2020
Printed name of owner or representative Jana Hageman		Address (number and street, city, state, and ZIP code) 12821 E. NEW MARKET STREET, SUITE 100, CARMEL, INDIANA 46032	
SECTION III - STRUCTURES			AUDITOR'S USE
A. Rehabilitation structure			
1. Assessed valuation AFTER rehabilitation	\$		
2. Assessed valuation BEFORE rehabilitation	\$		
3. Difference in assessed valuation (Line 1 minus Line 2)	\$		
4. Assessed valuation eligible for deduction (for the increase in A/V from the rehabilitation, not including the increase in A/V from the reassessment of the entire structure)	\$		
B. New structure			
1. Assessed valuation	\$	3,409,100.00	
2. Assessed valuation eligible for deduction	\$	2,609,100.00	
SECTION IV - VERIFICATION OF ASSESSING OFFICIAL			
I verify that the above described structure was assessed and the owner was notified on _____, with the effective date of the assessment being January 1, 20_____, and that the assessed valuations in Section III are correct.			
Signature of assessing official		Printed name of assessing official	Date (month, day, year)

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)
THAT WAS APPROVED AFTER JUNE 30, 1991**

INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)

1. Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:			
<input type="checkbox"/> the property owner IS in substantial compliance <input type="checkbox"/> the property owner IS NOT in substantial compliance <input type="checkbox"/> other (specify) _____			
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member			Date signed (month, day, year)
Attested by:		Designating body	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)			
Time of hearing	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date of hearing (month, day, year)	Location of hearing
HEARING RESULTS (to be completed after the hearing)			
<input type="checkbox"/> Approved		<input type="checkbox"/> Denied (see instruction 4 above)	
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member			Date signed (month, day, year)
Attested by:		Designating body	
APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]			
A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.			



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

RECEIVED

MAY 12 2023

City of Bloomington

Clerk's Office

20 ____ PAY 20 ____

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer Union Development of Bloomington GP, LLC	
Address of taxpayer (number and street, city, state, and ZIP code) 409 Massachusetts Ave, Suite 300, Indianapolis, IN 46204	
Name of contact person Kyle Bach	Telephone number (317) 708-0607
E-mail address kyle@annexstudentliving.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT	
Name of designating body	
Location of property Located on N. Crescent Rd. Bloomington, IN 47404	County Monroe
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. Parcel Number - 53-05-32-200-006.001-005	
Resolution number	
DLGF taxing district number	
Estimated start date (month, day, year) April 2018	
Estimated completion date (month, day, year) April 2019	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT	
Current number 0.00	Salaries \$0.00
Number retained 0.00	Salaries \$0.00
Number additional 5.00	Salaries \$13.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT	
REAL ESTATE IMPROVEMENTS	
COST	
ASSESSED VALUE	
Current values	360,000.00
Plus estimated values of proposed project	17,245,233
Less values of any property being replaced	0.00
Net estimated values upon completion of project	17,245,233
9,927,900.00	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds)	Estimated hazardous waste converted (pounds)
Other benefits The project was specifically designed to preserve 3.94 acres of trees, more than is required. The project will utilize previous pavement in an attempt to minimize additional paved areas, and include additional bike parking. Tree clearing will only occur between October 15 and March 31 to minimize adverse effects to the Indiana Bats. The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. The project will add 102 affordable units to the City of Bloomington. 70% of the units will be affordable in years 1-30 years, and 50% of the units will be affordable in years 31-99.	
SECTION 6 TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.	
Signature of authorized representative Kyle D. Bach	Date signed (month, day, year) 8/24/2017
Printed name of authorized representative Kyle Bach	Title Managing Member

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (*see below*). The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to \$ _____.

D. Other limitations or conditions (*specify*) _____

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* *see below*)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?

☐ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

RESOLUTION 17-31

TO CONFIRM RESOLUTION 17-30 WHICH DESIGNATED AN ECONOMIC
REVITALIZATION AREA, APPROVED A STATEMENTS OF BENEFITS, AND
AUTHORIZED PERIODS OF ABATEMENT FOR REAL PROPERTY
IMPROVEMENTS

- Re: Property Located at N. Crescent Road and Identified by the Monroe County
Parcel ID Number 53-05-32-200-006.001-005)
(Union Development at Bloomington GP, LLC, Petitioner)

WHEREAS, Union Development at Bloomington GP, LLC ("Petitioner") has filed an application for designation of property on N. Crescent Road comprised of one parcel identified by Parcel Numbers listed herein, as an Economic Revitalization Area ("ERA") for construction of new buildings pursuant to Indiana Code 6-1.1-12.1 *et seq.*; and

WHEREAS, the subject site is identified by the following Monroe County Parcel Numbers:

53-05-32-200-006.001-005 (Alt Parcel Num: 013-10220-00); and

WHEREAS, the Petitioner has also submitted a statement of benefits form to the Common Council for its real estate improvements; and

WHEREAS, according to this material, the Petitioner wishes to invest \$17.6 million to construct a mixed affordable and market rate housing development, which will include approximately 146 residential units, (the "Project"); and

WHEREAS, the current design for the Project provides 245 bedrooms in those 146 units (67 one-bedroom units, 59 two-bedroom units, and 20 three-bedroom units) within three detached buildings; and

WHEREAS, at least 70% of the units (102 units) will initially be allocated to households with incomes at or below 60% of the Area Median Income ("Affordable Units"); and

WHEREAS, at least 20% of the units (29 units) will be Market Rate ("Market Rate Units"); and

WHEREAS, the remaining 10% of the units (15 units) will be either Affordable Units or Market Rate Units, depending on the market demand; and

WHEREAS, at least 70% of the units will be Affordable Units for years 1 through 30 of the Project; and

WHEREAS, at least 50% of the units (73 units) will be affordable in years 31 through 99 of the Project; and

WHEREAS, rent for the Affordable Units will be in accordance with HUD's housing cost burden guidelines, which stipulate that the cost of housing and non-telecom utilities shall not exceed 30% of a resident's gross income; and

WHEREAS, as required by Indiana Code, Bloomington Municipal Code and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington's Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding, including regarding the Affordable Units; and

WHEREAS, the Project is not located in a TIF allocation area; and

WHEREAS, the Economic Development Commission has reviewed the Petitioner's application and Statement of Benefits and passed its Resolution 17-03 recommending that the Common Council designate the area as an ERA, approve the Statement of Benefits, and authorize a ten-year period of abatement for the real estate improvements; and

WHEREAS, Indiana Code § 6-1.1-12.1-17 authorizes the Common Council to set an abatement schedule for property tax abatements; and

WHEREAS, the EDC has recommended that the real property abatement be set at 100% for all ten years of the abatement; and

WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:

- A. the estimate of the value of the Project is reasonable;
- B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above is characterized by environmental conditions which have impaired values and prevent normal development of the property; and

WHEREAS, the Common Council adopted Resolution 17-30 on September 12, 2017, which designated the above property as an "Economic Revitalization Area," approved the Statement of Benefits, and authorized a ten (10) year period of tax abatement for real estate improvements; and

WHEREAS, the City Clerk published notice of the passage of that resolution, which requested that persons having objections or remonstrance to the designation, statement of benefits submission, and findings of fact appear before the Common Council at its meeting on September 27, 2017; and

WHEREAS, the Common Council has reviewed and heard all such objections and remonstrance to such designation;

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

SECTION 1. Pursuant to Indiana Code § 6-1.1-12.1-1 *et seq.*, the Common Council hereby affirms its determination made in Resolution 17-30 that the area described above is an "Economic Revitalization Area" and that the totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the real estate improvements for a period of ten (10) years.

SECTION 2. Pursuant to Indiana Code § 6-1.1-12.1-17, the Common Council hereby sets the following abatement schedule for the Project for real estate improvements:

Year 1	100%
Year 2	100%
Year 3	100%

Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%

SECTION 3. In granting this designation and deductions the Common Council incorporates Indiana Code § 6-1.1-12.1-12 and also expressly exercises the power set forth in Indiana Code § 6-1.1-12.1-2(i)(6) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$17.6 million for real estate improvements; and
- b. the land and improvements shall be developed and used in a manner that complies with local code; and
- c. the Project shall be completed before or within twelve months of the completion date as listed on the application; and
- d. the Affordable Units shall be maintained for at least ninety-nine (99) years; and
- e. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.

SECTION 4. The provisions of Indiana Code § 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code § 6-1.1-12.1-12(e) to the county treasurer.

SECTION 5. This designation shall expire no later than December 31, 2030, unless extended by action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,
upon this _____ day of _____, 2017.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____,
2017.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Resolution confirms Resolution 17-30, and designates one parcel owned by Union Development at Bloomington GP, LLC as an Economic Revitalization Area ("ERA"). This designation was recommended by the Economic Development Commission and will enable the proposed housing development, which includes affordable housing, to be eligible for tax abatement. The resolution also subjects a ten-year period of abatement for real property improvements and sets its deduction schedule.



May 14, 2025

VIA USPS Certified Mail: 9589 0710 5270 2028 6852 11

Bloomington Common Council
Economic Development Commission
401 N Morton St, Ste 10
Bloomington, IN 47404

RE: Union at Crescent

Enclosed is a copy of the Form CF-1/Real and supporting documentation we are submitting for filing, in reference to the properties listed above.

Best Regards,

Paul M. Jones, Jr. (23333-49)

JONES PYATT LAW, LLC
435 E Main Street, Suite 220
Greenwood, IN 46143
TEL: (317) 991-1864
E-mail: paul@jonespyattlaw.com

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Bloomington, IN 47404	
Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$2.04
Total Postage	\$10.99
Sent To Bloomington Common Council Economic Development Commission 401 N Morton St, Ste 10 Bloomington, IN 47404	
City, State	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 2028 6852 11

0773 16
Postmark Here
05/14/2025



May 14, 2025

VIA USPS Certified Mail: 9589 0710 5270 2028 6852 04

Monroe County Auditor
100 W Kirkwood Ave
Bloomington, IN 47404

RE: Union at Crescent

Enclosed is an original and one copy of the Form CF-1/Real & supporting documentation for the property listed above. Please file stamp all copies, and return a copy to us in the enclosed, self-addressed envelope.

Best Regards,

Paul M. Jones, Jr. (23333-49)

JONES PYATT LAW, LLC
435 E Main Street, Suite 220
Greenwood, IN 46143
TEL: (317) 991-1864
E-mail: paul@jonespyattlaw.com

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Bloomington, IN 47404	
Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$2.31
Total Postage	\$11.26
Sent To Monroe County Auditor 100 W Kirkwood Ave Bloomington, IN 47404	
Street and Apt. City, State, Zip	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 2028 6852 04

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City of Bloomington

Tax Abatement Program: General Standards

This document sets forth the General Standards under which the City of Bloomington may authorize deductions on the rehabilitation of real and personal property (also known as tax abatement), as allowed under Indiana law.

Program Description:

The City of Bloomington recognizes tax abatement as a useful economic development tool which can be implemented to improve the overall economic lives of citizens and to aid in achieving the Administration's vision of a strong and diverse economy, with an eye toward sustainability and balance. City of Bloomington tax abatements allow taxes on real estate improvements or eligible equipment installation to be phased in over a period of time, thus promoting new business and agencies and initiatives that improve the overall quality of life in our community. New construction, rehabilitation of existing buildings or installation of eligible equipment within designated ERAs receives tax abatement through a reduced assessed valuation on those improvements over a specified period of time.

Indiana law (Ind. Code § 6-1.1-12.1) allows up to ten year abatement on the increased assessed valuation due to construction or rehabilitation improvements in the areas of the city where development needs to be encouraged. I.C. § 6-1.1-12.1 also allows a one- to ten-year abatement on "new manufacturing equipment." The equipment must be used in "the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining or finishing or other tangible personal property; and never before used by its owner for any purpose in Indiana." Further, "enterprise information technology equipment" purchased after June 30, 2009 may also be eligible for abatement if the project is approved prior to January 1, 2013. See I.C. § 6-1.1-10-44 for the statutory definitions of "enterprise information technology equipment" and eligibility requirements.

The rate at which the new assessed valuation will be phased in for approved abatements is set forth by Indiana law (I.C. § 6-1.1-12.1-3 for real property; I.C. § 6-1.1-12.1-4.5 for eligible equipment or personal property). The City of Bloomington Economic Development Commission shall recommend a term of abatement for each project, which shall be authorized by the City Council in the process outlined below and allowed for by Indiana law. With respect to new construction and personal property, the City Council may choose to limit the dollar amount of the deduction that will be allowed.

Project Eligibility:

In order for a project to be eligible for tax abatement, the area in which it is located must be designated as an Economic Revitalization Area (ERA) by the City of Bloomington. Decisions to designate areas as ERAs are determined on a project-by-project basis for any project located within the corporate limits of the City of Bloomington.

An Economic Revitalization Area (ERA) must have “become undesirable for or impossible of, normal development and occupancy,” because of such factors as “a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property,” and includes “any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.” (I.C. § 6-1.1-12.1-1)

Review Criteria:

Each project is reviewed on its own merits, and the effect of each project on the revitalization of the surrounding areas and employment is considered. Basic eligibility is achieved through demonstrating the following:

- Creation of capital investment as an enhancement to the tax base
 1. Significantly increases full-time, permanent living-wage jobs¹;
 2. Significantly increases existing wages; or
 3. Creates affordable housing units.

In addition, other qualifying and evaluative criteria will be considered. The following page provides a general list of such criteria and their definitions. It is intended to be neither exhaustive nor definitive, and applicants are encouraged to submit proposals of projects that may not be found on this list but make a significant positive contribution to overall economic vitality and quality of life in the City of Bloomington.

Projects must be in accordance with the current City of Bloomington Unified Development Ordinance (UDO) and should be located within current areas of economic development focus.

¹ In accordance with Chapter 2.28 (Bloomington Living Wage Ordinance) of the City of Bloomington Municipal Code.

Additional Evaluative Criteria:

In addition to the creation of full-time, living wage employment, capital investment enhancements to the tax base, and the creation of affordable housing units, other evaluative criteria will be considered in the review of tax abatement applications, outlined below. This list is neither exhaustive nor definitive, and applicants are encouraged to submit proposals of projects that may not be found on this list but make a significant positive contribution to overall economic vitality and quality of life in the City of Bloomington.

Criteria	Definition
Quality of Life and Environmental/Sustainability	A project that is consistent with or advances principles found in the Sustainability Action Plan (2018), Climate Vulnerability and Risk Assessment (2020), or the Climate Action Plan (draft, 2020), and any other future sustainability planning documents; and/or a project which results in responsible sustainable development; and/or a project that results in environmental remediation or protection which makes a positive contribution to the overall quality of life within the City of Bloomington.
Affordable Housing	A project which is consistent with or advances principles found in the Community Housing Needs Assessment (2016), the City of Bloomington Comprehensive Plan (2018), Bloomington Housing Study (2020) and any other future planning documents related to affordable housing. Residential developments with a recorded restriction that requires the housing for a certain number of years to be rented or owned by qualified very low and low income households are considered affordable housing. Projects of this nature may be directed toward specified individuals, for example, first-time homebuyers and persons with disabilities.
Community Service	Volunteerism and civic engagement, such as serving on and working with boards, commissions and foundations, in the Bloomington community.
Community Character	A project that preserves and/or enhances the unique character of the city of Bloomington.

A list of examples for all criteria is provided in Appendix 1.

Ineligible Projects:

Facilities as listed in Indiana Code § 6-1.1-12.1-3 are ineligible. Some facilities which are generally prohibited under this law (such as retail or residential) may be eligible to apply under these General Standards for abatement if the area of the project is designated by the City Council as an Economic Development Target Area (EDTA), as allowed by I.C.

§ 6-1.1-12.1-7.

Other factors which may render a project ineligible for designation by the City of Bloomington include the following:

- A building permit has been obtained or construction has been initiated prior to final approval.
- The petitioner holds outstanding obligation or debt to the City which is in default or arrears, or is currently in litigation with the City.
- The project involves the demolition or removal of structures that are listed on the local Historic Register, that are eligible for individual listing on the National Historic Register or that are contributing structures within a nationally or locally designated historic district.
- The project requires major public infrastructure improvements at additional cost to the City of Bloomington.
- The project is not consistent with the City's long-range plans for the area in question.

The City Council may void the tax abatement designation awarded to a project if the project has not been initiated within twelve (12) months of the date of the confirmatory resolution (final approval) of the tax abatement, or if the actual use is different than that approved.

Application Procedure and Review:

I.C. 6-1.1-12.1 requires an applicant to file a Statement of Benefits. The Economic Development Commission shall develop and implement, with the City of Bloomington Economic & Sustainable Development Department, application and Commission review procedures to ensure consistency with Indiana statutory requirements as set forth in I.C. § 6-1.1-12.1-1 and to fulfill the purpose of these General Standards.

Each application shall be reviewed by the Economic Development Commission and any other City commission as may be required by law. The Economic Development Commission shall make the final recommendation regarding designation to the City Council, based upon criteria in these General Standards and according to Indiana Code.

A non-refundable \$100.00 application fee shall be required for each application.

The Economic Development Commission's recommendation shall be submitted to the City Council, along with all application and supplementary documents as necessary for the designating body's review.

The City Council's determination of whether the area shall be designated as an Economic Revitalization Area shall be based on procedures and the following findings as set forth in Indiana Code (I.C. 6-1.1-12.1):

- Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for the projects of that nature.
- Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Whether the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Whether the totality of the benefits is sufficient to justify the deduction.

If the City Council makes the above findings in the affirmative, it shall pass a declaratory resolution to designate an area an Economic Revitalization Area, approve a Statement of Benefits and authorize the term of abatement.

If the Council recommends designation of an ERA and approval thereof, the City Clerk shall:

- A. Certify a copy of the resolution and the application to the Monroe County Assessor and Auditor's Office;
- B. Publish a legal notice to inform interested parties that the tax abatement application is available for inspection at the Assessor's Office;
- C. Set a meeting date, at which time the Common Council shall hear all remonstrance and objections to the area being designated an "Economic Revitalization Area".

The Common Council shall subsequently hold a regular meeting and vote on a resolution confirming, modifying, or rescinding the earlier resolution recommending designation and approval.

Memorandum of Agreement:

Upon approval by the Common Council of a confirmatory resolution:

- A. The applicant will sign a Memorandum of Agreement with the City of Bloomington, thereby agreeing to all terms set forth by the Common Council approval and as required by the City of Bloomington.
- B. The City Clerk shall certify a copy of the confirming resolution and the application to the Applicant, the Monroe County Assessor and Auditor's Office.

Compliance Procedures and Annual Review:

The Department of Economic & Sustainable Development will compile a yearly compliance report related to all active tax abatement projects to present to the Economic Development Commission. The Commission will forward the report to the City Council. The report will be based upon Compliance with Statement of Benefits Forms (CF-1s) as submitted by property owners receiving tax abatement. The annual compliance process for the property owner is set forth in I.C. § 6-1.1-12.1-5.1 and additional terms may be set forth in the Memorandum of Agreement.

If the CF-1 is not filed, the benefits promised are not materialized, or other terms of the Memorandum of Agreement are not fulfilled, the Council may find the property owner not in Substantial Compliance as described below, and may act to rescind the remaining term of abatement, or enforce similar penalties as set forth in the Memorandum of Agreement.

Substantial Compliance Requirements:

In addition to terms set forth in I.C. § 6-1.1-12.1-5.9, the Memorandum of Agreement may set forth additional terms related to what may constitute substantial compliance or noncompliance.

Noncompliance occurs when the designating bodies (Economic Development Commission and City Council) determine that the property owner has not made reasonable efforts to comply with the Statement of Benefits. Noncompliance may not result from factors beyond the control of the property owner, such as declining demand for the owner's products or services. If factors beyond the property owner's control do not cause noncompliance, the termination of deduction procedure will be implemented as prescribed by I.C. § 6-1.1-42-30.

Factors within the control of the property owner that may contribute to noncompliance may include, but are not limited to, the following:

- Failure to comply with any terms set forth in the Memorandum of Agreement;
- An incomplete, inaccurate, or missing CF-1;
- Petitioner vacates the city of Bloomington during the term of abatement;
- Fraud on the part of petitioner;
- Initiation of litigation with the City of Bloomington.

The City Council may void the tax abatement designation awarded to a project if the project has not been initiated within twelve (12) months of the date of the confirmatory resolution (final approval) of the tax abatement, or if the actual use is different than that approved.

Appendix 1:

Project Eligibility Criteria Examples

The following is a list of general examples. It is not intended to be exhaustive nor definitive. The Department of Economic and Sustainable Development will assist potential applicants with understanding project eligibility on a case-by-case basis.

-- **Job creation**

- Full-time, living-wage jobs are created for Bloomington residents – from new business or expansion of existing employee base
- Compensation may include wages and benefits such as childcare.

-- **Creation of capital investment as enhancement to the tax base**

- Projects that provide a major private infrastructure improvement paid by the developer
- Includes real property investment – new and existing buildings
- Includes eligible manufacturing and other eligible equipment

-- **Quality of Life and Environmental/Sustainability**

- Urban infill redevelopment and/or brownfield remediation²
- Green building according to “Leadership in Energy and Environmental Design” (LEED)³ or other commonly accepted green building standards
- A business engaged in research and development of alternative energy production or other methods to build community resilience in a volatile energy market
- A social enterprise or business helping formerly incarcerated persons re-enter the workforce
- A business specializing in fine arts/crafts (bolstering the arts sector and assisting with diversifying the local economy).

-- **Affordable Housing**

- A housing development sets aside 50% of the units to be affordable (at, e.g., HUD Fair Market rent) for low income to moderate income individuals
- Housing units for workforce housing
- Housing stipulated for sale to first-time homebuyers
- Affordable housing with handicap-accessible units, and/or the units are designed for occupancy by senior citizens.

-- **Community Service**

- Volunteering labor, materials, money, or a combination of the three to charitable organizations and non-profit agencies that make a significant impact in Bloomington.
- Serving on boards, commissions, and/or foundations whose mission involves community service and the betterment of Bloomington.

-- **Community Character**

- Art space and art studio expansion and development
- Petitioner is a local home-grown business, headquartered in and/or unique to Bloomington
- Rehabilitation, preservation, and renovation of historic properties according to Secretary of the Interior Standards in consultation with the City Historic Preservation Officer.

² 1 By definition, a brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. 42 U.S.C. §9601(39) (Public Law 107-118 (H.R. 2869) – “Small Business Liability Relief and Brownfields Revitalization act” – signed into law Jan. 11, 2002).

³ www.usgbc.org

Appendix 2:

Excerpt from IC 6-1.1-12.1-5.9: Determination of substantial compliance with statement of benefits; notice of noncompliance; hearing; resolution; appeal

- (a) This section does not apply to a deduction under section 3 of this chapter for property located in a residentially distressed area; or
- (b) Not later than forty-five (45) days after receipt of the information described in section 5.1, 5.3(j), or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3, 4.5, or 4.8 of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:
 - (1) An explanation of the reasons for the designating body's determination.
 - (2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.
- (c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3, 4.5, or 4.8 of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.
- (d) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:
 - (1) the property owner;
 - (2) the county auditor; and (3) the county assessor.The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by IC 6-1.1-22-8.1, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.
- (e) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.
- (f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

As added by P.L.14-1991, SEC.6. Amended by P.L.90-2002, SEC.124; P.L.256-2003, SEC.7; P.L.1932005, SEC.5; P.L.154-2006, SEC.30; P.L.3-2008, SEC.37; P.L.146-2008, SEC.128; P.L.288-2013, SEC.17, eff. July 1, 2013.

RESOLUTION 17-30

TO DESIGNATE AN ECONOMIC REVITALIZATION AREA, APPROVE THE STATEMENTS OF BENEFITS, AND AUTHORIZE PERIODS OF ABATEMENT FOR REAL PROPERTY IMPROVEMENTS

**- Re: Property Located at N. Crescent Road and Identified by the Monroe County Parcel ID Number 53-05-32-200-006.001-005)
(Union Development at Bloomington GP, LLC, Petitioner)**

- WHEREAS, Union Development at Bloomington GP, LLC (“Petitioner”) has filed an application for designation of property on N. Crescent Road comprised of one parcel identified by Parcel Numbers listed herein, as an Economic Revitalization Area (“ERA”) for construction of new buildings pursuant to Indiana Code 6-1.1-12.1 *et seq.*; and
- WHEREAS, the subject site is identified by the following Monroe County Parcel Numbers:
- 53-05-32-200-006.001-005 (Alt Parcel Num: 013-10220-00); and
- WHEREAS, the Petitioner has also submitted a statement of benefits form to the Common Council for its real estate improvements; and
- WHEREAS, according to this material, the Petitioner wishes to invest \$17.6 million to construct a mixed affordable and market rate housing development, which will include approximately 146 residential units, (the “Project”); and
- WHEREAS, the current design for the Project provides 245 bedrooms in those 146 units (67 one-bedroom units, 59 two-bedroom units, and 20 three-bedroom units) within three detached buildings; and
- WHEREAS, at least 70% of the units (102 units) will initially be allocated to households with incomes at or below 60% of the Area Median Income (“Affordable Units”); and
- WHEREAS, at least 20% of the units (29 units) will be Market Rate (“Market Rate Units”); and
- WHEREAS, the remaining 10% of the units (15 units) will be either Affordable Units or Market Rate Units, depending on the market demand; and
- WHEREAS, at least 70% of the units will be Affordable Units for years 1 through 30 of the Project; and
- WHEREAS, at least 50% of the units (73 units) will be affordable in years 31 through 99 of the Project; and
- WHEREAS, rent for the Affordable Units will be in accordance with HUD’s housing cost burden guidelines, which stipulate that the cost of housing and non-telecom utilities shall not exceed 30% of a resident’s gross income; and
- WHEREAS, as required by Indiana Code, Bloomington Municipal Code and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington’s Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding, including regarding the Affordable Units; and
- WHEREAS, the Project is not located in a TIF allocation area; and

WHEREAS, the Economic Development Commission has reviewed the Petitioner’s application and Statement of Benefits and passed its Resolution 17-03 recommending that the Common Council designate the area as an ERA, approve the Statement of Benefits, and authorize a ten-year period of abatement for the real estate improvements; and

WHEREAS, Indiana Code § 6-1.1-12.1-17 authorizes the Common Council to set an abatement schedule for property tax abatements; and

WHEREAS, the EDC has recommended that the real property abatement be set at 100% for all ten years of the abatement; and

WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:

- A. the estimate of the value of the Project is reasonable;
- B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above has environmental conditions which have impaired values and prevented normal development of the property;

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

SECTION 1. The Common Council finds and determines that the properties on N. Crescent Road comprised of the one parcel identified above should be designated as an “Economic Revitalization Area” as set forth in Indiana Code 6-1.1-12.1-1 *et. seq.*, and Petitioner’s Statements of Benefits is hereby approved.

SECTION 2. The Common Council further finds and determines that the Petitioner, or its successors as allowed by the Memorandum of Understanding, shall be entitled to an abatement of real property taxes for the Project as provided in Indiana Code § 6-1.1-12.1-1 *et seq.*, as follows:

- a. For real estate improvements for the Project, a period of ten (10) years with the following deduction schedule, pursuant to Indiana Code § 6-1.1-12.1-17:

Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%

SECTION 3. In granting this designation and deductions the Common Council incorporates Indiana Code § 6-1.1-12.1-12 and also expressly exercises the power set forth in Indiana Code § 6-1.1-12.1-2(i)(6) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$17.6 million for real estate improvements; and
- b. the land and improvements shall be developed and used in a manner that complies with local code; and
- c. the Project shall be completed before or within twelve months of the completion date as listed on the application; and
- d. the Affordable Units shall be maintained for at least ninety-nine (99) years; and
- e. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.

SECTION 4. The provisions of Indiana Code § 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code § 6-1.1-12.1-12(e) to the county treasurer.

SECTION 5. This designation shall expire no later than December 31, 2030, unless extended by action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

SECTION 6. The Common Council directs the Clerk of the City to publish a notice announcing the passage of this resolution and requesting that persons having objections or remonstrances to the ERA designation appear before the Common Council at a public hearing on September 19, 2017.

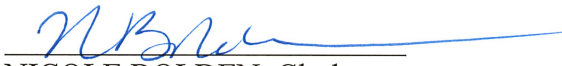
PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of September, 2017.


SUSAN SANDBERG, President
Bloomington Common Council

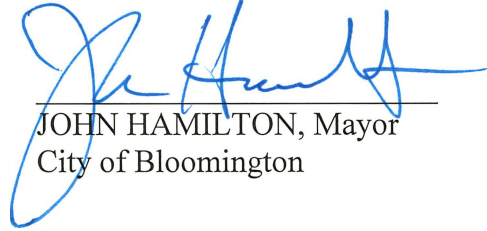
ATTEST:


NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of September, 2017.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 7th day of September, 2017.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution designates one parcel owned by Union Development at Bloomington GP, LLC on N. Crescent Road as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the proposed residential redevelopment project to be eligible for tax abatement. The resolution also authorizes a ten-year period of abatement for real property improvements and sets its deduction schedule. The resolution also declares the intent of the Council to hold a public hearing on September 19, 2017 to hear public comment on the ERA designation.

Note: This resolution was amended by Am01 on September 6, 2017. Am 01 corrected the building number and configuration in the fifth "Whereas" clause of the resolution and deleted the assertion that the property has experienced a cessation of growth in the last "Whereas" clause and replaced it with a finding that the property is characterized by environmental conditions which have impaired values and prevented normal development of the property.



Application for Designation as an Economic Revitalization Area (ERA): Real Property Tax Abatement

City of Bloomington, Indiana
Department of Economic and Sustainable Development
401 N. Morton St., PO Box 100, Bloomington, Indiana 47402-0100
812.349.3418

INSTRUCTIONS

1. State law and City of Bloomington policy require that the designation application and statement of benefits form (SB-1) be submitted **prior to the initiation of the project** (i.e., prior to filing for building permits required to initiate construction). If the project requires a rezoning, variance, or approval petition of any kind the petitioner must file prior to submission of the tax abatement application, and must be approved prior to a final hearing on the tax abatement request.
2. All questions must be answered as completely as possible and must be verified with a signature on the completed Statement of Benefits Form (SB-1) and last page of this application. Incomplete or unsigned applications will not be accepted as official filings. If attaching additional pages, please label responses with corresponding Section numbers.
3. Return completed Application and **\$100.00 non-refundable Application Fee** (payable to the **City of Bloomington**) to City of Bloomington Department of Economic & Sustainable Development, PO Box 100, 401 N Morton Street, Suite 130, Bloomington, IN 47402-0100 (economicvitality@bloomington.in.gov).

Section 1 – Applicant Information

Name of Company for which ERA Designation is being requested **Union Development at Bloomington GP, LLC - Project to be known as "Union at Bloomington"**

Primary Contact Information (for questions concerning this application and the Project)

Name **Julie Elliott**

Job Title **General Counsel**

Phone **(317) 584-8442 ext.**

Email **julie@annexstudentliving.com**

Address **409 Massachusetts Ave**

(street and/or PO, city, ZIP) **Suite 300**

Indianapolis, IN 46204

Compliance Contact Information (person responsible for completion and timely submittal of mandatory annual compliance forms if designation is granted)

Name **Kyle Bach**

Job Title **President and CEO**

Phone **(317) 708-0607 ext.**

Email **kyle@annexstudentliving.com**

Address **409 Massachusetts Ave.**

(street and/or PO, city, ZIP) **Suite 300**

Indianapolis, IN 46204

Section 2 – Real Property Location and Description

Monroe County Tax Parcel ID Number(s) **53-05-32-200-006.001-005** Township **Bloomington**

Street Address **Located on N. Crescent Rd. Bloomington, IN** ZIP **47404-**

Current Zoning **RS - Residential Single Family**

Current Use(s) of Property **Vacant Lot**

Estimated Market Value of Property **\$360,000**

Property or Building(s) Listed as Historic on the City of Bloomington [Historical Survey](#)?

☐ Yes ☒ No If yes, check one:

☐ Outstanding

☐ Notable

☐ Contributing

Age of Building(s), if applicable

N/A

Describe any other national or local historical significance or designation, if applicable **N/A**

Please list all owners of the property. **Kathleen A. Abel, Robert Marc Hancock, Ginger Edwards current owners. Applicant has property currently under contract (purchase agreement attached)**

Attach additional sheets as necessary to include all relevant property records. The City of Bloomington may require a copy of the property deed.

Section 3 – Criteria for Economic Revitalization Area (“ERA”) or Economic Development Target Area (“EDTA”) Designation

Describe how the project property and surrounding area have become undesirable for normal development and occupancy.

The property consists of approximately 8 acres of heavily wooded property. The location of the property and the heavily wooded nature of the property make this this property undesirable for single family or 100% market rate development, but a strong site for an affordable multifamily project.

Section 4 – Company Profile

Does your company currently operate at this location? ☐ Yes ☒ No

If yes, how long has your company been at this location?

Will this property be your company’s headquarters location? ☐ Yes ☒ No

If no, where is/will be your company’s HQ?

Company is a: ☒ LLC ☐ LLP ☐ LP ☐ Corporation ☐ S. Corporation ☐ Nonprofit Corporation
☐ Mutual Benefit Corporation ☐ Other-Please describe:

Provide a brief description of your company history, products and services.

Mecca Companies, Inc. will be the developer for Union Development at Bloomington GP, LLC. Mecca Companies Inc., and its affiliated companies, are a multi-family housing developer, general contractor, and owner operator. Combining the career experience of its leadership team, Mecca professionals have overseen nearly \$975 million in single family, multi family, mixed use, and other commercial projects including redevelopment, affordable housing, and multi use projects.

Please list all persons and/or entities with ownership interests in the company. **Union Development Holdings, LLC (Kyle Bach) @ 50%; T&H Investment Properties, LLC (Jana Hageman) @ 50%**

Current/Retained Jobs and Wages (include only current permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	1	Median part-time hourly wage	\$20.00
Number of full-time employees	6	Average part-time hourly wage	\$20.00
TOTAL current employees (permanent jobs)	7	Median full-time hourly wage	\$43.27
		Average full-time hourly wage	\$45.17

What is the lowest hourly wage in the company? (inc. PT, FT, other) **\$20.00**

What is the median hourly wage in the company (inc. PT, FT, other) **\$41.57** TOTAL Annual Payroll (current/retained) **\$589,640.00**

New Jobs and Wages As Result of the Proposed Project (include only new permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	3	Lowest starting part-time wage	\$13.00
Number of full-time employees	2	Lowest starting full-time wage	\$30,000
TOTAL NEW employees (new permanent jobs)	5	TOTAL NEW Annual Payroll (new jobs only)	\$138,000.00

Describe your company’s benefit programs and include the approximate value of benefits for existing and new employees on a per hour basis (e.g., benefits are valued at an additional \$3.00 per hour, etc.) **See attached benefit program information**

Market for Goods and Services; Local Sourcing

To the extent possible, please	25%	Inside Monroe County, Indiana
estimate the relative percentages of	50%	Outside Monroe County, but inside Indiana
your company’s reach (via your	25%	Outside of Indiana
products or services) into following	0%	Outside of the United States
markets:	100%	

If applicable, list the name and location (City, State) of your five largest vendors or suppliers.

- 1.
- 2.
- 3.
- 4.

Section 5 – Proposed Improvements (the “Project”)

Describe all real estate improvements for which tax abatement on the property is being sought.

Mecca Companies, Inc./Union Development at Bloomington GP, LLC intends to construct a 146 unit multit family affordable housing development. The total cost of the project will be \$17,605,233. Land cost will be \$360,000. Tax abatement will be applied to the construction hard costs.

Estimated Total Project Cost (Capital Improvements only)	\$13,010,400	Has Bloomington Planning approval been obtained for the Project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Estimated Construction Start Date (month-year)	April 2018		If yes, Case Number: In Process
Estimated Completion Date (month-year)	April 2019		

Will the Project require any City expenditures (for public infrastructure, etc.)? ☒ Yes ☐ No
If yes, please describe **Applicant is requesting \$300,000 in HOME funds and \$500,000 from the City's Affordable Housing Fund.**

Proposed Use(s) of the property after Project completion. Describe uses for entire Project space, including any uses not of the applicant company (e.g., if portions of space are intended to be leased to other entities, provide details).

The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate.

Describe the impact on your business if the proposed Project is **not** undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

The Indiana QAP drafted by the Indiana Housing and Community Development Agency encourages affordable projects located in HUD designated Qualified Census Tract (QCT), and the project site is located in a QCT making it an ideal site for an affordable development. If the project is not undertaken, the applicant will not be able to find a comparable site in a QCT in Bloomington, and the project will not move forward.

Attach renderings, site plans, drawings, etc., of the Project.

Section 6 – City of Bloomington Evaluative Criteria

Describe how the Project will make a significant positive contribution to the community's overall economic vitality in at least one of the following areas which apply. Feel free to add details to any and all other categories which apply. See "General Standards" for explanations and examples.

☒ Quality of Life, Environmental Stewardship, and/or Sustainability

The project will incorporation Green friendly building materials – This includes both materials with recycled content as well as building materials that have been harvested and manufactured within a 500 mile radius. Examples of these materials include flooring, drywall, cement, asphalt, stone, permeable pavers, and all landscaping. Other Green initiatives include:

- Recycling 50% of non-hazardous construction and demolition debris.
- Permeable paving materials.
- Close proximity (within 1/4 mile) to Bloomington Transit stop.
- Energy efficient “Energy Star” appliances.
- Energy efficient windows with low-E glazing.
- Use of larger window openings for natural day lighting of interior spaces to cut down on the use of artificial lighting.
- Energy efficient lighting fixtures.

	<ul style="list-style-type: none"> - Building shell and demising wall insulation. - Water sense labeled/low flow water fixtures - Solar power for exterior common area lighting - Low VOC paints <p>The project was specifically designed to preserve 3.94 acres of trees, more than is required. The project will utilize previous pavement in an attempt to minimize additional paved areas, and include additional bike parking. Tree clearing will only occur between October 15 and March 31 to minimize adverse effects to the Indiana Bats.</p>
<input checked="" type="checkbox"/> Affordable Housing	<p>The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. The project will add 102 affordable units to the City of Bloomington</p>
<input checked="" type="checkbox"/> Community Service	<p>The project will add high quality and safe affordable housing to the City of Bloomington using the LIHTC program. Please see the attached "Design Requirement" document showing all of the design requirements of an affordable housing project such as this, required by the Indiana Housing Community and Development Authority, to create safe, efficient, and quality affordable housing projects.</p>
<input checked="" type="checkbox"/> Community Character	<p>This project takes an otherwise undesirable site and preserves 4 acres of wildlife habitat while adding 102 units of much needed affordable housing, and 44 units of market rate housing.</p>
<p>If applicable, describe any further (not yet described above) beneficial <i>and detrimental</i> impact to the community's economic, social or environmental wellbeing, resulting from the Project. No detrimental impact to the community</p>	
<p>Attach any additional information or documentation you feel to be pertinent to the City's decision to authorize this tax abatement.</p>	

Section 7 – Certification:

The undersigned hereby certify the following:

[Initials]

KDB

- The statements in the foregoing application for tax abatement are true and complete.

KDB

- The person(s) executing this application for tax abatement have been duly authorized by the business entity for which this application is being filed to execute and file this application, and all required approvals by the appropriate board or governing body of the business entity have been received.

141B

- The individual(s) or business entity that is applying for Economic Revitalization Area (ERA) or Economic Development Target Area (EDTA) designation or approval of a Statement of Benefits is not in arrears on any payments, fees, charges, fines or penalties owed to the City of Bloomington, Indiana, including but not limited to, City of Bloomington Utilities, Bloomington Transit, and any other City departments, boards, commissions or agencies.

KDB

- I/we understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an ERA, EDTA or of approval of a Statement of Benefits for the above area, whichever occurs later, the Bloomington Common Council shall have the right to void such designation.

KDB

- I/we understand that all companies requesting ERA and/or EDTA designation will be required to execute a Memorandum of Agreement (MOA) with the City. The MOA shall contain the capital investment levels, job creation and/or retention levels and hourly wage rates and other benefits that the applicant has committed to the City in order to receive consideration for the designation. The MOA shall also contain information relative to what the City and applicant have agreed upon as "substantial compliance" levels for capital investment, job creation and/or retention and wage rates and/or salaries associated with the project.

Additionally, the MOA shall indicate that the City, by and through the Economic Development Commission and the City of Bloomington Common Council, reserves the right to terminate a designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City terminates the designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be contained in the Memorandum of Agreement.

KDB

- I/we understand that if this request for property tax abatement is granted that I/we will be required to submit mandatory annual compliance forms as prescribed by State law and local policy. I/we also acknowledge that failure to do so or failure to achieve investment, job creation, retention and salary levels contained in the final resolution and MOA may result in a loss of tax abatement deductions and the repayment of tax abatement savings received.

KDB

- I/we understand that beneficiaries of a city tax abatement are subject to the City of Bloomington's Living Wage Ordinance ([BMC 2.28](#)), and therefore I/we must certify the entity's Living Wage compliance annually during the tax abatement term, if this abatement request is approved.

OWNER(S) OR AUTHORIZED REPRESENTATIVE(S)

SIGNATURE (Print Name Below)

TITLE

DATE

x Kyle D. Bach
Printed Name

Managing Member

8/24/2017

x Kyle Bach
Printed Name

Managing Member



STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

20____ PAY 20____
FORM SB-1 / Real Property
PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):
☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

- INSTRUCTIONS:
- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
 - The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
 - To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
 - A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
 - For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Union Development of Bloomington GP, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 409 Massachusetts Ave, Suite 300, Indianapolis, IN 46204					
Name of contact person Kyle Bach		Telephone number (317) 708-0607		E-mail address kyle@annexstudentliving.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body		Resolution number			
Location of property Located on N. Crescent Rd. Bloomington, IN 47404		County Monroe		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. Parcel Number - 53-05-32-200-006.001-005				Estimated start date (month, day, year) April 2018 Estimated completion date (month, day, year) April 2019	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number 0.00	Salaries \$0.00	Number retained 0.00	Salaries \$0.00	Number additional 5.00	Salaries \$13.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		360,000.00		20,000.00	
Plus estimated values of proposed project		17,245,233		9,907,900.00	
Less values of any property being replaced		0.00			
Net estimated values upon completion of project		17,245,233		9,927,900.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits The project was specifically designed to preserve 3.94 acres of trees, more than is required. The project will utilize previous pavement in an attempt to minimize additional paved areas, and include additional bike parking. Tree clearing will only occur between October 15 and March 31 to minimize adverse effects to the Indiana Bats. The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. The project will add 102 affordable units to the City of Bloomington. 70% of the units will be affordable in years 1-30 years, and 50% of the units will be affordable in years 31-99.					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative Kyle D. Bach		Managing Member		Date signed (month, day, year) 8/24/2017	
Printed name of authorized representative Kyle Bach		Title Managing Member			

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed 10 calendar years* (see below). The date this designation expires is December 31, 2030.

B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No

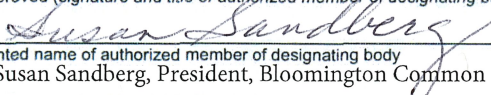

C. The amount of the deduction applicable is limited to \$ \$1,047,600.

D. Other limitations or conditions (specify) Reasonable conditions as provided in Resolution 17-30

E. Number of years allowed: ☒ Year 1 ☒ Year 2 ☒ Year 3 ☒ Year 4 ☒ Year 5 (* see below)
☒ Year 6 ☒ Year 7 ☒ Year 8 ☒ Year 9 ☒ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) 	Telephone number (812) 349-3409	Date signed (month, day, year) 9/06/2017
Printed name of authorized member of designating body Susan Sandberg, President, Bloomington Common Council	Name of designating body Bloomington Common Council	
Attested by (signature and title of attester) 	Printed name of attester Nicole Bolden, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

RESOLUTION 17-31

TO CONFIRM RESOLUTION 17-30 WHICH DESIGNATED AN ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENTS OF BENEFITS, AND AUTHORIZED PERIODS OF ABATEMENT FOR REAL PROPERTY IMPROVEMENTS

**- Re: Property Located at N. Crescent Road and Identified by the Monroe County Parcel ID Number 53-05-32-200-006.001-005)
(Union Development at Bloomington GP, LLC, Petitioner)**

WHEREAS, Union Development at Bloomington GP, LLC (“Petitioner”) has filed an application for designation of property on N. Crescent Road comprised of one parcel identified by Parcel Numbers listed herein, as an Economic Revitalization Area (“ERA”) for construction of new buildings pursuant to Indiana Code 6-1.1-12.1 *et seq.*; and

WHEREAS, the subject site is identified by the following Monroe County Parcel Numbers:

53-05-32-200-006.001-005 (Alt Parcel Num: 013-10220-00); and

WHEREAS, the Petitioner has also submitted a statement of benefits form to the Common Council for its real estate improvements; and

WHEREAS, according to this material, the Petitioner wishes to invest \$17.6 million to construct a mixed affordable and market rate housing development, which will include approximately 146 residential units, (the “Project”); and

WHEREAS, the current design for the Project provides 245 bedrooms in those 146 units (67 one-bedroom units, 59 two-bedroom units, and 20 three-bedroom units) within three detached buildings; and

WHEREAS, at least 70% of the units (102 units) will initially be allocated to households with incomes at or below 60% of the Area Median Income (“Affordable Units”); and

WHEREAS, at least 20% of the units (29 units) will be Market Rate (“Market Rate Units”); and

WHEREAS, the remaining 10% of the units (15 units) will be either Affordable Units or Market Rate Units, depending on the market demand; and

WHEREAS, at least 70% of the units will be Affordable Units for years 1 through 30 of the Project; and

WHEREAS, at least 50% of the units (73 units) will be affordable in years 31 through 99 of the Project; and

WHEREAS, rent for the Affordable Units will be in accordance with HUD’s housing cost burden guidelines, which stipulate that the cost of housing and non-telecom utilities shall not exceed 30% of a resident’s gross income; and

WHEREAS, as required by Indiana Code, Bloomington Municipal Code and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington’s Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding, including regarding the Affordable Units; and

WHEREAS, the Project is not located in a TIF allocation area; and

WHEREAS, the Economic Development Commission has reviewed the Petitioner's application and Statement of Benefits and passed its Resolution 17-03 recommending that the Common Council designate the area as an ERA, approve the Statement of Benefits, and authorize a ten-year period of abatement for the real estate improvements; and

WHEREAS, Indiana Code § 6-1.1-12.1-17 authorizes the Common Council to set an abatement schedule for property tax abatements; and

WHEREAS, the EDC has recommended that the real property abatement be set at 100% for all ten years of the abatement; and

WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:

- A. the estimate of the value of the Project is reasonable;
- B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above is characterized by environmental conditions which have impaired values and prevent normal development of the property; and

WHEREAS, the Common Council adopted Resolution 17-30 on September 12, 2017, which designated the above property as an "Economic Revitalization Area," approved the Statement of Benefits, and authorized a ten (10) year period of tax abatement for real estate improvements; and

WHEREAS, the City Clerk published notice of the passage of that resolution, which requested that persons having objections or remonstrance to the designation, statement of benefits submission, and findings of fact appear before the Common Council at its meeting on September 27, 2017; and

WHEREAS, the Common Council has reviewed and heard all such objections and remonstrance to such designation;

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

SECTION 1. Pursuant to Indiana Code § 6-1.1-12.1-1 *et seq.*, the Common Council hereby affirms its determination made in Resolution 17-30 that the area described above is an "Economic Revitalization Area" and that the totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the real estate improvements for a period of ten (10) years.

SECTION 2. Pursuant to Indiana Code § 6-1.1-12.1-17, the Common Council hereby sets the following abatement schedule for the Project for real estate improvements:

Year 1	100%
Year 2	100%
Year 3	100%

Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%


SECTION 3. In granting this designation and deductions the Common Council incorporates Indiana Code § 6-1.1-12.1-12 and also expressly exercises the power set forth in Indiana Code § 6-1.1-12.1-2(i)(6) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$17.6 million for real estate improvements; and
- b. the land and improvements shall be developed and used in a manner that complies with local code; and
- c. the Project shall be completed before or within twelve months of the completion date as listed on the application; and
- d. the Affordable Units shall be maintained for at least ninety-nine (99) years; and
- e. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.


SECTION 4. The provisions of Indiana Code § 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code § 6-1.1-12.1-12(e) to the county treasurer.

SECTION 5. This designation shall expire no later than December 31, 2030, unless extended by action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 27th day of September, 2017.


 SUSAN SANDBERG, President
 Bloomington Common Council

ATTEST:


 NICOLE BOLDEN, Clerk
 City of Bloomington

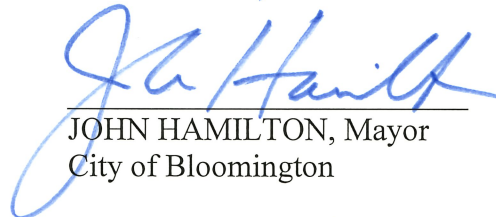
PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,
upon this 28th day of September, 2017.



NICOLE BOLDEN, Clerk

City of Bloomington

SIGNED and APPROVED by me upon this 28th day of September,
2017.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Resolution confirms Resolution 17-30, and designates one parcel owned by Union Development at Bloomington GP, LLC as an Economic Revitalization Area (“ERA”). This designation was recommended by the Economic Development Commission and will enable the proposed housing development, which includes affordable housing, to be eligible for tax abatement. The resolution also subjects a ten-year period of abatement for real property improvements and sets its deduction schedule.



Application for Designation as an Economic Revitalization Area (ERA): Real Property Tax Abatement

City of Bloomington, Indiana
Department of Economic and Sustainable Development
401 N. Morton St., PO Box 100, Bloomington, Indiana 47402-0100
812.349.3418

INSTRUCTIONS

1. State law and City of Bloomington policy require that the designation application and statement of benefits form (SB-1) be submitted **prior to the initiation of the project** (i.e., prior to filing for building permits required to initiate construction). If the project requires a rezoning, variance, or approval petition of any kind the petitioner must file prior to submission of the tax abatement application, and must be approved prior to a final hearing on the tax abatement request.
2. All questions must be answered as completely as possible and must be verified with a signature on the completed Statement of Benefits Form (SB-1) and last page of this application. Incomplete or unsigned applications will not be accepted as official filings. If attaching additional pages, please label responses with corresponding Section numbers.
3. Return completed Application and **\$100.00 non-refundable Application Fee** (payable to the **City of Bloomington**) to City of Bloomington Department of Economic & Sustainable Development, PO Box 100, 401 N Morton Street, Suite 130, Bloomington, IN 47402-0100 (economicvitality@bloomington.in.gov).

Section 1 – Applicant Information

Name of Company for which ERA Designation is being requested **Union Development at Bloomington GP, LLC - Project to be known as "Union at Bloomington"**

Primary Contact Information (for questions concerning this application and the Project)

Name **Julie Elliott**

Job Title **General Counsel**

Phone **(317) 584-8442 ext.**

Email **julie@annexstudentliving.com**

Address **409 Massachusetts Ave**

(street and/or PO, city, ZIP) **Suite 300**

Indianapolis, IN 46204

Compliance Contact Information (person responsible for completion and timely submittal of mandatory annual compliance forms if designation is granted)

Name **Kyle Bach**

Job Title **President and CEO**

Phone **(317) 708-0607 ext.**

Email **kyle@annexstudentliving.com**

Address **409 Massachusetts Ave.**

(street and/or PO, city, ZIP) **Suite 300**

Indianapolis, IN 46204

Section 2 – Real Property Location and Description

Monroe County Tax Parcel ID Number(s) **53-05-32-200-006.001-005** Township **Bloomington**

Street Address **Located on N. Crescent Rd. Bloomington, IN** ZIP **47404-**

Current Zoning **RS - Residential Single Family**

Current Use(s) of Property **Vacant Lot**

Estimated Market Value of Property **\$360,000**

Property or Building(s) Listed as Historic on the City of Bloomington [Historical Survey](#)?

☐ Yes ☒ No If yes, check one:

☐ Outstanding

☐ Notable

☐ Contributing

Age of Building(s), if applicable

N/A

Describe any other national or local historical significance or designation, if applicable **N/A**

Please list all owners of the property. **Kathleen A. Abel, Robert Marc Hancock, Ginger Edwards current owners. Applicant has property currently under contract (purchase agreement attached)**

Attach additional sheets as necessary to include all relevant property records. The City of Bloomington may require a copy of the property deed.

Section 3 – Criteria for Economic Revitalization Area (“ERA”) or Economic Development Target Area (“EDTA”) Designation

Describe how the project property and surrounding area have become undesirable for normal development and occupancy.

The property consists of approximately 8 acres of heavily wooded property. The location of the property and the heavily wooded nature of the property make this this property undesirable for single family or 100% market rate development, but a strong site for an affordable multifamily project.

Section 4 – Company Profile

Does your company currently operate at this location? ☐ Yes ☒ No

If yes, how long has your company been at this location?

Will this property be your company’s headquarters location? ☐ Yes ☒ No

If no, where is/will be your company’s HQ?

Company is a: ☒ LLC ☐ LLP ☐ LP ☐ Corporation ☐ S. Corporation ☐ Nonprofit Corporation
☐ Mutual Benefit Corporation ☐ Other-Please describe:

Provide a brief description of your company history, products and services.

Mecca Companies, Inc. will be the developer for Union Development at Bloomington GP, LLC. Mecca Companies Inc., and its affiliated companies, are a multi-family housing developer, general contractor, and owner operator. Combining the career experience of its leadership team, Mecca professionals have overseen nearly \$975 million in single family, multi family, mixed use, and other commercial projects including redevelopment, affordable housing, and multi use projects.

Please list all persons and/or entities with ownership interests in the company. **Union Development Holdings, LLC (Kyle Bach) @ 50%; T&H Investment Properties, LLC (Jana Hageman) @ 50%**

Current/Retained Jobs and Wages (include only current permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	1	Median part-time hourly wage	\$20.00
Number of full-time employees	6	Average part-time hourly wage	\$20.00
TOTAL current employees (permanent jobs)	7	Median full-time hourly wage	\$43.27
		Average full-time hourly wage	\$45.17

What is the lowest hourly wage in the company? (inc. PT, FT, other) **\$20.00**

What is the median hourly wage in the company (inc. PT, FT, other) **\$41.57** TOTAL Annual Payroll (current/retained) **\$589,640.00**

New Jobs and Wages As Result of the Proposed Project (include only new permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	3	Lowest starting part-time wage	\$13.00
Number of full-time employees	2	Lowest starting full-time wage	\$30,000
TOTAL NEW employees (new permanent jobs)	5	TOTAL NEW Annual Payroll (new jobs only)	\$138,000.00

Describe your company’s benefit programs and include the approximate value of benefits for existing and new employees on a per hour basis (e.g., benefits are valued at an additional \$3.00 per hour, etc.) **See attached benefit program information**

Market for Goods and Services; Local Sourcing

To the extent possible, please estimate the relative percentages of your company’s reach (via your products or services) into following markets:

25%	Inside Monroe County, Indiana
50%	Outside Monroe County, but inside Indiana
25%	Outside of Indiana
0%	Outside of the United States
100%	

If applicable, list the name and location (City, State) of your five largest vendors or suppliers.

- 1.
- 2.
- 3.
- 4.

Section 5 – Proposed Improvements (the “Project”)

Describe all real estate improvements for which tax abatement on the property is being sought.

Mecca Companies, Inc./Union Development at Bloomington GP, LLC intends to construct a 146 unit multit family affordable housing development. The total cost of the project will be \$17,605,233. Land cost will be \$360,000. Tax abatement will be applied to the construction hard costs.

Estimated Total Project Cost (Capital Improvements only)	\$13,010,400	Has Bloomington Planning approval been obtained for the Project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Estimated Construction Start Date (month-year)	April 2018		If yes, Case Number: In Process
Estimated Completion Date (month-year)	April 2019		

Will the Project require any City expenditures (for public infrastructure, etc.)? ☒ Yes ☐ No
If yes, please describe **Applicant is requesting \$300,000 in HOME funds and \$500,000 from the City's Affordable Housing Fund.**

Proposed Use(s) of the property after Project completion. Describe uses for entire Project space, including any uses not of the applicant company (e.g., if portions of space are intended to be leased to other entities, provide details).

The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate.

Describe the impact on your business if the proposed Project is **not** undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

The Indiana QAP drafted by the Indiana Housing and Community Development Agency encourages affordable projects located in HUD designated Qualified Census Tract (QCT), and the project site is located in a QCT making it an ideal site for an affordable development. If the project is not undertaken, the applicant will not be able to find a comparable site in a QCT in Bloomington, and the project will not move forward.

Attach renderings, site plans, drawings, etc., of the Project.

Section 6 – City of Bloomington Evaluative Criteria

Describe how the Project will make a significant positive contribution to the community's overall economic vitality in at least one of the following areas which apply. Feel free to add details to any and all other categories which apply. See "General Standards" for explanations and examples.

☒ Quality of Life, Environmental Stewardship, and/or Sustainability

The project will incorporation Green friendly building materials – This includes both materials with recycled content as well as building materials that have been harvested and manufactured within a 500 mile radius. Examples of these materials include flooring, drywall, cement, asphalt, stone, permeable pavers, and all landscaping. Other Green initiatives include:

- Recycling 50% of non-hazardous construction and demolition debris.
- Permeable paving materials.
- Close proximity (within 1/4 mile) to Bloomington Transit stop.
- Energy efficient “Energy Star” appliances.
- Energy efficient windows with low-E glazing.
- Use of larger window openings for natural day lighting of interior spaces to cut down on the use of artificial lighting.
- Energy efficient lighting fixtures.

	<ul style="list-style-type: none"> - Building shell and demising wall insulation. - Water sense labeled/low flow water fixtures - Solar power for exterior common area lighting - Low VOC paints <p>The project was specifically designed to preserve 3.94 acres of trees, more than is required. The project will utilize previous pavement in an attempt to minimize additional paved areas, and include additional bike parking. Tree clearing will only occur between October 15 and March 31 to minimize adverse effects to the Indiana Bats.</p>
<input checked="" type="checkbox"/> Affordable Housing	<p>The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. The project will add 102 affordable units to the City of Bloomington</p>
<input checked="" type="checkbox"/> Community Service	<p>The project will add high quality and safe affordable housing to the City of Bloomington using the LIHTC program. Please see the attached "Design Requirement" document showing all of the design requirements of an affordable housing project such as this, required by the Indiana Housing Community and Development Authority, to create safe, efficient, and quality affordable housing projects.</p>
<input checked="" type="checkbox"/> Community Character	<p>This project takes an otherwise undesirable site and preserves 4 acres of wildlife habitat while adding 102 units of much needed affordable housing, and 44 units of market rate housing.</p>
<p>If applicable, describe any further (not yet described above) beneficial <i>and detrimental</i> impact to the community's economic, social or environmental wellbeing, resulting from the Project. No detrimental impact to the community</p>	
<p>Attach any additional information or documentation you feel to be pertinent to the City's decision to authorize this tax abatement.</p>	

Section 7 – Certification:

The undersigned hereby certify the following:

[Initials]

KDB

- The statements in the foregoing application for tax abatement are true and complete.

KDB

- The person(s) executing this application for tax abatement have been duly authorized by the business entity for which this application is being filed to execute and file this application, and all required approvals by the appropriate board or governing body of the business entity have been received.

141B

- The individual(s) or business entity that is applying for Economic Revitalization Area (ERA) or Economic Development Target Area (EDTA) designation or approval of a Statement of Benefits is not in arrears on any payments, fees, charges, fines or penalties owed to the City of Bloomington, Indiana, including but not limited to, City of Bloomington Utilities, Bloomington Transit, and any other City departments, boards, commissions or agencies.

KDB

- I/we understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an ERA, EDTA or of approval of a Statement of Benefits for the above area, whichever occurs later, the Bloomington Common Council shall have the right to void such designation.

KDB

- I/we understand that all companies requesting ERA and/or EDTA designation will be required to execute a Memorandum of Agreement (MOA) with the City. The MOA shall contain the capital investment levels, job creation and/or retention levels and hourly wage rates and other benefits that the applicant has committed to the City in order to receive consideration for the designation. The MOA shall also contain information relative to what the City and applicant have agreed upon as "substantial compliance" levels for capital investment, job creation and/or retention and wage rates and/or salaries associated with the project.

Additionally, the MOA shall indicate that the City, by and through the Economic Development Commission and the City of Bloomington Common Council, reserves the right to terminate a designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City terminates the designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be contained in the Memorandum of Agreement.

KDB

- I/we understand that if this request for property tax abatement is granted that I/we will be required to submit mandatory annual compliance forms as prescribed by State law and local policy. I/we also acknowledge that failure to do so or failure to achieve investment, job creation, retention and salary levels contained in the final resolution and MOA may result in a loss of tax abatement deductions and the repayment of tax abatement savings received.

KDB

- I/we understand that beneficiaries of a city tax abatement are subject to the City of Bloomington's Living Wage Ordinance ([BMC 2.28](#)), and therefore I/we must certify the entity's Living Wage compliance annually during the tax abatement term, if this abatement request is approved.

OWNER(S) OR AUTHORIZED REPRESENTATIVE(S)

SIGNATURE (Print Name Below)

TITLE

DATE

x Kyle D. Bach
Printed Name

Managing Member

8/24/2017

x Kyle Bach
Printed Name

Managing Member



STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20____ PAY 20____

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

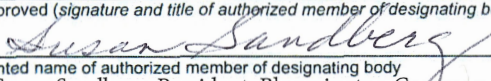
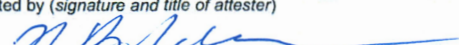
SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Union Development of Bloomington GP, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 409 Massachusetts Ave, Suite 300, Indianapolis, IN 46204					
Name of contact person Kyle Bach		Telephone number (317) 708-0607		E-mail address kyle@annexstudentliving.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body		Resolution number			
Location of property Located on N. Crescent Rd. Bloomington, IN 47404		County Monroe		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. Parcel Number - 53-05-32-200-006.001-005				Estimated start date (month, day, year) April 2018 Estimated completion date (month, day, year) April 2019	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number 0.00	Salaries \$0.00	Number retained 0.00	Salaries \$0.00	Number additional 5.00	Salaries \$13.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		360,000.00		20,000.00	
Plus estimated values of proposed project		17,245,233		9,907,900.00	
Less values of any property being replaced		0.00			
Net estimated values upon completion of project		17,245,233		9,927,900.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits The project was specifically designed to preserve 3.94 acres of trees, more than is required. The project will utilize previous pavement in an attempt to minimize additional paved areas, and include additional bike parking. Tree clearing will only occur between October 15 and March 31 to minimize adverse effects to the Indiana Bats. The property will be a 146 unit multi-family housing development. 70% of the units will be allocated to households with incomes below 60% of Area Median Income, and 30% of the units will be Market Rate. The project will add 102 affordable units to the City of Bloomington. 70% of the units will be affordable in years 1-30 years, and 50% of the units will be affordable in years 31-99.					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Kyle D. Bach</i>		Managing Member		Date signed (month, day, year) 8/24/2017	
Printed name of authorized representative Kyle Bach		Title Managing Member			

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed 10 calendar years* (see below). The date this designation expires is December 31, 2030.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No
- C. The amount of the deduction applicable is limited to \$ \$1,047,600.
- D. Other limitations or conditions (specify) Reasonable conditions as provided in Resolution 17-30
- E. Number of years allowed: ☒ Year 1 ☒ Year 2 ☒ Year 3 ☒ Year 4 ☒ Year 5 (* see below)
☒ Year 6 ☒ Year 7 ☒ Year 8 ☒ Year 9 ☒ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) 	Telephone number (812) 349-3409	Date signed (month, day, year) 9/06/2017
Printed name of authorized member of designating body Susan Sandberg, President, Bloomington Common Council	Name of designating body Bloomington Common Council	
Attested by (signature and title of attester) 	Printed name of attester Nicole Bolden, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this "Agreement"), is made and entered this 3rd day of October, 2017, by and between the **CITY OF BLOOMINGTON, INDIANA** (the "City"), and **MECCA COMPANIES, INC., an Indiana corporation, or its assigns** ("Mecca"), and serves as a confirmation of Mecca's commitment to comply with the project description, job creation and/or retention (and associated wages rates and salaries) figures, and other commitments contained in its Application for Designation as an Economic Revitalization Area ("Application"), Statement of Benefits, Bloomington Common Council Resolution 17-30, Bloomington Common Council Resolution 17-31, and the attachments considered by the Bloomington Common Council on September 6, and September 27, 2017, and in this Agreement. The Application submitted by Mecca, which includes the Statement of Benefits for real property ("Statement of Benefits") is attached to this document as Exhibit A and is incorporated by reference in its entirety.

RECITALS

- A. **WHEREAS**, Mecca intends to invest at least \$17,600,000 in real property improvements to construct three detached buildings collectively containing 146 units (the "Facility") on one parcel on North Crescent Road with Parcel ID number 53-05-32-200-006.001-005, to be known as "Union at Crescent" (the "Project");
- B. **WHEREAS**, the City wishes to have Mecca undertake the Project because it will enhance the tax base of the City and public infrastructure of the City, provide additional affordable housing stock, and facilitate the economic development of the surrounding area;
- C. **WHEREAS**, Mecca, the developer of the Project, has applied for tax abatement for real property for the Project;
- D. **WHEREAS**, the City of Bloomington Economic Development Commission (the "EDC") has reviewed the Application filed by Mecca and has recommended granting a ten-year, real property tax abatement which provides a 100% tax abatement for each of the first ten years of the Project, with an approximate total value of \$1,047,600.00;
- E. **WHEREAS**, the Common Council has adopted Resolution 17-30 and Resolution 17-31, providing a ten-year real property tax abatement which will phase in new real property assessed value and tax liability for Mecca's capital expenditure of not less than \$17,600,000 associated with the Project approved as a part of the Commitments (collectively, the obligations of Mecca set forth in Recitals F, G, H, I, J, and K, and L the "Commitments");
- F. **WHEREAS**, Mecca has committed that the capital expenditure for the Project shall occur before or within one (1) year of the estimated Project completion date of April 30, 2019 (the "Commitment Date"), as contained in the approved Application and Statement of Benefits;

- G. **WHEREAS**, for years 1 through 30 of the Project, Mecca has committed that at least 70% of the units will be allocated to households with incomes at or below 60% of the Area Median Income ("Affordable Units"), and to record this commitment with the deeds of the Property;
- H. **WHEREAS**, for years 31 through 99 of the Project, Mecca has committed that at least 50% of the units will be Affordable Units, and to record this commitment with the deeds of the Property;
- I. **WHEREAS**, the recorded commitments in Recitals G and H shall be in form and substance reasonably acceptable to the City,
- J. **WHEREAS**, Mecca has committed that rent for the Affordable Units will be in accordance with HUD's housing cost burden guidelines;
- K. **WHEREAS**, pursuant to Bloomington Municipal Code 2.28, Mecca commits to paying non-contract employees employed at the Facility by Mecca as a result of the project at least the City of Bloomington Living Wage throughout the term of the approved abatement;
- L. **WHEREAS**, as part of this Agreement, Mecca shall comply with City of Bloomington Ordinance 2.21.020 and all other federal, state and local laws and regulations regarding non-discrimination in all regards, including but not limited to employment practices; and
- M. **WHEREAS**, the City wishes to enter into a Memorandum of Agreement with Mecca so that both parties will have a clear understanding of what will constitute substantial compliance with stated goals and benefits as outlined in the Application, and what will be the consequences and remedies for either party's failure to substantially comply with their commitments;

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

ARTICLE 1

RECITALS PART OF AGREEMENT

1.1. **Incorporation of Recitals.** The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Article 1.

ARTICLE 2
EFFECTIVE DATE AND TERM OF AGREEMENT

- 2.1. **Effective Date.** The rights and obligations of Mecca and the City hereunder shall be effective upon the date this Agreement has been executed by all parties.
- 2.2. **Term of Agreement.** The term of this Agreement shall commence on the date it has been executed by all parties and shall continue through one year past the final year of the commitments contained in the Recitals or December 31, 2118, whichever is later.
- 2.3. **Term of Abatement.** Resolution 17-31 authorized a deduction from the assessed value of the Project's real estate improvements for a period of 10 years. This 10 year period shall begin on completion of the Project and shall expire no later than December 31, 2030, unless extended by the Common Council.

ARTICLE 3
ANNUAL COMPLIANCE REPORTING

3.1. **Annual Compliance Reporting Requirements.**

- (a) **Statutory Compliance with Reporting Requirements.** During the Term of Agreement, Mecca will comply with all statutory requirements relating to its property tax abatement. This includes the reporting requirements contained in Indiana Code § 6-1.1-12.1-5.1(b) during the Term of Abatement.
- (b) **Additional Reporting Requirements.** In addition to the statutory reporting requirements imposed on Mecca by law, during the Term of Agreement, the City may annually request information from Mecca concerning: (1) the nature of the Project; (2) the approved capital expenditure for the Project; (3) the number and type of full-time permanent positions and part-time positions retained and created by the Project at the Facility, as well as the number and type of full-time and part-time positions retained and created by tenant businesses in the Facility; (4) the wage rates and salaries (excluding benefits and overtime) associated with the positions; (5) the compensatory value of eligible benefits associated with the positions; (6) the number of Affordable Units available; (7) the number of Affordable Units occupied; (8) the rent of the Affordable Units; and (9) the wage rates and salaries of the persons living in the Affordable Units (the "Annual Compliance Survey"). Mecca shall provide the City with the Annual Compliance Survey within 30 days of such request. Additionally, the City may annually request documentation that the Project is in compliance with all other incentives it has received, including, but not limited to Low Income Tax Credits. The City shall utilize this information and the information required to be filed by Mecca in the State of Indiana CF-1 Compliance with the Statement of Benefits Form as well as the City of Bloomington Living Wage Certification Form to verify that Mecca has complied with the

Commitments at all times after the Commitment Date and during the duration of the agreement. Mecca further agrees to provide the City with additional information the City may request to clarify the information provided in the Annual Compliance Survey, the CF-1 Form and the Living Wage Certification Form within a reasonable time following any such additional request.

ARTICLE 4
TERMINATION; SUBSTANTIAL COMPLIANCE; CONSEQUENCES
AND REMEDIES

4.1. **Right to Terminate.** The City, by and through the Common Council, reserves the right to terminate the Economic Revitalization Area ("ERA") designation and associated property tax abatement deductions for any reason permitted by law. The City specifically reserves the right to terminate the ERA designation and associated property tax abatement deductions if: (1) Mecca fails or refuses to provide information requested in the Annual Compliance Survey, (2) the Common Council finds, under Indiana Code § 6-1.1-12.1-5.9, that Mecca has not substantially complied with all of the Commitments, and that Mecca's failure to substantially comply with the Commitments was not due to factors beyond its control, or (3) the City's Department of Economic and Sustainable Development (or the department which provides economic development functions to the City) makes a recommendation to the Common Council based on its knowledge of Mecca's compliance with Mecca's commitments, and the Common Council finds that Mecca has failed to substantially comply with the Commitments.

4.2 **Substantial Compliance.**

As used in this Agreement, "substantial compliance" shall mean Mecca's compliance with all of the following:

- (a) By or within one year of the Commitment Date, making capital expenditures of not less than Ninety Percent (90%) of the capital expenditures that Mecca has set forth in its Statement of Benefits and Application, which equates to at least \$15,840,000 in capital expenditures for improvements to real estate; and
- (b) By December 31, 2019, the creation of at least Eighty Percent (80%) of the number of employees and the level of wages (excluding benefits and overtime) that Mecca has set forth in its Statement of Benefits, which equates to: (1) four full-time employees and (2) an annual aggregate payroll attributable to new employment of at least Eighty Three Thousand Two Hundred and 00/100 Dollars (\$83,200.00)¹; and

¹ Based on the salary identified on the SB-1, it is possible that the annual aggregate payroll could exceed \$83,200 and still violate Article 4.2(c). For the avoidance of doubt, compliance with Article 4.2(b) does not obviate compliance with Article 4.2(c).

(c) For the duration of the Term of Abatement, the payment of an hourly wage rate of at least the City of Bloomington Living Wage, as published annually by the City of Bloomington to all full-time and part-time individuals employed at the Facilities by Mecca, pursuant to Bloomington Municipal Code 2.28; and

(d) For the duration of the Term of Agreement, compliance with the Recitals G, H, I, and J, with respect to the Affordable Units.

4.3. **Factors Beyond the Control of Mecca.** As used in this Agreement, factors beyond the control of Mecca shall only include factors not reasonably foreseeable at the time of the Application and submission of Statement of Benefits which are not caused by any act of Mecca and which materially and adversely affect the ability of Mecca to substantially comply with this Agreement. Where there has been a factor beyond the control of Mecca that substantially prohibits its compliance with this Agreement, then that compliance shall not be required.

4.4. **Remedies and Consequences for Failure to Meet Substantial Compliance.** If the City, through the Common Council, terminates the ERA designation and associated tax abatement deductions in accordance with this Article 4, the City will follow all processes required by law. Additionally, the City will follow any applicable process as described in Section 4.4(a) of this Agreement. As a result of a termination, Mecca may be required to repay the City all or a portion of the tax abatement savings received through the date of such termination, as provided by this Agreement or otherwise authorized by Indiana law.

(a) Notice to Mecca of City's Intent to Terminate or Require Repayment.

1. **If Mecca fails or refuses to provide information requested in the Annual Compliance Survey.** In the event that Mecca fails or refuses to provide information requested by the City in the Annual Compliance Survey or other required compliance reporting, the City—through its Department of Economic and Sustainable Development (or the department which provides economic development functions to the City)—will provide Mecca with written notice of its failure or refusal to provide information. This notice will provide Mecca with an opportunity to meet with the City's designated representatives to provide the information requested by the Annual Compliance Survey. If Mecca does not meet with the City's designated representatives or otherwise provide the information requested by the Annual Compliance Survey within thirty (30) days of the service of the written notice, the City's Department of Economic & Sustainable Development may refer Mecca's noncompliance to the Common Council. The Common Council may conduct a hearing for the purpose of considering Mecca's compliance with the Annual Compliance Survey request. Based on the information presented at the hearing by Mecca and other interested parties, the Common Council shall determine whether Mecca has failed or refused to provide the requested information. If the Common Council determines that Mecca has failed or refused to provide the requested information during the Term of Abatement, the Common Council shall adopt a

resolution terminating the ERA and associated property tax abatements. If the Common Council adopts such a resolution:

- a. The Common Council shall immediately mail a certified copy of the resolution to: (1) Mecca; (2) the county auditor; and (3) the county assessor. The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the Common Council's resolution is adopted after the county treasurer has mailed the statement required by Indiana Code § 6-1.1-22-8.1, the county treasurer shall immediately mail Mecca a revised statement that reflects the termination of the deduction.
- b. Mecca may appeal the resolution by filing a complaint in the office of the clerk of the Monroe Circuit Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against Mecca. The complaint shall be filed within thirty (30) days of the date of the resolution. An appeal under this subsection shall be heard without a jury. The court shall hear evidence on the appeal and may confirm the action of the Common Council or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.
- c. Mecca will repay the property tax savings as calculated under Section 4.4(c) of this Agreement. If Mecca files an appeal under Section 4.4(a)(1), the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

If the Common Council determines that Mecca has failed or refused to provide the requested information after the Term of Abatement but during the Term of Agreement, the Common Council shall adopt a resolution making that finding. If the Common Council adopts such a resolution:

- a. The Common Council shall immediately mail a certified copy of the resolution to Mecca.
- b. Mecca may appeal the resolution by filing a complaint in the office of the clerk of the Monroe Circuit Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against Mecca. The complaint shall be filed within thirty (30) days of the date of the resolution. An appeal under this subsection shall be heard without a jury. The court shall hear evidence on the appeal and may confirm the action of the Common Council or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

- c. Mecca will repay the property tax savings as calculated under Section 4.4(c) of this Agreement. If Mecca files an appeal under Section 4.4(a)(1), the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.
2. **If Mecca's CF-1 Form indicates that Mecca has not substantially complied with the Commitments due to factors that were not beyond its control.** In the event that the City's review of Mecca's CF-1 Form indicates that Mecca has not substantially complied with its Commitments, the City will comply with the procedure outlined in Indiana Code § 6-1.1-12.1-5.9. In addition to the requirements imposed by law on the Common Council's written notice to Mecca, the written notice will include a written statement calculating the amount due from Mecca to the City under Section 4.4(c) of this Agreement.
3. **If the Department of Economic & Sustainable Development believes that Mecca is not substantially compliant with its Commitments.** In the course of its interactions with Mecca during the Term of Agreement, the Department of Economic & Sustainable Development may come to believe that Mecca is not substantially compliant with its Commitments. In that event, the Department of Economic & Sustainable Development may work with Mecca to determine whether Mecca is substantially compliant with its Commitments and work with Mecca to become substantially compliant with its Commitments in the event that Mecca is not substantially compliant. Should Mecca not be substantially compliant with its Commitments, the Department of Economic & Sustainable Development may refer Mecca's noncompliance to the Common Council. At least thirty (30) days before referring Mecca's noncompliance to the Common Council under Section 4.4(a)(3), the Department of Economic & Sustainable Development shall provide written notice to Mecca that describes the basis for the Department of Economic & Sustainable Development's belief that Mecca is not compliant with its Commitments and informs Mecca that the Department of Economic & Sustainable Development intends to refer the matter to the Common Council. Upon receipt of a referral from the Department of Economic & Sustainable Development, the Common Council may conduct a hearing for the purpose of considering Mecca's compliance with its Commitments. Based on the information presented at the hearing by Mecca and other interested parties, the Common Council shall determine whether Mecca is substantially compliant with its Commitments. If the Common Council determines that Mecca is not substantially compliant with its Commitments during the Term of Abatement, the Common Council shall adopt a resolution terminating the ERA and associated property tax abatements. If the Common Council adopts such a resolution:
 - a. The Common Council shall immediately mail a certified copy of the resolution to: (1) Mecca; (2) the county auditor; and (3) the county assessor. The county auditor shall remove the deduction from the tax duplicate and

shall notify the county treasurer of the termination of the deduction. If the Common Council's resolution is adopted after the county treasurer has mailed the statement required by Indiana Code § 6-1.1-22-8.1, the county treasurer shall immediately mail Mecca a revised statement that reflects the termination of the deduction.

- b. Mecca may appeal the resolution by filing a complaint in the office of the clerk of the Monroe Circuit Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against Mecca. The complaint shall be filed within thirty (30) days of the date of the resolution. An appeal under this subsection shall be heard without a jury. The court shall hear evidence on the appeal and may confirm the action of the Common Council or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.
- c. Mecca will repay the property tax savings as calculated under Section 4.4(c) of this Agreement. If Mecca files an appeal under Section 4.4(a)(3), the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

If the Common Council determines that Mecca is not substantially compliant with its Commitments after the Term of Abatement but during the Term of Agreement, the Common Council shall adopt a resolution making that finding. If the Common Council adopts such a resolution:

- a. The Common Council shall immediately mail a certified copy of the resolution to Mecca.
- b. Mecca may appeal the resolution by filing a complaint in the office of the clerk of the Monroe Circuit Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against Mecca. The complaint shall be filed within thirty (30) days of the date of the resolution. An appeal under this subsection shall be heard without a jury. The court shall hear evidence on the appeal and may confirm the action of the Common Council or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.
- c. Mecca will repay the property tax savings as calculated under Section 4.4(c) of this Agreement. If Mecca files an appeal under Section 4.4(a)(3), the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

Nothing in Section 4.4(a)(3) of this Agreement shall deprive the City of any rights it has under any applicable law or any other Section of this Agreement.

- (b) **Timely Repayment.** After a termination of the abatement, in the event the City requires repayment of the tax abatement savings as provided hereunder, Mecca shall be provided with a written statement calculating the amount due (the "Statement"), and Mecca shall make such repayment to the City within 30 days of the date of the Statement. If Mecca does not make timely payment, the City shall be entitled to all reasonable costs including, but not limited to, collection costs and attorney's fees incurred in the enforcement and collection of the tax abatement savings required to be repaid hereunder.
- (c) **Calculation of Repayment.** In the event the City determines that all or a portion of the tax abatement savings should be repaid, the amount of such repayment shall be calculated as follows:
1. **Full repayment.** If at any time during the term of this Agreement, the City finds Mecca has not substantially complied with subsections 4.2(c) or 4.2(d) above, or with the requirements of Annual Compliance Survey reporting in Section 3.1 above, then the City, through the Common Council, may terminate the ERA and designation and associated tax abatement deductions, and upon such a termination, require Mecca to repay all of the tax abatement savings received through the date of such termination; and
 2. **Partial Repayment.** In the event the City finds Mecca has not substantially complied with subsections 4.2(a) or 4.2(b), above, the City, through the Common Council, may terminate the ERA designation and require Mecca to repay only a percentage of the annual tax abatement savings received through the date of termination. For purposes of this subsection, the percentage of the noncompliance shall be calculated annually as follows: the amount of actual investment, actual job creation, or actual level of wages shall be divided by the corresponding established amount for substantial compliance to determine the compliance rate. The compliance rate then shall be subtracted from 100% to determine the percentage of noncompliance (the "Noncompliance Rate"). The percentage of noncompliance shall equal the percentage of repayment of tax abatement savings.

Example: Out of \$17,600,000 proposed investment in real property improvements, \$15,840,000 represents substantial compliance. If \$9,000,000 is actually invested, then the percentage of repayment is the following: $\$9,000,000 \text{ actual investment} \div \$15,840,000 \text{ representing substantial compliance} = 56.82\% \text{ compliance rate}$; $100\% - 56.82\% = 43.18\% \text{ Noncompliance Rate}$; therefore, 43.18% of the tax abatement savings would be repaid.

In the event that Mecca is found to have not substantially complied with more than more than one of the provisions within subsections 4.2(a) and 4.2(b) above, the

highest percentage of noncompliance shall apply when calculating the partial repayment under this Section 4.4(c)(2).

ARTICLE 5

GENERAL PROVISIONS

5.1. **Time of Essence.** Time is of the essence of this Agreement. The parties will make every reasonable effort to expedite the subject matters hereof and acknowledge that the successful performance of this Agreement requires their continued cooperation.

5.2. **Amendment.** This Agreement may be amended only by the mutual agreement of the parties evidenced by a written amendment.

5.3. **Entire Agreement.** This Agreement sets forth all agreements, understandings and covenants between and among the parties relative to the matters herein contained. This Agreement supersedes all prior written agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the parties.

5.4. **Severability.** If any provision, covenant, agreement or portion of this Agreement, or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Agreement and, to that end, all provisions, covenants, agreements or portions of this Agreement are declared to be severable.

5.5. **Waiver.** Neither the failure nor any delay on the part of the City to exercise any right, remedy, power, or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power, or privilege preclude any other or further exercise of the same or of any other right, remedy, power, or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

5.6. **Indiana Law; Venue.** This Agreement shall be construed in accordance with the laws of the State of Indiana. Venue of any dispute shall be in Monroe County, Indiana.

5.7. **Notice.** Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested therefore; or (ii) sent by a nationally recognized overnight courier service; or (iii) delivered by United States registered or certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the parties at their respective addresses set forth below, and shall be effective (a) upon receipt or refusal if delivered personally; (b) one (1) business day after depositing with such an overnight courier service; or (c) two (2) business days after deposit in the United States mail, if mailed. A party may change its address for receipt of notices by

service of a notice of such change in accordance with this Section 5.7. A party's change of address for receipt of notices does not require compliance with Section 5.2.

If to the City:

Director, Department of Economic & Sustainable Development
P.O. Box 100
City Hall, 401 North Morton Street
Bloomington, Indiana 47402

with a copy to:

Corporation Counsel
P.O. Box 100
City Hall, 401 North Morton Street
Bloomington, Indiana 47402

If to the Developer:

Kyle D. Bach, CEO
Mecca Companies, Inc.
409 Massachusetts Avenue, Suite 300
Indianapolis, Indiana 46204

with a copy to:

Julie M. Elliott, General Counsel
Mecca Companies, Inc.
409 Massachusetts Ave., Suite 300
Indianapolis, IN 46204

5.8. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.

5.9. **Consent or Approval.** Except as otherwise provided in this Agreement, whenever consent or approval of either party is required, such consent or approval shall not be unreasonably withheld.

5.10. **Interpretation.** This Agreement has been jointly negotiated by the parties and shall not be construed against a party because that party may have primarily assumed responsibility for the drafting of this Agreement.

5.11. **Exhibits.** All exhibits attached hereto are declared to be a part of this Agreement and are incorporated herein by this reference.

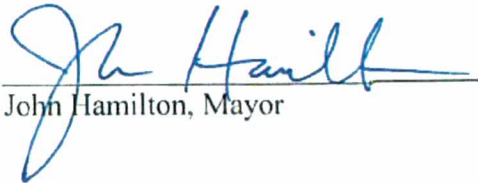
5.12. **Binding on Heirs, Assigns, and Merged Entities.** The benefits and obligations of the Agreement will be binding upon and inure to the benefit of any successors in interest of, or assignees of, the parties. The City hereby acknowledges that Mecca is the developer entity for the Project and will not be the ultimate owner of the Project. In compliance with the terms of the State of Indiana 2018-2019 Qualified Allocation Plan, a Limited Partnership ("LP Owner") will be formed and will acquire title to the Project and will enter into all financing obligations for the Project. Mecca shall have the right to assign this Agreement, including all obligations hereunder, to the Owner LP. Upon such assignment, Mecca and Owner LP shall executed and deliver to the City an Assignment and Assumption Agreement. Thereafter, Owner LP shall assume all obligations of Mecca under this Agreement, and Mecca shall have no further rights, obligations or liabilities to the City under this Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

CITY OF BLOOMINGTON, INDIANA

MECCA COMPANIES, INC., an Indiana corporation

By:


John Hamilton, Mayor

By:

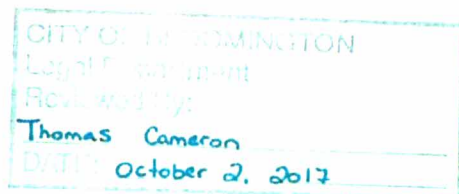

Kyle D. Bach, CEO

Date:

Oct 2, 2017

Date:

October 3, 2017





Kyle Bach
Chief Executive Officer
The Annex Group
8680 Edison Plaza Drive
Fishers, IN 46038
May 16, 2025

City of Bloomington
Economic & Sustainable Development
401 N Morton Street Suite 150
Bloomington IN 47404

Dear Ms. de la Rosa,

I am writing to you on behalf of The Annex Group regarding the Union at Crescent, specifically pertaining to the tax abatement for the Affordable and HOME Project. As the new property management team since March 2025, we are eager to implement a comprehensive turnaround strategy to enhance the living conditions and affordability of this project in alignment with Bloomington's housing needs.

Our vision for the Union at Crescent involves a phased approach to revitalization that will require a significant investment of both capital and resources. The current tax abatement is a vital component of our plan, and without this support, our efforts to stabilize and improve the project will face considerable financial hardship that will absolutely jeopardize its success.

Our long-term goal is to provide housing for up to 146 units of which 106 will be at or below 60% AMI. With our recent takeover, our near-term goal is to provide housing to at least 102 of the 146 total units by October/November 2025 and expect to be fully stabilized in early 2026. This won't be an easy task considering the extent of the turnaround effort required throughout the duration of this project, but we are fully committed and have a high-level plan as follows:

Phase 1: First 30 Days – Stabilization & Immediate Concerns

- Staffing & Recruitment
- Lease Audit & File Compliance
- Property Maintenance & Compliance

Phase 2: Days 31-60 – Operational Efficiency & Resident Experience

- Property Improvements & Compliance

Phase 3: Days 61-90 – Growth & Long-Term Stabilization

- Crime Prevention & Security Adjustments

We appreciate the City of Bloomington's support and commitment to affordable housing and are excited about contributing to this important mission. We respectfully urge you to consider honoring our current tax abatement favorably, as it is a critical component of our plan to revitalize the Union at Crescent and contribute to Bloomington's affordable housing needs.

Thank you for your time and support. We look forward to collaborating on this initiative to benefit our community.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Bach", written over the word "Sincerely,".

Kyle Bach
Chief Executive Officer
The Annex Group

AFFORDABLE HOUSING COMPLIANCE REPORT

OWNER: Union at Crescent GP, LLC
 PROPERTY ADDRESS: 1200 N. Crescent Road, Bloomington, IN
 DATE MAILED: via email 5/16/2025
 MAX. LOW HOME RENT RATE*
 MAX. HIGH HOME RENT RATE*

Total number of units in project: 146
 Total number of HOME units: 10
 Number of Low HOME rent units: 2
 Number of High HOME rent units: 8
 Fixed or floating: Fixed

* Maximum rent, based upon the number of bedrooms, with Landlord paying all utilities. If tenants pay for any utilities, contact Matt Swinney to verify proper deductions. Deductible utilities include: heating; cooking; other electric/lighting; air conditioning; water heating; water; sewer; and, trash collection.

Unit #	# of bedrooms	Low or High HOME rent unit	Tenant name	# in Hshld	Annual Income	Date income determined	% Area Median Income.	Current Lease Date	Current lease rent rate ¹	Tenant paid utilities ²	Total rent plus utilities	Allowable rent & utilities ³	Comments
A108	2	NA	Tenant 1	1	12,022	10/10/2024	15.12	10/10/2024	888	118	1006	1341	
B110	2		Tenant 2	1	10,749	9/30/2024	25.74	9/30/2023	871	80	951	1341	
B311	2		Tenant 3	2	9,100	11/13/2023	12.59	11/13/2023	861	190	1051	1219	2024 AR in progress
B126	2		Tenant 4	1	-	6/1/2023	0	6/1/2023	934	148	1082	1219	2024 AR in process
A101	1	NA	Tenant 5	1	8,784	1/13/2024	13.88	1/13/2024	775	114	889	847	S8 Voucher pays \$611. 2025 AR in
C303	2		Tenant 6	5	600	2/27/2025	0.56	2/27/2025	1130	68	1198	1341	
A110	2		Tenant 7	2	32,927	4/15/2024	38.78	4/15/2024	1055	1181	1173	1432	2025 AR in progress
A310	2		Tenant 8	2	9,952	2/28/2025	20.86	2/28/2024	912	118	1030	1341	
B208	1		Tenant 9	1	240	3/1/2025	0.34	3/1/2025	775	95	870	1118	
B104	2	High	Tenant 10	1	14,206	2/10/2025	34.02	2/10/2025	915	80	995	1484	
B004	2	Low	Tenant 11	3	-	11/24/2023	0	11/24/2023	758	118	876	1117	2024 AR in progress
A107	2	NA	Tenant 12	2	27,939	12/14/2024	35.14	12/14/2024	934	118	1052	1341	
B122	1		Tenant 13	1	24,144	10/31/2024	34.69	10/31/2024	707	95	802	1118	
B422	2		Tenant 14	4	43,742	9/1/2023	48.44	9/1/2023	934	148	1082	1219	2024 AR in progress
B102	1		Tenant 15	1	-	11/20/2024	0	11/20/2024	657	95	752	1118	
B301	1		Tenant 16	1	-	9/1/2023	0	9/1/2023	1034	72	1106	1120	2024 AR in progress
B123	2		Tenant 17	1	6,081	4/14/2025	14.56	4/14/2024	874	80	954	1341	
A001	1	NA	Tenant 18	1	2,436	5/1/2025	3.21	5/1/2025	866	65	931	1016	

[illegible]

[illegible]

[illegible]

B323	1		VACANT										
B325	2		VACANT										
B402	1		VACANT										
B408	1		VACANT										
B409	1		VACANT										
B412	1		VACANT										
B416	1		VACANT										
B418	2		VACANT										
B419	2		VACANT										
B420	1		VACANT										
B423	1		VACANT										
B424	1		VACANT										
B425	2		VACANT										
C106	2		VACANT										
C107	2		VACANT										
C203	2		VACANT										
C206	2		VACANT										
C207	2		VACANT										
C208	3		VACANT										
C302	1		VACANT										
C307	2		VACANT										

I certify the above information is true and correct.

Owner or property manager signature: Anita VanMeeter

Date: 5/16/2025

¹Including any owner-paid utilities

²If tenant pays utilities, contact Matt Swinney to get the utility allowance. If utilities are included in rent, enter "Incl."

³HUD published limits for High or Low HOME rent as applicable with OWNER paying all utilities.

DRAFT RESOLUTION 2025-13

TO RESCIND RESOLUTION 17-30 AND RESOLUTION 17-31 AND TERMINATE TAX ABATEMENT FOR IMPROVEMENTS TO REAL ESTATE

**Re: Property Located at 1100 N. Crescent Road
(Union at Crescent, LP, Owner)**

- WHEREAS, in 2017, the Common Council adopted Resolution 17-30 and Resolution 17-31 designating the property on N. Crescent Road as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 10-year tax abatement for real estate improvements; and
- WHEREAS, the decision to grant the tax abatement in 2017 was based upon the application for tax abatement, the Statement of Benefits form, and other material submitted to the Council by the petitioner, which indicated that the owner intended to construct a mixed affordable and market rate housing development, including approximately 146 residential units (the “Project”); and
- WHEREAS, the Statement of Benefits form, and the Memorandum of Understanding made and entered on October 3rd, 2017, states that the Owner has committed that at least 70% of the units will be allocated to households with incomes at or below 60% of the Area Median Income (“Affordable Units”) for years 1 through 30 of the Project; and
- WHEREAS, according to Indiana Code 6-1.1-12.1-5.1, the property owner wishing to keep the abatement on real estate must file a Compliance with Statement of Benefits (“CF-1”) form annually before May 15 indicating what progress has been made in meeting the commitments set forth in the Statement of Benefits; and
- WHEREAS, the Common Council then reviews the form to determine whether the owner of the property has substantially complied with the terms of the resolution and the Statement of Benefits, and if the Council determines that the property owner has failed to make reasonable efforts to comply with the terms of the abatement and has not been prevented by factors beyond its control, then the Council may rescind the tax abatement and terminate the tax deduction; and
- WHEREAS, the City of Bloomington Tax Abatement Program General Standards provide that one factor within the control of the property owner that may contribute to noncompliance is an failure to comply with any terms set forth in the Memorandum of Agreement/ Memorandum of Understanding; and
- WHEREAS, on June 4, 2025, the Director of Economic and Sustainable Development, Jane Kupersmith, along with Assistant Director of Small Business Development, Andrea de la Rosa, presented an Annual Tax Abatement Compliance Report to the Common Council; and
- WHEREAS, the report indicated that the owner of the property identified above fail to comply with the requirement that “70% of the units will be allocated to households with incomes below 60% of Area Median Income,” as set forth in the Statement of Benefits and the Memorandum of Understanding, and for that reason, Economic Development Commission and staff provided a recommendation of noncompliance with the terms of the tax abatement commitments; and
- WHEREAS, based upon the recommendation of noncompliance of the Economic Development Commission and staff, the Council adopted a motion to hold a hearing to further consider Union at Crescent, LP’s compliance with the Statement of Benefits provided as part of the tax abatement granted by Resolution 17-30 and Resolution 17-31; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1-5.9, the Council Attorney mailed notice of a hearing to the property owner within 30 days of its occurrence and, on July 30, 2025, the Common Council held the hearing and determined that the owners of the improvements to real estate were not in substantial compliance with the Statement of Benefits and the failure to comply was not the result of factors beyond its control; and

WHEREAS, the Common Council finds that the property should not be designated as an Economic Revitalization Area (ERA);

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

SECTION 1. Resolution 17-30 and Resolution 17-31 shall be rescinded and the tax abatement for the improvements to real estate at N. Crescent Road and Identified by the Monroe County Parcel ID Number 53-05-32-200-006.001-005 shall be terminated.

SECTION 2. The City Clerk is directed to mail a certified copy of this resolution to the property owner, the Auditor of Monroe County, and the Assessor of Monroe County.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution rescinds Common Council Resolution 17-30 and Resolution 17-31 and thereby terminates the tax abatement as well as removes the ERA designation for the improvements to real estate at 1100 N. Crescent Road.

To: Bloomington Common Council

Cc: City Clerk Nicole Bolden
Council Attorney/Administrator Lisa Lehner

From: Isabel Piedmont-Smith, Chair
Committee on Council Processes

Date: July 24, 2025

Re: Proposal for electronic sign-in for public comment periods at meetings

The Committee on Council Processes voted unanimously on Monday, July 14 to forward a proposal for an electronic sign-in process for individuals who want to give public comment during regular sessions, online or in-person for both items on the agenda and not on the agenda. Clerk Nicole Bolden brought forward this recommendation, and she has agreed to help facilitate its implementation.

The sign-in process would work via a Google form that could be accessed from one or two computer tablets placed in Council chambers, from individuals' smartphones by scanning a QR code displayed in Council chambers, or via an online link provided in the Zoom chat. Council members, Council staff, and the Clerk/Deputy Clerk would have immediate access to the Google form results. The presiding officer (normally the Council president) would call on residents to speak in the order in which they completed the form, stating 2-3 names at a time so that the next speaker or speakers could prepare. This would also reduce the in-person queue in Council chambers, which can sometimes block the aisles and be intimidating. The people who are participating via Zoom would be interspersed with the people participating in Council chambers, depending on when the person completed and submitted the form.

The sign-in form would be opened at the start of each meeting and closed at the end of each meeting. The fields in the form would include:

1. Name
2. Topic of public comment
3. Whether or not the topic is on the agenda
4. Whether the person is participating via Zoom or in person

The presiding officer could easily sort the list by the responses in order to call on speakers for the appropriate portion of the meeting (general public comment, comment on legislation, etc.).

Clerk Bolden has agreed to provide up to two computer tablets for in-person sign-ins in Council Chambers. She and her staff have already prepared a [draft Google form](#). Attorney Lehner is coordinating with ITS to create and post a QR code, and Clerk Bolden has offered to help. It should be feasible to implement the new process by the first regular session in September.



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: 23 July 2025

Re: Interview Committee Recommendations for Board and Commissions

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

Interview Committee Team A Recommendations:

- For the Public Transportation Corporation Board of Directors - to reappoint Nancy Obermeyer to seat C-2.

Contact

Clerk Nicole Bolden, 812-349-3408, clerk@bloomington.in.gov

Jennifer Crossley, Deputy Clerk of Communications and Outreach, 812-349-3403,
jennifer.crossley@bloomington.in.gov



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

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator / Attorney

Date: July 24, 2025

Re: **Ordinance 2025-25** through **Ordinance 2025-29** – Five 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 July 14, 2025, the Plan Commission considered five proposals brought forward by city planning staff to make various changes to the Unified Development Ordinance (“UDO”). The proposals were all certified on July 21, 2025. 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 2025-25 – Use Table Amendment and Use Specific Standards- “Storage, self-service”	ZO-19-25	5-0	July 21, 2025	Oct. 19, 2025
Ordinance 2025-26 – Use Table Amendment- “Fraternity or sorority house”; “Artist Studio or workshop”; “Vehicle Fleet Operations, Large and Small”	ZO-20-25	5-0	July 21, 2025	Oct. 19, 2025
Ordinance 2025-27 – Use Table Amendment- “Vehicle Fuel Station”	ZO-21-25	5-0	July 21, 2025	Oct. 19, 2025
Ordinance 2025-28 – Use Table Amendment- “Vehicle Wash”	ZO-22-25	5-0	July 21, 2025	Oct. 19, 2025
Ordinance 2025-29 – Use Table Amendment and Definitions- “Tattoo or piercing parlor”	ZO-23-25	5-0	July 21, 2025	Oct. 19, 2025

This memo addresses relevant procedures and considerations applicable to these five ordinances. Planning staff have prepared individual memos that explain the proposals.

Relevant Materials

- Ordinance 2024-25 through Ordinance 2024-29
- Red-lined text marked as Attachment A and showing proposed amendments
- Certification forms from Plan Commission for each ordinance
- Staff Memoranda



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Summary

The administration is proposing text amendments to the UDO as described in the Staff Memos. A summary of the proposed changes is as follows:

- Ordinance 2025-25 reduces the zoning districts where the use “Storage, self-service” would be allowed.
- Ordinance 2025-26 amends Table 03-1: Allowed Use Table within Section 20.03.020.
- Ordinance 2025-27 updates provisions to allow the use of “Vehicle fuel station.”
- Ordinance 2025-28 amends to limit the use of “Vehicle Wash.”
- Ordinance 2025-29 remove the use “Tattoo or piercing parlor” from the use table and related standards, allowing it wherever “Personal service” are permitted.

For more information on the specific details regarding the proposed changes, please consult the Staff Memo for each ordinance.

Council’s Role

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.”](#)

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](#)).

Next Steps of UDO Text Amendment

[IC 36-7-4-607](#) provides the following procedure that applies to a proposal to amend or partially repeal the text of the UDO:



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1. All five proposals sent to the Council received a favorable recommendation by the Plan Commission (votes listed above). The Council must consider the Commission's recommendation before acting on each proposal.
2. 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.
3. 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.
4. 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.
5. 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. However, if the Commission disapproves the Council's amendments or rejection, the Council must affirm its original action by a second vote within 45 days after certification of disapproval in order for the ordinance to take effect.

Contact

Eric Greulich, Development Services Manager, Planning & Transportation, 812-349-3423, greulice@bloomington.in.gov

ORDINANCE 2025-25
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment and Use Specific Standards- “Storage, self-service”

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 July 14, 2025, 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 July 21, 2025; 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, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, 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-19-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment 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.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington


SYNOPSIS

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) and Mixed-Use Student Housing (MS) districts only. A new use specific condition has been proposed that would only allow this use in the MS district if there are more than 20 dwelling units.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-25 is a true and complete copy of Plan Commission Case Number ZO-19-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

Nicole Bolden, City Clerk

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____ XX

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

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) and Mixed-Use Student Housing (MS) districts only. A new use specific condition has been proposed that would only allow this use in the MS district if there are more than 20 dwelling units. 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-19-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the use “Storage, self-service”.

The Plan Commission heard case ZO-19-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 and Use Specific Standards of 20.03.030 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Storage, self-service”.

This amendment would reduce the zoning districts where the use “Storage, self-service” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district and Mixed-Use Student Housing (MS) districts only. A new use specific condition has been proposed that would only allow this use in the MS district if there are more than 20 dwelling units.

20.03.020 Allowed Use Table

Table Error! No text of specified style in document.-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 Error! Reference source not found..

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	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P	P					P		
Vehicle fleet operations, large											P					P		
Vehicle fuel station										P*	P*	P*		P*		P*		
Vehicle impound storage																P*		
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			
Vehicle repair, major											P*					P*		
Vehicle repair, minor									C*	P*	P*			P*				
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		

Storage, Distribution, or Warehousing

Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)

Resource and Extraction

Gravel, cement, or sand production																C*		
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Use Specific Standards 20.03.030(e)(2)

(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.
- (C) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.
- (D) The storage of hazardous materials is prohibited.
- (E) Security fencing shall not include razor wire or barbed wire.
- (F) Where the site is adjacent to a Residential zoning district or a portion of a PUD zoning district designated for single-family residential uses:
 - i. Loading docks are prohibited on the side of the facility facing the residentially zoned land;
 - ii. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 20.04.080(m)(Screening);
 - iii. Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.
- (G) All storage shall be contained within a fully enclosed structure that:
 - i. Is at least a two-story structure with a defined use on the upper floor(s) and if storage units are provided on the upper floors, then access to the units shall be from interior hallways.
 - ii. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.
- (H) **The maximum footprint allowed for this use on a property shall be 1,500 square feet or 20% of the property, whichever is less.**
- (I) **Within the MS district, this use is allowed as an Accessory Use only if there are more than 20 dwelling units on the property.**

ORDINANCE 2025-26
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment- “Fraternity or sorority house”; “Artist Studio or workshop”;
“Vehicle Fleet Operations, Large and Small”

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 July 14, 2025, 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 July 21, 2025; 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, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, 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-20-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment 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.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This amendment would propose the following changes to the Unified Development Ordinance and include the following:

- **Fraternity or sorority**- This amendment would remove the asterisk that is currently shown associated with the use “fraternity or sorority” that referenced use specific standards that were removed in 2023, however the asterisk could not be removed at that time since that would require an amendment to the Use Table.
- **Artist Studio or workshop**- This proposed amendment would add the use “artist studio or workshop” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Office**- This proposed amendment would add the use “office” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Vehicle Fleet Operations**- This amendment would add an asterisk to the use table to reference use specific standards that were introduced and approved earlier this year. However, the asterisk could not be added at that time since that would require an amendment to the Use Table.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-26 is a true and complete copy of Plan Commission Case Number ZO-20-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

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.

This amendment would propose the following changes to the Unified Development Ordinance and include the following:

- **Fraternity or sorority**- This amendment would remove the asterisk that is currently shown associated with the use “fraternity or sorority” that referenced use specific standards that were removed in 2023, however the asterisk could not be removed at that time since that would require an amendment to the Use Table.

- **Artist Studio or workshop-** This proposed amendment would add the use “artist studio or workshop” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Office-** This proposed amendment would add the use “office” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Vehicle Fleet Operations-** This amendment would add an asterisk to the use table to reference use specific standards that were introduced and approved earlier this year. However, the asterisk could not be added at that time since that would require an amendment to the Use Table.

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-20-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the uses “Fraternity or sorority”; “Artist studio or workshop”; “Office”; and “Vehicle Fleet Operations”.

The Plan Commission heard case ZO-20-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the following uses-

- **Fraternity or sorority-** This amendment would remove the asterisk that is currently shown associated with this use that referenced use specific standards that were removed in 2023, however the asterisk could not be removed at that time since that would require an amendment to the Use Table.
- **Artist Studio or workshop-** This proposed amendment would add this use as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Office-** This proposed amendment would add this use as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Vehicle Fleet Operations-** This amendment would add an asterisk to the use table to reference use specific standards that were introduced and approved earlier this year. However, the asterisk could not be added at that time since that would require an amendment to the Use Table.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

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

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

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
Cemetery or mausoleum													P					
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office								P	P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				

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	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P*	P*					P*		
Vehicle fleet operations, large											P*					P*		
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																P*		20.03.030(d)(15)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major											P*					P*		20.03.030(d)(17)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		20.03.030(d)(18)

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		

Storage, Distribution, or Warehousing

Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	20.03.030(e)(1)
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)

Resource and Extraction

Gravel, cement, or sand production																C*		20.03.030(e)(3)
Quarry																C*		20.03.030(e)(3)
Stone processing																P		

UTILITIES AND COMMUNICATION

ORDINANCE 2025-27
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment- “Vehicle Fuel Station”

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 July 14, 2025, 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 July 21, 2025; 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, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, 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-21-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment 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.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington


SYNOPSIS

This amendment would reduce the zoning districts where the use “vehicle fuel station” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This amendment would also remove several use specific conditions since this use is proposed to no longer be allowed in those districts referenced.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-27 is a true and complete copy of Plan Commission Case Number ZO-21-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

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.

This amendment would reduce the zoning districts where the use “vehicle fuel station” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This amendment would also remove several use specific conditions since this use is proposed to no longer be allowed in those districts referenced. 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-21-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the use “Vehicle fuel station”.

The Plan Commission heard case ZO-21-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 and Use Specific Standards of 20.03.030 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Vehicle fuel station”.

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This amendment would also remove several use specific conditions since this use is proposed to no longer be allowed in those districts referenced.

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).

[illegible]

Use Specific Standards 20.03.030(d)(14)

(14) Vehicle Fuel Station

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

ORDINANCE 2025-28
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment- “Vehicle Wash”

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 July 14, 2025, 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 July 21, 2025; 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, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, 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-22-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment 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.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This amendment would reduce the zoning districts where the use “Vehicle wash” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-28 is a true and complete copy of Plan Commission Case Number ZO-22-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025

David Hittle
David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

Nicole Bolden, City Clerk

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected		
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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.

This amendment would reduce the zoning districts where the use “Vehicle wash” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. 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-22-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the use “Vehicle Wash”.

The Plan Commission heard case ZO-22-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Vehicle Wash”.

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

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

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

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
Cemetery or mausoleum													P					
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office								P	P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				

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	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P*	P*					P*		
Vehicle fleet operations, large											P*					P*		
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																P*		20.03.030(d)(15)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major											P*					P*		20.03.030(d)(17)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		20.03.030(d)(18)

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		

Storage, Distribution, or Warehousing

Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	20.03.030(e)(1)
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)

Resource and Extraction

Gravel, cement, or sand production																C*		20.03.030(e)(3)
Quarry																C*		20.03.030(e)(3)
Stone processing																P		

UTILITIES AND COMMUNICATION

ORDINANCE 2025-29
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment and Definitions- “Tattoo or piercing parlor”

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 July 14, 2025, 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 July 21, 2025; 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, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, 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-23-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment 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.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This amendment would reclassify how the use “Tattoo or piercing parlor” is regulated and would include this as a use associated with the use “Personal service”. This amendment would remove this specific use from the use table and other related references and standards since it would be allowed anywhere that the use “Personal service” is allowed.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-29 is a true and complete copy of Plan Commission Case Number ZO-23-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

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.

This amendment would reclassify how the use “Tattoo or piercing parlor” is regulated and would include this as a use associated with the use “Personal service”. This amendment would remove this specific use from the use table and other related references and standards since it would be allowed anywhere that the use “Personal service” is allowed. 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-23-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Amendments to Unified Development Ordinance for the use “Tattoo or piercing parlor”.

The Plan Commission heard case ZO-23-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 and Definitions under Section 20.07.010 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Tattoo or piercing parlor”.

This amendment would reclassify how this use is regulated and would include this as a use associated with the use “Personal service”. This amendment would remove this specific use from the use table and other related references and standards since it would be allowed anywhere that the use “Personal service” is allowed.

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	
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office									P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				
Retail sales, big box											P					P		

20.03.010(e)(3)(C)(ii)

(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.

20.04.060

Table 04-10 Maximum Vehicle Parking Allowance

Office, Business, and Professional Services	
Artist studio or workshop	1 space per 1,000 sq. ft. GFA
Check cashing	4 spaces per 1,000 sq. ft. GFA
Financial institution	4 spaces per 1,000 sq. ft. GFA
Fitness center, small	4 spaces per 1,000 sq. ft. GFA
Fitness center, large	4 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA

20.07.010 Definitions

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, **tattoo and piercing parlor**, 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.

~~Tattoo or Piercing Parlor~~

~~An establishment whose principal business activity is the practice of one or more of the following:~~

- ~~1) The placement of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin;~~
- ~~2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.~~



MEMO FROM COUNCIL ADMINISTRATOR/ATTORNEY ON:

Ordinance 2025-30 – To Vacate Public Parcel – Re: A 12-Foot Public Alley Adjacent to 909 E. University Street (Veronika Bardonner, Petitioner)

Synopsis

The Petitioner, Veronika Bardonner, requests vacation of an alley right-of-way to her that is enclosed by fencing and not currently utilized for any form of access. The alley is oriented along the northern boundary of 909 E University Street.

Relevant Materials

- Ordinance 2025-30
- Memorandum of Planning Review from Jackie Scanlan, AICP Planning and Transportation Assistant Director
- Petition for Vacation of Public Right-of-Way and Attached Exhibits
- List of Abutting Property Owners

Summary

Ordinance 2025-30 proposes the vacation of the 12-foot Public alley right-of-way. The packet materials describe the nature and background of this proposed vacation. The memorandum from Planning and Transportation Assistant Director, Jackie Scanlan, recommends denial of the vacation. The role of the Council is to determine if the vacation complies with Indiana law and the City's Criteria, described below.

Indiana Law

Vacations of rights-of-way are governed by procedures contained in [IC § 36-7-3 et seq.](#) This chapter of the Indiana Code creates a process whereby the Council as legislative body may vacate a public right-of-way. The process is robust, as Council's decision potentially affects rights regarding utilities and street access, among other things, of abutting property owners and of the public. The process begins with the filing of a Petition by the property owner with the Council as the legislative body pursuant to Section [36-7-3-12](#). The Petition must state the "circumstances of the case", must specifically describe the property to be vacated, and must provide the names and addresses of the abutting property owners. It appears that the Petition meets these requirements. Supporting documentation may be found in the documents attached to the Petition.

The Council shall hold a hearing on the Petition within 30 days of its receipt. The hearing currently is scheduled on August, 2025, within 30 days of Council's receipt of the Petition. The Clerk shall give notice of the Petition and of the time and place of the hearing in the manner prescribed in [IC§ 5-3-1](#) and by certified mail to each owner of land that abuts the property proposed to be vacated.



Pursuant to [IC 36-7-3-13](#), at the hearing on August 6, 2025, any person aggrieved by the proposed vacation may object to it, but only on one (1) or more of the following grounds:

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

Additionally, Council must deny the Petition if:

- (1) the lands of the aggrieved person do not abut any other public way other than the public way to which the vacation petition applies; or
- (2) the vacation of the public way would cause the lands of the aggrieved person to become landlocked with no other convenient or reasonable means of ingress or egress via another public way.

These are factors for the Council to review during the hearing on August 6, 2025.

After the hearing on the Petition, the Council may, by ordinance, vacate the public way. The Clerk shall furnish a copy of the ordinance to the County Recorder for recording and to the County Auditor. Within 30 days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to Monroe County's Circuit Court. The court may award damages.

Local Law

In addition to state law requirements above, Bloomington has adopted local procedures and a criteria for public right-of-way vacations. The Criteria are identified in Public Right of Way Vacations: Procedure and Criteria for Common Council Review, adopted by Council in [Resolution 87-2](#), below.

The vacation process typically begins with a pre-petition review of an application submitted to the Planning and Transportation Department. Pre-petition materials submitted by the petitioner are reviewed, and all utility services, safety services, and the Board of Public Works are notified of the proposed action. Upon completion of the pre-petition review, staff will make a recommendation on the request. Jackie Scanlan has provided a memo recommending that the Council deny the petitioner's request to vacate the right-of-way.



Hearing

In response to the receipt of the Petition by the Council's Office, a hearing has been scheduled on August 6, 2025 during Council's regular meeting beginning at 6:30pm. Remonstrances and objections must be heard then.

Under [IC 36-7-3-13](#), objections or grounds for remonstrance are generally limited to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole.

Criteria

The Council's action to vacate a right-of-way must be done in the public interest. In [Resolution 87-02](#), the Council adopted the following criteria to guide its review of a request for right-of-way vacation:

1. Current Status – Access to Property: the current utilization of the right-of-way in question – as a means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.
2. Necessity for Growth of the City:
 - a. Future Status – the future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
 - b. Proposed Private Ownership Utilization – the proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
 - c. Compliance with regulations – the effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change of use?);
 - d. Relation to Plans – the relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

The Planning and Transportation Staff recommend denial of the right-of-way vacation in the attached Memo, citing the need to preserve future public use.

Contact

Jacqueline Scanlan, Assistant Director Planning and Transportation,
scanlanj@bloomington.in.gov, (812) 349-3423

ORDINANCE 2025-30

TO VACATE PUBLIC PARCEL

**Re: A 12-Foot Public Alley Adjacent to 909 E. University Street
(Veronika Bardonner, Petitioner)**

WHEREAS, Indiana Code § 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition by persons who own or are interested in lots contiguous to such public ways, provided that the vacation is determined to be in the public interest; and

WHEREAS, the Petitioner, Dr. Veronika Bardonner, proposes the vacation to her of the 12-foot-wide public alley, encompassing approximately 715 square feet (0.016 acre), located adjacent to her property, and intends to continue serving as a responsible owner of the area by preserving a healthy landscape, removing debris from the existing fence, and constructing a new “in-kind” replica of the original fence in accordance with the Elm Heights Historic District Design Guidelines; and further agrees to assume property tax obligations, thereby generating revenue for the City and mitigating municipal liability; and

WHEREAS, the Petitioner, Dr. Veronika Bardonner, has obtained a survey and legal description of the alley, which has been provided by Bynum Fanyo & Associates, Inc., requesting to be vacated which is more particularly described below; and

WHEREAS, pursuant to I.C. § 36-7-3-12 (c), the City Clerk has provided notice to owners of abutting property and published notice of public hearing on this matter, which will be held during the Common Council Regular Session meeting on Wednesday, August 6, 2025, at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street, Bloomington, Indiana; and

WHEREAS, pursuant to I.C. § 36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor.

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

SECTION 1. Through the authority of I.C. § 36-7-3-12, one (1) City owned property shall be vacated to Veronika Bardonner, as described below:

All that part of a recorded 12 foot wide platted alley lying between Lot 17 and Lot 18 in Merker's Subdivision of Seminary Lot 98 recorded in Plat Cabinet B, Envelope 30 in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:

Beginning at the Northwest corner of said Lot 18; thence along the extension of the West line of said Lot 18, through said platted alley North 00 degrees 21 minutes 53 seconds West (basis of bearing Indiana SPC West Zone) 12.10 feet to the Southwest corner of said Lot 17; thence leaving said extended West line and with the South line of said Lot 17 South 89 degrees 48 minutes 54 seconds East 59.00 feet to the Southeast corner of said Lot 17; thence leaving South line and along the extension of the East line of said Lot 18 through said platted alleyway South 00 degrees 58 minutes 21 seconds East 12.10 feet to the Northeast corner of said Lot 18; thence along the North line of said Lot 18 North 89 degrees 48 minutes 54 seconds West 59.13 feet to the point of beginning. Containing 715 square feet (0.016 acre), more or less.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor. PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of August, 2025.

HOPI STOSBERG, Council President
City of Bloomington

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of May, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

The Petitioner, Veronika Bardonner, requests vacation of an alley right-of-way to her that is enclosed by fencing and not currently utilized for any form of access. The alley is oriented along the northern boundary of 909 E University Street.

Memorandum of Planning Review

To: Bloomington Common Council

From: Jackie Scanlan, AICP Planning and Transportation Assistant Director

Date: July 23, 2025

Re: Bardonner Alley Right-of-Way Vacation Request

Daniel Cyr, on behalf of Dr. Veronika Bardonner, requests a vacation of a portion of the 12 foot wide platted alley right-of-way located north of 909 East University Street. The alley right-of-way runs west/east for a maximum length of 59.13 feet between 909 East University Street and 910 East 2nd Street.

The Planning and Transportation Department notified and requested comments from utilities of the right-of-way vacation application. Utilities are allowed to remain in place pursuant to Indiana Code 36-7-3-16. Responses from utilities will be accepted until July 31, 2025, and any received will be forwarded to the staff of the Common Council.

The petitioner is requesting vacation and full ownership of the vacated 12 foot right-of-way. Typically, vacation of a right-of-way results in the equal split of the right-of-way between adjacent property owners. A representative for the owners of 912 E 2nd Street has submitted a letter indicating that if the alley is vacated, they would prefer to receive 6 feet of the right-of-way, as is the common practice. Otherwise, they oppose the request.

Approval of the vacation would allow an accessory structure to be built five feet from the northern line of what is now the alley, 12 feet closer to the existing garage at 912 East 2nd Street than is currently allowed. Additionally fencing could also be installed 12 feet closer to the 912 E 2nd Street garage than is currently allowed. Per the image on page 5 of the petitioner's letter, the owner of 912 E 2nd Street has a fence structure encroaching into the existing alley right-of-way that would presumably have to be removed if the vacation is granted.

The removal of the Black Walnut tree was approved through COA-23-55, after much discussion with City staff, as the type of tree is normally desirable. With COA-23-57, Dr. Bardonner requested to replace a pre-existing encroaching fence with a similarly designed fence in the same location, but was required by the Bloomington Historic Preservation Commission to locate the new fence on her own property.

As the applicant points out, encroachment into this particular alley right-of-way is common on this block. At this time, the City has not had reason to require the removal of the encroaching improvements, but public retention of the right-of-way allows for future public use if necessary. The Department recommends denial of the vacation of the alley.

Alley Vacation - Abutting Property Owners

	Parcel Number	Property Owner	Address
1	53-08-04-110-017.000-009	Thompson, Jon Christopher and Danielle M	629 S Woodlawn Ave, Bloomington, IN 47401
2	53-08-04-110-008.000-009	Thompson, Lyndsi and Justin	623 S Woodlawn Ave, Bloomington, IN 47401
3	53-08-04-100-075.000-009	Bryan Rental, Inc.	1440 S Liberty Dr, Bloomington, IN 47403 Property Address: 911 E University St, Bloomington, IN 47401
4	53-08-04-100-089.000-009	Solomon, Bruce, and Swartz, Susan H.	912 E 2nd St, Bloomington, IN 47401
5	53-08-04-110-013.000-009	Mueller, Timothy A. and Virginia	910 E 2nd St, Bloomington, IN 47401

TO: Planning Department and Common Council Members

FROM: Daniel Cyr, Paganelli Law Group on behalf of Dr. Veronika Bardonner

DATE: July 9, 2025

SUBJECT: Vacation of 12-Foot Public Alley Adjacent to 909 E. University Street

Dear Planning Department and Common Council Members:

We respectfully request that the Bloomington Common Council support this petition submitted on behalf of Dr. Veronika Bardonner (“Dr. Bardonner”), residing at 909 E. University Street, Bloomington, Indiana 47401, for the vacation of the 12-foot public alley located along the northern boundary of her property.

This request is submitted in accordance with, and is fully supported by, the criteria established in City of Bloomington Resolution 87-02 (**Exhibit A**) and the applicable provisions of Indiana Code §§ 36-7-3 et seq., including but not limited to IC 36-7-3-12.

Indiana state law (IC 36-7-3-12) empowers the legislative body of a municipality to vacate public ways upon petition by an owner of a contiguous lot, granting complete ownership of the vacated space. The statute provides that a right-of-way may be vacated “if it is in the public interest” to do so. Under IC 36-7-3-12(d), upon vacation, Dr. Bardonner would enable to legally maintain an area she has historically and responsibly cared for.

Since the adoption of City of Bloomington Resolution 87-02, the Bloomington Common Council has passed multiple ordinances titled “To Vacate a Public Parcel” in favor of property owners. A few relevant examples are listed below:

Ordinance	Status	Petitioner	Exhibit
87-39	Passed	Susan McDonald	Exhibit B
87-57	Passed	Barry Elkins	Exhibit C
88-44	Passed	L.D.Axsom	Exhibit D
89-18	Passed	J. William Baus	Exhibit E
91-11	Passed	Tim J. Henke	Exhibit F
91-28	Passed	John I Byers	Exhibit G

96-30	Passed	Charles R. Short	Exhibit H
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Legal Description of 12-foot Public Alley

Please refer to **Exhibit I** for a survey and legal description of the alley between lots 17 and 18 of Merker's Addition, which has been provided by Bynum Fanyo & Associates, Inc. For convenience, the complete legal description of the alley is included as follows:

All that part of a recorded 12 foot wide platted alley lying between Lot 17 and Lot 18 in Merker's Subdivision of Seminary Lot 98 recorded in Plat Cabinet B, Envelope 30 in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:

Beginning at the Northwest corner of said Lot 18; thence along the extension of the West line of said Lot 18, through said platted alley North 00 degrees 21 minutes 53 seconds West (basis of bearing Indiana SPC West Zone) 12.10 feet to the Southwest corner of said Lot 17; thence leaving said extended West line and with the South line of said Lot 17 South 89 degrees 48 minutes 54 seconds East 59.00 feet to the Southeast corner of said Lot 17; thence leaving South line and along the extension of the East line of said Lot 18 through said platted alleyway South 00 degrees 58 minutes 21 seconds East 12.10 feet to the Northeast corner of said Lot 18; thence along the North line of said Lot 18 North 89 degrees 48 minutes 54 seconds West 59.13 feet to the point of beginning. Containing 715 square feet (0.016 acre), more or less.

Adjacent Property Owners

Please refer to the following list containing the names and addresses of all property owners whose parcels abut the area proposed for vacation:

Parcel Number	Property Owner and Address
53-08-04-110-017.000-009	Thompson, Jon Christopher and Danielle M: 629 S Woodlawn Ave, Bloomington, IN 47401
53-08-04-110-008.000-009	Thompson, Lyndsi and Justin: 623 S Woodlawn Ave, Bloomington, IN 47401

53-08-04-100-075.000-009	Bryan Rental, Inc. 1440 S Liberty Dr, Bloomington, IN 47403 Property Address: 911 E University St, Bloomington, IN 47401
53-08-04-100-089.000-009	Solomon, Bruce, and Swartz, Susan H.: 912 E 2nd St, Bloomington, IN 47401
53-08-04-110-013.000-009	Mueller, Timothy A. and Virginia: 910 E 2nd St, Bloomington, IN 47401

In accordance with the City of Bloomington Resolution 87-02, the Pre-Petition Review Process commenced on March 13, 2025, upon submission of a formal petition to vacate the public right-of-way. The petition was delivered via electronic mail and FedEx to both the Public Improvement Manager and the Board of Public Works, formally requesting their review of the proposed vacation.

Recipients of the Petition:	
Maria McCormick Public Improvement Manager Engineering Department City Hall 401 N. Morton Street, Suite 120 Bloomington, IN 47404 Email: maria.mccormick@bloomington.in.gov	Board of Public Works Public Works Department City Hall 401 N. Morton Street, Suite 120 Bloomington, IN 47404 Email: public.works@bloomington.in.gov

Resolution 87-02 sets forth the Council's criteria for evaluating petitions to vacate public rights-of-way, including but not limited to the current status of the property, accessibility, and the necessity of the right-of-way for the continued growth and development of the City.

Current Status/Access to Property

The Bardonner property is bounded on the south by East University Street, on the west by a 15-foot public alley, and on the north by a 12-foot public alley (**Exhibit J**).

The property located at 910 East Second Street, Bloomington, Indiana, which is situated to the north of Dr. Bardonner's property, is bounded on the south by a 12-foot public alley, on the west by a 15-foot public alley, and on the north by East Second Street (**Exhibit J**).

Neighboring properties utilize the 15-foot public alley, East University Street, East Second Street, and South Woodlawn Avenue for ingress, egress, and access to parking areas and garages.

The 15-foot public alley facilitates various modes of transit:

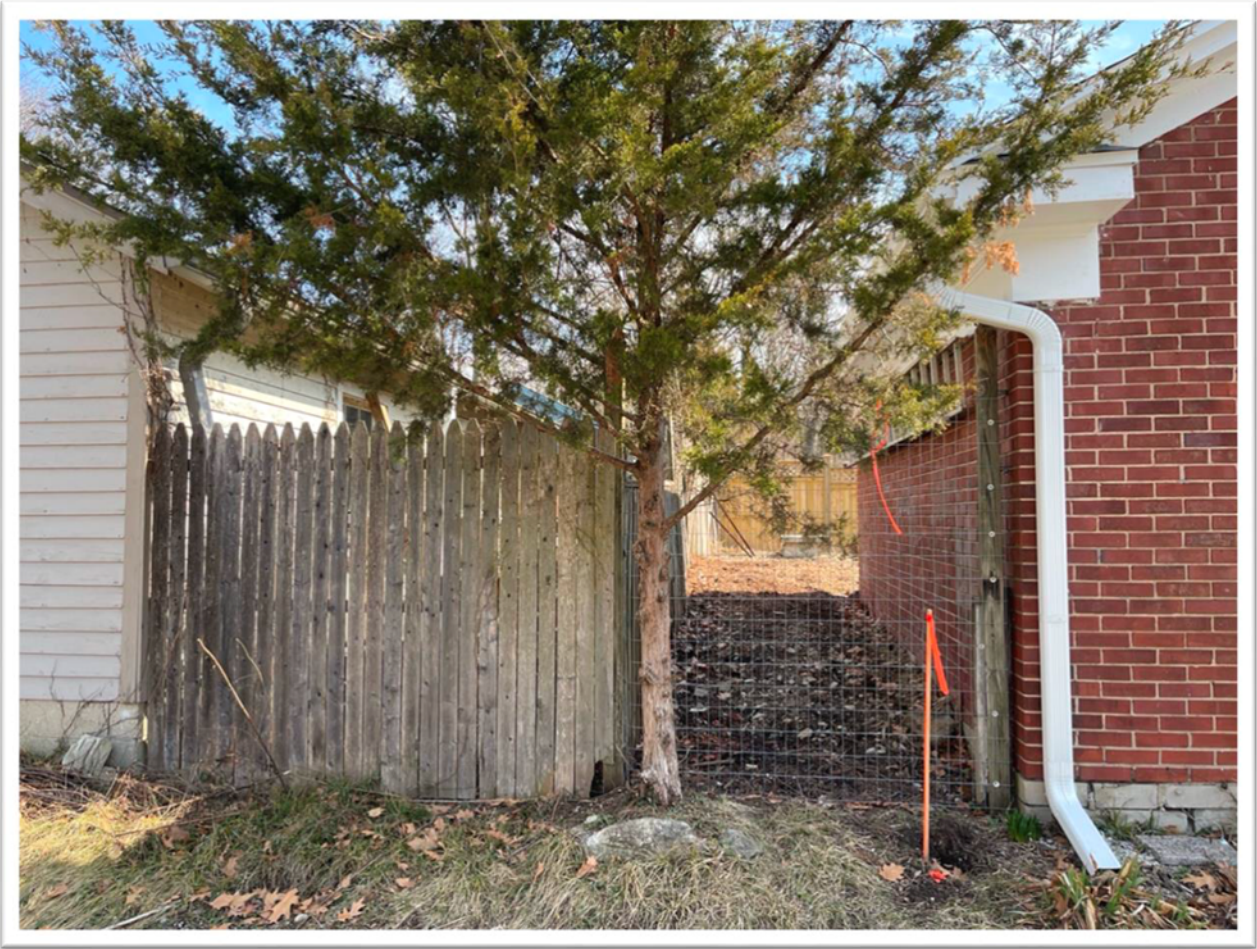
- Pedestrian Transit: serves as walkways for pedestrians.
- Bicycle Transit: accommodates bicycles.
- Service Vehicles: facilitates access for delivery trucks and maintenance vehicles.
- Emergency Access: provides critical access for emergency vehicles like fire trucks or ambulances.
- Parking Access: provides entry to parking spaces and garages.

Adjacent to the 12-foot-wide public alley, Dr. Bardonner and the residents of 910 East Second Street, Bloomington, Indiana, make use of the 15-foot-wide public alley as a means of access to their designated parking areas (**Exhibit J**).

The 12-foot public alley, situated to the north of Dr. Bardonner's property and to the south of the neighboring property located at 910 East Second Street, Bloomington, Indiana, has been enclosed by fencing for several decades and is not currently utilized for any form of access.

Not only is the 12-foot public alley not utilized for transit purposes, but it is also actively used by neighboring properties situated to the east of the 15-foot public alley, extending all the way to South Hawthorne Drive, for personal purposes and has remained enclosed by fencing for several decades.

Please refer to the enclosed 12-foot-wide public alley situated to the east of the 15-foot-wide public alley. This alley is bordered by a screen fence extending from Dr. Bardonner's brick garage to the old fence pole, as well as a wooden fence that leads to the wooden garage of the neighboring property, located at 910 East Second Street (Image below).



Date Taken: February 21, 2024

In 2023, Dr. Bardonner undertook substantial investments in various improvements to her property.

Acknowledging and respecting the equal importance of preserving historic buildings, structures, fences, walls, and landscapes, efforts to safeguard the historic integrity of Dr. Bardonner's property in the Elm Heights neighborhood necessitated the removal of trees. These trees posed significant risks, including structural damage to the historic buildings and structures, such as the house, garage, and limestone retaining wall. The tree roots threatened the foundation and walls, potentially leading to water penetration and flooding in the full basement.

In 2023, Dr. Bardonner undertook the removal of a black walnut tree, measuring thirty-two inches in diameter, which was located directly in the center of the 12-foot public alley, approximately five feet from each detached garage of Dr. Bardonner and the residents of 910 East Second. This action was executed with the

approval of two permits issued by City of Bloomington authorities: Haskell Smith, Urban Forester, the Department of Parks and Recreation, and the Historic Preservation Commission, the Department of Housing and Neighborhood Development (Certificate of Appropriateness, No. COA 23-55).

To alleviate financial burdens on the City of Bloomington, Dr. Bardonner covered the full cost of the walnut tree's removal. This decision was based on consultations with three qualified arborists, Haskell Smith, Kerry Bridges, and Mat Baldwin, whose expertise confirmed the necessity of the removal to safeguard tree health. Driven by a commitment to the preservation of the Elm Heights Historic District's architectural significance and the retention of its historical integrity, Dr. Bardonner acted to prevent the City of Bloomington from incurring future liabilities stemming from potential terminal damage caused by the black walnut tree to the historic structures in proximity to the alley Street (see 2023 inspection reports provided by Baker Stone Work (**Exhibit K and Exhibit L**) and Equity Building Roofing (**Exhibit M**)). The removal expense, totaling \$6,563.27, was paid in full by Dr. Bardonner (**Exhibit N**).

The wooden fence installed by a previous owner of Dr. Bardonner's property around 1990 deteriorated over time, becoming rotten and ultimately collapsing. In 2023, Dr. Bardonner sought to obtain a fence work permit from the Historic Preservation Commission, the Department of Housing and Neighborhood Development, City of Bloomington, in order to remove the debris from the old fence and replace it with a new, "in-kind" replica of the original fence. However, the Historic Preservation Commission advised her that the prior fence line could not be grandfathered, and she was only permitted to construct the new fence beginning at the north corner of her garage (**Exhibit O**).

This restriction presents a practical issue, as limiting the fence to the corner of the garage makes it impossible for Dr. Bardonner to adequately clean her detached garage gutters and properly maintain the portion of her property extending beyond the northern wall of the garage (**Exhibit P**).

Presented below is an image depicting the new, "in-kind" replica of the original fence that Dr. Bardonner has already installed in conjunction with the adjoining old fence. Notably, the old fence situated along the 12-foot public alley has recently experienced structural failure, with two panels collapsing: one during strong nighttime winds on April 3, 2025, and the other during daytime hours on April 13, 2025.



Date Taken: April 13, 2025

Dr. Bardonner implemented all enhancements to ensure the preservation and protection of the architectural integrity and historical importance of the Elm Heights Neighborhood. They were executed in strict adherence to the “Elm Heights Historic District Design Guidelines” and the provisions set forth in “The City of Bloomington Tree Care Manual” (2017). Furthermore, all improvements were deemed appropriate and fully compliant with the applicable codes and ordinances of the City of Bloomington, as well as the directives and approvals of relevant City authorities, including, the Urban Forestry, Department of Parks and Recreation, and the Historic Preservation Commission, Department of Housing and Neighborhood Development (**Exhibit Q**).

Payment of Property Taxes

Dr. Bardonner has consistently paid her property taxes in full and on time (**Exhibit R**), demonstrating responsible ownership and contributing to the City's property tax revenues. In contrast, the property owners to the north, 910 East Second

St., have incurred tax delinquencies (**Exhibit S**), showing a pattern of non-compliance with property tax obligations and creating uncertainty regarding their commitment to property stewardship.

The portion of the 12-foot public alley proposed for vacation by Dr. Bardonner constitutes the full width of the alley, measuring approximately 12 feet, containing 715 square feet (0.016 acre), more or less. The proposed vacation seeks to comprehensively address and manage ongoing maintenance concerns, including the preservation of a healthy landscape, the removal of obsolete fence debris, the installation of an in-kind replica of the original fence, and the payment of property taxes—thereby creating an opportunity to generate meaningful revenue for the City. In addition, the vacation would mitigate potential liability exposure for the City by transferring responsibility for the alley's condition and upkeep to the adjoining property owners.

Necessity for the Growth of the City of Bloomington

1. **No Current or Future Public Use:** The City of Bloomington has not identified any current or future public use for the 12-foot public alley, supporting its suitability for vacation.

2. **Non-Utilization as a Public Right-of-Way:** The 12-foot public alley has been enclosed by fencing for decades and is not used for any form of transit, as supported by enclosed surveys and images. Neighboring properties to the east of the 15-foot-wide public alley (up to South Hawthorne Dr.) use the 12-foot public alley for personal purposes, keeping it fenced and indicating it no longer serves a public transit function. Vacating the alley formalizes its long-standing non-public use, reducing confusion over its status and aligning city records with the practical reality of its fenced-off, private use by adjacent property owners.

3. **Access Routes:** Neighboring properties utilize the 15-foot-wide public alley, as well as East University Street, East Second Street, and South Woodlawn Avenue, for ingress, egress, and access to parking areas and garages. Adjacent to the 12-foot-wide public alley, Dr. Bardonner and residents at 910 East Second Street also use the 15-foot-wide public alley to access their designated parking areas.

4. **Proposed Private Ownership Utilization:** Dr. Bardonner is petitioning to vacate a portion of the public alley measuring approximately 12 feet in width and encompassing an area of roughly 715 square feet (0.016 acre). This section represents the full width of the alley. The intent of the proposed vacation of a non-functional public right-of-way is to effectively resolve ongoing maintenance issues by ensuring the preservation of a well-maintained landscape, clearing outdated fence remnants, reconstructing the original fence with an in-kind replacement, and assuming responsibility for property tax obligations. These actions would not only

create a potential revenue source for the City but also reduce municipal liability by transferring maintenance and legal responsibility for the area to Dr. Bardonner.

5. **Demonstrated Commitment:** Dr. Bardonner has consistently maintained the alley, providing professional assessments, complying with local regulations, securing necessary approvals, and investing financially in the Elm Heights Historic District's integrity, showcasing her dedication to community standards.

6. **Preservation of Historic Integrity:** Incorporating the alley into Dr. Bardonner's lot would preserve the historic facade per city historic district guidelines and maintain the fair market value of adjacent properties.

7. **Improved Compliance:** Vacating the alley would bring non-compliant fences and garages into compliance with city setback requirements reducing safety concerns and clarifying boundaries, improving property aesthetics and functionality. Approving the vacation would ensure these structures meet applicable regulations.

Future Plans

Dr. Bardonner will bear all costs associated with the vacation process, including but not limited to advertising, surveying, and recording fees.

Vacating the subject alley would bring existing non-compliant fences and garages into compliance with the City of Bloomington's setback requirements.

Upon approval of the vacation, Dr. Bardonner expresses interest in purchasing the 12-foot-wide parcel, comprising approximately 715 square feet (0.016 acre), for a price to be determined by the appropriate City of Bloomington authorities and subject to any preexisting utility easements. In addition to a one-time contribution for the purchase of the parcel, Dr. Bardonner will continue to contribute to the City's property tax revenues on an annual basis.

Dr. Bardonner will remove the debris from the existing fence and replace it with a new "in-kind" replica of the original fence, in accordance with the Elm Heights Historic District Design Guidelines. This effort will include preserving and maintaining landscaping that aligns with the character of the historic district, thereby ensuring the protection of the architectural integrity and historical significance of the Elm Heights neighborhood. These improvements will also support the preservation of historic facades in accordance with the City's historic district guidelines and help maintain the fair market value of adjacent properties.

Granting this vacation will enable the proper maintenance of the vacated alley segment and relieve the City of its ongoing maintenance responsibilities. It will also

reduce municipal liability by transferring maintenance obligations and legal responsibility for this area to Dr. Bardonner.

If this petition is approved by the Bloomington Common Council, it may continue line of precedents that significantly reduces municipal expenditures by eliminating the costs associated with maintaining fenced and underutilized public alleys. These costs—accumulated over decades—represent a substantial financial burden. The current approach to managing such alleys has remained largely unchanged for over a century, despite shifts in urban development and land use. Furthermore, private ownership of land such as this could generate meaningful revenue, which may be reinvested in the improvement and upkeep of public alleys that fulfill a demonstrable and high-intensity public use, thereby advancing the City's broader infrastructure and planning objectives.

Conclusion

For all the reasons detailed above—including the absence of public use, the longstanding physical enclosure and private maintenance of the alley, the demonstrated commitment by Dr. Bardonner to the preservation and upkeep of the property in accordance with applicable City regulations noted above, and the certainty to relieve the City of Bloomington from financial and legal burdens—we respectfully urge the Bloomington Common Council to approve the petition to vacate the subject 12-foot public alley adjacent to 909 E. University Street.

Approval of this petition would not only align with the criteria set forth in City of Bloomington Resolution 87-02 and Indiana Code § 36-7-3-12, but would also serve the public interest and promote the general welfare of the City of Bloomington. Moreover, the Bloomington Common Council has passed multiple ordinances titled "To Vacate a Public Parcel" in favor of property owners, reflecting a precedent for granting such requests when justified by the circumstances. By reducing municipal liabilities, improving land use efficiency, supporting historic preservation, and generating meaningful revenue, this vacation will contribute positively to the City's long-term planning objectives and the overall well-being of the community.

We thank the Council for its attention to this matter and respectfully request favorable consideration of this petition.

Very Truly Yours,



Daniel M. Cyr
Paganelli Law Group

Enclosures:

Exhibit A	Resolution 87-2 by the Bloomington City Common Council
Exhibit B	Ordinance 87-39
Exhibit C	Ordinance 87-57
Exhibit D	Ordinance 88-44
Exhibit E	Ordinance 89-18
Exhibit F	Ordinance 91-11
Exhibit G	Ordinance 91-28
Exhibit H	Ordinance 96-30
Exhibit I	Plat of Survey of 12-foot Public Alley Vacation, 6.23.2025
Exhibit J	12-foot Public Alley Sketch
Exhibit K	Inspection Report by Baker Stone Work, 2023
Exhibit L	Sketch # 1 of Removed Walnut by Baker Stone Work, 2023
Exhibit M	Inspection report by Equity Builders Roofing, 2023
Exhibit N	Copy of Bluestone Tree Invoice #13303
Exhibit O	Copy of Certificate of Appropriateness, No. COA 23-57
Exhibit P	Plat of Survey of 909 E. University Street, Bloomington, IN, 1.16.2024
Exhibit Q	909 E. University St., Restoration Images
Exhibit R	Property Tax Info for 909 E. University Street, Bloomington, IN
Exhibit S	Property Tax Info for 910 E. 2nd St., Bloomington, IN

To Approve Procedures and Criteria for Public Right of Way Vacations
by the Common Council

WHEREAS, Under recent amendments to Indiana Code, the Plan Commission no longer reviews Petitions for Vacation of Right of Way prior to consideration and action by the Common Council; and

WHEREAS, the Common Council wishes to establish guidelines and procedures for considering Petitions for Vacation of Public Right of Ways within the City of Bloomington, and desires that the Planning Staff conduct a preliminary review of any such request:


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

The Procedures and Criteria for Common Council Review of Public Right-of-Way Vacations, a copy of which is attached hereto and made a part hereof, is hereby Approved.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 4th day of March, 1987.


TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 5th day of March, 1987.


PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 5th day of March, 1987.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Resolution approves Procedures and Criteria for Common Council Review of Public Right-of-Way Vacations. Indiana law no longer requires Plan Commission review of such requests; these guidelines will provide for a pre-application review of such requests by the

Planning Staff prior to consideration of a Petition by the Common Council.

Signal copy:
Planning Dept

PUBLIC RIGHT-OF-WAY VACATIONS

PROCEDURE AND CRITERIA FOR COMMON COUNCIL REVIEW

Persons who own or have an interest in any lots or parts of lots contiguous to a public way or place in the City of Bloomington may file a petition for vacation of the public way or place with the Common Council of the City of Bloomington. This information packet contains instructions regarding the procedures and criteria for right-of-way vacation petitions.

The Common Council strongly advises petitioners to utilize the pre-petition review process. Because Indiana statute requires public hearing within thirty (30) days of Petition to the Council, early submittals prior to review and notice to utilities and other owners may subject the Petitioner to unnecessary continuances or denials. These problems can be avoided by the pre-petition review process.

CRITERIA

The criteria which the Common Council utilizes when reviewing a public right-of-way vacation request are as follows:

CURRENT STATUS-ACCESS TO PROPERTY: The current utilization of the right-of-way in question--as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

NECESSITY FOR GROWTH OF THE CITY:

Future Status: The future potential for public utilization, possible future need for the R.O.W. due to future changes in land use;

Proposed Private Ownership Utilization: The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to City growth);

Compliance with Regulations: The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use?);

Relation to Plans: The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

PROCEDURE

The procedure for right-of-way vacation petitions involves two basic steps. First, a pre-petition review of the petition by Planning Department staff; second, review and action by the Common Council. This procedure is detailed as follows:

I. Pre-Petition Review by Planning Staff

A. Petitioner should submit the following information to the planning staff:

1. A letter requesting pre-petition review, explaining and justifying the proposed utilization of the right-of-way and addressing, in detail, the criteria for vacation;

2. An accurate legal description of the proposed vacation;

3. A site plan or sketch map, drawn to scale, showing the right-of-way for which vacation is requested, and the adjoining properties;

4. A list of the names and addresses of owners of all property abutting the proposed vacation.

B. The Planning staff will then commence review of the submitted information and will consult with the various utilities (list is included in this packet) who may use the right-of-way. A recommendation will be made and petitioner will be notified that planning review is completed. Please allow 2-3 weeks for this review. The Petition for Vacation of Right of Way should be filed, by the Petitioner, with the Common Council office following completion of this review by the Planning Staff.

C. If easements for utilities within the right of way to be vacated are needed, the Planning Department will contact the Petitioner so that the documents can be prepared prior to Petition to the Common Council.

II. Common Council Review and Action.

A. The Petitioner should submit the following to the Common Council Office following completion of review by the Planning Staff:

1. A Completed Petition for Vacation of Right of Way;

2. The Planning Staff will forward additional information provided by the Petitioner and the Planning Staff recommendation to the Council Office.

B. Upon submission of the above Petition, the Council Office will set a date for the public hearing. This date will likely be a Committee meeting following first reading of the vacation Ordinance. Following first reading and committee/public hearing, action will be taken at the following Council meeting when the Ordinance is scheduled for second reading and vote. At that meeting, The Council may vacate the public way or place, in which case the City Clerk shall furnish a copy of the vacation ordinance to the County Recorder and the County Auditor.

III. Appeal

Any person aggrieved by a vacation of public right-of-way may appeal the vacation to the Monroe County Circuit Court within 30 days of adoption of the Ordinance.

Suggested format of letter to adjacent property owners and specified utilities and City agencies.

BLOOMINGTON COMMON COUNCIL

Notice of Public Hearing

Date: _____

The Bloomington Common Council will hold public hearings at 7:30 p.m. on
Wednesday, _____, and _____
198____, in the Council Chambers of the Bloomington Municipal Building at 220
East Third Street concerning the petition of _____
for the purpose of considering a public right-of-way vacation request for a(n)

for the right-of-way located at _____

and to which you are an adjacent property owner.

Under provisions of Indiana law, you may appear and speak on the merits
of this proposal at the public hearings at the times and dates as set out herein.
If you have any questions concerning this matter, you may telephone the City
Council Office at 339-2261, ext. 13 or 14.

Bloomington Common Council

Petitioner/Attorney for Petitioner

Address

Phone

ATTACHMENT A

UTILITIES AND CITY SERVICES TO BE NOTIFIED OF VACATION REQUESTS

Board of Public Works

339-2261 (Ext. 74)

Director

P.O. Box 100

Bloomington, IN 47402

Fire & Ambulance

332-9763

Fire Chief

P.O. Box 100

Bloomington, IN 47402

Indiana Gas

332-1443

Superintendent

205 South Madison

Bloomington, IN 47401

Public Service Indiana

336-6371

Manager

P.O. Box 1028

Bloomington, IN 47402

Utilities Department

339-1444 (Ext. 206)

Utility Engineer

P.O. Box 100

Bloomington, IN 47402

Police Department

339-4477

Chief of Police

P.O. Box 100

Bloomington, IN 47402

Monroe Cable TV

332-9486

Manager

1600 West 3rd Street

P.O. Box 729

Bloomington, IN 47402

ORDINANCE 87-39

To Vacate a Public Parcel

Re: East and West alley running from Maple Street west for 132 feet
between Eleventh Street and the Louisville & Nashville Railroad
(Susan McDonald, Petitioner)

WHEREAS, IC 36-7-3-12 authorizes the Common Council to vacate public
ways and places upon petition of persons who own or are interested
in lots contiguous to those public ways and places; and

WHEREAS, the petitioner has filed a petition to vacate a parcel
of City property more particularly described below:

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

SECTION I. Through the authority of IC 36-7-3-12, a portion of
City-owned property, to-wit the east and west alley running from
Maple Street west for 132 feet and lying between Eleventh Street
and the Louisville & Nashville Railroad shall be vacated. The
property is more particularly described as follows:

LEGAL DESCRIPTION FOR THE EAST/WEST
ALLEY BETWEEN LOTS #24 & #25 IN
MAPLE HEIGHTS 1st ADDITION TO THE
CITY OF BLOOMINGTON

A part of Maple Heights 1st Addition to the City of
Bloomington, Indiana as recorded in Plat Book 1, page 35,
Office of the Recorder, Monroe County, Indiana, being more
particularly described as follows:

Beginning at the Southeast corner of Lot 24 of said
Maple Heights 1st Addition; thence South 12 feet to the
Northeast corner of Lot 25 of said addition; thence West
along the North line of said Lot 25 for 132 feet, more or
less, to the Northwest corner of said Lot 25; thence North
12 feet to the Southwest corner of Lot 24 of said addition;
thence East along the South line of said Lot 24 for 132 feet,
more or less, to the point of beginning, containing 0.036
acres, more or less.

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

PASSED and ADOPTED by the Common Council of the City of Bloomington,
Monroe County, Indiana, upon this 19 day of August, 1987.

Timothy Mayer
TIMOTHY MAYER, President
Bloomington Common Council

Attest:
Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe
County, Indiana, upon this 20 day of August, 1987.
Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 20 day of August, 1987.
Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance vacates the east and west alley running from Maple Street
west for 132 feet and lying between Eleventh Street and the Louisville &
Nashville Railroad. The Petitioner is Susan McDonald.

Copies to:
Planning
Petitioner
Recorder

REYNOLDS, SUSAN
AUG. 19 HEARIN

HERALD-TELEPHONE
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....)ss

Leah Leahy being duly sworn on oath, says that she is billing clerk of Herald-Telephone, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

1987:
08/09

Leah Leahy

Subscribed and sworn to before me on 08/09, 1987.

Mary Buckner
Notary Public or Clerk

My commission expires 8-21-89

Publication Fee \$8.50

ORDINANCE 87 - 57

To Vacate a Public Parcel

RE: a 82' X 12' portion of an alley north of 14th St.
(Barry Elkins)

WHEREAS, IC 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, Barry Elkins, has filed a petition to vacate a parcel of City property, a portion of the north/south alley between Lots #2 & #3 in Thomas D. Alexander Addition;

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

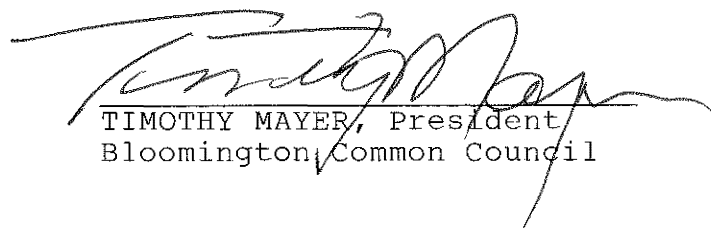
SECTION I. Thorough the aauthority of IC 36-7-3-12, a portion of City-owned property in the block bounded by 14th Street, Dunn Street, Indiana Avenue, and 15th Street shall be vacated. The property is more particularly described as follows:

A part of Thomas D. Alexander Addition to the City of Bloomington, Indiana as recorded in Plat Book 2, Page 113, Office of the Recorder, Monroe County, Indinana being more particularly described as follows:

Beginning at the Southwest corner of Lot 3 of said Thomas D. Alexander Addition; thence West 12 feet to the Southeast corner of Lot 2 of said addition; thence North along the East line of said Lot 2 for 82 feet, thence East 12 feet to the West line of Lot 3, thence South along the West line of Lot 3 for 82 feet, more or less, to the pont of beginning, containing 0.0225 acres more or less.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and published according to law.

PASSED and ADOPTED upon this 16th day of December 1987.


TIMOTHY MAYER, President
Bloomington, Common Council

ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17th day of December, 1987.


PATRICIA WILLIAMS, City Clerk

Signed copies
to:
Auditor
Recorder
Assessor
Planner
Petitioner

14th

SIGNED and APPROVED by me upon this
day of December, 1987.

Tomilea Allison

TOMILEA ALLISONS, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Barry Elkins, requests vacation of a portion of a north/south alley, north of 14th Street, between Dunn Street and Indiana Avenue. The vacation should allow aggregation of the lots on both sides of the alley for lot area density purposes.

ELKINS APTS.
DEC 2 HEARING

HERALD-TELEPHONE
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....) ss

Leah Leahy being duly sworn on oath, says that she is billing clerk of Herald-Telephone, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

1987:
11/21

Leah Leahy

Subscribed and sworn to before me on 11/21, 1987.

Mary Buckner
Notary Public or Clerk

My commission expires 8-21-89

Publication Fee \$8.50

ORDINANCE 88-44

To Vacate a Public Parcel re: an East/West alley 12' x 132' along the south line of Lot number 10 in Railroad Park Addition. (L.D. Axsom)

WHEREAS, IC 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner has filed a petition to vacate a parcel of City property more particularly described below:


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

SECTION I. Through the authority of IC 36-7-3-12, a portion of City-owned property, to-wit the east and west alley running along the south line of Lot Number 10 in Railroad Park Addition, being 12' x 132', shall be vacated. The property is more particularly described as follows:


A Twelve (12.00) foot alley running East and West along the South line of Lot No. 10 in Railroad Park Addition in Monroe County, Indiana, described as follows: Beginning at the Southeast corner of Lot No. 10 in Railroad Park Addition thence running South for a distance of 12.00 feet, thence running West for a distance of 132.00 feet, thence running North for a distance of 12.00 feet, thence running East for a distance of 132.00 feet and to the point of beginning. Subject to an easement to Public Service Indiana for access to an existing utility cable.

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

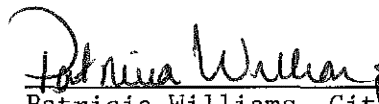
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 21 day of September, 1988.


Pam Service, President
Bloomington Common Council

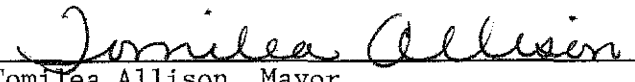
ATTEST:


Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22 day of September, 1988.


Patricia Williams, City Clerk

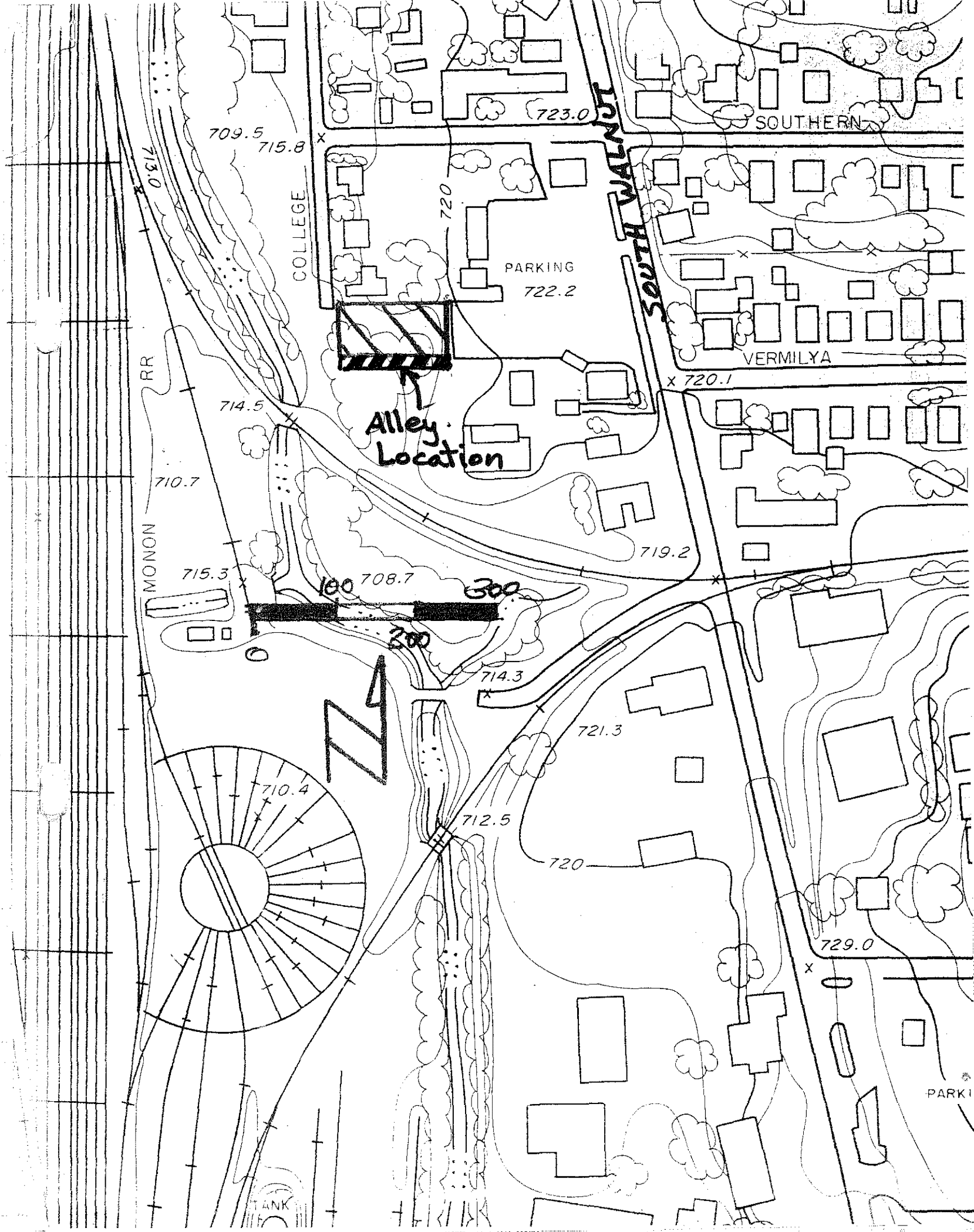
SIGNED and APPROVED by me upon this 22 day of September, 1988.


Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This Ordinance vacates the east/west alley running along the south line of 1611 S. College (Lot Number 10, Railroad Park Addition). The petitioner is L. D. Axsom.

*Signed copies 9/27/88
planning
petitioner*



L.D. AXSOM
1611 S. COLLEGE

HERALD-TELEPHONE
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....) ss

Leah Leahy being duly sworn on oath, says that she is billing clerk of Herald-Telephone, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

SEPTEMBER 11, 1988

Leah Leahy

Subscribed and sworn to before me on OCTOBER 6, 1988.

John D. Hodge

Notary Public or Clerk

My commission expires _____
JOHN D. HODGE
NOTARY PUBLIC STATE OF INDIANA
MONROE COUNTY
MY COMMISSION EXP JAN. 10, 1992

Publication Fee \$8.50

TO VACATE A PUBLIC PARCEL RE: PORTIONS OF
THE WEST EIGHTH AND MONROE STREET AREAS AND ALLEYS
SURROUNDING GRANDVIEW ADDITION LOT 1
(J. William Baus, Petitioner)

WHEREAS, IC 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner has filed a petition to vacate a parcel of City property more particularly described below:

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


SECTION I. Through the authority of IC 36-7-3-12, a portion of City-owned property, to-wit the Monroe Street right of way from 8th Street north to a 30 foot embankment which declines to the railbed (approximately 170' x 40'), AND a 12 foot alley west of the Monroe Street right-of-way and running between the petitioner's Grandview Lot 1 (62.33' x 12' and 132' x 12'), AND a portion of the 8th Street right-of-way running from the end of 8th Street cul-de-sac (60' x 98'), shall be vacated. The property is more particularly described as follows:

Those parts of Section 32, Township 9 North, Range 1, West Monroe County, Indiana, in the City of Bloomington, Indiana, bounded and described as follows:


1. Beginning at a point that is 98.64 feet north of the Southeast corner of Lot Number 2 in Grandview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence running South for 160.97 feet to the Southeast corner of Lot Number 1 in Grandview Addition, thence East for 40 feet to the Southwest corner of Lot number 69 in Fairview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence north for a distance of 179.92 feet, thence Southwest at a bearing of 244 degrees, 39 minutes, 10 seconds for 44.26 feet to the point of origin.
2. Beginning at the Southeast corner of Lot Number 2 in Grandview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence West for 144 feet to the West line of Lot Number 8, thence South 62.33 feet, thence East for 12 feet to the Southwest corner of Lot Number 1, thence North for 50.33 feet to the Northwest corner of Lot Number 1, thence East for 132 feet to the Northeast corner of Lot Number 1, thence North for 12 feet to the point of origin.
3. Beginning at the Southwest corner of Lot Number 1 in Grandview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence East 86 feet, thence South 60 feet to the North line of Lot Number 33 in Grandview Addition, thence West 98 feet, thence North 60 feet to the Southeast corner of Lot Number 8, thence East 12 feet to the point of origin.

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

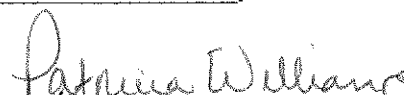
PASSED and ADOPTED by the Common Council of the City of Bloomington,
Monroe County, Indiana, upon this 21 day of June,
1989.


JAMES C. REGESTER, President
Bloomington Common Council

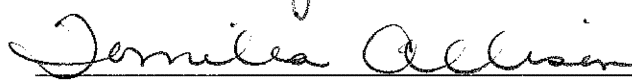
ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County,
Indiana, upon this 22 day of June, 1989.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 22 day of June, 1989.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance vacates three segments of right-of-way which are located on West 8th Street. The property under consideration is located at the point west of Elm Street where the 8th Street right-of-way terminates near the railroad and cemetery. The three properties are bounded on all sides by an assemblage of lots the petitioner, J. William Baus, has acquired. The properties, if vacated, would be combined with the assemblage of fractional lots, already owned by the petitioner, to accomodate a new residence, garden and possible storage shed for gardening supplies.

Signed Copies: 6/23/89
Planning
Petitioner

TO VACATE A PUBLIC PARCEL
RE: PORTION OF W. 9TH STREET WEST OF SPRING STREET AND
OAK STREET BETWEEN W. 8TH AND W. 9TH STREETS
(TIM J. HENKE, PETITIONER)

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, Tim J. Henke, has filed a petition to vacate a parcel of City property more particularly described below;

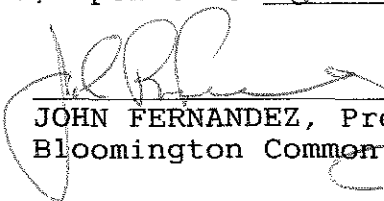
NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property is more particularly described as follows:

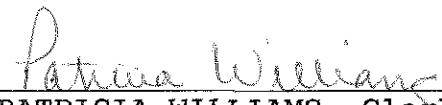
All but the northern 10 ft. of W. 9th Street adjacent to Fairview Addition lots 64, 66, 68, and 70 beginning at the SW corner of lot 70 and going east to the NE corner of lot 64; and, N. Oak Street where it runs adjacent to Fairview Addition lots 66 and 68 up to the point it meets W. 9th Street.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

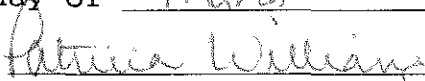
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10th day of March, 1991.


JOHN FERNANDEZ, President
Bloomington Common Council

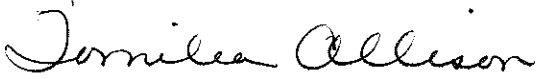
ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of March, 1991.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 7th day of March, 1991.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Tim J. Henke, requests vacation of portion of W. 9th Street west of Spring Street and Oak Street between W. 8th and W. 9th Streets.

*Signed copies to
Petitioner
Certified to M.C. Recorder
Auditor
Assessor*

the input we as residents will have is unclear. However, she felt that this four lane 'improvement' of 5th St. would not just separate, but physically and psychologically divorce the north and south sides of Fairview School district. Ten homes, several businesses and all of the trees along 5th street would have to be sacrificed. This highway would severely restrict local pedestrian traffic and present a formidable barrier to the easy access which we now enjoy to our residential district's facilities, services and resources. 5th street needs improvement but better East/West traffic flow might be achieved by developing App road and 14th St. Funnelling even more traffic through the downtown area should be strongly discouraged. A Traffic Committee was formed to consider all West Side traffic related matters - **Wayne Young**, Chair.

A Nominating Committee was also created to prepare nominations for Association elections in April, **Mike Kelsey**, Chair.

830 W. 6th St., Garage Conversion - S. Clothier
Rental Rehab developer **Bill Woods** inadvertently obtained redevelopment funds and a building permit for a garage conversion on the premise that this garage had already been used as a living unit. After having begun 'remodeling' the apt./garage, the City realized its zoning mistake and placed a stop work order on the project. Mr. Woods is presently circulating a petition to allow him to continue work. The Association voted to discourage higher residential density. After hearing the testimonials of some of the longstanding residents who unequivocally denounced Mr. Woods' assertion that historically the garage had been used as an apartment, the Association voted to oppose conversion. Subsequently, Mr. Woods attended the February Special Meeting of the NWSNA and was invited to argue his case. The original vote was reaffirmed and stands. A letter has been drafted and mailed to those concerned. **Sandra Clothier** has volunteered to represent the Association's view at the second Board of Zoning Appeals meeting on this issue scheduled for the middle of March.

The City Master Plan - Bill Land

A goal of the Master Plan process is to strengthen neighborhood identity and promote a coalition of neighborhoods which will encourage Bloomington residents to holistically evaluate any and all proposed changes to City infrastructure. There can be no change without trade-offs. Good things have their down side. Historically it is our neighborhood which shoulders the downside of Bloomington's urban development pressure. Mr. Land assured us however, that over the next 20 years capital dollars will be directed away from fostering urban sprawl and attention will be focused on enhancing the center of town. Identifying a list of NWS neighborhood priorities and keeping the lines of communication with the City open will

help to ensure that these funds are spent appropriately on things we need and want i.e. better drainage, sewer systems, parks, lighting, traffic flow and safety. He interpreted a color-coded Master Plan Map and candidly fielded our questions. Copies of the 120 page Master Plan are on sale (\$7) at **Kinko's**.

Special Meeting - City Right-of-Way Vacation.
February 26th, 7 p.m. Westside Community Center.
Approximately 20 residents present.

Leslie and Tim Hinke recently bought two adjoining parcels of land adjacent to the railroad tracks and near Girl's Inc. The Hinke's want the option of building two single family residential homes, one in which they would live and another which they could rent out. The second parcel, however, is not large enough to build on without a vacation of City right-of-way. Such a vacation would add 10,780 sq ft. (**free!**) to their present 16,988 sq.ft. of property and raise its value dramatically. The Association has already identified the brush and tree growth along the convergence of these three railroad lines as a rare inner-city **Wildlife Corridor** and is concerned about green space encroachment, but we are also sympathetic to the lack of affordable housing. A compromise was struck.

*The Association voted to support right-of-way vacation contingent upon:

- 1) the Hinke's donating a portion of land ~~nearest the railroad tracks~~ (Lot 70, Fairview Addition) to **Sycamore Land Trust** as a nature ~~conservancy~~ ^{conservancy};
- 2) attaching a covenant (which would run with the land and be enforceable by neighbors) to his deeds on the three lots restricting development to only two SFR homes with the western-most home being no bigger than 1400 sq. ft.
- 3) Construction on this land would be in accordance with all zoning or land use restrictions without waivers or variances.

We look forward to Leslie and Tim Henke living in the neighborhood.

For Your Information -

The Near West Side Neighborhood Association is a voluntary organization dedicated to:

- Fostering better communication between area residents
- Protecting our Single Family Residential zoning status
- Taking a prepared approach to local representation
- Encouraging neighborhood pride

Persons interested in becoming active in the Association and/or in receiving NWSNA notices should contact a participating neighbor, or attend our next meeting.

Newsletters are distributed free to neighbors.

Donations are gratefully accepted.

Area distribution coordinator **Kay Thorbeck** aided by: Sandra Clothier, Wayne Young, Claire Riggins, Cheryl Brown, Monica Overman, Karen Cherrington, Bill Baus

Patricia Cole, President (339-7219)

Newsletter # 5 - prepared by Michael Connor 2/5/04

IDS FINANCIAL SERVIC
W. 9TH ST. NOT

THE HERALD-TIMES
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....) ss

Leah Leahy or Sue May being duly sworn on oath, says that she is billing clerk of The Herald-Times, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

1991:
02/10

Sue May

Subscribed and sworn to before me on 02/10 /91.

John D. Hodge

Notary Public or Clerk

JOHN D. HODGE
NOTARY PUBLIC STATE OF INDIANA
MONROE COUNTY

My commission expires MY COMMISSION EXP JAN.10,1992

Publication Fee \$10.50

NOTICE OF PUBLIC HEARING
The Common Council of the City of Bloomington has been petitioned to hear a request for the approval of vacation of public right of way for the property located at W. 9th Street and more particularly described as follows:
All but the northern 10 ft. of W. 9th Street adjacent to Fairview Addition lots 64, 66, 68, and 70 beginning at the SW corner of lot 70 and going east to the NE corner of lot 64; and N. Oak Street where it runs adjacent to Fairview Addition lots 66 and 68 up to the point it meets W. 9th Street.
Public Hearing will be held on Wednesday, Feb. 20, 1991 at 7:30 P.M. in the Council Chambers of the Municipal Building for the purpose of exchanging information and questioning the petitioner. All persons interested in said proposed vacation may be heard at the time and place as herein set out.
Submitted By:
Patricia Williams, Clerk
City of Bloomington

10

Exhibit G

ORDINANCE 91-28

TO VACATE A PUBLIC PARCEL
RE: PORTION OF PROPERTY ON THE SOUTHEAST CORNER OF SEVENTH AND
ROGERS STREETS
(JOHN I. BYERS, PETITIONER)

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, John I. Byers, has filed a petition to vacate a parcel of City property more particularly described below;

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

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property is a 2.5 feet by 86 feet strip along Rogers Street and a 4.00 feet by 72.58 feet strip along Seventh Street more particularly described as follows:

Beginning at the Northwest corner of inlot 276 in the City of Bloomington and running thence East along and with the North boundary of said inlot 276 a distance of 66.00 feet to the Northwest corner of inlot 275, thence continuing East along and with the North boundary of inlot 275 a distance of 6.58 feet, thence North 4.00 feet, thence West 72.58 feet, thence South 4.00 feet to the point of the beginning.

Also a strip bounded and described as follows:
Beginning at the Northwest corner of inlot 276 and running thence South along and with the West boundary of said inlot 276 a distance of 82.00 feet, thence West 2.50 feet, thence North 86.00 feet, thence East 2.50 feet, thence South 4.00 feet to the point of the beginning.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 5TH day of JUNE, 1991.

John Fernandez
JOHN FERNANDEZ, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk (DEPUTY)
City of Bloomington Jim McNamara

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 6TH day of JUNE, 1991.

Patricia Williams
PATRICIA WILLIAMS, Clerk (DEPUTY)
City of Bloomington Jim McNamara

SIGNED and APPROVED by me upon this 10TH day of JUNE, 1991.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, John I. Byers, requests vacation of two narrow strips of property located at the S.E. corner of Seventh and Rogers Streets.

SIGNED COPIES: Recorder
Petitioner
Assessor
Auditor
Planning
Engineering

ORDINANCE 96-30

TO VACATE A PUBLIC PARCEL

Re: Part of a recorded sewer easement between 1007 and 1013 Countryside Lane
(Charles R. Short, Petitioner)

WHEREAS, the petitioner, Charles R. Short, has filed a petition to vacate a portion of a recorded sewer easement granted to the City of Bloomington Utilities Department and more particularly described below; and

WHEREAS, I.C. 36-7-3-16 authorizes the Common Council to vacate platted easements in the same manner as it vacates public ways and places; and

WHEREAS, the Common Council follows the procedure set forth in I.C. 36-7-3-12 to vacate public ways and places and that procedure commences upon petition of persons who own or are interested in lots contiguous to those public ways and places;

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

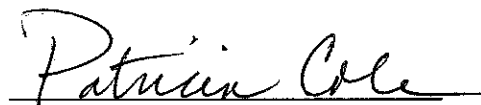
SECTION I. Through the authority of I.C. 36-7-3-12 and I.C. 36-7-3-16, a portion of City owned property shall be vacated. The property, commonly known as a part of a recorded sewer easement between 1007 and 1013 Countryside Lane, is more particularly described as follows:

A part of Lot No. 34 in Rockport Hills Section II (Plat Cabinet "C", Envelope 122) as follows:


Beginning at the Northeast corner of Lot No. 34; thence running North 87 degrees 29 minutes 00 seconds West over and along the North line of Lot No. 34 for 15.00 feet; thence leaving said North line running South 02 degrees 31 minutes 00 seconds West and parallel with the East line of Lot No. 34 for 36.00 feet to the true point of beginning; thence running South 87 degrees 29 minutes 00 seconds East for 3.00 feet; thence running South 02 degrees 31 minutes 00 seconds West and parallel to the East line of Lot No. 34 for 27.00 feet; thence running North 87 degrees 29 minutes 00 seconds West for 3.00 feet; thence running North 02 degrees 31 minutes 00 seconds East for 27.00 feet and to the point of the beginning.

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


PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of October, 1996.


PATRICIA COLE, Vice President
Bloomington Common Council


ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17 day of October, 1996.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 17 day of October, 1996.

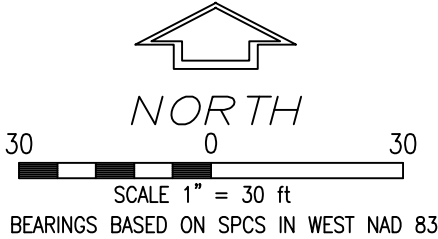
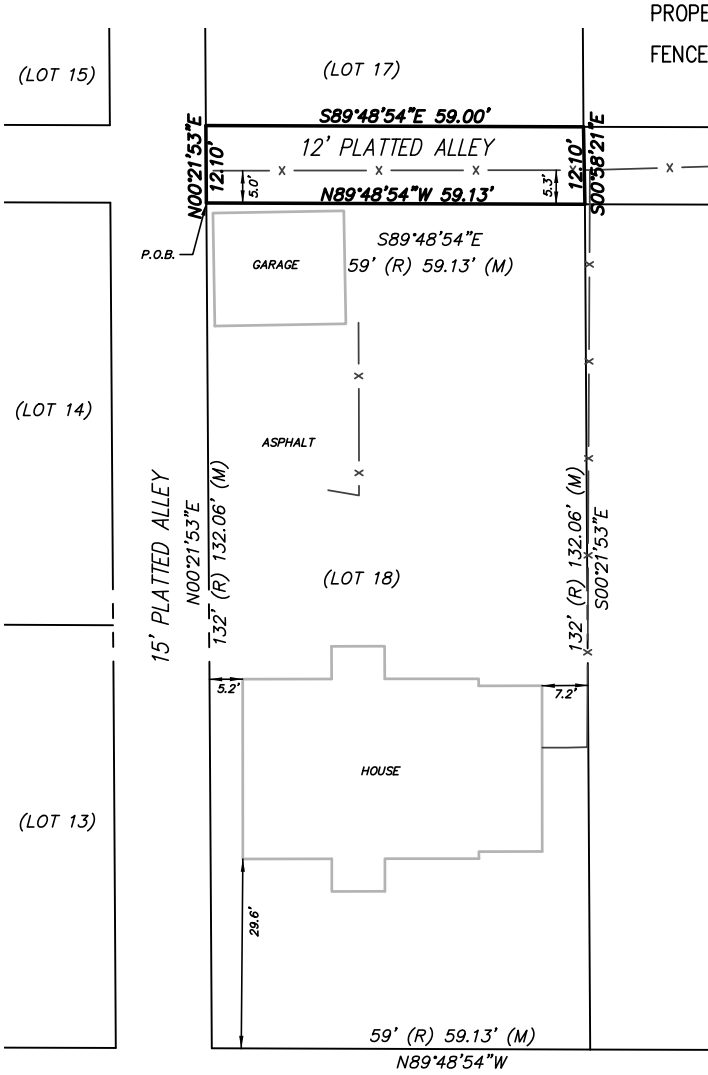

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Charles R. Short, requests vacation of the public parcel commonly known as a part of a recorded easement between 1007 and 1013 Countryside Lane.


ALLEY VACATION BETWEEN LOTS
17 & 18 MERKER'S ADDITION

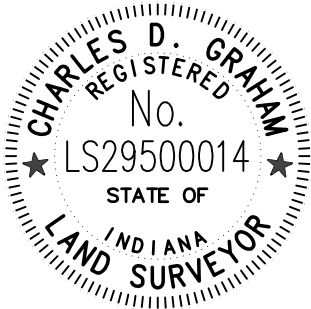
RECORDER
STAMP



DESCRIPTION;
All that part of a recorded 12 foot wide platted alley lying between Lot 17 and Lot 18 in Merker's Subdivision of Seminary Lot 98 recorded in Plat Cabinet B, Envelope 30 in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:

Beginning at the Northwest corner of said Lot 18; thence along the extension of the West line of said Lot 18, through said platted alley North 00 degrees 21 minutes 53 seconds West (basis of bearing Indiana SPC West Zone) 12.10 feet to the Southwest corner of said Lot 17; thence leaving said extended West line and with the South line of said Lot 17 South 89 degrees 48 minutes 54 seconds East 59.00 feet to the Southeast corner of said Lot 17; thence leaving South line and along the extension of the East line of said Lot 18 through said platted alleyway South 00 degrees 58 minutes 21 seconds East 12.10 feet to the Northeast corner of said Lot 18; thence along the North line of said Lot 18 North 89 degrees 48 minutes 54 seconds West 59.13 feet to the point of beginning.
Containing 715 square feet (0.016 acre), more or less.

Prepared by:

Charles D. Graham
Registration No. LS29500014



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

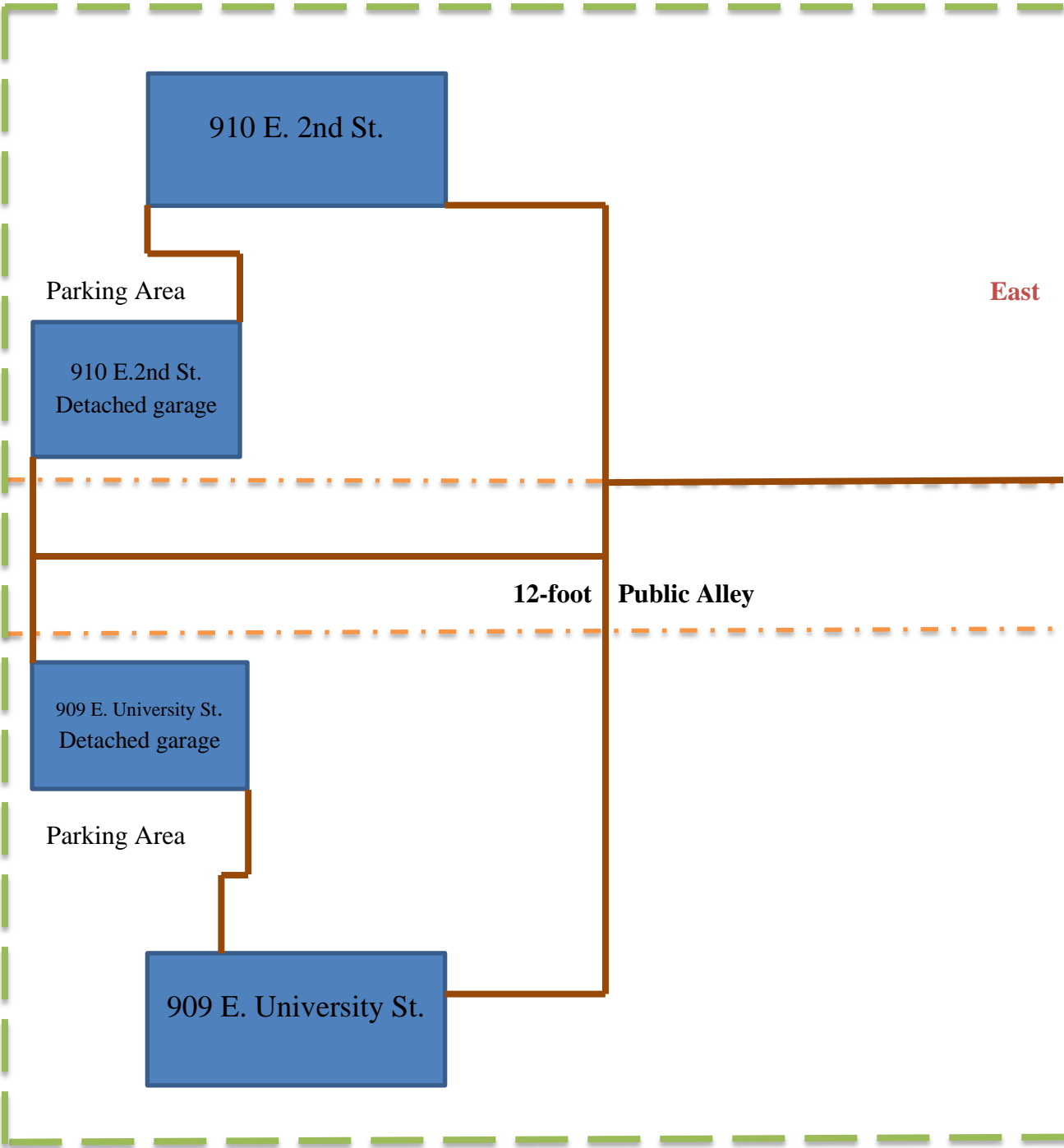
12-foot Public Alley Sketch

North
East Second Street

West

East

15-foot Public Alley



East University Street

South

Legend: brown line – fence line
This sketch is not drawn to scale

Exhibit K

BAKER STONE WORK

1545 Hupp Road
Bloomington, IN 47401
812-824-2004
812-824-6500 fax

charley.bakerstonework@gmail.com, 812-327-3242 cell
mike.bakerstonework@gmail.com, 812-327-7977 cell

June 30, 2023

To Whom It May Concern:

Our company has been hired by Veronika Bardonner, 909 E.University St., Bloomington, to inspect and to repair the detached garage, located at the north-western corner of her property and bordering the City property.

Findings:

The north side of the detached garage, 909 E.University St., is bordering the City property. On the City property the black walnut tree grows. This tree is about thirty-two inches in a diameter. It grows next to the north-east corner of the detached garage, 909 E.University St., at approximately five feet distance. This black walnut tree grows at about the same distance of five feet from the neighbor's detached garage, 910 E.2nd St. (See: Sketch # 1).

There are one large and multiple small cracks in the detached garage floor. The diagram of the large crack is on the Sketch # 2. Photo # 1 is a photo of the large crack. This large crack in the floor is about seventeen feet in length. The width of this crack varies from one-fourths of an inch at some places to a half of an inch in others.

In the footer on the east side of the detached garage there are three separate cracks. (See: Sketch #3). One crack on photo # 2 is four inches in length, and the width of this crack varies from one-eighths of an inch at some places to three-sixteenths of an inch in others. Another crack on photo # 3 is four inches in length, and the width of this crack varies from one-eighths of an inch at some places to three-sixteenths of an inch in others. The third crack on photo # 4 is four inches in length, and the width of this crack varies from one-eighths of an inch at some places to three-sixteenths of an inch in others. (Photos of the footer were taken inside of the garage).

Conclusions:

It is our professional opinion that all cracks in the floor and in the footer on the detached garage on 909 E.University St. caused by the root system of the black walnut tree.

We are going to repair the foundation of the detached garage.

We recommend to the owner of the detached garage to find concrete professionals to repair cracks in the floor.

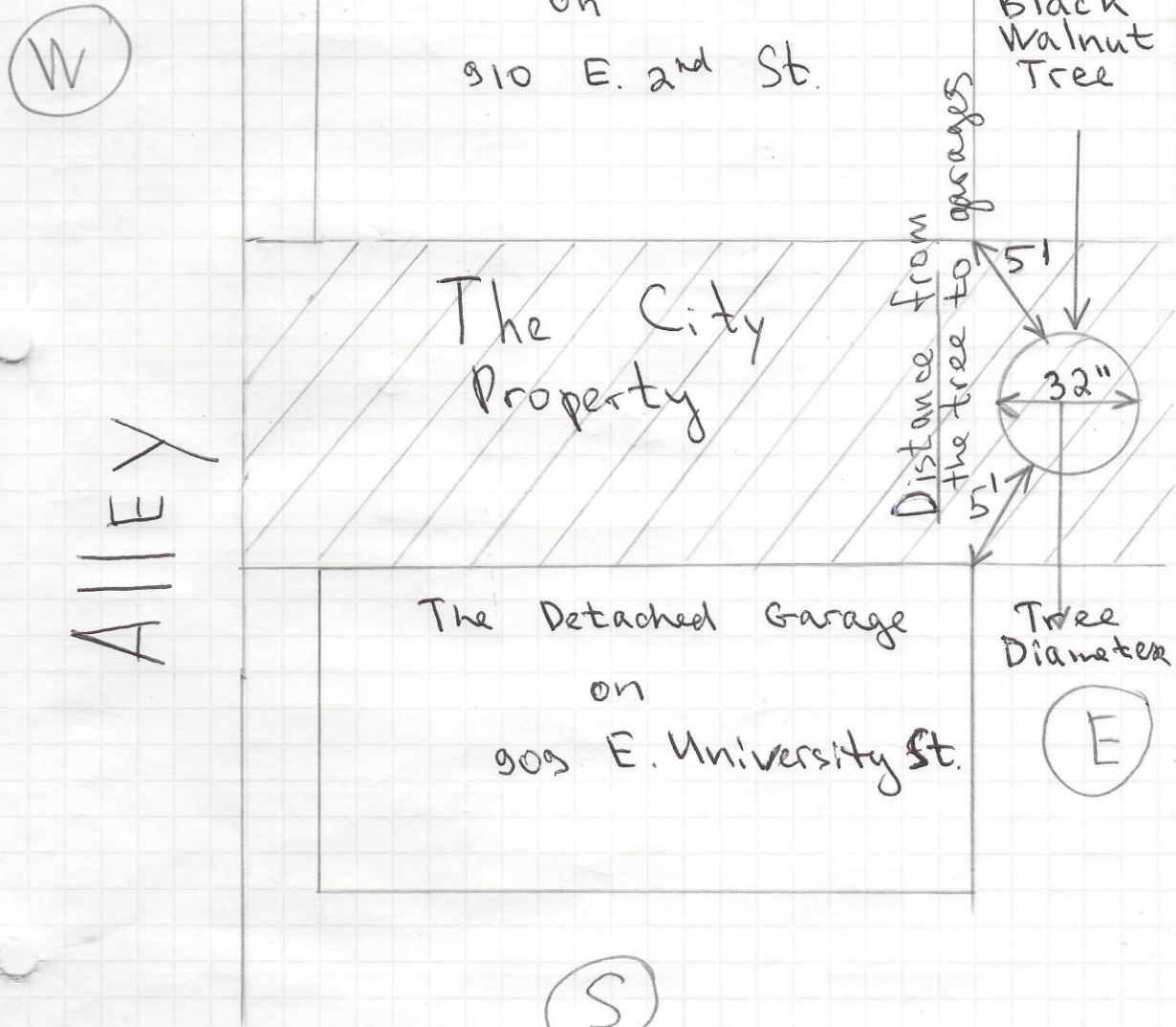
We cannot guarantee that after our repair there would be no more damage to the garage foundation, because the black walnut tree roots could grow further into the detached garage foundation.

Charley Nelson,
Co-Owner of Baker Stone Work



Sketch #1.

The Detached Garage, 909 E. University St.,
and the ~~Black~~ Walnut Tree
Locations



(S)
This sketch has no true scale.



Exhibit M

July 7, 2023

To Whom It May Concern:

Equity Builders Roofing has been hired by Veronika Bardonner, to inspect and repair the roof on the detached garage located on her property located at 909 East University Street, Bloomington, IN. The garage is located in the northwest corner of her property which also borders the City's property.

Upon inspection of the detached garage, one of our sales representatives noted that the tree has caused a significant amount of damage to the roofing system's components on the detached garage. There are branches causing tree rub on the surface of the shingles and granule loss was observed on this roof. In addition, there are torn shingles along the edges of the roof where the tree branches have been rubbing as well as gouges in the shingles from the falling walnuts.

Shingle granules are the exterior coating on asphalt roofing shingles which provide an extra layer of protection. These granules prevent the roof's two underlying layers, the asphalt and fiberglass mat, from being exposed to the elements. They also protect roofing systems from the sun's harmful rays and offer an added layer of fire protection to a structure. A roof becomes more vulnerable to the elements in the areas where there is granule loss and may have accelerated degradation from the sun's UV rays. Powerful wind, rain, and snowstorms may cause leaks inside the structure, and gutters backed up with shingle granules can cause dangerous and expensive damage to a structure's roofing system, siding, and foundation. Additionally, when the number of granules decreases, asphalt shingles are more likely to crack, bend, or break, drastically shortening the lifespan of the entire roofing system.

Veronika Bardonner is planning to replace the roofing system that is currently on her detached garage, however, doing this before attending to the issues with the tree would be unadvised. A new roof under the same tree conditions will also deteriorate, shortening the life span of the roof.

Our recommendation is that the tree be removed, or at the very least, drastically trimmed back and maintained.

Regards,

A handwritten signature in black ink, appearing to read 'Alyssa Dini', written over a horizontal line.

Roofing Production Manager
Equity Builders Roofing, LLC
1204 W 2nd St.
Bloomington, IN 47403

Invoice Summary #13303

Paid

View Invoice

Billing Address

Veronika Bardonner
909 E University St Bloomington, IN 47401
812-369-8129

Invoice Information

Invoice Date: Sep 08, 2023
Due Date:
Terms: Payment is due upon receipt of invoice. Please make checks payable to Bluestone Tree and mail to: PO BOX 345 Clear Creek, IN 47426. We will charge 1.5% interest per month on late payments and \$30.00 on returned checks.

909 E University St 47401

909 E University St Bloomington, IN 47401

Visit Date: Sep 8, 2023

ITEM	AMOUNT
Tree Removal - With Cleanup Black Walnut- Safely dismantle tree. Haul away all debris. Cut stump low. Cleanup final work site.	\$6,251.27
Grind Stump - Leave Chips Grind stump and leave wood chips on site. No clean up. This does not include any grinding of visible surface roots or hauling away wood chips. The stump will be ground a maximum of 4" below nearby ground level. If accepted, Bluestone Tree will call in utility locates to be marked prior to grinding.	\$312.00

Subtotal	\$6,563.27
Sales Tax	\$0.00
Total	\$6,563.27
Payments	- \$6,563.27
Balance	\$0.00

CERTIFICATE OF APPROPRIATENESS

Issued by the Bloomington Historic Preservation Commission

Address of Historic Property:

909 E University St., Bloomington, IN

Summary of Work Approval:

- **Building of a new fence. The new fence must border the property line and end with the detached garage on the north end of the property**

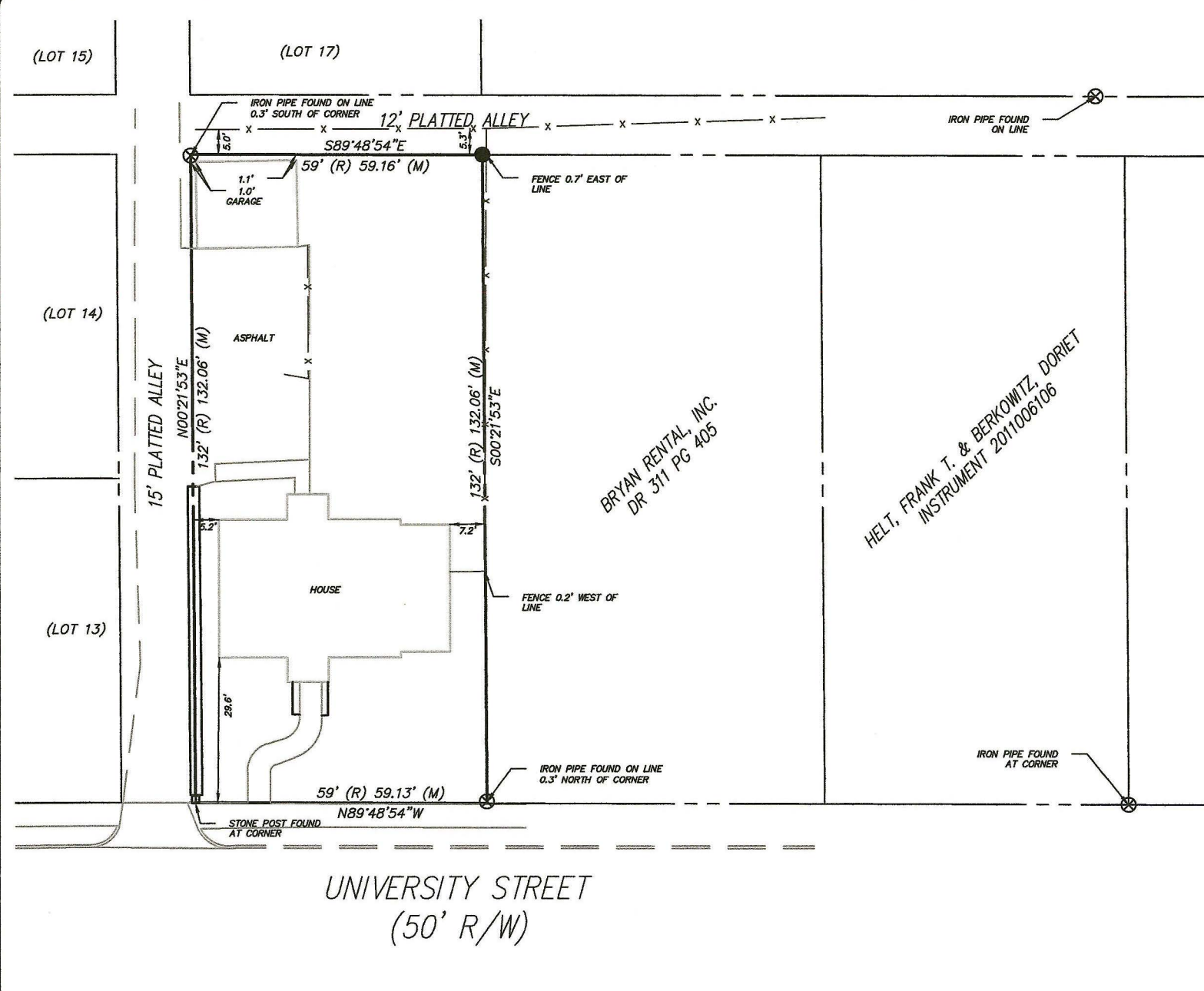
A copy of the complete approved plans may be obtained from the Department of Housing and Neighborhood Development Office Located at City Hall, 401 N. Morton, Suite 130 under case number **COA 23-57**.

This Certificate is effective for two years following the date of issue. Exterior work outside of the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.



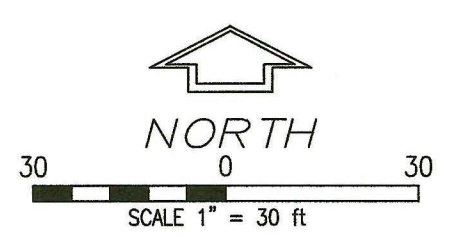
Gloria M. Colom Braña
Staff
Bloomington Historic Preservation Commission

Issue Date: **August 3, 2023**




BEARINGS BASED ON SPCS IN WEST NAD 83
FIELD DATE: 01/08/2024

PROPERTY LINE	---
FENCE LINE	--- X --- X ---
CURB	=====
RETAINING WALL	=====
REBAR SET 'BFA 9500014'	●
IRON PIPE FOUND	⊗



2024000502 SURVEY2 \$25.00
01/17/2024 10:36:07A 1 PGS
Amy Swain
Monroe County Recorder IN
Recorded as Presented



Date: 01/16/2024

RETRACEMENT SURVEY OF PARCEL #53-08-04-110-010.000-009
909 E. University Street, Bloomington, IN 47401
Lot 18, Merker's Subdivision of Seminary Lot 98
BARDONNER, VERONIKA

DESCRIPTION: (Source of Title: Instrument 2017007948)

Exhibit P

Lot Number Eighteen (18) in Merker's Subdivision of Seminary Lot Ninety-eight (98) in the City of Bloomington, Indiana, as shown by the recorded plat thereof.

SURVEYOR'S REPORT

According to Indiana Administrative Code (865 IAC1-12-12), the following is the theory of location applied in establishing the lines established this survey:

1. The North line of the subject property was established by using monuments found along the north and south lines of the 12 foot platted alleyway abutting said North line.
2. The South line of the subject property was established by using monuments found along the north right of way of University Street abutting said south line.
3. The East and West lines were established by using monuments found along said lines and the geometric information provided within the recorded plat of Merker's Addition.

The following is a professional opinion of the cause and amount uncertainty in the lines and corners of the surveyed parcel because of the following:

A. Availability and condition of reference monuments.

1. Iron pin found on the north line of the 12' platted alleyway, as shown.
2. Iron pipe found on the north line of University Street at the southeast corner of property described in Instrument 2011006106, as shown.
3. Iron pipe found on the east line of subject property, 0.3' north of the southeast corner, as shown.
4. Iron pipe found on the west line of subject property, 0.3' south of the northwest corner, as shown.
5. Stone post found at the southwest corner of subject property, as shown.
6. The maximum relative positional difference between found monuments and record position = 0.3'

B. Occupation or possession lines

1. Fence line along the east line of the subject property lies between 0.2' west to 0.7' east of said east line, as shown.
2. Fence line lies north of the north line of subject property by 5.0' to 5.3', as shown.
3. Retaining wall along the southern portion of the west line, as shown.
4. The maximum relative positional difference between occupation and/or possession lines and lines established this survey = 5.3'

C. Clarity or ambiguity of record description and adjoiners' record descriptions.

1. No discrepancies or conflicts were discovered when comparing the subject property's description with adjoining property descriptions.

D. Relative Positional Accuracy.

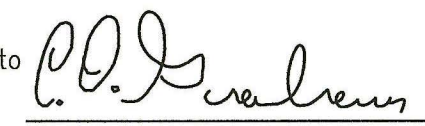
1. The Relative positional accuracy of the measurements is 0.13 feet (40mm) +/- 100 ppm, and is consistent with a 'Suburban Survey' as defined by Indiana Code.

CERTIFICATION;

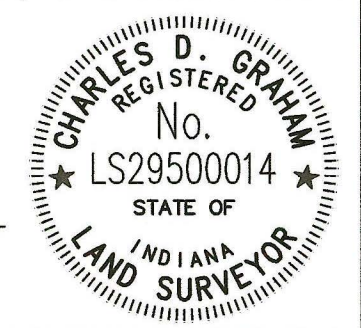
I certify that the survey as shown by the plat was performed wholly under the direction of myself, a registered land surveyor in the State of Indiana, and to the best of my belief and knowledge was executed according to 865 IAC 1-12.

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

Prepared by:



Charles D. Graham
Registration No. LS29500014



BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404
Phone (812)332-8030 Fax (812)339-2990

Project No: 5023100

909 E. University St.

Before and After Backyard Restoration Images

Showcasing the View of the 12-foot Public Alley

Before Restoration

(fence was built around 1990)



After Restoration

(April, 2025)





LowTaxInfo



Property taxes were due May 12th, 2025. If you are paying late, please note that there is a Statutory 5% penalty applied that is NOT yet reflected online. If you have questions or concerns about this amount, please contact the Treasurer's Office directly.

909 E University St

Bloomington, IN 47401

Bardonner, Veronika

909 E University St
Bloomington, IN 47401



Spring Due by 05/12/2025: \$0.00

Fall Due by 11/10/2025: \$2,685.00

\$2,685.00

Total Due ⓘ

Property Information

Tax Year/Pay Year

2024 / 2025

Parcel Number

53-08-04-110-010.000-009

Duplicate Number

1091009

Property Type

Real

Tax Unit / Description

9 - Bloomington City Perry Township

Property Class

RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT

Mortgage Company

None

TIF

None

Homestead Credit Filed?

Yes

Over 65 Circuit Breaker?

No

Legal Description

Note: Not to be used on legal documents

015-48200-00 Merkers L18

Section-Township-Range

No Info

Parcel Acres

0.18

Lot Number

18

Block/Subdivision

No info

Billing

Detail

	Tax Bill	Adjustments	Balance
Spring Tax:	\$2,685.00	\$0.00	\$2,685.00
Spring Penalty:	\$0.00	\$0.00	\$0.00
Spring Annual:	\$0.00	\$0.00	\$0.00
Fall Tax:	\$2,685.00	\$0.00	\$2,685.00
Fall Penalty:	\$0.00	\$0.00	\$0.00
Fall Annual:	\$0.00	\$0.00	\$0.00

Delq NTS Tax:	\$0.00	\$0.00	\$0.00
Delq NTS Pen:	\$0.00	\$0.00	\$0.00
Delq TS Tax:	\$0.00	\$0.00	\$0.00
Delq TS Pen:	\$0.00	\$0.00	\$0.00
Other Assess:	\$0.00	\$0.00	\$0.00
Late Fine:	\$0.00	\$0.00	\$0.00
Late Penalty:	\$0.00	\$0.00	\$0.00
Demand Fee:	\$0.00	\$0.00	\$0.00
Jdg Tax/Pen/Int:	\$0.00	\$0.00	\$0.00
Judgement Fee:	\$0.00	\$0.00	\$0.00
Advert Fee:	\$0.00	\$0.00	\$0.00
Tax Sale Fee:	\$0.00	\$0.00	\$0.00
NSF Fee:	\$0.00	\$0.00	\$0.00
Certified to Court:	\$0.00	\$0.00	\$0.00
LIT Credits:	\$145.92	\$0.00	\$145.92
PTRC:	\$0.00	\$0.00	\$0.00
HMST Credit:	\$0.00	\$0.00	\$0.00
Circuit Breaker Credit:	\$0.00	\$0.00	\$0.00
Over 65 CB Credit:	\$0.00	\$0.00	\$0.00
Tax and Penalty:			\$5,370.00
Other Assess (+):			\$0.00
Fees (+):			\$0.00
Cert to Court (-):			\$0.00
Subtotal:			\$5,370.00
Receipts:			\$2,685.00
Total Due:			\$2,685.00
Surplus Transfer:			\$0.00
Account Balance:			\$2,685.00

Payments

Payable Year	Entry Date	Payable Period	Amount Paid	Notes	Property Project
2025	04/25/2025	S	\$2,685.00		N

Tax History

Pay Year	Spring	Fall	Delinquencies	Total Tax	Payments
2025	\$2,685.00	\$2,685.00	\$0.00	\$5,370.00	\$2,685.00
2024	\$2,298.50	\$2,298.50	\$0.00	\$4,597.00	\$4,597.00
2023	\$2,196.08	\$2,196.08	\$0.00	\$4,392.16	\$4,392.16
2022	\$1,980.53	\$1,980.53	\$0.00	\$3,961.06	\$3,961.06
2021	\$2,003.78	\$2,003.78	\$0.00	\$4,007.56	\$4,007.56
2020	\$2,061.42	\$2,061.42	\$0.00	\$4,122.84	\$4,122.84
2019	\$2,015.86	\$2,015.86	\$0.00	\$4,031.72	\$4,031.72
2018					
2017					
2016					

Tax Overview

Current Tax Summary

Tax Summary Item	2024	2025
1. Gross assessed value of property		
1a. Gross assessed value of land and improvements	\$420,400	\$479,100
1b. Gross assessed value of all other residential property	\$0	\$0
1c. Gross assessed value of all other property	\$0	\$0
2. Equals total gross assessed value of property	\$420,400	\$479,100
2a. Minus deductions	(\$196,960)	(\$209,662)
3. Equals subtotal of net assessed value of property	\$223,440	\$269,438
3a. Multiplied by your local tax rate	2.1161	2.0472
4. Equals gross tax liability	\$4,728.21	\$5,515.92
4a. Minus local property tax credits	(\$131.21)	(\$145.92)
4b. Minus savings due to property tax cap	\$0.00	\$0.00
4c. Minus savings due to 65 years & older cap	\$0.00	\$0.00
4d. Minus savings due to county option circuit breaker credit	\$0.00	\$0.00

5. Total property tax liability	\$4,597.00	\$5,370.00
---------------------------------	------------	------------

Assessed Values as of 04/12/2024

Land Value	\$132,600
Improvements	\$346,500

Exemptions / Deductions

Description	Amount
Standard Hmst	\$48,000.00
Supplemental HSC	\$161,662.00
Count: 2	\$209,662.00

Other Assessments

Assessment Name	Billing	Adjustments	Balance
No data			

History

Property

Event	Date	Effective Date	Create Year	Related Parcel Number	Book	Page	Doc Nbr
No data							

Transfer

Transferred From	Transfer Date	Reference Number	Document Number	Book	Page
Bardonner, Kenneth E.	06/09/2017	05/23/2017	2017007948		



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Last Updated June 22, 2025



LowTaxInfo



Property taxes were due May 12th, 2025. If you are paying late, please note that there is a Statutory 5% penalty applied that is NOT yet reflected online. If you have questions or concerns about this amount, please contact the Treasurer's Office directly.

910 E 2nd St

Bloomington, IN 47401

Mueller, Timothy A & Virginia

910 E 2nd St
Bloomington, IN 47401



Spring Due by 05/12/2025: \$3,026.64

Fall Due by 11/10/2025: \$3,329.30

\$6,355.94

Total Due ⓘ

Property Information

Tax Year/Pay Year

2024 / 2025

Parcel Number

53-08-04-110-013.000-009

Duplicate Number

1104043

Property Type

Real

Tax Unit / Description

9 - Bloomington City Perry Township

Property Class
RESIDENTIAL TWO FAMILY DWELLING ON A PLATTED LOT

Mortgage Company
None

TIF
None

Homestead Credit Filed?
Yes

Over 65 Circuit Breaker?
No

Legal Description
Note: Not to be used on legal documents
015-61710-00 Merkers L17

Section-Township-Range
No Info

Parcel Acres
0.18

Lot Number
17

Block/Subdivision
No info

Billing

Detail

	Tax Bill	Adjustments	Balance
Spring Tax:	\$3,026.64	\$0.00	\$3,026.64
Spring Penalty:	\$302.66	\$0.00	\$302.66
Spring Annual:	\$0.00	\$0.00	\$0.00
Fall Tax:	\$3,026.64	\$0.00	\$3,026.64
Fall Penalty:	\$0.00	\$0.00	\$0.00
Fall Annual:	\$0.00	\$0.00	\$0.00
Delq NTS Tax:	\$0.00	\$0.00	\$0.00

Exhibit S

Delq NTS Pen:	\$0.00	\$0.00	\$0.00
Delq TS Tax:	\$0.00	\$0.00	\$0.00
Delq TS Pen:	\$0.00	\$0.00	\$0.00
Other Assess:	\$0.00	\$0.00	\$0.00
Late Fine:	\$0.00	\$0.00	\$0.00
Late Penalty:	\$0.00	\$0.00	\$0.00
Demand Fee:	\$0.00	\$0.00	\$0.00
Jdg Tax/Pen/Int:	\$0.00	\$0.00	\$0.00
Judgement Fee:	\$0.00	\$0.00	\$0.00
Advert Fee:	\$0.00	\$0.00	\$0.00
Tax Sale Fee:	\$0.00	\$0.00	\$0.00
NSF Fee:	\$0.00	\$0.00	\$0.00
Certified to Court:	\$0.00	\$0.00	\$0.00
LIT Credits:	\$84.22	\$0.00	\$84.22
PTRC:	\$0.00	\$0.00	\$0.00
HMST Credit:	\$0.00	\$0.00	\$0.00
Circuit Breaker Credit:	\$0.00	\$0.00	\$0.00
Over 65 CB Credit:	\$0.00	\$0.00	\$0.00
Tax and Penalty:			\$6,355.94
Other Assess (+):			\$0.00
Fees (+):			\$0.00
Cert to Court (-):			\$0.00
Subtotal:			\$6,355.94
Receipts:			\$0.00
Total Due:			\$6,355.94
Surplus Transfer:			\$0.00
Account Balance:			\$6,355.94

Payments

Payable Year	Entry Date	Payable Period	Amount Paid	Notes	Property Project
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No data

Tax History

Pay Year	Spring	Fall	Delinquencies	Total Tax	Payments
2025	\$3,026.64	\$3,026.64	\$302.66	\$6,355.94	\$0.00
2024	\$3,312.78	\$3,312.78	\$331.28	\$6,956.84	\$6,956.84
2023	\$2,929.84	\$2,929.84	\$292.98	\$6,152.66	\$6,152.66
2022	\$2,517.02	\$2,517.02	\$2,420.83	\$7,454.87	\$7,454.87
2021	\$2,316.58	\$2,316.58	\$0.00	\$4,633.16	\$2,432.41
2020	\$2,417.68	\$2,417.68	\$0.00	\$4,835.36	\$4,835.36
2019	\$2,303.86	\$2,303.86	\$4,642.24	\$9,249.96	\$9,249.96
2018					
2017					
2016					

Tax Overview

Current Tax Summary

Tax Summary Item	2024	2025
1. Gross assessed value of property		
1a. Gross assessed value of land and improvements	\$219,600	\$296,800
1b. Gross assessed value of all other residential property	\$213,000	\$144,300
1c. Gross assessed value of all other property	\$0	\$0
2. Equals total gross assessed value of property	\$432,600	\$441,100
2a. Minus deductions	(\$116,640)	(\$141,300)
3. Equals subtotal of net assessed value of property	\$315,960	\$299,800
3a. Multiplied by your local tax rate	2.1161	2.0472
4. Equals gross tax liability	\$6,686.02	\$6,137.50
4a. Minus local property tax credits	(\$60.46)	(\$84.22)
4b. Minus savings due to property tax cap	\$0.00	\$0.00
4c. Minus savings due to 65 years & older cap	\$0.00	\$0.00
4d. Minus savings due to county option circuit breaker credit	\$0.00	\$0.00

5. Total property tax liability

\$6,625.56

\$6,053.28

Assessed Values as of 04/29/2024

Land Value	\$145,700
Improvements	\$295,400

Exemptions / Deductions

Description	Amount
Standard Hmst	\$48,000.00
Supplemental HSC	\$93,300.00
Count: 2	\$141,300.00

Other Assessments

Assessment Name	Billing	Adjustments	Balance
No data			

History

Property

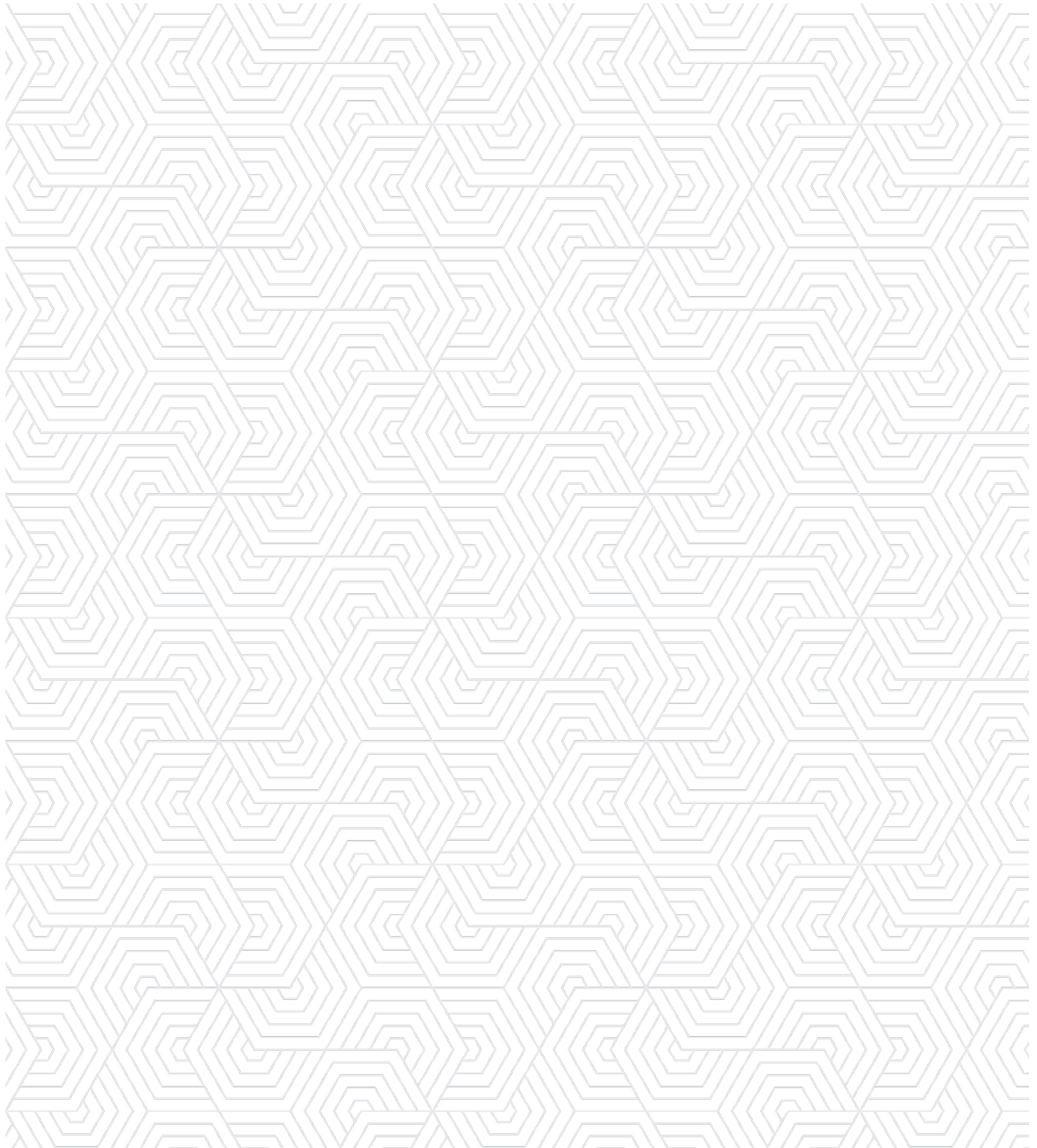
Event	Date	Effective Date	Create Year	Related Parcel Number	Book	Page	Doc Nbr
No data							

Transfer

Transferred From	Transfer Date	Reference Number	Document Number	Book	Page
No data					

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Last Updated June 22, 2025





CLENDENING
JOHNSON
& BOHRER, P.C.

James F. Bohrer

*Attorney at Law
Board Certified Indiana Trust & Estate Lawyer
by the Trust and Estate Specialty Board
jfbohrer@lawcjb.com*

May 14, 2025

Maria McCormick
Public Improvement Manager
Maria.mccormick@bloomington.in.gov

VIA ELECTRONIC MAIL

**RE: Application to Vacate Public Right-of-Way regarding 909 East University Street,
Bloomington, Indiana**

Dear Maria:

My firm, Clendening Johnson & Bohrer, P.C. represents Timothy A. Mueller and Virginia Southern, owners of 910 E 2nd Street (Merkers Lot 17; Parcel No. 53-08-04-110-013.00-009), which adjoins the alley referenced in Veronika Bardonner's application to vacate. My clients have no objection to the vacation of the alley so long as the vacation is completed pursuant to Indiana legal precedent, so my clients receive title to half of the vacated alley. See AmRhein v. Eden, 779 N.E.2d 1197, 1209 (Ind. Ct. App. 2002).

If the vacation of the alley does not result in both adjacent owners (Mueller/Southern and Bardonner) receiving half of the vacated alley way according to established precedent, Timothy A. Mueller and Virginia Southern object to the application to vacate the alley.

Please notify me of any upcoming public meetings concerning Bardonner's alley vacation.

Sincerely,


James F. Bohrer

PC: Daniel Cyr, Esq., Paganelli Law Group; dcyr@paganelligroup.com
Jacqueline Scanlan, Assistant Director of Planning; scanlan@bloomington.in.gov

409 W. PATTERSON DR., SUITE 205, BLOOMINGTON, IN 47403

T-812-332-1000
T-317-269-3409
F-812-332-7601
WWW.LAWCJB.COM

April 30, 2025

VIA USPS FIRST-CLASS MAIL

Neighbors of Dr. Veronika Bardonner

Re: Application to Vacate Public Right-of-Way regarding 909 East University Street, Bloomington, Indiana

Dear All:

Our firm has been engaged to represent your neighbor, Dr. Veronika Bardonner, residing at 909 East University Street, Bloomington, Indiana. The purpose of this letter is to respectfully request your support for Dr. Bardonner's proposed application to vacate public-right of way. The facts as we understand them are set forth below.

The Bardonner property is bounded on the south by East University Street, on the west by a 15-foot public alley, and on the north by a 12-foot public alley (Refer to the sketch depicting the 12-foot public alley below).

The property located at 910 East Second Street, Bloomington, Indiana, which is situated to the north of Dr. Bardonner's property, is bounded on the south by a 12-foot public alley, on the west by a 15-foot public alley, and on the north by East Second Street (Refer to the sketch depicting the 12-foot public alley below).

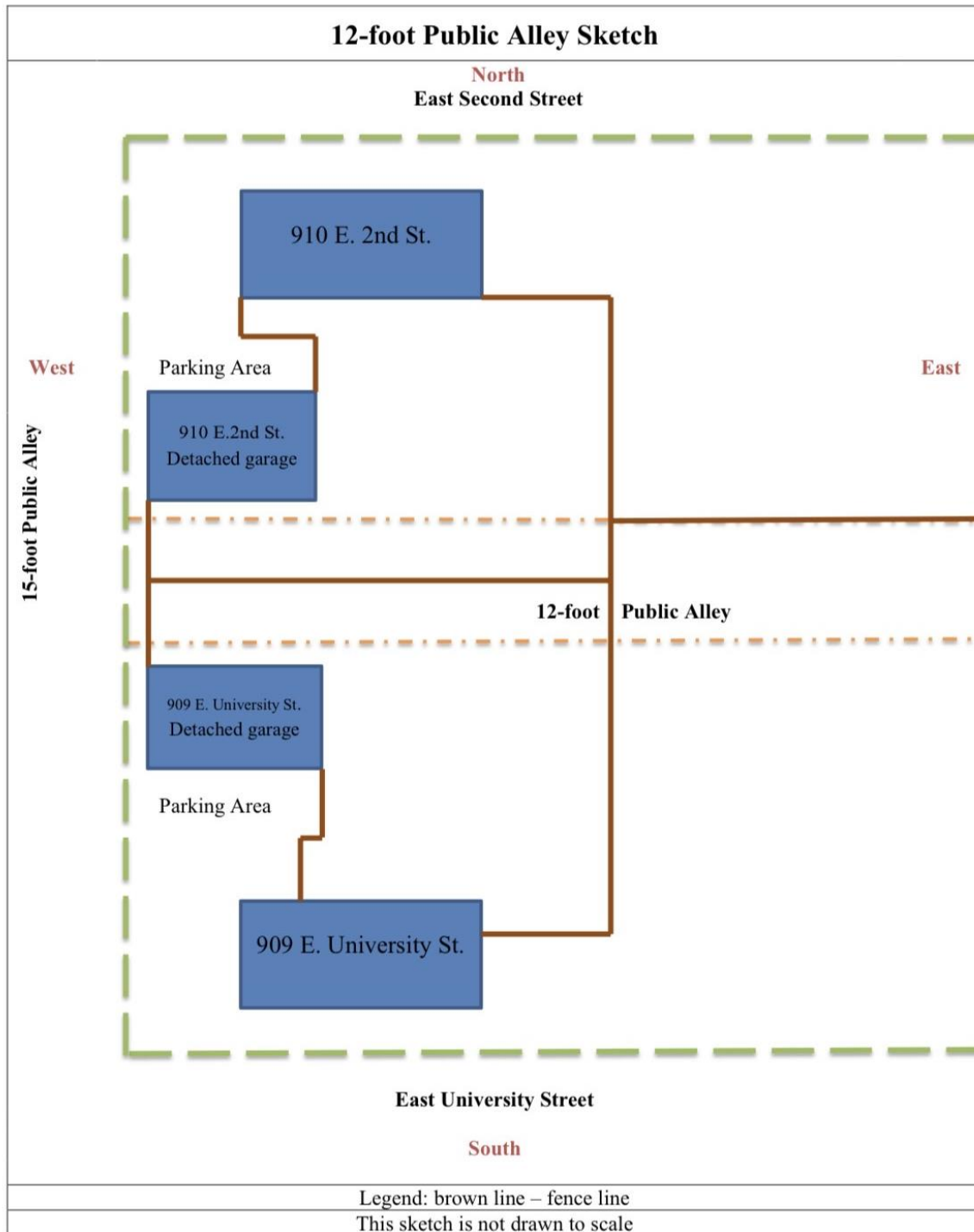
Neighboring properties utilize the 15-foot public alley, East University Street, East Second Street, and South Woodlawn Avenue for ingress, egress, and access to parking areas and garages.

The 15-foot public alley facilitates various modes of transit:

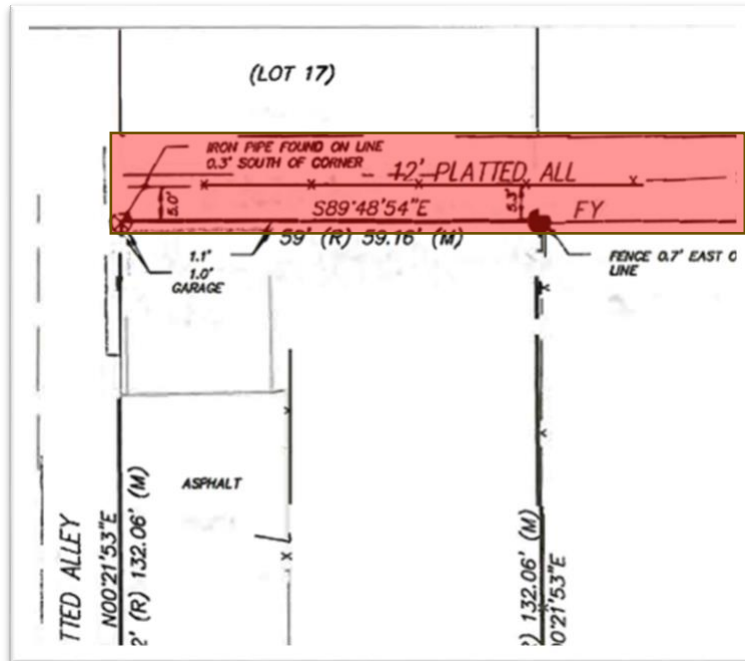
- Pedestrian Transit: serves as walkways for pedestrians.
- Bicycle Transit: accommodates bicycles.
- Service Vehicles: facilitates access for delivery trucks and maintenance vehicles.
- Emergency Access: provides critical access for emergency vehicles like fire trucks or ambulances.
- Parking Access: provides entry to parking spaces and garages.

Adjacent to the 12-foot-wide public alley, Dr. Bardonner and the residents of 910 East Second Street, Bloomington, Indiana, make use of the 15-foot-wide public alley as a means of access to their designated parking areas (Refer to the sketch depicting the 12-foot public alley below).

The 12-foot public alley, situated to the north of Dr. Bardonner's property and to the south of the neighboring property located at 910 East Second Street, Bloomington, Indiana, has been enclosed by fencing for several decades and is not currently utilized for any form of access.



Kindly refer to the accompanying images depicting the alley. Additionally, the legend derived from the survey is provided below for reference. (A full copy of the survey is enclosed.)



Not only is the 12-foot public alley not utilized for transit purposes, but it is also actively used by neighboring properties situated to the east of the 15-foot public alley, extending all the way to South Hawthorne Drive, for personal purposes and has remained enclosed by fencing for several decades.

Please refer to the enclosed 12-foot-wide public alley situated to the east of the 15-foot-wide public alley. This alley is bordered by a screen fence extending from Dr. Bardonner's brick garage to the old fence pole, as well as a wooden fence that leads to the wooden garage of the neighboring property, located at 910 East Second Street, Bloomington, Indiana (Image below).

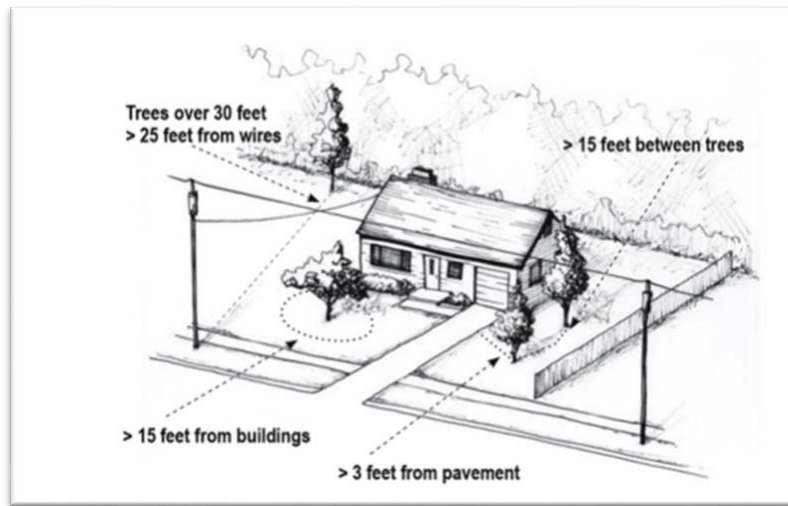


Date Taken: February 21, 2024

In 2023, Dr. Bardonner undertook substantial investments in various improvements to her property.

Acknowledging and respecting the equal importance of preserving historic buildings, structures, fences, walls, and landscapes, efforts to safeguard the historic integrity of Dr. Bardonner's property in the Elm Heights neighborhood necessitated the removal of trees. These trees posed significant risks, including structural damage to the historic buildings and structures, such as the house, garage, and limestone retaining wall. The tree roots threatened the foundation and walls, potentially leading to water penetration and flooding in the full basement.

The City of Bloomington Tree Care Manual (2017) includes a diagram illustrating the recommended planting distances for various types of trees:



According to the Tree Care Manual, the critical root zone (CRZ)—an essential area for sustaining tree health—refers to the underground portion of a tree's structure, which mirrors the size of the tree's aboveground canopy. Additionally, the manual highlights that high-risk trees or tree parts are characterized by a significant likelihood of failure and a substantial risk of causing damage by striking foreseeable targets.

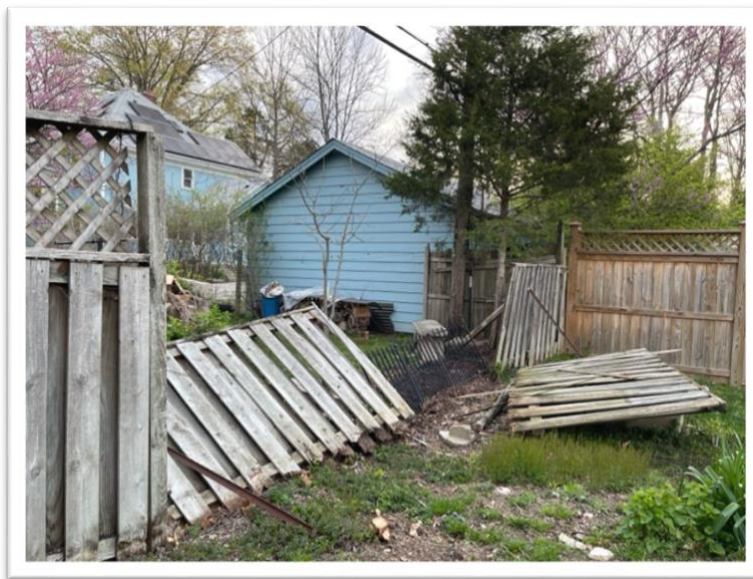
In 2023, Dr. Bardonner undertook the removal of a black walnut tree, measuring thirty-two inches in diameter, which was located directly in the center of the 12-foot public alley, approximately five feet from each detached garage of Dr. Bardonner and the residents of 910 East Second Street, Bloomington, Indiana. This action was executed with the approval of two permits issued by City of Bloomington authorities: Haskell Smith, Urban Forester, the Department of Parks and Recreation (as evidenced by the mark and informational placard placed on the tree), and the Historic Preservation Commission, the Department of Housing and Neighborhood Development (Certificate of Appropriateness, No. COA 23-55).

To alleviate financial burdens on the City of Bloomington, Dr. Bardonner covered the full cost of the walnut tree's removal. This decision was based on consultations with three qualified arborists, whose expertise confirmed the necessity of the removal to safeguard tree health. Driven by a commitment to the preservation of the Elm Heights Historic District's architectural significance and the retention of its historical integrity, Dr. Bardonner acted to prevent the City of Bloomington from incurring future liabilities stemming from potential terminal damage caused by the black walnut tree to the historic structures in proximity to the alley. The removal expense, totaling \$6,563.27, was paid in full by Dr. Bardonner (Refer to the attached Bluestone Tree invoice).

As you may be aware, the wooden fence installed by a previous owner of Dr. Bardonner's property around 1990 deteriorated over time, becoming rotten and ultimately collapsing. In 2023, Dr. Bardonner sought to obtain a fence work permit from the Historic Preservation Commission, the Department of Housing and Neighborhood Development, City of Bloomington, in order to remove the debris from the old fence and replace it with a new, "in-kind" replica of the original fence. However, the Historic Preservation Commission advised her that the prior fence line could not be grandfathered, and she was only permitted to construct the new fence beginning at the north corner of her garage (Refer to the enclosed Certificate of Appropriateness, No. COA 23-57).



This restriction presents a practical issue, as limiting the fence to the corner of the garage makes it impossible for Dr. Bardonner to adequately clean her historic detached garage gutters and properly maintain the portion of her property extending beyond the northern wall of the garage (refer to the enclosed survey).

Presented below is an image depicting the new, "in-kind" replica of the original fence that Dr. Bardonner has already installed in conjunction with the adjoining old fence. Notably, the old fence situated along the 12-foot public alley has recently experienced structural failure, with two panels collapsing: one during strong nighttime winds on April 3, 2025, and the other during daytime hours on April 13, 2025.



Date Taken: April 13, 2025

Displayed below are images illustrating the backyard restoration undertaken by Dr. Bardonner, specifically highlighting the view of the 12-foot public alley, both prior to and following the restoration.

909 E. University St.	
Before and After Backyard Restoration Images	
Showcasing the View of the 12-foot Public Alley	
Before Restoration (fence was built around 1990)	After Restoration (April, 2025)
	

Dr. Bardonner implemented these enhancements to ensure the preservation and protection of the architectural integrity and historical importance of the Elm Heights Neighborhood. They were executed in strict adherence to the “Elm Heights Historic District Design Guidelines” and the provisions set forth in “The City of Bloomington Tree Care Manual” (2017). Furthermore, all improvements were deemed appropriate and fully compliant with the applicable codes and ordinances of the City of Bloomington, as well as the directives and approvals of relevant City authorities, including, the Urban Forestry, Department of Parks and Recreation, and

the Historic Preservation Commission, Department of Housing and Neighborhood Development.

The portion of the 12-foot public alley proposed for vacation by Dr. Bardonner constitutes approximately the entire width of the alley, measuring 12 feet. This proposal aims to effectively address and manage all maintenance issues, including the removal of old fence debris and the installation of an 'in-kind' replica of the original fence.

Dr. Bardonner's proposed vacation of the 12-foot public alley, when evaluated alongside the City of Bloomington's established criteria for alley vacation, underscores that the 12-foot public alley adjoining Dr. Bardonner's property is exceptionally well-suited for vacation. The application aligns with several key criteria, confirming that the request complies with applicable local policies. Some of the key criteria that Dr. Bardonner's application meets are as follows:

1. **Non-Utilization as a Public Right-of-Way:** The 12-foot public alley has been enclosed by fencing for decades and is not used for any form of transit, as supported by enclosed surveys and images. Neighboring properties to the east of the 15-foot-wide public alley (up to South Hawthorne Dr.) use the 12-foot public alley for personal purposes, keeping it fenced and indicating it no longer serves a public transit function. Vacating the alley formalizes its long-standing non-public use, reducing confusion over its status and aligning city records with the practical reality of its fenced-off, private use by adjacent property owners.
2. **Access Routes:** Neighboring properties utilize the 15-foot-wide public alley, as well as East University Street, East Second Street, and South Woodlawn Avenue, for ingress, egress, and access to parking areas and garages. Adjacent to the 12-foot-wide public alley, Dr. Bardonner and residents at 910 East Second Street also use the 15-foot-wide public alley to access their designated parking areas.
3. **No Planned City Use:** The City of Bloomington has not identified any current or future public use for the 12-foot alley, supporting its suitability for vacation.
4. **Reduction of City Liability and Maintenance Costs:** Dr. Bardonner's removal of a hazardous 32-inch black walnut tree (\$6,563.27, fully funded by her) mitigated risks of damage to historic structures, sparing the city potential liability for future repairs or incidents. Dr. Bardonner may undertake the removal of old fence debris, the installation of an 'in-kind' replica of the original fence, and the upkeep of a healthy landscape in accordance with the "Elm Heights Historic District Design Guidelines" and

“The City of Bloomington Tree Care Manual” (2017). The vacation of the alley would absolve the city of any responsibilities, liabilities, and costs associated with maintaining a non-functional public right-of-way.

5. **Demonstrated Commitment:** Dr. Bardonner has consistently maintained the alley, providing professional assessments, complying with local regulations, securing necessary approvals, and investing financially in the Elm Heights Historic District’s integrity, showcasing her dedication to community standards.
6. **Preservation of Historic Integrity:** Incorporating the alley into Dr. Bardonner’s lot would preserve the historic facade per city historic district guidelines and maintain the fair market value of adjacent properties.
7. **Improved Compliance:** Vacating the alley would bring non-compliant fences and garages into compliance with city setback requirements, improving property aesthetics and functionality. Approving the vacation would ensure these structures meet applicable regulations.

Documents are enclosed for reference, as follows:

1. Copy of the plat of survey – 1 page
2. Copy of Certificate of Appropriateness, No. COA 23-57 – 1 page
3. Image of the permit pertaining to the removal of the walnut tree
4. Copy of Bluestone Tree Invoice #13303 – 1 page

Dr. Bardonner respectfully seeks your support in applying to the City of Bloomington to approve the vacation of this alley. Should you have any questions or concerns regarding this matter, please do not hesitate to contact me directly.

Very Truly Yours,



Daniel M. Cyr

CC:

Maria McCormick, Public Improvement Manager
City of Bloomington, Engineering Department,
maria.mccormick@bloomington.in.gov



CERTIFICATE OF APPROPRIATENESS

Issued by the Bloomington Historic Preservation Commission

Address of Historic Property:

909 E University St., Bloomington, IN

Summary of Work Approval:

- **Building of a new fence. The new fence must border the property line and end with the detached garage on the north end of the property**

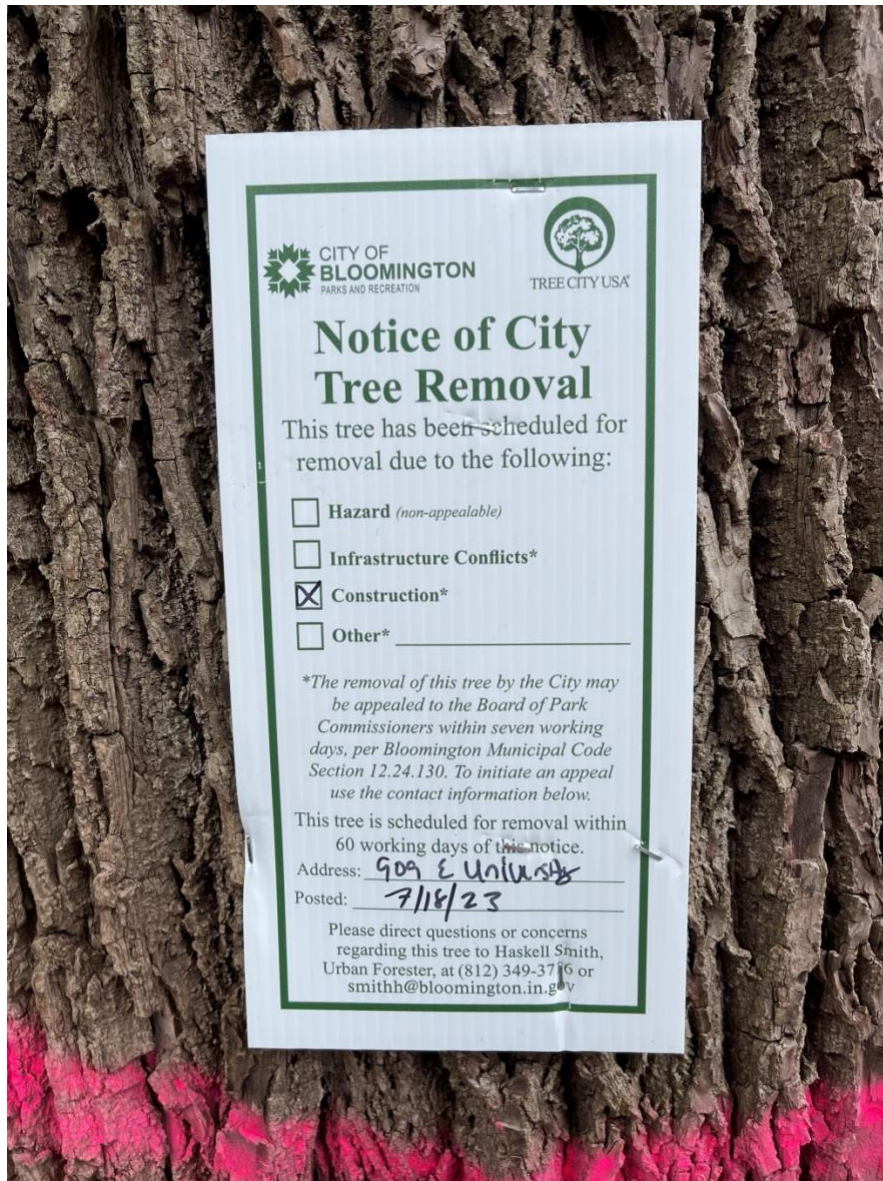
A copy of the complete approved plans may be obtained from the Department of Housing and Neighborhood Development Office Located at City Hall, 401 N. Morton, Suite 130 under case number **COA 23-57**.

This Certificate is effective for two years following the date of issue. Exterior work outside of the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.

A handwritten signature in cursive script, reading "Gloria M. Colom Braña".

Gloria M. Colom Braña
Staff
Bloomington Historic Preservation Commission

Issue Date: **August 3, 2023**



Invoice Summary #13303 Paid

[View Invoice](#)

Billing Address

Veronika Bardonner
909 E University St Bloomington, IN
47401
812-369-8129

Invoice Information

Invoice Date: Sep 08, 2023

Due Date:

Terms: Payment is due upon receipt of invoice. Please make checks payable to Bluestone Tree and mail to: PO BOX 345 Clear Creek, IN 47426. We will charge 1.5% interest per month on late payments and \$30.00 on returned checks.

909 E University St 47401

909 E University St Bloomington, IN 47401

Visit Date: Sep 8, 2023

ITEM

AMOUNT

Tree Removal - With Cleanup

\$6,251.27

Black Walnut- Safely dismantle tree. Haul away all debris. Cut stump low. Cleanup final work site.

Grind Stump - Leave Chips

\$312.00

Grind stump and leave wood chips on site. No clean up. This does not include any grinding of visible surface roots or hauling away wood chips. The stump will be ground a maximum of 4" below nearby ground level. If accepted, Bluestone Tree will call in utility locates to be marked prior to grinding.

Subtotal

\$6,563.27

Sales Tax

\$0.00

Total

\$6,563.27

Payments

- \$6,563.27 

Balance

\$0.00

PO Box 345 Clear Creek, IN 47426 | BluestoneTree.com | 812-824-3335 | bloomington@bluestonetree.com



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: July 10, 2025

Re: Ordinance 2025-23 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”

Synopsis

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled “Wastewater”. These amendments update the local limits for discharge by industrial users, specifically updating limits for cadmium, mercury, selenium, and silver. This ordinance also updates pH level and the fats oil and grease (“FOG”) program by including the hydromechanical grease trap as an accepted device in the removal of fats, oils and grease from wastewater leaving food service establishments prior to that wastewater entering the City of Bloomington Sewer System. Finally, this ordinance updates best management practices to recognize new software programming and to recognize hydromechanical grease traps.

Relevant Materials

- Ordinance 2025-23
- Exhibit A – Utility Service Board Resolution¹
- Staff Memo from Assistant City Attorney Christopher Wheeler
- Miscellaneous documents: Title 10 Updates (Redline), EPA Tentative Approval Letter, CBU Local Limits Report, etc.

Summary

At the recommendation of the City of Bloomington Utilities Department’s Pretreatment Group, Ordinance 2025-23 would amend certain portions of [Title 10](#) (entitled “Wastewater”) of the Bloomington Municipal Code (“BMC”) as described in the ordinance and the attached red-lined document. The accompanying Staff Memo describes the background, the context and the reasons for these amendments.

Council’s Role

The Common Council may adopt legislation amending Title 10 of the BMC relying on its legislative powers. As the City’s legislative body, all powers legislative in nature shall be exercised and performed by the Council as authorized by [IC 36-4-4-4](#). The Council may pass ordinances for the government of the City and the control of the City’s property and finances as set forth in [IC 36-4-6-14](#), subject to the approval or veto of the Mayor.

¹ Please note that Chapter 2.24 of the BMC refers to the “Utilities Service Board” and the “Utilities Service Department”; however this previously adopted Resolution refers to the “Utility Service Board”.



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

Indiana municipalities have the power to own, operate and manage their own utility systems with oversight from a Utilities Service Board per [IC 8-1.5-3 et seq.](#) The Council created the Utilities Service Board in Title 2 of the BMC.

Section 2.24 of the BMC details the structure of the City of Bloomington Utility Department, including the Utilities Service Board and its relationship with the Council and the Mayor. The Utilities Service Board has general supervisory power over the utilities owned by the City per IC 8-1.5-3-4.

The Council empowered the Utilities Service Board to set policy for the CBU and to serve in an advisory capacity to City officials, Council and boards and commissions concerning utility matters. The Utilities Service Board has recommended the proposed amendments in [Ordinance 2025-23](#) to the Council for adoption.

Contacts

Christopher Wheeler, Assistant City Attorney, (812) 349-3426,
wheelech@bloomington.in.gov

Steven Stanford, Pretreatment Program Coordinator, Environmental Utilities Service Center, (812) 349-3946, steven.stanford@bloomington.in.gov

ORDINANCE 2025-23
TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”

- WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment, and disposal of sewage from inhabitants in and around the City; and
- WHEREAS, Bloomington Municipal Code Title 10 sets forth uniform requirements for users of the publicly owned treatment works for the City of Bloomington’s Wastewater and Stormwater utilities and enables the City to comply with all applicable state and federal laws, including the Clean Water Act and the General Pretreatment Regulations established by the United States Environmental Protection Agency (“EPA”) under 40 CFR 403; and
- WHEREAS, the City has constructed and has in operation a wastewater collection system for the purpose of collecting and treating wastewater and operates its pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and
- WHEREAS, Bloomington Municipal Code Title 10 at Chapter 10.12 establishes the local limits of industrial discharge for industrial users controlled through permit; and
- WHEREAS, The United States Environmental Protection Agency through the Indiana Department of Environmental Management requires the City of Bloomington Utilities (“CBU”) to re-evaluate and where necessary update these local limits on a five year basis; and
- WHEREAS, CBU conducted the required re-evaluation and made recommendations to the EPA for revisions of local limit concentrations on cadmium, mercury, selenium and silver, all of which have received tentative approval by the EPA pending adoption of these local limit updates by the Common Council; and
- WHEREAS, In addition, CBU is recommending an increase in pH limits to lower the instance of corrosion to those portions of its sewer infrastructure which is made of concrete; and
- WHEREAS, Bloomington Municipal Code Title 10 at Chapter 10.17 establishes CBU’s fats oils and grease (“FOG”) program and is intended to minimize introduction of those substances into the wastewater collection system; and
- WHEREAS, CBU wishes to add hydromechanical grease traps into its FOG program as an acceptable method of controlling discharges of fats, oils and grease into the sanitary sewer system and to update its best management practices to include current software-based, online reporting for FOG management; and

WHEREAS, The Utilities Service Board considered these recommended amendments to Title 10 – Wastewater, found the proposed amendments appropriate and necessary, and resolved to recommend that these amendments be presented to the Common Council for adoption in substantially the same form. A copy of the resolution is attached as Exhibit “A”; and

WHEREAS, the proposed amendments to Title 10 – Wastewater have been duly considered by the Common Council of the City of Bloomington.

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

SECTION I. Section 10.12.040(d) shall be amended to reflect the following daily maximum discharge limits per pollutant:

Pollutant (*)	Daily Maximum Discharge Limit (mg/L)
Arsenic	0.24
Cadmium	0.035
Chromium	1.43
Copper	0.846
Lead	0.24
Mercury	0.0051
Nickel	1.91
Selenium	0.069
Silver	0.17
Zinc	1.34

SECTION II. Section 10.12.020(a)(2) shall be amended by repeal and replacement in its entirety to read as follows:

Wastewater having a pH less than six or more than ten standard units or otherwise causing corrosive structural damage to the POTW or equipment.

SECTION III. Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

“Hydromechanical grease trap” means a device usually located under or in close proximity to sinks and uses a flow control mechanism to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

SECTION IV. Section 10.17.080 shall be amended by repeal and replacement in its entirety to read as follows:

All existing FSEs that discharge wastewater into the city's sanitary sewer system are required to install an approved, properly maintained grease trap unless specifically exempted by the city. All grease trap units shall be of the type and capacity approved by the director.

SECTION V. Section 10.17.110(e) shall be amended by deleting the final sentence.

SECTION VI. Section 10.17.110(g) shall be amended by repeal and replacement in its entirety to read as follows:

Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.

SECTION VII. Section 10.17.110(j) shall be amended by deleting the final sentence.

SECTION VIII. Section 10.17.120 shall be amended by repeal and replacement in its entirety to read as follows:

The following best management practices or BMPs shall be implemented and adhered to by all FSEs:

- (1) Installation. All new and existing FSEs are required to install a grease retention device.
- (2) Pumping. All grease retention devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
- (3) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
- (4) Gravity Grease Interceptor Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (5) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the City's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.
- (6) Hydromechanical and Gravity Grease Interceptor Maintenance Frequency. Hydromechanical and gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, exceeding the manufacturer's specifications.
- (7) Grease Trap and Hydromechanical Grease Trap Maintenance Frequency. Grease traps and hydromechanical grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (8) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the City's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.
- (9) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the City's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.

(10) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

(11) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.

SECTION IX. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION X. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

Hopi Stosberg, 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 _____, 2025.

Nicole Bolden, Clerk
City of Bloomington

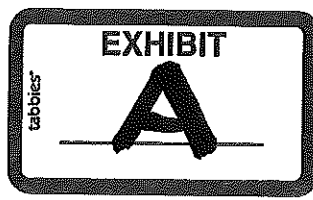
SIGNED and APPROVED by me upon this _____ day of _____, 2025.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled "Wastewater". These amendments update the local limits for discharge by industrial users, specifically updating limits for cadmium, mercury, selenium, and silver. This ordinance also updates pH level and the fats, oil, and grease ("FOG") program by including the hydromechanical grease trap as an accepted device in the removal of fats, oils and grease from wastewater leaving food service establishments prior to that wastewater entering the City of Bloomington Sewer System. Finally, this

ordinance updates best management practices to recognize new software programming and to recognize hydromechanical grease traps.



**RESOLUTION NO. 2025-10
UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA**

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE
TITLED "WASTEWATER"**

WHEREAS, Bloomington Municipal Code Title 10 sets forth uniform requirements for users of the publicly owned treatment works for the City of Bloomington's Wastewater and Stormwater utilities and enables the City to comply with all applicable state and federal laws, including the Clean Water Act and the General Pretreatment Regulations established by the United States Environmental Protection Agency under 40 CFR 403; and

WHEREAS, Bloomington Municipal Code Title 10 at Chapter 10.12 establishes the local limits of industrial discharge for industrial users controlled through permit; and

WHEREAS, The United States Environmental Protection Agency through the Indiana Department of Environmental Management requires the City of Bloomington Utilities ("CBU") to re-evaluate and where necessary update these local limits on a five year basis; and

WHEREAS, CBU conducted the required re-evaluation and made recommendations to the EPA for revisions of local limit concentrations on cadmium, mercury, selenium and silver, all of which have received tentative approval by the EPA pending adoption of these local limit updates by the Common Council; and

WHEREAS, CBU is also recommending an increase in Ph limits to lower the instance of corrosion to those portions of its sewer infrastructure which is made of concrete; and

WHEREAS, Bloomington Municipal Code Title 10 at Chapter 10.17 establishes CBU's fats oils and grease ("FOG") program and is intended to minimize introduction of those substances into the wastewater collection system; and

WHEREAS, CBU wishes to add hydromechanical grease traps into its FOG program as an acceptable method of controlling discharges of fats, oils and grease into the sanitary sewer system and to update its best management practices to include current software-based, online reporting for FOG management; and

WHEREAS, CBU staff recommends these amendment to Title 10; and

WHEREAS, the proposed amendments to Title 10 have been duly considered by the Board and found satisfactory; a copy of the proposed amendments in the form of Proposed Ordinance 2025-23 are attached hereto, marked as Exhibit "A" and incorporated herein; and

WHEREAS, the Board now desires to recommend to the Common Council of the City of Bloomington ("Common Council") the adoption of the proposed ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Utility Service Board requests the Common Council authorize the proposed amendments to Title 10 of the Bloomington Municipal Code, by the adoption of the same in substantially the same form as the attached Exhibit "A".
2. The Secretary of the Utility Service Board is hereby directed to present a copy of this Resolution to the Clerk of the City for presentation to the Common Council as soon as may be done.

PASSED AND ADOPTED THIS 16th **DAY OF** June, 2025.

CITY OF BLOOMINGTON, INDIANA

By and Through its Utility Service Board



Seth Debro, President

ATTEST:

Daniel Frank

Daniel Frank, Secretary

EXHIBIT "A"

PROPOSED ORDINANCE 2025-23

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"WASTEWATER"**

- WHEREAS, the City of Bloomington, Indiana (the "City") has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the "Act"), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and
- WHEREAS, Bloomington Municipal Code Title 10 sets forth uniform requirements for users of the publicly owned treatment works for the City of Bloomington's Wastewater and Stormwater utilities and enables the City to comply with all applicable state and federal laws, including the Clean Water Act and the General Pretreatment Regulations established by the United States Environmental Protection Agency under 40 CFR 403; and
- WHEREAS, the City has constructed and has in operation a wastewater collection system for the purpose of collecting and treating wastewater and operates its pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and
- WHEREAS, Bloomington Municipal Code Title 10 at Chapter 10.12 establishes the local limits of industrial discharge for industrial users controlled through permit; and
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WHEREAS, The Utilities Service Board considered these recommended amendments to Title 10 – Wastewater, found the proposed amendments appropriate and necessary, and resolved to recommend that these amendments be presented to the Common Council for adoption in substantially the same form. A copy of the resolution is attached as **Exhibit “A”**; and

WHEREAS, the proposed amendments to Title 10 – Wastewater have been duly considered by the Common Council of the City of Bloomington.

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

SECTION I. Section 10.12.040(d) shall be amended to reflect the following daily maximum discharge limits per pollutant:

Pollutant (*)	Daily Maximum Discharge Limit (mg/L)
Arsenic	0.24
Cadmium	0.035
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Copper	0.846
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Nickel	1.91
Selenium	0.069
Silver	0.17
Zinc	1.34

SECTION II. Section 10.12.020(a)(2) shall be amended by repeal and replacement in its entirety to read as follows:

Wastewater having a pH less than six or more than ten standard units or otherwise causing corrosive structural damage to the POTW or equipment.

SECTION III. Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

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SECTION IV. Section 10.17.080 shall be amended by repeal and replacement in its entirety to read as follows:

All existing FSEs that discharge wastewater into the city's sanitary sewer system are required to install an approved, properly maintained grease trap unless specifically exempted by the city. All grease traps units shall be of the type and capacity approved by the director.

SECTION V. Section 10.17.110(e) shall be amended by deleting the final sentence.

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The following best management practices or BMPs shall be implemented and adhered to by all FSEs:

- (1) Installation. All new and existing FSEs are required to install a grease retention device.
- (2) Pumping. All grease retention devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
- (3) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
- (4) Gravity Grease Interceptor Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (5) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the City's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.
- (6) Hydromechanical and Gravity Grease Interceptor Maintenance Frequency. Hydromechanical and gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, exceeding the manufacturer's specifications.
- (7) Grease Trap and Hydromechanical Grease Trap Maintenance Frequency. Grease traps and hydromechanical grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (8) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the City's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.
- (9) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the City's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.
- (10) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.
- (11) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry

wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.

SECTION IX. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION X. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

Hopi Stosberg, 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.

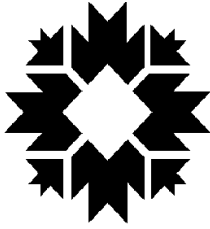
Nicole Bolden, Clerk
City of Bloomington

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

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled "Wastewater". These amendments update the local limits for discharge by industrial users, specifically updating limits for cadmium, mercury, selenium, and silver. This ordinance also updates ph level and the fats oil and grease ("FOG") program by including the hydromechanical grease trap as an accepted device in the removal of fats, oils and grease from wastewater leaving food service establishments prior to that wastewater entering the City of Bloomington Sewer System. Finally, this ordinance updates best management practices to recognize new software programming and to recognize hydromechanical grease traps.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: City of Bloomington Common Council
FROM: Steven Stanford, Pretreatment Program Coordinator
Christopher J. Wheeler, Assistant City Attorney
RE: Proposed Ordinance 2025-23 for Amendments to Title 10
DATE: June 25, 2025

INTRODUCTION

The CBU Pretreatment Group recommends updates to the Bloomington Municipal Code Title 10 for the following reasons:

1. To meet compliance requirements pursuant to the United States Environmental Protection Agency's (EPA) Local Limits Development Guidance under its National Pollutant Discharge Elimination System Permits for both the Dillman Road and Blucher Poole Wastewater Treatment Plants.
2. To raise pH levels of discharges by permitted industrial users of the sanitary sewer system.
3. Amending the Fats, Oils, and Grease (FOG) program to include hydromechanical grease traps as acceptable methods of treating for fats oils and grease in the restaurant industry and updating the design criteria.

DISCUSSION

1. **NPDES:** Following renewal of the City of Bloomington Utilities (CBU) National Pollutant Discharge Elimination System (NPDES) permit Nos. IN00035718 and IN0035726 (Permits) each five (5) years, CBU is required to complete a technical re-evaluation of local limits governing industrial wastewater discharges to its publicly owned treatment works (POTW). On November 5, 2021, 327 Indiana Administrative Code 2-1-6 was amended in response to updates in current science and National Recommended Water Quality Criteria at section 304(a) of the Clean Water Act. These updates had an impact on how CBU needed to calculate its local limits which resulted in the proposed changes to our local limits for cadmium, mercury, selenium and silver.

More particularly, when IDEM amended 327 IAC 2-1-6 the State water quality standards (WQS) for our receiving streams were changed as follows:

- a. The chronic WQS for cadmium was reduced by 30 percent.
- b. WQS for mercury were not changed, but our current local limits reflect conditions determined for Blucher Poole in 2021. The allowable limit calculated for Dillman Road in 2025 is lower than for Blucher Poole and is therefore included in the recommended change to the ordinance.

- c. The chronic WQS for selenium was reduced by 90 percent.
- d. The acute WQS for silver was reduced by 6 percent.

This is the first time that local limits were computed concurrently for both Dillman and Blucher Poole. Blucher Poole's permit omitted Industrial Pretreatment in its entirety until it was amended in 2021. Pretreatment was added to the Blucher permit because of IU's new hospital. The old hospital was served by Dillman Road. The new one is served by Blucher. In 2025, the lowest value calculated for each pollutant at each WWTP was recommended by CBU as a unified local limit for the whole city.

On April 9, 2025, CBU's Pretreatment Group completed and submitted its technical re-evaluation report to EPA and the IDEM, recommending revisions to local limit concentrations for cadmium, mercury, selenium, and silver. No technical or economic impact to CBU or its industrial sewer users is anticipated to result from the recommended revisions.

On May 15, 2025, in response to CBU's technical re-evaluation report, the EPA issued a letter providing its tentative approval of CBU's recommended revisions. As mentioned in that letter, before the EPA can formally approve modifications to the pretreatment program, the City must first formally adopt the local limit changes to its sewer use ordinance (SUO, BMC Title 10). Furthermore, the EPA requested that adoption of the recommended revisions and submittal of a revised ordinance occur within ninety (90) days of EPA's May 15, 2025 tentative approval letter. In other words, August 13, 2025.

2. **pH levels:** The City's current lower limit for pH is consistent with EPA's National Pretreatment Program at 40 CFR 403.5(b)(2), which prohibits industrial discharges with a pH lower than 5.0. EPA acknowledges that this limitation is intended to provide a minimum level of protection and encourages POTWs to set more stringent lower-end pH limits as needed to protect against corrosion. CBU's lift stations, manholes, and WWTP are made of Portland concrete and evidence of corrosion is visible throughout the collection and WWTP systems. CBU's Pretreatment Group recommends increasing the current lower-end pH limit to 6.0 as way to prolong the life of these capital assets. There is in-state precedent for this change. Three of Indiana's 10 largest cities, including Fort Wayne, South Bend, and Carmel, limit industrial discharges to a pH of not less than 6.0. Fishers and Noblesville have compromised on a lower limit of 5.5, which is more protective than 5.0, but less beneficial than a lower limit of 6.0. As a practical matter, CBU notes that NPDES permits authorizing the operation of both the Dillman Road and Blucher Poole WWTPs require that City's discharges to the Waters of the State exhibit a pH of 6.0 or above, with an upper limit of 9.0. CBU sees little wisdom in continuing to accept discharges that are more acidic than allowed for its own discharges.

The CBU Pretreatment Group has reviewed three (3) years of data for its permitted industrial users. Based on this review, no more than a de minimis economic impact, and typically none at all, is anticipated to affect CBU's industrial sewer users as a result of this recommended revision.

3. **FOG Update:**

Hydromechanical grease traps are a class of grease management devices not previously defined in Title 10. These grease traps are less costly to purchase and install and are effective in controlling the discharge of grease to the sanitary sewer system. The amendments to Title 10 simply add these devices into the code and recognize them as acceptable methods for FOG pretreatment.

The CBU Pretreatment Group also recommends updates to the design criteria and best management practices to provide for greater flexibility to food service establishments in their efforts to provide effective FOG pretreatment, including the addition of the aforementioned hydromechanical grease traps and to recognize and remain consistent with CBU's current software-based, online reporting requirement for grease management device pump-outs in effect since the establishment of CBU's Preferred Pumper Program on or about August 16, 2022.

FISCAL IMPACT

There is no anticipated fiscal impact to CBU or its customer base for any of the proposed amendments. Altering the limits in compliance with national standards does not change the cost of services to CBU. It should be noted that altering pH may reduce future concrete maintenance repair and replacement costs. Inclusion of hydromechanical grease traps provides another option for restaurants which may be a cost benefit to restaurants.

If you have any questions or concerns, please reach out to Steven Stanford at 812-349-3946, steven.stanford@bloomington.in.gov, or Christopher J. Wheeler, 812-349-3549, wheelech@bloomington.in.gov.

POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

- (b) Director's Authority. The director may reject any discharge to the POTW, in whole or in part, that he or she determines to have the potential to either adversely affect POTW operation or cause or contribute to a violation of the city's NPDES permit.

(Ord. No. 19-05, § 15, 2-20-2019)

10.12.020 Specific prohibitions.

- (a) No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than ~~five~~six or more than ten standard units or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than one-half inch in any dimension);
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than one hundred forty degrees Fahrenheit (sixty degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the director in accordance with Chapter 10.08 of this title;
 - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
 - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
 - (12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director;
 - (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

- limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- (8) Reporting of Changes in Production. Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two business days after the user has a reasonable basis to know that the production level will increase or decrease by twenty percent or greater within the next calendar month.
 - (9) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the director within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.
 - (10) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (b) Net/Gross Adjustment. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the director. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (c) of this section are met.
- (c) The criteria for determining whether a credit will be granted shall include:
- (1) Either:
 - (A) The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
 - (B) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
 - (2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (3) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
 - (4) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The director may waive this requirement if it finds that no environmental degradation will result.
- (d) Local Limits. No significant industrial user or other authorized industrial user shall discharge wastewater that exceeds the following limits:

Pollutant ^(*)	Daily Maximum Discharge Limit (mg/L)
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Arsenic	0.24
Cadmium	0.071 0.035
Chromium	1.43
Copper	0.846
Lead	0.24
Mercury	0.009 0.0051
Nickel	1.91
Selenium	0.22 0.069
Silver	0.34 0.17
Zinc	1.34

(*) All pollutants as total and in mg/L unless otherwise specified.

- (1) The director may, at his or her sole discretion, implement local limits through allocation of the maximum allowable industrial load (MAIL) to significant industrial users which correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the daily maximum discharge limits are hereby incorporated by reference.
- (2) The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for any permitted industrial user to discharge or cause to be discharged any waste or wastewater that exceeds the following limits, as applicable:

Pollutant ^(a)	Daily Maximum Limit (mg/L)
Benzene ^(c)	0.050
BTEX ^(b)	0.750

^(a) All pollutants shown in the table are total.

^(b) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.

^(c) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

- (3) The director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- (4) The director may develop best management practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements of Title 10.

(Ord. No. 19-05, § 15, 2-20-2019)

10.12.050 Special agreements.

Nothing in this title shall be construed as preventing any special agreement or arrangement between the utility and any user of the wastewater treatment system in which wastewater of unusual strength or character is accepted into the system and specially treated. Any such agreement shall be subject to any charges that may be applicable.

(Ord. No. 19-05, § 15, 2-20-2019)

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Garbage disposal" means a device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer.

"Gravity grease interceptor" means a device typically located outdoors and underground, typically constructed of concrete, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.

"Grease hauler or transporter" means one who transfers grease waste from the site of a user to an approved site for disposal and treatment. The hauler is responsible for assuring that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Grease retention device" means a device so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include both gravity and hydromechanical grease interceptors, grease traps, and alternative grease retention devices.

"Grease trap" means a device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Hydromechanical grease interceptor" means a device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

"Hydromechanical grease trap" means a device usually located under or in close proximity to sinks and uses a flow control mechanism to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"New FSE" means a food service establishment that is opening for the first time, opening in a new location, or opening under new ownership or a new name.

"Newly remodeled FSE" means an FSE that is repairing, replacing, rearranging or installing:

- (1) Any kitchen plumbing system;
- (2) Any kitchen appliances, fixtures or units that attach to the plumbing system; and/or
- (3) Any sanitary sewer lateral.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 17, 18, 2-20-2019; Ord. No. 20-27, §§ I, II, 11-4-2020)

10.17.030 Applicability.

This chapter shall apply to all food service establishments and to new commercial establishments being constructed in an area zoned for food service establishments.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 19, 2-20-2019)

10.17.040 Responsibility for administration.

The city shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of, or in the employ of the agency.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.050 Ultimate responsibility.

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.060 Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall be required to install an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the city. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 20, 2-20-2019)

10.17.070 Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs are required to install an approved, properly operated, and maintained grease interceptor. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities. All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.080 Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system are required to install an approved, properly maintained grease trap unless specifically exempted by the city. All grease trap units shall be of the type and capacity approved by the director.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.090 Installation requirements for new commercial establishments.

All proposed new commercial establishments located within an area zoned for food service establishments that discharge wastewater into the city sanitary sewer system shall be required to install an approved, properly

operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the city. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities.

(Ord. No. 19-05, § 21, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 21, adopted Feb. 20, 2019 added a new § 10.17.090 and renumbered former § 10.17.090 as 10.17.110.

10.17.100 Installation requirements for food service establishments causing or contributing to a sanitary sewer overflow.

All FSEs causing or contributing to a sanitary sewer overflow into a building, on a private lateral, sewer main, or the POTW must install an approved, properly operated, and maintained grease interceptor. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities. All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.

(Ord. No. 19-05, § 22, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 22, adopted Feb. 20, 2019 added a new § 10.17.100 and renumbered former § 10.17.100 as 10.17.120.

10.17.110 Design criteria.

- (a) Domestic wastewater shall not be discharged into a grease retention device.
- (b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
- (c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
- (d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
- (e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred fifty gallons. ~~Dishwashers shall not be connected to a properly sized gravity grease interceptor.~~
- (f) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.
- (g) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.
- (h) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
- (i) Garbage disposals are prohibited in all FSEs.
- (j) Hydromechanical grease interceptors shall be of the type and capacity approved by CBU. The minimum capacity for a hydromechanical grease interceptor is two hundred fifty gallons. ~~Dishwashers shall not be connected to a properly sized hydromechanical grease interceptor.~~

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 21, 23, 2-20-2019; Ord. No. 20-27, § III, 11-4-2020)

Editor's note(s)—See note at § 10.17.090.

Editor's note(s)—Ord. No. 19-05, § 23, adopted Feb. 20, 2019 renumbered former § 10.17.110 as 10.17.130.

10.17.115 Grease hauling permits.

Any and all grease haulers shall apply for and receive a grease hauling permit from CBU prior to hauling any and all fats, oils and grease content, including floating materials, wastewater and bottom sludges and solids from any and all grease retention devices.

- (1) A grease hauling permit for grease waste hauling may be obtained by:
 - (A) Submitting an application on a form provided by CBU; and
 - (B) Completing a mandatory operator training course provided by CBU.
- (2) Along with the application, the applicant shall submit a copy of the IDEM registration license receipt issued to each vehicle that the applicant wants registered under the permit.
- (3) The grease hauling permit shall identify the person permitted to haul grease waste, the vehicles the grease hauler may use to haul grease waste, and the expiration date.
- (4) A copy of the permit shall be kept with each grease hauling vehicle at all times.
- (5) Grease hauling permits are not transferrable.
- (6) Grease hauling permits expire two years from issuance. Grease hauling permits may be renewed for an additional two-year period by following CBU renewal policies.
- (7) Grease hauling permits do not authorize any person from hauling any materials that are hazardous in nature.
- (8) The director may revoke any permit.

(Ord. No. 20-27, § IV, 11-4-2020)

10.17.120 Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all FSEs:

- (1) Installation. All new and existing FSEs are required to install a grease retention device.
- (2) Pumping. All grease retention devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
- (3) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
- (4) Gravity Grease Interceptor Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.

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- (5) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler ~~pumping receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease interceptor maintenance. pumpouts must be submitted to the City's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.~~
 - (6) Hydromechanical and Gravity Grease Interceptor Maintenance Frequency. Hydromechanical and gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, exceeding the manufacturer's specifications.
 - (7) Grease Trap and Hydromechanical Grease Trap Maintenance Frequency. Grease traps and hydromechanical grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
 - (8) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required ~~to fill out the grease trap maintenance verification log. The log shall include the date, time, and volume of waste removed, disposal site, and signature. The logs must be kept on file at the facility for a minimum of two years and must also be made available to the director during inspections. submit a cleanout report to the City's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.~~
 - (9) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to ~~submit the grease hauler's receipts to the director. The receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease trap maintenance. submit a cleanout report to the City's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.~~
 - (10) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.
 - (11) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 22, 24, 2-20-2019; Ord. No. 20-27, § V, 11-4-2020)

Editor's note(s)—See note at § 10.17.100.

Editor's note(s)—Ord. No. 19-05, § 24, adopted Feb. 20, 2019 repealed former § 10.17.120 which pertained to enforcement of food service establishment wastewater discharger regulations, and derived from Ord. No. 12-28, adopted Dec. 19, 2012.

10.17.130 Inspections.

Authorized personnel of the city, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 23, 25, 2-20-2019)

Editor's note(s)—See note at § 10.17.110.



REGION 5

CHICAGO, IL 60604

May 15, 2025

Steven M. Stanford, Pretreatment Coordinator
City of Bloomington Utilities Department
600 East Miller Drive
Bloomington, Indiana 47401
steven.stanford@bloomington.in.gov

Re: Tentative Approval of Modification of Local Limits, City of Bloomington – Dillman Road WWTP (IN0035718) and City of Bloomington – Blucher Poole WWTP (IN0035726)

Dear Mr. Stanford:

The U.S. Environmental Protection Agency (EPA) has reviewed the Local Limits Evaluation (LLE) and the legal authority evaluation received from the City of Bloomington Utilities Department (CBU) on April 10, 2025. Based on our evaluation of the information provided and in accordance with [40 CFR Section 403.18](#) of the General Pretreatment Regulations, [40 CFR Part 403](#), I am pleased to inform you that the modifications are consistent with federal requirements and are approvable.


Before EPA can formally approve any modification to the pretreatment program, the City must first formally adopt the local limit changes within its sewer use ordinance (SUO). Within ninety (90) days, please submit the City Council resolution adopting the local limits and the City approved version of the SUO for EPA approval.

These submittals may be emailed to R5NPDES@epa.gov and mcmorrow.karly@epa.gov. Please include the City's name, NPDES numbers, and the word "Pretreatment" on the subject line. If you have any questions, please contact Karly McMorro at (312) 353-3126 or at mcmorrow.karly@epa.gov.

Thank you for your continued commitment to protect our Nation's water resources.

Sincerely,

5/15/2025

X


Andi Hoda, Section 2 Supervisor
Permits Branch - Water Division
Signed by: ANDI HODAJ

cc: Mary Armacost, IDEM (MArmacos@idem.in.gov)

Index of Acronyms

The following acronyms, while not spelled out in the proposed ordinance, are spelled out in the definition section of Title 10 of the Bloomington Municipal Code. Please use this index as a quick reference guide while reviewing proposed ordinance 2025-23.

BMP – Best Management Practices

CBU – City of Bloomington Utilities Department

EPA – Environmental Protection Agency

FOG – Fats, Oil and Grease

FSE – Food Service Establishment

NPDES – National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works



TECHNICAL RE-EVALUATION OF LOCAL LIMITS

CITY OF BLOOMINGTON, INDIANA MONROE COUNTY

**NPDES PERMIT IN0035718 – DILLMAN ROAD WWTP
NPDES PERMIT IN0035726 – BLUCHER POOLE WWTP**

Submitted to the

United States EPA Region 5
Water Enforcement and Compliance Assurance Branch
Pretreatment Program Manager

and

Indiana Department of Environmental Management
Office of Water Quality
Compliance Data Section Pretreatment Group

April 9, 2025

EXECUTIVE SUMMARY

TECHNICAL RE-EVALUATION OF LOCAL LIMITS CITY OF BLOOMINGTON, INDIANA APRIL 2025

The City of Bloomington Utilities (CBU) is required under the terms of its National Pollutant Discharge Elimination System (NPDES) permit Nos. IN00035718 and IN0035726 (Permits) to complete a technical re-evaluation of local limits governing industrial wastewater discharges to its publicly owned treatment works (POTW). This re-evaluation was prepared consistent with U.S. EPA's Local Limits Development Guidance (EPA 833-R-04-002A, July 2004) and the EPA Region 5 Local Limits Spreadsheet (February 2011). Previously, local limit evaluations focused on the Dillman Road WWTP until the Blucher Poole WWTP was first permitted to accept industrial discharges in 2021. This is the first technical re-evaluation that concurrently considers conditions affecting both WWTPs.

The results of this technical re-evaluation are summarized below. A listing of pollutants of concern is followed by the calculated concentration appropriate to each pollutant of concern. These values are compared with current local limits listed in BMC Title 10, and revisions are recommended to four (4) specific local limit concentrations in the last column as follows: cadmium; mercury; selenium; and silver. No technical or economic impact to CBU or its industrial sewer users is anticipated to result from these recommended revisions.

Summary of Local Limits Technical Re-Evaluation

Pollutants of Concern	Lowest Re-Calculated Limits for both POTWs (mg/L)	Existing Local Limits (Title 10 of BMC) (mg/L)	Recommended Revisions to Local Limits (mg/L)
Arsenic	1.29	0.24	0.24
Cadmium	0.0345	0.071	0.0345
Chromium	9.16	1.43	1.43
Copper	0.915	0.846	0.846
Cyanide	0.179	---	---
Lead	1.12	0.24	0.24
Mercury	0.00505	0.009	0.00505
Molybdenum	82.3	---	---
Nickel	2.21	1.91	1.91
Selenium	0.0685	0.22	0.0685
Silver	0.168	0.34	0.168
Zinc	3.48	1.34	1.34
CBOD5	1,542	---	---
TSS	2,038	---	---
Phosphorous	16.5	---	---
Ammonia (N)	124	---	---
Benzene	0.429	0.05	0.05
BTEX	130	0.75	0.75

0.0345

Bold: Recommended Local Limit Revision.

--- No Current or Recommended Local Limit.

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APPENDIX C – EPA REGION 5 LOCAL LIMIT SPREADSHEET – DILLMAN ROAD WWTP

1.0 INTRODUCTION

1.1 Background Information

The City of Bloomington Utilities (CBU) is required under the terms of its National Pollutant Discharge Elimination System (NPDES) permit Nos. IN00035718 and IN0035726 (Permits) to complete a technical re-evaluation of local limits governing industrial wastewater discharges to its publicly owned treatment works (POTW). These permits for the Dillman Road and Blucher Poole Wastewater Treatment Plants (WWTPs), respectively, both became effective September 1, 2024. This technical re-evaluation is the exclusive work product of CBU's Pretreatment group.

Item 13, Part III, of the Permits requires that CBU re-evaluate its local limits in accordance with 40 CFR 122.44(j)(2)(ii). CBU is to conduct its re-evaluation consistent with U.S. EPA's Local Limits Development Guidance (EPA 833-R-04-002A, July 2004) and U.S. EPA Region 5 Local Limits Spreadsheet (February 2011, previously available at: <http://www.epa.gov/r5water/-npdestek/npdptra.htm>). CBU is to submit these re-evaluations to the U.S. EPA Region 5, Pretreatment Program Manager and the Indiana Department of Environmental Management (IDEM) Pretreatment Group for review. The pretreatment program local limits currently in effect for the CBU are listed in Title 10, Chapter 10.12.040 of Bloomington's Code of Municipal Ordinances (BMC). This chapter states that:

Chapter 10.12.040 – Limitations on wastewater strength.

- (d) Local Limits. No significant industrial user or other authorized industrial user shall discharge wastewater that exceeds the following limits:

Pollutant ^(*)	Daily Maximum Discharge Limit (mg/L)
Arsenic	0.24
Cadmium	0.071
Chromium	1.43
Copper	0.846
Lead	0.24
Mercury	0.009
Nickel	1.91
Selenium	0.22
Silver	0.34
Zinc	1.34

(*) All pollutants as total and in mg/L unless otherwise specified.

- (1) The director may, at his or her sole discretion, implement local limits through allocation of the maximum allowable industrial load (MAIL) to significant industrial users which correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the daily maximum discharge limits are hereby incorporated by reference.

- (2) The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for any permitted industrial user to discharge or cause to be discharged any waste or wastewater that exceeds the following limits, as applicable:

Pollutant ^(a)	Daily Maximum Discharge Limit (mg/L)
Benzene ^(c)	0.050
BTEX ^(b)	0.750

(a) All pollutants as total and in mg/L unless otherwise specified.

(b) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene, and Xylenes.

(c) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

- (3) The director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- (4) The director may develop best management practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements of Title 10.

1.2 City of Bloomington's POTW

The City of Bloomington sources its potable water from the Monroe Reservoir, which is operated by the U.S. Army Corp of Engineers. There, CBU operates a water treatment plant to finish up to 30 MGD of potable water for the City's population of approximately 79,110 (Greely and Hansen, 2024). The finished water is of low hardness (50 mg/L as CaCO₃) and consistently meets Safe Drinking Water Act standards.

As reported in its most recent NPDES permit renewal applications, the City of Bloomington's publicly owned treatment works (POTW) includes two wastewater treatment plants (WWTPs). These are the Blucher Poole WWTP located on the City's north side and the Dillman Road WWTP located on the southwest side of the City. Blucher Poole is a 6.0 million gallons per day (MGD) conventional activated sludge treatment facility that serves approximately 16,210 people. Blucher Poole dewater its undigested sludge using a belt filter press. Beanblossom Creek, a major tributary of the West Fork White River, is Blucher Poole's receiving stream. As indicated in its permit, the creek's 7-day, 10-year low flow (7Q10 flow) is 4.5 cubic feet per second (2.9 MGD). For 2024, data reported in Blucher Poole's Monthly Reports of Operation (MROs) indicates an average raw sewage influent flow of 2.9 MGD.

The Dillman Road WWTP is a 15.0 MGD conventional activated sludge treatment facility with a peak design flow of 30.0 MGD that serves approximately 62,900 people. The Dillman Road WWTP operates two aerobic sludge digesters and dewater its sludge using a belt filter press and seventeen sludge drying beds. Dillman Road discharges to Clear Creek, with 7Q10 flow of 0.0 cubic feet per second (0.0 MGD). Data reported in Dillman Road's MROs indicates an average raw sewage flow of 11.93 MGD during 2024.

Sludge from both WWTPs is disposed of in a Subtitle D landfill. It has been more than 10 years since CBU land applied its sludge, and CBU has no intention of land applying its sludge in the future. Both WWTPs typically meet their respective permit discharge limitations and neither has seen pass-thru or interference attributable to industrial pollutants during their current or prior permit terms.

The POTW's combined sewage collection system includes approximately 333 miles of municipal separate sanitary sewer, 47 lift stations, and a 43 million gallon flow equalization basin at Dillman Road. The POTW serves 10 permitted significant industrial users (SIUs) with a combined allowable industrial flow of 0.962 MGD. SIUs include two categorical pharmaceutical companies, three categorical metal finishers, one plastic molding and forming facility, and four non-categorical SIUs that include a regional academic health center. Four categorical industrial customers are permitted for zero process water discharge. The Blucher Poole WWTP serves only a single SIU, the regional academic health center, which opened in 2021. All other SIUs are served by the Dillman Road WWTP.

Figure 1 illustrates the extent of CBU's collection system, its WWTPs, and the locations of SIUs permitted to discharge. Nine (9) discharging SIUs are shown on Figure 1. The tenth permitted discharger (the closed Monroe County Landfill) is located off the map area to the north, in an area with no sewer. In the event that this SIU wishes to discharge, such wastewater must be hauled to the Dillman Road WWTP. Because this SIU has its own permitted WWTP, it rarely needs to haul water to CBU and has not done so in the last five (5) or more years.

1.3 Purpose

The purpose of the work described herein is to re-evaluate previously identified pollutants of concern (POCs); collect and evaluate the data needed to support re-evaluation; re-calculate maximum allowable headworks loadings (MAHLs) for each POC; determine whether adjustments to current local limits are indicated; and, to address collection system concerns.

This report is for submittal to the following Approval Authorities:

Pretreatment Program Manager
U.S. EPA Region 5, WN-16J
NPDES Programs Branch
77 W. Jackson Blvd.
Chicago, IL 60604

and

Indiana Department of Environmental Management
Office of Water Quality - Mail Code 65-42
Compliance Data Section – Pretreatment Group
100 North Senate Avenue
Indianapolis, IN 46204-2251

1.4 Report Organization

Section 2.0 discusses the re-determination of POCs. **Section 3.0** describes the collection of current data and its evaluation. **Section 4.0** explains the calculation of current MAHLs for each POC. **Section 5.0** describes the re-calculation of local limits and indicated adjustments appropriate for inclusion in Bloomington Municipal Code (BMC) Title 10. Collection system

concerns and solutions are discussed in **Section 6.0**. Technical references relied upon during this process are listed in **Section 7.0**. Supporting data and information are appended.

2.0 RE-EVALUATION OF POLLUTANTS OF CONCERN

2.1 General Approach

CBU's intention is to re-evaluate its local limits based on the allowable headworks loading (AHL) calculated for each pollutant of concern as recommended by EPA (2004). A pollutant's resulting MAHL is determined by calculating the lowest allowable headworks loading of each pollutant for each environmental criterion. The most stringent allowable headworks loading for each pollutant is then considered the MAHL. EPA Region 5's Local Limits Spreadsheet (February 2011) is used to streamline the calculations.

Such calculations historically focused on the Dillman Road WWTP, for the Blucher Poole WWTP has only been permitted to accept industrial discharges since August 1, 2021. The most recent technical re-evaluation of local limits therefore focused the Blucher Poole WWTP. This is the first technical re-evaluation that considers conditions relevant to both WWTPs.

2.2 Potential Pollutants of Concern

This effort is scoped to consider the 15 pollutants identified by EPA in POTW sludge and effluent, plus total phosphorous, which include:

- | | |
|---------------|-----------------------|
| 1. Arsenic | 9. Selenium |
| 2. Cadmium | 10. Silver |
| 3. Chromium | 11. Zinc |
| 4. Copper | 12. Cyanide |
| 5. Lead | 13. CBOD ₅ |
| 6. Mercury | 14. TSS |
| 7. Molybdenum | 15. Phosphorous |
| 8. Nickel | 16. Ammonia |

Benzene and total benzene, toluene, ethylbenzene and total xylenes (BTEX) are other potential POCs already included in the current sewer use ordinance (SUO), codified in BMC Title 10. In past decades, polychlorinated biphenyls (PCBs) were pollutants of concern owing to their common use by historical local industries. Following years of investigation and remediation of affected sites in and around the City, PCBs are no longer detected in sewage and are no longer pollutants of routine concern.

2.3 Criteria of Concern

Potentially relevant criteria embodied in EPA Region 5's Local Limits Spreadsheet are considered herein. Because CBU land applies no sludge, the standards listed in 40 CFR Part 503 are excluded, as are state sludge criteria. No specific pollutant limitations apply to CBU's sludge, leaving the narrative requirements in CFR Parts 257, 258, and 261 applicable. Such requirements are understood by CBU to apply only as necessary to ensure that its WWTP sludge remains suitable for disposal in a Subtitle D Municipal Solid Waste Landfill. Additionally, CBU operates no anaerobic digestion processes, only aerobic, and only at its Dillman Road WWTP. The environmental criteria remaining relevant include:

1. NPDES Daily Effluent Limits (CBU's weekly average limits are substituted herein)
2. NPDES Monthly Average Effluent Limits
3. Inhibition of the Activated Sludge Process
4. Inhibition of Nitrification
5. Indiana's Chronic Surface Water Quality Standards
6. Indiana's Acute Water Quality Standards

2.4 Changed Conditions

Since 2015, CBU has not changed the nature of the wastewater treatment train in a manner expected to materially affect treatment efficiency at either WWTP. Recent changes have focused on process safety, reliability, or capacity. At Blucher Poole, changes to operations have included the substitution of UV disinfection for chlorine gas and the substitution of NEO FX 300 rare earth salt (lanthanum-cerium chloride) for poly aluminum chloride in the treatment of phosphorous.

At Dillman Road, several positive displacement blowers were replaced with centrifugal units, both bar screens were replaced in kind, a disc filter was added to increase filtration capacity, electrical feeds and controls were replaced and uprated, and all basin complex pumps have been replaced. In the near future, a fifth blower will be added to facilitate an uprating of the plant design capacity from 15 to 19 MGD.

Since CBU's most recent local limits re-evaluation, the State of Indiana's recent changes to surface water quality standards (WQS) are significant for this re-evaluation. According to the IDEM, amendments to 327 IAC 2-1-6 for select metals reflect updates to current science and National Recommended Water Quality Criteria (NRWQC) at Section 304(a) of the Clean Water Act (CWA). The resulting amendments to 327 IAC 2-1-6 were filed on November 5, 2021 and became effective on or about December 5, 2021. CBU notes that for arsenic, cadmium, chromium(III), nickel, and silver, acute or chronic WQSs values are lower than before, which decreases MAHLs dependent on their respective WQSs. Per the State's amendment of 327 IAC 2-1-6, Table 6-1, in a typical receiving stream with a hardness of 250 mg/L as CaCO₃, arsenic's new chronic WQS is approximately 21 percent lower than before. The new chronic WQS for cadmium is approximately 30 percent less. For chromium(III), the reduction is approximately 58 percent. For nickel, the new WQS is approximately 68 percent less than previously. The WQS (acute only) for silver is approximately 6 percent less than before. For zinc, the new chronic WQS is actually 13 percent greater than before the amendments.

For selenium, the change in its applicable chronic WQS is more drastic. As listed in 327 IAC 2-1-6 Tables 6-1a and 8-1a, the new chronic WQS is lower by a factor of more than 10, and now just 3.1 ug/L as compared with the old value of 35 ug/L. The default acute WQS for selenium, formerly set at 130 ug/L, has been eliminated. IDEM explains its rationale for selenium in its 2021 rulemaking information sheet. IDEM's amendment is driven by EPA's 2016 update to the National Recommended Water Quality Criterion under section 304(a) of the Clean Water Act (NRWQC) for selenium. Namely, EPA's 2016 national recommended water quality criterion for selenium is a complex, four-element, three-level hierarchy chronic criterion based on the accumulative properties of selenium in fish tissue. The elements are, in hierarchical order:

- (1) a fish egg-ovary element;
- (2) a fish whole-body and/or muscle element;
- (3a) a water column element which includes one value for lentic (still water) and one value for lotic (flowing water) aquatic systems; or
- (3b) a water column intermittent element to account for potential chronic effects from short-term exposures (one value for lentic and one value for lotic aquatic systems).

The fish tissue elements supersede the water column elements, and the egg-ovary element supersedes all other tissue elements.

CBU notes that the new chronic WQS of 3.1 ug/L for selenium applies to most down-state lotic waters where *Acipenseriformes* (sturgeon and paddlefish) are present in either the receiving stream, or in waters further downstream. In Table 6-1b, IDEM lists a less stringent WQS of 5.5 ug/L for lotic aquatic systems where *Acipenseriformes* are absent, but because the burden of demonstration would rest with the Permittee, CBU has elected to apply the more stringent default chronic WQS of 3.1 ug/L for selenium.

3.0 DATA COLLECTION AND EVALUATION

3.1 General Approach

CBU considered a range of data in this re-evaluation consistent with EPA (2004) guidance. Some of the data are from routine plant operations, primarily data collected in 2024. Other data was generated in specific support of this effort, which included influent, effluent, collection system domestic and commercial background, and sludge POC concentrations determined from sampling in 4Q 2024 and 1Q 2025. Data developed during routine self-monitoring by significant industrial users and compliance monitoring by CBU are also considered. To address certain data gaps, CBU also looked back to its considerable historical database and previous local limit re-evaluations completed in 2015 and 2021. This was necessitated in part by the very low concentrations of arsenic, cadmium, chromium, cyanide, lead, nickel, selenium, and silver in sewage collected by CBU's sewer system.

3.2 Study-Specific Data Collection

The primary objective of study-specific data collection was to determine treatment efficiencies for individual POCs across each POTW and to determine the domestic/commercial background of POCs in sewage unaffected by SIU discharges. Treatment efficiencies and sewage background concentrations are both key inputs for calculating MAHLs for each WWTP as described in Section 4.0.

Study-specific sampling by CBU Pretreatment staff included WWTP influent, final effluent, sludge, and one collection system location for each WWTP considered representative of domestic/commercial sewage background concentrations. Sanitary sewage background sampling locations are illustrated on Figure 1, and included Manhole 3356 for Blucher Poole and Manhole 8523 for Dillman Road. Target analytes, analytical methods, frequency of sampling, and the laboratory designated for each analysis are summarized in Table 1 – Sampling and Analysis Plan Summary. Study-specific samples for the majority of POCs were analyzed by CBU's contract laboratory, Pace Analytical Services, LLC, located in Indianapolis.

Conventional pollutant analyses, including CBOD5, TSS, ammonia, and phosphorous, were analyzed by CBU's captive laboratory located at the Dillman Road WWTP.

Influent, effluent, and background locations were sampled four (4) times for the Dillman Road WWTP and six (6) times for the Blucher Poole WWTP. The samples were collected from October 2024 to February 2025 during week days when Bloomington's industries were most likely to be in operation, and when Indiana University classes were in session. Influent samples were collected at the headworks, final effluent samples were collected at or just upstream from the WWTP outfall. Paired samples of final effluent were lagged relative to samples of influent by the approximate hydraulic residence time through each of the WWTPs. For Blucher Poole, the hydraulic residence time during normal weather is estimated at approximately 21 hours. For Dillman Road, the time is estimated at approximately 12 hours.

Additional sampling and analysis included checking the receiving streams for total hardness. Samples were collected upstream and downstream from both Blucher Poole and Dillman Road and analyzed for total hardness by CBU's captive laboratory. These data were collected to support the calculation of applicable State Water Quality Standards (WQS) needed to calculate MAHLs.

3.3 Routine Monitoring Data

Routine monitoring data for influent and effluent at each WWTP were drawn from their respective MROs. Such data includes monthly average flows during 2024, and CBOD₅, TSS, ammonia, and phosphorous for each day that study-specific sampling was conducted. Also considered were quarterly metals monitoring data for Dillman Road required under its NPDES permit.

3.4 Results and Discussion

The data collected as described above are tabulated as shown in Appendix A. Appendix A-1 lists the data relevant for Blucher Poole; Appendix A-1 provides the data for Dillman Road. The data are tabulated for each analyte in a manner supporting the calculation of relevant treatment efficiencies and background sewage concentrations. Treatment efficiencies are calculated using an equation of the following form for treatment efficiencies across the POTW; other treatment efficiencies, such as across primary or secondary treatment can be calculated similarly, but are taken from EPA reference materials for this study:

$$R_{potw}(\%) = \left[\frac{C_{inf} - C_{eff}}{C_{inf}} \right] \times 100$$

where: R_{potw} = Removal efficiency across the POTW

C_{inf} = Concentration $\left(\frac{mg}{l}\right)$ in the influent

C_{eff} = Pollutant concentration $\left(\frac{mg}{l}\right)$ in the effluent

CBU notes that the contract laboratory included analyses for several metals not necessarily relevant for this effort. Such metals included total antimony, beryllium, and thallium. None of these metals were detected above their respective reporting limits and are not, therefore, regarded as a concern with respect for local limits.

3.4.1 Arsenic

Study-specific results for arsenic are among the most interesting as a result of apparent false-positive results affecting samples collected from Blucher Poole. As shown in Appendix A-1, analyses using EPA method 200.7 (inductively coupled plasma – optical emission spectroscopy (ICP-OES)) suggested that the effluent contained arsenic at concentrations ranging from 0.0117 mg/L up to 0.0198 mg/L. This immediately raised the question as to the possible source, because it is typically absent from the influent. This question was answered in two ways. The first was to re-sample and analyze using EPA Method 200.8 (inductively coupled plasma – mass spectrometry (ICP-MS)). This method not only provided lower reporting limits, but also indicated that no arsenic was present in either the influent or effluent. The second answer relates to Blucher Poole's method for the treatment of phosphorous. Prior to 3Q 2024, poly aluminum chloride (PACl) was used to treat phosphorous. In 3Q 2024, operations were switched to NEO FX300, a concentrated lanthanum-cerium chloride solution. The substitution was made to increase the efficiency of phosphorous removal while reducing the need for pH adjustments historically made by introducing caustic soda at up to four injection points. With the change, phosphorous is removed using less chemical additive, and significantly less caustic soda is needed to meet effluent pH requirements.

Initially unknown to CBU Pretreatment staff, NEO FX300 can lead to false positive results for arsenic when analyzed by ICP-OES. When initially faced with the apparent detection of arsenic, CBU staff reached out to the manufacturer of NEO FX300 who immediately provided written information describing how the lanthanum and cerium in its product can interfere with ICP-OES analysis, especially if the analyst has no reason to expect the presence of these elements in a given sample matrix. As explained in the two-page white paper:

When this occurs one element is said to interfere with the detection emission. It is not well known that certain rare earths will interfere with As [arsenic] detection by ICP-OES. For example, the two wavelengths often recommended for As detection are 189.043 and 193.759 nm.³ These are near the Lanthanum (La) emissions of 188.922, 189.147, and 193.857 nm and the Cerium (Ce) emission at 193.721 nm.⁴ These peaks are at most within 0.121 nm and at least within 0.038 nm. Thus in a sample that contains the rare earths La and Ce, an ICP-OES analyst might interpret the emission peaks from La and Ce as arsenic peaks. This will occur unless the ICP-OES instrument has sufficient resolution to distinguish between peaks which are 0.038 nm apart. This may be difficult to achieve for most ICP-OES instruments; thus alternate methods for As analysis are recommended.

Of the alternate methods, the manufacture recommends ICP-MS and GFAA (graphite furnace atomic absorption) as the easiest and most common methods. The manufacturer goes on to mention that neodymium (Nd) and samarium both have a mass of 150 if the ions have a charge of 2, and that they will be detected in ICP-MS at a mass to charge ratio of 75, which is exactly where a singly charged arsenic ion will appear. With that, it is finally mentioned that Nd or Sm are unlikely to interfere as they are present only trace amounts in the NEO FX300 product. NEO's white paper is provided as Appendix A-3 to this report.

With further respect for arsenic, CBU notes that except for the interferences discussed above, no arsenic was detected in any sample of WWTP influent or effluent during 2024 or 2025. This is despite the analysis of influent and effluent using ICP-MS with a reporting limit of just 0.001

mg/L as compared with a current local limit of 0.240 mg/L. For treatment efficiency across the Blucher Poole POTW (R_{potw}), CBU refers to its 2021 sampling campaign that indicated a value of 42.9%, which is very similar to EPA's (2004) reference value of 45%. A background concentration (C_{dom}) for arsenic is similarly cited from the work in 2021 when it was determined to be 0.00061 mg/L.

At Dillman Road, CBU has referred to its 2015 local limits study when R_{potw} was determined to be 20%, and the background sewage concentration was found to be 0.0008 mg/L.

3.4.2 Cadmium

Similar to arsenic, almost no cadmium was detected in any of the influent or effluent samples. None was detected at Blucher Poole above the reporting of 0.001 mg/L. For Blucher Poole, CBU referred to its 2021 study for an R_{potw} value of 50% and a background concentration of 0.0001 ug/l. At Dillman Road, three of four influent samples indicated cadmium at just 0.0001 mg/L and one indicated 0.0002 mg/L. Three of the four effluent samples were less than 0.0001 mg/L, while the highest was just 0.0001 mg/L. These data were used to determine a value of 50% for R_{potw} . For a background concentration at Dillman Road, CBU referred to its 2015 study which found the concentration to be 0.0002 mg/L.

3.4.3 Chromium

At Blucher Poole, no chromium was detected in the influent or effluent at a reporting limit of 0.002 mg/L. CBU referred to its 2021 sampling study indicating a value for R_{potw} equal to 71.4% and a sewage background concentration of 0.001 mg/L. At Dillman Road, R_{potw} was determined to be 80.7%. CBU referred to its 2015 study for a sewage background concentration of 0.002 mg/L.

3.4.4 Copper

Copper is present in the City's water supply and is therefore also present in the wastewater. At Blucher Poole, R_{potw} was determined to be 79%. A background sewage concentration was indicated to be 0.1145 mg/L during site-specific studies. However, this is higher than the WWTP influent concentration determined to be 0.0303 mg/L. For purposes of this effort, the background sewage concentration of 0.0575 mg/L reported in 2021 was determined to be more relevant because two separate background sampling locations were utilized. At Dillman Road, R_{potw} was determined to be 89%, while the background sewage concentration was found to be 0.0462 mg/L.

3.4.5 Lead

Lead was not detected in samples collected for the Blucher Poole WWTP, even using Method 200.8 with a reporting limit of 0.001 mg/L. As such, CBU considered its sampling efforts in 2021 when R_{potw} was determined to be 92.3% and the sewage background concentration was determined to be 0.001 mg/L. At Dillman Road, routine monitoring data for 2024 were used to determine R_{potw} at 92.4%. The sewage background concentration was taken from CBU's 2015 sampling effort that found a concentration of 0.0018 mg/L.

3.4.6 Mercury

Study-specific samples for mercury were collected and analyzed using low-level method 1631E. At Blucher Poole, R_{potw} was calculated as 93% and the sewage background concentration was determined to be 0.0000169 mg/L. At Dillman Road, R_{potw} was calculated as 97%, while the sewage background concentration was found to be 0.0000107 mg/L.

3.4.7 Molybdenum

At Blucher Poole, R_{potw} was calculated as 48%. Because none was detected in background sewage above 0.01 mg/L, the value of 0.0014 mg/L was considered from 2021. At Dillman Road, no molybdenum above the reporting limit of 0.01 mg/L was detected in the influent, effluent, or background sewage in 2024. Values determined in 2015 were therefore considered when R_{potw} was calculated as 40% and the sewage background concentration was found to be 0.0015 mg/L.

3.4.8 Nickel

At Blucher Poole, R_{potw} was calculated as 13% and the sewage background concentration of 0.00423 mg/L determined in 2021 was considered. At Dillman Road, R_{potw} was calculated as 42%, while the sewage background concentration of 0.0034 mg/L determined in 2015 was considered.

3.4.9 Selenium

At Blucher Poole, R_{potw} was calculated as 10% and the sewage background concentration of 0.0009 mg/L determined in 2021 was considered. At Dillman Road no selenium was detected in the influent, effluent, or background sewage, so R_{potw} was taken from EPA (2004) as 50%. The sewage background concentration of 0.0009 mg/L determined in 2015 was also considered.

3.4.10 Silver

No silver was detected in Blucher Poole influent, effluent or background during 2024. R_{potw} equal to 64.3% and a sewage background concentration of 0.00023 determined in 2021 were considered herein. At Dillman Road, R_{potw} was calculated as 50% and the background sewage concentration of 0.0007 mg/L determined in 2015 was considered.

3.4.11 Zinc

At Blucher Poole, R_{potw} was determined to be 42%. The background sewage concentration was indicated to be 0.10 mg/L. At Dillman Road, R_{potw} was determined to be 55%, while the background sewage concentration was found to be 0.067 mg/L.

3.4.12 Cyanide

Cyanide was not detected above the analytical reporting limit of 0.005 mg/L in any study-specific samples collected during 2024. For Blucher Poole, R_{potw} equal to 11.5% and a sewage background concentration of 0.0023 determined from CBU's 2021 sampling efforts were considered. For Dillman Road, R_{potw} equal to 69% was taken from EPA, 2004, Appendix R. The

background sewage concentration of 0.0025 mg/L (one-half of the analytical reporting limit) was considered.

3.4.13 Conventional Pollutants

Conventional pollutants, including carbonaceous biological oxygen demand (CBOD₅), total suspended solids (TSS), ammonia, N, and total phosphorous, were detected in all study-specific samples during 2024. Treatment efficiencies, R_{potw} , and background sewage concentrations are calculated and listed for each in Appendix A-1 (Blucher Poole) and Appendix A-2 (Dillman Road).

3.4.14 Benzene and Total BTEX

Benzene and total benzene, toluene, ethylbenzene, and total xylenes (BTEX), are monitored annually at the Dillman Road WWTP. None were detected in the influent or effluent during 2024. For benzene, a value for R_{potw} is taken from EPA (2004), equal to 80%. Regarding total BTEX, EPA (2004) provides reference treatment efficiencies for ethylbenzene and toluene, but nothing for total xylenes. The value of R_{potw} for ethylbenzene (86%) was considered as the lowest among those listed. Sewage background concentrations are considered to be zero mg/L for benzene and total BTEX in the calculation of MAHLs.

3.4.15 Sludge

Study-specific samples of sludge were collected at Blucher Poole and Dillman Road and analyzed for total and TCLP metals as well as TCLP organics including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), TCLP pesticides, TCLP chlorinated acid herbicides, pH, and total cyanides. Because CBU disposes of all sludge at a permitted Subtitle D landfill, neither EPA 503, nor state sludge standards apply. The only criteria that need be met is that the sludge exhibits no hazardous characteristics or free liquids. These requirements have historically been met during the last ten (10) or more years, so the calculation of sludge-limited MAHLs is unnecessary and they are therefore omitted from Section 4.0.

4.0 CALCULATION OF MAHLs

4.1 Method of Calculation

Per EPA (2004), a MAHL is an estimate of the upper limit of a pollutant loading to a WWTP intended to prevent pass thru or interference. MAHL are the basis for local limits. A MAHL for a particular pollutant is calculated in three steps:

1. Calculate the process-related removal efficiency for the POC;
2. Calculate the allowable headworks loadings (AHLs) for each relevant criterion; and,
3. Designate the MAHL as the most stringent AHL for the pollutant of concern.

Removal efficiencies across each of the POTWs are calculated as previously explained. Additional removal efficiencies, such as across primary treatment (R_{prim}) and across secondary treatment (R_{sec}), were not specifically determined during this study, but rather are taken from EPA (2004), Appendix R, which provides priority pollutant removal efficiencies across a typical POTW as well as across constituent treatment processes such as primary

clarification. For the calculation of AHLs for each POC, CBU implemented EPA Region 5's Local Limits Spreadsheet (February 2011) as specified in its NPDES permits. EPA's spreadsheet implements two general equations for determining AHLs. The first general equation is used to estimate AHLs as a function of concentration-based NPDES discharge limitations and sewage concentrations (C_{crit}) likely to inhibit either the activated sludge process, or the nitrification process, and takes the following form:

$$AHL = \frac{8.34 \times C_{crit} \times Q_{potw}}{1 - \frac{R}{100}}$$

where: C_{crit} = NPDES daily maximum, NPDES monthly average, or a concentration in mg/L that inhibits either the activated sludge or the nitrification process.

Q_{potw} = POTW flow in MGD

R = Treatment efficiency across the POTW (R_{potw}) for NPDES discharge limitations), treatment efficiency across primary treatment (R_{prim}) for inhibition of activated sludge, or treatment efficiency across secondary treatment (R_{sec}) for inhibition of the nitrification process, as percent.

The second general equation is used to estimate AHLs as a function of concentration-based water quality standards applicable in the receiving streams and takes the following form:

$$AHL = \frac{8.34 \times [C_{crit} \times (Q_{str} + Q_{potw}) - (C_{str} \times Q_{str})]}{1 - \frac{R_{potw}}{100}}$$

where: C_{crit} = WQS (chronic or acute)

Q_{str} = Receiving stream (upstream) 7Q10 flow in MGD

Q_{potw} = POTW flow in MGD

C_{str} = Receiving stream background concentration in mg/L

R_{potw} = Treatment efficiency across the POTW as percent

4.2 Data Requirements

Data required for the calculation of MAHLs using EPA's spreadsheet are listed herein. The means to determine each is briefly described.

4.2.1 SIU Pollutant Flow

This input, Q_{ind} , is the SIU discharge flow in MGD that contains a particular pollutant. This value represents the maximum daily industrial discharge authorized by permit for each WWTP. For Blucher Poole, with a single SIU, permitted SIU flow is 0.136 MGD. For Dillman Road, which serves the rest of the SIUs, the permitted flow is 0.826 MGD.

4.2.2 POTW Flow

This input, Q_{potw} , is the average influent flow for each WWTP in MGD. Blucher Poole averaged influent flow of 2.90 MGD, while Dillman Road averaged 11.9 MGD.

4.2.3 Removal Efficiency

This input includes R_{potw} , R_{prim} , or R_{sec} , depending on the criterion under evaluation, and is expressed as a percent. Determination of R_{potw} is discussed in Section 3.4. Values for R_{prim} and R_{sec} were taken from EPA (2004) Appendix R.

4.2.4 Concentration Limits

This input, C_{crit} , is the limit concentration in mg/L for the criterion under evaluation. Such limits include NPDES daily maximum discharge limitations and monthly average discharge limitations listed in each WWTP's NPDES permit; activated sludge inhibition level, or nitrification inhibition level listed in EPA (2004); or chronic, or acute WQS listed or calculated as specified in 327 IAC 2-1-6, Table 6-1 (see below) or Table 6-1a (which only lists monthly average chronic limit concentrations for selenium).

CAS Number	Substances	Acute Aquatic Criteria (AAC) (Maximum) (µg/l)	AAC Conversion Factors (CF)	Chronic Aquatic Criteria (CAC) (4-Day Average) (µg/l)	CAC Conversion Factors (CF)
Metals	Metals				
7440382	Arsenic ^[1]	WER(340)(CF)	1.000	WER(150)(CF)	1.000
7440439	Cadmium ^{[1][2]}	WER ($e^{(0.9789[\ln H]-3.866)}$)(CF)	$1.136672-[\ln H]0.041838$	WER ($e^{(0.7977[\ln H]-3.909)}$)(CF)	$1.101672-[\ln H]0.041838$
16065831	Chromium (III) ^{[1][2]}	WER ($e^{(0.819[\ln H]+3.7256)}$)(CF)	0.316	WER ($e^{(0.819[\ln H]+0.6848)}$)(CF)	0.860
18540299	Chromium (VI) ^[1]	WER(16)(CF)	0.982	WER(11)(CF)	0.962
7440508	Copper ^{[1][2]}	WER ($e^{(0.9422[\ln H]-1.464)}$)(CF)	0.960	WER ($e^{(0.8545[\ln H]-1.465)}$)(CF)	0.960
7439921	Lead ^{[1][2]}	WER ($e^{(1.273[\ln H]-1.460)}$)(CF)	$1.46203-[\ln H]0.145712$	WER ($e^{(1.273[\ln H]-4.705)}$)(CF)	$1.46203-[\ln H]0.145712$
7439976	Mercury ^{[3][4]}	2.4	NA	0.012	NA
7440020	Nickel ^{[1][2]}	WER ($e^{(0.846[\ln H]+2.255)}$)(CF)	0.998	WER ($e^{(0.846[\ln H]+0.0584)}$)(CF)	0.997
7440224	Silver ^{[1][2][5]}	WER ($e^{(1.72[\ln H]-6.59)}/2$)(CF)	0.85		
7440666	Zinc ^{[1][2]}	WER ($e^{(0.8473[\ln H]+0.884)}$)(CF)	0.978	WER ($e^{(0.8473[\ln H]+0.884)}$)(CF)	0.986

[1] Aquatic life criteria for these metals are expressed as a dissolved concentration and are calculated using the water-effect ratio (WER) and the specified conversion factor (CF). The AAC and CAC for a dissolved metal are calculated by multiplying the WER by the criterion value or formula, and then by the appropriate CF. A value of one (1) must be used for the WER unless an alternate value is established under section 8.9 of this rule. The dissolved AAC and CAC must be rounded to two (2) significant digits, except when the criteria are used as intermediate values in a calculation, such as in the calculation of water quality-based effluent limitations (WQBELs).

[2] The hardness values used in the equations for these criteria must not be greater than 400 mg/L as calcium carbonate (CaCO₃), and the criteria at a hardness of 400 mg/L as CaCO₃ are used for a water hardness above 400 mg/L as CaCO₃. The term "lnH" is the natural log of hardness.

[3] Aquatic life criteria for this metal are expressed as a total recoverable concentration.

[4] These substances are bioaccumulative chemicals of concern.

[5] The AAC for these substances is one-half (½) of the Final Acute Value (FAV) as calculated by procedures developed by U.S. EPA in 1980. This value would correspond to acute aquatic values calculated using procedures of the department or U.S. EPA procedures developed in 1985 in which the calculated FAV is divided by two (2) to reduce acute toxicity.

Hardness-specific WQS are calculated as prescribed above and summarized in Table 2 of this report.

4.2.5 Sewage Background POC Concentrations

This input, C_{dom} , was determined for each POC as explained in Section 3.4.

4.3 Results

The MAHL for each POC is calculated using the EPA Region 5 spreadsheet using the equations and inputs described above. EPA's spreadsheet is comprised of nine (9) separate tables (Tables 1 through 9), each of which focuses on a particular environmental criterion. Tables 2 through 9 are linked to Table 1 such that universal inputs for SIU industrial flows (Q_{ind}), WWTP influent flow (Q_{potw}) and the domestic/commercial background concentrations (C_{dom}) for each POC need only be entered on Table 1. Criterion-specific inputs such as R_{potw} , R_{prim} , or R_{sec} , are entered directly to their respective tables. MAHLs for Blucher Poole and Dillman Road are calculated separately (i.e., EPA Region 5's spreadsheet is implemented twice) to account for significantly different inputs appropriate for each plant.

4.3.1 Blucher Poole WWTP

For Blucher Poole, MAHLs (L_{hw}) are calculated for each relevant environmental criterion as provided in Appendix B to this report. Most conveniently, the Region 5 spreadsheet tables also calculate the current background domestic/commercial headworks loading (L_{dom}) for each POC. This, along with a user-specified safety factor of 10%, is used to calculate the maximum allowable industrial loading (L_{ind}), which is then used to calculate a Local Limit (C_{ind}) appropriate for each POC under each of the relevant criterion. The maximum allowable industrial loading (MAIL) is calculated as follows:

$$L_{ind} (MAIL) = L_{hw} \times \left(1 - \frac{SF}{100}\right) - L_{dom}$$

where: L_{hw} = Maximum allowable headworks loading in lbs/day

SF = Safety factor as percent

L_{dom} = Background sewage domestic/commercial loading in lbs/day

Local Limits are then calculated according to the following equation:

$$C_{ind} = \frac{L_{ind}}{8.34 \times Q_{ind}}$$

where: C_{ind} = Local Limit in mg/L

L_{ind} = Maximum allowable industrial loading in lbs/day

8.34 = Units conversion factor

Q_{ind} = Industrial user discharge in MGD containing a particular pollutant

Tables 1 through 9 in Appendix B are preceded by a summary table coded to identify and list the lowest, and hence most restrictive, MAHL (L_{hw}), L_{ind} , and C_{ind} from among the nine tables.

4.3.2 Dillman Road WWTP

The calculations are repeated for the Dillman Road WWTP in Appendix C to this report.

5.0 INDICATED REVISIONS TO LOCAL LIMITS

The overall results of this technical re-evaluation as summarized in Table 3 to this report. Table 3 lists re-calculated local limits derived for Blucher Poole and Dillman Road, and lists the minimum value indicated for each pollutant of concern. These values are compared with current local limits listed in BMC Title 10, and lists revisions recommended to four (4) specific local limit concentrations.

With collective consideration of conditions unique to each of CBU's wastewater treatment plants, CBU Industrial Pretreatment Program staff recommend that the current local limit for cadmium be reduced from 0.071 mg/L to no more than 0.0345 mg/L. The local limit for mercury should be reduced from 0.009 mg/L to no more than 0.00505 mg/L. The local limit for selenium should be reduced from 0.22 mg/L to no more than 0.0685 mg/L. Silver should be reduced from the current 0.34 mg/L to no more than 0.168 mg/L. No technical or economic impact to CBU or its industrial sewer users is anticipated to result from these recommended revisions. Program-wide compliance monitoring data compiled by CBU and its industrial sewer users during the last three years (2022-2024) indicates no instance where an existing local limit or a recommended revised local limit was exceeded.

6.0 COLLECTION SYSTEM CONCERNS

Per EPA, in addition to the MAHL approach to setting local limits, POTWs may need to develop local limits to address collection system concerns to meet the requirements of 40 CFR 403.5(b) regarding prohibited discharges. CBU's experience indicates that corrosion and flow obstructions are of most concern in the operation of its POTW, and elects to address them elsewhere in its SUO.

6.1 Corrosion and Obstructions

Relevant examples of corrosion and obstructions include a relatively low-pH discharge encountered from a local wine producer. This non-significant industrial sewer user was visited and requested by CBU staff to set its discharge pH adjustment system from greater than 5 to a pH of greater than 6. This industrial customer, who was already complying with SUO requirement that pH be controlled to a value between 5.0 and 10.0, obliged accordingly. Another example is the regional academic health center. This permitted SIU was required to install a dedicated bar screen to mitigate the discharge of miscellaneous solids to CBU's nearby lift station.

6.2 Fats, Oils, & Grease

Finally, CBU's Pretreatment group continues to target fats, oils, and grease management compliance with local restaurants. There are currently 522 active food service establishments (FSEs) discharging to the POTW. The pretreatment inspector performed 31 FSE inspections of new and existing facilities during 2024. CBU staff also performed 27 educational consults to discuss equipment installation, program requirements, and answer questions. CBU engineers and pretreatment staff review design drawings for new and remodeled FSEs to ensure the installation of the appropriate grease retention devices. Pretreatment staff reviewed 119 sets

of plans. The pretreatment inspector additionally performed 13 grease interceptor installation inspections to ensure devices were properly installed.

In 2022 the Pretreatment Program implemented its new Preferred Pumper Program. This program required all grease waste haulers to attend mandatory training and saw the implementation of new tracking software. A training event was held during 2024 to refresh all grease haulers on the CBU's requirements and reporting software. All FSEs are required to report their maintenance events through the software, or have their haulers report on their behalf.

The Pretreatment group has worked closely with the Monroe County Building Department and the Monroe County Health Department to identify new restaurants and restaurants which are being bought and sold. This department conducts inspections on all new units and newly purchased units.

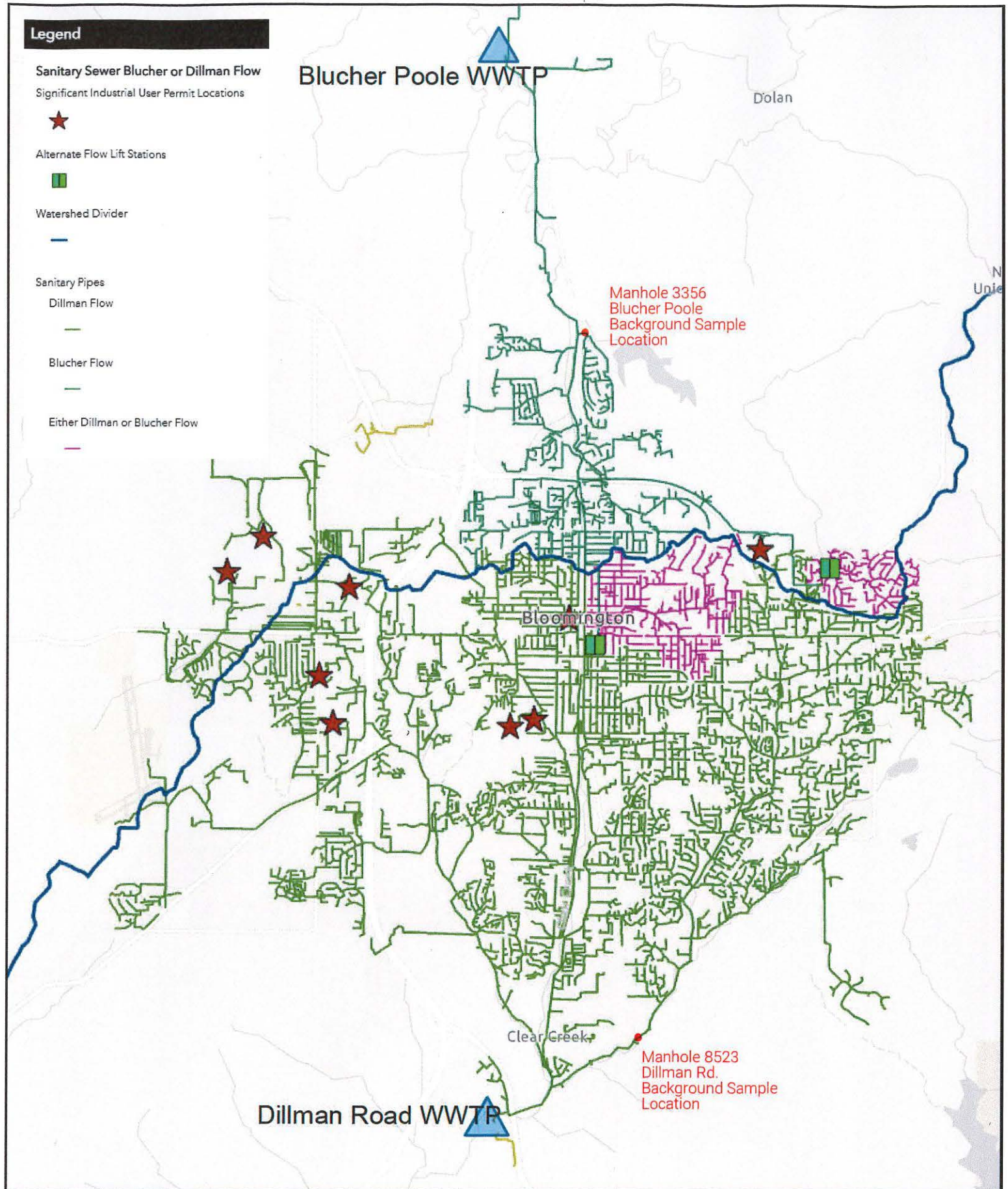
7.0 REFERENCES CITED


CBU's Pretreatment group considered the following normative reference documents, technical reports, and historical data in support of this technical re-evaluation:

1. Greely and Hansen Water Solutions (2024). *City of Bloomington Utilities Department, Indiana, NPDES Permit Renewal Applications, IN0035718 and IN0035726*. Greely and Hansen Water Solutions, March 4, 2024.
2. CBU (2021). *CBU Sampling and Analysis Data Collected in Support of the Technical Justification for Industrial User Local Limits, Blucher Poole Wastewater Treatment Plant*. Compiled and reported by ARCADIS, October 2021.
3. CBU (2015). *City of Bloomington, Indiana Local Limits, September 23, 2015*.
4. City of Bloomington Municipal Code sewer use ordinance (BMC Title 10) approved by USEPA on December 9, 2019.
5. IDEM (2021). *Selenium Criterion for Aquatic Life Information Sheet*. IDEM Office of Water Quality, May 2021.
6. NEO Chemicals & Oxides (2017). *Analysis of Solid Samples containing Rare Earth Elements*.
7. U.S. EPA (2004). *Local Limits Development Guidance*. EPA 833-R-04-002A, July 2004.
8. U.S. EPA (2004). *Local Limits Development Guidance Appendices*. EPA 833-R-04-002B, July 2004.
9. U.S. EPA (2011). *Region 5 Local Limits Spreadsheet (February 2011)*.

FIGURES

FIGURE 1 – CBU Collection System, WWTP, and SIU Locations



Bloomington Utilities POTW		<div>FIGURE 1</div> <div>CBU Collection System, WWTP, and SIU Locations.</div> <div><div><div>00.751.534.56</div><div>mi</div></div></div>	Utilities
S. Stanford	Center: 86°32'54"W 39°10'10"N		<div></div> <div>CITY OF BLOOMINGTON</div>
3/26/2025 1:32 PM	Scale: 1" = 8,333'		
Important Notice: The position of underground utilities are shown schematically. Please call 811 to have all underground utilities located.			

TABLES

TABLE 1 – Sampling and Analysis Plan Summary

TABLE 2 – Hardness-Specific Surface Water Quality Standards

TABLE 3 – Summary of Local Limits Technical Re-Evaluation

Table 1 - Sampling and Analysis Plan Summary

Dillman Road and Blucher Poole WWTPs
City of Bloomington, Indiana

Analyte	Analytical Method	Number / Type of Samples to Collect				Laboratory
		WWTP Influent (aqueous)	WWTP Final Effluent (aqueous)	WWTP Sludge (solid)	WWTP Domestic Background Sampling Location ¹ (aqueous)	
Total Metals (As, Cd, Cr, Cu, Pb, Mo, Ni, Se, Ag, Zn) (sludge report by dry-wt.)	EPA 200.7 / 6010B	4 / C	4 / C	1 C	4 / C	Pace
Total Hg (sludge report by dry-wt.)	SW846 7471A	---	---	1 C	---	Pace
Total Hg (LL)	EPA 1631	4 / G	4 / G	---	4 / G	Pace
Total Cyanide (sludge report by dry-wt.)	EPA 335.4 / SW846 9000 series	4 / G	4 / G	1 C	4 / G	Pace
pH (aq. samples in field / solid sample)	SM 4500-H ⁺ / 9045D	4 / G	4 / G	1 C	4 / G	CBU Field / Pace
CBOD ₅	SM 5210B	MRO	MRO	---	4 / C	CBU Lab
TSS	SM 2540D	MRO	MRO	---	4 / C	CBU Lab
Ammonia, N	HACH Method 10205	MRO	MRO	1 C	4 / C	CBU Lab/Pace
Phosphorous, total	HACH Method 10209 / EPA 365.1	MRO	MRO	1 C	4 / C	CBU Lab/Pace
TCLP Metals and Organics	SW846 1311 / 6010B; 8081A; 8151A; 8270C; 8260B	---	---	1 C	---	Pace

NOTES:

C - Composite Sample

G - Grab Sample

MRO - Use data from the WWTP's Monthly Report of Operations (MRO)

1 - Manhole #3356 (for Blucher Poole), Manhole 8523 (for Dillman Road)

Table 2 - Hardness Specific Surface Water Quality Standards
Dillman Road and Blucher Poole WWTPs
City of Bloomington, Indiana

Dillman Road WWTP

Hardness (mg/L as CaCO ₃):	250
WER (unitless ratio):	1

Metal, total	AAC Max	AAC Conversion Factor	Acute WQS (ug/L)	CAC (4-Day Average)	CAC Conversion Factor	Chronic WQS (ug/L)
Arsenic	340	1.000	340	150	1.000	150
Cadmium	4.66	0.906	4.22	1.64	0.871	1.43
Chromium(III)	3,818.74	0.316	1,207	183	0.860	157
Copper	42.03	0.96	40.3	25.9	0.960	24.8
Lead	262.12	0.657	172	10.2	0.656	6.70
Nickel	1,018.57	0.998	1,017	113	0.997	113
Silver	9.15	0.850	7.78	---	---	---
Zinc	260.43	0.978	255	260	0.986	257

Blucher Poole WWTP

Hardness (mg/L as CaCO ₃):	100
WER (unitless ratio):	1

Metal, total	AAC Max	AAC Conversion Factor	Acute WQS (ug/L)	CAC (4-Day Average)	CAC Conversion Factor	Chronic WQS (ug/L)
Arsenic	340	1.000	340	150	1.000	150
Cadmium	1.90	0.944	1.79	0.790	0.909	0.718
Chromium(III)	1,803.05	0.316	570	86.2	0.860	74.1
Copper	17.73	0.96	17.0	11.8	0.960	11.4
Lead	81.65	0.791	64.6	3.18	0.789	2.51
Nickel	469.17	0.998	468	52.2	0.997	52.0
Silver	1.89	0.850	1.61	---	---	---
Zinc	119.82	0.978	117	120	0.986	118

Note: All values as listed, or calculated as listed, in 327 IAC 2-1-6, Table 6-1 using site-specific hardness values for receiving streams.

Table 3 - Summary of Local Limits Technical Re-Evaluation

Dillman Road and Blucher Poole WWTPs

City of Bloomington, Indiana

Local Limit Constituents Re- Evaluated	Re-Calculated Local Limits for the Blucher Poole POTW (mg/l)	Re-Calculated Local Limits for the Dillman Rd POTW (mg/l)	Lowest Re- Calculated Limits for both POTWs (mg/l)	Existing Local Limits (Title 10 of BMC) (mg/l)	Recommended Revisions to Local Limits (mg/l)
Arsenic	2.85	1.29	1.29	0.24	0.24
Cadmium	0.0531	0.0345	0.0345	0.071	0.0345
Chromium	9.92	9.16	9.16	1.43	1.43
Copper	0.915	1.63	0.915	0.846	0.846
Cyanide	0.179	0.184	0.179	---	---
Lead	1.23	1.12	1.12	0.24	0.24
Mercury	0.00624	0.00505	0.00505	0.009	0.00505
Molybdenum	243	82.3	82.3	---	---
Nickel	2.21	2.48	2.21	1.91	1.91
Selenium	0.114	0.0685	0.0685	0.22	0.0685
Silver	0.168	0.193	0.168	0.34	0.168
Zinc	4.26	3.48	3.48	1.34	1.34
CBOD5	7,910	1,542	1,542	---	---
TSS	2,038	9,295	2,038	---	---
Phosphorous	16.5	91.9	16.5	---	---
Ammonia (N)	124	582	124	---	---
Benzene	1.27	0.429	0.429	0.05	0.05
BTEX	384	130	130	0.75	0.75

0.0345**Bold Concentration:** Revise current local limit to the indicated concentration.

APPENDIX A – LOCAL LIMIT SAMPLING

Appendix A-1 – Blucher Poole WWTP Local Limit Sampling Results

Appendix A-1
Blucher Poole WWTP
Local Limit Sampling

Sample Date		Influent (INF) (mg/L)		Effluent (EFF) (mg/L)	Percent Removal (%)		Background Sewage (mg/L)	Notes
Antimony, Total								
10/30 & 31/2024	<	0.02	<	0.02	0.0%	<	0.02	
11/13 & 14/2024	<	0.02	<	0.02	0.0%	<	0.02	
11/26 & 27/2024	<	0.02	<	0.02	0.0%	<	0.02	
12/11 & 12/2024	<	0.02	<	0.02	0.0%	<	0.02	
1/29/2025	<	0.001	<	0.001	0.0%			
2/4/2025	<	0.001	<	0.001	0.0%			
AVERAGES:	<	0.001	<	0.001	0.0%	<	0.02	All data are censored and therefore inconclusive. Averages consider only data for 1/29 & 2/4/2025.
Arsenic, Total								
10/30 & 31/2024	<	0.01		0.0131	-31.0%	<	0.01	Arsenic attributed to lanthanum or cerium interference when using EPA Method 200.7. Arsenic not detected when using Method 200.8.
11/13 & 14/2024	<	0.01		0.0158	-58.0%	<	0.01	
11/26 & 27/2024		0.0214		0.0198	7.5%	<	0.01	
12/11 & 12/2024	<	0.01		0.0117	-17.0%	<	0.01	
1/29/2025	<	0.001	<	0.001	0.0%			Method 200.8
2/4/2025	<	0.001	<	0.001	0.0%			Method 200.8
AVERAGES:	<	0.001	<	0.001	0.0%	<	0.01	Averages consider only data for 1/29 & 2/4/2025.
For arsenic, consider CBU's October 2021 Local Limits study for the Blucher Poole WWTP:								
		0.0007		0.0004	42.9%			
For arsenic, also consider US EPA's Local Limits Development Guidance Appendices, July 2024:								
					45.0%			EPA, July 2004, p. R-2
For arsenic, utilize CBU's treatment efficiency determined in 2021 using real data:								
					42.9%		0.00061	Ar background from CBU, 2021.
Beryllium, Total								
Sample Date		(mg/L)		(mg/L)	(%)		(mg/L)	
10/30 & 31/2024	<	0.004	<	0.004	0.0%	<	0.004	
11/13 & 14/2024	<	0.004	<	0.004	0.0%	<	0.004	
11/26 & 27/2024	<	0.004	<	0.004	0.0%	<	0.004	
12/11 & 12/2024	<	0.004	<	0.004	0.0%	<	0.004	
1/29/2025	<	0.0002	<	0.0002	0.0%			
2/4/2025	<	0.0002	<	0.0002	0.0%			
AVERAGES:	<	0.0002	<	0.0002	0.0%	<	0.004	All data are censored and therefore inconclusive. Averages consider only data for 1/29 & 2/4/2025.

Appendix A-1
Blucher Poole WWTP
Local Limit Sampling

Sample Date		Influent (INF) (mg/L)		Effluent (EFF) (mg/L)	Percent Removal (%)	Background Sewage (mg/L)	Notes
Cadmium, Total							
10/30 & 31/2024	<	0.002	<	0.002	0.0%	< 0.002	
11/13 & 14/2024	<	0.002	<	0.002	0.0%	< 0.002	
11/26 & 27/2024	<	0.002	<	0.002	0.0%	< 0.002	
12/11 & 12/2024	<	0.002	<	0.002	0.0%	< 0.002	
1/29/2025	<	0.0002	<	0.0002	0.0%		
2/4/2025	<	0.0002	<	0.0002	0.0%		
AVERAGES:	<	0.0002	<	0.0002	0.0%	0.002	All data are censored and therefore inconclusive. Averages consider only data for 1/29 & 2/4/2025.
For cadmium, consider CBU's October 2021 Local Limits study for the Blucher Poole WWTP:							
		0.0002		0.0001	50.0%		
For cadmium, also consider US EPA's Local Limits Development Guidance Appendices, July 2024:							
				67.0%			EPA, July 2004, p. R-2
For cadmium, utilize CBU's treatment efficiency determined in 2021 using real data:							
				50.0%		0.0001	Cd background from CBU, 2021.
Chromium, Total							
10/30 & 31/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/13 & 14/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/26 & 27/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/11 & 12/2024	<	0.01	<	0.01	0.0%	< 0.01	
1/29/2025	<	0.002	<	0.002	0.0%		
2/4/2025	<	0.002	<	0.002	0.0%		
AVERAGES:	<	0.0020	<	0.0020	0.0000	< 0.01	All data are censored and therefore inconclusive. Averages consider only data for 1/29 & 2/4/2025.
For chromium, consider CBU's October 2021 Local Limits study for the Blucher Poole WWTP:							
		0.0014		0.0004	71.4%		
For chromium, also consider US EPA's Local Limits Development Guidance Appendices, July 2024:							
				82.0%			EPA, July 2004, p. R-2
For chromium, utilize CBU's treatment efficiency determined in 2021 using real data:							
				71.4%		0.001	Cr background from CBU, 2021.
Copper, Total							
10/30 & 31/2024		0.0574	<	0.01	91.3%	0.0848	Percent removal assumes EFF = RL/2
11/13 & 14/2024		0.0396	<	0.01	87.4%	0.103	Percent removal assumes EFF = RL/2
11/26 & 27/2024		0.0265	<	0.01	81.1%	0.0711	Percent removal assumes EFF = RL/2
12/11 & 12/2024		0.0186	<	0.01	73.1%	0.199	Percent removal assumes EFF = RL/2
1/29/2025		0.0189		0.0071	62.4%		
2/4/2025		0.0208		0.0044	78.8%		
AVERAGES:		0.0303		0.0053	79.0%	0.1145	
For copper, utilize CBU's background sewage concentration determined in 2021 :							
						0.0575	Cu background from CBU, 2021.

Appendix A-1
Blucher Poole WWTP
Local Limit Sampling

Sample Date	Influent (INF) (mg/L)	Effluent (EFF) (mg/L)	Percent Removal (%)	Background Sewage (mg/L)	Notes
Lead, Total					
10/30 & 31/2024	< 0.01	< 0.01	0.0%	< 0.01	
11/13 & 14/2024	< 0.01	< 0.01	0.0%	< 0.01	
11/26 & 27/2024	< 0.01	< 0.01	0.0%	< 0.01	
12/11 & 12/2024	< 0.01	< 0.01	0.0%	< 0.01	
1/29/2025	< 0.001	< 0.001	0.0%		
2/4/2025	< 0.001	< 0.001	0.0%		
AVERAGES:	< 0.0010	< 0.0010	0.0%	< 0.01	All data are censored and therefore inconclusive. Averages consider only data for 1/29 & 2/4/2025.
For lead, consider CBU's October 2021 Local Limits study for the Blucher Poole WWTP:					
	0.0013	0.0001	92.3%		
For lead, also consider US EPA's Local Limits Development Guidance Appendices, July 2024:					
			61.0%		EPA, July 2004, p. R-2
For lead, utilize CBU's treatment efficiency determined in 2021 using real data:					
			92.3%	0.001	Pb background from CBU, 2021.
Mercury, Total					
10/30 & 31/2024	0.0000523	0.00000131	97.5%	0.0000154	
11/13 & 14/2024	0.00000057	0.0000287	-4935%	0.0000261	Influent/effluent switched? Omit from averages.
11/26 & 27/2024	0.0000548	0.00000051	99.1%	0.0000129	
12/11 & 12/2024	0.0000204	0.00000216	89.4%	0.0000131	
1/29/2025	0.00045	0.00000273	99.4%		
2/4/2025	0.00000621	0.00000136	78.1%		
AVERAGES:	0.000117	0.00000161	93%	0.0000169	
Molybdenum, Total					
10/30 & 31/2024	< 0.01	< 0.01	0.0%	< 0.01	
11/13 & 14/2024	< 0.01	< 0.01	0.0%	< 0.01	
11/26 & 27/2024	< 0.01	< 0.01	0.0%	< 0.01	
12/11 & 12/2024	< 0.01	< 0.01	0.0%	< 0.01	
1/29/2025	0.0016	0.001	37.5%		
2/4/2025	0.0012	< 0.001	58.3%		
AVERAGES:	0.0014	0.00075	48%	0.01	Percent removal assumes EFF = RL/2 Averages for INF, EFF, and percent removal consider only data for 1/29 & 2/2/2025.
For molybdenum, utilize CBU background determined in 2021:					
				0.0014	Mo background from CBU, 2021.

Appendix A-1
Blucher Poole WWTP
Local Limit Sampling

Sample Date		Influent (INF) (mg/L)		Effluent (EFF) (mg/L)		Percent Removal (%)		Background Sewage (mg/L)	Notes
Nickel, Total									
10/30 & 31/2024	<	0.01	<	0.01		0.0%	<	0.01	
11/13 & 14/2024	<	0.01	<	0.01		0.0%	<	0.01	
11/26 & 27/2024	<	0.01	<	0.01		0.0%	<	0.01	
12/11 & 12/2024	<	0.01	<	0.01		0.0%	<	0.01	
1/29/2025		0.0019		0.0018		5.3%			
2/4/2024		0.0024		0.0019		20.8%			
AVERAGES:		0.00215		0.00185		13%		0.00423	Averages for INF, EFF, and percent removal consider only data for 1/29 & 2/2/2025. Ni background from CBU 2021.
Selenium, Total									
10/30 & 31/2024	<	0.01	<	0.01		0.0%	<	0.01	
11/13 & 14/2024	<	0.01	<	0.01		0.0%	<	0.01	
11/26 & 27/2024	<	0.01	<	0.01		0.0%	<	0.01	
12/11 & 12/2024	<	0.01	<	0.01		0.0%	<	0.01	
1/29/2025		0.0019		0.0014		26.3%			
2/4/2024		0.0015		0.0016		-6.7%			
AVERAGES:		0.0017		0.0015		10%		0.0009	Averages for INF, EFF, and percent removal consider only data for 1/29 & 2/2/2025. Se background from CBU 2021.
Silver, Total									
10/30 & 31/2024	<	0.01	<	0.01		0.0%	<	0.01	
11/13 & 14/2024	<	0.01	<	0.01		0.0%	<	0.01	
11/26 & 27/2024	<	0.01	<	0.01		0.0%	<	0.01	
12/11 & 12/2024	<	0.01	<	0.01		0.0%	<	0.01	
1/29/2025	<	0.0005	<	0.0005		0.0%			
2/4/2024	<	0.0005	<	0.0005		0.0%			
AVERAGES:	<	0.0005	<	0.0005		0.0%		0.01	All data are censored and therefore inconclusive. Averages consider only data for 1/29 & 2/4/2025.
For silver, consider CBU's October 2021 Local Limits study for the Blucher Poole WWTP:									
		0.00014		0.00005		64.3%			
For silver, also consider US EPA's Local Limits Development Guidance Appendices, July 2024:									
						61.0%			EPA, July 2004, p. R-2
For silver, utilize CBU's treatment efficiency determined in 2021 using real data:									
						64.3%		0.00023	Ag background from CBU, 2021.

Appendix A-1
Blucher Poole WWTP
Local Limit Sampling

Sample Date		Influent (INF) (mg/L)		Effluent (EFF) (mg/L)	Percent Removal (%)		Background Sewage (mg/L)	Notes
Thallium, Total								
10/30 & 31/2024	<	0.01	<	0.01	0.0%	<	0.01	
11/13 & 14/2024	<	0.01	<	0.01	0.0%	<	0.01	
11/26 & 27/2024	<	0.01	<	0.01	0.0%	<	0.01	
12/11 & 12/2024	<	0.01	<	0.01	0.0%	<	0.01	
12/11 & 12/2024	<	0.001	<	0.001	0.0%			
2/4/2024	<	0.001	<	0.001	0.0%			
AVERAGES:	<	0.0010	<	0.0010	0.0000	<	0.01	All data are censored and therefore inconclusive. Averages consider only data for 1/29 & 2/4/2025.
Zinc, Total								
10/30 & 31/2024		0.0429		0.0314	26.8%		0.0958	
11/13 & 14/2024		0.0461	<	0.02	56.6%		0.109	Percent removal assumes EFF = RL
11/26 & 27/2024		0.0403	<	0.02	50.4%		0.104	Percent removal assumes EFF = RL
12/11 & 12/2024		0.0349		0.0207	40.7%		0.0878	
1/29/2025		0.0378		0.0255	32.5%			
2/4/2024		0.0465		0.0245	47.3%			
AVERAGES:		0.0414		0.0237	42.4%		0.10	
Cyanide, Total								
10/30 & 31/2024	<	0.005	<	0.005	0.0%	<	0.005	
11/13 & 14/2024	<	0.005	<	0.005	0.0%	<	0.005	
11/26 & 27/2024	<	0.005	<	0.005	0.0%	<	0.005	
12/11 & 12/2024	<	0.005	<	0.005	0.0%	<	0.005	
AVERAGES:	<	0.005	<	0.005	0.0%	<	0.005	All data are censored and therefore inconclusive.
For cyanide, consider CBU's October 2021 Local Limits study for the Blucher Poole WWTP:								
		0.0026		0.0023	11.5%			
For cyanide, also consider US EPA's Local Limits Development Guidance Appendices, July 2024:								
					69.0%			EPA, July 2004, p. R-2
For cyanide, utilize CBU's treatment efficiency determined in 2021 using real data:								
					11.5%		0.0023	Cyanide background from CBU, 2021.
CBOD ₅								
10/30 & 31/2024		260		8	96.9%		179	
11/13 & 14/2024		245		5	98.0%		240	
11/26 & 27/2024		102		5	95.1%		245	
12/11 & 12/2024		220		5	97.7%		215	
AVERAGES:		207		5.8	96.9%		220	

Appendix A-1
Blucher Poole WWTP
Local Limit Sampling

Sample Date	Influent (INF) (mg/L)	Effluent (EFF) (mg/L)	Percent Removal (%)	Background Sewage (mg/L)	Notes
TSS					
10/30 & 31/2024	300	17.4	94.2%	279	
11/13 & 14/2024	185	9	95.1%	231	
11/26 & 27/2024	100	14	86.0%	173	
12/11 & 12/2024	220	11.15	94.9%	141	
AVERAGES:	201	12.9	92.6%	206	
Ammonia, N					
10/30 & 31/2024	39.7	2.28	94.3%	39.2	
11/13 & 14/2024	40.1	2.05	94.9%	44	
11/26 & 27/2024	14.9	0.02	99.9%	51.8	
12/11 & 12/2024	45.8	0.14	99.7%	42.9	
AVERAGES:	35.1	1.12	97.2%	44.5	
Phosphorus, Total					
10/30 & 31/2024	7.1	1.21	83.0%	5.69	
11/13 & 14/2024	5.4	0.107	98.0%	6.66	
11/26 & 27/2024	3.1	0.335	89.2%	7.54	
12/11 & 12/2024	6.1	1.9	68.9%	7.07	
AVERAGES:	5.4	0.888	84.8%	6.74	
For phosphorous, consider the background sewage concentration equal to the influent concentration:					
				5.4	

Appendix A-2 – Dillman Road WWTP Local Limit Sampling Results

Appendix A-2
Dillman Road WWTP
Local Limit Sampling

Sample Date		Influent (INF) (mg/L)		Effluent (EFF) (mg/L)	Percent Removal (%)	Background Sewage (mg/L)	Notes
Antimony, Total							
11/6/2024	<	0.02	<	0.02	0.0%	< 0.02	
11/19/2024	<	0.02	<	0.02	0.0%	< 0.02	
12/3/2024	<	0.02	<	0.02	0.0%	< 0.02	
12/17/2024	<	0.02	<	0.02	0.0%	< 0.02	
AVERAGES:	<	0.02	<	0.02	0.0%	< 0.02	All data are censored and therefore inconclusive.

Arsenic, Total							
11/6/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/19/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/3/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/17/2024	<	0.01	<	0.01	0.0%	< 0.01	
AVERAGES:	<	0.01	<	0.01	0.0%	< 0.01	All data are censored and therefore inconclusive.

For arsenic, consider CBU's September 23, 2015 Local Limits study for the Dillman Rd WWTP:

0.002 0.0016 **20.0%**

For arsenic, also consider US EPA's Local Limits Development Guidance Appendices, July 2024:

45.0%

EPA, July 2004, p. R-2

For arsenic, utilize CBU's treatment efficiency determined in 2015 using real data:

20.0% **0.0008**

Ar background from CBU, 2015.

Beryllium, Total							
		(mg/L)		(mg/L)	(%)	(mg/L)	
11/6/2024	<	0.004	<	0.004	0.0%	< 0.004	
11/19/2024	<	0.004	<	0.004	0.0%	< 0.004	
12/3/2024	<	0.004	<	0.004	0.0%	< 0.004	
12/17/2024	<	0.004	<	0.004	0.0%	< 0.004	
AVERAGES:	<	0.004	<	0.004	0.0%	< 0.004	All data are censored and therefore inconclusive.

Cadmium, Total							
3/6/2024		0.0001	<	0.0001	50.0%		
6/23/2024		0.0002		0.0001	50.0%		
9/30/2024		0.0001	<	0.0001	50.0%		
11/6/2024	<	0.002	<	0.002	0.0%	< 0.002	
11/19/2024	<	0.002	<	0.002	0.0%	< 0.002	
12/3/2024	<	0.002	<	0.002	0.0%	< 0.002	
12/17/2024	<	0.002	<	0.002	0.0%	< 0.002	
12/18/2024		0.0001	<	0.0001	50.0%		
AVERAGES:		0.00013		0.0000625	50.0%	0.0002	Averages for INF, EFF, and percent removal consider only data pairs with uncensored influent; treat censored effluent as RL/2. Cd background from CBU, 2015.

Chromium, Total							
3/6/2024		0.012		0.0002	98.3%		
6/23/2024		0.0015		0.0003	80.0%		
9/30/2024		0.0009		0.0002	77.8%		
11/6/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/19/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/3/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/17/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/18/2024		0.0006		0.0002	66.7%		
AVERAGES:		0.00375		0.000225	80.7%	0.002	Averages for INF, EFF, and percent removal consider only uncensored paired data. Cr background from CBU, 2015.

Appendix A-2
Dillman Road WWTP
Local Limit Sampling

Sample Date	Influent (INF) (mg/L)	Effluent (EFF) (mg/L)	Percent Removal (%)	Background Sewage (mg/L)	Notes
Copper, Total					
3/6/2024	0.0174	0.0012	93.1%		
6/23/2024	0.0406	0.0028	93.1%		
9/30/2024	0.0285	0.0017	94.0%		
11/6/2024	0.0712 <	0.01	93.0%	0.0767	
11/19/2024	0.0205 <	0.01	75.6%	0.0415	
12/3/2024	0.0281 <	0.01	82.2%	0.0317	
12/17/2024	0.0297 <	0.01	83.2%	0.035	
12/18/2024	0.0149	0.0003	98.0%		
AVERAGES:	0.0314	0.0033	89.0%	0.0462	Averages for INF, EFF, and percent removal consider only data pairs with uncensored influent; treat censored effluent as RL/2.
Lead, Total					
3/6/2024	0.012	0.0003	97.5%		
6/23/2024	0.015	0.0002	98.7%		
9/30/2024	0.001	0.0001	90.0%		
11/6/2024	< 0.01 <	0.01	0.0% <	0.01	
11/19/2024	< 0.01 <	0.01	0.0% <	0.01	
12/3/2024	< 0.01 <	0.01	0.0% <	0.01	
12/17/2024	< 0.01 <	0.01	0.0% <	0.01	
12/18/2024	0.0006	0.0001	83.3%		
AVERAGES:	0.00715	0.000175	92.4%	0.0018	Averages for INF, EFF, and percent removal consider only uncensored paired data. Pb background from CBU, 2015.
Mercury, Total					
2/29/2024	0.000018 <	0.0000005	98.6%		
4/23/2024	0.0000249	0.0000008	96.8%		
6/28/2024	0.0000125	0.00000056	95.5%		
8/21/2024	0.0000148	0.00000068	95.4%		
11/6/2024	0.0000116 <	0.0000005	95.7%	0.0000126	
11/19/2024	0.0000151 <	0.0000005	98.3%	0.0000104	
12/3/2024	0.0000321 <	0.0000005	99.2%	0.0000137	
12/17/2024	0.0000132 <	0.0000005	96.2%	0.00000627	
AVERAGES:	0.0000178	4.1125E-07	97.0%	0.0000107	Averages for INF, EFF, and percent removal consider only data pairs with uncensored influent; treat censored effluent as RL/2.
Molybdenum, Total					
11/6/2024	< 0.01 <	0.01	0.0% <	0.01	
11/19/2024	< 0.01 <	0.01	0.0% <	0.01	
12/3/2024	< 0.01 <	0.01	0.0% <	0.01	
12/17/2024	< 0.01 <	0.01	0.0% <	0.01	
AVERAGES:	< 0.01 <	0.01	0.0% <	0.01	All data are censored and therefore inconclusive.
For molybdenum, consider CBU's September 23, 2015 Local Limits study for the Dillman Rd WWTP:					
	0.0015	0.0009	40.0%	0.0015	Mo background assumed equal to influent.

Appendix A-2
Dillman Road WWTP
Local Limit Sampling

Sample Date		Influent (INF) (mg/L)		Effluent (EFF) (mg/L)	Percent Removal (%)	Background Sewage (mg/L)	Notes
Nickel, Total							
3/6/2024		0.0014		0.0008	42.9%		
6/23/2024		0.0019		0.001	47.4%		
9/30/2024		0.0014		0.0009	35.7%		
11/6/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/19/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/3/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/17/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/18/2024		0.0012		0.0007	41.7%		
AVERAGES:		0.00148		0.00085	41.9%	0.0034	Averages for INF, EFF, and percent removal consider only uncensored paired data. Ni background from CBU, 2015)
Selenium, Total							
11/6/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/19/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/3/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/17/2024	<	0.01	<	0.01	0.0%	< 0.01	
AVERAGES:	<	0.01	<	0.01	0.0%	0.01	All data are censored and therefore inconclusive.
For selenium, also consider US EPA's Local Limits Development Guidance Appendices, July 2004:							
				50.0%	0.0009		EPA, July 2004, p. R-2. Se background from CBU, 2015.
Silver, Total							
3/6/2024		0.0001	<	0.0001	50.0%		
6/23/2024		0.0002		0.0001	50.0%		
9/30/2024		0.0001	<	0.0001	50.0%		
11/6/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/19/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/3/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/17/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/18/2024		0.0001	<	0.0001	50.0%		
AVERAGES:		0.000125		0.0000625	50.0%	0.0007	Averages for INF, EFF, and percent removal consider only data pairs with uncensored influent; treat censored effluent as RL/2. Ag background from CBU, 2015.
Thallium, Total							
11/6/2024	<	0.01	<	0.01	0.0%	< 0.01	
11/19/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/3/2024	<	0.01	<	0.01	0.0%	< 0.01	
12/17/2024	<	0.01	<	0.01	0.0%	< 0.01	
AVERAGES:	<	0.01	<	0.01	0.0%	0.01	All data are censored and therefore inconclusive.

Appendix A-2
Dillman Road WWTP
Local Limit Sampling

Sample Date	Influent (INF) (mg/L)	Effluent (EFF) (mg/L)	Percent Removal (%)	Background Sewage (mg/L)	Notes
Zinc, Total					
3/6/2024	0.052	0.0307	41.0%		
6/23/2024	0.097	0.045	53.6%		
9/30/2024	0.0594	0.0181	69.5%		
11/6/2024	0.189	0.0397	79.0%	0.100	
11/19/2024	0.0439	0.0281	36.0%	0.0699	
12/3/2024	0.0776	0.0415	46.5%	0.0611	
12/17/2024	0.0297 <	0.02	66.3%	0.0358	
12/18/2024	0.037	0.0191	48.4%		
AVERAGES:	0.0732	0.0290	55.0%	0.067	Averages for INF, EFF, and percent removal consider only data pairs with uncensored influent; treat censored effluent as RL/2.
Cyanide, Total					
11/6/2024	<	0.005 <	0.005	0.0% <	0.005
11/19/2024	<	0.005 <	0.005	0.0% <	0.005
12/3/2024	<	0.005 <	0.005	0.0% <	0.005
12/17/2024	<	0.005 <	0.005	0.0% <	0.005
AVERAGES:	<	0.005 <	0.005	0.0% <	0.005
For cyanide, also consider US EPA's Local Limits Development Guidance Appendices, July 2004:					
			69.0%	0.0025	EPA, July 2004, p. R-2. Cyanide background taken as RL/2.
CBOD ₅					
11/6/2024	53	4	92.5%	129	
11/19/2024	108	3	97.2%	191	
12/3/2024	67	2	97.0%	99	
12/17/2024	75	2	97.3%	90	
AVERAGES:	76	2.8	96.0%	127	
TSS					
11/6/2024	144	2	98.6%	36	
11/19/2024	99	1	99.0%	150.5	
12/3/2024	126	1	99.2%	195	
12/17/2024	69	1	98.6%	74.5	
AVERAGES:	110	1.3	98.8%	114	
Ammonia, N					
11/6/2024	12.1	0.44	96.4%	34.7	
11/19/2024	15.8	0.48	97.0%	21.6	
12/3/2024	23.7	0.49	97.9%	24.3	
12/17/2024	8.9	0.01	99.9%	9.92	
AVERAGES:	15.1	0.36	97.8%	22.6	
Phosphorus, Total					
11/6/2024	3	0.3	90.0%	5.14	
11/19/2024	3.7	0.2	94.6%	3.28	
12/3/2024	4.4	0.7	84.1%	3.6	
12/17/2024	1.8	0.1	94.4%	1.81	
AVERAGES:	3.2	0.33	90.8%	3.46	

Boxed values input to Local Limits calculation spreadsheet.

Appendix A-3 – NEO Chemicals & Oxides Analysis of Solid Samples Containing Rare Earth Elements

Analysis of Solid Samples containing Rare Earth Elements

Introduction

The EPA has produced a guide for the disposal of sludge generated by a wastewater treatment plant.¹ This document, often referred to as 503b, gives guidelines for the land application of sludge including methods for analysis. Many wastewater facilities are using rare earths for phosphorus removal and some analytical labs may not be familiar with or expect rare earths to be in sludge. If rare earths are not accounted for in the sludge sample, there is potential for misinterpretation of the analytical results. This document is intended to highlight this potential and offer various solutions to obtain an accurate representation of the impurities in the sludge.

Arsenic Analysis

The EPA 503b document suggests using analytical methodologies listed in SW-846 “Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium,” and specifically lists EPA method 6010 (current version: 6010d)² for As analysis. EPA method 6010d is a method which uses ICP-OES which works by detecting the specific wavelength of light emitted by an atom from the sample. Some elements will emit wavelengths that are nearly identical to wavelengths from other elements. When this occurs one element is said to interfere with the detection emission. It is not well known that certain rare earths will interfere with As detection by ICP-OES. For example, the two wavelengths often recommended for As detection are 189.043 and 193.759 nm.³ These are near the Lanthanum (La) emissions of 188.922, 189.147, and 193.857 nm and the Cerium (Ce) emission at 193.721 nm.⁴ These peaks are at most within 0.121 nm and at least within 0.038 nm. Thus in a sample that contains the rare earths La and Ce, an ICP-OES analyst might interpret the emission peaks from La and Ce as arsenic peaks. This will occur unless the ICP-OES instrument has sufficient resolution to distinguish between peaks which are 0.038 nm apart. This may be difficult to achieve for most ICP-OES instruments; thus alternate methods for As analysis are recommended.

SW-846 offers 6 other methods for As analysis which include

1. ICP-MS (EPA method 6020B)
2. Graphite Furnace Atomic Absorption (GFAA) (EPA method 7010)
3. Atomic Absorption, Gaseous Hydride (EPA method 7061A)
4. Atomic Absorption, Borohydride Reduction (EPA method 7062)
5. Anodic Stripping Voltammetry (EPA method 7063)
6. Field Portable X-Ray Fluorescence Spectrometry (EPA method 6200).

Of these methods ICP-MS (EPA method 6020B) and GFAA (EPA method 7010) are recommended as they are the easiest and more common methods. Using ICP-MS is acceptable for As detection, however there are two known interferences with the rare earths. Neodymium (Nd) and Samarium (Sm) both have isotopes with a mass of 150 and if the ions have charge of 2, they will be detected at a mass to

charge ratio of 75 which is exactly were a singly charged As ion will appear. The presence of Nd and/or Sm is unlikely as they are present only in trace amounts in the rare earth solution used to treat wastewater.

GFAA (EPA method 7010) is the preferred method for As detection. It is capable of reaching the desired detection limits and to our knowledge rare earths do not interfere with As detection when using GFAA.

Conclusion

As the use of rare earths for phosphorus removal is becoming more prevalent in wastewater treatment facilities, it is important to know the potential interferences they might cause in the analysis of wastewater sludge samples. Since La and Ce are potential interferences for As detection using ICP-OES, it is recommended that alternate methods be used for As detection. GFAA is the recommended method.

Due to the presence of the rare earth elements found in RE technology, there is a potential for a misinterpretation of the analytical results using ICP-OES. A Lanthanum or Cerium emission can be mistaken for As. It is recommended that an alternative method such as GFAA is used.

¹ EPA/831-B-93-002b "Land Application of Sewage Sludge" 40 CFR Part 503, December 1994.

² <https://www.epa.gov/hw-sw846/sw-846-test-method-6010d-inductively-coupled-plasma-optical-emission-spectrometry-icp-aes>

³ These wavelengths are found at Kramida, A., Ralchenko, Yu., Reader, J., and NIST ASD Team (2015). NIST Atomic Spectra Database (ver. 5.3), [Online]. Available: <http://physics.nist.gov/asd> [2017, March 7]. National Institute of Standards and Technology, Gaithersburg, MD.

Recommended wavelengths from other sources are

1. 188.979 nm from ISO 11885 "Water quality – Determination of selected elements by inductively coupled plasma optical emission spectrometry (ICP-OES)" Second Edition 2007-08-01.
2. 188.980 nm from Todorov, T. I.; Wolf, R. E.; Adams, M. "Multi-Elemental Analysis of Aqueous Geological Samples by Inductively Coupled Plasma-Optical Emission Spectrometry", USGS Open-File Report 2014-1067.
3. 189.042 nm from Henk J van de Wiel, "Determination of elements by ICP-AES and ICP-MS", National Institute of Public Health and the Environment (RIVM), September 2003.
4. 193.696 nm from EPA 6010D and the previous 3 references.

⁴ Kramida, A., Ralchenko, Yu., Reader, J., and NIST ASD Team (2015). NIST Atomic Spectra Database (ver. 5.3), [Online]. Available: <http://physics.nist.gov/asd> [2017, March 7]. National Institute of Standards and Technology, Gaithersburg, MD.

APPENDIX B

EPA REGION 5 LOCAL LIMIT SPREADSHEET – BLUCHER POOLE WWTP

APPENDIX B

SUMMARY OF MAXIMUM ALLOWABLE HEADWORKS LOADING, DOMESTIC/COMMERCIAL LOADING, MAXIMUM ALLOWABLE INDUSTRIAL LOADING, AND CALCULATED LOCAL LIMITS CONSIDERING APPLICABLE FACTORS

Blucher Poole WWTP

City of Bloomington, Indiana

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Domestic and Commercial		MAXIMUM ¹ Allowable Headworks Loading (lbs/day) (Lhw)	Limiting Factor ² for MAXIMUM Allowable Headworks Loading (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	MAXIMUM Allowable Industrial Loading (lbs/day) (Lind)	CALCULATED Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
			Conc. (mg/l) (Cdom)	Flow (MGD) (Qdom)						
Arsenic	0.136	2.9	0.00061	2.764	3.61	Inhibition, activated sludge	0.0141	3.23	2.85	10
Cadmium	0.136	2.9	0.0001	2.764	0.0695	Water Quality Standards, State	0.00231	0.0602	0.0531	10
Chromium	0.136	2.9	0.001	2.764	12.5	Water Quality Standards, State	0.0231	11.3	9.92	10
Copper	0.136	2.9	0.0575	2.764	2.63	Water Quality Standards, State	1.33	1.04	0.915	10
Cyanide	0.136	2.9	0.0023	2.764	0.284	Water Quality Standards, State	0.0530	0.203	0.179	10
Lead	0.136	2.9	0.001	2.764	1.58	Water Quality Standards, State	0.0231	1.40	1.23	10
Mercury	0.136	2.9	0.0000169	2.764	0.0083	Water Quality Standards, State	0.000390	0.00707	0.00624	10
Molybdenum	0.136	2.9	0.0014	2.764	306.4	Water Quality Standards, State	0.0323	276	243	10
Nickel	0.136	2.9	0.00423	2.764	2.89	Water Quality Standards, State	0.0975	2.50	2.21	10
Selenium	0.136	2.9	0.0009	2.764	0.167	Water Quality Standards, State	0.0207	0.129	0.114	10
Silver	0.136	2.9	0.00023	2.764	0.218	Water Quality Standards, State	0.00530	0.191	0.168	10
Zinc	0.136	2.9	0.1	2.764	7.94	Inhibition, nitrification	2.31	4.84	4.26	10
CBOD5	0.136	2.9	220	2.764	15,603.9	NPDES, monthly limits	5,071	8,972	7,910	10
TSS	0.136	2.9	206	2.764	7,844.1	NPDES, monthly limits	4,749	2,311	2,038	10
Phosphorous	0.136	2.9	5.4	2.764	159.1	NPDES, monthly limits	124	18.7	16.5	10
Ammonia (N)	0.136	2.9	44.5	2.764	1,295.7	NPDES, monthly limits	1,026	140	124	10
Benzene	0.136	2.9	0	2.764	1.60	Water Quality Standards, State	0	1.44	1.27	10
BTEX ³	0.136	2.9	0	2.764	484	Water Quality Standards, State	0	435	384	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

1 - Lowest of the allowable headworks loadings calculated in Tables 1 through 9.

2 - Limiting factor identified from lowest allowable headworks loading calculated in Tables 1 through 9.

3 - BTEX is evaluated as ethylbenzene, which has the lowest Water Quality Standard among toluene, ethyl benzene, and total xylenes.

TABLE 1

Local Limits Determination Based on NPDES Daily Effluent Limits

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rpotw)	NPDES Daily Limit (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	42.9		0.00061	2.764	-	0.014061574	-	-	10
Cadmium	0.136	2.9	50		0.0001	2.764	-	0.002305176	-	-	10
Chromium	0.136	2.9	71.4		0.001	2.764	-	0.02305176	-	-	10
Copper	0.136	2.9	79		0.0575	2.764	-	1.3254762	-	-	10
Cyanide	0.136	2.9	11.5		0.0023	2.764	-	0.053019048	-	-	10
Lead	0.136	2.9	92.3		0.001	2.764	-	0.02305176	-	-	10
Mercury	0.136	2.9	93		0.0000169	2.764	-	0.000389575	-	-	10
Molybdenum	0.136	2.9	40		0.0014	2.764	-	0.032272464	-	-	10
Nickel	0.136	2.9	13		0.00423	2.764	-	0.097508945	-	-	10
Selenium	0.136	2.9	10		0.0009	2.764	-	0.020746584	-	-	10
Silver	0.136	2.9	64.3		0.00023	2.764	-	0.005301905	-	-	10
Zinc	0.136	2.9	42.4		0.1	2.764	-	2.305176	-	-	10
CBOD5	0.136	2.9	96.9	30	220	2.764	23405.80645	5071.3872	15993.83861	14100.9298	10
TSS	0.136	2.9	92.6	36	206	2.764	11766.16216	4748.66256	5840.883386	5149.60095	10
Phosphorous	0.136	2.9	84.8		5.4	2.764	-	124.479504	-	-	10
Ammonia (N)	0.136	2.9	97.2	2.25	44.5	2.764	1943.517857	1025.80332	723.3627514	637.75105	10
Benzene	0.136	2.9	80		0	2.764	-	0	-	-	10
BTEX	0.136	2.9	86		0	2.764	-	0	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Rpotw) Removal efficiency across POTW as percent.

(Ccrit) NPDES daily maximum permit limit for a particular pollutant in mg/l.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = 8.34 * Ccrit * Qpotw

1 - Rpotw

::

- Based on measured influent/effluent/background 2021-2024.

- Median across primary and secondary, Appendix R, EPA 833-R-04-002B.

TABLE 2

Local Limits Determination Based on NPDES Monthly Effluent Limits

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rpotw)	NPDES Monthly Limit (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	42.9		0.00061	2.764	-	0.014061574	-	-	10
Cadmium	0.136	2.9	50		0.0001	2.764	-	0.002305176	-	-	10
Chromium	0.136	2.9	71.4		0.001	2.764	-	0.02305176	-	-	10
Copper	0.136	2.9	79		0.0575	2.764	-	1.3254762	-	-	10
Cyanide	0.136	2.9	11.5		0.0023	2.764	-	0.053019048	-	-	10
Lead	0.136	2.9	92.3		0.001	2.764	-	0.02305176	-	-	10
Mercury	0.136	2.9	93		0.0000169	2.764	-	0.000389575	-	-	10
Molybdenum	0.136	2.9	40		0.0014	2.764	-	0.032272464	-	-	10
Nickel	0.136	2.9	13		0.00423	2.764	-	0.097508945	-	-	10
Selenium	0.136	2.9	10		0.0009	2.764	-	0.020746584	-	-	10
Silver	0.136	2.9	64.3		0.00023	2.764	-	0.005301905	-	-	10
Zinc	0.136	2.9	42.4		0.1	2.764	-	2.305176	-	-	10
CBOD5	0.136	2.9	96.9	20	220	2.764	15603.87097	5071.3872	8972.096671	7910.2277	10
TSS	0.136	2.9	92.6	24	206	2.764	7844.108108	4748.66256	2311.034737	2037.51828	10
Phosphorous	0.136	2.9	84.8	1	5.4	2.764	159.1184211	124.479504	18.72707495	16.5106811	10
Ammonia (N)	0.136	2.9	97.2	1.5	44.5	2.764	1295.678571	1025.80332	140.3073943	123.701681	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Rpotw) Removal efficiency across POTW as percent.
(Ccrit) NPDES monthly maximum permit limit for a particular pollutant in mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
 $Lhw = 8.34 * Ccrit * Qpotw$
 $1 - Rpotw$

::

TABLE 3

Local Limits Determination Based on Activated Sludge Inhibition Level

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE					MAXIMUM LOADING			INDUSTRIAL			
Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rprim)	Activated Sludge Inhibition Level (mg/l) (Ccrit)	Domestic Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	33	0.1	0.00061	2.764	3.609850746	0.014061574	3.234804098	2.85195734	10
Cadmium	0.136	2.9	15	1	0.0001	2.764	28.45411765	0.002305176	25.60640071	22.5758223	10
Chromium	0.136	2.9	27	1	0.001	2.764	33.13150685	0.02305176	29.7953044	26.2689593	10
Copper	0.136	2.9	22	1	0.0575	2.764	31.00769231	1.3254762	26.58144688	23.4354695	10
Cyanide	0.136	2.9	27	0.1	0.0023	2.764	3.313150685	0.053019048	2.928816568	2.58218417	10
Lead	0.136	2.9	57	1	0.001	2.764	56.24651163	0.02305176	50.59880871	44.6103194	10
Mercury	0.136	2.9	10	0.1	0.0000169	2.764	2.687333333	0.000389575	2.418210425	2.13200947	10
Molybdenum	0.136	2.9			0.0014	2.764	-	0.032272464	-	-	10
Nickel	0.136	2.9	14	1	0.00423	2.764	28.12325581	0.097508945	25.21342129	22.2293529	10
Selenium	0.136	2.9			0.0009	2.764	-	0.020746584	-	-	10
Silver	0.136	2.9	20		0.00023	2.764	-	0.005301905	-	-	10
Zinc	0.136	2.9	27	0.3	0.1	2.764	9.939452055	2.305176	6.640330849	5.85443191	10
CBOD5	0.136	2.9			220	2.764	-	5071.3872	-	-	10
TSS	0.136	2.9			206	2.764	-	4748.66256	-	-	10
Phosphorous	0.136	2.9			5.4	2.764	-	124.479504	-	-	10
Ammonia (N)	0.136	2.9		480	44.5	2.764	11609.28	1025.80332	9422.54868	8307.36765	10
Benzene	0.136	2.9		100	0	2.764	2418.6	0	2176.74	1919.11765	10
BTEX	0.136	2.9		200	0	2.764	4837.2	0	4353.48	3838.23529	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Rprim) Removal efficiency across across primary treatment as percent.

(Ccrit) Activated sludge threshold inhibition level, mg/l.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = 8.34 * Ccrit * Qpotw

1 - Rprim

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	- CBU, 2021.
	- Median, Appendix R, EPA 833-R-04-002B.
	- Lowest, Appendix G, EPA 833-R-04-002B.

TABLE 4

Local Limits Determination Based on Nitrification Inhibition Level

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rsec)	Nitrification Inhibition Level (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	43	1.5	0.00061	2.764	63.53590193	0.014061574	57.16825016	50.4022519	10
Cadmium	0.136	2.9	50	5.2	0.0001	2.764	251.5344	0.002305176	226.3786548	199.586203	10
Chromium	0.136	2.9	71	0.25	0.001	2.764	21.14160839	0.02305176	19.00439579	16.7551804	10
Copper	0.136	2.9	79	0.05	0.0575	2.764	5.758571429	1.3254762	3.857238086	3.40072479	10
Cyanide	0.136	2.9	12	0.34	0.0023	2.764	9.29179661	0.053019048	8.309597901	7.32613724	10
Lead	0.136	2.9	92	0.5	0.001	2.764	157.0519481	0.02305176	141.3237015	124.597706	10
Mercury	0.136	2.9	93		0.0000169	2.764	-	0.000389575	-	-	10
Molybdenum	0.136	2.9	40		0.0014	2.764	-	0.032272464	-	-	10
Nickel	0.136	2.9	13	0.25	0.00423	2.764	6.95	0.097508945	6.157491055	5.42873735	10
Selenium	0.136	2.9	10		0.0009	2.764	-	0.020746584	-	-	10
Silver	0.136	2.9	64		0.00023	2.764	-	0.005301905	-	-	10
Zinc	0.136	2.9	42	0.189	0.1	2.764	7.93603125	2.305176	4.837252125	4.26475184	10
CBOD5	0.136	2.9			220	2.764	-	5071.3872	-	-	10
TSS	0.136	2.9			206	2.764	-	4748.66256	-	-	10
Phosphorous	0.136	2.9			5.4	2.764	-	124.479504	-	-	10
Ammonia (N)	0.136	2.9			44.5	2.764	-	1025.80332	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Rsec) Removal efficiency across primary treatment and secondary treatment as percent.
(Ccrit) Nitrification threshold inhibition level, mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
 $Lhw = 8.34 * Ccrit * Qpotw$
 $1 - Rsec$

- Rsec = Rpotw (Blucher has only Secondary Treatment).
- Lowest, Appendix G, EPA 833-R-04-002B.
- Max C detected in 2024 (no inhibition observed).

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TABLE 5

Local Limits Determination Based on USEPA 503 Sludge Regulations
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Sludge Flow (MGD) (Qsldg)	Percent Solids (%) (PS)	Removal Efficiency (%) (Rpotw)	503 Sludge Criteria (mg/kg) (Cslcrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	0.0917	1.8	42.9		0.00061	2.764	-	0.01406157	-	-	10
Cadmium	0.136	2.9	0.0917	1.8	50		0.0001	2.764	-	0.00230518	-	-	10
Chromium	0.136	2.9	0.0917	1.8	71.4		0.001	2.764	-	0.02305176	-	-	10
Copper	0.136	2.9	0.0917	1.8	79		0.0575	2.764	-	1.3254762	-	-	10
Cyanide	0.136	2.9	0.0917	1.8	11.5		0.0023	2.764	-	0.05301905	-	-	10
Lead	0.136	2.9	0.0917	1.8	92.3		0.001	2.764	-	0.02305176	-	-	10
Mercury	0.136	2.9	0.0917	1.8	93		0.0000169	2.764	-	0.00038957	-	-	10
Molybdenum	0.136	2.9	0.0917	1.8	40		0.0014	2.764	-	0.03227246	-	-	10
Nickel	0.136	2.9	0.0917	1.8	13		0.00423	2.764	-	0.09750894	-	-	10
Selenium	0.136	2.9	0.0917	1.8	10		0.0009	2.764	-	0.02074658	-	-	10
Silver	0.136	2.9	0.0917	1.8	64.3		0.00023	2.764	-	0.0053019	-	-	10
Zinc	0.136	2.9	0.0917	1.8	42.4		0.1	2.764	-	2.305176	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Qsldg) Sludge flow to disposal in MGD.

(PS) Percent solids of sludge to disposal.

(Rpotw) Removal efficiency across POTW as a percent.

(Cslcrit) 503 sludge criteria in mg/kg dry sludge.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = $8.34 * Cslcrit * (PS/100) * Qsldg$
Rpotw

::

- CBU land applies no sludge. All sludge disposed of in a Subtitle D landfill.

TABLE 6

Local Limits Determination Based on State Sludge Criteria
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Sludge Flow (MGD) (Qsldg)	Percent Solids (%) (PS)	Removal Efficiency (%) (Rpotw)	State Sludge Criteria (mg/kg) (Cslcrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	0.0917	1.8	42.9		0.00061	2.764	-	0.01406157	-	-	10
Cadmium	0.136	2.9	0.0917	1.8	50		0.0001	2.764	-	0.00230518	-	-	10
Chromium	0.136	2.9	0.0917	1.8	71.4		0.001	2.764	-	0.02305176	-	-	10
Copper	0.136	2.9	0.0917	1.8	79		0.0575	2.764	-	1.3254762	-	-	10
Cyanide	0.136	2.9	0.0917	1.8	11.5		0.0023	2.764	-	0.05301905	-	-	10
Lead	0.136	2.9	0.0917	1.8	92.3		0.001	2.764	-	0.02305176	-	-	10
Mercury	0.136	2.9	0.0917	1.8	93		0.0000169	2.764	-	0.00038957	-	-	10
Molybdenum	0.136	2.9	0.0917	1.8	40		0.0014	2.764	-	0.03227246	-	-	10
Nickel	0.136	2.9	0.0917	1.8	13		0.00423	2.764	-	0.09750894	-	-	10
Selenium	0.136	2.9	0.0917	1.8	10		0.0009	2.764	-	0.02074658	-	-	10
Silver	0.136	2.9	0.0917	1.8	64.3		0.00023	2.764	-	0.0053019	-	-	10
Zinc	0.136	2.9	0.0917	1.8	42.4		0.1	2.764	-	2.305176	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Qsldg) Sludge flow to disposal in MGD.

(PS) Percent solids of sludge to disposal.

(Rpotw) Removal efficiency across POTW as a percent.

(Cslcrit) State sludge criteria in mg/kg dry sludge.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = $8.34 * Cslcrit * (PS/100) * Qsldg$
Rpotw

::

- CBU land applies no sludge. All sludge disposed of in a Subtitle D landfill.

TABLE 7

Local Limits Determination Based on Chronic Water Quality Standards
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Upstream Flow (MGD) (Qstr)	Upstream Conc. (mg/l) (Cstr)	Removal Efficiency (%) (Rpotw)	Chronic WQS (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	2.9	0	42.9	0.15	0.00061	2.764	12.70718039	0.01406157	11.42240077	10.07053249	10
Cadmium	0.136	2.9	2.9	0	50	0.000718	0.0001	2.764	0.069462192	0.00230518	0.060210797	0.053084706	10
Chromium	0.136	2.9	2.9	0	71.4	0.0741	0.001	2.764	12.53274545	0.02305176	11.25641915	9.924195187	10
Copper	0.136	2.9	2.9	0	79	0.0114	0.0575	2.764	2.625908571	1.3254762	1.037841514	0.915010504	10
Cyanide	0.136	2.9	2.9	0	11.5	0.0052	0.0023	2.764	0.284219661	0.05301905	0.202778647	0.178779312	10
Lead	0.136	2.9	2.9	0	92.3	0.00251	0.001	2.764	1.576801558	0.02305176	1.396069643	1.230841482	10
Mercury	0.136	2.9	2.9	0	93	0.000012	0.0000169	2.764	0.008292343	0.00038957	0.007073534	0.006236364	10
Molybdenum	0.136	2.9	2.9	0	40	3.8	0.0014	2.764	306.356	0.03227246	275.6881275	243.0597824	10
Nickel	0.136	2.9	2.9	0	13	0.052	0.00423	2.764	2.8912	0.09750894	2.504571055	2.208149118	10
Selenium	0.136	2.9	2.9	0	10	0.0031	0.0009	2.764	0.166614667	0.02074658	0.129206616	0.113914706	10
Silver	0.136	2.9	2.9	0	64.3		0.00023	2.764	-	0.0053019	-	-	10
Zinc	0.136	2.9	2.9	0	42.4	0.118	0.1	2.764	9.909541667	2.305176	6.6134115	5.830698529	10
CBOD5	0.136	2.9	2.9	0	96.9		220	2.764	-	5071.3872	-	-	10
TSS	0.136	2.9	2.9	0	92.6		206	2.764	-	4748.66256	-	-	10
Phosphorous	0.136	2.9	2.9	0	84.8		5.4	2.764	-	124.479504	-	-	10
Ammonia (N)	0.136	2.9	2.9	0	97.2		44.5	2.764	-	1025.80332	-	-	10
Benzene	0.136	2.9	2.9	0	80	0.0066	0	2.764	1.596276	0	1.4366484	1.266617647	10
BTEX	0.136	2.9	2.9	0	86	1.4	0	2.764	483.72	0	435.348	383.8235294	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
 (Qpotw) POTW's average influent flow in MGD.
 (Qstr) Receiving stream (upstream) 7Q10 flow in MGD.
 (Cstr) Receiving stream background level in mg/l.
 (Rpotw) Removal efficiency across POTW as percent.
 (Ccrit) State chronic water quality standard for a particular pollutant in mg/l.
 (Qdom) Domestic/commercial background flow in MGD.
 (Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
 (Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
 (Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
 (Lind) Maximum allowable industrial loading to the POTW in pounds per day.
 (Cind) Industrial allowable local limit for a given pollutant in mg/l.
 (SF) Safety factor as a percent.
 8.34 Unit conversion factor
 $Lhw = 8.34 * (Ccrit * (Qstr + Qpotw) - (Cstr * Qstr))$
 $1 - Rpotw$

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- 327 IAC 2-1-6, Tables 6-1 (metals, cyanide, and mercury), and 6-1a (selenium in lotic systems with Acipenseriformes).
 Hardness = 100 mg/l as CaCO₃ (CBU lab, 2025).
 - Gabby Ghreichi, IDEM, May 25, 2023.
 - 327 IAC 2-1-6, Table 6-4 Point of Intake Concentration

TABLE 8

Local Limits Determination Based on Acute Water Quality Standards
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Upstream Flow (MGD) (Qstr)	Upstream Conc. (mg/l) (Cstr)	Removal Efficiency (%) (Rpotw)	Acute WQS (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	2.9	0	42.9	0.34	0.00061	2.764	28.80294221	0.01406157	25.90858641	22.84224363	10
Cadmium	0.136	2.9	2.9	0	50	0.00179	0.0001	2.764	0.17317176	0.00230518	0.153549408	0.135376471	10
Chromium	0.136	2.9	2.9	0	71.4	0.57	0.001	2.764	96.40573427	0.02305176	86.74210908	76.47597429	10
Copper	0.136	2.9	2.9	0	79	0.017	0.0575	2.764	3.915828571	1.3254762	2.198769514	1.938539916	10
Cyanide	0.136	2.9	2.9	0	11.5	0.022	0.0023	2.764	1.202467797	0.05301905	1.029201969	0.90739347	10
Lead	0.136	2.9	2.9	0	92.3	0.0646	0.001	2.764	40.58222338	0.02305176	36.50094928	32.18097517	10
Mercury	0.136	2.9	2.9	0	93	0.0024	0.0000169	2.764	1.658468571	0.00038957	1.49223214	1.315622919	10
Molybdenum	0.136	2.9	2.9	0	40	84	0.0014	2.764	6772.08	0.03227246	6094.839728	5373.500959	10
Nickel	0.136	2.9	2.9	0	13	0.468	0.00423	2.764	26.0208	0.09750894	23.32121106	20.56109029	10
Selenium	0.136	2.9	2.9	0	10		0.0009	2.764	-	0.02074658	-	-	10
Silver	0.136	2.9	2.9	0	64.3	0.00161	0.00023	2.764	0.218148235	0.0053019	0.191031507	0.168422474	10
Zinc	0.136	2.9	2.9	0	42.4	0.117	0.1	2.764	9.8255625	2.305176	6.53783025	5.7640625	10
CBOD5	0.136	2.9	2.9	0	96.9		220	2.764	-	5071.3872	-	-	10
TSS	0.136	2.9	2.9	0	92.6		206	2.764	-	4748.66256	-	-	10
Phosphorous	0.136	2.9	2.9	0	84.8		5.4	2.764	-	124.479504	-	-	10
Ammonia (N)	0.136	2.9	2.9	0	97.2		44.5	2.764	-	1025.80332	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Qstr) Receiving stream (upstream) 1Q10 flow in MGD.

(Cstr) Receiving stream background level in mg/l.

(Rpotw) Removal efficiency across POTW as percent.

(Ccrit) State acute water quality standard for a particular pollutant in mg/l.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = $8.34 * (Ccrit * (Qstr + Qpotw) - (Cstr * Qstr))$
1 - Rpotw

::

- 327 IAC 2-1-6, Tables 6-1 (metals, cyanide, and mercury), and 6-1a
(selenium in lotic systems with Acipenseriformes).
Hardness = 100 mg/l as CaCO₃ (CBU lab, 2025).
- Gabby Ghreichi, IDEM, May 25, 2023.

TABLE 9
Local Limits Determination Based on Anaerobic Digester Inhibition Level

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Sludge Flow to Digester (MGD) (Qdig)	Removal Efficiency (%) (Rpotw)	Anaerobic Digester Inhibition Level (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.136	2.9	0.0256	42.9		0.00061	2.764	-	0.014061574	-	-	10
Cadmium	0.136	2.9	0.0256	50		0.0001	2.764	-	0.002305176	-	-	10
Chromium	0.136	2.9	0.0256	71.4		0.001	2.764	-	0.02305176	-	-	10
Copper	0.136	2.9	0.0256	79		0.0575	2.764	-	1.3254762	-	-	10
Cyanide	0.136	2.9	0.0256	11.5		0.0023	2.764	-	0.053019048	-	-	10
Lead	0.136	2.9	0.0256	92.3		0.001	2.764	-	0.02305176	-	-	10
Mercury	0.136	2.9	0.0256	93		0.0000169	2.764	-	0.000389575	-	-	10
Molybdenum	0.136	2.9	0.0256	40		0.0014	2.764	-	0.032272464	-	-	10
Nickel	0.136	2.9	0.0256	13		0.00423	2.764	-	0.097508945	-	-	10
Selenium	0.136	2.9	0.0256	10		0.0009	2.764	-	0.020746584	-	-	10
Silver	0.136	2.9	0.0256	64.3		0.00023	2.764	-	0.005301905	-	-	10
Zinc	0.136	2.9	0.0256	42.4		0.1	2.764	-	2.305176	-	-	10
CBOD5	0.136	2.9	0.0256	96.9		220	2.764	-	5071.3872	-	-	10
TSS	0.136	2.9	0.0256	92.6		206	2.764	-	4748.66256	-	-	10
Phosphorous	0.136	2.9	0.0256	84.8		5.4	2.764	-	124.479504	-	-	10
Ammonia (N)	0.136	2.9	0.0256	97.2		44.5	2.764	-	1025.80332	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Qdig) Sludge flow to digester in MGD.
(Rpotw) Removal efficiency across POTW as percent.
(Ccrit) Anaerobic digester threshold inhibition level in mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
Lhw = $8.34 * Ccrit * Qdig$
Rpotw

 - The Blucher Poole WWTP has no sludge digester.

APPENDIX C
EPA REGION 5 LOCAL LIMIT SPREADSHEET – DILLMAN ROAD WWTP

APPENDIX C

SUMMARY OF MAXIMUM ALLOWABLE HEADWORKS LOADING, DOMESTIC/COMMERCIAL LOADING, MAXIMUM ALLOWABLE INDUSTRIAL LOADING, AND CALCULATED LOCAL LIMITS CONSIDERING APPLICABLE FACTORS Dillman Road WWTP City of Bloomington, Indiana

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Domestic and Commercial		MAXIMUM ¹ Allowable Headworks Loading (lbs/day) (Lhw)	Limiting Factor ² for OVERALL Allowable Headworks Loading (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	MAXIMUM Allowable Industrial Loading (lbs/day) (Lind)	CALCULATED Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
			Conc. (mg/l) (Cdom)	Flow (MGD) (Qdom)						
Arsenic	0.8264	11.93	0.00089	11.1036	9.95	Inhibition, activated sludge	0.0824	8.87	1.29	10
Cadmium	0.8264	11.93	0.0002	11.1036	0.285	Water Quality Standards, State	0.0185	0.238	0.0345	10
Chromium	0.8264	11.93	0.0002	11.1036	70.2	Inhibition, nitrification	0.0185	63.1	9.16	10
Copper	0.8264	11.93	0.0462	11.1036	17.3	Inhibition, nitrification	4.28	11.3	1.63	10
Cyanide	0.8264	11.93	0.0025	11.1036	1.67	Water Quality Standards, State	0.232	1.27	0.184	10
Lead	0.8264	11.93	0.0018	11.1036	8.77	Water Quality Standards, State	0.167	7.73	1.12	10
Mercury	0.8264	11.93	0.0000107	11.1036	0.0398	Water Quality Standards, State	0.0010	0.0348	0.00505	10
Molybdenum	0.8264	11.93	0.0015	11.1036	630.1	Water Quality Standards, State	0.139	567	82.3	10
Nickel	0.8264	11.93	0.0034	11.1036	19.4	Water Quality Standards, State	0.315	17.1	2.48	10
Selenium	0.8264	11.93	0.0009	11.1036	0.617	Water Quality Standards, State	0.0833	0.472	0.0685	10
Silver	0.8264	11.93	0.0007	11.1036	1.55	Water Quality Standards, State	0.0648	1.33	0.193	10
Zinc	0.8264	11.93	0.067	11.1036	33.6	Inhibition, nitrification	6.20	24.0	3.48	10
CBOD5	0.8264	11.93	127	11.1036	24,874.1	NPDES, monthly limits	11,760.71	10,626	1,542	10
TSS	0.8264	11.93	114	11.1036	82,913.5	NPDES, monthly limits	10,556.86	64,065	9,295	10
Phosphorous	0.8264	11.93	3.46	11.1036	1,059.9	NPDES, weekly average limit	320.41	633	91.9	10
Ammonia (N)	0.8264	11.93	22.6	11.1036	6,783.8	NPDES, monthly limits	2,092.85	4,013	582	10
Benzene	0.8264	11.93	0	11.1036	3.28	Water Quality Standards, State	0.00	2.96	0.429	10
BTEX ³	0.8264	11.93	0	11.1036	995.0	Water Quality Standards, State	0.00	895	130	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.

- 1 - Lowest of the allowable headworks loadings calculated in Tables 1 through 9.
- 2 - Limiting factor identified from lowest allowable headworks loading calculated in Tables 1 through 9.
- 3 - BTEX is evaluated as ethylebenzene, which has the lowest Water Quality Standard among toluene, ethyl benzene, and total xylenes.

TABLE 1

Local Limits Determination Based on NPDES Daily Effluent Limits

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rpotw)	NPDES Daily Limit (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	20		0.00089	11.1036	-	0.082417581	-	-	10
Cadmium	0.8264	11.93	50		0.0002	11.1036	-	0.018520805	-	-	10
Chromium	0.8264	11.93	80.7		0.0002	11.1036	-	0.018520805	-	-	10
Copper	0.8264	11.93	89		0.0462	11.1036	-	4.278305909	-	-	10
Cyanide	0.8264	11.93	69		0.0025	11.1036	-	0.23151006	-	-	10
Lead	0.8264	11.93	92.4		0.0018	11.1036	-	0.166687243	-	-	10
Mercury	0.8264	11.93	97		0.0000107	11.1036	-	0.000990863	-	-	10
Molybdenum	0.8264	11.93	40		0.0015	11.1036	-	0.138906036	-	-	10
Nickel	0.8264	11.93	41.9		0.0034	11.1036	-	0.314853682	-	-	10
Selenium	0.8264	11.93	50		0.0009	11.1036	-	0.083343622	-	-	10
Silver	0.8264	11.93	50		0.0007	11.1036	-	0.064822817	-	-	10
Zinc	0.8264	11.93	55		0.067	11.1036	-	6.204469608	-	-	10
CBOD5	0.8264	11.93	96	15	127	11.1036	37311.075	11760.71105	21819.25645	3165.80082	10
TSS	0.8264	11.93	98.8	15	114	11.1036	124370.25	10556.85874	101376.3663	14708.9056	10
Phosphorous	0.8264	11.93	90.8	0.98	3.46	11.1036	1059.850826	320.409923	633.4558204	91.9094086	10
Ammonia (N)	0.8264	11.93	97.8	2.3	22.6	11.1036	10401.87545	2092.850942	7268.836967	1054.65051	10
Benzene	0.8264	11.93	80		0	11.1036	-	0	-	-	10
BTEX	0.8264	11.93	86		0	11.1036	-	0	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Rpotw) Removal efficiency across POTW as percent.

(Ccrit) NPDES daily maximum permit limit for a particular pollutant in mg/l.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = $8.34 * Ccrit * Qpotw$ $1 - Rpotw$

::

- Based on measured influent/effluent/background 2015-2024.

- Median across primary and secondary, Appendix R, EPA 833-R-04-002B.

TABLE 2

Local Limits Determination Based on NPDES Monthly Effluent Limits

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rpotw)	NPDES Monthly Limit (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	20		0.00089	11.1036	-	0.082417581	-	-	10
Cadmium	0.8264	11.93	50		0.0002	11.1036	-	0.018520805	-	-	10
Chromium	0.8264	11.93	80.7		0.0002	11.1036	-	0.018520805	-	-	10
Copper	0.8264	11.93	89		0.0462	11.1036	-	4.278305909	-	-	10
Cyanide	0.8264	11.93	69		0.0025	11.1036	-	0.23151006	-	-	10
Lead	0.8264	11.93	92.4		0.0018	11.1036	-	0.166687243	-	-	10
Mercury	0.8264	11.93	97		0.0000107	11.1036	-	0.000990863	-	-	10
Molybdenum	0.8264	11.93	40		0.0015	11.1036	-	0.138906036	-	-	10
Nickel	0.8264	11.93	41.9		0.0034	11.1036	-	0.314853682	-	-	10
Selenium	0.8264	11.93	50		0.0009	11.1036	-	0.083343622	-	-	10
Silver	0.8264	11.93	50		0.0007	11.1036	-	0.064822817	-	-	10
Zinc	0.8264	11.93	55		0.067	11.1036	-	6.204469608	-	-	10
CBOD5	0.8264	11.93	96	10	127	11.1036	24874.05	11760.71105	10625.93395	1541.73863	10
TSS	0.8264	11.93	98.8	10	114	11.1036	82913.5	10556.85874	64065.29126	9295.36496	10
Phosphorous	0.8264	11.93	90.8	1	3.46	11.1036	1081.480435	320.409923	652.9224683	94.7338646	10
Ammonia (N)	0.8264	11.93	97.8	1.5	22.6	11.1036	6783.831818	2092.850942	4012.597694	582.196057	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Rpotw) Removal efficiency across POTW as percent.
(Ccrit) NPDES monthly maximum permit limit for a particular pollutant in mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
Lhw = $8.34 * Ccrit * Qpotw$
 $1 - Rpotw$

::

TABLE 3

Local Limits Determination Based on Activated Sludge Inhibition Level

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE						MAXIMUM LOADING			INDUSTRIAL		
Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rprim)	Activated Sludge Inhibition Level (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93		0.1	0.00089	11.1036	9.94962	0.082417581	8.872240419	1.28729162	10
Cadmium	0.8264	11.93	15	1	0.0002	11.1036	117.0543529	0.018520805	105.3303968	15.282604	10
Chromium	0.8264	11.93	27	1	0.0002	11.1036	136.2961644	0.018520805	122.6480271	17.7952547	10
Copper	0.8264	11.93	22	1	0.0462	11.1036	127.5592308	4.278305909	110.5250018	16.0363	10
Cyanide	0.8264	11.93	27	0.1	0.0025	11.1036	13.62961644	0.23151006	12.03514473	1.74620392	10
Lead	0.8264	11.93	57	1	0.0018	11.1036	231.3865116	0.166687243	208.0811732	30.1909257	10
Mercury	0.8264	11.93	10	0.1	0.0000107	11.1036	11.05513333	0.000990863	9.948629137	1.44346708	10
Molybdenum	0.8264	11.93	40		0.0015	11.1036	-	0.138906036	-	-	10
Nickel	0.8264	11.93	14	1	0.0034	11.1036	115.6932558	0.314853682	103.8090766	15.0618726	10
Selenium	0.8264	11.93			0.0009	11.1036	-	0.083343622	-	-	10
Silver	0.8264	11.93	20		0.0007	11.1036	-	0.064822817	-	-	10
Zinc	0.8264	11.93	27	0.3	0.067	11.1036	40.88884932	6.204469608	30.59549478	4.4391633	10
CBOD5	0.8264	11.93			127	11.1036	-	11760.71105	-	-	10
TSS	0.8264	11.93			114	11.1036	-	10556.85874	-	-	10
Phosphorous	0.8264	11.93			3.46	11.1036	-	320.409923	-	-	10
Ammonia (N)	0.8264	11.93		480	22.6	11.1036	47758.176	2092.850942	40889.50746	5932.74279	10
Benzene	0.8264	11.93	25	100	0	11.1036	13266.16	0	11939.544	1732.33301	10
BTEX	0.8264	11.93	13	200	0	11.1036	22872.68966	0	20585.42069	2986.78105	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Rprim) Removal efficiency across across primary treatment as percent.

(Ccrit) Activated sludge threshold inhibition level, mg/l.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = 8.34 * Ccrit * Qpotw

1 - Rprim

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- Median, Appendix R, EPA 833-R-04-002B.

- Measured across the POTW, CBU, 2021.

- Lowest, Appendix G, EPA 833-R-04-002B.

TABLE 4

Local Limits Determination Based on Nitrification Inhibition Level

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rsec)	Nitrification Inhibition Level (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	16	1.5	0.00089	11.1036	177.6717857	0.082417581	159.8221896	23.1889304	10
Cadmium	0.8264	11.93	40	5.2	0.0002	11.1036	862.3004	0.018520805	776.0518392	112.598958	10
Chromium	0.8264	11.93	65	0.25	0.0002	11.1036	70.18637133	0.018520805	63.14921339	9.16244933	10
Copper	0.8264	11.93	71	0.05	0.0462	11.1036	17.27364583	4.278305909	11.26797534	1.63489373	10
Cyanide	0.8264	11.93	55	0.34	0.0025	11.1036	75.51050893	0.23151006	67.72794798	9.82678736	10
Lead	0.8264	11.93	74	0.5	0.0018	11.1036	190.7519172	0.166687243	171.5100382	24.8847444	10
Mercury	0.8264	11.93	78		0.0000107	11.1036	-	0.000990863	-	-	10
Molybdenum	0.8264	11.93	40		0.0015	11.1036	-	0.138906036	-	-	10
Nickel	0.8264	11.93	34	0.25	0.0034	11.1036	37.41583935	0.314853682	33.35940173	4.84018425	10
Selenium	0.8264	11.93	40		0.0009	11.1036	-	0.083343622	-	-	10
Silver	0.8264	11.93	40		0.0007	11.1036	-	0.064822817	-	-	10
Zinc	0.8264	11.93	44	0.189	0.067	11.1036	33.5799675	6.204469608	24.01750114	3.48474867	10
CBOD5	0.8264	11.93			127	11.1036	-	11760.71105	-	-	10
TSS	0.8264	11.93			114	11.1036	-	10556.85874	-	-	10
Phosphorous	0.8264	11.93			3.46	11.1036	-	320.409923	-	-	10
Ammonia (N)	0.8264	11.93			22.6	11.1036	-	2092.850942	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Rsec) Removal efficiency across primary treatment and secondary treatment as percent.
(Ccrit) Nitrification threshold inhibition level, mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
Lhw = $8.34 * C_{crit} * Q_{potw}$
1 - Rsec

- Consider 80% of Rpotw (Dillman has tertiary filtration).
- Lowest, Appendix G, EPA 833-R-04-002B.
- Max C detected in 2024 (no inhibition observed).

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TABLE 5

Local Limits Determination Based on USEPA 503 Sludge Regulations
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Sludge Flow (MGD) (Qsldg)	Percent Solids (%) (PS)	Removal Efficiency (%) (Rpotw)	503 Sludge Criteria (mg/kg) (Cslcrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	0.0917	1.8	20		0.00089	11.1036	-	0.08241758	-	-	10
Cadmium	0.8264	11.93	0.0917	1.8	50		0.0002	11.1036	-	0.0185208	-	-	10
Chromium	0.8264	11.93	0.0917	1.8	80.7		0.0002	11.1036	-	0.0185208	-	-	10
Copper	0.8264	11.93	0.0917	1.8	89		0.0462	11.1036	-	4.27830591	-	-	10
Cyanide	0.8264	11.93	0.0917	1.8	69		0.0025	11.1036	-	0.23151006	-	-	10
Lead	0.8264	11.93	0.0917	1.8	92.4		0.0018	11.1036	-	0.16668724	-	-	10
Mercury	0.8264	11.93	0.0917	1.8	97		0.0000107	11.1036	-	0.00099086	-	-	10
Molybdenum	0.8264	11.93	0.0917	1.8	40		0.0015	11.1036	-	0.13890604	-	-	10
Nickel	0.8264	11.93	0.0917	1.8	41.9		0.0034	11.1036	-	0.31485368	-	-	10
Selenium	0.8264	11.93	0.0917	1.8	50		0.0009	11.1036	-	0.08334362	-	-	10
Silver	0.8264	11.93	0.0917	1.8	50		0.0007	11.1036	-	0.06482282	-	-	10
Zinc	0.8264	11.93	0.0917	1.8	55		0.067	11.1036	-	6.20446961	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Qsldg) Sludge flow to disposal in MGD.

(PS) Percent solids of sludge to disposal.

(Rpotw) Removal efficiency across POTW as a percent.

(Cslcrit) 503 sludge criteria in mg/kg dry sludge.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = $8.34 * Cslcrit * (PS/100) * Qsldg$

Rpotw

::


 - CBU land applies no sludge. All sludge disposed of in a Subtitle D landfill.

TABLE 6

Local Limits Determination Based on State Sludge Criteria
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Sludge Flow (MGD) (Qsldg)	Percent Solids (%) (PS)	Removal Efficiency (%) (Rpotw)	State Sludge Criteria (mg/kg) (Cslcrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	0.0917	1.8	20		0.00089	11.1036	-	0.08241758	-	-	10
Cadmium	0.8264	11.93	0.0917	1.8	50		0.0002	11.1036	-	0.0185208	-	-	10
Chromium	0.8264	11.93	0.0917	1.8	80.7		0.0002	11.1036	-	0.0185208	-	-	10
Copper	0.8264	11.93	0.0917	1.8	89		0.0462	11.1036	-	4.27830591	-	-	10
Cyanide	0.8264	11.93	0.0917	1.8	69		0.0025	11.1036	-	0.23151006	-	-	10
Lead	0.8264	11.93	0.0917	1.8	92.4		0.0018	11.1036	-	0.16668724	-	-	10
Mercury	0.8264	11.93	0.0917	1.8	97		0.0000107	11.1036	-	0.00099086	-	-	10
Molybdenum	0.8264	11.93	0.0917	1.8	40		0.0015	11.1036	-	0.13890604	-	-	10
Nickel	0.8264	11.93	0.0917	1.8	41.9		0.0034	11.1036	-	0.31485368	-	-	10
Selenium	0.8264	11.93	0.0917	1.8	50		0.0009	11.1036	-	0.08334362	-	-	10
Silver	0.8264	11.93	0.0917	1.8	50		0.0007	11.1036	-	0.06482282	-	-	10
Zinc	0.8264	11.93	0.0917	1.8	55		0.067	11.1036	-	6.20446961	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Qsldg) Sludge flow to disposal in MGD.

(PS) Percent solids of sludge to disposal.

(Rpotw) Removal efficiency across POTW as a percent.

(Cslcrit) State sludge criteria in mg/kg dry sludge.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = $8.34 * Cslcrit * (PS/100) * Qsldg$

Rpotw

::

- CBU land applies no sludge. All sludge disposed of in a Subtitle D landfill.

TABLE 7

Local Limits Determination Based on Chronic Water Quality Standards
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Upstream Flow (MGD) (Qstr)	Upstream Conc. (mg/l) (Cstr)	Removal Efficiency (%) (Rpotw)	Chronic WQS (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	0	0	20	0.15	0.00089	11.1036	18.6555375	0.08241758	16.70756617	2.42413516	10
Cadmium	0.8264	11.93	0	0	50	0.00143	0.0002	11.1036	0.284559132	0.0185208	0.237582414	0.034471321	10
Chromium	0.8264	11.93	0	0	80.7	0.157	0.0002	11.1036	80.93732332	0.0185208	72.82507018	10.56633931	10
Copper	0.8264	11.93	0	0	89	0.0248	0.0462	11.1036	22.43187055	4.27830591	15.91037758	2.308469427	10
Cyanide	0.8264	11.93	0	0	69	0.0052	0.0025	11.1036	1.668968516	0.23151006	1.270561605	0.184348398	10
Lead	0.8264	11.93	0	0	92.4	0.0067	0.0018	11.1036	8.771375526	0.16668724	7.72755073	1.121206239	10
Mercury	0.8264	11.93	0	0	97	0.000012	0.0000107	11.1036	0.03979848	0.00099086	0.034827769	0.005053233	10
Molybdenum	0.8264	11.93	0	0	40	3.8	0.0015	11.1036	630.1426	0.13890604	566.989434	82.26566384	10
Nickel	0.8264	11.93	0	0	41.9	0.113	0.0034	11.1036	19.35124028	0.31485368	17.10126257	2.48125738	10
Selenium	0.8264	11.93	0	0	50	0.0031	0.0009	11.1036	0.61687644	0.08334362	0.471845174	0.068460987	10
Silver	0.8264	11.93	0	0	50		0.0007	11.1036	-	0.06482282	-	-	10
Zinc	0.8264	11.93	0	0	55	0.257	0.067	11.1036	56.82338533	6.20446961	44.93657719	6.519940465	10
CBOD5	0.8264	11.93	0	0	96		127	11.1036	-	11760.711	-	-	10
TSS	0.8264	11.93	0	0	98.8		114	11.1036	-	10556.8587	-	-	10
Phosphorous	0.8264	11.93	0	0	90.8		3.46	11.1036	-	320.409923	-	-	10
Ammonia (N)	0.8264	11.93	0	0	97.8		22.6	11.1036	-	2092.85094	-	-	10
Benzene	0.8264	11.93	0	0	80	0.0066	0	11.1036	3.2833746	0	2.95503714	0.42875242	10
BTEX	0.8264	11.93	0	0	86	1.4	0	11.1036	994.962	0	895.4658	129.9249758	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Qstr) Receiving stream (upstream) 7Q10 flow in MGD.
(Cstr) Receiving stream background level in mg/l.
(Rpotw) Removal efficiency across POTW as percent.
(Ccrit) State chronic water quality standard for a particular pollutant in mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
 $Lhw = 8.34 * (Ccrit * (Qstr + Qpotw) - (Cstr * Qstr))$
1 - Rpotw

::

- 327 IAC 2-1-6, Tables 6-1; Table 6-1a (selenium), and Table 6-2 (other metals).
Hardness = 250 mg/l as CaCO3 (CBU lab, 2025).
- John Elliot, IDEM, 2025.
- 327 IAC 2-1-6, Table 6-4 Point of Intake Concentration

TABLE 8
Local Limits Determination Based on Acute Water Quality Standards
ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

Pollutant	MAXIMUM LOADING										INDUSTRIAL		
	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Upstream Flow (MGD) (Qstr)	Upstream Conc. (mg/l) (Cstr)	Removal Efficiency (%) (Rpotw)	Acute WQS (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	0	0	20	0.34	0.00089	11.1036	42.285885	0.08241758	37.97487892	5.509853335	10
Cadmium	0.8264	11.93	0	0	50	0.0042	0.0002	11.1036	0.83576808	0.0185208	0.733670467	0.106449758	10
Chromium	0.8264	11.93	0	0	80.7	1.207	0.0002	11.1036	622.2378933	0.0185208	559.9955831	81.25091163	10
Copper	0.8264	11.93	0	0	89	0.043	0.0462	11.1036	38.89396909	4.27830591	30.72626627	4.458137208	10
Cyanide	0.8264	11.93	0	0	69	0.022	0.0025	11.1036	7.061020645	0.23151006	6.123408521	0.888457944	10
Lead	0.8264	11.93	0	0	92.4	0.172	0.0018	11.1036	225.1756105	0.16668724	202.4913622	29.37988848	10
Mercury	0.8264	11.93	0	0	97	0.0024	0.0000107	11.1036	7.959696	0.00099086	7.162735537	1.03925604	10
Molybdenum	0.8264	11.93	0	0	40	84	0.0015	11.1036	13929.468	0.13890604	12536.38229	1,818.93	10
Nickel	0.8264	11.93	0	0	41.9	1.017	0.0034	11.1036	174.1611625	0.31485368	156.4301925	22.69677857	10
Selenium	0.8264	11.93	0	0	50		0.0009	11.1036	-	0.08334362	-	-	10
Silver	0.8264	11.93	0	0	50	0.00778	0.0007	11.1036	1.548160872	0.06482282	1.328521968	0.192757986	10
Zinc	0.8264	11.93	0	0	55	0.255	0.067	11.1036	56.38118	6.20446961	44.53859239	6.462196031	10
CBOD5	0.8264	11.93	0	0	96		127	11.1036	-	11760.711	-	-	10
TSS	0.8264	11.93	0	0	98.8		114	11.1036	-	10556.8587	-	-	10
Phosphorous	0.8264	11.93	0	0	90.8		3.46	11.1036	-	320.409923	-	-	10
Ammonia (N)	0.8264	11.93	0	0	97.8		22.6	11.1036	-	2092.85094	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.

(Qpotw) POTW's average influent flow in MGD.

(Qstr) Receiving stream (upstream) 1Q10 flow in MGD.

(Cstr) Receiving stream background level in mg/l.

(Rpotw) Removal efficiency across POTW as percent.

(Ccrit) State acute water quality standard for a particular pollutant in mg/l.

(Qdom) Domestic/commercial background flow in MGD.

(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.

(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).

(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).

(Lind) Maximum allowable industrial loading to the POTW in pounds per day.

(Cind) Industrial allowable local limit for a given pollutant in mg/l.

(SF) Safety factor as a percent.

8.34 Unit conversion factor

Lhw = $8.34 * (Ccrit * (Qstr + Qpotw) - (Cstr * Qstr))$
1 - Rpotw

::

- 327 IAC 2-1-6, Tables 6-1 (cyanide), 6-1a (selenium), 6-2 (other metals), and 6-4 (mercury).
Hardness = 250 mg/l as CaCO3 (CBU lab, 2025).
- John Elliot, IDEM, 2025.

TABLE 9
Local Limits Determination Based on Anaerobic Digester Inhibition Level

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE

MAXIMUM LOADING

INDUSTRIAL

Pollutant	SIU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Sludge Flow to Digester (MGD) (Qdig)	Removal Efficiency (%) (Rpotw)	Anaerobic Digester Inhibition Level (mg/l) (Ccrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.8264	11.93	0.0256	20		0.00089	11.1036	-	0.082417581	-	-	10
Cadmium	0.8264	11.93	0.0256	50		0.0002	11.1036	-	0.018520805	-	-	10
Chromium	0.8264	11.93	0.0256	80.7		0.0002	11.1036	-	0.018520805	-	-	10
Copper	0.8264	11.93	0.0256	89		0.0462	11.1036	-	4.278305909	-	-	10
Cyanide	0.8264	11.93	0.0256	69		0.0025	11.1036	-	0.23151006	-	-	10
Lead	0.8264	11.93	0.0256	92.4		0.0018	11.1036	-	0.166687243	-	-	10
Mercury	0.8264	11.93	0.0256	97		0.0000107	11.1036	-	0.000990863	-	-	10
Molybdenum	0.8264	11.93	0.0256	40		0.0015	11.1036	-	0.138906036	-	-	10
Nickel	0.8264	11.93	0.0256	41.9		0.0034	11.1036	-	0.314853682	-	-	10
Selenium	0.8264	11.93	0.0256	50		0.0009	11.1036	-	0.083343622	-	-	10
Silver	0.8264	11.93	0.0256	50		0.0007	11.1036	-	0.064822817	-	-	10
Zinc	0.8264	11.93	0.0256	55		0.067	11.1036	-	6.204469608	-	-	10
CBOD5	0.8264	11.93	0.0256	96		127	11.1036	-	11760.71105	-	-	10
TSS	0.8264	11.93	0.0256	98.8		114	11.1036	-	10556.85874	-	-	10
Phosphorous	0.8264	11.93	0.0256	90.8		3.46	11.1036	-	320.409923	-	-	10
Ammonia (N)	0.8264	11.93	0.0256	97.8		22.6	11.1036	-	2092.850942	-	-	10

(Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Qdig) Sludge flow to digester in MGD.
(Rpotw) Removal efficiency across POTW as percent.
(Ccrit) Anaerobic digester threshold inhibition level in mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
Lhw = $8.34 * Ccrit * Qdig$
Rpotw

 - The Dillman Rd WWTP uses Aerobic Digestion Only.



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: July 10, 2025

Re: Ordinance 2025-24 - To Enact Title 13 of the Bloomington Municipal Code Titled "Stormwater"

Synopsis

This ordinance amends Title 13 of the Bloomington Municipal Code ("BMC"), entitled "Stormwater". These amendments are to comply with a new statute that restricts regulation of construction site runoff, to add new provisions for installation and maintenance of driveway culverts, to add new provisions to reduce illicit discharge (runoff pollutants) from certain identifiable hot spot developments, to respond to stakeholder concerns/feedback, and to correct typographical errors.

Relevant Materials

- Ordinance 2025-24
- Exhibit A – Utilities Service Board Resolution
- Staff Memo from Assistant City Attorney Christopher Wheeler
- Title 13 Updates (Redline)
- House Enrolled Act 1037

Summary

House Enrolled Act 1037 established [IC 36-1-3-14 \(b\)](#), which provides that municipalities may not adopt legislation that is more stringent in any respect than the requirements set forth in the Indiana Department of Environmental Management's Construction Stormwater General Permit. In response, Ordinance 2025-24 would amend certain portions of [Title 13](#) of the BMC, known as the Stormwater Management Ordinance, to ensure compliance with this new statutory limitation. The changes are detailed in the ordinance and the attached red-lined document. Additional background, context, and rationale for the proposed amendments are outlined in the accompanying Staff Memo.

The Authority of City of Bloomington Utilities (CBU)

The CBU administers, implements and enforces the provisions of [Title 13](#). The purpose of [Title 13](#) is to regulate stormwater and non-stormwater discharges to the storm drainage system. The CBU's authority derives from various Indiana Code provisions (including "Home Rule"), Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) Permit and the federal National Pollutant Discharge Elimination System (NPDES) program, among others, as described in [BMC 13.01.010](#). The enactment of [IC 36-1-3-14 \(b\)](#) now limits the authority of municipalities, including the CBU, so updates to [Title 13](#) of the BMC are necessary to ensure the compliance. In adopting [Title](#)



City of Bloomington Indiana

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13, Council established within the wastewater utility the powers and responsibility for the operation of a stormwater utility.

Council's Role

The Council may adopt legislation amending [Title 13](#) of the BMC relying on its legislative powers. As the City's legislative body, all powers legislative in nature shall be exercised and performed by the Council as authorized by [IC 36-4-4-4](#). The Council may pass ordinances for the government of the City and the control of the City's property and finances as set forth in [IC 36-4-6-14](#), subject to the approval or veto of the Mayor.

Indiana municipalities have the power to own, operate and manage their own utility systems with oversight from a Utilities Service Board (USB) per [IC 8-1.5-3 et seq.](#) The Council created the USB in Title 2 of the BMC.

Section 2.24 of the BMC details the structure of the City of Bloomington Utility Department, including the USB and its relationship with the Council and the Mayor. The USB has general supervisory power over the utilities owned by the City per [IC 8-1.5-3-4](#).

The Council empowered the USB to set policy for the CBU and to serve in an advisory capacity to City officials, Council and boards and commissions concerning utility matters. The USB has found the proposed amendments in [Ordinance 2025-24](#) to be appropriate and necessary and it has recommended them to Council for adoption.

Contacts

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Steven Stanford, Pretreatment Program Coordinator, Environmental Utilities Service Center, (812) 349-3946, steven.stanford@bloomington.in.gov

ORDINANCE 2025-24

**TO ENACT TITLE 13
OF THE BLOOMINGTON MUNICIPAL CODE TITLED
“STORMWATER”**

WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and

WHEREAS, the City has established within the City wastewater utility the powers, duties and responsibility for the rates, construction, operation and maintenance of a stormwater utility in accordance with Indiana Code 36-9-23-37; and

WHEREAS, in 2025, the State of Indiana enacted new legislation which limits the ability of local governmental entities such as Bloomington from regulating the runoff generated by soil disturbances under an acre; and

WHEREAS, the changes made at the state level require local governmental entities to update their current ordinance language, administrative rules and other regulatory mechanisms to comply with this new legislation; and

WHEREAS, City of Bloomington Utilities Staff recommends amendments to Title 13 of the Bloomington Municipal Code, titled – “Stormwater”, in response to this new legislation; and

WHEREAS, the Utilities Service Board considered these proposed amendments to Title 13 - Stormwater, found the proposed amendments appropriate and necessary, and resolved to recommend these amendments be presented to the Common Council for adoption in substantially the same form. A copy of the resolution is attached as **Exhibit “A”**; and

WHEREAS, the proposed amendments to Title 13 of the Bloomington Municipal Code, titled--“Stormwater”, have been duly considered by the Common Council of the City of Bloomington.

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

SECTION I. Section 13.01.010(a) shall be amended in the first sentence of the first paragraph in its entirety to read as follows:

(a) Authority.

There is hereby established within the city wastewater utility the powers, duties, and responsibilities for construction, operation, and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23 et seq., Indiana Code 36-1-3 (“Home Rule”), Indiana Code 36-9-28.5, and further as required by Phase II of the National

Pollutant Discharge Elimination System Stormwater (NPDES) program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).

SECTION II. Section 13.01.020(a) shall be amended in its entirety to read as follows:

(a) Purpose.

The purpose of this SMO is to regulate stormwater and non-stormwater discharges to the storm drainage system in order to provide for the health, safety, and general welfare of the citizens of the City of Bloomington. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

- (1) To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- (2) To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- (3) To regulate the contribution of pollutants to the stormwater drainage system from runoff from new development and redevelopment.
- (4) To prohibit illicit discharges into the stormwater drainage system.
- (5) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.
- (6) To ensure the appropriate design, construction, and maintenance of stormwater drainage facilities and systems.
- (7) To ensure the appropriate design, construction, and maintenance of stormwater quality facilities and systems.
- (8) To regulate and inspect post-construction drainage facilities.
- (9) To enforce Operation and Maintenance Plans.
- (10) To clarify stormwater development standards.
- (11) To establish a Stormwater Management Permit process.

SECTION III. Section 13.01.030(a)(2)(B)(i) shall be amended in its entirety to read as follows:

- (i) Where permitted, whenever a provision of this SMO imposes a greater restriction or a higher standard than is required by any state or federal law or regulation, or other county or City ordinance or regulation, the provision of this SMO shall apply.

SECTION IV. Section 13.03.010(a) shall be amended in its first sentence to read as follows:

(a) Applicability.

Pursuant to the provisions of the MS4GP, this Chapter shall apply to all discharges, including illegal discharges, entering the storm drain system under the control of the City of Bloomington, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site.

SECTION V. Section 13.03.040(a) shall be amended in its second paragraph to read as follows:

CBU is authorized to require dischargers to implement, at the discharger's expense, pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Bloomington stormwater drainage system, including additional structural and nonstructural BMPs.

SECTION VI. Section 13.04.010(b) shall be amended in its entirety to read as follows:

(b) Applicability

The requirements of this Chapter shall apply to any development, redevelopment, or land-disturbing activity which is required to obtain a Stormwater Management Permit pursuant to Section 13.08.020(b). Additional development-specific applicability is outlined in each section below, when applicable.

SECTION VII. Section 13.04.030 shall be amended in its entirety to read as follows:

13.04.030 Water Quality Treatment Hot Spot Developments

(a) Purpose

The purpose of this section is to mitigate the impact of stormwater runoff from hot spot developments such as gasoline outlets, vehicle maintenance facilities, parking areas, and industrial sites. Refer to the Stormwater Design Manual for more information on hot spot developments.

(b) Applicability

All projects which are required to obtain a Stormwater Management Permit and are creating a hot spot development. A parking lot is considered a hot spot development when there is the creation of a new parking lot at least 1,500 square feet in size, or an existing parking lot is expanded by at least 1,500 square feet.

(c) Exemptions

- (1) Single-family residential developments including duplexes, triplexes, and fourplexes.
- (2) The Assistant Director of the Engineering Division or their designee may determine that full compliance with 13.04.030 is not feasible. In such a case, compliance will be required to the extent possible as determined by the Assistant Director of the Engineering Division or their designee.

(d) Water Quality Treatment Requirements for Hot Spot Land Uses

The development of hot spot land uses shall include water quality treatment BMPs sufficient to treat the proposed pollutants. Refer to the Stormwater Design Manual for BMP specifications.

(e) Bioretention Standards in Parking Lots

Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while incorporating green infrastructure into parking lots.

- (1) Parking lots shall be constructed such that the Water Quality Volume (WQv) is directed into bioretention facilities located in the interior of or immediately adjacent to the parking lot. Refer to the Stormwater Design Manual for determining WQv and BMP specifications.
- (2) Bioretention facilities shall be located below the grade of the parking lot to facilitate runoff to flow into the facilities.
- (3) Bioretention facilities shall be vegetated with appropriate perennials, grasses, shrubs, and/or trees that comply with Section 13.04.050.
- (4) Bioretention facilities shall comply with the City of Bloomington Stormwater Design Manual. Shrubs shall be planted at least five (5) feet from any underdrain; trees shall be planted at least 10 feet from any underdrain.

SECTION VIII. Section 13.04.050(c) shall be amended in its entirety to read as follows:

(c) Planting Requirements

Planting of vegetation may be required as part of a post-construction BMP. Both BMP specific requirements as well as general requirements can be found in the Stormwater Design Manual.

SECTION IX. Section 13.05.010(a) shall be amended in its entirety to read as follows:

(a) Applicability

- (1) This section applies to all land disturbing activity within the City of Bloomington. Section 13.05.030 provides guidelines for calculating land disturbance and additional descriptions of land disturbing activities.
- (2) A Stormwater Pollution Prevention Plan (SWPPP) is required for any project site which requires CSGP coverage. An Erosion and Sediment Control Plan (ESCP) is required for any project site which involves the disturbance of 2,500 square feet or more of ground surface but does not require CSGP coverage. Refer to the City of Bloomington Stormwater Design Manual for determination of CSGP coverage, and for SWPPP and ESCP requirements.
- (3) City-owned projects are subject to this Chapter (13.05). The SWPPP, when required, shall be submitted to CBU's MS4 staff for review and a determination made as to whether the plan meets the minimum requirements of the CSGP prior to submission to the review authority.

SECTION X. Section 13.05.010(b)(6) shall be amended in its entirety to read as follows:

- (6) Single-family residential developments including duplexes, triplexes, and fourplexes that disturb under an acre of land or that are not part of a larger common plan for development or sale that would otherwise disturb at least one acre of land.

SECTION XI. Section 13.05.030(a)(3) shall be amended in its entirety to read as follows:

- (3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - (A) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are one-half acre or more, a minimum of one-half acre of land disturbance must be used as the expected lot disturbance.
 - (B) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are less than one-half acre in size, the total lot must be calculated as being disturbed.
 - (C) To calculate lot disturbance on all other types of project sites, including but not limited to industrial and commercial project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance regardless of lot size.

SECTION XII. Section 13.05.040 shall be amended as follows:

- 1. The title of Section 13.05.040 shall be amended in its entirety to read as follows:

Erosion and Pollution Prevention and Elimination Requirements

- 2. Section 13.05.040(a) shall be amended in its entirety to read as follows:

- (a) All project sites undergoing land disturbing activities, regardless of size, shall prevent the illicit discharge of pollutants off-site or conveyed into any stormwater drainage system, either by wind or water in accordance with the MS4GP and the CSGP. All land disturbing activities shall be protected by best management practices. Best management practices may include, but are not limited to, silt or erosion-control fences, filter socks, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.

- 3. Section 13.05.040(b) shall be amended in its entirety to read as follows:

- (b) For land-disturbing activities that include or occur adjacent to environmentally sensitive areas, including but not limited to steep slopes, karst features, floodplain, wetlands, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, may be required, as determined by the CBU Director or their designee in accordance with the MS4GP and CSGP.

4. Section 13.05.040 (o) shall be removed in its entirety.

5. Section 13.05.040 (aa) shall be removed in its entirety.

SECTION XIII. Section 13.05.050(a) shall be amended in its entirety to read as follows:

- (a) Following approval of the Stormwater Management Permit and commencement of construction activities, CBU shall have the authority to conduct inspections in accordance with Section 13.08.040(a) of the project site to ensure full compliance with this chapter, the City of Bloomington Stormwater Design Manual, and terms and conditions of the approved Stormwater Management Permit, if applicable.

SECTION XIV. Section 13.06.010(a) shall be amended in its entirety to read as follows:

- (a) Applicability

Projects receiving a Stormwater Management Permit pursuant to Section 13.08.020(b) are subject to this section.

SECTION XV. Section 13.06.020 shall be amended in its entirety to read as follows:

13.06.020 Policy on Post-Construction Stormwater Management

- (a) Developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts, and other pollutants. As new development and re-development continues in Bloomington, measures must be taken to promote runoff volume reduction, runoff detention, infiltration of stormwater into the ground (where appropriate), and interception and filtration of pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers, and wetlands. Through the use of BMPs, harmful amounts of sediment, nutrients, and contaminants will be removed from stormwater runoff.
- (b) Post-construction stormwater management measures are incorporated as permanent features into construction projects and are left in place following completion of construction activities to continuously treat and detain stormwater runoff from the stabilized site. The following will be implemented as a minimum:
 - (1) Stormwater detention and quantity control as required by the Stormwater Design Manual.
 - (2) Stormwater quality treatment as required by the Stormwater Design Manual.
 - (3) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size of disturbance, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.

- (4) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.
- (5) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.
- (6) Outfalls must be designed to reduce outfall scouring, bank erosion, and head-cutting.

SECTION XVI. Section 13.07.040 shall be inserted as a new section to the Title and shall read as follows:

13.07.040 Culverts and Ditches

(a) Driveway Culverts.

Any new construction or change in type of business or land use of an existing property whenever a proposed driveway or use shall connect to or join any public road, street or highway or other public right-of-way in the City or whenever any person desires to construct a culvert under any such driveway that connects or joins to any public road, street, highway, or other right-of-way in the City, said driveway culvert shall be constructed and installed at the expense of the property owner to provide adequate drainage at a minimum size of no less than 12 inches and in no case less than that specified by CBU in accordance with its Stormwater Design Manual.

(b) Maintenance of Driveway Culverts and Ditches

Each property owner shall regularly perform general maintenance activities regarding any and all ditches, culverts, and/or inlet clean outs to ensure proper storm water drainage on and across their property.

SECTION XVII. Section 13.08.010(c) shall be amended to capitalize the words “enforcement” and “penalties which are located in the parenthetical clause.

SECTION XVIII. Section 13.08.020(a)(2)(C) shall be amended in its entirety to read as follows:

(C) Refer to the CBU Stormwater Design Manual for additional requirements.

SECTION XIX. Section 13.08.020(b) shall be amended in its entirety to read as follows:

(b) Stormwater Management Permit

(1) Purpose

The purpose of the Stormwater Management Permit and procedure is to mitigate the environmental impact of development and to protect the water quality of the City of Bloomington and surrounding areas. This permit and procedure is a mechanism to ensure compliance with the MS4GP and this SMO by providing a thorough review and permitting process as well as inspection and close-out process for all construction activities which affect stormwater.

(2) Applicability

- (A) No land-disturbing activity, development, or re-development of land that is subject to this chapter shall occur unless a Stormwater Management Permit has been issued except as exempted in 13.08.020(b)(3), below.
- (B) New retail gasoline outlets and new MS4-owned fueling areas or those that replace their existing tank systems, regardless of size, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater run-off.

(3) Exemptions

- (A) Land-disturbing activity that is cumulatively less than 2,500 square feet.
- (B) Land-disturbing activity on a single-family residential lot or lots containing duplexes, triplexes, and fourplexes, which is less than one acre and not part of a larger common plan for development or sale.
- (C) City of Bloomington infrastructure projects that disturb less than one acre of land and have a negligible effect on the stormwater system, as determined by the Assistant Director of the Utilities Engineering Division or their designee after considering the following factors:
 - (i) Existing and proposed impervious surfaces,
 - (ii) Existing and proposed facilities that adequately achieve detention and water quality requirements,
 - (iii) Proximity to sensitive hydrological features,
 - (iv) Size of the project, and
 - (v) Any other adverse impacts the project may reasonably have on the MS4.
- (D) Projects which are already regulated by a MS4 other than the City of Bloomington (e.g. Indiana University and Indiana Department of Transportation).
- (E) Activities exempted under 13.05.010(b).

(4) Additional Requirements

- (A) Compliance with the standards of this SMO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in the Indiana Administrative Code, The Indiana Department of Environmental Management, all applicable provisions of the Bloomington Municipal Code, and all applicable rules, regulations, standards, and specifications of any City Department regarding development, redevelopment, or land-disturbing activity.

(5) Stormwater Management Permit Process

The Stormwater Management Permit (SMP) process will be similar for all projects and will be simplified for sites not requiring CSGP coverage. Refer to the Stormwater Design Manual for information on the applicability of the CSGP and SMP application process details.

- (A) Submittal Requirements

- (i) Completed Stormwater Management Permit application.
- (ii) Full set of sealed construction plans that include the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iii) Stormwater Drainage Report that includes the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iv) For projects requiring new or modified stormwater infrastructure or BMPs, a draft operation and maintenance plan and a performance bond estimate prepared by a licensed engineer.

(B) Plan Review

Once the application is deemed substantially complete, the following will take place:

- (i) Review will be conducted by CBU and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. The applicant may be required to resubmit materials for additional review.
- (ii) The applicant may not submit the NOI to IDEM (if applicable) or commence land-disturbing activities until the Stormwater Management Permit is issued.

(C) Permit Issuance

The Stormwater Management Permit will be issued after the submittal review is completed, all fees are paid, and a preconstruction meeting has been held. In issuing a Stormwater Management Permit, CBU may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner is responsible for compliance with this chapter, the City of Bloomington Stormwater Design Manual, the CSGP (as applicable), and these terms and conditions.

(D) Post-Permit Issuance

(i) Duration

- (a) The Stormwater Management Permit shall remain active until the permit is closed via written notice from CBU, or if (b) below is met.
- (b) The Stormwater Management Permit shall expire 365 days after issuance if earth-disturbing activities have not yet taken place unless an extension is granted by the Director.
- (c) If a project has received a Stormwater Management Permit and has begun earth-disturbing activities but then becomes inactive for a period of 180 days or longer, the Stormwater Management Permit shall expire. A new Stormwater Management Permit shall be obtained before work resumes.

(ii) Changes or Amendments

- (a) The Stormwater Management Permit Applicant shall submit revisions or amendments to an approved permit for consideration by the local, state, and federal authorities having jurisdiction prior to installation of such revisions or amendments. A revision or amendment to an

approved Stormwater Management Permit shall only be authorized upon review and written approval by all local, state, and federal authorities having jurisdiction.

- (b) CBU reserves the right to require the responsible parties to remove any and all unapproved improvements which may impact stormwater at the responsible parties' expense.

(iii) Termination of the Permit

The Stormwater Management Permit shall terminate when either the permit expires in accordance with Section 13.08.020(b)(3)(D)(i) or the permitted project receives written notification from CBU that the permit has been closed in accordance with Section 13.08.050.

SECTION XX. Section 13.08.020(c)(1) shall be amended to add an omitted word. The word "Permit" shall be added after "MS4 General" so that it reads "MS4 General Permit".

SECTION XXI. Section 13.08.020(c)(2) shall be amended in its entirety to read as follows:

(2) Applicability

This Section, 13.08.020(c), governs easements that are:

- (A) Required and/or granted pursuant to a provision of this SMO;
- (B) Permitted or required as a commitment or condition of approval for unplatted drainage and/or utility easements;
- (C) Previously dedicated unplatted drainage and/or utilities easements; or
- (D) Any other instances in which an easement would be required by CBU.

SECTION XXII. Section 13.08.020(c)(3)(B) shall be amended in its entirety to read as follows:

(B) Drainage and/or Utilities Easements shall be required for:

- (i) Private stormwater drainage systems that drain the right-of-way or two or more lots; and
- (ii) Private retention/detention facilities, and water quality infrastructure.

SECTION XXIII. Section 13.08.030(a) shall be amended in its entirety to read as follows:

(a) Purpose

Financial assurances are provided so that CBU has a mechanism to ensure that all stormwater infrastructure and post-construction BMPs are installed in compliance with the MS4GP, CBU policies, and this SMO and function properly.

SECTION XXIV. Section 13.08.030(c) shall be amended in its entirety to read as follows:

(c) Performance Bond Requirements

- (1) Financial assurances shall be in the form of a performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to CBU. Assurance shall be made out to the City of Bloomington.
- (2) Said performance bond shall guarantee a good faith execution of the construction plans and any other conditions of plan approval including proper installation of all approved stormwater infrastructure.
- (3) The total performance bond shall be for the cost of installation, plus a 25% contingency, of stormwater improvements including all stormwater drainage systems, detention/retention facilities, and stormwater management BMPs as regulated under this SMO. The intent of this performance bond is to complete the installation of stormwater infrastructure for the project as specified by the City.
- (4) Performance bonds shall be kept current until the Stormwater Management Permit is closed. Delinquent performance bonds or other assurances will result in enforcement as detailed in Section 13.08.050 Enforcement and Penalties.
- (5) CBU may make a claim against the performance bond to complete all necessary work, after giving notice and opportunity for compliance.
- (6) Following issuance of a Certificate of Completion, the performance bond may be released and a maintenance bond shall be posted.

SECTION XXV. Section 13.08.040(b)(3) shall be amended in its entirety to read as follows:

(3) Applicability

An application for a Certificate of Completion may be submitted to CBU when a project in accordance with Section 13.08.040(b)(2) is believed by the responsible parties to be complete. The application must be complete in order for a Certificate of Completion to be issued.

SECTION XXVI. Section 13.08.040(b)(5)(D) shall be amended in its entirety to read as follows:

- (D) Any drainage and utility easements, in accordance with Section 13.08.020(c), shall be recorded with the Monroe County Recorder's Office. A copy shall be delivered to CBU in a format that is acceptable to CBU staff. Any cost incurred by recording the easement document shall be incurred by the grantor.

SECTION XXVII. Section 13.08.050(b)(2) shall be amended in its entirety to read as follows:

- (2) Any violation as defined herein is hereby declared a common and public nuisance, and any responsible party as defined in Section 13.08.050(e)(1) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

SECTION XXVIII. Section 13.08.050(b)(3) shall be amended in its entirety to read as follows:

- (3) Any violation shall be subject to the penalties and remedies provided in Section 13.08.050(d), and CBU shall have recourse to any remedy available in law or equity.

SECTION XXIX. Section 13.08.050(b)(5) shall be amended in its entirety to read as follows:

- (5) The City Legal Department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 13.08.050; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this SMO or any condition, requirement, or commitment established in connection with this SMO. All costs connected therewith shall accrue to the responsible parties. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, any and all penalties levied by the EPA or IDEM for violations of CBU's NPDES permit and/or the MS4GP, attorney's fees, and other costs and expenses.

SECTION XXX. Section 13.08.050(b)(6)(C) shall be amended in its entirety to read as follows:

- (C) Issue a stop work order (with at least 72 hours' notice in the case of violations of Section 13.05.040, unless the violation causes a public health hazard or a safety hazard, in which case the stop work order is immediately effective);

SECTION XXXI. Section 13.08.050(b)(6)(F) shall be amended in its entirety to read as follows:

- (F) Any and all penalties and remedies listed in Section 13.08.050.

SECTION XXXII. Section 13.08.050(f)(2)(B) shall be amended in its entirety to read as follows:

- (B) The Appeals section of this SMO shall not apply to fines levied under the authority of Section 13.08.050(d). Such fines levied for violations of this SMO may be challenged in the Monroe County Circuit Court.

SECTION XXXIII. Section 13.08.050(f)(3)(A) shall be amended in its entirety to read as follows:

(A) Time Limit

Notice of an appeal shall be made in writing to CBU no later than seven business days from receipt of the written order or ruling.

SECTION XXXIV. Section 13.09 shall be amended as follows:

1. By adding the following definitional term in alphabetical order with the other definitions:

“Hot Spot Development” means projects involving land uses considered to be high pollutant producers such as parking areas, vehicle service and maintenance facilities,

vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

2. By amending the definition of “Redevelopment” in its entirety to read as follows:

“Redevelopment” means alterations of property that change a site’s layout.

SECTION XXXV. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION XXXVI. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

Hopi Stosberg, 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 _____, 2025.

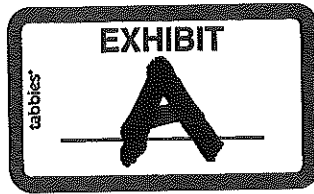
Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2025.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 13 of the Bloomington Municipal Code titled "Stormwater" to comply with a new statute that restricts regulation of construction site runoff, to add new provisions for installation and maintenance of driveway culverts, to add new provisions to reduce illicit discharge (runoff pollutants) from certain identifiable hot spot developments, to respond to stakeholder concerns/feedback, and to correct typographical errors.



**RESOLUTION NO. 2025-13
UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA**

**TO AMEND TITLE 13
OF THE BLOOMINGTON MUNICIPAL CODE
TITLED "STORMWATER"**

WHEREAS, Title 13 of the Bloomington Municipal Code, titled Stormwater, sets forth uniform requirements for users of the publicly owned stormwater works known as the Municipal Separate Storm Sewer System, or MS4, pursuant to the Indiana Department of Environmental Management MS4 General Permit, or MS4GP, and also regulates various aspects of soil disturbance pursuant to the Indiana Department of Environmental Management Construction Stormwater General Permit, or CSGP; and

WHEREAS, in 2025, the State of Indiana enacted new legislation which alters the ability of local governmental entities such as Bloomington from regulating the runoff generated during soil disturbances under an acre as required by the CSGP; and

WHEREAS, the changes made at the state level require local governmental entities to update their current ordinance language, administrative rules and other regulatory mechanisms to comply with this new legislation; and

WHEREAS, City of Bloomington Utilities Staff recommends amendments to Title 13 of the Bloomington Municipal Code, titled – Stormwater, in response to this new legislation; and

WHEREAS, the proposed amendments to Title 13 have been duly considered by the Board and found appropriate and necessary; a copy of the proposed amendments in the form of Proposed Ordinance 2025-24 are attached hereto, marked as Exhibit "A" and incorporated herein; and

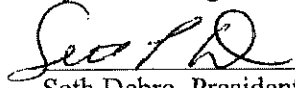
WHEREAS, the Board now desires to recommend to the Common Council of the City of Bloomington ("Common Council") the adoption of the proposed ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Utility Service Board requests the Common Council authorize the proposed amendments to Title 13 of the Bloomington Municipal Code, by the adoption of the same in substantially the same form as the attached Exhibit "A".
2. The Secretary of the Utility Service Board is hereby directed to present a copy of this Resolution to the Clerk of the City for presentation to the Common Council as soon as may be done.

PASSED AND ADOPTED THIS 30 **DAY OF** June, 2025.

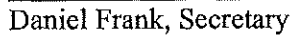
CITY OF BLOOMINGTON, INDIANA
By and Through its Utility Service Board

A handwritten signature in cursive script, appearing to read 'Seth Debro', is written over a horizontal line.

Seth Debro, President

ATTEST:

Daniel Frank

A handwritten signature in cursive script, appearing to read 'Daniel Frank', is written over a horizontal line.

Daniel Frank, Secretary

EXHIBIT "A"

ORDINANCE 2025-24

**TO ENACT TITLE 13
OF THE BLOOMINGTON MUNICIPAL CODE TITLED
"STORMWATER"**

- WHEREAS, the City of Bloomington, Indiana (the "City") has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the "Act"), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and
- WHEREAS, the City has established within the city wastewater utility the powers, duties and responsibility for the rates, construction, operation and maintenance of a stormwater utility in accordance with Indiana Code 36-9-23-37; and
- WHEREAS, in 2025, the State of Indiana enacted new legislation which alters the ability of local governmental entities such as Bloomington from regulating the runoff generated by soil disturbances under an acre; and
- WHEREAS, the changes made at the state level require local governmental entities to update their current ordinance language, administrative rules and other regulatory mechanisms to comply with this new legislation; and
- WHEREAS, City of Bloomington Utilities Staff recommends amendments to Title 13 of the Bloomington Municipal Code, titled – Stormwater, in response to this new legislation; and
- WHEREAS, the Utilities Service Board considered these proposed amendments to Title 13 - Stormwater, found the proposed amendments appropriate and necessary, and resolved to recommend these amendments be presented to the Common Council for adoption in substantially the same form. A copy of the resolution is attached as **Exhibit "A"**; and
- WHEREAS, the proposed amendments to Title 13 of the Bloomington Municipal Code, titled– Stormwater, have been duly considered by the Common Council of the City of Bloomington.

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

SECTION I. Section 13.01.010(a) shall be amended in the first sentence of the first paragraph in its entirety to read as follows:

(a) Authority.

There is hereby established within the city wastewater utility the powers, duties, and responsibility for construction, operation, and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23 et seq., Indiana Code 36-1-3 ("Home Rule"), Indiana Code 36-9-28.5, and further as required by Phase II of the National Pollutant Discharge Elimination System Stormwater (NPDES) program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). The boundaries of the stormwater utility are that of the corporate boundaries of the City of Bloomington; said boundaries may be amended or extended with the approval of the City of Bloomington Utilities (CBU) Utilities Service Board (USB).

SECTION II. Section 13.01.020(a) shall be amended in its entirety to read as follows:

(a) Purpose.

The purpose of this SMO is to regulate stormwater and non-stormwater discharges to the storm drainage system in order to provide for the health, safety, and general welfare of the citizens of the City of Bloomington. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

- (1) To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- (2) To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- (3) To regulate the contribution of pollutants to the stormwater drainage system from runoff from new development and redevelopment.
- (4) To prohibit illicit discharges into the stormwater drainage system.
- (5) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.
- (6) To ensure the appropriate design, construction, and maintenance of stormwater drainage facilities and systems.
- (7) To ensure the appropriate design, construction, and maintenance of stormwater quality facilities and systems.
- (8) To regulate and inspect post-construction drainage facilities.
- (9) To enforce Operation and Maintenance Plans.
- (10) To clarify stormwater development standards.
- (11) To establish a Stormwater Management Permit process.

SECTION III. Section 13.01.030(a)(2)(B)(i) shall be amended in its entirety to read as follows:

- (i) Where permitted, whenever a provision of this SMO imposes a greater restriction or a higher standard than is required by any state or federal law or regulation, or other county or City ordinance or regulation, the provision of this SMO shall apply.

SECTION IV. Section 13.03.010(a) shall be amended in its first sentence to read as follows:

- (a) Applicability. Pursuant to the provisions of the MS4GP, this Chapter shall apply to all discharges, including illegal discharges, entering the storm drain system under the control of the City of Bloomington, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site.

SECTION V. Section 13.03.040(a) shall be amended in its second paragraph to read as follows:

CBU is authorized to require dischargers to implement, at the discharger's expense, pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Bloomington stormwater drainage system, including additional structural and nonstructural BMPs.

SECTION VI. Section 13.04.010(b) shall be amended in its entirety to read as follows:

(b) Applicability

The requirements of this Chapter shall apply to any development, redevelopment, or land-disturbing activity which is required to obtain a Stormwater Management Permit pursuant to Section 13.08.020(b). Additional development-specific applicability is outlined in each section below, when applicable.

SECTION VII. Section 13.04.030 shall be amended in its entirety to read as follows:

(a) Purpose

The purpose of this section is to mitigate the impact of stormwater runoff from hot spot developments.

(b) Applicability

All projects which are required to obtain a Stormwater Management Permit and are creating a hot spot development. A parking lot is considered a hot spot development when there is the creation of a new parking lot at least 1,500 square feet in size, or an existing parking lot is expanded by at least 1,500 square feet.

(c) Exemptions

- (1) Single-family residential developments including duplexes, triplexes, and fourplexes.
- (2) The Assistant Director of the Engineering Division or their designee may determine that full compliance with 13.04.030 is not feasible. In such a case, compliance will be required to the extent possible as determined by the Assistant Director of the Engineering Division or their designee.

(d) Water Quality Treatment Requirements for Hot Spot Land Uses

The development of hot spot land uses shall include water quality treatment BMPs, sufficient to treat the proposed pollutants. Refer to the Stormwater Design Manual for BMP specifications.

(e) Bioretention Standards in Parking Lots

Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while incorporating green infrastructure into parking lots.

- (1) Parking lots shall be constructed such that the Water Quality Volume (WQv) is directed into bioretention facilities located in the interior of or immediately adjacent to the parking lot. Refer to the Stormwater Design Manual for determining WQv and BMP specifications.
- (2) Bioretention facilities shall be located below the grade of the parking lot to facilitate runoff to flow into the facilities.
- (3) Bioretention facilities shall be vegetated with appropriate perennials, grasses, shrubs, and/or trees that comply with Section 13.04.050.
- (4) Bioretention facilities shall comply with the City of Bloomington Stormwater Design Manual. Shrubs shall be planted at least five (5) feet from any underdrain; trees shall be planted at least 10 feet from any underdrain.

SECTION VIII. Section 13.04.050 shall be amended in its entirety to read as follows:

(c) Planting Requirements

Planting of vegetation may be required as part of a post-construction BMP. Both BMP specific requirements as well as general requirements can be found in the Stormwater Design Manual.

SECTION IX. Section 13.05.010(a) shall be amended in its entirety to read as follows:

(a) Applicability

- (1) This section applies to all land disturbing activity within the City of Bloomington. 13.05.030 provides guidelines for calculating land disturbance and additional descriptions of land disturbing activities.
- (2) A Stormwater Pollution Prevention Plan (SWPPP) is required for any project site which requires CSGP coverage. An Erosion and Sediment Control Plan (ESCP) is required for any project site which involves the disturbance of 2,500 square feet or more of ground surface but does not require CSGP coverage. 13 Refer to the City of Bloomington Stormwater Design Manual for determination of CSGP coverage, and for SWPPP and ESCP requirements.
- (3) City-owned projects are subject to this Chapter 13.05. The SWPPP, when required, shall be submitted to CBU's MS4 staff for review and a determination made as to whether the plan meets the minimum requirements of the CSGP prior to submission to the review authority.

SECTION X. Section 13.05.010(b)(6) shall be amended in its entirety to read as follows:

- (6) Single-family residential developments including duplexes, triplexes, and fourplexes that disturb under an acre of land or that are not part of a larger common plan for development or sale that would otherwise disturb at least one acre of land.

SECTION XI. Section 13.05.030(a)(3) shall be amended in its entirety to read as follows:

- (3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - (A) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are one-half acre or more, a minimum of one-half acre of land disturbance must be used as the expected lot disturbance.
 - (B) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are less than one-half acre in size, the total lot must be calculated as being disturbed.
 - (C) To calculate lot disturbance on all other types of project sites, including but not limited to industrial and commercial projects sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance regardless of lot size.

SECTION XII. Section 13.05.040 shall be amended as follows:

1. The title shall now be called Erosion and Pollution Prevention and Elimination Requirements
2. Section (a) shall now read as follows:
 - (a) All project sites undergoing land disturbing activities, regardless of size, shall prevent the illicit discharge of pollutants off-site or conveyed into any stormwater drainage system, either by wind or water in accordance with the MS4GP and the CSGP. All land disturbing activities shall be protected by best management practices. Best management practices may include, but are not limited to, silt or erosion-control fences, filter socks, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.
3. Section (b) shall now read as follows:
 - (b) For land-disturbing activities that include or occur adjacent to environmentally sensitive areas, including but not limited to steep slopes, karst features, floodplain, wetlands, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, may be required, as determined by the CBU Director or their designee in accordance with the MS4GP and CSGP.

SECTION XIII. Section 13.05.050(a) shall be amended in its entirety to read as follows:

- (a) Following approval of the Stormwater Management Permit and commencement of construction activities, CBU shall have the authority to conduct inspections in accordance with Section 13.09.040(a) of the project site to ensure full compliance with this chapter, the City of Bloomington Stormwater Design Manual, the terms and conditions of the approved Stormwater Management Permit, if applicable.

SECTION XIV. Section 13.06.010(a) shall be amended in its entirety to read as follow:

- (a) Applicability
Projects receiving a Stormwater Management Permit pursuant to Section 13.08.020(b) are subject to this section.

SECTION XV. Section 13.06.020 shall be amended in its entirety to read as follows:

13.06.020 Policy on Post-Construction Stormwater Management

- (a) Developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts, and other pollutants. As new development and re-development continues in Bloomington, measures must be taken to promote runoff volume reduction, runoff detention, infiltration of stormwater into the ground (where appropriate), and interception and filtration of pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers and wetlands. Through the use of BMPs, harmful amounts of sediment, nutrients, and contaminants will be removed from stormwater runoff.
- (b) Post-construction stormwater management measures are incorporated as permanent features into construction projects and are left in place following completion of construction activities to continuously treat and detain stormwater runoff from the stabilized site. The following will be implemented as a minimum:
 - (1) Stormwater detention and quantity control as required by the Stormwater Design Manual.
 - (2) The control of stormwater quality as required by the Stormwater Design Manual.
 - (3) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size of disturbance, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.
 - (4) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.
 - (5) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.
 - (6) Outfalls must be designed to reduce outfall scouring, bank erosion, and head-cutting.

SECTION XVI. Section 13.07.040 shall be inserted as a new section to the Title as follows:

13.07.040 Culverts and Ditches

(a) Driveway Culverts.

Any new construction or change in type of business or land use of an existing property whenever a proposed driveway or use shall connect to or join any public road, street or highway or other public right-of-way in the City or whenever any person desires to construct a culvert under any such driveway connecting to or joining any public road, street or highway or other right-of-way in the town, said driveway culvert shall be constructed and installed at the expense of the property owner to provide adequate drainage at a minimum size of no less than 12 inches and in no case less than that specified by CBU in accordance with its Design Manual.

(c) Maintenance of Driveway Culverts and Ditches

Each property owner shall regularly perform general maintenance activities regarding any and all ditches, culverts and/or inlet clean outs to ensure proper storm water drainage on and across their property.

SECTION XVII. Section 13.08.020(a)(2)(C) shall be amended in its entirety to read as follows:

- (C) Refer to the CBU Stormwater Design Manual for additional requirements.

SECTION XIII. Section 13.08.020(b) shall be amended in its entirety to read as follows:

- (b) Stormwater Management Permit
 - (1) Purpose

The purpose of the Stormwater Management Permit and procedure is to mitigate the environmental impact of development and to protect the water quality of the City of Bloomington and surrounding areas. This permit and procedure is a mechanism to ensure compliance with the MS4GP and this SMO by providing a thorough review and permitting process as well as inspection and close-out process for all construction activities which affect stormwater

(2) Applicability

- (A) No land-disturbing activity, development, or re-development of land that is subject to this chapter shall occur unless a Stormwater Management Permit has been issued except as exempted in 13.08.020(b)(3), below.
- (B) New retail gasoline outlets and new MS4-owned fueling areas or those that replace their existing tank systems, regardless of size, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater run-off.

(3) Exemptions

- (A) Land-disturbing activity that is cumulatively less than 2,500 square feet.
- (B) Land-disturbing activity on a single-family residential lot or lots containing duplexes, triplexes, and fourplexes, that is less than one acre and not part of a larger common plan for development or sale.
- (C) City of Bloomington infrastructure projects that disturb less than one acre of land and have a negligible effect on the stormwater system, as determined by the Assistant Director of the Utilities Engineering Division or their designee after considering the following factors:
 - (i) Existing and proposed impervious surfaces,
 - (ii) Existing and proposed facilities that adequately achieve detention and water quality requirements,
 - (iii) Proximity to sensitive hydrological features,
 - (iv) Size of the project, and
 - (v) Any other adverse impacts the project may reasonably have on the MS4.
- (D) Projects which are already regulated by a MS4 other than the City of Bloomington (e.g. Indiana University and Indiana Department of Transportation).
- (E) Activities exempted under 13.05.010(b).

(4) Additional Requirements

- (A) Compliance with the standards of this SMO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in the Indiana Administrative Code, The Indiana Department of Environmental Management, all applicable provisions of the Bloomington Municipal Code, and all applicable rules, regulations, standards, and specifications of any City Department regarding development, redevelopment, or land-disturbing activity.

(5) Stormwater management Permit Process

The Stormwater Management Permit (SMP) process will be similar for all projects and will be simplified for sites not requiring CSGP coverage. Refer to the Stormwater Design Manual for information on the applicability of the CSGP and SMP application process details.

(A) Submittal Requirements

- (i) Completed Stormwater Management Permit application.
- (ii) Full set of sealed construction plans that include the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iii) Stormwater Drainage Report that includes the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iv) For projects requiring new or modified stormwater infrastructure or BMPs, a draft operation and maintenance plan and a performance bond estimate prepared by a licensed engineer.

(B) Plan Review

Once the application is deemed substantially complete, the following will take place:

- (i) Review will be conducted by CBU and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. The applicant may be required to resubmit materials for additional review.
- (ii) The applicant may not submit the NOI to IDEM (if applicable) or commence land-disturbing activities until the Stormwater Management Permit is issued.

(C) Permit Issuance

The Stormwater Management Permit will be issued after the submittal review is completed, all fees are paid, and a preconstruction meeting has been held. In issuing a Stormwater Management Permit, CBU may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner is responsible for compliance with this chapter, the City of Bloomington Stormwater Design Manual, the CSGP (as applicable), and these terms and conditions.

(D) Post-Permit Issuance

(i) Duration

- (a) The Stormwater Management Permit shall remain active until the permit is closed via written notice from CBU, or if (b) below is met.
- (b) The Stormwater Management Permit shall expire 365 days after issuance if earth-disturbing activities have not yet taken place unless an extension is granted by the Director.
- (c) If a project that has received a Stormwater Management Permit and has begun earth-disturbing activities but then becomes inactive for a period of 180 days or longer, the Stormwater Management Permit shall expire. A new Stormwater Management Permit shall be obtained before work resumes.

(ii) Changes or Amendments

- (a) The Stormwater Management Permit Applicant shall submit revisions or amendments to an approved permit for consideration by the local, state, and federal authorities having jurisdiction prior to installation of such revisions or amendments. A revision or amendment to an approved Stormwater Management Permit shall only be authorized upon review and written approval by all local, state, and federal authorities having jurisdiction.
- (b) CBU reserves the right to require the responsible parties to remove any and all unapproved improvements which may impact stormwater at the responsible parties' expense.

(iii) Termination of the Permit

The Stormwater Management Permit shall terminate when either the permit expires in accordance with Section 13.08.020(b)(3)(D)(i) or the permitted project receives written notification from CBU that the permit has been closed in accordance with Section 13.08.050.

SECTION XIX. Section 13.08.020(c)(2) shall be amended in its entirety to read as follows:

(2) Applicability

This Section 13.08.020(c) governs easements that are:

- (A) Required and/or granted pursuant to a provision of this SMO;
- (B) Permitted or required as a commitment or condition of approval for unplatted drainage and/or utility easements;
- (C) Previously dedicated unplatted Drainage and/or Utilities Easements; or
- (D) Any other instances in which an easement would be required by CBU.

SECTION XX. Section 13.08.020(c)(3)(B) shall be amended in its entirety to read as follows:

(B) Drainage and/or Utilities Easements shall be required for:

- (i) Private stormwater drainage systems that drain the right-of-way or two or more lots; and
- (ii) Private retention/detention facilities, and water quality infrastructure.

SECTION XXI. Section 13.08.030(a) shall be amended in its entirety to read as follows:

(a) Purpose

Financial assurances are provided so that CBU has a mechanism to ensure that all stormwater infrastructure, erosion controls, and post-construction BMPs are installed in compliance with the MS4GP, CBU policies, and this SMO and function properly.

SECTION XXII. Section 13.08.030(c) shall be amended in its entirety to read as follows:

(c) Performance Bond Requirements

- (1) Financial assurances shall be in the form of a performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to CBU. Assurance shall be made out to the City of Bloomington.
- (2) Said performance bond shall guarantee a good faith execution of the construction plan and any other conditions of plan approval including proper installation of all approved stormwater infrastructure.
- (3) The total performance bond shall be for the cost of installation, plus a 25% contingency, of stormwater improvements including all stormwater drainage systems, detention/retention facilities, and stormwater management BMPs as regulated under this SMO. The intent of this performance bond is not only to complete the installation of stormwater infrastructure for the project as specified by the City.
- (4) Performance bonds shall be kept current until the Stormwater Management Permit is closed. Delinquent performance bonds or other assurances will result in enforcement as detailed in Section 13.08.050 Enforcement and Penalties.
- (5) CBU may make a claim against the performance bond to complete all necessary work, after giving notice and opportunity for compliance.
- (6) Following issuance of a Certificate of Completion, the performance bond may be released and a maintenance bond shall be posted.

SECTION XXIII. Section 13.08.040(b)(3) shall be amended in its entirety to read as follows:

(3) Applicability

An application for a Certificate of Completion may be submitted to CBU when a project in accordance with Section 13.08.040(b)(2) is believed by the responsible parties to be complete. The application must be complete in order for a Certificate of Completion to be issued.

SECTION XXIV. Section 13.08.040(b)(5)(D) shall be amended in its entirety to read as follows:

- (D) Any drainage and utility easements, in accordance with Section 13.08.020(c), shall be recorded with the Monroe County Recorder's Office. A copy shall be delivered to CBU in a format that is acceptable to CBU staff. Any cost incurred by recording the easement document shall be incurred by the grantor.

SECTION XXV. Section 13.08.050(b)(2) shall be amended in its entirety to read as follows:

- (2) Any violation as defined herein is hereby declared a common and public nuisance, and any responsible party as defined in Section 13.08.050(e)(1) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

SECTION XXVI. Section 13.08.050(b)(3) shall be amended in its entirety to read as follows:

- (3) Any violation shall be subject to the penalties and remedies provided in Section 13.08.050(d), and CBU shall have recourse to any remedy available in law or equity.

SECTION XXVII. Section 13.08.050(b)(5) shall be amended in its entirety to read as follows:

- (5) The City Legal Department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 13.08.050; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this SMO or any condition, requirement, or commitment established in connection with this SMO. All costs connected therewith shall accrue to the responsible parties. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, any and all penalties levied by the EPA or IDEM for violations of CBU's NPDES permit and/or the MS4GP, attorney's fees, and other costs and expenses.

SECTION XXVIII. Section 13.08.050(b)(6)(C) shall be amended in its entirety to read as follows:

- (iii) Issue a stop work order (with at least 72 hours notice in the case of violations of 13.05.040, unless the violation causes a public health hazard or a safety hazard, in which case the stop work order is immediately effective);

SECTION XXIX. Section 13.08.050(f)(2)(B) shall be amended in its entirety to read as follows:

- (B) The Appeals section of this SMO shall not apply to fines levied under the authority of Section 13.08.050(d). Such fines levied for violations of this SMO may be challenged in the Monroe County Circuit Court.

SECTION XXX. Section 13.08.050(f)(3)(A) shall be amended in its entirety to read as follows:

(A) Time Limit

Notice of an appeal shall be made in writing to CBU no later than seven business days from receipt of the written order or ruling.

SECTION XXXI. Section 13.09 shall be amended as follows:

1. By adding the following definitional term in alphabetical order with the other definitions:

"Hot Spot Development" means projects involving land uses considered to be high pollutant producers such as parking areas, vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

2. By amending the definition of "Redevelopment" to read as follows:

"Redevelopment" means alterations of property that change a site's layout.

SECTION XXXII. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION XXXIII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

Hopi Stosberg, 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 _____, 2025.

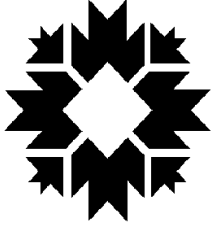
Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2025.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

City of Bloomington Utilities Department regulates soil disturbances within the city limits of the City of Bloomington pursuant to the Indiana Department of Environmental Management Construction Stormwater General Permit (CSGP). The CSGP gave broad latitude to local governmental entities to regulate these disturbances as strict or more strictly than the CSGP. In 2025 the Indiana State Legislature passed House Enrolled Act 1037 which created a new statute under the Indiana Code. This new statute, I.C. 36-1-3-14, impacts the "Home Rule" authorities given to local governmental entities through the CSGP. Particularly, I.C. 36-1-3-14 limits some regulation of the CSGP to only those sites where soil disturbance is at or greater than one acre. Because of this statute, CBU is required to update Title 13 to take into account these new restrictions on regulation.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: City of Bloomington Common Council
FROM: Kelsey Thetonia, Assistant Director – Environmental Programs, City of
Bloomington Utilities Department
Christopher J. Wheeler, Assistant City Attorney
RE: Proposed Ordinance 2025-24 for Amendments to Title 13 of the Bloomington
Municipal Code
DATE: July 1, 2025

INTRODUCTION

The City of Bloomington Utilities Department recommends updates to Title 13 of the City of Bloomington Municipal Code for the following reasons:

1. To meet compliance requirements set forth in House Enrolled Act 1037 which prohibits local governmental entities from adopting laws that are more stringent than or exceed in any manner the requirements of the CSGP, including financial assurances and any post-construction drainage reports.
2. To address areas of Title 13 that need clarification and to address typographical/scrivener errors.
3. To install new provisions for driveway culverts and hot spot development areas.

DISCUSSION

1. House Enrolled Act 1037:

The City of Bloomington Utilities Department, by and through its Stormwater Utility (“CBU”), regulates, among other things, soil disturbances within the city limits of the City of Bloomington pursuant to the Indiana Department of Environmental Management (IDEM) Municipal Separate Storm Sewer System General Permit (MS4GP). The MS4GP gives local MS4’s broad latitude to regulate soil disturbances as or more strictly than the IDEM’s Construction Stormwater General Permit (CSGP). During the first regular session of the 124th General Assembly (2025), the Indiana State Legislature, in an attempt to pull back some of the “Home Rule” granted through the CSGP, passed House Enrolled Act 1037. House enrolled act 1037, through the creation of I.C. § 36-1-3-14, prohibits local governmental entities from adopting laws that are more stringent than or exceed in any manner the requirements of the CSGP, including financial assurances and post-construction drainage

reports. Because of this new statute, which became effective on May 1, 2025, CBU is now required to update Title 13 to take into account these new restrictions on regulation.

2. Clarifications and Corrections:

Title 13 was adopted in 2024 and became effective on July 1, 2024. After one year in operation CBU has identified areas of the Title that are in need of clarification or correction. These changes are in large part based on feedback that CBU received over the past 12 months from the design community. These changes are intended to eliminate confusion while providing a clearer explanation of the intended goals for the Title. Not all feedback received has been incorporated in this 2025 update. CBU continues to consider feedback from the design community and will continue working to incorporate suggests and make clarifications.

3. New Text:

This ordinance codifies a longstanding practice at CBU to require private property owners to be responsible for installation and maintenance of driveway culverts. It also establishes provisions for identification and regulation of hot spot developments in order to help prevent illicit discharge (runoff pollutants) from entering the Municipal Separate Storm Sewer System. This water quality treatment requirement isn't new, but the 'hot spot' language clarifies the Title's priority for addressing pollution generated from certain land uses.

OVERVIEW OF THE PROPOSED AMENDMENTS TO TITLE 13

A breakdown of the amendments you will find in proposed Ordinance 2025-24 are as follows:

13.01 Ordinance Foundation:

- Adding the authority of Indiana Code 36-9-28.5, which allows a municipality to establish policies for the "management of stormwater runoff from developed real property."

13.03 Prohibited Discharges and Connections:

- Adding clarification in 13.03.040 that the City can require a discharger, at the discharger's expense, to utilize best management practices (BMPs) to prevent or reduce the discharge of pollutants.

13.04 Stormwater Development Standards:

- Modifying Section 13.04.030 to include a requirement for water quality treatment for certain 'hot spot' developments to address illicit discharges from land uses with a high potential for stormwater pollution, and clarifies the applicability for bioretention in parking lots. The 'hot spot' terminology is taken from Purdue University's model stormwater ordinance that has been adopted by many MS4s in Indiana.

13.05 Construction Site Stormwater Control:

- Section 13.05.010(a)(2) adds clarification of plan requirements for sites requiring CSGP coverage (sites 1 acre or more) and those that do not require CSGP coverage.

- Removing Section 13.05.040(aa) regarding plastic netting and asking the Planning and Transportation Department to adopt this clause as part of the UDO's Landscaping, Buffering, and Fences Section (20.04.080). CBU staff recognize that this requirement is not listed in the CSGP, and that it is better suited to be handled as a landscaping material requirement.

13.07 Stormwater Management Facilities Post-Construction Maintenance and Inspection

- Adding a new section, 13.07.040, which clarifies the ownership and maintenance duties for driveway culverts located within City right-of-way.

13.08 Administration and Procedures:

- Revising permit requirements for sites that disturb less than an acre in Section 13.08.020(b)(5).
- Clarifying the requirements for drainage easements on private property in Section 13.08.020(c)(3)(B).

Removing the requirement for erosion control bonds for all projects from Section 13.08.030(a) and 13.08.030(c). **13.09 Definitions:**

- Adding a definition for "Hot Spot Development," which was adapted from Purdue University model stormwater ordinance.
- Modifying the definition of "Redevelopment" to remove its inconsistency with Stormwater Management Permit requirements.

Staff also corrected multiple errors, added clarifications, and incorporated several revisions based on feedback that CBU received over the past 12 months from the design community.

FISCAL IMPACT

There is no appreciable fiscal impact to CBU or its customer base for any of the proposed amendments related to the administration of the Stormwater Management Permit. The permit process has been clarified, and the main benefit will be to small construction sites that will experience a simplified permit procedure, which may decrease review times for certain projects

The fiscal impact related to MS4 program operations is unclear at this time. A decrease in planning and preparedness for erosion and sediment controls on small construction sites may save some time during the planning process. However, these changes may require more CBU staff time and/or a need for additional staff to inspect and enforce illicit discharges from small construction sites.

No fiscal impact to CBU is anticipated with the removal of the requirement to include active construction site erosion controls in a project's performance bond, and this change will provide a minor benefit to permit applicants.

If you have any questions or concerns, please feel free to reach out to either Kelsey Thetonia at 812-349-3656, thetoniak@bloomington.in.gov, or Christopher J. Wheeler at 812-349-3549, wheelech@bloomington.in.gov.

Title 13

Stormwater

Chapters:

- 13.01 Ordinance Foundation**
- 13.02 Stormwater Rates and Charges**
- 13.03 Prohibited Discharges and Connections**
- 13.04 Stormwater Development Standards**
- 13.05 Construction Site Stormwater Control**
- 13.06 Post-Construction Stormwater Control**
- 13.07 Stormwater Management Facilities Post-Construction Maintenance and Inspection**
- 13.08 Administration and Procedures**
- 13.09 Definitions**

Chapter 13.01

Ordinance Foundation

Sections:

- 13.01.010 Authority and Title**
- 13.01.020 Purpose and Intent**
- 13.01.030 Interpretation and Conflicting Provisions**

13.01.010 Authority and Title

(a) Authority.

There is hereby established within the city wastewater utility the powers, duties, and responsibility~~ies~~ for construction, operation, and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23 et seq., by Indiana Code 36-1-3 (“Home Rule”), Indiana Code 36-9-28.5, and further as required by Phase II of the National Pollutant Discharge Elimination System Stormwater (NPDES) program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management’s (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management’s Construction Stormwater General Permit (CSGP). The boundaries of the stormwater utility are that of the corporate boundaries of the City of Bloomington; said boundaries may be amended or extended with the approval of the City of Bloomington Utilities (CBU) Utilities Service Board (USB). Based on this authority and these requirements, this Ordinance regulates:

- (1) Discharges of prohibited non-stormwater flows into the stormwater system.
- (2) Stormwater drainage improvements related to development of lands located within the corporate boundaries of the City of Bloomington.
- (3) Drainage control systems installed during new construction and grading of lots and other parcels of land.
- (4) Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with land disturbing activity.
- (5) Stormwater discharges from construction support activities directly related to construction sites subject to this Ordinance.
- (6) Erosion and sediment control systems installed during land disturbing activities including but not limited to new construction, re-development, and grading of lots and other parcels of land.
- (7) The design, construction, and maintenance of stormwater drainage facilities and systems.
- (8) The design, construction, and maintenance of stormwater quality facilities and systems.
- (9) The design, construction, and maintenance of new dams.
- (10) The development downstream of existing dams.
- (11) Development within or adjacent to floodplains, as that term is defined by the State of Indiana Department of Natural Resources, floodways, as that term is defined by the State of Indiana Department of Natural Resources, fluvial Sensitive area, erosion hazard corridors, karst buffers, steep slopes, riparian buffers, and any other hydrologically sensitive areas.

CBU shall administer, implement, and enforce the provisions of this Title. Any powers granted or duties imposed may be delegated in writing by the CBU Director or their designees.

- (b) Title. This Ordinance shall be known and may be cited as the City of Bloomington Stormwater Management Ordinance (SMO).

13.01.020 Purpose and Intent.

(a) Purpose.

The purpose of this SMO is to regulate stormwater and non-stormwater discharges to the storm drainage system in order to provide for the health, safety, and general welfare of the citizens of the City of Bloomington. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements. The objectives of this ~~Chapter~~ Ordinance are:

- (1) To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- (2) To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- (3) To regulate the contribution of pollutants to the stormwater drainage system from runoff from new development and redevelopment.
- (4) To prohibit illicit discharges into the stormwater drainage system.
- (5) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.
- (6) To ensure the appropriate design, construction, and maintenance of stormwater drainage facilities and systems.
- (7) To ensure the appropriate design, construction, and maintenance of stormwater quality facilities and systems.
- (8) To regulate and inspect post-construction drainage facilities.
- (9) To enforce Operation and Maintenance Plans.
- (10) To clarify stormwater development standards.
- (11) To establish a Stormwater Management Permit process.

(b) Applicability.

- (1) The effective date of this SMO is July 1, 2024.
- (2) Upon the effective date and thereafter, no development, redevelopment, or land-disturbing activities shall occur except in accordance with the provisions of the SMO and the City of Bloomington Utilities Rules, Regulations and Standards of Service.
- (3) This SMO shall read in terms of and shall be interpreted to include as an integral part thereof, any and all other provisions of the Bloomington Municipal Code which are necessary for an understanding of this SMO and the attainment of its purposes.

(c) Jurisdiction.

This SMO shall apply to all land within the incorporated City of Bloomington.

(d) Severability.

If any of the provisions of this SMO are declared invalid, the other provisions shall remain in full force and effect.

13.01.030 Interpretation and Conflicting Provisions

(a) Rules of Interpretation.

(1) Minimum Requirements.

The provisions of this SMO shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this SMO, these provisions shall be held to be the minimum requirements for the protection and the promotion of public health, safety, ecosystem, services, and general welfare.

(2) Conflicts or Inconsistency.

(A) Internal.

Unless otherwise specifically stated within this SMO, and unless the context clearly indicates the contrary, if two or more provisions of this SMO are in conflict or are inconsistent with each other, then the most restrictive provision shall apply.

(B) Federal, State and Local.

- i) Where permitted, ~~W~~ whenever a provision of this SMO imposes a greater restriction or a higher standard than is required by any state or federal law or regulation, or other county or City ordinance or regulation, the provision of this SMO shall apply.
- ii) Whenever a provision of any state or federal law or regulation, or other county or City ordinance or regulation imposes a greater restriction or a higher standard than is required by this SMO, the provision of the state or federal law or regulation, or other county or City ordinance or regulation shall apply.

C) Other.

- i) This section shall not be interpreted to mean that the City is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar restrictions; rather, the City shall make an effort to respect such agreements, and this SMO shall not have the effect of abrogating or annulling any such private restriction(s).
- ii) Where this SMO imposes a greater restriction or a higher standard than is required by a private covenant, contract, commitment, agreement, or other similar private land use restriction, the provisions of this SMO shall govern.

(3) Text to Govern.

In case of any difference of meaning or implication between the text of this SMO and any caption, illustration, figure, or illustrative table, the text shall govern.

(4) Illustrations.

All illustrations in this SMO are intended to help the reader understand terminology and concepts used in this SMO. Unless otherwise indicated, illustrations are not drawn to scale and are not to be interpreted as examples of character or design that must be matched.

(5) Time Frames.

Any time frames stated within this SMO shall be calculated to include weekdays, weekends, and holidays, unless stated otherwise. If a time frame ends on a Saturday, Sunday, or holiday on which the City offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within this SMO.

(6) Delegation of Authority.

If a provision in this SMO requires the CBU Director or other City official to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.

(7) Rules of Word Usage.

The following rules of word usage apply to the text of this SMO:

- (A) The particular shall control the general.
- (B) The words “shall” and “must” are always mandatory and are not discretionary. The words “may” and “should” are permissive.
- (C) Unless the context clearly indicates otherwise, words used in a specific tense (past, present, or future) shall be construed to include all tenses; words used in the singular number shall include the plural, and the plural the singular; and, use of gender-specific pronouns shall be interpreted so as not to be limited to a particular gender.
- (D) A “building” or “structure” includes any part thereof unless the context clearly indicates otherwise.
- (E) Unless the context clearly indicated the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:
 - i) “And” indicates that all the connected items, conditions, provisions, or events shall apply.

- ii) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- iii) “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- iv) The word “includes” shall not limit a term to the specific examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Chapter 13.02

Stormwater Rates and Charges

Sections:

13.02.010	Rates Generally
13.02.020	Rates - Biennial review
13.02.030	Rates
13.02.040	Billing
13.02.050	Delinquencies - Late payment charge
13.02.060	Liens for nonpayment

13.02.010 Rates Generally.

Rates or charges shall be collected for the use of and the service rendered by the utility from the owners of each and every parcel of real estate located within the MS4 boundary.

13.02.020 Rates - Biennial review.

Not less than every two years, the USB shall review the stormwater contribution of users and user classes, the total cost of operation and maintenance of the treatment works, and its user charge system. The USB shall, subject to enactment by the common council, revise the charges for users and user classes to maintain the proportionate distribution of operation and maintenance costs among the user and user classes and to generate sufficient revenue to pay the total operation and maintenance costs necessary for proper operation and maintenance of the treatment system, bond payments, and routine improvements.

13.02.030 - Rates.

- (a) The rates and charges of the stormwater utility shall be as follows:

The stormwater system user fee is applicable to all CBU customers with accounts within the stormwater service area. All customers classified by CBU as being single-family residential (SFR) shall pay a monthly SFR base charge. All non SFR customers shall be charged based upon the amount of runoff generated by the customer or the monthly SFR base charge, whichever is greater. The amount of runoff subject to the stormwater utility rate for all non SFR customers shall be determined by a calculation based upon the following formula, minus any credits, as approved by the utilities service board:

$$\text{SFR base charge} \times \frac{\text{Runoff generated by non SFR customer}}{\text{Runoff generated by the average SFR customer}}$$

The monthly SFR base charge shall be \$7.50.

- (b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code, and the city utilities department “Rules, Regulations and Standards of Service” which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for stormwater utility services.

13.02.040 Billing.

Rates and charges shall be billed monthly and shall be due according to the collection policy as adopted by the Utility Service Board.

13.02.050 Delinquencies - Late payment charge.

In the event a net bill is not paid within 17 days from the mailing of the bill, it shall become a delinquent bill and a late payment charge may be added in the amount permitted by applicable state laws and regulations.

13.02.060 Liens for nonpayment.

In addition to any other method of collection of rates and charges, including the late payment charge, CBU may foreclose liens on property when rates and charges become delinquent. CBU may recover the amount due, the penalty, and reasonable attorney's fees in the manner provided by Indiana Code § 36-9-23-31.

Chapter 13.03

Prohibited Discharges and Connections

Sections:

13.03.010	Applicability and Exemptions
13.03.020	Responsibility for Administration
13.03.030	Ultimate Responsibility
13.03.040	Prohibited Discharges and Connections
13.03.050	Exempted Discharges and Connections
13.03.060	Storage of Hazardous and/or Toxic Material
13.03.070	Spill Notification and Reporting
13.03.080	Inspections, Sampling and Monitoring
13.03.090	Suspension of MS4 Access

13.03.010 - Applicability and Exemptions

- (a) Applicability. Pursuant to the provisions of the MS4GP, this Chapter shall apply to all discharges, including illegal discharges, entering the storm drain system under the control of the City of Bloomington, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.
- (b) Exemptions.
- (1) Any non-stormwater discharge permitted under an NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws, and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system is exempted from this section.
- (2) Stormwater runoff from agricultural, timber harvesting, and mining activities is exempt from the requirements of this chapter unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are not included in this exemption.

13.03.020 - Responsibility for Administration

CBU shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed may be delegated by the CBU Director to their designees.

13.03.030 - Ultimate Responsibility

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

13.03.040 - Prohibited Discharges and Connections

- (a) Prohibited Discharges. No person shall discharge or cause to be discharged to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, knowingly or unknowingly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater through the use of best management practices (BMPs).

CBU is authorized to require dischargers to implement, at the discharger's expense, pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Bloomington stormwater drainage system, including additional structural and nonstructural BMPs.

(b) Prohibited connections

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4, or allows such connection to continue.

13.03.050 - Exempted Discharges and Connections

(a) Notwithstanding other requirements of this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this section:

- (1) Water line and hydrant flushing for maintenance;
- (2) Irrigation water;
- (3) Diverted streamflows;
- (4) Rising ground waters;
- (5) Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005 (20));
- (6) Uncontaminated pumped groundwater, including but not limited to residential sump pumps;
- (7) Discharges from potable water sources;
- (8) Footing, foundation, and crawl space drains (uncontaminated);
- (9) Storm sewer cleaning water (uncontaminated);
- (10) Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gasses or liquids;
- (11) Springs;
- (12) Residential car washing;
- (13) Non-commercial car washing by community organizations;
- (14) Dechlorinated/dibrominated residential swimming pool discharges not including discharges from saltwater swimming pools;
- (15) Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;
- (16) Fire suppression activities;
- (17) Naturally introduced detritus (e.g. leaves and twigs);
- (18) External building washdown water without detergents;
- (19) Discharges specified in writing by CBU as being necessary to protect public health and safety;
- (20) Dye testing shall only be permitted upon providing verbal notification to CBU prior to the time of the test;
- (21) Any non-stormwater discharge permitted under an NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws, and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system is exempted from this section.

13.03.060 Storage of Hazardous and/or Toxic Material.

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on a property must include protection and/or containment that prevents any such materials from entering any temporary or permanent stormwater conveyance or watercourse. This includes any private easements dedicated as stormwater conveyances.

13.03.070 Spill Notification and Reporting.

Notwithstanding any other requirements of law, as soon as any person responsible for a spill, or any person responsible for a facility or operation and/or responsible for emergency response for a facility or operation, has any information of any known or suspected release of materials which are resulting in or may result in a spill into stormwater, the storm drain system, or Waters of the United States, such person shall take all necessary steps to ensure the discovery, containment, and cleanup of such spill.

If the prohibited discharge contains hazardous material(s), the person identified above shall immediately notify emergency response agencies of the discharge via emergency dispatch services and shall immediately notify CBU and IDEM by phone. For all reportable spills of any nature, the person shall immediately notify CBU and IDEM by phone. Additionally, the person identified above shall also file a written report with CBU and IDEM within five (5) days of the prohibited discharge. The written report shall specify:

- (a) The name of the discharger;
- (b) The date, time and location of the discharge;
- (c) The composition of the discharge (including volume);
- (d) The cause of the discharge;
- (e) All measures taken to clean up the discharge, and all measures proposed to be taken to prevent any recurrence;
- (f) The name and telephone number of the person making the report, and the name and telephone number of any and all persons who may be contacted for additional information on the matter.

A properly reported prohibited discharge shall be an affirmative defense to a civil infraction proceeding brought under this Chapter against a discharger for such prohibited discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs, or to obtain other relief because of or arising out of the discharge. A prohibited discharge shall be considered properly reported only if the discharger complies with all requirements of this Chapter and the Indiana Spill Rule (327 IAC 2-6.1). This notification and reporting requirement does not relieve the discharger from notifying any other entities as may be required by state or federal regulations.

13.03.080 - Inspections, Sampling and Monitoring

(a) Access to Storm Drainage Systems

CBU has the authority to periodically inspect any portion of the storm drainage system privately owned and under CBU's control, in an effort to detect and eliminate prohibited connections and discharges into the MS4 system. Inspections may include a screening of discharges from outfalls connected to the system in order to determine if prohibited discharges are being conveyed into the MS4. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

(b) Access to Facilities

This section applies to all facilities that have stormwater discharges, including all facilities associated with industrial activity and/or construction activity.

- (1) CBU shall be permitted to enter and inspect facilities as often as may be necessary to determine compliance with this Chapter, including the inspection of any sampling and/or monitoring equipment installed at facilities. If a discharger has security measures in place which require particular identification and clearance before entry into its premises, then the discharger shall make the necessary arrangements to allow CBU access into and/or onto the facilities in a timely manner. Under no circumstances shall any security measures delay or inhibit CBU staff from performing inspections.
- (2) Facility operators shall allow CBU ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) CBU has the right to set up at any facility such devices as CBU, in its sole discretion, determines to be necessary to conduct sampling and/or monitoring of the facility's stormwater discharge.
- (4) CBU has the right to require the discharger to install, at the discharger's expense, any and all devices as CBU, in its sole discretion, determines are necessary to conduct sampling and/or monitoring of the facility's stormwater discharge. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure and/or sample stormwater flow and quality shall be calibrated at a minimum in accordance with manufacturer's specifications to ensure their accuracy.

- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the discharger.

(c) New Development and Redevelopment

Following the final completion of construction and the receipt and approval of as-built drawings by CBU, CBU has the authority to inspect new development and redevelopment sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this section.

(d) Industrial Activity Discharges

Any person subject to an industrial NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the CBU prior to the allowing of discharges to the MS4.

13.03.090 Suspension of MS4 Access.

(a) Suspension due to Prohibited Discharges in Emergency Situations

CBU may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, CBU may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(b) Suspension due to the Detection of Prohibited Discharge

Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. CBU will notify a violator of the proposed termination of its MS4 access.

(c) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval from CBU.

Chapter 13.04

Stormwater Development Standards

Sections:

- 13.04.010 Purpose and Applicability**
- 13.04.020 Green Infrastructure**
- 13.04.030 Surface Parking Lot Drainage**
- 13.04.040 Regional Detention**
- 13.04.050 Vegetation Standards**

13.04.010 Purpose and Applicability

(a) Purpose

The purpose of Section 13.04 is to support conscientious development that adequately manages stormwater quality and quantity, incorporates green infrastructure, and mitigates the impacts of stormwater runoff from development and increased impervious surface.

The City of Bloomington Utilities Stormwater Design Manual, referenced in this chapter, sets specific requirements for the control and conveyance of stormwater runoff, and outlines the requirements and methodology for the calculation and control of quantity and quality of runoff and its downstream impacts. Measures taken to control stormwater impacts shall assure that land disturbing activities and the addition of impervious surfaces minimizes impacts to downstream sewers, ditches, structures and receiving waters.

(b) Applicability

The requirements of this Chapter shall apply to any development, redevelopment, or land-disturbing activity which is required to obtain a Stormwater Management Permit pursuant to Section 13.098.020(b). Additional development-specific applicability is outlined in each section below, when applicable.

13.04.020 Green Infrastructure

(a) Purpose

Green infrastructure improves stormwater quality while often aiding in detention of stormwater. Green infrastructure also promotes urban cooling, provides native habitats and biodiversity, and adds aesthetic value within a city.

(b) Applicability

All projects required to obtain a Stormwater Management Permit shall comply with Section 13.04.020.

(c) Green Infrastructure Requirements

All permitted projects, in accordance with 13.04.020(b), shall provide green infrastructure as part of their post-construction measures. All green infrastructure shall:

- (1) Make up a percentage of post-construction water quality BMP, as measured by percentage of stormwater treated, per the Stormwater Design Manual.
- (2) Comply with all requirements in the Stormwater Design Manual, this Chapter, and CBU standards.

(c) Payment-In-Lieu

- (1) A payment-in-lieu of providing green infrastructure that meets 13.04.020 requirements may be authorized by an agreement with CBU and all payments will be deposited in the Green Infrastructure Fund.
- (2) The provisions of this Section 13.04.020(c) shall become effective no later than the effective date of the SMO, by which time administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law shall be adopted and publicly available in the CBU Rules and Regulations. The procedures used for calculating, collecting, accounting for, and spending shall be reviewed frequently and updated as market conditions change.

13.04.030 ~~Surface Parking Lot Drainage~~ Water Quality Treatment for Hot Spot Developments

(a) Purpose

The purpose of this section is to mitigate the impact of stormwater runoff from hot spot developments such as retail gasoline outlets, vehicle maintenance facilities, parking areas, and industrial sites. Refer to the Stormwater Design Manual for more information on hot spot developments. parking lots. Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while also incorporating green infrastructure into parking lots.

(b) Applicability

All projects which are: ~~(1) R~~required to obtain a Stormwater Management Permit; and are creating a hot spot development. A parking lot is considered a hot spot development when there is the creation of a new parking lot at least 1,500 square feet in size, or an existing parking lot is expanded by at least 1,500 square feet.

~~(2) —Expanding a surface parking lot by, or creating a surface parking lot that is, one thousand five hundred square feet or more.~~

(c) Exemptions

- (1) Single-family residential developments including duplexes, triplexes, and fourplexes.
- (2) The Assistant Director of the Engineering Division or their designee may determine that full compliance with 13.04.030~~(d)~~ is not feasible. In such a case, compliance will be required to the extent possible as determined by the Assistant Director of the Engineering Division or their designee.

(d) Water Quality Treatment Requirements for Hot Spot Land Uses

The development of hot spot land uses shall include water quality treatment BMPs sufficient to treat the proposed pollutants. Refer to the Stormwater Design Manual for BMP specifications.

(e) Bioretention Standards in Parking Lots

Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while incorporating green infrastructure into parking lots.

- (1) Parking lots shall be constructed such that ~~all surface water~~ the Water Quality Volume (WQv) is directed into bioretention facilities located in the interior of or immediately adjacent to the parking lot. Refer to the Stormwater Design Manual for determination of the WQv and for BMP specifications.
- (2) Bioretention facilities shall be located below the grade of the parking lot to facilitate runoff to flow into the facilities.
- (3) Bioretention facilities shall be vegetated with appropriate perennials, grasses, shrubs, and/or trees that comply with Section 13.04.050.
- (4) Bioretention facilities shall comply with the City of Bloomington Stormwater Design Manual. Shrubs shall be planted at least five (5) feet from any underdrain; trees shall be planted at least 10 feet from any underdrain.

13.04.040 Regional Detention

(a) Applicability

All proposed development that spans multiple parcels or proposed parcels or multi-phased projects may provide for regional detention and water quality in lieu of detention and water quality for individual parcels or phases.

(b) Submission Requirements

All proposals for regional detention shall include the submission of a drainage plan to CBU. The drainage plan shall include, but not be limited to, the following items:

- (1) Complete grading plan showing all proposed detention, retention and water quality facilities, swales, and drainage structures;
- (2) All proposed piping including size and location of proposed stormwater lines, as well as plan and profile drawing for all improvements;
- (3) Complete and accurate stormwater calculations justifying methodology of the drainage plan in compliance with the Stormwater Design Manual, this Chapter, and CBU standards;
- (4) The finish floor elevation of all proposed structures.

(c) Stormwater Mitigation Requirements

Drainage facilities shall be provided to convey the upstream drainage area and manage runoff from all areas within the proposed development in subsection (a) above to a location adequate to receive such runoff. Furthermore, drainage facilities shall:

- (1) Be designed and constructed in accordance with the Stormwater Design Manual, this Chapter, and CBU standards;
- (2) Be sufficient to accept runoff from the project site after development, assuming that development occurs at the highest allowable impervious surface coverage, if applicable, and the present water runoff from all areas upstream to achieve discharge rates in compliance with the Stormwater Design Manual, this Chapter, and CBU standards.
 - (A) For work within Right-of-way where the post-construction impervious surface area is known, that impervious surface total may be used to calculate regional detention requirements.
 - (B) For trail projects, the impervious surface total of the trail improvements or additions may be used to calculate regional detention requirements.
- (3) Provide stormwater runoff quality mitigation in compliance with the Stormwater Design Manual, this Chapter, and CBU standards.

(d) Common Area Requirement for Regional Stormwater Management

- (1) For private development, regional stormwater management shall be located within common areas, drainage easements, and/or another location as approved by CBU. Such improvements shall be constructed and maintained according to the Stormwater Design Manual, this Chapter, and CBU standards. An Operation and Maintenance (O&M) manual shall be provided and recorded in accordance with Section 13.08.010.
- (2) For public development which takes place primarily in right-of-way, regional stormwater management shall be located within common areas, rights-of-way, drainage easements, City owned parcels, and/or another location as approved by CBU. Such improvements shall be constructed and maintained according to the Stormwater Design Manual, this Chapter, and CBU standards. An Operation and Maintenance (O&M) manual shall be provided and recorded in accordance with Section 13.08.010.

(e) Easements

Features and improvements shall be located within easements where required by Title 20 and by Section 13.08.020(c).

(f) Drainage Plan Acceptance

The drainage plan shall be approved as a condition precedent to the issuance of a stormwater drainage permit.

13.04.050 Vegetation Standards

(a) Purpose

The Vegetation Standards are intended to improve Bloomington's vegetated environment and ensure that appropriate plant types and species are selected to improve stormwater quality. Additionally, these standards are intended to provide habitat through native species plantings, improve biodiversity, and add to the aesthetics of Bloomington.

(b) Applicability

This section applies to any vegetation that is:

- (1) Within a drainage easement of which CBU is the grantee.
- (2) To be planted under the authority of a Stormwater Management Permit.

(c) Planting Requirements

Planting of vegetation may be required as part of a post-construction BMP. Both BMP-specific requirements as well as general requirements can be found in the Stormwater Design Manual.

(d) Permitted Species

Applicable vegetation meeting Section 13.04.050(b) planted within construction and post construction BMP shall be subject to compliance with the Stormwater Design Manual and to CBU staff review and acceptance.

(e) Prohibited Species

Plant species prohibited by the United States Department of Agriculture, the State of Indiana, via the Indiana Department of Natural Resources, or by Section 20.04.080(e) of the Bloomington Municipal Code (BMC) shall not be planted or allowed to grow within stormwater infrastructure. Any prohibited plant species shall be removed promptly by the party responsible for the infrastructure's maintenance.

(f) Maintenance

All maintenance activities for stormwater infrastructure vegetation located on private property are the sole responsibility of the property owner. Maintenance of vegetation and control of invasive species shall be included in the O&M manual required by Section 13.08.010.

(g) Placement

Placement of vegetation shall consider the location of underground utility pipes that could be damaged by root intrusion.

Chapter 13.05

Construction Site Stormwater Control

Sections:

13.05.010	Applicability and Exemptions
13.05.020	Policy on Stormwater Pollution Prevention
13.05.030	Calculations, Design Standards, and Specifications
13.05.040	Erosion and Pollutant Control Requirements
13.05.050	Inspection, Maintenance, Record Keeping, and Reporting.

13.05.010 Applicability and Exemptions

(a) Applicability

(1) This section applies to all land disturbing activity within the City of Bloomington. Section 13.05.030 provides guidelines for calculating land disturbance and additional descriptions of land disturbing activities.

(2) A Stormwater Pollution Prevention Plan (SWPPP) ~~erosion control plan~~ is required for any project site which requires CSGP coverage. An Erosion and Sediment

Control Plan (ESCP) is required for any project site which involves the disturbance of ~~two thousand five hundred~~ 2,500 square feet or more of ground surface but does not require CSGP coverage. Refer to the City of Bloomington Stormwater Design Manual for determination of CSGP coverage, and for SWPPP and ESCP ~~Erosion and Sediment Control Plan~~ requirements.

- (3) City-owned projects are subject to this ~~Section~~ Chapter 13.05-010. ~~If a SWPPP is to be submitted to the Monroe County Soil and Water Conservancy District (SWCD) or directly to IDEM, if directed by the SWCD, then t~~The SWPPP, when required, shall be submitted to CBU's MS4 staff for review and a determination made as to whether the plan meets the minimum requirements of the CSGP prior to submission to the review authority.
- (b) Exemptions. The requirements under this Chapter do not apply to the following activities, provided other applicable State permits contain provisions requiring immediate implementation of pollution control measures.
 - (1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations to produce agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.
 - (2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
 - (3) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
 - (4) Ditch maintenance for activities performed on a regulated drain by a County drainage board as defined in this Ordinance and IC 36-9-27.
 - (5) The land-disturbing activities listed below, provided other applicable permits contain provisions requiring immediate implementation of erosion and sediment control measures and stormwater management measures:
 - (A) Landfills that have been issued a certification of closure under 329 IAC 10.
 - (B) Coal mining activities permitted under IC 14-34.
 - (C) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
 - (6) Single-family residential developments including duplexes, triplexes, and fourplexes that disturb under an acre of land disturbance or that are not part of a larger common plan for development or sale that would otherwise disturb at least one acre of land.
- (c) Discharges not authorized by this Chapter. The following discharges from land disturbing activities are not authorized by this Chapter.
 - (1) Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.
 - (2) Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.
 - (3) Discharges of concrete or mortar wash water from concrete washout activities or release from containment systems.
 - (4) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
 - (5) Soaps, detergents, or solvents used in vehicle and equipment washing.
 - (6) Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.
- (d) Waivers and Special Conditions.
 - (1) CBU has the authority to modify, grant exemptions, and/or waive certain requirements of this Chapter and the Stormwater Design Manual. Exceptions may be considered where standards of engineering practice cannot be substantially met

because the project site constraints make it physically impossible. A pre-submittal meeting with CBU may be requested by the applicant to discuss the applicability of various provisions of the Chapter and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of CBU that may be based on the review of more detailed information and plans.

- (2) Discharges are conditionally authorized for land-disturbing activities that are subject to this chapter but are considered an emergency. Emergency activities include any work which requires immediate implementation to avoid imminent endangerment to human health, public safety, or the environment, or to re-establish essential public services.
- (3) Procedures for obtaining an emergency condition authorization, require the applicant to:
 - (A) Submit a preliminary notification of the emergency to IDEM and CBU within 24 hours or next business day of initiating land disturbance.
 - (B) Develop a SWPPP that specifically addresses the operations associated with the emergency. The submittal of the plan is not required.
 - (C) Submit a complete Notice of Intent (NOI) within 30 calendar days after commencing land-disturbing activities to IDEM and CBU establishing eligibility under this permit.

13.05.020 Policy on Stormwater Pollution Prevention.

- (a) Effective stormwater pollution prevention is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.
- (b) All responsible parties shall manage stormwater discharges as necessary to meet the narrative water quality criteria (327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and (b)(1)(A-D)) for any discharge authorized by this chapter and CSGP, with compliance required upon beginning such a discharge. For stormwater discharges, the use of stormwater management measures and planning principles is expected to achieve the control necessary to meet water quality criteria.
- (c) The SWPPP will serve as a guideline for stormwater management but should not be interpreted to be the only basis for implementation of stormwater measures for a project site. The responsible party shall implement all measures necessary to comply with the provisions of this chapter and the CSGP, if applicable.
- (d) All stormwater management measures, including erosion and sediment control measures and post-construction measures, shall be implemented in accordance with this Chapter, the Stormwater Design Manual, the terms and conditions of the approved Stormwater Management Permit, and CSGP, if applicable.

13.05.030 Calculations, Design Standards, and Specifications.

- (a) In calculating the total area of land disturbance, for the purposes of determining applicability of this Chapter to the project, the following guidelines should be used:
 - (1) Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the permittee.
 - (2) Multi lot developments are considered to be one project site and must comply with this Chapter unless the total combined disturbance on all individual lots is less than 2,500 square feet and is not part of a larger common plan of development or sale.
 - (3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - (A) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are one-half acre or more, a minimum of one-half acre of land disturbance must be used as the expected lot disturbance.
 - (B) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are less than one-half acre in size, the total lot must be

calculated as being disturbed.

(C) To calculate lot disturbance on all other types of project sites, including but not limited such as to industrial and commercial ~~projects~~ project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance regardless of lot size; ~~unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.~~

- (b) The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual and the City of Bloomington Stormwater Design Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of CSGP at a minimum.
- (c) Design plans, technical information, and the construction SWPPP shall be submitted per the CBU application process. The construction SWPPP shall include the requirements identified in the Stormwater Design Manual.
- (d) It shall be the responsibility of the project site owner to ensure proper construction and installation of all stormwater measures in compliance with this chapter, the Stormwater Design Manual, the terms and conditions of the approved Stormwater Management Permit, and the CSGP.

13.05.040 Erosion and ~~Pollutant~~ Pollution Prevention and Elimination Control Requirements

- (a) All project sites undergoing land disturbing activities, regardless of size, shall prevent the illicit discharge of pollutants ~~erosion of sediment or any other contaminant~~ off-site or conveyed into any stormwater drainage system ~~bodies of water~~, either by wind or water in accordance with the MS4GP and the CSGP. All land disturbing activities shall be protected by best management practices. Best management practices may include, but are not limited to, silt or erosion-control fences, filter socks, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.
- (b) For land-disturbing activities that include or occur adjacent to environmentally sensitive areas, including but not limited to steep slopes, karst features, floodplain, wetlands, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, may shall be required, as determined by the CBU Director or their designee in accordance with the MS4GP and CSGP.
- (c) Existing natural buffers that are adjacent to waters of the state must be preserved to promote infiltration and provide protection of the water resource, unless infeasible. Activities performed by a county drainage board under IC 36-9-27 are excluded.
 - (1) Natural buffers must be preserved, including the entire buffer bordering and/or surrounding the water resource. Existing buffers:
 - (A) 50 feet or more in width must be preserved to a minimum of 50 feet.
 - (B) Less than 50 feet in width must be preserved in their entirety and may be enhanced with vegetation that is native and promotes ecological improvement and sustainability.
 - (2) Runoff directed to the natural buffer must be:
 - (A) treated with appropriate erosion and sediment control measures prior to discharging to the buffer; and
 - (B) managed with appropriate runoff control measures to prevent erosion from occurring within the buffer area.
 - (3) Further information regarding buffer requirements is contained in IDEM's "Implementation of Buffers" guidance document.
- (d) 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.
- (e) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or groundwater or degrade soil quality. To meet this requirement:

- (1) Proper project management and the utilization of appropriate measures including, but not limited to, eliminating a source or the exposure of materials must be completed.
 - (2) Manage the following activities:
 - (A) Fueling and maintenance of equipment.
 - (B) Washing of equipment and vehicles.
 - (C) Storage, handling, and disposal of construction materials, products, and wastes.
 - (D) Application of pesticides, herbicides, insecticides, and fertilizers
 - (E) Dispensing and utilization of diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals.
 - (F) Handling and disposal of hazardous wastes, including, but not limited to paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.
 - (G) Washing of applicators and containers used for paint, grout, or other materials.
- (f) Appropriate measures must be implemented to eliminate wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from a project site by run-off or wind.
- (g) Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris. Hardened concrete/cementitious materials are not required to be placed in trash receptacles and are considered clean fill that may be reused, disposed of on-site, or recycled in accordance with applicable state and federal regulations. Management of waste materials may include, but are not limited to:
- (1) Waste containers, when selected to manage waste, must be managed to reduce the discharge of pollutants and blowing of debris. Receptacles that are not appropriately managed will require alternatives that include but are not limited to:
 - (A) A cover to minimize exposure of wastes to precipitation or
 - (B) A similarly effective method designed to minimize the discharge of pollutants.
 - (C) Waste that is not disposed of in trash receptacles must be protected from exposure to the weather and/or removed at the end of the day from the project site and disposed of properly.
- (h) Concrete or cementitious washout areas, where washout is permissible, must be identified for the project site and the locations clearly posted. Wash water must be directed into leak-proof containers or leak-proof containment areas which are located and designed to divert run-off away from the measure and sized to prevent the discharge and/or overflow of the wash water.
- (i) Public roadways and roadways not exclusive to construction traffic must be kept cleared of accumulated sediment that is a result of run-off or tracking. Any sediment that leaves the project site is a violation of this SMO. The following minimum conditions are applicable:
- (1) Clearing of sediment must not include the utilization of mechanical methods that will result in mobilization of dust off the project site or flushing the area with water unless the flushed water is directed to an appropriate sediment control measure.
 - (2) Cleared sediment must be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
 - (3) Sediment discharged or tracked onto roadways that are open to traffic must be removed as directed by a regulatory authority or at a minimum, removed by the end of the same day.
- (j) Stable construction site access measures must be provided at all points of construction traffic ingress and egress to the project site. Where the selected measure is not effective, an alternative measure or additional controls must be utilized to minimize tracking.

- (k) Minimize the generation of dust through dust suppression techniques to prevent deposition into waters of the state and areas located beyond the permitted boundaries of the project site.
- (l) All storm inlets shall be protected with best management practices meeting accepted design criteria, standards and specifications in the Stormwater Design Manual.
- (m) Sediment shall be controlled and contained on-site, and control measures shall prevent damage to existing vegetation, environmentally-sensitive areas, and/or pavement.
- (n) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:
 - (1) Copy of the completed NOI letter, public notification documentation, and the NPDES permit number, where applicable;
 - (2) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person;
 - (3) Location of the construction plan if the project site does not have an on-site location to store the plan.
- ~~(o) Disturbed areas that are at finished grade with installed utilities shall be permanently stabilized with mulched seeding within seven days.~~
- ~~(p)~~ (o) Un-vegetated areas that are left idle or scheduled to be left inactive must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. To meet this requirement, the following apply:
 - (1) Stabilization must be initiated by the end of the seventh day the area is left idle. The stabilization activity must be completed within fourteen (14) days after initiation. Initiation of stabilization includes, but is not limited to, the seeding and/or planting of the exposed area and applying mulch or other temporary surface stabilization methods where appropriate. Areas that are not accessible due to an unexpected and disruptive event that prevents construction activities are not considered idle.
 - (2) Areas that have been compacted may be excluded from the stabilization requirement when the areas are intended to be impervious surfaces associated with the final land use, provided run-off from the area is directed to appropriate sediment control measures.
- ~~(q)~~ (p) 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.
- ~~(r)~~ (q) Channelized runoff from off-site areas passing through a construction site shall be diverted around disturbed areas. Sheet flow runoff from off-site areas shall also be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
- ~~(s)~~ (r) Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time. Construction sequencing associated with land disturbance shall be subject to the approval of the MS4 Program Coordinator or their designee.
- ~~(t)~~ (s) Topsoil shall be preserved, unless infeasible.
- ~~(u)~~ (t) During the period of construction activities, all stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order. Alternative measures must be selected and implemented, as necessary.
- ~~(v)~~ (u) Fertilizer applications associated with the stabilization plan for the project must meet the following requirements:
 - (1) Apply fertilizer at a rate and amount as determined by a soil analysis or in accordance with the Indiana Stormwater Quality Manual or similar guidance documents.
 - (2) Apply fertilizer at an appropriate time of year for the project location, taking into consideration proximity to a waterbody, and preferably timed to coincide with the period of maximum vegetative uptake and growth.
 - (3) Avoid applying fertilizer immediately prior to precipitation events that are anticipated to result in stormwater run-off from the application area.

~~(w)~~ (v) Cationic polymers are not authorized for use in the State of Indiana. The use of anionic polymers on the project site for sediment control shall be in accordance with current State of Indiana standards and specifications and the use shall be approved by IDEM and CBU.

~~(x)~~ (w) Discharge water from dewatering of ground water from excavations, trenches, foundations, etc. must not be discharged when:

- (1) Sediment-laden water is not first directed to an appropriate sediment control measure or a series of control measures that minimizes the discharge of the sediment.
- (2) A visible sheen and/or pollutants are present at a level that requires additional treatment and/or an alternate permit.

~~(y)~~ (x) Sediment basins, where feasible, shall withdraw water from the surface of the water column unless equivalent sediment reduction can be achieved by use of alternative measures.

~~(z)~~ (y) Personnel associated with the project must be informed of the terms and conditions of the CSGP and the requirements within the SWPPP. The permittee is required to document this process. Information must be provided through written notification, contracts, or other means that effectively communicates the provisions and requirements of the permit and SWPPP. Personnel may include, but are not limited to:

- (1) General contractors, construction management firms, grading or excavating contractors, and trade industry representatives associated with the overall project.
- (2) Contractors or individual lot operators that have primary oversight on individual building lots.
- (3) Those responsible for the implementation of the SWPPP, and the installation, repair, and maintenance of stormwater measures.
- (4) Those responsible for the application and storage of treatment chemicals.
- (5) Those responsible for administering the self-monitoring program.

~~-(aa) Under no circumstances shall plastic netting or plastic mesh be used on site for any type of landscaping, stabilization, or erosion control.~~

13.05.050 Inspection, Maintenance, Record Keeping, and Reporting.

(a) Following approval of the Stormwater Management Permit and commencement of construction activities, CBU shall have the authority to conduct inspections in accordance with Section 13.098.040(a) of the project site to ensure full compliance with this chapter, the City of Bloomington Stormwater Design Manual, and the terms and conditions of the approved Stormwater Management Permit, ~~and the CSGP~~ if applicable.

(b) All erosion control measures shall be installed by the responsible parties and shall be inspected by CBU before any land-disturbing activity takes place. Any deficiencies noted by CBU during the initial inspection shall be remedied prior to land-disturbing activity commencing.

(c) Throughout construction the responsible parties shall implement and follow a self-monitoring inspection program to ensure that their stormwater pollution prevention plan is working effectively and in accordance with the CSGP. At a minimum, the self-monitoring inspection program shall meet the requirements set forth in the City of Bloomington Stormwater Design Standards and shall require:

- (1) Periodic inspections of the project site by a trained individual:
 - (A) At least one time per week; and
 - (B) By the end of the next business day following each rain event of one-half inch of rain or more (as measured by the National Oceanic and Atmospheric Administration) in a twenty four hour period; and
- (2) Preparation of an evaluation report for every periodic inspection. Each evaluation report shall contain the following information:
 - (A) Whether existing stormwater quality measures are being properly maintained and functioning properly;
 - (B) Identify additional measures necessary to remain in compliance with all applicable laws and ordinances; and
 - (C) The name of the individual performing the evaluation;
 - (D) The date of the evaluation;
 - (E) Problems identified at the project site; and

(F) Details of corrective actions recommended and completed.

CBU shall have the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention measures. All evaluation reports for the project site must be made available to CBU, in an organized fashion, within 48 hours upon request.

Chapter 13.06

Post-Construction Stormwater Control

Sections:

- 13.06.010 Applicability and Exemptions**
- 13.06.020 Policy on Post-Construction Stormwater Management**
- 13.06.030 Calculations, Design Standards and Specifications**
- 13.06.040 Inspection, Maintenance, Record Keeping and Reporting**
- 13.06.050 Private Property Maintenance Duties**

13.06.010 Applicability and Exemptions.

(a) Applicability

Projects receiving a Stormwater Management Permit pursuant to Section 13.098.020(b) are subject to this section.

(b) Exemptions

- (1) Single-family residential strip multi-lot development offered for sale or lease without land improvements and the project is not part of a larger common plan of development or sale, as required by the Construction Stormwater General Permit issued by IDEM.
- (2) Residential developments consisting of four (4) or fewer lot developments where the proposed impervious surfaces are 10% or less of the project acreage, as required by the Construction Stormwater General Permit issued by IDEM.

13.06.020 Policy on Post-Construction Stormwater Management.

- (a) Developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts, and other pollutants. As new development and re-development continues in Bloomington, measures must be taken to promote runoff volume reduction, runoff detention, infiltration of stormwater into the ground (where appropriate), and interception and filter filtration of pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers, and wetlands. Through the use of BMPs, harmful amounts of sediment, nutrients, and contaminants will be removed from stormwater runoff.
- (b) Post-construction stormwater quality management measures are incorporated as a permanent features into construction projects and are left in place following completion of construction activities to continuously treat and detain stormwater runoff from the stabilized site. The following will be implemented as a minimum:
 - (1) Stormwater detention and quantity control as required by the Sstormwater Ddesign Mmanual.
 - (2) ~~The control of s~~Stormwater quality treatment will be as required by the Sstormwater Ddesign Mmanual.
 - (3) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size of disturbance, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.
 - (4) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.
 - (5) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.
 - (6) Outfalls must be designed to reduce outfall scouring, bank erosion, and head-cutting.

13.06.030 Calculations, Design Standards and Specifications.

- (a) Stormwater management planning shall follow the guidelines discussed in the City of Bloomington Stormwater Design Manual.
- (b) The Indiana Stormwater Quality Manual may also be used for guidance.
- (c) BMP must be designed, constructed, and maintained according to established guidelines. Practices other than those specified may be utilized as approved by the CBU Director or their designee.

13.06.040 Inspection, Maintenance, Record Keeping and Reporting.

(a) Inspection by CBU.

- (1) After the approval of the Stormwater Management Permit by CBU and the commencement of land disturbing activities, CBU has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Stormwater Design Manual, and the terms and conditions of the CSGP.
- (2) CBU has the authority to perform or require inspections of all public or privately owned stormwater facilities.

(b) Owner operation and maintenance.

- (1) An O&M Manual shall be prepared and submitted for approval in accordance with 13.08.010 of this chapter and must include the information in the Standards.
 - (2) Following construction completion, the operation, maintenance, and inspection of stormwater quality BMPs shall be the long-term responsibility of the owner of the stormwater quality BMP.
 - (3) Stormwater quality BMPs shall be maintained in good condition, in accordance with operation and maintenance manual approved under the Stormwater Management Permit, and shall not be subsequently altered, revised or replaced without the approval of the CBU.
 - (4) The owner of stormwater quality BMP(s) shall be responsible for inspections that evaluate physical conditions, available treatment capacity, and the operational condition of the stormwater quality BMP(s) in accordance with the O&M Manual. Requirements of the O&M Manual shall not be altered without approval from the CBU.
 - (5) If deficiencies are found during an inspection by CBU, the owner of the facility will be notified by CBU and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, CBU may undertake the work and collect from the owner using lien rights if necessary.
- (c) Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the Certificate of Completion is issued.
 - (d) Inspection reports and documentation records must be maintained by the owner for a period of 5 years and produced upon request by CBU personnel within forty-eight (48) hours of the request.

13.06.050 - Private Property Maintenance Duties

Every person or entity owning real property through which a watercourse passes shall keep and maintain that part of the watercourse located within their real property boundaries free of debris, excessive vegetation, and other obstacles that would pollute, contaminate, or interfere with the flow of water through the watercourse. In addition, the owner shall maintain existing privately

owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Chapter 13.07

Stormwater Management Facilities Post-Construction Maintenance and Inspection

Sections:

- 13.07.010 Operation and Maintenance**
- 13.070.020 Stormwater Management Facility and BMP Maintenance**
- 13.070.030 Records of Inspection and Maintenance Activities**

13.07.010 Operation and Maintenance

- (a) Stormwater management facilities including pipes, structures, ponds, detention/retention facilities, swales, open channels, subsurface drains, water quality BMPs, green infrastructure, and low impact development practices shall have an Operation and Maintenance (O&M) manual.
- (b) Owners of BMPs will be responsible for all maintenance including but not limited to pond banks, erosion control measures, riprap, vegetation, outfall protection, and all periodic cleanout and dredging. It is the designer's responsibility to determine which operation and maintenance measures are necessary to prolong the optimal function of the facility.
- (c) All O&M manuals shall include the items listed in the Stormwater Design Manual.

13.07.020 Stormwater Management Facility and BMP Maintenance.

- (a) Stormwater management facilities and BMPs shall be maintained in a properly functioning condition so that their effectiveness in managing and treating stormwater runoff is not diminished, in accordance with the operation and maintenance procedures and schedules recommended by the manufacturer of the BMP or listed in the Indiana Stormwater Quality Manual, the City of Bloomington Stormwater Design Manual , the approved O&M manual, and the terms and conditions of the approved Stormwater Management Plan. The stormwater management facility or BMP owner is considered in violation of this chapter if the facility or BMP is not maintained properly.
- (b) Following construction completion and the issuance of a Notice of Termination (NOT), inspection and maintenance of stormwater management facilities and BMPs shall be the long-term responsibility of the owner of those facilities (including Homeowners Associations or any other entity as specified in restrictive covenants).

13.07.030 Records of Inspection and Maintenance Activities.

- (a) The stormwater management facility or BMP owner must conduct necessary inspections at least once per year. The inspection shall cover physical conditions, available water quality storage capacity, and the operational condition of key facility elements. Completed inspection forms must be maintained by the owner and produced upon request by CBU personnel within forty-eight (48) hours of the request.
- (b) Annual inspection reports shall be due to CBU, beginning one year after construction is completed. Subsequent reports shall be due each year within the same month of the initial report. All deficiencies found during the inspection shall be addressed. If the annual inspection report is not received within the month it is due, if there are deficiencies which exist but were not included in the report, or if any deficiencies included in the report are not addressed in a timely manner, CBU may take enforcement action in accordance with this chapter.
- (c) CBU must be notified of any changes in ownership, major repairs, or failure in writing within thirty (30) days.
- (d) In the event that CBU personnel find a stormwater management facility in need of maintenance or repair, CBU will notify the owner on record of the necessary maintenance or repairs and give the owner a timeframe for completing the work. If the maintenance or repairs are not completed within the designated timeframe, CBU may perform the work and bill the owner for the actual costs of the work. CBU may also commence

enforcement.

- (e) CBU also has the authority to perform long-term inspection of all public or privately-owned stormwater management facilities. Such inspections will be in addition to the regular inspections required to be performed by the facility owner. The inspections will follow the operation and maintenance procedures listed in the approved Stormwater Management Plan for each facility or BMP. Noted deficiencies and recommended corrective action will be included in an inspection report.

13.07.040 Culverts and Ditches.

(a) Driveway Culverts.

Any new construction or change in type of business or land use of an existing property whenever a proposed driveway or use shall connect to or join any public road, street or highway or other public right-of-way in the City or whenever any person desires to construct a culvert under any such driveway that connects or joins to any public road, street, highway or other right-of-way in the City, said driveway culvert shall be constructed and installed at the expense of the property owner to provide adequate drainage at a minimum size of no less than 12 inches and in no case less than that specified by CBU in accordance with its Stormwater Design Manual.

(b) Maintenance of Culverts and Ditches.

Each property owner shall regularly perform general maintenance activities regarding any and all ditches, culverts, and/or inlet clean outs to ensure proper storm water drainage on and across their property.

Chapter 13.08

Administration and Procedures

Sections:

13.08.010	Purpose and Enforcement
13.08.020	Permits and Review Procedures
13.08.030	Financial Assurance
13.08.040	Inspection and Close Out
13.08.050	Enforcement and Penalties

13.08.010 Purpose and Enforcement

- (a) This Chapter 13.08 identifies and clarifies the types of permits, approvals, and processes which are required as part of this SMO.
- (b) Failure to comply with any provision of this Chapter 13.08, including but not limited to failure to comply with the terms and conditions of any permit or other approval obtained hereunder, shall be a violation of this SMO and shall be subject to the penalties and remedies in Section 13.08.050 (~~E~~enforcement and ~~P~~enalties).

13.08.020 Permits and Review Procedures

(a) Preliminary Review

- (1) At the request of an applicant, a preliminary review of stormwater management plans can be conducted by CBU prior to a project receiving approval from City of Bloomington Boards, Commissions, and/or City Council or similar approvals that are delegated to staff level approvals. Often such a review is required or encouraged by a department other than CBU or by sections of BMC other than Chapter 13. Such reviews are also requested by designers to determine the constructability of a project. This review is intended to provide high-level feedback from CBU and find any serious issues with the feasibility of a project.

(2) Submittal Requirements

- (A) Plans prepared by professional engineers, land surveyors, and/or architects, as appropriate
- (B) Drainage calculations
- (C) Refer to the CBU ~~Rules and Regulations~~ Stormwater Design Manual for additional requirements

(3) Review Procedures

- (A) Any projects applying for a preliminary review shall be submitted at least 19 business days before the Board/Commission/City Council hearing at which the project will be heard.
- (B) Staff shall provide review comments in a narrative form and submit them to the petitioner and the City staff members who prepare the hearing packet for the Board/Commission/City Council prior to the packet being sent out.

(b) Stormwater Management Permit

(1) Purpose

The purpose of the Stormwater Management Permit and procedure is to mitigate the environmental impact of development and to protect the water quality of the City of Bloomington and surrounding areas. This permit and procedure is a mechanism to ensure compliance with the MS4GP and this SMO by providing a thorough review and permitting process as well as inspection and close-out process for all construction activities which affect stormwater.

(2) Applicability

- (A) No land-disturbing activity, development, or re-development of land that is subject to this chapter shall occur unless a Stormwater Management Permit has been issued except as exempted in 13.098.020(b)(3), below.
- (B) New retail gasoline outlets and new MS4-owned fueling areas or those that replace their existing tank systems, regardless of size, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater run-off.

(3) Exemptions

- (A) Land-disturbing activity that is cumulatively less than 2,500 square feet
- (B) Land-disturbing activity on a single-family residential lot or lots containing duplexes, triplexes, and fourplexes, ~~that~~ which is less than 1 one acre and not part of a larger common plan for development or sale.
- (C) City of Bloomington infrastructure projects that disturb less than one acre of land and have a negligible effect on the stormwater system, as determined by the Assistant Director of the Utilities Engineering Division or their designee after considering the following factors:
 - (i) Existing and proposed impervious surfaces,
 - (ii) Existing and proposed facilities that adequately achieve detention and water quality requirements,
 - (iii) Proximity to sensitive hydrological features,
 - (iv) Size of the project, and
 - (v) Any other adverse impacts the project may reasonably have on the MS4.
- (D) Projects which are already regulated by a MS4 other than the City of Bloomington (e.g. Indiana University and Indiana Department of Transportation).

(E) Activities exempted under 13.05.010(b).

(4) Additional Requirements

- (A) Compliance with the standards of this SMO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in the Indiana Administrative Code, The Indiana Department of Environmental Management, all applicable provisions of the Bloomington Municipal Code, and all applicable rules, regulations, standards, and specifications of any City Department regarding development, re-development, or land-disturbing activity.

(5) Stormwater Management Permit Process

The Stormwater Management Permit (SMP) process will be similar for all projects but simplified for sites not requiring CSGP coverage. Refer to the Stormwater Design Manual for information on the applicability of the CSGP and SMP application process details.

- (A) Submittal Requirements

- i) Completed Stormwater Management Permit application
- ii) Full set of sealed construction plans that include the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- iii) Stormwater Drainage Report that includes the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- iv) For projects requiring new or modified stormwater infrastructure or BMPs, a draft operation and maintenance plan and a performance bond estimate prepared by a licensed engineer.
- v) ~~Performance bond estimate prepared by a licensed engineer.~~

(B) Plan Review.

~~After CBU receives the submittal materials, a determination will be made whether the application is substantially complete within 14 business days. If the submittal is deemed insufficient, CBU may request additional information and/or a revised submittal.~~ Once the application is deemed substantially complete, the following will take place:

- (i) Review will be conducted by CBU and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. The applicant may be required to resubmit materials for additional ~~rounds of~~ reviews. ~~Once CBU and/or its plan review consultant(s) have no further comments and/or deficiencies to communicate a Stormwater Management Permit may be issued.~~
- (ii) The applicant may not submit the NOI to IDEM (if applicable) or commence land-disturbing activities until the Stormwater Management Permit is issued.

(C) Permit Issuance

The Stormwater Management Permit will be issued after the submittal review is completed, all fees are paid, and a pre-construction meeting has been held ~~application submission is approved.~~ In ~~granting~~ issuing a Stormwater Management Permit, CBU may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner is responsible for compliance with this chapter, the City of Bloomington Stormwater Design Manual, the CSGP (as applicable), and these terms and conditions.

(D) Post-Permit Issuance

- (i) Duration
 - a) The Stormwater Management Permit shall remain active until the permit is closed via written notice from CBU, or if (b) below is met.
 - b) The Stormwater Management Permit shall expire 365 days after issuance if earth-disturbing activities have not yet taken place unless an extension is granted by the Director.
 - c) If a project ~~that~~ has received a Stormwater Management Permit and has begun earth-disturbing activities but then becomes inactive for a period of 180 days or longer, the Stormwater Management Permit shall expire. A new Stormwater Management Permit shall be obtained before work resumes.
- (ii) Changes or Amendments
 - a) The Stormwater Management Permit Applicant ~~may~~ shall submit revisions or amendments to an approved permit for consideration by the local, state, and federal authorities having jurisdiction prior to installation of such revisions or amendments. A revision or amendment to an approved Stormwater Management Permit shall only be authorized upon review and written approval by all local, state, and federal authorities having jurisdiction.
 - b) CBU reserves the right to require the responsible parties to remove any and all unapproved improvements which may impact stormwater at the responsible parties' expense.

- (iii) Termination of the Permit
The Stormwater Management Permit shall terminate when either the permit expires in accordance with Section 13.098.020(b)(3)(D)(i) or the permitted project receives written notification from CBU that the permit has been closed in accordance with Section 13.098.050.

(c) Drainage and/or Utilities Easements

(1) Purpose

The purpose of this section is to outline the procedures for obtaining and recording unplatted drainage and/or utility easements, modifying unplatted drainage and/or utility easements, terminating unplatted drainage and/or utility easements, and vacating unplatted easements and to ensure statutory requirements of the Indiana Code and the MS4 General Permit are met.

(2) Applicability

This Section 13.098.020(c) governs easements that are:

- (A) Required and/or granted pursuant to a provision of this SMO;
- (B) Permitted or required as a commitment or condition of approval for unplatted drainage and/or utility easements;
- (C) Previously dedicated unplatted ~~D~~rainage and/or ~~U~~utilities ~~E~~easements; or
- (D) Any other instances in which an easement would be required by CBU.

(3) Easement Procedures

- (A) With the exception of platted easements, all other proposals to create, terminate, vacate, or modify Drainage and/or Utilities Easements shall be reviewed and approved by CBU prior to such easement documents being recorded at the Monroe County Recorder's Office.

- (B) Drainage and/or Utilities Easements shall be required for:

- (i) ~~all surface drainage conveyances~~ Private stormwater drainage systems that drain the right-of-way or 2 or more lots; and
- (ii) Private retention/detention facilities, and water quality infrastructure ~~that are located on private property.~~

- (C) All Drainage Easements:

- (i) Shall prohibit any alteration within the easement that would hinder or redirect flow.
- (ii) 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.
- (iii) Shall be enforceable by CBU and by owners of properties that are adversely affected by conditions within the easement.
- (iv) Shall allow CBU 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.

- (D) Form

Easement instruments shall be prepared in a recordable form acceptable to the City Legal Department and CBU.

- (E) Recording

Approved easement instruments shall be recorded in the Monroe County Recorder's office. A copy of the easement shall be delivered to CBU in a format that is acceptable to CBU staff. The grantor shall be responsible for any and all costs associated with recording the easement document.

- (F) Encroachments

All encroachments into a drainage easement require prior written approval from CBU in the form of an encroachment agreement.

Any encroachment into a drainage easement without an encroachment agreement will be subject to enforcement and may be directed to be removed from the easement at the property owner's expense.

(G) Covenants, Conditions, and Restrictions

Inclusion of language defining easements in an instrument creating covenants, conditions, and restrictions shall not be sufficient to create, modify, terminate, or vacate an easement. Easement instruments shall be independently recorded documents that may be modified, terminated, or vacated only as provided in this SMO.

13.08.030 Financial Assurance

(a) Purpose

Financial assurances are provided so that CBU has a mechanism to ensure that all stormwater infrastructure, ~~erosion controls~~, and post-construction BMPs are installed in compliance with the MS4GP, CBU policies, and this SMO and function properly.

(b) Applicability

Any activity requiring a Stormwater Management Permit shall also be required to provide financial assurance to the City of Bloomington prior to the issuance of said Stormwater Management Permit. The posting of a financial assurance is not required when the recipient of the Stormwater Management Permit or owner of the project is the City of Bloomington.

(c) Performance Bond Requirements

- (1) Financial assurances shall be in the form of a performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to CBU. Assurance shall be made out to the City of Bloomington.
- (2) Said performance bond shall guarantee a good faith execution of the ~~SWPPP, Erosion and Sediment Control Plan,~~ construction plans and any other conditions of plan approval including proper installation of all approved stormwater infrastructure.
- (3) The total performance bond shall be for the cost of installation, plus a 25% contingency, of stormwater improvements including all stormwater drainage systems, detention/retention facilities, and stormwater quality management BMPs, ~~and other stormwater infrastructure and the continuous installation, monitoring, and maintenance of temporary sediment and erosion control measures, stormwater management facilities, and water quality BMPs~~ as regulated under this SMO. The intent of this performance bond is ~~not only~~ to complete the installation of stormwater infrastructure for the project, ~~but also to ensure that adequate stormwater pollution prevention measures are properly installed, maintained and cleaned for such a period~~ as specified by the City.
- (4) Performance bonds shall be kept current until the Stormwater Management Permit is closed. Delinquent performance bonds or other assurances will result in enforcement as detailed in Section 13.08.050 Enforcement and Penalties.
- (5) CBU may make a claim against the performance bond to complete all necessary work, after giving notice and opportunity for compliance.
- (6) Following issuance of a Certificate of Completion, the performance bond may be released and a maintenance bond shall be posted.

(d) Maintenance Bond Requirements

- (1) Prior to the release of the performance assurance, the property owner shall provide a financial maintenance guarantee in the form of a maintenance bond or irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to CBU. Assurance shall be made out to the City of Bloomington.
- (2) Said maintenance bond shall guarantee the materials and workmanship of all permanent sediment and erosion control measures, detention/retention facilities, water quantity BMPs, soil stabilization measures (including soil-stabilizing vegetation) and other stormwater infrastructure shall be maintained in accordance with the approved plans, O&M manual, and this Ordinance. Maintenance shall include providing CBU with documentation that the stormwater system is inspected, cleaned, and maintained.

- (3) The maintenance bond shall meet the following conditions:
 - (A) The maintenance bond shall run and be in force for a period of three years from the date of release of the performance bond and can be extended if CBU staff deem an extension necessary.
 - (B) A penal sum shall be fixed and approved by CBU, but in no case shall the penal sum be less than 25% of the value of the associated performance bond. The minimum maintenance bond shall be no less than \$5,000.00.
 - (C) The maintenance bond shall be issued in the property owner or permit applicant's name alone or in the name of the applicant and their subcontractor as co-signers.
- (b) All financial maintenance bonds shall expire at the end of the 3 year period for which they were established unless extended at the discretion of CBU. Within 30 days of the expiration date, CBU will provide a written release of the bond.

13.08.040 Inspection and Close Out

(a) Inspection

CBU may inspect any properties, infrastructure, or monitoring facilities of any user to determine the compliance with the requirements of this SMO. The user shall allow CBU or its representatives ready and unhindered access at any time and without notice to all parts of the premises of the user for the purposes of inspection, sampling, copying or records examination or in the performance of any of their duties to determine compliance with this SMO. CBU, in pursuit of ensuring compliance with this SMO, shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations at any time and without notice.

Inspection results may be communicated verbally or in writing.

(b) Certificate of Completion

(1) Purpose

The Certificate of Completion is intended to provide a mechanism for CBU to ensure that:

- (A) Permitted improvements, land-disturbance, and/or infrastructure, both public and private, conform to the standards of this SMO; and
- (B) All terms and conditions of any permits or permissions issued by CBU have been met.

(2) Applicability

A Certificate of Completion shall be required for any project for which a Stormwater Management Permit was issued by CBU.

(3) Application

An application for a Certificate of Completion may be submitted to CBU when a project in accordance with Section 13.098.040(b)(2) is believed by the responsible parties to be complete. The application must be complete in order for a Certificate of Completion to be issued.

(4) Inspection

CBU staff shall inspect the site for compliance with this SMO and any other CBU requirements prior to issuance of a Certificate of Completion.

(5) Other Requirements

Prior to issuance of a Certificate of Completion, all CBU requirements and conditions shall be met, including but not limited to:

- (A) As-built plans submitted by the responsible parties, reviewed by CBU staff, and found to be sufficient by CBU staff.
- (B) A meeting to discuss the O&M requirements shall be held between CBU, the contractor, and the property owner.
- (C) The O&M document(s) shall be submitted by the responsible parties, reviewed by CBU staff, and found to be sufficient by CBU staff. Additionally:

- (i) If the project is not a City-owned project located in the right-of-way, the document(s), in a form acceptable to CBU and City Legal, shall then be recorded at the Monroe County Recorder's Office. A copy of the recorded O&M document(s) shall be provided to CBU.
- (ii) If the O&M document(s) relate to a City-owned project located in the right-of-way, then the document(s), in a form acceptable to CBU and City Legal, shall be kept on file with the City department that owns the project. A copy of the O&M document(s) shall be provided to CBU.
- (D) Any drainage and utility easements, in accordance with Section 13.098.020(c), shall be recorded with the Monroe County Recorder's Office. A copy shall be delivered to CBU in a format that is acceptable to CBU staff. Any cost incurred by recording the easement document shall be incurred by the grantor.
- (E) A maintenance bond shall be delivered to CBU staff to replace the performance bond.

(6) Issuance

CBU shall issue a Certificate of Completion in writing upon a determination by CBU staff that the project is complete. Within 30 days of issuance, the performance bond shall be released.

The responsible party shall receive a Certificate of Completion no later than one year from the date in which the project's intended use becomes operational.

13.08.050 Enforcement and Penalties

(a) Authority

The City of Bloomington Utilities Director and his or her designee are designated enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of this SMO.

(b) Penalties and Remedies

- (1) For the purposes of this SMO, a violation shall be defined as violation of or failure to comply with:
 - (A) Any provision or requirement of this SMO; or
 - (B) Any condition, requirement or commitment established with the issuance of a permit or other approval under this SMO; or
 - (C) The required elements of the submission on the basis of which any permit or approval has been rendered hereunder.
- (2) Any violation as defined herein is hereby declared a common and public nuisance, and any responsible party as defined in Section 13.098.050(e)(1) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.
- (3) Any violation shall be subject to the penalties and remedies provided in Section 13.098.050(d), and CBU shall have recourse to any remedy available in law or equity.
- (4) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this chapter. A violation continues to exist until corrected.

Correction includes, but is not limited to:

- (A) Cessation of an unlawful practice;
- (B) Faithful or otherwise-approved restoration or replacement of a structure, infrastructure, site, or natural feature;
- (C) Any other remedy specified in this SMO; and/or
- (D) Other remedy acceptable to CBU
- (5) The City Legal Department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 13.098.050; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this SMO or any condition, requirement, or

commitment established in connection with this SMO. All costs connected therewith shall accrue to the responsible parties. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, any and all penalties levied by the EPA or IDEM for violations of CBU’s NPDES permit and/or the MS4GP, attorney’s fees, and other costs and expenses.

- (6) In addition to issuing a notice of violation (NOV), the CBU Director or their designee may utilize and/or seek through legal proceedings one or more of the following remedies:
- (A) Revoke approvals, certificates and/or permits issued by CBU relevant to the site on which the violation has occurred;
 - (B) Withhold other approvals, certificates and/or permits to the parties committing the violation;
 - (C) Issue a stop work order (with at least 72 hours notice in the case of violations of 13.05.040, unless the violation causes a public health hazard or a safety hazard, in which case the stop work order is immediately effective);
 - (D) Draw on a performance or maintenance surety, as necessary, to affect any remedial actions required to abate the violations;
 - (E) Revoke the permits, certificates and/or approvals that have been violated; and/or
 - (F) Any and all penalties and remedies listed in Section 13.098.050, ~~(d): Penalties and Remedies.~~
- (7) The remedies provided for in this SMO shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in or equity.

(c) Administration

The CBU Director or their designee shall maintain a record of all complaints and investigations, and the resolutions of those complaints, whether made by citizens or by staff; communicate on a regular basis with citizen complainants about the progress being made in investigating and resolving their complaints; conduct enforcement activities in order to achieve compliance; and report to the Utilities Service Board on an as-needed basis as to the number and type of complaints and the outcome of each.

(d) Schedule of Fines

- (1) Any violation of this SMO shall be subject to a civil fine of not more than \$2,500.00 for each such violation, and not more than \$7,500.00 for the second and any subsequent violation, in addition to any and all other remedies available to CBU, except where a lesser fine is specified herein.
- (2) The following violations of this SMO shall be subject to the fines listed in Table 09.01: Fines for SMO Violations, for the first offense.

Table 08.01: Fines for SMO Violations

SMO Violation	Title 13 Reference	Fine (US Dollars)
Prohibited Illicit Discharge	13.03.050	\$500
Failure to Meet Private Property Duties	13.06.050	\$100
Failure to Report an Illicit Discharge	13.03.070	\$100
Failure to Comply with Stormwater Development Standards	13.04	\$100
Failure to Comply with Erosion Control/Pollution Requirements	13.05.050	\$2,500
Failure to Comply with O&M	13.07.020	\$500
Failure to Obtain a SMP	13.08.020	\$500
Failure to Comply with a SMP	13.08.020	\$250
Placement of an Obstruction within a Drainage	13.08.020	\$500

SMO Violation	Title 13 Reference	Fine (US Dollars)
Easement		
Failure to Obtain a Certificate of Completion	13.08.040	\$250
Any Other Violation; Second and Subsequent		Up to \$2,500; up to \$7,500

(e) Enforcement Procedures - Notice of Violation

- (1) If the CBU Director or their designee finds that any violation of this SMO is occurring, or has occurred, a Notice of Violation (NOV) may be issued to the responsible party. Such NOV's may be further accompanied by additional warnings following the same procedures of this chapter. For purposes of issuing a NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:
 - (A) The property owner;
 - (B) Persons with any possessory interest in the property; and/or
 - (C) Any person who causes, maintains, suffers or permits a violation to occur and/or to continue.
- (2) The NOV shall be in writing and shall be served on all of the responsible parties in one or more of the following manners: delivery in person or by first class mail. The notice of violation shall state:
 - (A) The location of the violation;
 - (B) The nature of the violation;
 - (C) The date the violation began or was reported or observed;
 - (D) The daily fine assessed for the violation;
 - (E) The period of correction (if any);
 - (F) The date of re-inspection (if any);
 - (G) Additional remedies CBU may seek for violation;
 - (H) That the fine is paid to City of Bloomington Utilities;
 - (I) That the NOV may be appealed to the Utilities Service Board;
 - (J) That the fine may be contested in the Monroe County Circuit Courts.
- (3) Each item of noncompliance enumerated on the NOV shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall accrue from the date the violation was reported or observed.

(f) Appeals

- (1) Purpose

The appeal process is employed by CBU to afford any citizen, user, or responsible party an avenue of appeal when there is some doubt that an administrative official, staff member, or the USB has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing any part of this SMO.
- (2) Applicability
 - (A) An appeal may be made by any person aggrieved by an order, requirement, decision, or determinations made by an administrative official, staff member, or administrative board charged with the administration or enforcement of any part of this SMO.
 - (B) The Appeals section of this SMO shall not apply to fines levied under the authority of Section 13.098.050(d). Such fines levied for violations of this SMO may be challenged in the Monroe County Circuit Court.
- (3) Appeals Procedure
 - (A) Time Limit

Notice of an appeal shall be made in writing to CBU no later than ~~7~~ seven business days from receipt of the written order or ruling.
 - (B) Burden of Proof

The appellant has the burden of proving the necessary facts to warrant approval

of an appeal by the USB. Such proof shall be provided at time of appeal submission.

(C) Stay of Proceedings

An appeal stays all proceedings from further action unless the CBU Director determines that stay would create adverse impacts to the health, safety, or welfare of the City, neighborhood, or watershed.

(D) Stop Work Order

When an appeal from the decision of an administrative official or USB has been filed, the CBU Director may issue a stop work order on the premises affected.

(4) Decision

(A) The Utilities Service Board shall affirm, reverse, or amend a decision or interpretation made by another decision-making body.

(B) The Utilities Service Board may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.

(C) The Utilities Service Board may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City and watershed.

(5) Post-Decision

(A) The Utilities Service Board shall issue its findings in writing.

(B) Any further appeal from the Utilities Service Board shall be filed with a court of competent jurisdiction no later than fourteen days from receipt of the Utility Service Board's written findings.

Chapter 13.09

Definitions

As used in this title, the following words have the following meanings unless otherwise designated. Where words are not defined, they shall have the meanings provided in CBU's "Rules, Regulations and Standards of Service."

"Agricultural land disturbing activity" means tillage, planting, cultivation, or harvesting operations to produce agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lake and ponds, wetlands, and other infrastructure.

"Best management practice(s)" or "BMP" means design, construction, and/or maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

"Capacity (of a storm drainage facility)" means the maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

"Catch basin" means a chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

"Channel" means a portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine water.

"Channelized runoff" means water runoff that would have naturally flowed over and through the soil, deflected to and moved through an artificial open channel or waterway that eventually makes its way to surface water resources.

"City" means the City of Bloomington, Indiana

"CBU" means the City of Bloomington, Indiana acting through its Utilities Service Board.

"Common area" means any portion of a development that meets the definition listed in Section 20.07 of the BMC. Maintenance of any such area is not the responsibility of CBU.

"Constructed wetland" means a manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

“Construction activity” means land disturbing activities and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

“Construction site” mean the same as “Project site”

“Construction site access” means a stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

“Construction Sequence” means the planned construction chronology by plan designers, contractors, and/or developers that describes the relationship between implementation of stormwater quality measures in relation to land disturbance.

“Contiguous” means adjoining or in actual contact with.

“Contractor or subcontractor” means an individual or company hired by the project site or individual lot owner, their agent, or the individual lot operation to perform services on the project site.

“Conveyance” means any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

“Culvert” means a closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal, or other impediment.

“Dechlorinated/dibrominated swimming pool discharge” means chlorinated water that has either sat idle for seven days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

“Detention” means a facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulate behind the outlet.

“Detritus” means dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

“Developer” means any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

“Development” means construction and site preparation work involving structures or improvements of any kind, and all land disturbing activities including, but not limited to, digging, drilling, excavating, grading, clearing, earth moving, filling, or performing any subsurface work and shall not be any more restrictive than the same definition in Section 20.07 of the BMC.

“Discharge” means the rate of water flow as measured by the volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

“Disposal” means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

“Drainage area” means the area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

“Dry well” means a type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening the ground surface.

“Encroachment” means any private temporary or permanent structure or landscaping element that intrudes into an easement.

“Environment” means the sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

“Erosion” means the wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

(1) “Accelerated erosion” means erosion that is much more rapid than normal or geologic erosion, primarily as a result of the activities of man.

(2) “Channel erosion” means erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.

(3) “Gully erosion” means an erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1 to 2 feet to as much as 75-100 feet.

(4) “Rill erosion” means an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see RILL).

(5) “Splash erosion” means the spattering of small soil particles caused by the impact of raindrops on wet soils, the loosened and spattered particles may or may not be subsequently removed by surface runoff.

(6) “Sheet erosion” means the gradual removal of a uniform layer of soil from the land surface by runoff water.

“Erosion and sediment control” means a practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, rapping sediment to prevent it from being discharged from or within a project site.

“Floatable” means any solid waste that will float on the surface of the water.

“Gasoline Outlet” means an operating gasoline or diesel fueling facility whose primary function is the resale of fuels.

“Grade” means as follows:

(1) The inclination or slope of a channel, canal, conduit, and the like, or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.

(2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to design elevation for the support of construction, such as paving or the laying of a conduit.

(3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

“Grading” means the cutting and filling of the land surface to a desired slope or elevation.

“Grass” means a member of the botanical family Poaceae, characterized by blade-like leaves that originate as a sheath wrapped around the stem and provide ground-cover.

“Green infrastructure” means the range of measures that use plant or soil systems or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters.

“Green Infrastructure Fund” means an account held by CBU which project owners may pay into, with the authorization of CBU, in lieu of constructing green infrastructure. The fund will be used to finance detention and water quality projects at CBU’s discretion.

“Groundwater” means accumulation of underground water, natural or artificial. The term does not include man made underground storage or conveyance structures.

“Habitat” means the environment in which the life needs of a plant or animal are supplied.

“Hazardous materials” means a substance or material that has been determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has been so designated. This includes hazardous substances, hazardous wastes, marine pollutants, and elevated temperature materials or any item or chemical which can cause harm to people, plants, or animals when exposed by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping.

“Highly erodible soil” means soil that has an erodibility index of eight or more using the erodibility index.

“Hot Spot Development” means projects involving land uses considered to be high pollutant producers such as parking areas, vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

"IDEM" means Indiana Department of Environmental Management.

"Illicit discharge" means any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

"Impaired waters" means waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's Clean Water Act (CWA) Section 303(d) List of Impaired Waters.

"Impervious surface" means 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 and shall align in meaning with the same definition in Section 20.07 of the BMC.

"Individual building lot" or "Individual lot" means a single parcel of land within a multi-parcel development.

"Individual lot operator" means a contractor or subcontractor working on an individual lot.

"Individual lot owner" means a person who has financial control of construction activities for an individual lot.

"Infiltration" means passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

"Inlet" means an opening into a storm drain system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

"Land-disturbing activity" means any man-made change of the land surface including, but not limited to, removing cover, vegetative or otherwise, that exposes the underlying soil, excavating, filling and grading. Milling and paving, underground utilities, and/or resurfacing of paved surfaces is not considered land-disturbing activity for the purposes of this SMO.

"Larger common plan of development or sale" means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as a part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

"Low Impact Development" systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

"Mulch" means a natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is:

(a) owned or operated by a federal, state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over stormwater, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into waters of the state; or privately owned stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;

(b) designed or used for collecting or conveying stormwater;

(c) not a combined sewer; and

(d) not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

"National pollution discharge elimination system" or "NPDES" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA.

"Nutrient" or "Nutrients" mean(s):

(1) A substance necessary for the growth and reproduction of organisms.

(2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

“Open drain” means a natural watercourse or constructed open channel that conveys drainage water.

“Outfall” means the point, location, or structure where a pipe or open drain discharges to a receiving body of water.

“Outlet” means the point of water disposal from a stream, river, lake, tidewater, or artificial drain.

“Percolation” means the movement of water through soil.

“Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

“Pervious” means allowing movement of water.

“Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, dissolved and particulate metals, floatables, pesticides, herbicides, fertilizers, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, animal waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Professional engineer” means a person licensed under the laws of the State to practice professional engineering.

“Project site” or “Construction site” means the entire area on which construction activity is to be performed.

“Project site owner” means the person required to submit a stormwater permit application, and required to comply with the terms of this Ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specification, including the ability to make modifications to those plans and specifications.

“Receiving stream, receiving channel or receiving water” means the body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

“Recharge” means replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

“Redevelopment” means alterations of a property that change a site’s layout ~~or building in such a way that there are disturbances of 1 acre or more of land. The term does not include such activities as exterior remodeling.~~

“Refueling area” means an operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

“Regional detention” means stormwater storage with a controlled release rate that is provided for a specific watershed and benefits multiple sites and/or rights-of-way areas.

“Release rate” means the amount of stormwater release from a stormwater control facility per unit of time.

“Reservoir” means a natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

“Retention” means the storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

“Runoff” means that portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

“Sediment” means solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface.

“Sedimentation” means the process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

“Sensitive area” means an area with highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Includes waterbodies in need of priority protection or remediation based on its:

- (1) Providing habitat for threatened or endangered species.
- (2) Usage as a public water supply intake.
- (3) Relevant community value.
- (4) Usage for full body contact recreation.
- (5) Limited use and outstanding State resource water classification as found in 327 IAC. 2-1-11 and 327 IAC. 2-1.5-19.

“Slope” means the degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise) - e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length and Width (W) components for horizontal angles). Also note that according to international standards (metric), the slope are presented as the vertical or width component shown on the numerator - e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes - e.g., 2:1 with the metric presentation shown in parenthesis - e.g., (1V:2H). Slopes can also be expressed in “percent”. Slopes given in percent are always expressed as $(100 \times V/H)$ - e.g., a 2:1 (1V:2H) slope is a 50% slope.

“Soil” means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

“Solid waste” means any garbage, refuse, debris, or other discarded material.

“Spill” means the unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

“Storm sewer” means a closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

“Stormwater” means water resulting from rain, melting or melted snow, hail, or sleet.

“Stormwater drainage system” means all means natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

“Stormwater pollution prevention plan” or “SWPPP” or “SWP3” means a plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

“Stormwater runoff” means the water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

“Stormwater quality measure” means a practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

“Strip development” means a multi-lot project where building lots front on an existing road.

“Structure” means anything constructed or erected that requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above ground storage tanks, freestanding signs, fences, walls, and other similar items and shall not be more restrictive than the same definition in Section 20.07 of the BMC.

“Subdivision” means any land that is divided or proposed to be divided into lots and shall not be more restrictive than the same definition in Section 20.07 of the BMC.

“Surface parking lot” means a parking lot established on the surface of land that has no portion of a building or structure above or below it.

“Surface runoff” means precipitation that flows onto the surfaces of roofs, streets, the ground, and the like, and is not absorbed or retained by that surface but collects and runs off.

“Swale” means an elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

“SWCD” means Soil and Water Conservation District

“Temporary Stabilization” means the covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch or other non-erosive material applied at a uniform density of 70% across the disturbed area.

“Trained individual” means an individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of coursework, State registration, professional certification, or annual training that enable the individual to make judgments regarding stormwater management, treatment, and monitoring.

“Treatment Train” means a series of stormwater measures designed to maximize the removal of stormwater pollutants or control the volume of stormwater.

“Water quality” means a term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

“Water resources” means the supply of groundwater and surface water in a given area.

“Waterbody” means any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

“Watercourse” means any river, stream, creek, brook, branch, natural or man-made drainageway or pipe in or into which stormwater runoff or floodwaters, as that term is defined by the State of Indiana Department of Natural Resources, flow either continuously or intermittently.

“Watershed” means the region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. A watershed is often broken down into subareas for the purposes of hydrologic modeling.

“Wetland” has the same meaning as defined in Title 20.07.010 – Defined Words.

SECTION II. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION III. This ordinance, upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; shall be in full force and effect on July 1, 2024.

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 ordinance adopts Title 13 of the Bloomington Municipal Code, entitled “Stormwater”. This title incorporates all sections of stormwater regulations from Title 10 and introduces new stormwater permitting, bonding, and regulation in compliance with state requirements set forth in two general permits issued by the Indiana Department of Environmental Management in 2021, which apply statewide to all Municipal Separate Stormwater Sewer Systems, of which the City of Bloomington by and through its Utilities Department is one. This title establishes a Stormwater Management Permit, sets forth requirements for application of said permit, as well as requirements for bonding in association with said permit. This title establishes additional requirements for erosion and sediment control for land disturbing activities in compliance with the general permits. This title also sets forth green infrastructure requirements for development within the City of Bloomington and requirements for the maintenance of stormwater management features within the City of Bloomington. This title establishes regulation and enforcement measures, including fee structure, notices of violation procedure, available remedies, and an administrative appeal process. In addition to complying with updated state permits, Title 13 takes steps to address and mitigate the increased social cost of climate change by establishing measures designed to reduce the flooding impacts of severe storm events throughout the City of Bloomington.

Title 13 2025 Updates Summary Table

Chapter	Citation	Current Language	Proposed Language	Synopsis
Ordinance Foundation	13.01.010(a)	There is hereby established within the city wastewater utility the powers, duties, and responsibility for construction, operation, and maintenance for the stormwater utility in accordance with Indiana Code, § 36-9-23 et seq., by "Home Rule" and further as required by Phase II of the National Pollutant Discharge Elimination System Stormwater (NPDES) program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).	There is hereby established within the city wastewater utility the powers, duties, and responsibilities for construction, operation, and maintenance for the stormwater utility in accordance with Indiana Code § 36-9-23 et seq., Indiana Code § 36-1-3 ("Home Rule"), Indiana Code § 36-9-28.5 , and further as required by Phase II of the National Pollutant Discharge Elimination System Stormwater (NPDES) program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).	Adds the Indiana Code reference for Home Rule, and adds an additional applicable authority from Indiana Code that allows a municipality to establish policies for the "management of stormwater runoff from developed real property"
Ordinance Foundation	13.01.020(a)	The objectives of this Chapter are:	The objectives of this Ordinance are:	Correction
Ordinance Foundation	13.01.020(a)(2)	storm drain system	storm water drainage system	Change to be consistent with 13.09 Definitions
Ordinance Foundation	13.01.020(a)(3)	storm drain system	storm water drainage system	Change to be consistent with 13.09 Definitions
Ordinance Foundation	13.01.020(a)(4)	storm drain system	storm water drainage system	Change to be consistent with 13.09 Definitions
Ordinance Foundation	13.01.030(a)(2)(B)	Whenever a provision...	Where permitted , whenever a provision...	Clarification
Prohibited Discharges and Connections	13.03.010(a)	New text	Pursuant to the provisions of the MS4GP , this...	Clarification
Prohibited Discharges and Connections	13.03.040(a)	CBU is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Bloomington stormwater drainage system.	CBU is authorized to require dischargers to implement, at the discharger's expense , pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Bloomington stormwater drainage system, including additional structural and nonstructural BMP's .	Clarification
Stormwater Development Standards	13.04.010(b)	Section 13.09.020(b)	Section 13.08.020(b)	Correction

Stormwater Development Standards	13.04.030	<p>Surface Parking Lot Drainage</p> <p>(a) Purpose. The purpose of this section is to mitigate the impact of stormwater runoff from parking lots. Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while also incorporating green infrastructure into parking lots.</p> <p>(b) Applicability. All projects which are:</p> <ol style="list-style-type: none"> (1) Required to obtain a stormwater management permit; and (2) Expanding a surface parking lot by, or creating a surface parking lot that is, one thousand five hundred square feet or more. <p>(c) Exemptions.</p> <ol style="list-style-type: none"> (1) Single-family residential developments including duplexes, triplexes, and fourplexes. (2) The assistant director of the engineering division or their designee may determine that full compliance with Section 13.04.030(d) is not feasible. In such a case, compliance will be required to the extent possible as determined by the assistant director of the engineering division or their designee. <p>(d) Bioretention Standards in Parking Lots.</p> <ol style="list-style-type: none"> (1) Parking lots shall be constructed such that all surface water is directed into bioretention facilities located in the interior of or immediately adjacent to the parking lot. (2) Bioretention facilities shall be located below the grade of the parking lot to facilitate runoff to flow into the facilities. (3) Bioretention facilities shall be vegetated with appropriate perennials, grasses, shrubs, and/or trees that comply with Section 13.04.050. (4) Bioretention facilities shall comply with the City of Bloomington Stormwater Design Manual. Shrubs shall be planted at least five feet from any underdrain; trees shall be planted at least ten feet from any underdrain. 	<p>Water Quality Treatment for Hot Spot Developments</p> <p>(a) Purpose. The purpose of this section is to mitigate the impact of stormwater runoff from hot spot developments such as retail gasoline outlets, vehicle maintenances facilities, parking areas, and industrial sites. Refer to the Stormwater Design Manual for more information on hot spot developments.</p> <p>(b) Applicability. All projects which are required to obtain a Stormwater Management Permit and are creating a hot spot development. A parking lot is considered a hot spot development when there is the creation of a new parking lot at least 1,500 square feet in size, or an existing parking lot is expanded by at least 1,500 square feet.</p> <p>(c) Exemptions.</p> <ol style="list-style-type: none"> (1) Single-family residential developments including duplexes, triplexes, and fourplexes. (2) The Assistant Director of the Engineering Division or their designee may determine that full compliance with 13.04.030 is not feasible. In such a case, compliance will be required to the extent possible as determined by the Assistant Director of the Engineering Division or their designee. <p>(d) Water Quality Treatment Requirements for Hot Spot Land Uses</p> <p>The development of hot spot land uses shall include water quality treatment BMPs sufficient to treat the proposed pollutants. Refer to the Stormwater Design Manual for BMP specifications.</p> <p>(e) Bioretention Standards in Parking Lots</p> <p>Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while also incorporating green infrastructure into parking lots.</p> <ol style="list-style-type: none"> (1) Parking lots shall be constructed such that the Water Quality Volume (WQv) is directed into bioretention facilities located in the interior of or immediately adjacent to the parking lot. Refer to the Stormwater Design Manual for determination of the WQv and for BMP specifications. (2) Bioretention facilities shall be located below the grade of the parking lot to facilitate runoff to flow into the facilities. (3) Bioretention facilities shall be vegetated with appropriate perennials, grasses, shrubs, and/or trees that comply with Section 13.04.050. (4) Bioretention facilities shall comply with the City of Bloomington Stormwater Design Manual. Shrubs shall be planted at least five feet from any underdrain; trees shall be planted at least ten feet from any underdrain. 	Clarification regarding post-construction water quality treatment requirements for certain 'hot spot' land uses, which includes parking lots. A definition for hot spot development has been added to 13.09 Definitions. This policy and definition come from Purdue LTAP's Model Stormwater Ordinance and aligns with existing post-construction water quality treatment requirements in Chapter 13.06.
Stormwater Development Standards	13.04.050(c)	Planting of vegetation may be required as part of post-construction BMP.	Planting of vegetation may be required as part of a post-construction BMP.	Correction

Title 13 2025 Updates Summary Table

Construction Site Stormwater Control	13.05.010(a)(2)	A stormwater pollution prevention plan (SWPPP) or erosion control plan is required for any project site which involves the disturbance of two thousand five hundred square feet or more of ground surface. Refer to the City of Bloomington Stormwater Design Manual for erosion and sediment control plan requirements.	A Stormwater Pollution Prevention Plan (SWPPP) is required for any project site which requires CSGP coverage. An Erosion and Sediment Control Plan (ESCP) is required for any project site which involves the disturbance of 2,500 square feet or more of ground surface but does not require CSGP coverage. Refer to the City of Bloomington Stormwater Design Manual for determination of CSGP coverage, and for SWPPP and ESCP requirements.	Clarification
Construction Site Stormwater Control	13.05.010(a)(3)	City-owned projects are subject to this Section 13.05.010. If a SWPPP is to be submitted to the Monroe County Soil and Water Conservancy District (SWCD) or directly to IDEM, if directed by the SWCD, then the SWPPP shall be submitted to CBU's MS4 staff for review and a determination made as to whether the plan meets the minimum requirements of the CSGP prior to submission.	City-owned projects are subject to this Chapter (13.05). The SWPPP, when required , shall be submitted to CBU's MS4 staff for review and a determination made as to whether the plan meets the minimum requirements of the CSGP prior to submission to the review authority .	Clarified language regarding review authority for MS4-owned projects.
Construction Site Stormwater Control	13.05.010(b)(6)	Single-family residential developments including duplexes, triplexes, and fourplexes that under an acre of land disturbance.	Single-family residential developments including duplexes, triplexes, and fourplexes that disturb under an acre of land or that are not part of a larger common plan for development or sale that would otherwise disturb at least one acre of land .	Clarification
Construction Site Stormwater Control	13.05.030(a)(3)(A)	For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are one-half acre or more, one-half acre of land disturbance must be used as the expected lot disturbance.	For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are one-half acre or more, a minimum of one-half acre of land disturbance must be used as the expected lot disturbance.	Clarification
Construction Site Stormwater Control	13.05.030(a)(3)(C)	To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.	To calculate lot disturbance on all other types of project sites, including but not limited to industrial and commercial project sites, a minimum of one acre of land disturbance must be used for all lots regardless of lot size .	Clarification to better match the CSGP language regarding multi-lot developments
Construction Site Stormwater Control	13.05.040	Erosion and Pollutant Control Requirements	Erosion and Pollution Prevention and Elimination Requirements	Clarification
Construction Site Stormwater Control	13.05.040(a)	All project 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 project sites undergoing land disturbing activities, regardless of size, shall prevent the illicit discharge of pollutants off-site or conveyed into any stormwater drainage system , either by wind or water in accordance with the MS4GP and the CSGP .	Clarification
Construction Site Stormwater Control	13.05.040(b)	For land-disturbing activities that include or occur adjacent to environmentally sensitive areas, including but not limited to steep slopes, karst features, floodplain, wetlands, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, shall be required, as determined by the CBU Director or their designee.	For land-disturbing activities that include or occur adjacent to environmentally sensitive areas, including but not limited to steep slopes, karst features, floodplain, wetlands, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, may be required, as determined by the CBU Director or their designee in accordance with the MS4GP and CSGP .	Clarification
Construction Site Stormwater Control	13.05.040(o)	Disturbed areas that are at finished grade with installed utilities shall be permanently stabilized with mulched seeding within seven days.	Removed from SMO	Final stabilization requirements that align with the CSGP are already provided in 13.05.040(p).

Title 13 2025 Updates Summary Table

Construction Site Stormwater Control	13.05.040(aa)	Under no circumstances shall plastic netting or plastic mesh be used on site for any type of landscaping, stabilization, or erosion control.	Removed from SMO	This language will be incorporated into the UDO's landscaping standards
Construction Site Stormwater Control	13.05.050(a)	Following approval of the Stormwater Management Permit and commencement of construction activities, CBU shall have the authority to conduct inspections in accordance with Section 13.09.040(a) of the project site to ensure full compliance with this chapter, the City of Bloomington Stormwater Design Manual, the terms and conditions of the approved Stormwater Management Permit, and the CSGP, if applicable.	Following approval of the Stormwater Management Permit and commencement of construction activities, CBU shall have the authority to conduct inspections in accordance with Section 13.08.040(a) of the project site to ensure full compliance with this chapter, the City of Bloomington Stormwater Design Manual, and the terms and conditions of the approved Stormwater Management Permit.	Removed reference to the CSGP since the City does not have the authority to enforce the CSGP, and corrected a code reference.
Post-Construction Stormwater Control	13.06.010(a)	Section 13.09.020(b)	Section 13.08.020(b)	Correction
Post-Construction Stormwater Control	13.06.020(a)	As new development and re-development continues in Bloomington, measures must be taken to promote runoff volume reduction, infiltrate stormwater into the ground, and intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers and wetlands.	As new development and re-development continues in Bloomington, measures must be taken to promote runoff volume reduction, runoff detention , infiltration stormwater into the ground (where appropriate), and interception and filtration of pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers and wetlands.	Clarification
Post-Construction Stormwater Control	13.06.020(b)	Post-construction stormwater quality measures are incorporated as a permanent feature into construction projects and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. The following will be implemented as a minimum: (1) Stormwater detention and quantity control as required by the stormwater design manual. (2) The control of stormwater quality will be as required by the stormwater design manual. (3) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size of disturbance, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. (4) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure. (5) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment. (6) Outfalls must be designed to reduce outfall scouring, bank erosion, and head-cutting.	Post-construction stormwater management measures are incorporated as permanent features into construction projects and are left in place following completion of construction activities to continuously treat and detain stormwater runoff from the stabilized site. (1) Stormwater detention and quantity control as required by the Stormwater Design Manual . (2) Stormwater quality treatment as required by the Stormwater Design Manual . (3) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size of disturbance, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. (4) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure. (5) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment. (6) Outfalls must be designed to reduce outfall scouring, bank erosion, and head-cutting.	Clarification

Title 13 2025 Updates Summary Table

Stormwater Management Facilities Post-Construction Maintenance and Inspection	13.07.040	New text	<p>(a) Driveway Culverts. Any new construction or change in type of business or land use of an existing property whenever a proposed driveway or use shall connect to or join any public road, street or highway or other public right-of-way in the City or whenever any person desires to construct a culvert under any such driveway connecting to or joining any public road, street or highway or other right-of-way in the town, said driveway culvert shall be constructed and installed at the expense of the property owner to provide adequate drainage at a minimum size of no less than 12 inches and in no case less than that specified by CBU in accordance with its Stormwater Design Manual.</p> <p>(b) Maintenance of Culverts and Ditches. Each property owner shall regularly perform general maintenance activities regarding any and all ditches, culverts and/or inlet clean outs to ensure proper storm water drainage on and across their property.</p>	New text
Administration and Procedures	13.08.010(b)	enforcement and penalties	Enforcement and Penalties ...	Correction: Capitalize Enforcement and Penalties
Administration and Procedures	13.08.020(a)(2)(C)	Refer to the CBU Rules and Regulations for additional requirements	Refer to the CBU Stormwater Design Manual for additional requirements	Correction
Administration and Procedures	13.08.020(b)(1)	The purpose of the Stormwater Management Permit and procedure is to mitigate the environmental impact of development and to protect the water quality of the City of Bloomington and surrounding areas. This permit and procedure is a mechanism to ensure compliance with this SMO by providing a thorough review and permitting process as well as inspection and close-out process for all construction activities which affect stormwater.	The purpose of the Stormwater Management Permit and procedure is to mitigate the environmental impact of development and to protect the water quality of the City of Bloomington and surrounding areas. This permit and procedure is a mechanism to ensure compliance with the MS4GP and this SMO by providing a thorough review and permitting process as well as inspection and close-out process for all construction activities which affect stormwater.	Clarification
Administration and Procedures	13.08.020(b)(2)	13.09.020(b)(3)	13.08.020(b)(3)	Correction
Administration and Procedures	13.08.020(b)(3)(B)	Land-disturbing activity on a single-family residential lot or lots containing duplexes, triplexes, and fourplexes, that is less than 1 acre.	Land-disturbing activity on a single-family residential lot or lots containing duplexes, triplexes, and fourplexes, which is less than one acre and not part of a larger common plan for development or sale.	Clarification
Administration and Procedures	13.08.020(b)(3)(E)	New text	(E) Activities exempted under 13.05.010(b).	Clarification
Administration and Procedures	13.08.020(b)(5)	New text	The Stormwater Management Permit (SMP) process will be similar for all projects but simplified for sites not requiring CSGP coverage. Refer to the Stormwater Design Manual for information on the applicability of the CSGP and SMP application process details.	Clarification
Administration and Procedures	13.08.020(b)(5)(A)(iv)	(iv) Draft operation and maintenance plan (v) Performance bond estimate prepared by a licensed engineer	(iv) For projects requiring new or modified stormwater infrastructure or BMPs, a draft operation and maintenance plan and a performance bond estimate prepared by a licensed engineer.	Clarification
Administration and Procedures	13.08.020(b)(5)(A)(v)	(v) Performance bond estimate prepared by a licensed engineer	Text removed	Clarification/Compliance

Title 13 2025 Updates Summary Table

Administration and Procedures	13.08.020(b)(5)(B)	After CBU receives the submittal materials, a determination will be made whether the application is substantially complete within 14 business days. If the submittal is deemed insufficient, CBU may request additional information and/or a revised submittal.	Text removed	Clarification - these review timeframes are dictated by IC 13-18-27, and our procedure for requiring revisions is stated in 13.08.020(b)(5)(B)(i)
Administration and Procedures	13.08.020(b)(5)(B)(i)	Review will be conducted by CBU and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. The applicant may resubmit for additional rounds of reviews. Once CBU and/or its plan review consultant(s) have no further comments and/or deficiencies to communicate, a Stormwater Management Permit may be issued.	Review will be conducted by CBU and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. The applicant may be required to resubmit materials for additional review.	Clarification, and language pertaining to Stormwater Permit issuance is already provided in 13.08.020(b)(5)(C)
Administration and Procedures	13.08.020(b)(5)(C)	The Stormwater Management Permit will be issued after the application submission is approved. In granting a Stormwater Management Permit...	The Stormwater Management Permit will be issued after the submittal review is completed, all fees are paid, and a pre-construction meeting has been held . In issuing a Stormwater Management Permit...	Clarification
Administration and Procedures	13.08.020(b)(5)(D)(i)(c)	If a project that has received a Stormwater Management Permit and has begun earth-disturbing activities but then becomes inactive for a period of 180 days or longer, the Stormwater Management Permit shall expire.	If a project has received a Stormwater Management Permit and has begun earth-disturbing activities but then becomes inactive for a period of 180 days or longer, the Stormwater Management Permit shall expire.	Correction - removed the word 'that'
Administration and Procedures	13.08.020(b)(5)(D)(ii)(a)	The Stormwater Management Permit Applicant may submit revisions or amendments to an approved permit...	The Stormwater Management Permit Applicant shall submit revisions or amendments to an approved permit...	Clarification
Administration and Procedures	13.08.020(b)(5)(D)(iii)	The Stormwater Management Permit shall terminate when either the permit expires in accordance with Section 13.09.020(b)(3)(D)(i) or the permitted project receives written notification from CBU that the permit has been closed in accordance with Section 13.09.050.	The Stormwater Management Permit shall terminate when either the permit expires in accordance with Section 13.08.020(b)(3)(D)(i) or the permitted project receives written notification from CBU that the permit has been closed in accordance with Section 13.08.050 .	Correction
Administration and Procedures	13.08.020(c)(1)	...to ensure statutory requirements of the Indiana Code and the MS4 General are met.	...to ensure statutory requirements of the Indiana Code and the MS4 General Permit are met.	Correction
Administration and Procedures	13.08.020(c)(2)	Applicability. This Section 13.09.020(c) governs easements that are: (A) Required and/or granted pursuant to a provision of this SMO; (B) Permitted or required as a commitment or condition of approval for unplatted drainage and/or utility easements; (C) Previously dedicated unplatted Drainage and/or Utilities Easements; or (D) Any other instances in which an easement would be required by CBU.	Applicability. This Section 13.08.020(c) governs easements that are: (A) Required and/or granted pursuant to a provision of this SMO; (B) Permitted or required as a commitment or condition of approval for unplatted drainage and/or utilities easements; (C) Previously dedicated unplatted drainage and/or utilities easements ; or (D) Any other instances in which an easement would be required by CBU.	Correction: lower case
Administration and Procedures	13.08.020(c)(3)(B)	Drainage and/or Utilities Easements shall be required for all surface drainage conveyances, retention/detention facilities, and water quality infrastructure that are located on private property.	Drainage and/or Utilities Easements shall be required for: (i) private stormwater drainage systems that drain the public right-of-way and/or two or more lots; and (ii) private retention/detention facilities and water quality infrastructure.	Clarification
Administration and Procedures	13.08.030(a)	Financial assurances are provided so that CBU has a mechanism to ensure that all stormwater infrastructure, erosion controls, and post-construction BMPs are installed in compliance with this SMO and function properly.	Financial assurances are provided so that CBU has a mechanism to ensure that all stormwater infrastructure and post-construction BMPs are installed in compliance with the MS4GP, CBU policies, and this SMO and function properly.	Clarification/Compliance: remove "erosion control"

Title 13 2025 Updates Summary Table

Administration and Procedures	13.08.030(c)(2)	(2) Said performance bond shall guarantee a good faith execution of the SWPPP, erosion and sediment control plan, and any other conditions of plan approval including proper installation of all approved stormwater infrastructure.	(2) Said performance bond shall guarantee a good faith execution of the construction plans and any other conditions of plan approval including proper installation of all approved stormwater infrastructure.	Clarification/Compliance, and removal of erosion controls from required financial assurances.
Administration and Procedures	13.08.030(c)(3)	(3)The total performance bond shall be for the cost of installation, plus a twenty-five percent contingency, of stormwater improvements including detention/retention facilities, stormwater quality BMPs, and other stormwater infrastructure and the continuous installation, monitoring, and maintenance of temporary sediment and erosion control measures, stormwater management facilities, and water quality BMPs as regulated under this SMO. The intent of this performance bond is not only to complete the installation of stormwater infrastructure for the project, but also to ensure that adequate stormwater pollution prevention measures are properly installed, maintained and cleaned for such a period as specified by the city.	(3) The total performance bond shall be for the cost of installation, plus a 25% contingency, of stormwater improvements including all stormwater drainage systems , detention/retention facilities, and stormwater management BMPs as regulated under this SMO. The intent of this performance bond is to complete the installation of stormwater infrastructure for the project as specified by the City.	Clarification/Compliance: removal of erosion controls from required financial assurances.
Administration and Procedures	13.08.040(b)(3)	Section 13.09.040(b)(2)	Section 13.08.040(b)(2)	Correction
Administration and Procedures	13.08.040(b)(5)(D)	Section 13.09.020(c)	Section 13.08.020(c)	Correction
Administration and Procedures	13.08.050(b)(2)	Section 13.09.050(e)(1)	Section 13.08.050(e)(1)	Correction
Administration and Procedures	13.08.050(b)(3)	Section 13.09.050(d)	Section 13.08.050(d)	Correction
Administration and Procedures	013.08.050(b)(5)	Section 13.09.050	Section 13.08.050	Correction
Administration and Procedures	13.08.050(b)(6)(C)	Issue a stop work order (with at least 72 hours notice in the case of violations of 13.05.040);	Issue a stop work order (with at least 72 hours notice in the case of violations of 13.05.040, unless the violation causes a public health hazard or a safety hazard, in which case the stop work order is immediately effective);	Clarification to better align with Indiana Code 13-18-27
Administration and Procedures	13.08.050(b)(6)(F)	Any and all penalties and remedies listed in Section 13.09.050(d), penalties and remedies.	Any and all penalties and remedies listed in Section 13.08.050.	Correction
Administration and Procedures	13.08.050(f)(2)(B)	Section 13.09.050(d)	Section 13.08.050(d)	Correction
Administration and Procedures	13.08.050(f)(3)(A)	7 business days	seven business days	Clarification
Definitions	13.09	New text	“Hot Spot Development” means projects involving land uses considered to be high pollutant producers such as parking areas, vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.	Clarification to support changes to Chapter 13.04 Stormwater Development Standards

Title 13 2025 Updates Summary Table

Definitions	13.09	“Redevelopment” means alterations of a property that change a site or building in such a way that there are disturbances of 1 acre or more of land. The term does not include such activities as exterior remodeling.	“Redevelopment” means alterations of a property that change a site's layout .	Clarification - to remove inconsistency with Stormwater Management Permit requirements
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First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1037

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-1-3-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) As used in this section, "land disturbing activity" means any manmade change of the land surface, including:**

- (1) removing vegetative cover that exposes the underlying soil;**
- (2) excavating;**
- (3) filling; and**
- (4) grading.**

(b) Except as provided in subsection (d), a unit does not have the power to adopt:

- (1) a law;**
- (2) a rule;**
- (3) an ordinance; or**
- (4) a regulation;**

that is more stringent than or exceeds in any manner the requirements of the department of environmental management's construction stormwater general permit, including financial assurances and any post-construction drainage reports.

(c) If a law, rule, ordinance, or regulation violates subsection (b):

HEA 1037 — Concur



- (1) the law, rule, ordinance, or regulation is void; and
- (2) the unit in violation of subsection (b) shall continue to discharge its duties under the department of environmental management's construction stormwater general permit program, if any.

(d) If a land disturbing activity would result in the disturbance of less than one (1) acre of total land area and is not part of a larger common plan of development or sale, a unit or the department of environmental management may take the following actions:

- (1) If a person conducting a land disturbing activity fails to control sediment or dust from leaving the site, issue a written warning to the person with respect to the sediment or dust.
- (2) If a written warning has been issued as described in subdivision (1) and corrective action has not been initiated within forty-eight (48) hours of receiving the written warning, issue a stop work order for the site.

SECTION 2. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1037 — Concur



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Administrator/Attorney for Common Council

Date: July 10, 2025

Re: APPROPRIATION ORDINANCE - 2025-07 – TO TRANSFER FROM THE GENERAL FUND TO VARIOUS DEPARTMENTS WITHIN THE GENERAL FUND, AND TO THE ECONOMIC DEVELOPMENT LOCAL INCOME TAX FUND, THE PARKS & RECREATION GENERAL FUND, THE PARKING METER FUND, THE PARKING FACILITIES FUND, THE MOTOR VEHICLE HIGHWAY FUND, THE ALTERNATIVE TRANSPORTATION FUND, THE FLEET MAINTENANCE FUND, THE SANITATION FUND AND THE RISK MANAGEMENT FUND

Synopsis

Appropriation Ordinance 2025-07 appropriates various transfers of funds within the General Fund, from the Human Resources Department to various departments and divisions, and from the General Fund to various funds and various departments, to correct the personnel budgets and align with the 2025 salary ordinance.

Relevant Materials

- Appropriation Ordinance 2025-07
- Staff Memo from Jessica McClellan, Controller

Summary

In 2024 Ordinance 2024-20 changed the grade levels and classifications of various positions within the City's organizational structure. As explained in the Staff Memo, salary adjustments are sought based upon experience levels of employees. The Office of the Controller has calculated the costs of these adjustments and now seeks to transfer funds to cover those costs.

Council's Rights and Duties

As the City's fiscal officer, the Controller is responsible for managing the finances and accounts of the City of Bloomington and making investments of City money, subject to the ordinances of the Council. IC 36-4-10-5(b)(9).

As the City's legislative body, the Council may pass ordinances for the government of the City, for the control of the City's property and finances, and for the appropriation of money pursuant to IC 36-4-6-18, subject to approval or veto of the Mayor. This legislative power includes establishing funds and transferring monies between them. The Council also has the power to make further or additional appropriations by ordinance on the recommendation of the City Executive. IC 36-4-7-8. An appropriation ordinance must specify, by items, the amount of each appropriation and the department for which it is made. IC 36-4-7-9.

This legislation falls within the Council's statutory legislative powers. The Controller has recommended that the Council pass the appropriation ordinance in order to make this appropriation, as required by the IC 36-4-7-8. Appropriation Ordinance 2025-07 specifies the amount of each appropriation and "the department" for which it is made, in compliance with IC 36-4-7-9.

Publication of Notice of Public Hearing

The second reading of Appropriation Ordinance 2025-07 is scheduled on July 30, 2025 at 6:30pm. The July 30, 2025 meeting will constitute the public hearing of this proposed additional appropriation.

Contact

Jessica McClellan, Controller, 812-349-3412, jessica.mcclellan@bloomington.in.gov

APPROPRIATION ORDINANCE 2025-07

**TO TRANSFER FROM THE GENERAL FUND TO VARIOUS DEPARTMENTS WITHIN THE
GENERAL FUND, AND TO THE ECONOMIC DEVELOPMENT LOCAL INCOME TAX FUND, THE
PARKS & RECREATION GENERAL FUND, THE PARKING METER FUND, THE PARKING
FACILITIES FUND, THE MOTOR VEHICLE HIGHWAY FUND, THE ALTERNATIVE
TRANSPORTATION FUND, THE FLEET MAINTENANCE FUND, THE SANITATION FUND AND
THE RISK MANAGEMENT FUND**

- WHEREAS; the Human Resources Department desires to transfer funds from the General Fund, Classification 1 (Personnel Services), to other departments in the General Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budgets; and
- WHEREAS; the Human Resources Department desires to transfer funds from the General Fund, Classification 1 (Personnel Services), to other departments in the Economic Development Local Income Tax Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budgets; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Public Works Department-Street Division in the Motor Vehicle Highway Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budget; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Parks Department in the Parks & Recreation General Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budget; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Public Works Department- Parking Division in the Parking Meter Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budgets; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Public Works Department - Parking Division in the Parking Facilities Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budget; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Public Works Department – Fleet Maintenance Division in the Fleet Maintenance Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budget; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Public Works Department – Sanitation Division in the Sanitation Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budget; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Public Works Department – Parking Division in the Alternative Transportation Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budget; and
- WHEREAS; the Human Resources Department within the General Fund desires to transfer funds from Classification 1 (Personnel Services) to the Public Works Department – Parking Division in the Alternative Transportation Fund for Classification 1 (Personnel Services) expenditures not included in the adopted budget; and
- WHEREAS; notice of a Public Hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been

held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS; the Common Council of the City of Bloomington now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

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

SECTION 1. For the expenses of the City of Bloomington, Monroe County Indiana, the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

1101	General Fund	
	Human Resources	
	Category 1 Balance	\$ 2,218,464
	Total Transfers	(550,969)
	Category 1 Balance	\$ 1,667,495

1101	General Fund	
	Category 1	
	Common Council	\$ 16,387
	Community & Family Resources	11,542
	Economic & Sustainable Dev.	26,038
	Engineering	23,956
	Fire	7,079
	Housing & Neighborhood Dev.	30,826
	ITS	35,463
	Legal	70,010
	Planning	32,934
	Police	27,214
	Public Works - Admin	13,032
	Public Works - Animal Control	5,904
	Public Works Facilities	3,217
	Total	\$ 303,602

2201	Motor Vehicle Highway Fund	
	Category 1	
	Public Works - Street	\$ 10,748

2204	Parks General Fund	
	Category 1	
	Parks	\$ 102,173

2207	Parking Meter Fund	
	Category 1	
	Public Works - Parking	\$ 5,072

2209	Economic Development LIT Fund	
	Category 1	
	Community & Family Resources	\$ 8,856
	Controller	22,680
	Fire	5,374
	Housing & Neighborhood Dev.	8,856
	Human Resources	23,855
	Total	\$ 69,621

2520	Parking Facilities Fund Category 1 Public Works - Parking	\$ 4,566
2521	Alternative Transportation Fund Category 1 Public Works - Parking	\$ 1,287
6604	Sanitation Fund Category 1 Public Works - Sanitation	\$ 10,444
7702	Fleet Maintenance Fund Category 1 Public Works Fleet Maintenance	\$ 3,833
7704	Risk Management Fund Category 1 Risk Management	\$ 39,623
Grand Total		\$ 550,969

SECTION 2. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer’s having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

Appropriation Ordinance 2025-07 appropriates various transfers of funds within the General Fund, from the Human Resources Department to various departments and divisions, and from the General Fund to various funds and various departments, to correct the personnel budgets and align with the 2025 salary 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

MEMO FROM CONTROLLER MCCLELLAN:

To: Members of the Common Council

From: Jessica McClellan, Controller

Date: 7/7/2025

Re: Ordinance 2025-07 - To transfer appropriations in the General Fund to various departments and various funds to align budgets with the 2025 Salary Ordinance.

INTRODUCTION

Ordinance 2025-07 is presented to transfer appropriations from the General Fund, Human Resources Department, to various departments and funds, including the General Fund, Economic Development Local Income Tax (ED LIT) Fund, Motor Vehicle Highway (MVH) Fund, Parks & Recreation General Fund, Parking Meter Fund, Parking Facilities Fund, Alternative Transportation Fund, Sanitation Fund, Fleet Maintenance Fund and Risk Management Fund. This transfer is a planned budget adjustment required to align departmental salary budgets with the provisions of the 2025 Salary Ordinance adopted by the Bloomington Common Council.

BACKGROUND

In 2024, the Bloomington Common Council adopted the 2025 Salary Ordinance, which included a comprehensive update to the grades and classifications of various positions across city departments.

On April 21, 2025, the council approved Ordinance 2025-04, which moved budgeted spending from the Human Resources Department to various departments and funds to pay for salary changes included in the 2025 salary ordinance.

After this phase of alignment with the 2025 salary pay grades, HR recommended advanced step placement for employees who have prior experience. Prior experience is defined as relevant skills and knowledge gained through past employment. It helps determine advanced step placement for current employees and new hires and supports efforts to attract highly qualified candidates.

HR reviewed employees' prior experience to determine eligibility for advanced step placement as part of the Civil City Salary Study. The review included three steps: assessing internal position changes using the existing step placement policy, evaluating previous work experience from job applications and resumes, and adjusting step placement when employees had more experience than required.

Only full-time paid experience was counted. Some roles were excluded if they traditionally require no experience or if all hires start at the same step regardless of background. This is a one-time, adjustment to complete the salary study implementation—future evaluations will use a standardized rubric and review committee.



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A protocol for evaluating prior experience for new hires will be developed and shared with department heads for feedback before implementation, which will happen after current employee adjustments are complete.

PROPOSED APPROPRIATION TRANSFERS

Transfers will occur within the General Fund, reallocating funds from the Human Resources Department to various General Fund departments. Additionally, transfers will be made from the General Fund to the following funds to reflect salary adjustments:

- Economic Development LIT Fund
- Motor Vehicle Highway Fund
- Parks & Recreation General Fund
- Parking Meter Fund
- Parking Facilities Fund
- Alternative Transportation Fund
- Fleet Maintenance Fund
- Sanitation Fund
- Risk Management Fund

FISCAL STATEMENT

The total amount budgeted for 2025 salary adjustments was \$6,000,000. Budget adjustments were approved April 21, 2025 totaling \$3,781,536. The amount of the budget remaining for salary adjustments was \$2,218,464. Budget adjustments for prior experience total \$550,969. The remaining balance in the HR budget for salary study adjustments is \$1,667,495.

City of Bloomington, Indiana
Notice to Taxpayers of
Additional Appropriations

Notice is hereby given to the taxpayers of Bloomington, Monroe County, Indiana that the Bloomington Common Council will consider the following additional appropriations in excess of the budget for the current year during their meeting on July 30, 2025 at 6:30 pm in the Council Chambers (Room #115) of City Hall, 401 N. Morton Street, Bloomington, Indiana and/or via Zoom.

Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriation as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

Join Zoom Meeting

<https://bloomington.zoom.us/j/88978901912?pwd=3fpAB4AL3ywYbQN421PeBD2oXnKeyb.1>

Meeting ID: 889 7890 1912

Passcode: 425407

Check <https://bloomington.in.gov/council> for the most up-to-date information.

APPROPRIATIONS

1101 General Fund

Transfer from:

Human Resources Category 1 -303,602

Transfer to Category 1:

Mayor	16,387
Community & Family Resources	11,542
Economic & Sustainable Dev.	26,038
Engineering	23,956
Fire	7,079
Housing & Neighborhood Dev.	30,826
ITS	35,463
Legal	70,010
Planning	32,934
Police	27,214
Public Works - Admin	13,032
Public Works - Animal Control	5,904
Public Works Facilities	3,217

	Total	303,602
1101	General Fund	
	Transfer from Category 1	
	Human Resources	-247,367
	Transfer to:	
2201	Motor Vehicle Highway Fund	
	Public Works – Street Category 1	10,748
2204	Parks General Fund	
	Parks Category 1	102,173
2207	Parking Meter Fund	
	Public Works – Parking Category 1	5,072
2209	Economic Development LIT Fund	
	Community & Family Resources	
	Category 1	8,856
	Controller Category 1	22,680
	Fire Category 1	5,374
	Housing & Neighborhood Dev.	
	Category 1	8,856
	Human Resources Category 1	23,855
	Total	69,621
2520	Parking Facilities Fund	
	Public Works – Parking Category 1	4,566
2521	Alternative Transportation Fund	
	Public Works – Parking Category 1	1,287
6604	Sanitation Fund	
	Public Works – Sanitation Category	
	1	10,444
7702	Fleet Maintenance Fund	
	Public Works Fleet Maintenance	
	Category 1	3,833
7704	Risk Management Fund	

Risk Management Category 1	39,623
Total	247,367
Grand Total	550,969

Today's Date: 7/10/2025

Publish Date: 7/18/2025

Jessica McClellan, City of Bloomington Controller



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

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator / Attorney

Date: July 24, 2025

Re: Resolution 2025-12: To Initiate A Proposal to Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Preparation of a Proposal to Amend Chapter 20.04.110 (Incentives).

Synopsis

This resolution, sponsored by Councilmember Stosberg, re-initiates in part the proposal in Resolution 2024-23 (adopted on November 20, 2024) to amend Title 20 (the Unified Development Ordinance or “UDO”) of the Bloomington Municipal Code and incorporates additional direction for evaluating the City’s affordable housing incentive structure. The resolution directs that a UDO text amendment proposal be prepared by the Plan Commission to assess and consider changes to the affordable housing incentive structure and the Payment-in-Lieu option.

Relevant Materials

- Resolution 2025-12
- Sponsor Memo from Councilmember Stosberg Re: Resolution 2025-12
- Resolution 2024-23
- Relevant UDO Section on Affordable Housing (BMC 20.04.110(c))

Summary

Amendments to zoning ordinance texts are governed by [Indiana Code \(IC\) § 36-7-4-607](#), which requires the Plan Commission to hold a public hearing within 60 days of its receipt of a proposal from Council and to vote and to make a recommendation to the legislative body within 60 days of that hearing. The Plan Commission noticed and held hearings on Resolution 2024-23. However, the Plan Commission didn’t vote on the matter within the 60-day statutory limit. Reinitiating in part the Resolution 2024-23 through Resolution 2025-12 is intended to ensure compliance with statutory requirements.

[IC 36-7-4-602\(b\)](#) authorizes the Common Council to initiate the proposal via resolution and to require the Plan Commission to prepare it. Resolution 2025-12 directs the Plan Commission to prepare a proposal to make textual amendments to the UDO that govern affordable housing eligibility. For additional background and context, see Councilmember Stosberg’s sponsor memo.



City of Bloomington Indiana

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UDO Text Amendment Process

Upon passage of Resolution 2025-12, the Plan Commission must begin preparing a proposal to amend the UDO. The process is governed by [IC 36-7-4-607](#) and related statutes, as outlined below:

1. Plan Commission Process:

The Plan Commission must hold a public hearing within 60 days in accordance with [IC 36-7-4-604](#). This statutory provision also allows continuances of the hearing and requires only substantial compliance with the notice and hearing procedure. No later than 60 days after the hearing, the Commission must vote on the proposal. It must then certify its recommendation to the Common Council within 10 business days of its determination, pursuant to [IC 36-7-4-605](#).

2. Council Action on Certified Proposal:

Following certification, the Council may consider the proposal at its first regular meeting or at any subsequent meeting held within 90 days. The Council must provide at least 48 hours' notice of its intention to consider the proposal. If the Council fails to act within 90 days on a proposal that received a favorable recommendation, the proposal takes effect automatically as if it had been adopted in the form certified.

3. Effect of Council Amendments or Rejection:

If the Council adopts the proposal with amendments or rejects it, the proposal must be returned to the Plan Commission along with a written statement of the reasons for the amendment or rejection. The Commission then has 45 days to consider the Council's action. If the Commission approves the Council's changes or fails to act within that period, the ordinance stands as passed by the Council.

However, if the Commission disapproves the Council's amendments or rejection, the Council must affirm its original action by a second vote within 45 days after certification of disapproval in order for the ordinance to take effect.

Contacts

Lisa Lehner, Council Administrator / Attorney, lisa.lehner@bloomington.in.gov, (812)349-3562.

RESOLUTION 2025-12

TO INITIATE A PROPOSAL TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE) OF THE BLOOMINGTON MUNICIPAL CODE Re: Preparation of a Proposal to Amend Chapter 20.04.110 (Incentives).

- 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”) in order to implement the vision for community development put forward in the Comprehensive Plan; 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 the UDO has since been revised by action of the Plan Commission and the Common Council several times; and
- WHEREAS pursuant to IC 36-7-4-602, the Common Council may initiate a proposal to amend or partially repeal the text of the UDO and require the Plan Commission to prepare it; and
- WHEREAS the Common Council previously passed Resolution 2024-23 to initiate a proposal to amend the UDO to modify the Affordable Housing Incentives; and
- WHEREAS the Common Council reinitiates, in part, its intent to pursue the objectives set forth in Resolution 2024-23; and
- WHEREAS the Common Council wishes to assess and amend the relevant provisions of the UDO in order to incentivize developers in creation of affordable housing units; and
- WHEREAS the UDO allows developers to take advantage of affordable housing incentives by making a payment-in-lieu of the creation of permanently affordable housing units; and
- WHEREAS any payment-in-lieu qualifying standard should exceed the requirements of actual creation of permanently affordable units; and
- WHEREAS The Common Council further wishes to ensure any payment-in-lieu options are meeting the long term interests of Bloomington housing needs; and

WHEREAS in preparing and considering this proposal, the Plan Commission and Common Council shall pay 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 RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Pursuant to IC 36-7-4-602(b), the Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the UDO (BMC 20.04.110(c)(5)) (Affordable Housing Incentives) to assess the incentive structure and consider creating additional incentives for affordable housing, including but not limited to expected owner-occupied unit development.

SECTION 2. The Common Council further directs the Plan Commission to prepare a proposal to amend the text of the UDO (BMC 20.04.110(c)(7)) (Payment-in-Lieu), to assess the payment-in-lieu option and consider an increase in the qualifying standard for developments utilized a payment-in-lieu procedure.

SECTION 3. Upon passage of this resolution, and pursuant to IC 36-7-607, the Plan Commission shall review and recommend UDO amendments to the Common Council in response to this resolution.

SECTION 4. If any section, sentence or provision of this legislation, 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 legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

HOPI STOSBERG, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED by me upon this _____ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution, sponsored by Councilmember Stosberg, reinitiates, in part, the proposal in Resolution 2024-23 (adopted on November 20, 2024) to amend Title 20 (the Unified Development Ordinance or “UDO”) of the Bloomington Municipal Code. The resolution directs that a UDO text amendment proposal be prepared by the Plan Commission to assess and consider changes to the affordable housing incentive structure and the payment-in-lieu option.

From: Hopi Stosberg, District 3

To: City Council Colleagues

Date: July 25, 2025

RE: Resolution 2025-12, to amend the Affordability Incentives of the Unified Development Ordinance (UDO)

Dear Colleagues,

With this resolution, I am re-initiating part of Resolution 2024-23 to direct the Plan Commission to prepare a revision to the Unified Development Ordinance with regard to the Affordability Incentives set out in Chapter 20.04.110. This is necessary due to expiration of the original resolution per state statute. In consultation with the Planning Department I have split the original Resolution into two new resolutions so that the Plan Commission can deal with them separately. The first resolution, 2025-10 was considered and unanimously approved by Council on July 16.

Resolution 2025-12 requests assessment and consideration of changes to the Affordable Housing Incentives, which currently focus on building bulk and height and also assessment and consideration of changes to the payment-in-lieu option. Both of these proposals are purposefully vague in terms of specific changes that I want to see in these programs. My overarching goal is to have a program that incentivizes developers to create truly affordable and diverse housing types in all areas of Bloomington.

With regard to the Affordable Housing Incentives, I want those reassessed for two primary reasons. First, in Resolution 2025-10 there was a request made to decrease the Area Median Income (AMI) requirements for Affordable Housing Incentives. Adjusting these down means that projects using this incentive will need to reduce their rent further than previously required. I want to assess the incentives to ensure that they are adequate in terms of developers still opting into this program. Second, in my experience so far on Plan Commission, the developments using these incentives tend to be large multifamily projects in multi-use zoning districts. I think it is also important for other types of projects, like subdivisions and smaller builds in residential zones, to also be incentivized to utilize the affordable housing incentive program. Thus, I want the incentives assessed to determine what would entice more developers of projects in residential zones to use the affordability incentive program.

In terms of the payment-in-lieu program, the original request in resolution 2024-23 requested that developments utilizing the payment-in-lieu program be required to accept some type of housing voucher. The motivating factor here was to ensure that developments using this option could still be a housing option for a low income individual using a voucher for partial rent payment. Though our legal department has stated this is permitted under law since it is an opt-in program, the Housing and Neighborhood Development department has expressed concern over their ability to enforce such a provision without additional staffing. This has

resulted in my adjusting the language regarding payment-in-lieu in this resolution. Instead of a specific programmatic change, I am also making a vague request of assessment and consideration of changes. Some discussions related to this have included limiting utilization of the payment-in-lieu option to only certain zoning districts or certain types of housing and requiring those utilizing the program to meet higher program requirements to make a payment-in-lieu.

Thank you for your consideration. Please let me know if you have any questions, concerns, or need additional information.

RESOLUTION 2024-23

TO INITIATE A PROPOSAL TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE) OF THE BLOOMINGTON MUNICIPAL CODE Re: Preparation of a Proposal to Amend Chapter 20.04.110 (Incentives).

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”) in order to implement the vision for community development put forward in the Comprehensive Plan; 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, the UDO has since been revised by action of the Plan Commission and the Common Council seven times; and

WHEREAS, the current affordability tiers set out in the UDO Chapter 20.04.110 (c)(2) have resulted in housing units priced at the maximum amount allowable based on the Area Median Income (AMI) for the City of Bloomington¹; and

WHEREAS, this has resulted in the use of affordability incentives by housing developments that do not actually create affordable units²; and

WHEREAS, pursuant to IC 36-7-4-602, the Common Council may initiate a proposal to amend or partially repeal the text of the UDO and require the Plan Commission to prepare it;

WHEREAS, the Common Council wishes to initiate a proposal to amend the UDO to modify the Affordable Housing Incentives in order to create truly affordable units; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council shall pay 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 RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Pursuant to IC 36-7-4-602(b), the Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the UDO (BMC 20.04.110(c)(2)) (Eligibility) to include an Area Median Income (AMI) requirement within Tier 1 and Tier 2 Affordable Housing Projects, as follows:

Tier 1 Affordable Housing Projects to include at least some units to be priced below 90% of AMI, using whole percentages for each tier.

¹ See City of Bloomington 2024 Workforce Rental Housing Limit Calculations, <https://bloomington.in.gov/housing/workforce>.

² “A major theme during public engagement was on the lack of rental units priced below \$900.” Regional Opportunity Initiatives, *Indiana Uplands Regional Housing Study Addendum 2.H Monroe County*, (2023 Update), 131, <https://regionalopportunityinc.org/src-content/uploads/2024/01/Indiana-Uplands-Housing-Study-Addendum-2.H-Monroe-County.pdf>.

Tier 2 Affordable Housing Projects to include at least some units priced below 70% of AMI, using whole percentages for each tier.

SECTION 2. The Common Council further directs the Plan Commission to prepare a proposal to amend the text of the UDO (BMC 20.04.110(c)(5)) (Affordable Housing Incentives) to assess the incentive structure and consider creating additional incentives for affordable housing, including but not limited to expected owner-occupied unit development.

SECTION 3. The Common Council further directs the Plan Commission to prepare a proposal to amend the text of the UDO (BMC 20.04.110(c)(7)) (Payment-in-Lieu) to require housing developments that use the “Payment-in-Lieu” option to accept housing vouchers.

SECTION 4. Upon passage of this resolution, the Plan Commission shall review and recommend UDO amendments to the Common Council in response to this resolution.

SECTION 5. If any section, sentence or provision of this legislation, 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 legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation 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 by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution, sponsored by Councilmember Stosberg, initiates a proposal to amend Title 20 (the Unified Development Ordinance or “UDO”) of the Bloomington Municipal Code. The resolution directs that a UDO text amendment proposal be prepared by the Plan Commission to make changes to the affordable housing incentive structure.

(c) Affordable Housing

(1) Purpose

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

(2) Eligibility

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

(A) Tier 1

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

(B) Tier 2

- i. At least 60 percent of the total gross floor area of the building (including additional area awarded with an incentive) is dedicated to residential dwellings; and
- ii. A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below 120 percent of the HUD AMI for Monroe County, Indiana; and
- iii. A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below 90 percent of the HUD AMI for Monroe County, Indiana.

(3) Nonresidential Projects

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

- (A) A linkage study has been approved by the City demonstrating that the proposed project results in an increased demand for affordable dwelling units in Bloomington; and
- (B) The petitioner takes one of the following actions in response to the findings of the linkage study:
 - i. The petitioner constructs at least the number of affordable dwelling units required to offset the increased demand for affordable housing calculated based on the linkage study, and each of those affordable dwelling units (a) is located off site, and (b) is deed-restricted to meet the Tier 1 or Tier 2 criteria for affordability levels and length of income restriction in Section 20.04.110(c), and (c) complies with the standards in Section 20.04.110(c)(6); or

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

(4) Student Housing or Dormitory Projects

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

(5) Affordable Housing Incentives

(A) Reduced Bulk Requirements

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

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

(B) Primary Structure Height

i. Eligibility

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

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

ii. Tier 1 Projects

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

iii. Tier 2 Projects

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

iv. Sustainable Development Bonus

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

(6) Other Standards

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

(A) Agreement Required

Petitioners shall enter into an affordable housing program or agreement administered by the federal, state, or local governments, or an organization approved by those governments to ensure that no person shall sell, rent, purchase, or lease an affordable housing unit created pursuant to this Section 20.04.110(c)(5) except to income-eligible households and in compliance with the provisions of this section.

(B) Advertising Requirement

Proof that the income eligible units will be marketed and leased similar to the market-rate units is required before occupancy can be issued.

(C) Location

- i. All affordable units constructed or rehabilitated under this Section 20.04.110(c)(5) shall be located either on site or within 1,320 feet of the project site. Required affordable dwelling units shall not be located in less desirable locations than market-rate units and shall not, on average, be less accessible to public amenities, such as open space, than the market rate units.
- ii. Affordable housing shall be indistinguishable from market-rate units, integrated with the rest of the development, and shall be compatible with the market rate units in design, appearance, construction and quality of materials.
- iii. If provided off site, the petition for construction of required affordable dwelling units shall be processed simultaneously with the project for which the incentive was approved. No petition for development shall be approved if a related petition for required affordable housing units is denied or the number of required affordable dwelling units is reduced.

(7) Payment-in-Lieu

- (A) A payment-in-lieu of providing housing that meets the Tier 1 or Tier 2 affordability criteria may be authorized by: an agreement with the City and all payments will be deposited into the Housing Development Fund.
- (B) The provisions of this Section 20.04.110(c)(7) shall become effective no later than the effective date of the UDO, by which time administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law shall be adopted and publicly available in the Administrative Manual within the Planning and Transportation Department. The procedures used for calculating, collecting, accounting for, and spending shall be reviewed frequently and updated as local housing market conditions change. The calculations may use or be based upon one or more of the following methods:
 - i. Housing and Urban Development (HUD) annual rents based on Area Median Income;
 - ii. Area Median Income (per person, income bracket, etc.);
 - iii. Rental rates per unit or per bedroom;
 - iv. Utility rates allowances per unit;
 - v. Tiered rental rates based on percentages above and/or below AMI; and
 - vi. Payment contribution rates.

(d) Sustainable Development

(1) Purpose

The Comprehensive Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. The following incentives are intended to encourage the use of sustainable development, rehabilitation, and retrofit practices in Bloomington beyond the baseline standards required by this UDO.

(2) Eligibility

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall meet the qualifying criteria established in 20.04.110(a), shall be located on a previously developed lot(s) served by water and sewer utilities for at least five years prior to construction of petitioner's project, and shall satisfy one of the following two options below:

(A) Option 1

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall demonstrate compliance with the following qualifying criteria:

i. Storm Water

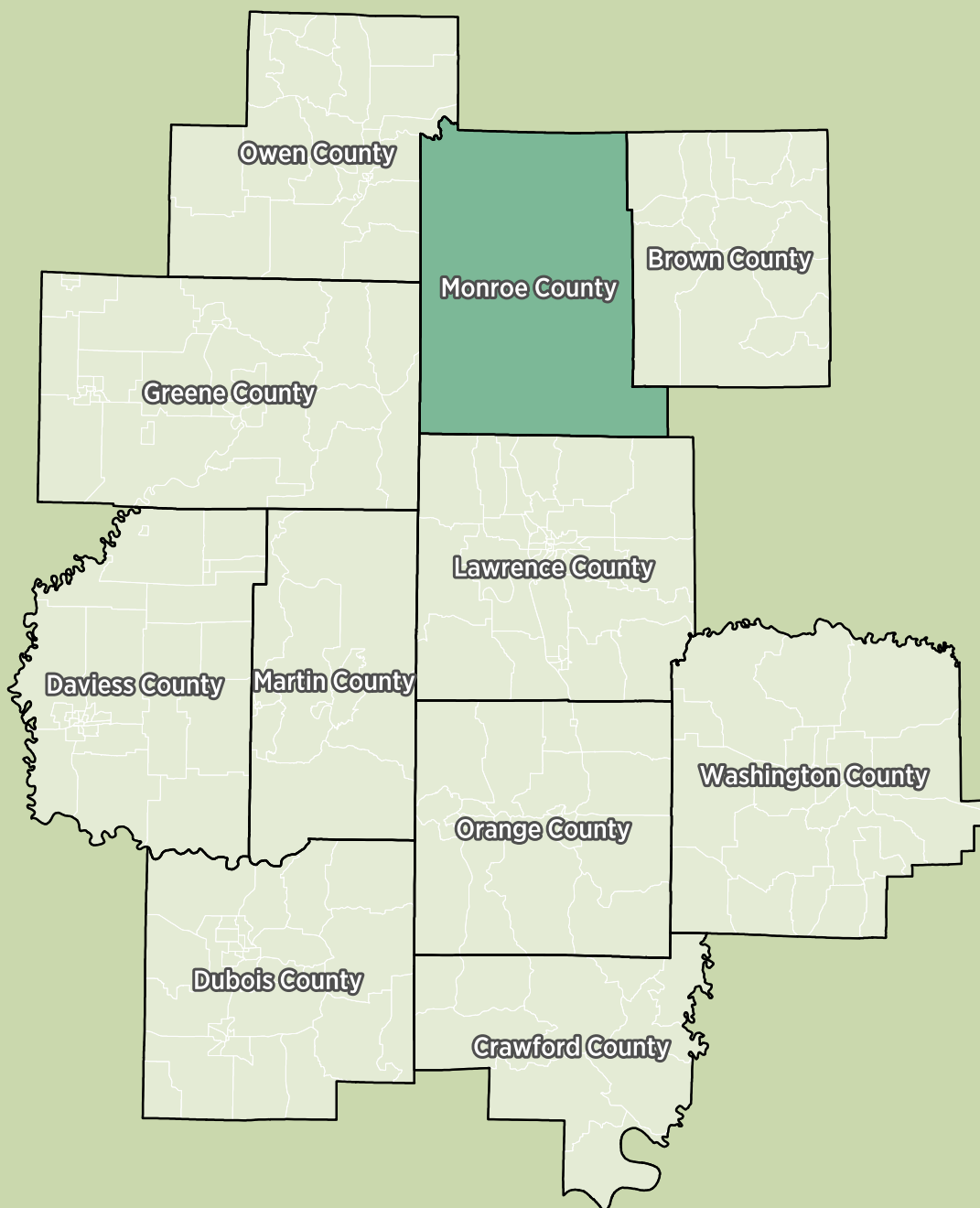
The development site shall provide low impact development stormwater management by installing permanent infiltration or collection features (e.g., swale, culvert outfall, rainwater cistern) that can retain 100 percent of the runoff from at minimum, the 95th percentile (80th percentile for development in the MD zoning district) of regional rainfall events, based on the daily rainfall data and the methodology in the U.S. Environmental Protection Agency (EPA) Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act or a successor or replacement document issued by the EPA.

ADDENDUM 2.H

MONROE COUNTY

This section provides an updated overview of the issues and opportunities related to housing within Monroe County as of 2023. It builds upon the findings of the previous study and takes into account changes and developments that have occurred in the housing market since the last study was conducted in 2019.

To access details from the 2019 Regional Profile Section visit regionalsoportunityinc.org/housing.

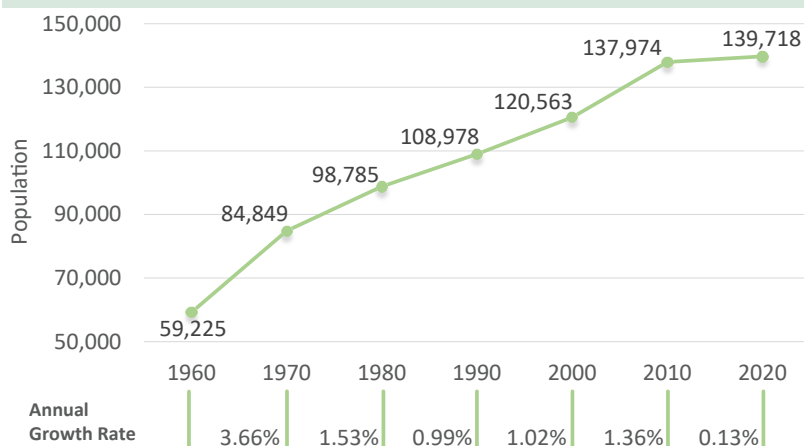


Population Characteristics

Growth Anomalies. Monroe County's population in 2019 was estimated at 144,436 but the final Census count in 2020 was 139,718, indicating minimal growth. For several reasons the 2020 number is concerning:

- Building activity in the 2010s and the occupancy of those units in 2019 would indicate more than 1,800 new residents.
 - » Between 2010 and 2019, there were 3,809 units added to the market (see Figure H.7). At 2.18 people per household (Bloomington estimated rate) that would result in approximately 8,300 residents. Over this same time period some units are lost, therefore it may not be a net gain of 8,300 but likely greater than 1,800.
- If an undercount occurred, it was likely among the students due to the count happening just as many students headed home due to the pandemic.
 - » At the start of the Spring semester of 2020, IU reported 36,754 students with an on-campus presence. By the Fall semester, that number dropped to 24,405 (Source: [Institutional Analytics Indiana University](#)), a difference of over 12,000. By the Fall of 2021, the number had returned to over 39,000 on campus.
 - Some students should have been counted in Bloomington, therefore, it should not be assumed that over 12,000 students were missing from the population.

FIGURE H.1: Historic Population Change

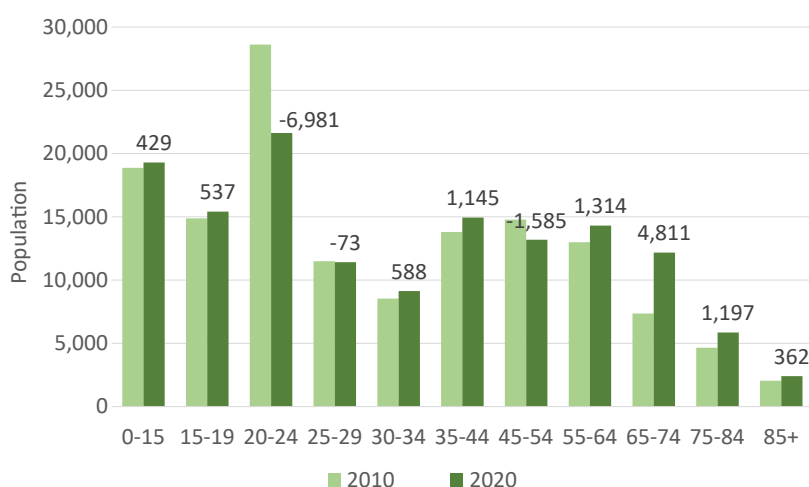


Source: 2020 US Census Bureau; RDG Planning & Design

Age Group Change. Figure H.2 in the 2019 study compared predicted versus actual population but due to the potential anomalies in the Census count, Figure H.2 compares the actual count in 2010 to the actual 2020 count. The data further illustrates the potential undercount in the student population:

- Between 2010 and 2020, the University had nearly 1,000 more students on the Bloomington campus.
- As illustrated in Figure H.2, the Census count had nearly 7,000 fewer residents between the ages of 20 and 24, a group primarily made up of college students in Bloomington.
- Based on enrollment and age breakdown of the Census count, it would appear that a large number of college students were missed in the 2020 Census count.

FIGURE H.2: 2010 Actual vs. 2020 Actual Population



Source: 2020 US Census Bureau

Continued Growth. When projecting out the future population for Monroe County and Bloomington, the student population must be taken into consideration. Students do not remain in the community but are replaced by new students. Because they do not remain, they also do not add to the future population through the birth of their children.

When projecting the future population, the students should be removed, first to determine what the growth rate was for the county's permanent population and to then estimate future growth. Some students will remain in the community, for that reason Figure H.3A illustrates scenarios where only 75% to 80% of students are removed.

- With the removal of the students, Bloomington had between 1.16% and 1.62% annual growth rate.

Figure H.3 illustrates three scenarios for future growth:

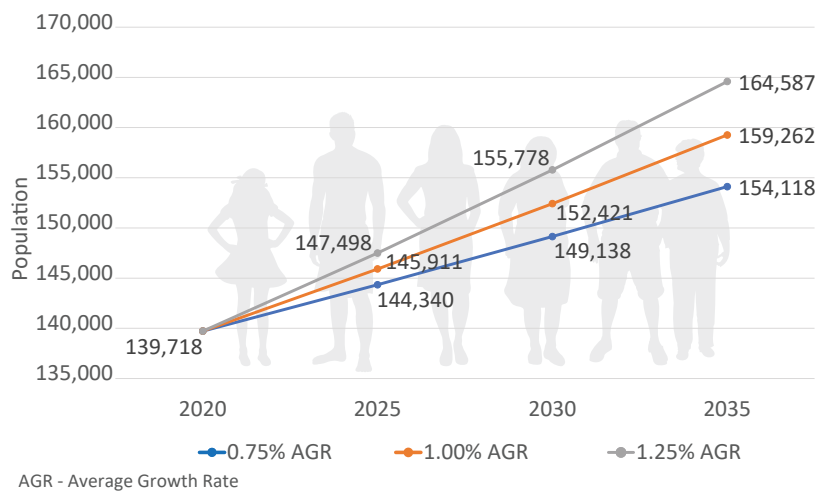
- Each scenario removes 75% of the on-campus presence headcount.
 - » The student population is projected to remain flat as nationally the number of individuals in the traditional college ages is a smaller generation.
- 0.75% annual growth rate is similar to that experienced between 2000 and 2020 for the county's total population.
- Based on historic construction activity, the 1.0% appears to reflect the likely growth rate that occurred in the 2010s and should be used to project future need.

FIGURE H.3A: Student Population Scenarios

	100% On-Campus Scenario	75% of On-Campus Scenario	80% of On-Campus Scenario
2013 On-campus*	39,767	29,825	31,814
2010 Non-Student Population	98,207	108,149	106,160
2020 On-campus	24,405	18,304	19,524
2020 Non-Student Population	115,313	121,414	120,194
Annual Growth Rate, Non-Student Population	1.62%	1.16%	1.25%

* In 2010, the on-campus vs. off-campus presence was not tracked.
Source: U.S. Census; Institutional Analytics Indiana University

FIGURE H.3: Future Growth Rate Scenarios



Source: 2020 US Census Bureau; RDG Planning & Design

Economic Characteristics

Industry Breakdown. Figure H.4 illustrates the percent of residents employed in each industry in Monroe County:

- The top five industries for employment have not changed since 2019.
- The top five industries have a variety of incomes and would indicate the need for a variety of housing products.

Commuting Patterns. Monroe County continues to draw more workers to the county for work than it exports to other counties:

- 17% of the county's workforce travels into Monroe County, a fairly consistent rate over the last decade.
- Only 8% of residents leave the county for work, a rate that has also remained consistent.

Household Income. Figure H.6 is an overview of the county's estimated household incomes.

- Ellettsville's household income would appear to have experienced the strongest growth since 2019.
- The county's overall income level is low compared to the state but is impacted by the student population.
 - » The median household income for households between the ages of 25 and 44 jumps to \$61,551 compared to \$18,548 for households under 25.

FIGURE H.4: Employment By Industry

Educational Services, Health Care, Social Assistance	Entertainment, Recreation, Arts, Accommodation, Food Services	Manufacturing	Retail Trade	Professional, Scientific, Management, Administration
24,630 35.50%	8,310 12.00%	7,460 10.70%	6,253 9.00%	5,250 7.60%
Public Administration	Finance, Insurance, Real Estate, Rental & Leasing	Construction	Other Services, Except Public Administration	Transportation & Warehousing, Utilities
3,258 4.70%	3,168 4.60%	2,970 4.30%	2,990 4.30%	2,528 3.60%
Information	Wholesale Trade	Agriculture, Forestry, Fishing, Hunting, Mining	Civilian employed population 16 years and over 69,469	
1,507 2.20%	877 1.30%	268 0.40%		

Source: 2021 American Community Survey (5-Year Estimates)

*Number represents the number of people employed within the industry, percentage represents share of all workers within the industry

FIGURE H.5: 2021 Commuting Patterns



Source: 2021 STATS Indiana

FIGURE H.6: Household Income

	2020 Population	2021 Median Household Income	80% of Median
Monroe County	139,718	\$54,096	\$43,277
Bloomington	79,168	\$41,995	\$33,596
Ellettsville	6,655	\$68,188	\$54,550
State of Indiana	6,785,528	\$61,944	\$49,555

Source: 2021 American Community Survey (5-Year Estimates)

Housing Characteristics

Housing Age and Building

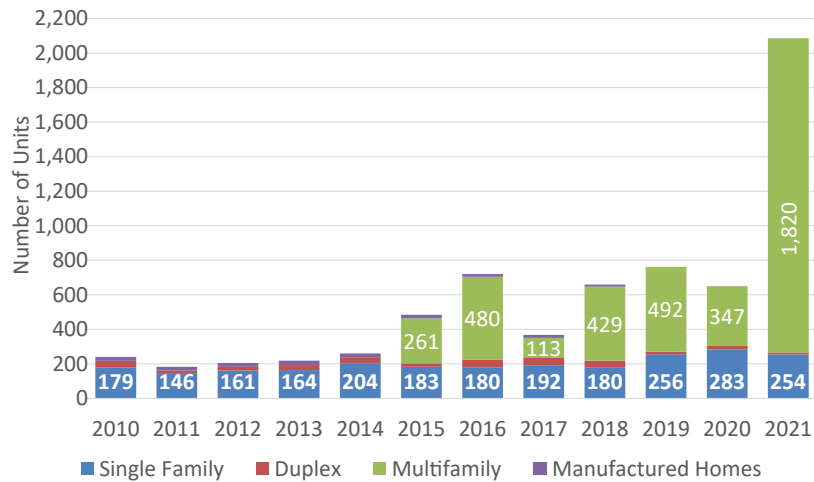
History. Figure H.7 shows the construction activity in Monroe County since 2010.

- From 2010 to 2019, the county averaged 410 new units annually.
- Of the units constructed since 2010, 58% were in multi-family structures and predominately in the Bloomington market.
- Before 2015, 77% of the units were single-family.
 - » Much of the multifamily construction in the last 5 years has likely addressed pent-up demand.
 - » It would appear that more variety of product types in the next decade will be important to creating a healthy housing market.

Housing Occupancy. Map H.3 illustrates average household size while Figure H.8 breaks down the occupancy status.

- Rental households tend to have smaller household sizes.
 - » Bloomington has a higher percentage of rental households and therefore smaller average household size.
- Based on 2020 counts, it would appear that the county's vacancy rate has increased.
 - » The majority of the units identified as vacant are classified as "other vacant" meaning they are not available due to condition, estate or legal issues, or are for other uses such as storage.
 - » For this reason, the number of available vacant units in the county is much less than 8% of all units.

FIGURE H.7: Residential Building Permit History

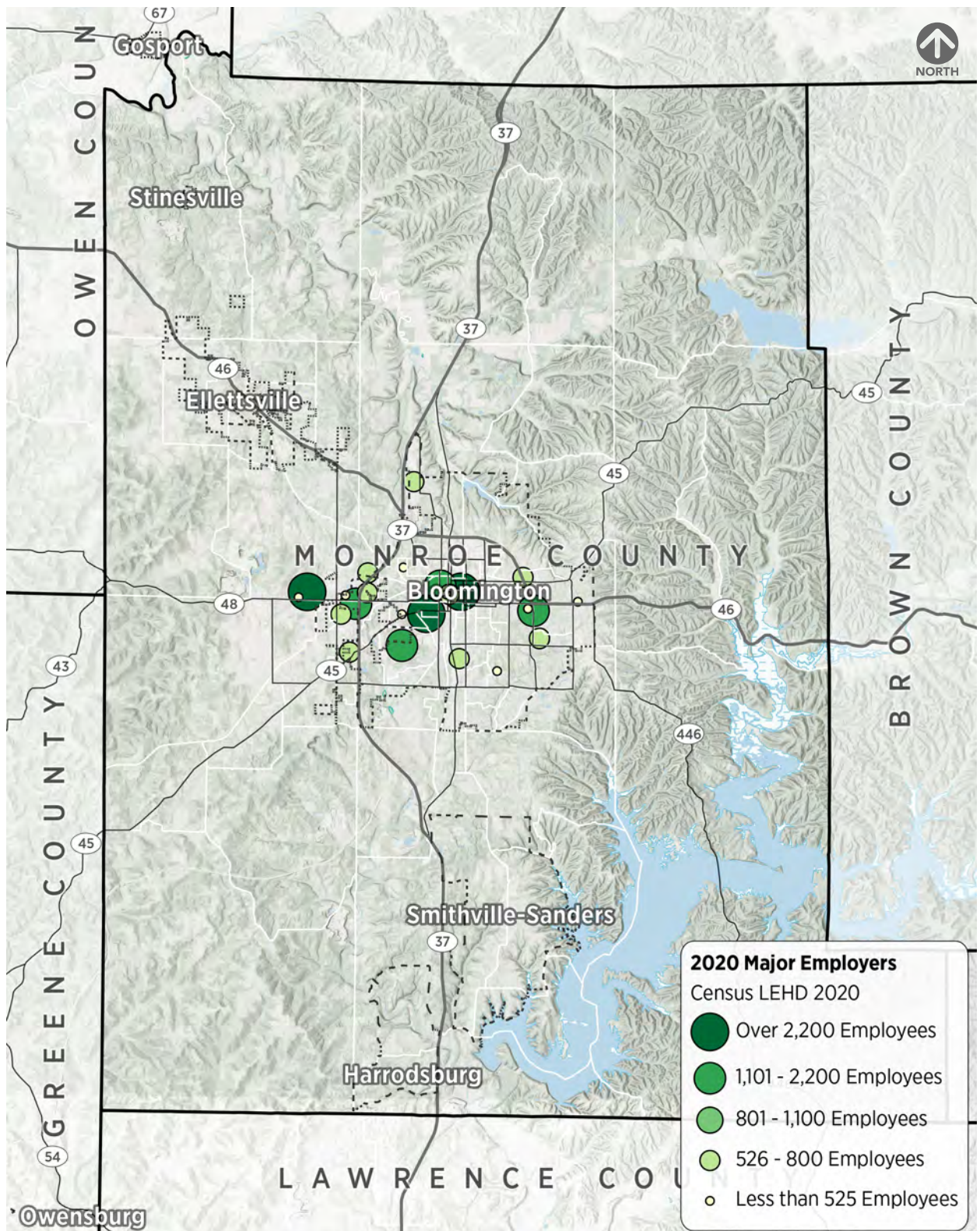


Source: Monroe County Building Department

FIGURE H.8: Occupancy Status

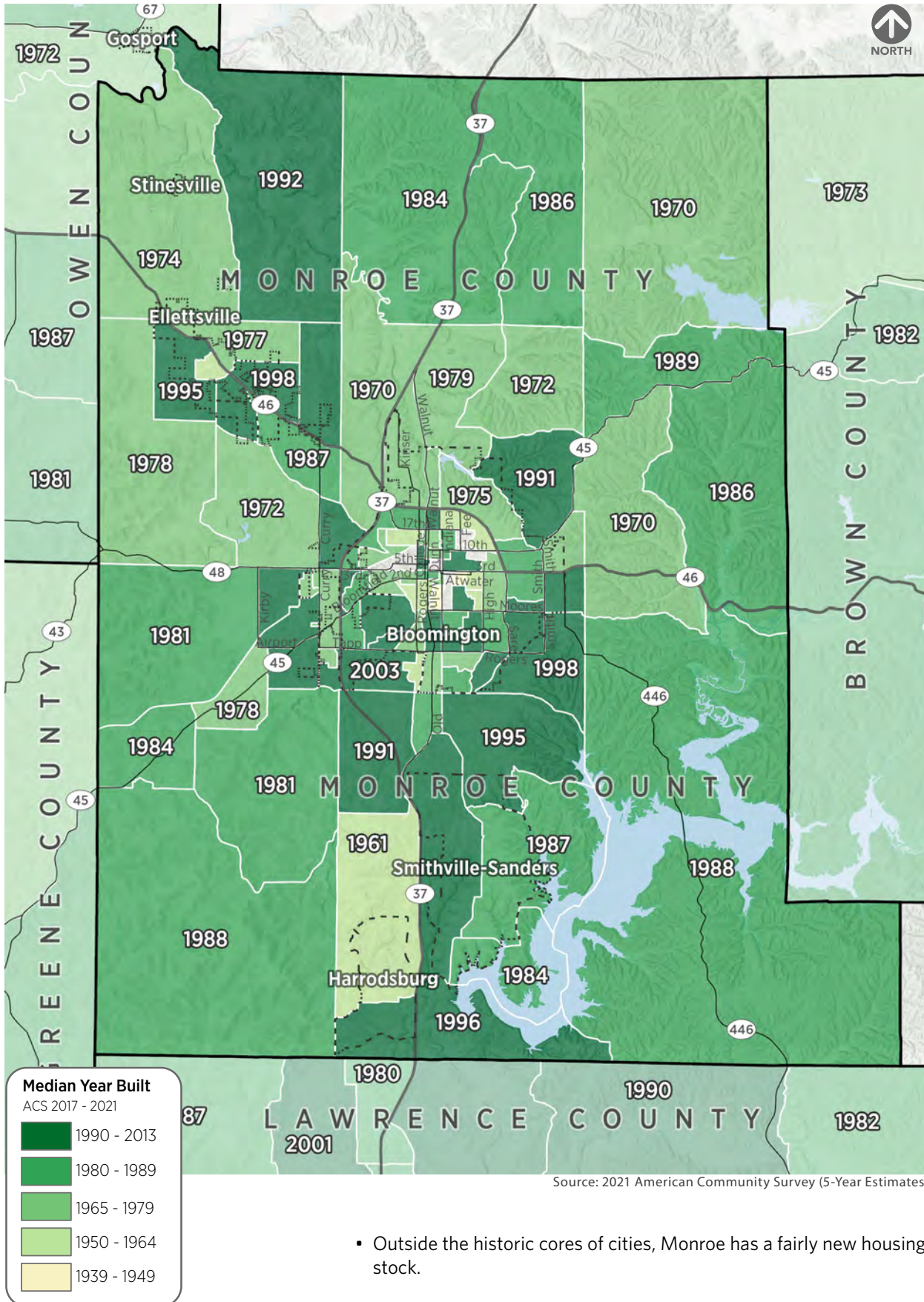
Occupancy	2000		2020		Change 2000-2020
	Number	% of Occupied Units	Number	% of Occupied Units	
Owner-Occupied	25,316	54.00%	30,260	51.90%	1,406
Renter-Occupied	21,582	46.00%	28,008	48.10%	1,998
Total Vacant	3,948		5,338		1,095
Vacancy rate	7.80%		8.40%		
Total Units	50,846		4,576		

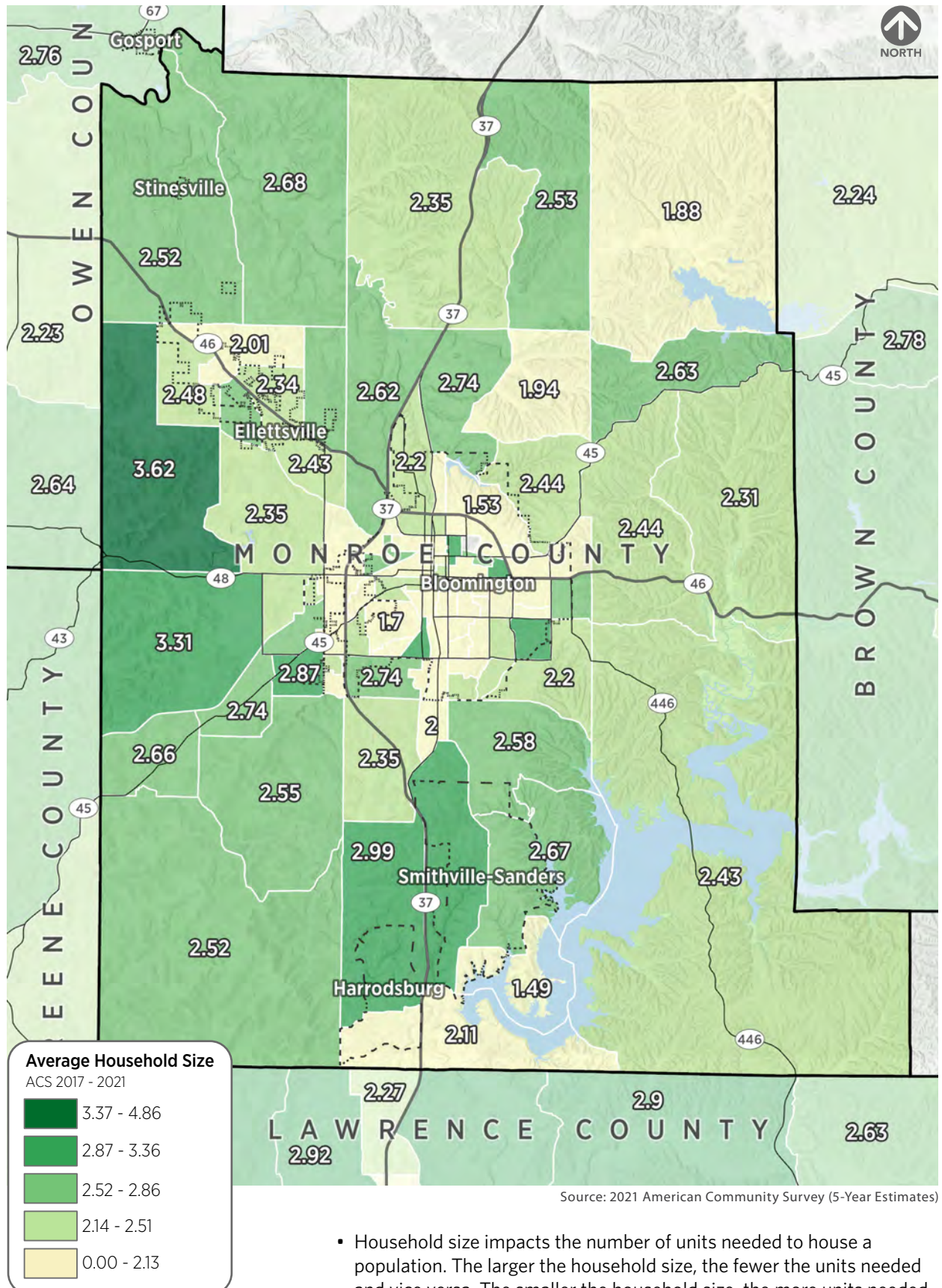
Source: US Census Bureau

Map H.1: Employers by Size

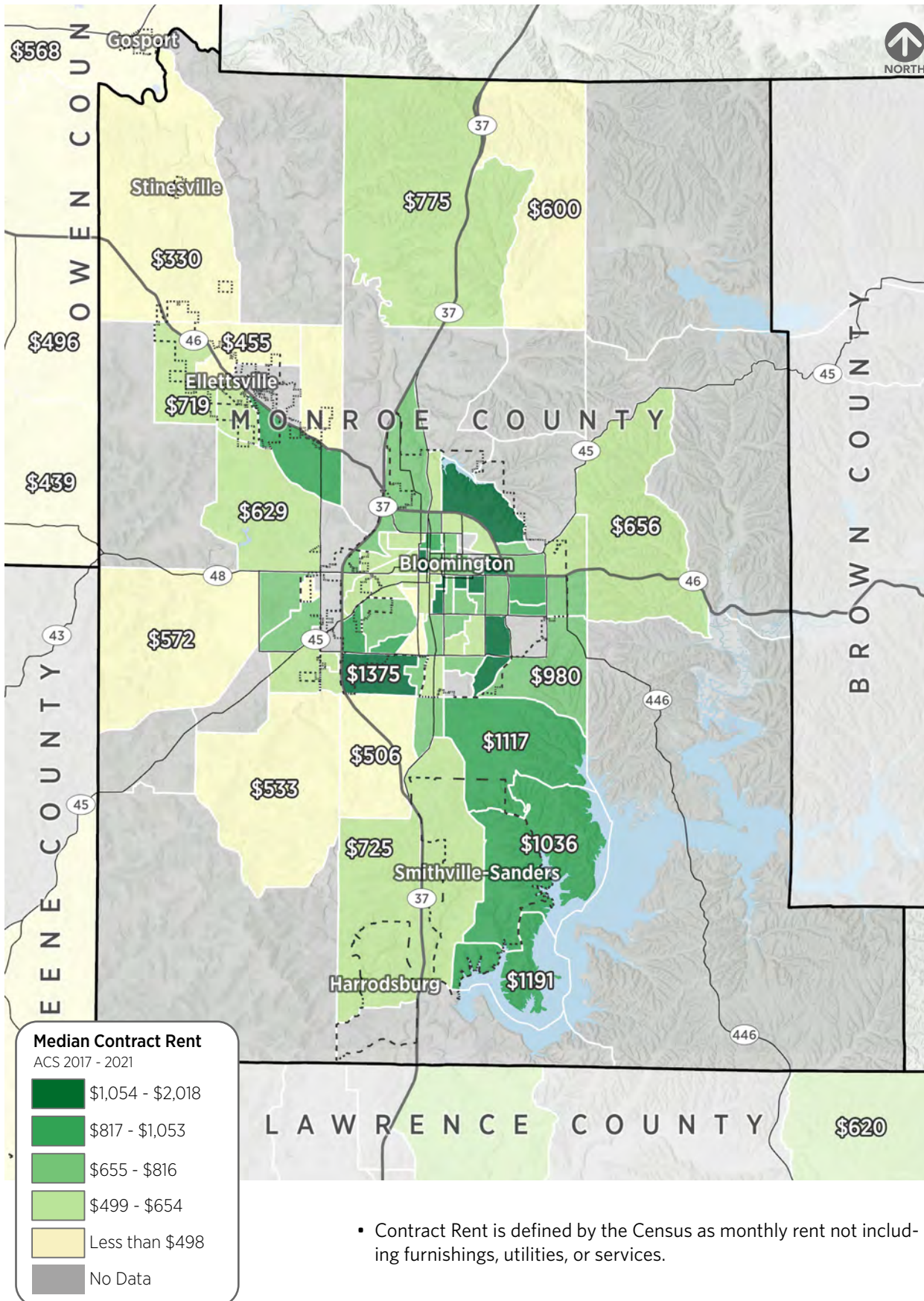
Source: 2020 Census Longitudinal Employer-Household Dynamics (LEHD)

Map H.2: Median Year Residential Structure Built



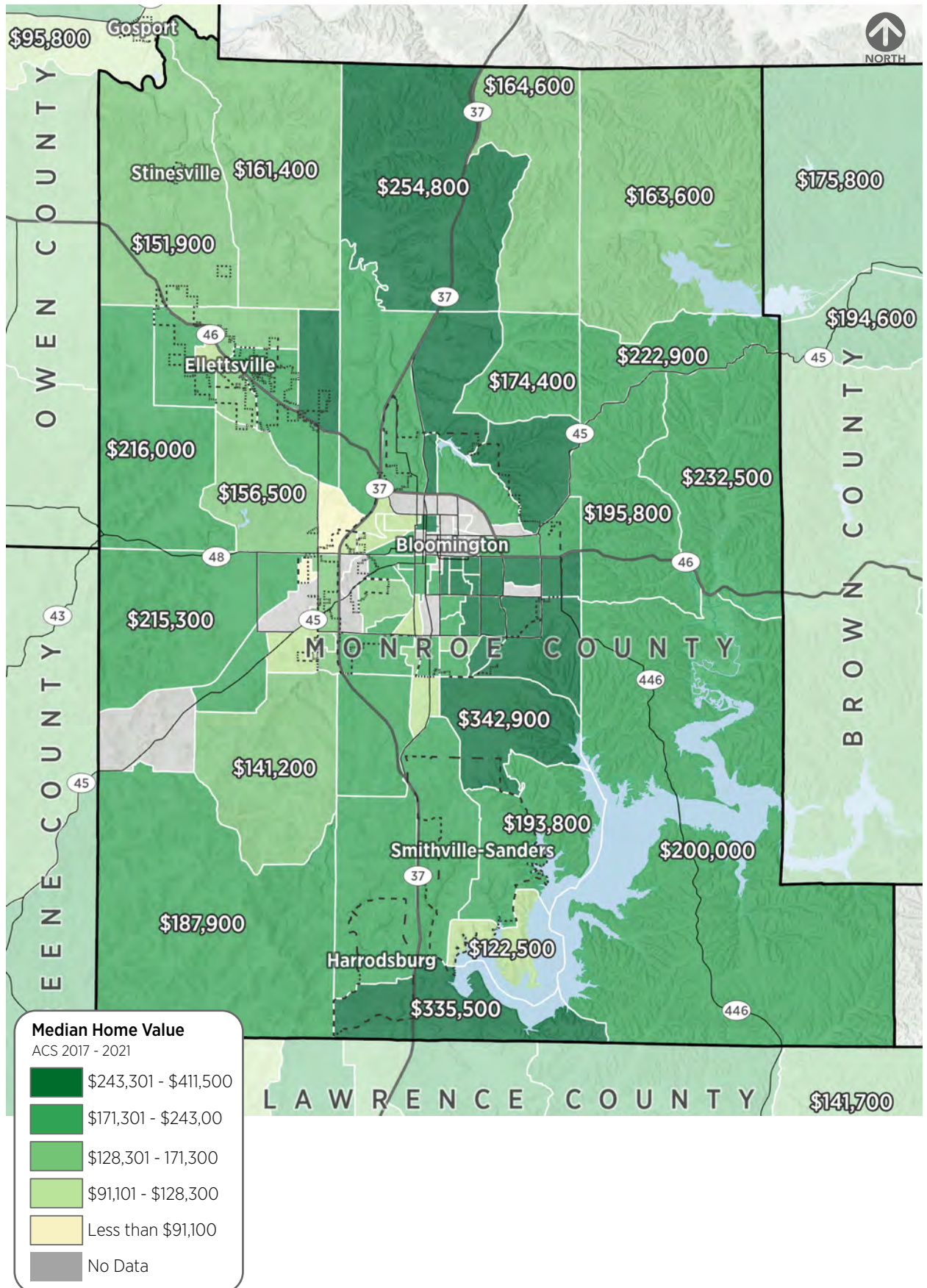
Map H.3: People Per Household

Map H.4: Median Contract Rent by Census Tract



Source: 2021 American Community Survey (5-Year Estimates)

Map H.5: Median Home Value by Census Tract



Source: 2021 American Community Survey (5-Year Estimates)

Costs and Incomes. Households that spend more than 30% of their income on housing are considered cost burdened.

- The percentage of cost burdened renters has remained fairly constant and the number of cost burdened homeowners has declined.
 - » Compared to other counties with a high percentage of students, Monroe County's renters are more likely to be cost burdened.
- Median home value in Monroe County is also the highest among the comparable counties, a trend that continues from 2019.
 - » When the median income of 25 to 44 year old households (\$61,551) is used, the value to income ratio drops to 3.28.
- Monroe, Tippecanoe, and Champaign counties probably built the most new rentals in the last decade, and therefore are more likely to have higher rents.

FIGURE H.9: Monroe County Housing Affordability

Monroe County

Median Household Income	Median Contract Rent	% paying more than 30% in Gross Rent*	% paying more than 30% for Owner Costs**	Median House Value	Value / Income Ratio
\$54,096	\$865	60.12%	14.44%	\$202,400	3.74

Delaware County (Muncie)

Median Household Income	Median Contract Rent	% paying more than 30% in Gross Rent*	% paying more than 30% for Owner Costs**	Median House Value	Value / Income Ratio
\$49,321	\$603	50.51%	15.01%	\$103,300	2.09

Tippecanoe County (West Lafayette)

Median Household Income	Median Contract Rent	% paying more than 30% in Gross Rent*	% paying more than 30% for Owner Costs**	Median House Value	Value / Income Ratio
\$53,468	\$771	55.43%	15.32%	\$169,500	3.17

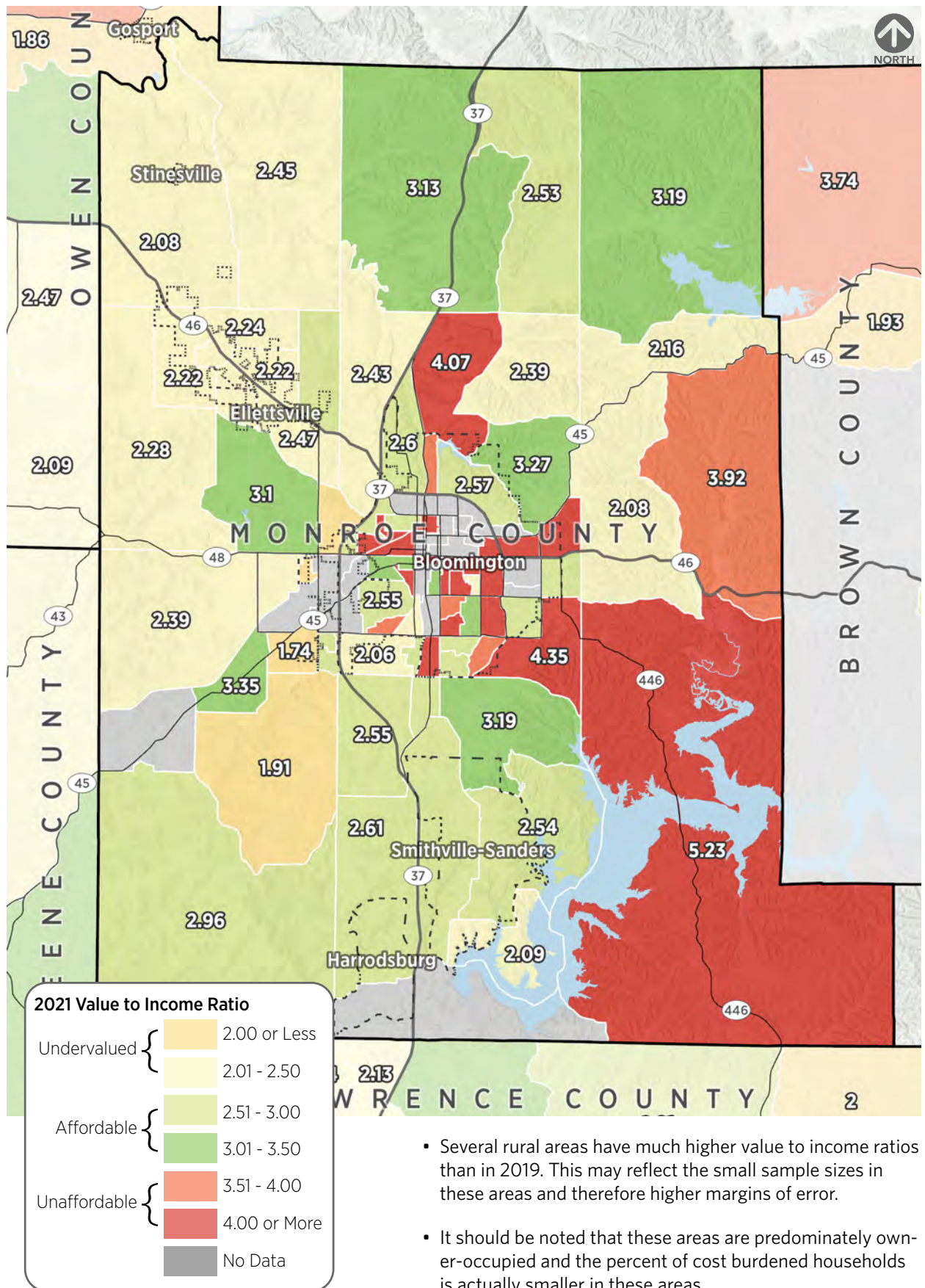
Vigo County (Terre Haute)

Median Household Income	Median Contract Rent	% paying more than 30% in Gross Rent*	% paying more than 30% for Owner Costs**	Median House Value	Value / Income Ratio
\$48,552	\$597	55.41%	17.16%	\$114,000	2.35

Champaign County, IL

Median Household Income	Median Contract Rent	% paying more than 30% in Gross Rent*	% paying more than 30% for Owner Costs**	Median House Value	Value / Income Ratio
\$56,939	\$760	52.45%	14.71%	\$170,600	3.00

* Gross rent includes utilities. **Owner costs include mortgage, mortgage interests, property taxes, and maintenance.
Source: 2021 American Community Survey (5-Year Estimates)

Map H.6: Value to Income Ratio

Source: 2021 American Community Survey (5-Year Estimates)

Figure H.10 compares the number of households in an income range with the number of units that would be affordable to that household.

- Since 2019, it appears that the shortage of housing affordable to the lowest income households has declined.
 - » This is mostly reflective of fewer households in this range but it should be noted that most students fall within this range and an undercount would affect this analysis.
 - » The rising cost of housing can have an impact on the ability of students to afford college.
- The current estimates have a greater number of households making over \$150,000 but fewer units available to them.
 - » The number of \$400,000+ units has likely not declined but the number of \$3,000 plus rental units may have declined as newer units forced pricing adjustments in the city's older rental stock.

FIGURE H.10: Housing Affordability Analysis

Income Range	# HHs* in Each Range	Affordable Range for Owner Units	# of Owner Units	Affordable Range for Renter Units	# of Renter Units	Total Affordable Units	Balance
\$0-24,999	14,857	>\$60,000	2,212	\$0-499	2,868	5,080	-9,777
\$25,000-49,999	11,696	\$60,000-124,999	4,399	\$500-999	13,667	18,066	6,370
\$50,000-74,999	9,843	\$125,000-199,999	8,798	\$1,000-1,499	6,523	15,321	5,478
\$75-99,999	6,601	\$200,000-249,999	4,632	\$1,500-1,999	1,793	6,425	-176
\$100-149,999	7,994	\$250,000-399,999	7,586	\$2,000-2,999	728	8,314	320
\$150,000+	6,169	\$400,000+	3,640	\$3000+	314	3,954	-2,215

* HH = Households

Source: 2021 American Community Survey (5-Year Estimates)

Home Sales. Demand for housing would appear to remain high while the supply has slowly declined.

- The number of homes listed for sale has steadily declined along with the days on market.
 - » A decline in the days on market means that homes are selling faster. A signal that the number of buyers has likely not declined.
- An equal or greater number of buyers in a market with fewer listings often results in price inflation as buyers compete for fewer units.
- As a side note, Realtor.com estimated an average sale price of \$380,360 for Tippecanoe County in 2022.

FIGURE H.11: Home Sales, Monroe County

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	% Change
Listings	2,793	2,605	2,604	2,567	2,418	2,441	2,374	2,269	2,144	2,207	2,106	-25%
Median Days on Market	57	47	49	50	41	33	31	31	29	17	21	-63%
Median List Price	163K	160K	165K	172K	189K	199K	225K	240K	250K	270K	302K	86%
Median Sale Price	155K	151K	157K	165K	169K	180K	200K	218K	234K	265K	295K	90%

Source: 2022 MLS

Housing Demand Analysis. The housing demand analysis builds on the assumption that the city's permanent population will grow at 1% annually and that the student population will remain steady. Items to note in this methodology:

- It is assumed that the students that were undercounted had housing, and that new housing does not need to be produced for this population.
- The vacancy rate is held steady, but if some of the "other vacant" units can be made available, the number of units needed will decline.
- In the 2019 study, demand was estimated at 449 units annually, which is below the actual production of 762, 650, and 2,086 units that were added in 2019, 2020, and 2021.
- The projected demand in H.12 is below that experienced between 2019 and 2021 but over 160 units above the average units produced between 2010 and 2019 (410 units).

FIGURE H.12: Housing Demand Summary

	2020	2030	2035	Total
Population at End of Period	139,718	152,421	159,262	
Household Population at End of Period	123,206	134,407	140,440	
Average People Per Household	2.34	2.34	2.34	
Household Demand at End of Period	52,652	57,439	60,017	
Projected Vacancy Rate	8.4%	8.4%	8.4%	
Unit Needs at End of Period	57,476	62,701	65,515	
Replacement Need (total lost units)		240	150	390
Cumulative Need During Period		4,447	2,965	7,412
Average Annual Construction		556	593	570

Source: 2021 American Community Survey (5-Year Estimates); RDG Planning & Design

Housing Development Program. Figure H.13 distributes the forecasted demand by price point based on the 2020 distribution of household incomes in Monroe County. The following assumptions create the program:

- Based on the declining number of for sale homes but the continued demand for those homes, more ownership options should be constructed then have occurred in the last five years.
 - » Ownership options should not be seen exclusively as single-family detached homes. Ownership can come in the form of townhomes, single-family attached, and even in multifamily structures.
 - » Additionally, more rental housing should be in smaller scale structures that have 16 or fewer units. These structures are more likely to meet the demands of young professionals and non-student renters.
- Due to the cost of land, materials, and labor, the production of housing priced below \$250,000 will be challenging to impossible. The over 220 units in these price ranges can be generated in four different ways:
 - » Production of ownership options that are not the traditional single-family detached, but duplexes, townhomes, or other medium and higher density configurations that reduce per unit costs.
 - » Funding assistance that offset lot development costs and smaller square footage homes.
 - » Rehabilitation of existing housing units.
 - » Construction of higher priced units that allow existing households to make the next step up.
- It is important to note that while the median sale price of a home in Monroe County is nearly \$300,000, this only reflects the homes sold in a year not the median value of the entire residential stock in the county. The Census does estimate that thousands of units exist across the county that are affordable to households making less than \$75,000 a year.

FIGURE H.13: Housing Development Program

Total Owner-Occupied	2023-2030	2030-2035	Total	
Affordable Low: <\$125k	738	492	1,230	} 4,447
Affordable Moderate: \$125-\$200k	621	414	1,035	
Moderate Market: \$200-\$250k	416	278	694	
Market: \$250-350k	504	336	840	
High Market: Over \$350k	389	259	648	
	2,668	1,779		
Total Renter-Occupied	2023-2030	2030-2035	Total	
Low: Less than \$500	615	410	1,025	} 2,965
Affordable: \$500-\$1,000	484	323	806	
Market: \$1,000-\$1,500	407	271	679	
High Market: \$1,500+	273	182	455	
	1,779	1,186		
Total Need	4,446	2,964	7,412	

Source: RDG Planning & Design

Community Profile: Bloomington

Bloomington's growth since the late 1800s has been remarkable, defying economic downturns that affected other cities. As the largest city in the Indiana Uplands, it serves as a significant hub for commerce, jobs, entertainment, and education. Indiana University's presence has not only driven the local economy but also inspired entrepreneurs to establish international businesses, though this has led to unique housing challenges.

Overview

- Bloomington has seen steady rates of growth since 1980 averaging 1.5% annual growth.
- Over the next 10 years, if the student population held steady and the city's permanent population grew by 1% annually, the city would reach a population of just over 90,000 by 2030.
 - This rate could be higher if greater housing diversity that supports households at different stages of life can be provided.
 - » To support a population of 90,300 by 2030, the city will need to produce 2,236 additional housing units.
 - » These units will need to be of a greater variety than occurred between 2015 and 2018.
- Rental rates and home values are the highest in the region, often leaving first-time home buyers and non-student renters struggling to find housing.
- Affordability is often measured by comparing housing values to income with ratios between 2 and 3 considered healthy and self-sustaining. Map H.9 shows the value to income ratios by census tract with many areas well above a ratio of 3, representing an unaffordable market. The overall ratio for Bloomington is 5.31, high even for cities with large student populations.

FIGURE H.14: Projected Growth, Bloomington

Growth Rate	2020	2025	2030	2035
1.00%	79,168	82,273	85,536	88,965
1.25%	79,168	83,068	87,219	91,635
1.87%	79,168	85,076	91,557	98,667

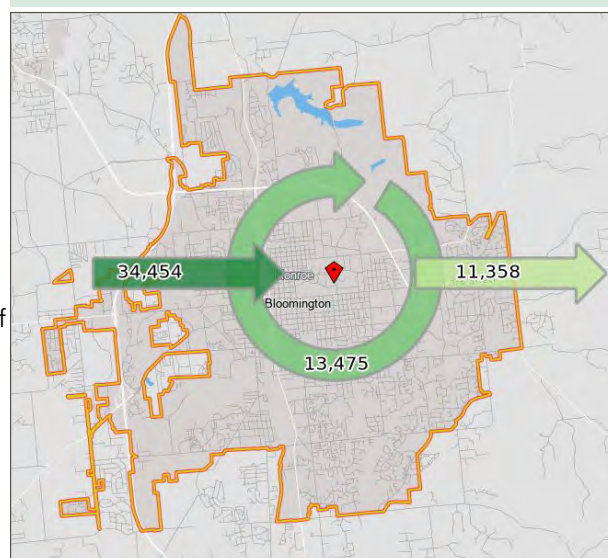
Source: US Census Bureau; RDG Planning & Design

Commuting Patterns

Bloomington draws a large portion of its workforce from surrounding Monroe County. Nearly 72% of the jobs in Bloomington are filled by employees living outside Bloomington.

- The percent of workers commuting into Bloomington has increased over the last several years.
- Only 17% of the county's workforce is commuting into work, therefore it can be assumed that much of Bloomington's workforce is finding housing within the county but outside city limits.
 - » Many Bloomington workers live in Ellettsville, but there are also a significant number that are living outside incorporated areas.

FIGURE H.15: Inflow-Outflow Diagram

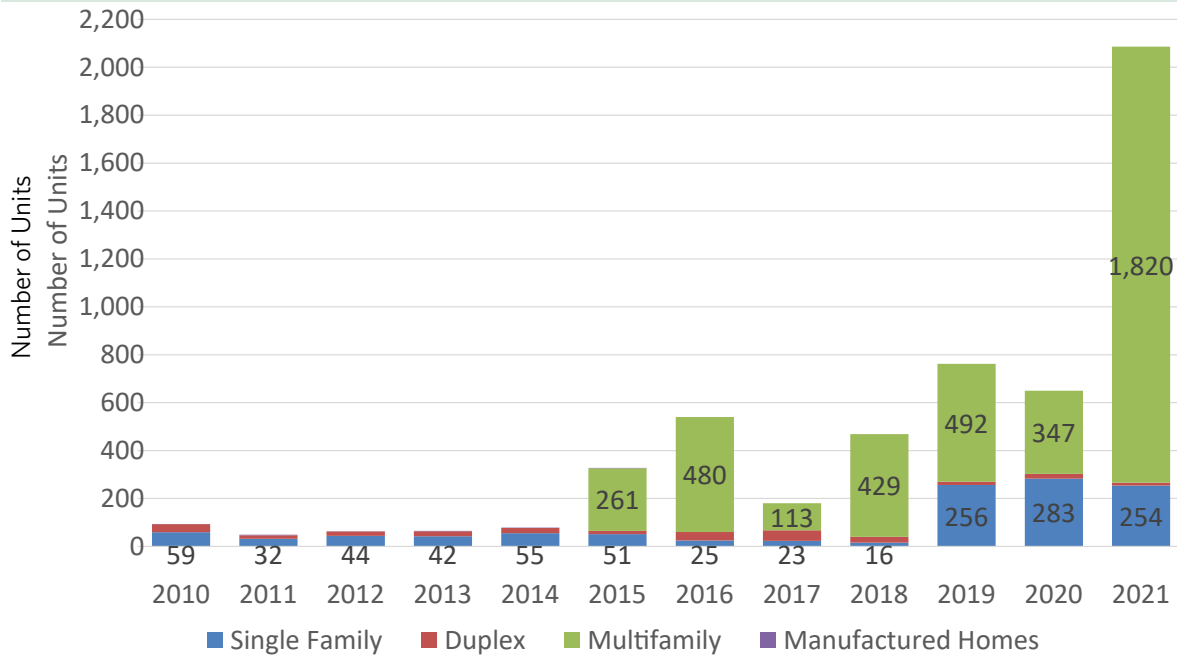


Source: 2020 US Census OnTheMap

Building Permit History

- Multifamily permit data was only tracked for buildings until 2015 when number of units could be identified based on the fees charged.
- Since 2015, almost 75% of new units have been in multifamily structures and many of those have been structures with more than 12 units.
- When a community has a limited lot supply or high land and infrastructure costs, multifamily is a much more efficient way to produce units. However, many of those units have been oriented to students, resulting in a lack of units that are appropriate for other market segments.

FIGURE H.16: Residential Building Permit History*



Source: Monroe County Building Department

*Before 2015 only the number of structures were tracked not the number of units

Housing Costs

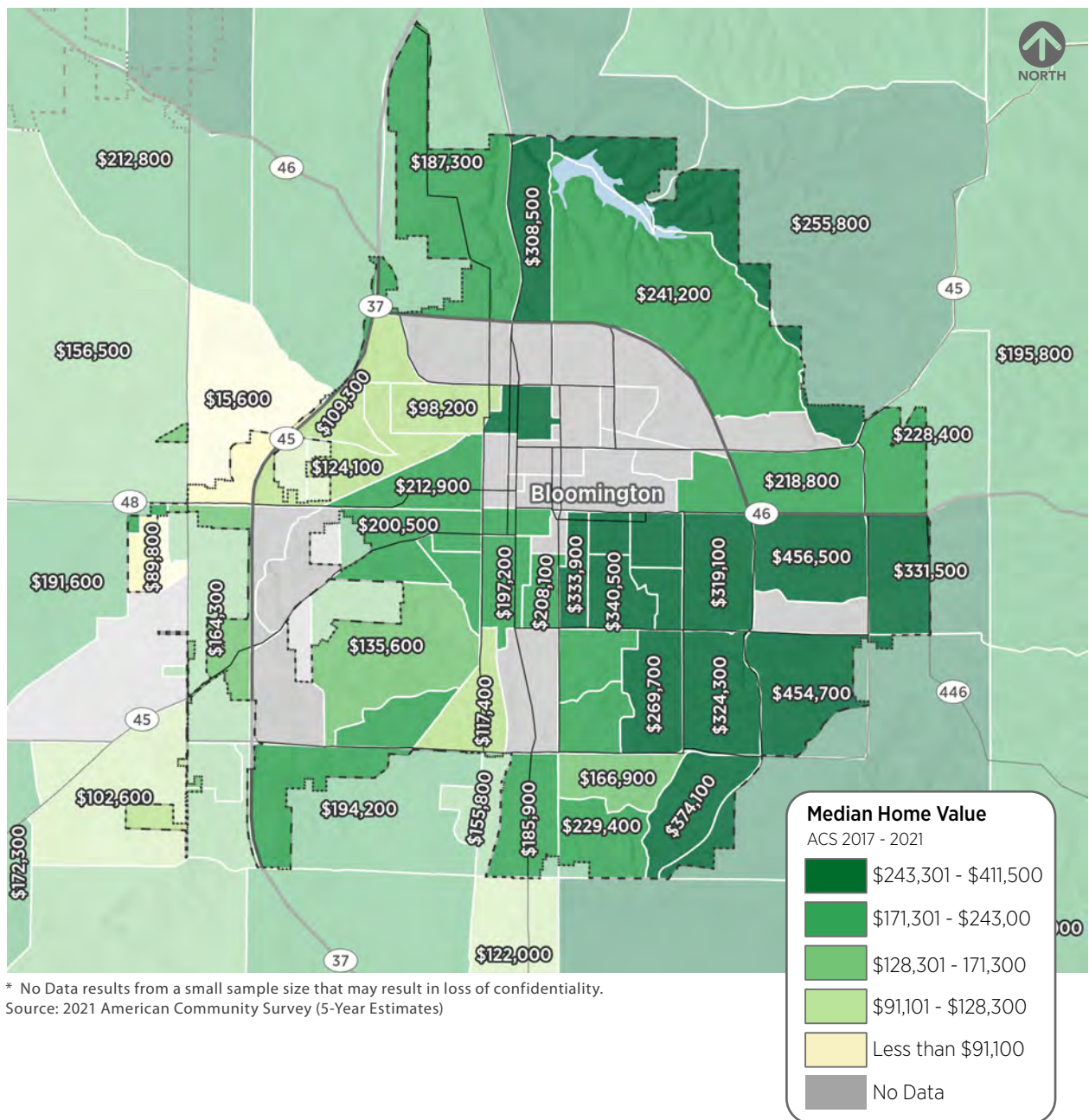
- Maps H.7 and H.8 (on the following pages) offer an overview of housing costs by census tract. The city's highest value housing continues to be located in the eastern tracts with lower values to the west.
- » Census tract boundaries are often shifted following a decennial census. For this reason there are small shifts compared to 2019 maps.

FIGURE H.17: Housing Affordability Analysis

Income Range	# HHs* in Each Range	Affordable Range for Owner Units	# of Owner Units	Affordable Range for Renter Units	# of Renter Units	Total Affordable Units	Balance
\$0-24,999	11,677	>\$60,000	672	\$0-499	1,993	2,665	-9,012
\$25,000-49,999	6,870	\$60,000-124,999	1,198	\$500-999	11,225	12,423	5,553
\$50,000-74,999	5,118	\$125,000-199,999	2,727	\$1,000-1,499	5,463	8,190	3,072
\$75-99,999	2,851	\$200,000-249,999	1,753	\$1,500-1,999	1,611	3,364	513
\$100-149,999	3,074	\$250,000-399,999	3,536	\$2,000-2,999	611	4,147	1,073
\$150,000+	3,009	\$400,000+	1,514	\$3000+	296	1,810	-1,199

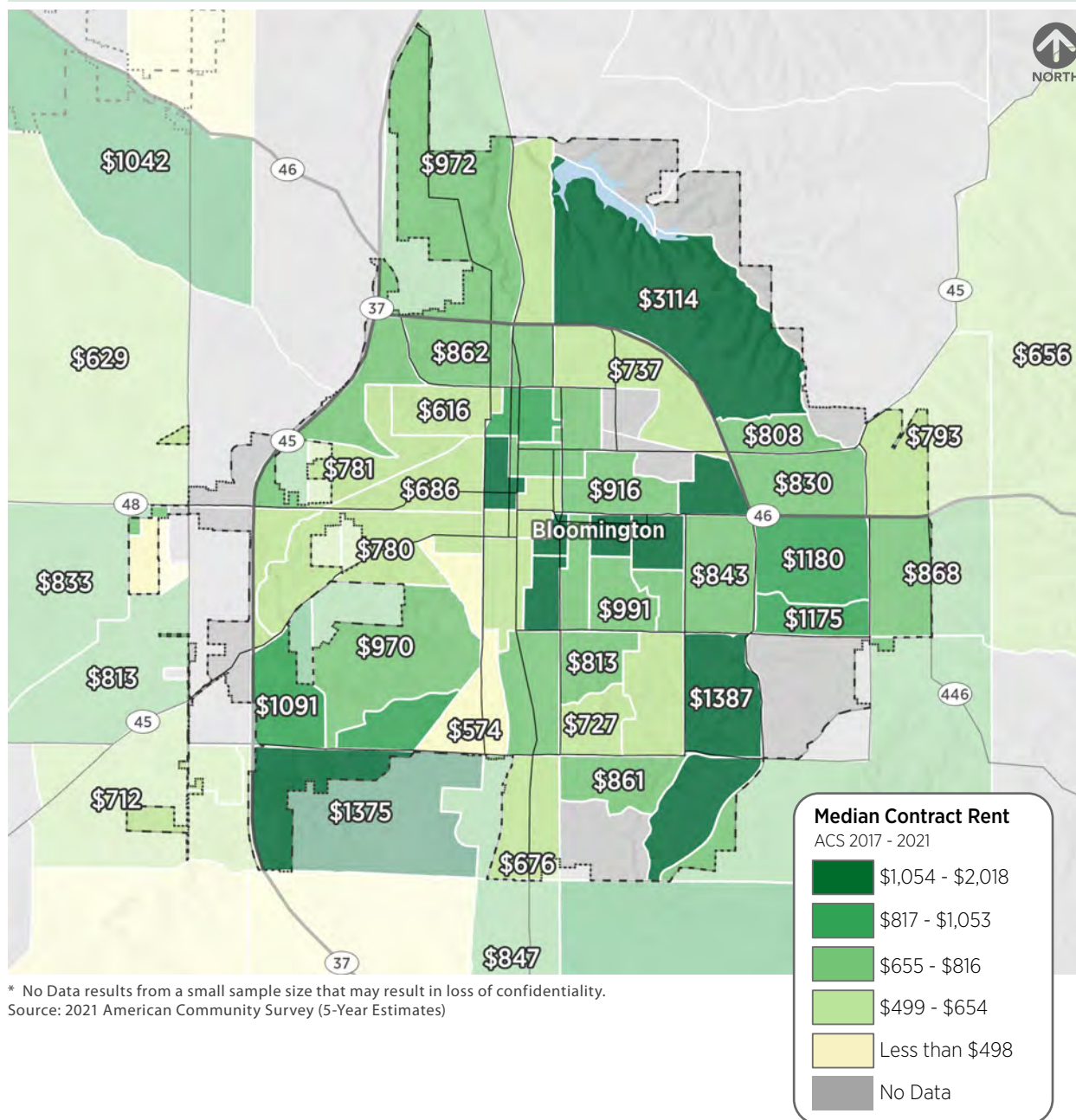
* HH = Households

Source: 2021 American Community Survey (5-Year Estimates)

Map H.7: Median Home Value by Census Tract

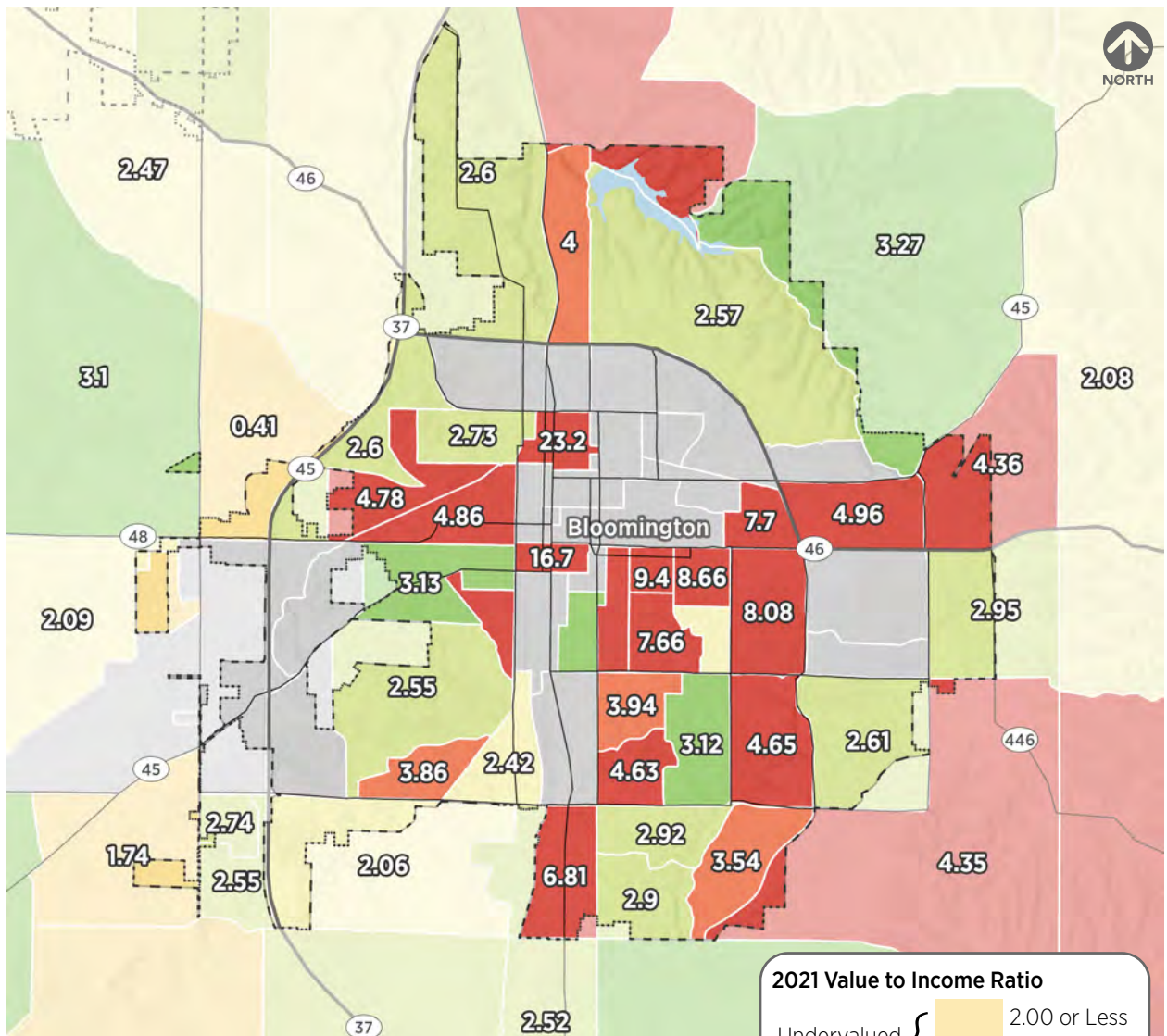
- Figure H.17 (see previous page) compares the number of households in an income range with the number of units that would be affordable to that household.
 - » The city has a severe shortage of housing for households making less than \$25,000. The level of this shortage has changed very little since 2019. Many of these households are students, but this also includes a number of service workers and seniors that struggle to find affordable housing.
 - » The city's median household income in 2021 is estimated at just over \$37,700, a household that would be in the rental market. However, for households between the ages of 25 and 44, the median household income is just over \$50,000, an income level that is challenged to find ownership options in Bloomington.
 - » There now appears to be adequate upper end housing but this does not speak to the quality or the type of housing.

Map H.8: Median Contract Rent by Census Tract



* No Data results from a small sample size that may result in loss of confidentiality.
Source: 2021 American Community Survey (5-Year Estimates)

- Median contract rent and median home values have a positive correlation with the most expensive census tracts south and east of the University.

Map H.9: Value to Income Ratio by Census Tract*

*See 2019 Report, page 220 for Value to Income explanation
 No Data results from a small sample size that may result in loss of confidentiality.
 Source: 2021 American Community Survey (5-Year Estimates)

- Map H.9 illustrates the value to income ratio by census tract. Areas with ratios over 3 are considered unaffordable.
 - » There are neighborhoods that appear to have extreme unaffordability that has only grown since 2019. In 2019, it was noted that some of these areas could be due to higher student or retiree populations that tend to have lower annual incomes.

Housing Demand Analysis

- The housing demand model (Figure H.18) is based on an assumed 1% annual growth rate and a stable student population, stable 2.18 people per household, and a slightly declining vacancy rate.
- Replacement need is the number of housing units demolished or converted to other uses. Homes in poor condition or obsolete should be gradually replaced in a city's housing supply. The number of units lost annually is based on the city's historic demolition permit data.
- Cumulative need shows the number of total units needed between the base year of 2023 and the year indicated at the end of the period.

These assumptions generate a demand for 4,155 housing units or an average annual construction need of 320 units. This is below the number of permitted units between 2018 and 2022 (Figure H.16) which included a large number of multifamily units. Nationally, the number of individuals between the ages of 10 and 18 is declining (the population entering colleges and universities in the next ten years), therefore the number of student oriented rental units would likely be leveling off.

FIGURE H.18: Housing Demand Summary

	2020	2023-2030	2030-2035	Total
Population at End of Period	79,168	87,219	91,635	
Household Population at End of Period	64,725	71,307	74,917	
Average People Per Household	2.18	2.18	2.18	
Household Demand at End of Period	29,690	32,709	34,366	
Projected Vacancy Rate	8.9%	8.1%	7.6%	
Unit Needs at End of Period	32,596	35,598	37,198	
Replacement Need (total lost units)		120	75	195
Cumulative Need During Period		2,480	1,675	4,155
Average Annual Construction		310	335	320

Source: 2021 American Community Survey (5-Year Estimates); RDG Planning & Design

Housing Development Program

Building on the housing demand model, the development program forecasts production targets for owner- and renter-occupied units based on the following assumptions:

- Recent market activity has been focused on rental housing with few ownership options. Over the next several years greater production of ownership options should focus on pent up demand and the need to offer more affordable housing options.
- Most low-income residents will be accommodated in rental units.
- Approximately 521 new owner-occupied units should be priced below \$130,000.
 - » It will be very difficult for the private market to produce housing in this price range in Bloomington. Most will be produced through assistance programs like Habitat for Humanity or through a filter effect created by the production of move-up housing.
- Nearly 697 rental units will need to be produced with rents below \$700 per month.
 - » A major theme during public engagement was on the lack of rental units priced below \$900. This model reflects this with over 78% of the rental units developed under this threshold. Those under \$700 will likely have to be produced through assistance programs like low-income housing tax credits, but some may result from market adjustments due to new higher quality rental units creating competition in the market.

FIGURE H.19: Housing Development Program

Total Owner-Occupied	2023-2030	2030-2035	Total
Affordable Low: <\$125k	489	330	819
Affordable Moderate: \$125-\$200k	364	246	610
Moderate Market: \$200-\$250k	203	137	340
Market: \$250-\$350k	219	148	366
High Market: Over \$350k	214	145	359
	1,488	1,005	2,493
Total Renter-Occupied	2023-2030	2030-2035	Total
Low: Less than \$500	437	295	732
Affordable: \$500-\$1,000	257	174	431
Market: \$1,000-\$1,500	191	129	321
High Market: \$1,500+	107	72	179
	992	670	1,662
Total Need	2,480	1,675	4,155

Source: RDG Planning & Design

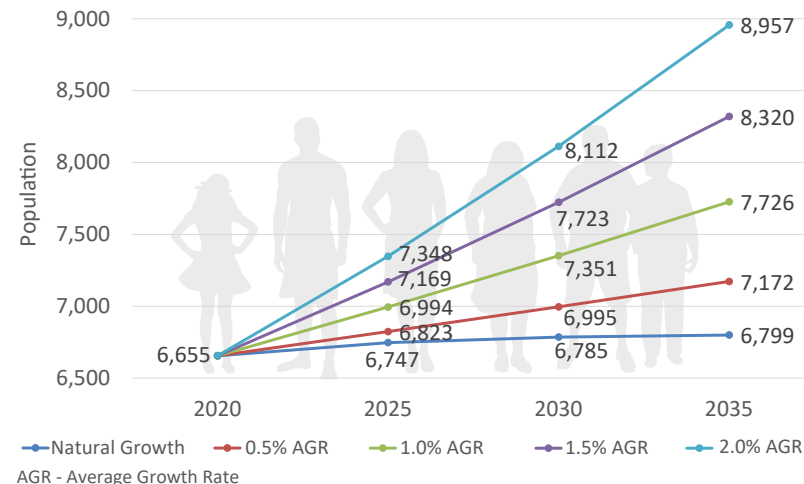
Community Profile: Ellettsville

Ellettsville, located just minutes from Bloomington, has experienced growth since 1990. Quality schools and affordable lots have attracted much of the county's single-family residential growth.

Overview

- Ellettsville has experienced less than 1% annual growth rate in the last decade. The student undercount should not have impacted Ellettsville the same way it impacted Bloomington. The rate of growth is still surprisingly low compared to the previous two decades.
- Figure H.20 illustrates four growth scenarios. Natural population growth would indicate that the city will grow solely based on a greater number of births than deaths. From 2000 to 2010, the city was above a 2% annual growth rate. With the city's strategic position, it seems likely that a 2% annual growth rate is once again feasible with adequate housing production.
- Affordability is often measured by comparing housing values to income with ratios between 2 and 3, which is considered healthy and self-sustaining. Ellettsville's ratio of 2.44 is lower than much of the county and for households between the ages of 25 and 44, that ratio is even lower.

FIGURE H.20: Future Growth Rate Scenarios

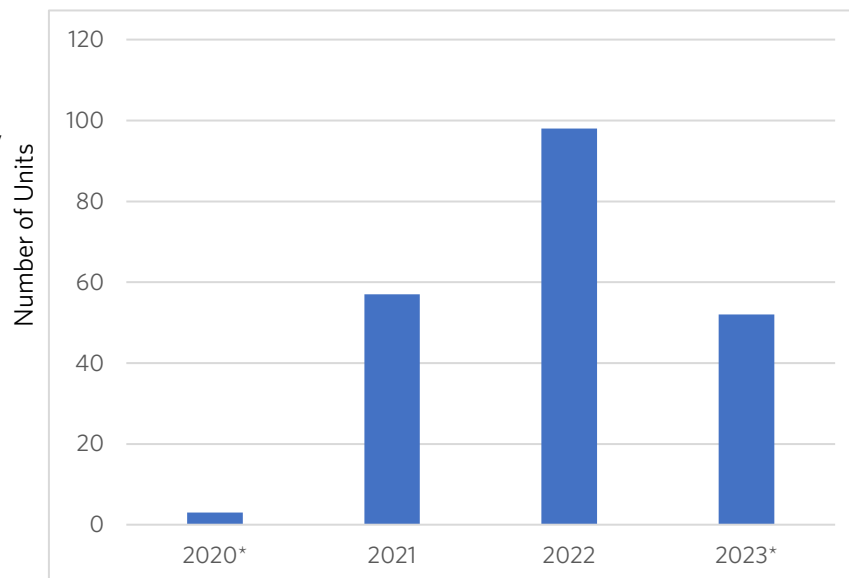


Source: 2020 US Census Bureau; RDG Planning & Design

Building Permit History

- Beginning in 2020, the City of Ellettsville began issuing building permit data.
- It would appear that most of the city's building activity has focused on single-family detached housing.

FIGURE H.20b: Residential Building Permit History*



Source: City of Ellettsville

*The City of Ellettsville began issuing permits in July 2020; 2023 data is through August

Housing Demand Analysis

- The housing demand model (Figure H.21) is based on 2% annual growth rate, generating a similar demand to that projected in 2019.
- At an average of 77 units annually, this would put production above 2021 levels but slightly below 2022. It is likely that in 2023 and 2024 interest rates may cause production be similar to 2021. Lot availability will also play a significant role in the town's ability to construct new units and support population growth.

FIGURE H.21: Housing Demand Summary

	2020	2023-2030	2030-2035	Total
Population at End of Period	6,655	8,112	8,957	
Household Population at End of Period	6,585	8,027	8,863	
Average People Per Household	2.42	2.42	2.42	
Household Demand at End of Period	2,721	3,317	3,662	
Projected Vacancy Rate	5.2%	6.8%	7.8%	
Unit Needs at End of Period	2,871	3,560	3,973	
Replacement Need (total lost units)		8	5	13
Cumulative Need During Period		577	418	996
Average Annual Construction		72	84	77

Source: 2021 American Community Survey (5-Year Estimates); RDG Planning & Design

Housing Gaps

To better understand the gaps in housing that stakeholders noted, a comparison between household incomes and appropriately priced units can be made. Figure H.22 compares the number of households in an income range with the number of units that would be affordable to that household.

- Since 2019 it would appear that the shortage of housing affordable to the lowest income households has lessened. This was driven by fewer households in the under \$25,000 income range not by an increase in the number of units affordable to this group.
- The shortage of housing affordable to households making over \$75,000 has grown. This mostly reflects a greater number of households in these income ranges despite more units affordable to the highest income ranges.
- Ellettsville likely still lacks rental options that are appealing to young professionals or young families looking to establish themselves in a smaller community before buying. Based on the income levels of these households, many can afford rents well over \$1,000 a month.

FIGURE H.22: Housing Affordability Analysis

Income Range	# HHs* in Each Range	Affordable Range for Owner Units	# of Owner Units	Affordable Range for Renter Units	# of Renter Units	Total Affordable Units	Balance
\$0-24,999	381	>\$60,000	66	\$0-499	188	254	-127
\$25,000-49,999	562	\$60,000-124,999	362	\$500-999	223	585	23
\$50,000-74,999	492	\$125,000-199,999	1,161	\$1,000-1,499	18	1,179	687
\$75-99,999	624	\$200,000-249,999	376	\$1,500-1,999	0	376	-248
\$100-149,999	530	\$250,000-399,999	328	\$2,000-2,999	0	328	-202
\$150,000+	170	\$400,000+	37	\$3000+	0	37	-133

* HH = Households

Source: 2021 American Community Survey (5-Year Estimates)

Housing Development Program

Building on the housing demand model, the development program forecasts production targets based on a 50/50 split between owner- and renter-occupied. The renter split is higher than the actual split but reflects decades long lack of rental construction that meets young professional and retirees housing needs.

The demand for units priced below \$250,000 will likely be met by the city's existing housing stock or products that do not fit the traditional detached single-family homes, creating a filtering effect.

- » Based Figure H.22, Ellettsville has an adequate supply of homes below \$250,000, however those homes are occupied. For this reason new products must be produced that will be appealing to those homeowners.
- Enough demand exists to support rentals with rates above \$1,000 a month. Production of these units does not have to be in the same form as those produced in Bloomington. Small scale rentals with 4 to 12 units, townhomes, and duplexes would all meet Ellettsville's demand for rental housing and fit the character of the community.

FIGURE H.23: Housing Development Program

Total Owner-Occupied	2023-2030	2030-2035	Total
Affordable Low: <\$125k	68	49	118
Affordable Moderate: \$125-\$200k	60	43	103
Moderate Market: \$200-\$250k	76	55	131
Market: \$250-\$350k	64	47	111
High Market: Over \$350k	21	15	36
	289	209	498
Total Renter-Occupied	2023-2030	2030-2035	Total
Low: Less than \$500	53	39	92
Affordable: \$500-\$1,000	79	57	136
Market: \$1,000-\$1,500	69	50	119
High Market: \$1,500+	87	63	151
	289	209	498
Total Need	577	418	996

Source: RDG Planning & Design



2024 WORKFORCE RENTAL HOUSING LIMIT CALCULATIONS

- These rental limit calculations are for affordable housing projects using the City of Bloomington's Unified Development Ordinance (UDO) payment-in-lieu or affordable housing incentives, which can be found beginning on page 248 here: [https://bloomington.in.gov/sites/default/files/2023-05/UDO%20April 2023 Final APPROVED 0.pdf](https://bloomington.in.gov/sites/default/files/2023-05/UDO%20April%202023%20Final%20APPROVED%200.pdf).
 - Please note that these limits do not necessarily apply to federally-funded projects, such as the HOME program. Those are determined by HUD and can be found here: https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_IN_2023.pdf
 - For reference on the calculations below, please go to page 34 of the UDO Administrative Manual found here: [https://bloomington.in.gov/sites/default/files/2023-07/Administrative Manual 072023.pdf](https://bloomington.in.gov/sites/default/files/2023-07/Administrative_Manual_072023.pdf)
 - Per the UDO Administrative Manual guidelines the "rental rates become applicable to Workforce Housing units the year following publication in order to increase predictability in marketing the units. For example, HUD's 2019 published AMI rates applied to rents for 2020."
- Adjusted AMI as published annually by HUD to be used as the baseline income to set rents. The current 2023 Adjusted AMI is \$63,300. [Please note: this is a calculation that doubles the HUD "Very Low Income" (50% of AMI) for a 1 person household. For 2023, that number is \$31,650].
 - Reference: <https://www.huduser.gov/portal/datasets/il.html#2023> Scroll down and access "Click here for FY 2023 IL Documentation" button, then search for IN (state) and Monroe County (county). A chart will appear with income limits for 2023.
- Rents by income sub-band should be based on 25% of monthly AMI, thereby allowing some head room below the 30% cost-burdened maximum threshold promoted by HUD to accommodate for utilities and other ancillary housing costs.
- The calculation of total beds that equal the "eligible" beds is 15% (to align with UDO Tier One Affordable Housing definition at 120% AMI and below). For Tier Two eligibility, it is permissible that 7.5% of the units be at 120% AMI and below, and 7.5% be at 90% AMI and below. Please reference pages 215-216 of the [UDO](#) for additional detail.
- Duration of the affordability period is "income-restricted permanently" unless otherwise forfeited, which means the term would be specified as at least 99 years, or longer, so long as the structure is present.
- For documentation purposes, all properties/owners are to use the Workforce Housing Eligibility Form to include the Independent Student Verification.
- Note that workforce housing units can be leased for less than the rental rates listed.
- Please contact the City's Housing and Neighborhood Development Department with any questions at 812.349.3401 or anna.killionhanson@bloomington.in.gov

2024 WORKFORCE RENTAL HOUSING CALCULATIONS

2024 RENTS					
% of AMI	Studio	1 BR	2 BR	3 BR	4 BR
80%	817	957	1124	1492	1645
90%	891	1187	1484	1781	2078
100%	990	1319	1649	1979	2309
110%	1089	1451	1814	2177	2540
120%	1188	1583	1979	2375	2771

2024 Income AMI	1 person	2 person	3 person	4 person	6 person	6 person	7 person	8 person
80%	50,600	57,800	65,050	72,250	78,050	83,850	89,600	95,400
90%	56,970	65,070	73,170	81,270	87,840	94,320	100,800	107,280
100%	63,300	72,300	81,300	90,300	97,600	104,800	112,000	119,200
110%	69,630	79,530	89,430	99,330	107,360	115,280	123,200	131,120
120%	75,960	86,760	97,560	108,360	117,120	125,760	134,400	143,040

Calculation of Rents:

The 80% Rent amounts used are the High HOME HUD Rent Limit 80% AMI rates

90% Rent 1 BR:

- 1BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI}/12 \times \% \text{ AMI} \times 25\%$ ($\$63,300/12 \times .90 \times 25\%$)

100% Rent 1 BR:

- 1BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI}/12 \times \% \text{ AMI} \times 25\%$ ($\$63,300/12 \times 1.00 \times 25\%$)

110% Rent 1 BR

- BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI}/12 \times \% \text{ AMI} \times 25\%$ ($\$63,300/12 \times 1.10 \times 25\%$)

120% Rent 1 BR:

- 1BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI}/12 \times \% \text{ AMI} \times 25\%$ ($\$63,300/12 \times 1.20 \times 25\%$)

Rent Calculations for 90%, 100% and 120% Rent Bands for 1 Studio, 2BR, 3BR, 4BR:

The 90%, 100%, and 120% Rents are calculated using their 1 BR rent as the baseline. Studio Rents are calculated at 75% of the 1BR baseline; 2BR Rents are calculated at 125% of the 1BR baseline; 3BR Rents are calculated at 150% of the 1BR baseline (i.e. 90% AMI = $\$1187 \times .75$, 1.25, 1.50 and 1.75). Dollar values are rounded up to the nearest dollar.

Calculation of Income: The 80% AMI Income amounts used are the High HOME HUD Rent Limit as 80% AMI amounts. The 100% AMI is derived by doubling HUD's "Very Low Income" (50% AMI). The 90% AMI and 120% AMI are calculated from the 100% AMI Income amounts.

WFA Zoning Agreement

2. Binding. This written Commitment is binding on the owner of the Property. Upon the written Commitment being recorded in the office of the Monroe County Recorder, this written Commitment shall be binding on Owner's successors and assigns, including but not limited to any subsequent owner or any other person who acquires an interest in the Property, and shall run with the land.

3. Recording. This written Commitment shall be recorded in the office of the Monroe County Recorder within 30 days of the signing of this Commitment.

4. Modification. This written Commitment shall only be modified by the City of Bloomington Plan Commission after notice of the hearing in which the modification will be considered has been provided in accordance with the Rules and Procedures of said Commission.

5. Rental Commitment. Owner agrees to designate fifteen percent (15%) of its bedrooms for workforce housing; ten percent (10%) of the bedrooms shall be offered and rented to anyone earning up to 100% of the Area Median Income (AMI); five percent (5%) of the bedrooms shall be offered and rented to anyone earning up to 120% of AMI. The base rental rate for the workforce housing units shall be no more than twenty-five percent (25%) of the adjusted AMI at the time the lease is established.

6. Base Rental Rate. The base rental rate shall be inclusive of utilities with the exception of cable, internet, and/or electricity. In the event that the individual units within the Property are separately metered or sub-metered for water or sewer utility purposes, Owner shall have the right to pass through to its tenants the amount of the monthly billing that exceeds the average monthly billing for similar sized units at the Property, regardless of whether such tenant is a workforce housing tenant or not. Location premiums, unit finish premiums, furniture premiums, and washer/dryer premiums are not considered base rental rate amounts and shall not be included in base rental rates. Rather, said premiums will be in addition to any base rental rates for all units at the Property, including workforce housing.

7. Workforce Housing Qualifications. The workforce housing qualifications and rents shall be set in coordination with Bloomington's Housing and Neighborhood Development ("HAND") Department policies. HAND will annually provide income eligibility guidelines and rent structure guidelines to the Owner for use in this workforce housing project. The income eligibility and rent structure may be modified from time to time in accordance with guidelines provided by HAND, or its successor City department, in which case notice shall issue to Owner by HAND.

8. Unit Types. Owner shall make studio and one-bedroom units available as workforce housing.

2022

Rental Limits Table by Income Band

% of AMI	Studio Rents	1BR Rents (Baseline)	2BR Rents	3BR Rents
→ 120%	\$1,121	\$1,495	\$1,869	\$2,243
→ 100%	\$934	\$1,246	\$1,558	\$1,869
90%	\$841	\$1,121	\$1,401	\$1,682

Notes

- Dollar values are rounded up to the nearest dollar.

Studio Rents are calculated at 75% of the 1BR baseline; 2BR Rents are calculated at 125% of the 1BR baseline; 3BR Rents are calculated at 150% of the 1BR baseline (i.e. \$997 x .75, 1.25 and 1.50).

90% Band:

- 1BR Rent (Baseline) 80% AMI calculation: $AMI/12 \times \% AMI \times 25\%$ ($\$59,800/12 \times .90 \times 25\%$)

100% Band:

- 1BR Rent (Baseline) 80% AMI calculation: $AMI/12 \times \% AMI \times 25\%$ ($\$59,800/12 \times 1.00 \times 25\%$)

120% Band:

- 1BR Rent (Baseline) 80% AMI calculation: $AMI/12 \times \% AMI \times 25\%$ ($\$59,800/12 \times 1.20 \times 25\%$)

2023

2023 WORKFORCE RENTAL HOUSING CALCULATIONS

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100%	63,300	72,300	81,300	90,300	97,600	104,800	112,000	119,200
110%	69,630	79,530	89,430	99,330	107,360	115,280	123,200	131,120
120%	75,960	86,760	97,560	108,360	117,120	125,760	134,400	143,040

Calculation of Rents:

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90% Rent 1 BR:

- 1BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI} / 12 \times \% \text{ AMI} \times 25\%$ ($\$63,300 / 12 \times .90 \times 25\%$)

100% Rent 1 BR:

- 1BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI} / 12 \times \% \text{ AMI} \times 25\%$ ($\$63,300 / 12 \times 1.00 \times 25\%$)

110% Rent 1 BR

- BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI} / 12 \times \% \text{ AMI} \times 25\%$ ($\$63,300 / 12 \times 1.10 \times 25\%$)

120% Rent 1 BR:

- 1BR Rent (Baseline) AMI calculation: $\text{Adjusted AMI} / 12 \times \% \text{ AMI} \times 25\%$ ($\$63,300 / 12 \times 1.20 \times 25\%$)

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Calculation of Income:

The 80% AMI Income amounts used are the High HOME HUD Rent Limit as 80% AMI amounts. The 100% AMI is derived by doubling HUD's "Very Low Income" (50% AMI). The 90% AMI and 120% AMI are calculated from the 100% AMI Income amounts.

Updated Sept 2023

Workforce Housing

AFFORDABLE HOUSING COMPLIANCE REPORT

OWNER:
PROPERTY ADDRESS:
DATE MAILED:

Total number of units in project:
Total number of AFFORDABLE units:
Fixed or floating:

* Maximum rent, based upon the number of bedrooms, with Landlord paying all utilities. If tenants pay for any utilities, contact Matt Swinney to verify proper deductions. Deductible utilities include: heating; cooking; other electric/lighting; air conditioning; water heating; water; sewer; and, trash collection.

63300

Unit #	# of bedrooms	Low or High HOME rent unit	Tenant name	# in Hshld	Annual Income	Date income determined	% Area Median Income	Current Lease Date	Current lease rent rate ¹	Tenant paid utilities ²	Total rent plus utilities	Allowable rent & utilities ³	Comments
146	1			2	43,356	10/23/2023	68%	8/25/2023	1319	\$53	\$1,371.65		100% AMI \$ 1319
148	1			1	52,000	6/7/2023	82%	8/18/2023	1246	\$0.00	\$1,246.00		100% AMI 1246
154	1			1	45,084	7/20/2023	71%	8/18/2023	1246	\$0.00	\$1,246.00		100% AMI 1246
214	1			1	39,937	12/7/2023	63%	9/5/2023	1319	\$71.26	\$1,390.26		100% AMI 1319
232	0/studio			1	14,400	12/6/2023	23%	8/18/2023	1121	\$0.00	\$1,121.00		120% AMI 1121
238	0/studio			1	38,311	10/25/2023	61%	8/18/2023	1121	\$0.00	\$1,121.00		120% AMI 1121
252	0/studio			1	14,400	12/3/2023	23%	8/18/2023	1120	\$0.00	\$1,120.00		120% AMI 1120
256	1			1	39,840	10/23/2023	63%	9/10/2023	1319	\$41.89	\$1,360.89		100% AMI 1319
257	0/studio			1	22,660	10/27/2023	36%	8/18/2023	1121	\$0.00	\$1,121.00		120% AMI 1121
261	1			1	67,500	6/21/2023	107%	8/18/2023	1246	\$0.00	\$1,246.00		100% AMI 1246
266	1			1	12,649	12/16/2023	20%	8/17/2023	1246	\$0.00	\$1,246.00		100% AMI 1246
273	1			1	52,000	8/13/2023	82%	8/17/2023	1319	\$0.00	\$1,319.00		100% AMI 1319
309	1			1	31,000	7/22/2023	49%	8/17/2023	1246	\$0.00	\$1,246.00		100% AMI 1246
311	1			1	52,000	9/18/2023	82%	9/18/2023	1319	\$35.82	\$1,354.82		100% AMI 1319
357	0/studio			1	\$11,525	10/23/2023	18%	9/1/2023	1121	\$0.00	\$1,121.00		120% AMI 1121

WFH
Rate Table
2023
2022
2022
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2022
2023
2022

I certify the above information is true and correct.

Owner or property manager signature:

Date:

¹Including any owner-paid utilities

²If tenant pays utilities, enter from the BHA utility allowance worksheet. If utilities are included in rent, enter "Incl."

³HUD published limits for High or Low HOME rent as applicable with OWNER paying all utilities.